

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 635 Session of  
2007INTRODUCED BY GORDNER, RAFFERTY, FOLMER, WONDERLING AND EARLL,  
MARCH 19, 2007

AS AMENDED ON THIRD CONSIDERATION, APRIL 30, 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 ELECTION OF <—  
5 ASSESSORS, for filling vacancies in elective borough offices, <—  
6 FOR POWERS OF ASSESSORS AND FOR DUPLICATE ASSESSMENTS; and  
7 making RELATED repeals. <—

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. Section 806 of the act of February 1, 1966 (1965  
11 P.L.1656, No.581), known as The Borough Code, amended June 25,  
12 2001 (P.L.651, No.56), is amended to read:

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

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

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

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

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

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

30 Section 3. Section 901 of the act, amended June 25, 2001

1 (P.L.651, No.56), is amended to read:

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

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

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

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

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

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

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

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

1 provided by law.]

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

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

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

29 Section 6. Elected assessors in office in boroughs as of the  
30 effective date of this section shall serve the remainder of

1 their unexpired terms. Thereafter, assessors shall neither be  
2 elected nor appointed in boroughs.

3 SECTION 6.1. REPEALS ARE AS FOLLOWS: <—

4 (1) THE FOLLOWING PROVISIONS OF THE ACT OF MAY 21, 1943  
5 (P.L.571, NO.254), KNOWN AS THE FOURTH TO EIGHTH CLASS AND  
6 SELECTIVE COUNTY ASSESSMENT LAW, ARE REPEALED INsofar AS THEY  
7 RELATE TO ASSESSORS IN BOROUGHs:

8 (I) THE DEFINITION OF "ASSESSOR" IN SECTION 102.

9 (II) SECTION 502.

10 (III) SECTION 506.

11 (IV) SECTION 610.

12 (2) THE GENERAL ASSEMBLY DECLARES THAT THE REPEALS UNDER  
13 PARAGRAPH (3) ARE NECESSARY TO EFFECTUATE THE AMENDMENT OR  
14 REPEAL OF SECTIONS 806, 851, 901, 1081 AND 1306 OF THE ACT.

15 (3) SECTION 501(A)(2) AND (3) OF THE FOURTH TO EIGHTH  
16 CLASS AND SELECTIVE COUNTY ASSESSMENT LAW ARE REPEALED.

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