

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 513 Session of
2005

INTRODUCED BY GORDNER, THOMPSON, RAFFERTY, D. WHITE, WONDERLING,
WOZNIAK, M. WHITE AND FERLO, MARCH 29, 2005

REFERRED TO LOCAL GOVERNMENT, MARCH 29, 2005

AN ACT

1 Amending the act of May 1, 1933 (P.L.103, No.69), entitled, as
2 reenacted and amended, "An act concerning townships of the
3 second class; and amending, revising, consolidating and
4 changing the law relating thereto," removing references to
5 elected assessors.

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

8 Section 1. Sections 205, 401, 402(a), 405, 407 and 1002 of
9 the act of May 1, 1933 (P.L.103, No.69), known as The Second
10 Class Township Code, reenacted and amended November 9, 1995
11 (P.L.350, No.60), are amended to read:

12 Section 205. Appointment and Election of Officers of New
13 Townships.--When a new township results from the consolidation
14 of townships or is created as a result of the annulment of a
15 charter of a borough or when a township of the first class is
16 reestablished as a township of the second class, the court of
17 common pleas shall appoint the elective officers for the new
18 township and determine the polling place or places in the new
19 township. The appointed officers shall hold their offices until

1 the first Monday of January after the next municipal election
2 which occurs at least ninety days after the appointments. At the
3 municipal election, [an assessor in those counties where
4 assessors are elected and] a tax collector shall be elected for
5 regular four-year terms if the election occurs in the year when
6 those officers are elected for regular terms, and, if not, they
7 shall be elected for terms of two years each and their
8 successors shall be elected for four-year terms. At the first
9 municipal election, one supervisor and one auditor shall be
10 elected for terms of six years each, one supervisor and one
11 auditor for terms of four years each and one supervisor and one
12 auditor for terms of two years each. All officers shall take
13 office on the first Monday of January after their election.

14 Section 401. Township Officers to be Electors.--No person is
15 eligible for the office of supervisor, [assessor,] auditor or
16 tax collector in any township unless that person is an elector
17 of the township.

18 Section 402. Officers to be Elected.--(a) Except as
19 provided in subsection (b), the electors of each township shall
20 elect three supervisors, [one assessor in those counties in
21 which assessors are elected,] three auditors and one tax
22 collector. No person shall at the same time hold more than one
23 elective township office.

24 * * *

25 [Section 405. Assessor.--(a) At the municipal election in
26 the year 1993 and at the municipal election every four years
27 after that, the electors of each township shall elect one
28 assessor to serve for a term of four years, except when
29 vacancies create shorter terms, from the first Monday of January
30 after the election. Assessors shall reside in the township from

1 which elected and shall have resided in that township
2 continuously for at least one year immediately preceding their
3 election.

4 (b) This section does not authorize the election of
5 assessors for taxation purposes in counties where boards for the
6 assessment and revision of taxes are authorized by law to
7 appoint assessors.]

8 Section 407. Vacancies in General.--If the electors of any
9 township fail to choose a supervisor, tax collector[,] or
10 auditor [or assessor] or if any person elected to any office
11 fails to serve in the office or if a vacancy occurs in the
12 office by death, resignation, removal from the township or
13 otherwise, the board of supervisors may appoint a successor who
14 is an elector of the township and has resided in that township
15 continuously for at least one year prior to their appointment,
16 and, upon their failure to make the appointment within thirty
17 days after the vacancy occurs, the vacancy shall be filled
18 within fifteen additional days by the vacancy board. The vacancy
19 board shall consist of the board of supervisors and one elector
20 of the township, who shall be appointed by the board of
21 supervisors at the board's first meeting each calendar year or
22 as soon after that as practical and who shall act as chairman of
23 the vacancy board. If the vacancy board fails to fill the
24 position within fifteen days, the chairman shall, or if there is
25 a vacancy in the chairmanship the remaining members of the
26 vacancy board shall, petition the court of common pleas to fill
27 the vacancy. If two or more vacancies in the office of
28 supervisor occur on a three-member board or three or more
29 vacancies on a five-member board, the court of common pleas
30 shall fill the vacancies upon presentation of petition signed by

1 not less than fifteen electors of the township. The successor so
2 appointed shall hold the office until the first Monday in
3 January after the first municipal election which occurs more
4 than sixty days after the vacancy occurs, at which election an
5 eligible person shall be elected for the unexpired term.

6 Section 1002. Assessor; Appointment; Powers and Duties;
7 Vacancy.--The board of supervisors shall appoint one assessor to
8 serve for a term of four years. Assessors shall reside in the
9 township from which elected and shall have resided in that
10 township continuously for at least one year immediately
11 preceeding their appointment. The assessors have all the powers
12 and duties, are subject to all the obligations and
13 responsibilities and may receive the compensation provided under
14 law. This section does not authorize the appointment of
15 assessors for taxation purposes in counties where boards for the
16 assessment and revision of taxes are authorized by law to
17 appoint assessors. Where a vacancy in the office of assessor
18 shall occur by reason of death, resignation, disqualification or
19 failure to qualify, the board of supervisors shall appoint an
20 assessor to fill the vacancy for the unexpired term.

21 Section 2. Elected assessors in office in townships of the
22 second class as of the effective date of this act shall serve
23 the remainder of their unexpired terms. Thereafter, assessors
24 shall be appointed in accordance with section 1002 of the act.

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