
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 635 Session of
2007

INTRODUCED BY GORDNER, RAFFERTY, FOLMER, WONDERLING AND EARLL,
MARCH 19, 2007

REFERRED TO LOCAL GOVERNMENT, MARCH 19, 2007

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 officers to be elected and for filling
5 vacancies in elective borough offices; and making repeals.

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

8 Section 1. Section 806 of the act of February 1, 1966 (1965
9 P.L.1656, No.581), known as The Borough Code, amended June 25,
10 2001 (P.L.651, No.56), is amended to read:

11 Section 806. Officers to be Elected.--It shall be lawful for
12 the electors of the borough to elect:

13 (1) In boroughs not divided into wards, seven members of
14 council, one mayor, [one assessor, except in those boroughs
15 where, under the applicable county assessment law, the office of
16 elected assessor in boroughs shall have been abolished;] a tax
17 collector and three auditors or one controller except in such
18 boroughs where there shall be an appointed auditor in lieu of
19 elected auditors or controller. In any borough with population,

1 as determined by the latest official census, of less than three
2 thousand, the total number of members of council may be reduced
3 from seven to five or to three upon petition to the court of
4 common pleas, as provided in section 818 of this act.

5 (2) In boroughs divided into wards, at least one, and not
6 more than two members of council in each ward, except in
7 boroughs where prior to the passage of this act three members of
8 council were elected in each ward. In such boroughs, the number
9 of members of council is fixed at three in each ward until such
10 number is reduced in the manner provided by this act. Members of
11 council shall be residents of the ward from which they are
12 elected, and chosen by the electors of the ward; also a mayor, a
13 tax collector and three auditors or a controller, except in such
14 boroughs where there shall be an appointed auditor in lieu of
15 elected auditors or controller, [, and an assessor, except in
16 those boroughs where, under the applicable county assessment
17 law, the office of elected assessor shall have been abolished
18 who shall be chosen by the electors of the boroughs at large.]

19 Section 2. Section 851 of the act is repealed:

20 [Section 851. Election of Assessors.--At the municipal
21 election in the year 1967 and at the municipal election every
22 four years thereafter, the qualified electors of every borough
23 shall elect a properly qualified person for assessor in such
24 borough. The provisions of this section shall not apply to those
25 boroughs where, under the applicable county assessment law, the
26 office of elected assessor in boroughs has been abolished. No
27 justice of the peace shall at the same time hold the office of
28 assessor.]

29 Section 3. Section 901 of the act, amended June 25, 2001
30 (P.L.651, No.56), is amended to read:

1 Section 901. Filling Vacancies in Elective Borough
2 Offices.--If any vacancy shall occur in the office of the mayor,
3 member of council, auditor, controller, [assessor,] or tax
4 collector, by death, resignation, removal from the borough, or
5 from a ward in the case of a ward office, or by failure to take
6 the required oath or to give bond as provided by law or
7 ordinance, or in any other manner whatsoever, the borough
8 council shall fill such vacancy within thirty days by
9 appointing, by resolution, a registered elector of the borough,
10 or of the ward in case of a ward office, to hold such office, if
11 the term thereof continues so long, until the first Monday in
12 January after the first municipal election occurring more than
13 sixty days after the vacancy occurs, at which election an
14 eligible person shall be elected to the office for the remainder
15 of the term. No person shall be appointed to fill a vacancy in
16 an elected borough or ward office unless he or she has resided
17 within the borough, or within the ward in the case of a ward
18 office, continuously for at least one year immediately prior to
19 his or her appointment.

20 The person appointed shall give bond if required by law or
21 ordinance.

22 In cases where the person elected to the office shall fail to
23 give bond, if any, required or to take the required oath, the
24 borough council, before making the appointment, shall declare
25 the office vacant.

26 If the council of any borough shall refuse, fail or neglect,
27 or be unable, for any reason whatsoever, to fill any vacancy
28 within thirty days after the vacancy happens, as provided in
29 this section, then the vacancy shall be filled within fifteen
30 additional days by the vacancy board. Such board shall consist

1 of the borough council exclusive of the mayor, and one
2 registered elector of the borough who shall be appointed by the
3 borough council at the council's first meeting each calendar
4 year or as soon thereafter as practical and who shall act as
5 chairman of the vacancy board. The board shall appoint a
6 registered elector of the borough, (or ward in the case of a
7 ward office), to hold such office, if the term thereof continues
8 so long, until the first Monday in January after the first
9 municipal election occurring more than sixty days after the
10 vacancy occurs, at which election an eligible person shall be
11 elected to the office for the remainder of the term.

12 If the vacancy is not filled by the vacancy board within
13 fifteen days, the chairman shall or in the case of a vacancy in
14 the chairmanship the remaining members of the vacancy board
15 shall petition the court of common pleas to fill the vacancy by
16 the appointment of a registered elector of the borough (or ward
17 in the case of a ward), to hold such office, if the term thereof
18 continues so long, until the first Monday in January after the
19 first municipal election occurring more than sixty days after
20 the vacancy occurs, at which election an eligible person shall
21 be elected to the office for the remainder of the term. In the
22 case where there are vacancies in more than a majority of the
23 offices of council, the court of common pleas shall fill such
24 vacancies upon presentation of petition signed by not less than
25 fifteen registered electors of the borough.

26 Section 4. Section 1081 of the act is repealed:

27 [Section 1081. Powers of Assessors.--The assessors shall
28 have all the powers, perform all the duties, be subject to all
29 the obligations, and receive the same compensation as is now
30 provided by law.]

1 Section 5. Section 1306 of the act, amended July 22, 1970
2 (P.L.549, No.188), is amended to read:

3 Section 1306. Additions and Revisions to Duplicates.--

4 Whenever in any borough, there is any construction of a building
5 or buildings not otherwise exempt as a dwelling after the
6 borough council has prepared a duplicate of the assessment of
7 borough taxes and the building is not included in the tax
8 duplicate of the borough, the authority responsible for
9 assessments in the borough shall, upon the request of the
10 borough council, [direct the assessor in the borough to] inspect
11 and reassess, subject to the right of appeal and adjustment
12 provided by the act of assembly under which assessments are
13 made, all taxable property in the borough to which major
14 improvements have been made after the original duplicates were
15 prepared, and to give notice of such reassessments within ten
16 days to the authority responsible for assessments, the borough
17 and the property owner. The property shall then be added to the
18 duplicate and shall be taxable for borough purposes at the
19 reassessed valuation for that proportionate part of the fiscal
20 year of the borough remaining after the property was improved.
21 Any improvement made during the month shall be computed as
22 having been made on the first of the month. A certified copy of
23 the additions or revisions to the duplicate shall be furnished
24 by the borough council to the borough tax collector, together
25 with their warrant for collection of the same, and within ten
26 days thereafter, the borough tax collector shall notify the
27 owner of the property of the taxes due the borough.

28 Section 6. Elected assessors in office in boroughs as of the
29 effective date of this section shall serve the remainder of
30 their unexpired terms. Thereafter, assessors shall neither be

1 elected nor appointed in boroughs.

2 Section 7. This act shall take effect in 60 days.