

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2160 Session of
1999

INTRODUCED BY S. MILLER, ARGALL, CALTAGIRONE, SNYDER, CLARK,
CORRIGAN, DeLUCA, DEMPSEY, FAIRCHILD, FREEMAN, GODSHALL,
HALUSKA, HENNESSEY, LEVDANSKY, MICHLOVIC, ORIE, RAMOS,
RUBLEY, SCRIMENTI, SEYFERT, SHANER, STERN, SURRA,
E. Z. TAYLOR, WILLIAMS AND YOUNGBLOOD, DECEMBER 13, 1999

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, DECEMBER 13, 1999

AN ACT

1 Amending the act of February 1, 1966 (1965 P.L.1656, No.581),
2 entitled "An act concerning boroughs, and revising, amending
3 and consolidating the law relating to boroughs," further
4 providing for filling vacancies in borough offices.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 901 of the act of February 1, 1966 (1965
8 P.L.1656, No.581), known as The Borough Code, amended February
9 18, 1982 (P.L.82, No.29), is amended to read:

10 Section 901. Filling Vacancies in Elective Borough
11 Offices.--If any vacancy shall occur in the office of the mayor,
12 member of council, auditor, controller, assessor, or tax
13 collector, by death, resignation, removal from the borough, or
14 from a ward in the case of a ward office, or by failure to take
15 the required oath or to give bond as provided by law or
16 ordinance, or in any other manner whatsoever, the borough
17 council shall fill such vacancy within thirty days by

1 appointing, by resolution, a registered elector of the borough,
2 or of the ward in case of a ward office, to hold such office, if
3 the term thereof continues so long, until the first Monday in
4 January after the first municipal or general election occurring
5 more than sixty days after the vacancy occurs, at which election
6 an eligible person shall be elected to the office for the
7 remainder of the term.

8 The person appointed shall give bond if required by law or
9 ordinance.

10 In cases where the person elected to the office shall fail to
11 give bond, if any, required or to take the required oath, the
12 borough council, before making the appointment, shall declare
13 the office vacant.

14 If the council of any borough shall refuse, fail or neglect,
15 or be unable, for any reason whatsoever, to fill any vacancy
16 within thirty days after the vacancy happens, as provided in
17 this section, then the vacancy shall be filled within fifteen
18 additional days by the vacancy board. Such board shall consist
19 of the borough council exclusive of the mayor, and one
20 registered elector of the borough who shall be appointed by the
21 borough council at the council's first meeting each calendar
22 year or as soon thereafter as practical and who shall act as
23 chairman of the vacancy board. The board shall appoint a
24 registered elector of the borough, (or ward in the case of a
25 ward office), to hold such office, if the term thereof continues
26 so long, until the first Monday in January after the first
27 municipal or general election occurring more than sixty days
28 after the vacancy occurs, at which election an eligible person
29 shall be elected to the office for the remainder of the term.

30 If the vacancy is not filled by the vacancy board within

1 fifteen days, the chairman shall or in the case of a vacancy in
2 the chairmanship the remaining members of the vacancy board
3 shall petition the court of common pleas to fill the vacancy by
4 the appointment of a registered elector of the borough (or ward
5 in the case of a ward), to hold such office, if the term thereof
6 continues so long, until the first Monday in January after the
7 first municipal or general election occurring more than sixty
8 days after the vacancy occurs, at which election an eligible
9 person shall be elected to the office for the remainder of the
10 term. In the case where there are vacancies in more than a
11 majority of the offices of council, the court of common pleas
12 shall fill such vacancies upon presentation of petition signed
13 by not less than fifteen registered electors of the borough.

14 Section 2. This act shall apply to vacancies occurring on or
15 after the effective date of this act.

16 Section 3. This act shall take effect in 60 days.