

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 874 Session of
2011

INTRODUCED BY EICHELBERGER, WOZNIAK, ROBBINS, ERICKSON AND
BLAKE, MARCH 22, 2011

REFERRED TO LOCAL GOVERNMENT, MARCH 22, 2011

AN ACT

1 Reenacting and amending the act of June 23, 1931 (P.L.932,
2 No.317), entitled "An act relating to cities of the third
3 class; and amending, revising, and consolidating the law
4 relating thereto."

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18 and Single Coverage Members Defined.
19 Section 4343.1. Retirement Allowances; Full Coverage; Payments.
20 Section 4343.2. Limited Vested Benefit.
21 Section 4344. Amount of Payments into Fund; Repayment before
22 Retirement.
23 Section 4344.1. Determination of Liability Upon Extension of
24 Social Security.
25 Section 4345. Payments by Laborers Optional.
26 Section 4346. Heads of Departments to Certify List of Employes.
27 Section 4347. Receipt, Investment and Payment of Funds.
28 Section 4348. Appropriations and Contributions to Fund.
29 Section 4349. Application.
30 Section 4350. Computation of Time of Service.

1 Section 4351. Funds Payable to be Free of Attachment.
2 Section 4352. Definitions.
3 Section 4353. Beneficiaries of Fund not to be Employed by City.
4 (d) Beneficiaries Serving in Elective Office
5 Section 4361. Right to a Pension if Salary Refused.

6 ARTICLE XLIV

7 CIVIL SERVICE

8 Section 4401. Examinations Required of All Appointees.
9 Section 4402. Appointment of Examining Board.
10 Section 4402.1. Existing Civil Service Positions.
11 Section 4403. Terms; Filling of Vacancies; Compensation;
12 Quorum.
13 Section 4403.1. Alternate Board Members.
14 Section 4403.2. Investigations and Subpoenas.
15 Section 4404. Rules and Regulations; Examinations.
16 SECTION 4404.1. Physical and Psychological Medical
17 Examinations.
18 Section 4405.1. Veterans' Preference.
19 Section 4406. Selection of Appointee from Certified List of
20 Applicants.
21 Section 4406.1 Promotions.
22 Section 4407. Tenure; Temporary Appointments.
23 Section 4408. Suspension, Discharge and Discipline; Reduction
24 of Employees; Appeals.
25 Section 4409. Secretary; Compensation.
26 Section 4410. Review of Eligibility Lists.

27 ARTICLE XLIV-A

28 VETERANS' AFFAIRS

29 (a) Support of Veterans' Organizations
30 Section 4401-A. Appropriation to Post of Veterans.

1 Section 4402-A. Rooms for Meetings of Veterans.
2 (b) Pennsylvania National Guard
3 Section 4411-A. Support of Pennsylvania National Guard Units.
4 Section 4412-A. Appropriation of Money, Et Cetera, to Assist in
5 Erection of Armories.
6 Section 4413-A. Eminent Domain for National Guard Purposes.
7 Section 4414-A. Lands for Armory Purposes.
8 (c) Burials and Memorials
9 Section 4421-A. Purchase of Burial Grounds for Deceased Service
10 Persons.
11 Section 4422-A. Care of Memorials.
12 Section 4423-A. Memorial Trees.
13 Section 4424-A. Penalty for Injury to Memorial Trees.
14 ARTICLE XLV-A
15 ASSESSMENTS FOR PUBLIC IMPROVEMENTS
16 Section 4501-A. Authority to Assess.
17 Section 4502-A. Method of Assessment.
18 Section 4503-A. Notice of Assessment.
19 Section 4504-A. Appeals to Court.
20 Section 4505-A. Benefits and Damages.
21 Section 4506-A. Return by City of Assessments Paid on Property
22 Unlawfully Assessed.
23 Section 4507-A. Payment of Assessments in Installments.
24 Section 4508-A. Collection of Assessments.
25 ARTICLE XLVI
26 COLLECTION OF MUNICIPAL CLAIMS BY SUIT AND
27 COMPROMISE OF CLAIMS
28 Section 4601. Collection of Municipal Claims by Suit.
29 Section 4602. Compromise of Municipal Claims.
30 ARTICLE XLVII

1 ACTS OF ASSEMBLY REPEALED; SAVING CLAUSE

2 Section 4701. Repeals and Savings Clause.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Article I heading of the act of June 23, 1931
6 (P.L.932, No.317), known as The Third Class City Code, reenacted
7 and amended June 28, 1951 (P.L.662, No.164), is reenacted to
8 read:

9 ARTICLE I

10 PRELIMINARY PROVISIONS

11 Section 2. Sections 101, 102, 103, 104, 105, 106, 107, 108
12 and 109 of the act are amended to read:

13 Section 101. Short Title.--This act shall be known[,] and
14 may be cited[,] as "The Third Class City Code."

15 Section 102. Definitions.--The following words and terms, as
16 used in this act, shall have the meanings herein assigned to
17 them, unless the context clearly indicates otherwise:

18 ["City," a city of the third class.

19 "Street," any street, avenue, boulevard, parkway, road, lane,
20 court, alley, or public square within the city, and any highway
21 within the city, as provided in section two thousand nine
22 hundred thirty-nine of this act.

23 "Highway," a state highway of the Commonwealth of
24 Pennsylvania.

25 "Bill," any] "Bill." Any proposed ordinance introduced in
26 council.

27 "City." A city of the third class.

28 "Highway." A State highway of the Commonwealth of
29 Pennsylvania.

30 "Home Rule Charter and Optional Plans Law." The provisions

1 of 53 Pa.C.S. Pt. III Subpt. E (relating to home rule and
2 optional plan government) and, where applicable, the former act
3 of April 13, 1972 (P.L.184, No.62), known as the "Home Rule
4 Charter and Optional Plans Law."

5 "Municipal authority" or "municipality authority." A body
6 politic and corporate created under 53 Pa.C.S. Ch. 56 (relating
7 to municipal authorities), under the former act of May 2, 1945
8 (P.L.382, No.164), known as the "Municipality Authorities Act of
9 1945," or under the former act of June 28, 1935 (P.L.463,
10 No.191), known as the "Municipality Authorities Act of one
11 thousand nine hundred and thirty-five."

12 "Municipal Claim and Tax Lien Law." The act of May 16, 1923
13 (P.L.207, No.153), referred to as the Municipal Claim and Tax
14 Lien Law.

15 "Municipal corporation." A city, borough, incorporated town,
16 or township.

17 "Municipalities Planning Code." The act of July 31, 1968
18 (P.L.805, No.247), known as the "Pennsylvania Municipalities
19 Planning Code."

20 "Municipality." A county, city, borough, incorporated town
21 or township.

22 "Newspaper." A newspaper of general circulation as defined
23 in 45 Pa.C.S. § 101 (relating to definitions).

24 "Pennsylvania Construction Code Act." The act of November
25 10, 1999 (P.L.491, No.45), known as the "Pennsylvania
26 Construction Code Act."

27 "Pennsylvania Election Code." The act of June 3, 1937
28 (P.L.1333, No.320), known as the "Pennsylvania Election Code."

29 "Street." Any street, avenue, boulevard, parkway, road,
30 lane, court, alley or public square within the city, and any

highway within the city to the extent that the city is legally responsible for it, pursuant to agreement or otherwise.

Section 103. Excluded Provisions.--This act shall not be construed to repeal any acts relating to:

(a) The collection of municipal and tax claims by liens;

(b) The method of incurring and increasing [of] city indebtedness;

(c) Conduct of elections;

(d) Public schools, except the collection of school taxes by the city treasurer;

(e) [Aldermen] (Reserved);

(f) Constables;

(g) The giving of municipal consent to public [service companies] utilities;

(h) Weights and measures;

(i) Validations of elections, bonds, ordinances, and acts of corporate officers;

(j) Joint city and county buildings;

(k) Libraries;

(l) State highways;

(m) The joint or several authorities or duties pertaining to cities as well as to other classes of political subdivisions by virtue of general acts of Assembly.

Section 104. Construction of Act Generally to Preserve Existing Situations.--(a) The provisions of this act, so far as they are the same as those of existing laws, are intended as a continuation of such laws and not as new enactments. The repeal by this act of any act of Assembly, or part thereof, shall not revive any act, or part thereof, heretofore repealed or superseded, nor affect the corporate existence of any city

1 heretofore incorporated. The provisions of this act shall not
2 affect any act done, liability incurred, or right accrued or
3 vested, or affect any suit or prosecution pending or to be
4 instituted to enforce any right or penalty or punish any offense
5 under the authority of such repealed laws. All ordinances,
6 resolutions, regulations and rules made pursuant to any act of
7 Assembly repealed by this act[,] shall continue with the same
8 force and effect as if such act had not been repealed. Any
9 person holding office or position under or by virtue of any act
10 of Assembly repealed by this act shall continue to hold such
11 office or position until the expiration of the term thereof,
12 subject to the conditions and tenure attached to such office or
13 position prior to the passage of this act.

14 (b) A city shall possess, and city council and other city
15 officials may execute, the corporate powers and duties as
16 provided in this act and in other laws to the extent that these
17 powers and duties are not repealed by this act.

18 Section 105. Constitutional Construction.--The provisions of
19 this act shall be severable[, and, if]. If any of its provisions
20 shall be held to be unconstitutional, the decision so holding
21 shall not be construed to affect the validity of any of the
22 remaining provisions of this act. It is hereby declared as the
23 legislative intent that this act would have been adopted had
24 such unconstitutional provisions not been included therein.

25 Section 106. Construction of References.--Whenever in this
26 act reference is made to any act by title or otherwise, [such]
27 the reference shall be construed to apply to and include any
28 codification wherein the provisions of the act referred to are
29 substantially reenacted.

30 Section 107. Cities to Which Act Applies.--(a) This act

1 shall apply to [(a) all]:

2 (1) All cities which have been incorporated under or which
3 have accepted the provisions of the act of [Assembly, approved
4 the twenty-third day of May, one thousand eight hundred and
5 seventy-four (Pamphlet Laws 230)] May 23, 1874 (P.L.230,
6 No.152), entitled "An act dividing cities of this State into
7 three classes; regulating the passage of ordinances; providing
8 for contracts for supplies and work for said cities; authorizing
9 the increase of indebtedness, and the creation of a sinking fund
10 to redeem the same; defining and punishing certain offenses in
11 all of said cities; and providing for the incorporation and
12 government of the cities of the third [class," and the
13 amendments thereto; (b) all] class";

14 (2) All cities which have been incorporated under the
15 provisions of the act of May [twenty-third, one thousand eight
16 hundred and eighty-nine (Pamphlet Laws 277)] 23, 1889 (P.L.277,
17 No.247), entitled "An act providing for the incorporation and
18 government of cities of the third [class," and the amendments
19 thereto; (c) all] class";

20 (3) All cities which have been incorporated under the
21 provisions of the act of [Assembly, approved June twenty-
22 seventh, one thousand nine hundred and thirteen (Pamphlet Laws
23 568)] June 27, 1913 (P.L.568, No.367), entitled "An act
24 providing for the incorporation, regulation, and government of
25 cities of the third class; regulating nomination and election of
26 municipal officers therein; and repealing, consolidating, and
27 extending existing laws in relation [thereto," and the
28 amendments thereto; (d) all] thereto";

29 (4) All cities formed by the consolidation of boroughs
30 having voted separately to become cities in accordance with the

1 provisions of the act[, approved May twenty-fourth, one thousand
2 nine hundred and seventeen (Pamphlet Laws 262)] of May 24, 1917
3 (P.L.262, No.143), entitled "An act to enable two or more
4 boroughs that are contiguous or in close proximity to be united
5 and to become one city, wherever each of said boroughs shall
6 have heretofore voted or shall hereafter vote to become a city
7 of the third class, under laws now enacted or which may
8 hereafter be enacted; and wherever each of said boroughs has
9 duly received or shall hereafter duly receive letters patent
10 constituting it a city of the third class, but where sufficient
11 time shall not have elapsed after the granting of such letters
12 patent for the holding of a municipal election; providing for
13 the consequences of such consolidation, the government of such
14 consolidated city, the payment of the indebtedness of each of
15 the united territories and the enforcement of debts and claims
16 due to and from each, and fixing the jurisdiction over the said
17 consolidated city in the courts of the county in which the
18 majority of its inhabitants shall reside"; [and (e) all]

19 (5) All cities incorporated under the provisions of this act
20 [as therein provided].

21 (b) The application of this act in accordance with
22 subsection (a) shall not be construed as a limitation on the
23 ability of a city to do any of the following:

24 (1) To continue operating under the form of government
25 previously selected and exercising powers previously acquired by
26 the city in accordance with the act of July 15, 1957 (P.L.901,
27 No.399), known as the "Optional Third Class City Charter Law."

28 (2) To adopt or continue utilizing a form of government and
29 to acquire or continue exercising powers pursuant to an optional
30 plan or a home rule charter which have been or may be adopted in

1 accordance with the "Home Rule Charter and Optional Plans Law."

2 Section 108. Effective Date.--This act shall go into effect
3 on the first day of July, one thousand nine hundred and thirty-
4 one. [This reenactment, revision, amendment and consolidation of
5 the laws relating to cities of the third class shall become
6 effective on the first Monday of January, one thousand nine
7 hundred fifty-two.]

8 Section 109. Publication of Notices.--Whenever, under the
9 provisions of this act, advertisement, notice, or publication is
10 required to be published in [one] a newspaper, [such] the
11 publication shall be made one time, unless the provision
12 requiring publication specifies otherwise, in [a] at least one
13 newspaper [of general circulation, as defined by the Newspaper
14 Advertising Act of May sixteen, one thousand nine hundred and
15 twenty-nine (Pamphlet Laws 1784), printed in the city, if there
16 is such a newspaper, and if not, then in a newspaper circulating
17 generally in such city. If such notice is required to be
18 published in more than one newspaper, it shall be published in
19 at least one newspaper of general circulation, defined as
20 aforesaid, printed, if there be such a newspaper, or circulating
21 generally as above provided in the city]. When [such] the notice
22 relates to any proceeding or matter in any court, or the holding
23 of an election for the increase of indebtedness, or the issue
24 and sale of bonds to be paid by taxation, [such] the notice
25 shall also be published in the legal newspaper, if any,
26 designated by the rules of court of the proper county for the
27 publication of legal notices and advertisements, unless such
28 publication be dispensed with by special order of court[:
29 Provided, however, That ordinances, auditor's statements,
30 summaries of auditor's statements, advertisements inviting

1 proposals for public contracts and for bids for materials and
2 supplies, or lists of delinquent taxpayers, shall be published
3 only in newspapers of general circulation, defined as
4 aforesaid].

5 Section 3. Article II heading of the act is amended to read:

6 ARTICLE II

7 PROCEDURES FOR INCORPORATION

8 Section 4. The act is amended by adding a section to read:

9 Section 200. Definitions.--The following words and terms, as
10 used in this article, shall have the meanings assigned to them
11 in this section, unless the context clearly indicates otherwise:

12 "Incorporation resolution." A resolution to submit, at any
13 general or municipal election, a referendum question to the
14 registered voters of a municipal corporation.

15 "Municipal corporation." A borough, a township of the first
16 class, a township of the second class or an incorporated town.

17 "Referendum question." The question of whether a municipal
18 corporation shall become incorporated as a city of the third
19 class to be known as the "City of"

20 Section 5. Sections 201, 202 and 203 of the act are amended
21 to read:

22 Section 201. Creation of Cities.--Cities of the third class
23 shall be chartered [whenever a majority of the electors of any
24 town, township, or borough, or any two or more contiguous towns,
25 townships, or boroughs, or any combination thereof, situate
26 within the limits of the same county or situate in two or more
27 contiguous counties, and having separately or together, as the
28 case may be, a population of at least ten thousand according to
29 the last preceding United States census, shall each separately
30 vote at any general or municipal election in favor of the same.]

as follows:

(1) A single municipal corporation, having a population of at least ten thousand according to the last preceding United States census, may be incorporated as a city in accordance with this article, if a majority of the registered voters in the municipal corporation cast an affirmative vote in favor of the referendum question.

(2) Two or more contiguous municipal corporations, having together a population of at least ten thousand according to the last preceding United States census, may be incorporated as a city by utilizing 53 Pa.C.S. Ch. 7 Subch. C (relating to consolidation and merger) and, in accordance therewith, determine whether the newly incorporated city shall be governed by this act and other general laws applicable to and governing cities.

[Section 202. Resolution to Submit Question to Electors.-- The corporate authorities of any town, township, or borough, or of any contiguous towns, townships, or boroughs, as the case may be, may, on their own motion, or, upon petition of two hundred or more qualified electors thereof, shall, by resolution duly passed and recorded among the minutes, submit the question whether such town, township, or borough, or whether any contiguous towns, townships, or boroughs, shall become a city of the third class, to the qualified electors thereof, to be known as the "City of"

Section 203. Notice of Election.--The said corporate authorities shall give notice by the publication of said resolution, once a week for four successive weeks prior to the next general or municipal election, in not more than two newspapers of general circulation published or circulating

generally in said towns, townships, and boroughs, in accord with the provisions of section 109 of this act.]

Section 6. The act is amended by adding a section to read:

Section 203.1. Incorporating Resolution.--(a) The governing body of a municipal corporation may adopt an incorporation resolution.

(b) If two hundred or more registered voters of the municipal corporation petition the governing body of the municipal corporation for the adoption of a petition resolution, the governing body shall adopt the same.

Section 7. Section 204 of the act is amended to read:

Section 204. Resolution Certified to County Board of Election; Form of Question.--The [said corporate authorities shall certify said] governing body of a municipal corporation that adopts an incorporation resolution shall certify the incorporation resolution to the county board of elections of the proper county or counties[, who shall thereupon cause a proper question to be submitted to the qualified electors at the said general or municipal election in the said towns, townships, and boroughs, in the manner required by the Pennsylvania Election Code]. The county board of elections shall, at the general or municipal election, in the manner required by the Pennsylvania Election Code, submit a referendum question to the registered voters of the municipal corporation that has certified an incorporation resolution.

Section 8. The act is amended by adding a section to read:

Section 204.1. Notice of Election.--Notice of the election at which registered voters of a municipal corporation will be voting on a referendum question shall be given by the secretary or other person designated by the municipal corporation. The

notice required by this section shall be published once a week for four successive weeks in a newspaper in the municipal corporation in which the referendum question will be submitted to the registered voters.

Section 9. Section 205 of the act, amended October 5, 1967 (P.L.327, No.143), is amended to read:

Section 205. Returns of Election.--[The county board of elections shall make return of the vote cast on the question submitted to the clerk of the court of the proper county or counties, and to the respective corporate authorities of the towns, townships and boroughs submitting such questions. If a majority of the votes cast in each such town, township and borough on the question shall be in favor of creating a city, then returns thereof shall also be made by the county board of elections to the Secretary of the Commonwealth and the Department of Community Affairs.] (a) In each county in which a referendum question is submitted to the registered voters of a municipal corporation, the county board of elections shall make return of the vote cast on the referendum question to the clerk of the court for that county, and to the governing body of the municipal corporation in which registered voters voted on a referendum question.

(b) The county board of elections also shall make returns of the vote cast on the referendum to the Secretary of the Commonwealth and the Department of Community and Economic Development, if a majority of the votes cast by the registered voters of the municipal corporation are in favor of incorporating as a city.

Section 10. Sections 206, 207, 208, 209 and 210 of the act are amended to read:

1 Section 206. Effect of Vote Against [City Charter.--Whenever
2 by the returns of the election in any town, township, or
3 borough, it shall appear that in any one there is a majority
4 against the city charter] Incorporating as a City.--If the
5 returns show that a majority of registered voters in a municipal
6 corporation voted "no" on the referendum question, no further
7 proceeding shall be had, and it shall not be lawful to hold
8 another election upon the referendum question in [such town,
9 township, or borough] the municipal corporation until the third
10 general or municipal election thereafter occurring.

11 Section 207. Governor to Issue [Charter Where Vote for City
12 Charter] Letters Patent; Boundaries.--If [it shall appear by the
13 said returns that there is a majority of the votes cast on the
14 question in each town, township, and borough, aforesaid, in
15 favor of the city charter, the corporate authorities of all such
16 towns, townships, and boroughs] the returns show that a majority
17 of registered voters in a municipal corporation voted "yes" on
18 the referendum question, the governing body of the municipal
19 corporation shall, within sixty days after [such] the election,
20 furnish to the Secretary of the Commonwealth the necessary
21 information with respect to the boundaries of the new city, and
22 the Governor shall, as soon as may be, issue letters patent,
23 under the Great Seal of the Commonwealth, reciting the facts,
24 defining the boundaries of [said] the city, and constituting the
25 same a body corporate and politic by the name of the City
26 of.....

27 Section 208. Property of Entities Vested in City.--All of
28 the property and estates whatsoever, real and personal, of the
29 [towns, townships, and boroughs,] municipal corporations which
30 shall have [thus] become a city in accordance with this article

1 are hereby severally and respectively vested in the corporation
2 or body politic of [said] the city[, by the name, style, and
3 title given thereto] for the use and benefit of the citizens
4 thereof.

5 Section 209. Existing Governments [Preserved Temporarily;
6 Organization of City.--The governments of the said towns,
7 townships, and boroughs] Temporarily Preserved; City
8 Organization.--(a) The government of the municipal corporation
9 shall continue in full force and operation, until the first
10 Monday of January next succeeding the municipal election
11 provided for in section 702 [of this act], at which time the
12 officers of [said] the city chosen at [said] the municipal
13 election shall enter upon their respective terms of service, and
14 the city government shall be duly organized under this act.

15 (b) Whenever, in the organization of the city government of
16 any newly incorporated city, any person is [elected] appointed
17 by council to any office for which this act provides a definite
18 term and fixes a definite time for the election of persons
19 thereto, the person so [elected] appointed shall serve only for
20 such time as intervenes between his [election] or her
21 appointment and the day fixed by this act for the regular
22 election or appointment of such officer for a full term.

23 Section 210. Existing Liabilities, Debts and Claims
24 Transferred to New City.--[All suits, prosecutions, debts, and
25 claims, whatsoever, of the said towns, townships and boroughs,
26 shall thereupon become transferred to the said city, which in
27 all suits pending shall be substituted as a party, and be under
28 the management and control thereof. All valid claims and demands
29 of whatsoever nature, whether payable presently or in the
30 future, existing against the said towns, townships, and boroughs

1 when the said charter shall go into operation, shall be
2 enforceable against the said city. The bonds and floating
3 indebtedness, and the interest thereon, of each of said towns,
4 townships and boroughs, contracted prior to such consolidation,
5 shall be paid by the said city thus organized and chartered, so
6 that the taxes shall be uniform throughout the territorial
7 limits of the whole city.] If a municipal corporation is
8 incorporated as a city in accordance with this article, the
9 following shall apply:

10 (1) All suits, prosecutions, debts and claims, whatsoever,
11 shall become transferred to the newly incorporated city.

12 (2) All pending suits involving the municipal corporation
13 shall be under the management and control of the newly
14 incorporated city which shall be substituted as a party therein.

15 (3) All valid claims and demands of whatsoever nature,
16 whether payable presently or in the future, existing against the
17 municipal corporation shall be enforceable against the city.

18 (4) The bonds and floating indebtedness, and the interest
19 thereon, existing at the time a municipal corporation became
20 incorporated as a city in accordance with this article shall be
21 paid by the newly incorporated city, so that the taxes shall be
22 uniform throughout the territorial limits of the whole city.

23 Section 11. Article II-A heading and sections 250, 251, 252,
24 253, 254 and 255 of the act, added September 17, 1959 (P.L.913,
25 No.363) are repealed:

26 [ARTICLE II-A

27 ALTERNATIVE PROCEDURE FOR INCORPORATION

28 Section 250. Appointment of Charter Commission.--The
29 corporate authorities of any town, township, or borough or of
30 any combination of contiguous towns, townships or boroughs may

1 and, upon petition of two hundred or more qualified electors
2 thereof, shall petition the court of quarter sessions of the
3 county in which such towns, townships or boroughs are situate,
4 for the appointment of a charter commission to study and make
5 recommendations on the adoption of a form of city government for
6 such towns, townships or boroughs. Whenever any such towns,
7 townships or boroughs, or combination thereof, are situate in
8 more than one county, the petition shall be brought to the court
9 of quarter sessions of the county in which the larger percentage
10 of the population thereof are resident.

11 The charter commission so appointed shall consist of not less
12 than nine nor more than fifteen members who shall be qualified
13 electors of the town, township or borough, and if the petition
14 is brought on behalf of more than one town, township or borough,
15 the charter commission shall be appointed from among qualified
16 electors of each of such towns, townships or boroughs.

17 In every case, at least three members of the charter
18 commission shall be appointed from among the members of the
19 governing bodies of the towns, townships or boroughs bringing a
20 petition, and when two or more towns, townships or boroughs are
21 party to the petition, the court shall appoint at least one
22 member of the charter commission from among the members of the
23 governing bodies of each of such towns, townships or boroughs.

24 Section 251. Powers and Duties of Charter Commission.--The
25 charter commission shall organize and function in accordance
26 with the provisions of the Optional Third Class City Charter
27 Law, and in so far as the same are applicable, shall exercise
28 the same powers and perform the same duties as are conferred or
29 imposed upon charter commissions elected under the provisions of
30 the Third Class City Charter Law.

1 Members of the charter commission shall serve without
2 compensation, but shall be reimbursed by the towns, townships or
3 boroughs for their necessary expenses incurred in the
4 performance of their duties. The corporate authorities of the
5 towns, townships or boroughs shall appropriate reasonable sums
6 of money necessary for such purpose and for the work of the
7 charter commission as provided in the Optional Third Class City
8 Charter Law.

9 The charter commission shall report its recommendations at
10 the time and in the manner provided in the Optional Third Class
11 City Charter Law. In its report, the charter commission shall
12 recommend adoption of either the "commission" form of city
13 government as provided in this act, or one of the optional forms
14 of city government provided in the Optional Third Class Charter
15 Law.

16 Section 252. Election on the Question.--Within five days
17 after the charter commission reports its recommendations, the
18 corporate authorities of such towns, townships or boroughs shall
19 certify a copy of the commission's report to the county board of
20 elections, which shall cause the question of adoption or
21 rejection to be placed upon the ballot or voting machines at
22 such time as the commission shall in its report specify. The
23 question shall be submitted to the electors in the manner and at
24 the time provided in the Optional Third Class City Charter Law
25 and shall be in the following form:

26 Shall the.....be incorporated into a
27 name of towns, townships or boroughs
28 city of the third class to be known as the city of.....
29 with a.....form of government providing for
30 name of form

1councilmen to be elected at large?
2 number of councilmen

3 Section 253. Return of Election; Effect of Vote.--(a) The
4 county board of elections shall make return of the vote cast on
5 the question as provided by law. If it appears that a majority
6 of the votes cast in each such town, township or borough on the
7 question shall be in favor of creating a city, the city shall be
8 incorporated as provided in this act.

9 (b) If, at such election, the electors have voted in favor
10 of adopting the commission form of government provided in this
11 act, the city officers shall be elected and the city shall be
12 organized and governed under the provisions of this act, the
13 same as though the election had been held under the provisions
14 of article II. of this act.

15 (c) If, at such election, the electors have voted in favor
16 of adopting one of the optional forms of government provided in
17 the Optional Third Class City Charter Law, the city shall be
18 governed under the applicable provisions of the Optional Third
19 Class City Charter Law, but the first city officers shall be
20 elected in accordance with the provisions of this subsection.

21 At the first municipal election occurring at least ninety
22 days after the date of the letters patent issued by the Governor
23 incorporating such city, the qualified electors of such city
24 shall elect the city officers appropriate to such optional form
25 of government. Except in the case of the first city council,
26 such officers shall be elected for the terms provided in the
27 Optional Third Class City Charter Law. The first councilmen
28 elected in such city shall be divided into two groups. One group
29 shall equal one more than one-half of all the councilmen and its
30 members shall serve for terms of four years. The second group

1 shall equal one less than one-half of all the councilmen and its
2 members shall serve for terms of two years. The members of the
3 first group shall be those councilmen receiving the greatest
4 number of votes at their election, and the members of the second
5 group shall be those councilmen receiving the next greatest
6 number of votes at their election. If two or more councilmen
7 received the same number of votes and one or more but not all of
8 them will be included in the first group, they shall draw lots
9 to determine which of them shall be included in the first group.
10 Thereafter, all councilmen shall be elected for the terms
11 provided in the Optional Third Class City Charter Law.

12 The governments of the towns, townships and boroughs,
13 comprising a city which elects its first officers under the
14 provisions of this subsection, shall continue in full force and
15 operation until the first Monday of January next succeeding such
16 election, at which time the officers of such city shall enter
17 upon their respective terms and the city government shall be
18 duly organized under the Optional Third Class City Charter Law.

19 (d) Whenever by the returns of the election in any town,
20 township or borough, it shall appear that in any one there is a
21 majority against the city charter and the form of city
22 government recommended by the charter commission, no further
23 proceedings shall be had and it shall not be unlawful to hold
24 another election upon the same question in such town, township
25 or borough during the period of four years following such
26 election, but the provisions of this subsection shall not affect
27 any proceedings under article II. of this act nor any subsequent
28 proceedings under the Optional Third Class City Charter Law.

29 Section 254. Proceedings are Additional.--The proceedings
30 authorized by this article are in addition to, and not in

1 substitution of, those proceedings authorized by article II. of
2 this act, but it shall not be lawful to institute proceedings
3 under either article while any proceedings under the other
4 article are unconcluded.

5 Section 255. Abandonment of Optional Form of Government.--
6 Whenever, under the provisions of this article, the electors of
7 any towns, townships or boroughs elect to incorporate a city
8 with one of the optional forms of government provided in the
9 Optional Third Class City Charter Law, and later, at an election
10 held for that purpose under the Optional Third Class City
11 Charter Law, elect to abandon such optional form of government,
12 the city shall cease to be governed by the provisions of such
13 charter plan and the Optional Third Class City Charter Law on
14 the first Monday of January following the next succeeding
15 municipal election, and shall thereafter be governed under the
16 provisions of this act. The reversion to the form of government
17 provided by this act shall take effect as provided in article
18 VI. of the Optional Third Class City Charter Law for transition
19 to an optional form of government in so far as applicable, and
20 in addition any city offices which are elective under this act
21 but are not elective under such optional form of government,
22 shall be filled at such municipal election.]

23 Section 12. Article III heading of the act is reenacted to
24 read:

25 ARTICLE III

26 CHANGE OF CORPORATE TITLE

27 Section 13. Sections 301, 302, 303 and 304 of the act are
28 amended to read:

29 Section 301. Resolution and Petition to Change Corporate
30 Title.--[Whenever the council of any city shall, by resolution,

1 decide to change the corporate title of such city, it shall
2 present its petition to the court of quarter sessions of the
3 county having jurisdiction over the municipal affairs of the
4 city, petitioning such court to change the corporate title
5 thereof in accordance with the resolution, a certified copy of
6 which shall be attached to such petition.] City council may
7 initiate proceedings to change the corporate title of a city by
8 doing each of the following:

9 (1) Adopting a resolution proposing to make the change in
10 the corporate title of a city.

11 (2) Presenting to the court of common pleas of the county in
12 which the city is located a petition, along with a certified
13 copy of the resolution, requesting the change in the corporate
14 title of the city.

15 Section 302. Hearing; Decree.--(a) Upon the presentation to
16 the court of [such] the petition and resolution in accordance
17 with section 301, the [said] court shall fix a day for a hearing
18 [thereof] on the question of the change in the corporate title
19 of the city and shall direct that notice of [such] the hearing
20 be published once a week for three weeks in [not more than two
21 newspapers of general circulation] a newspaper.

22 (b) At [such] the hearing, the court shall [hear the] permit
23 any resident of the city to give testimony [and argument of
24 persons both for and against] either in support of or opposition
25 to the change of the corporate title of [such] the city [and, if
26 the court is of the opinion that the corporate title of such
27 city should be changed as prayed for in the petition of the
28 council of said city, shall enter upon the proceedings its order
29 and decree changing the corporate title of such city in
30 accordance with the resolution of the council thereof; otherwise

1 the petition shall be dismissed].

2 (c) After hearing testimony, the court shall either order
3 and decree changing the corporate title of the city in
4 accordance with the petition and resolution of council or
5 dismiss the petition.

6 Section 303. Recording Decree.--[Upon the filing of a
7 certified copy of the decree of the court, changing the
8 corporate name of any city, in the office of the Secretary of
9 the Commonwealth and the recording thereof in the office of the
10 recorder of deeds of the county, the courts of which have
11 jurisdiction over the municipal affairs of the city, the
12 corporate title of said city shall thereafter be as set forth in
13 said decree.] A change in the corporate title of a city that is
14 ordered and decreed in accordance with section 302(c) shall not
15 become effective until a certified copy of the decree of court
16 is filed in the office of the Secretary of the Commonwealth and
17 is recorded in the office of the recorder of deeds of the county
18 in which the city is located.

19 Section 304. Existing Rights and Liabilities Preserved.--No
20 change in the corporate title of any city shall in any way
21 affect any liabilities incurred, rights accrued or vested,
22 obligations issued or contracted, or any suits or prosecutions
23 pending or instituted to enforce any right or penalty accrued or
24 punish any offense committed prior to [such] the change.

25 Section 14. Article IV heading of the act is reenacted to
26 read:

27 ARTICLE IV

28 CREATION AND DIVISION OF WARDS

29 Section 15. Section 401 of the act is amended to read:

30 Section 401. [Petition for Creation or Division of Wards.--

1 New wards may be created in cities, or wards therein may be
2 divided, by the court of quarter sessions, on application
3 thereto for that purpose, by the petition of at least one
4 hundred qualified electors of the district seeking to be created
5 as a new ward, or of the ward to be divided, or by the petition
6 of the council of the city. No new ward shall contain less than
7 three hundred qualified electors according to the last preceding
8 enumeration.] General Power of Council in Creation or Division

9 of Wards.--(a) In addition to reapportionment of wards pursuant
10 to 53 Pa.C.S. Pt. II Ch. 9 (relating to municipal
11 reapportionment) and section 11 of Article IX of the
12 Constitution of Pennsylvania, council may, with or without a
13 petition as provided in section 401.1 and subject to approval by
14 the registered voters as provided in section 407, create new
15 wards, divide a ward or wards or detach part of a ward and
16 attach to another ward, in accordance with this article.

17 (b) No new ward shall contain less than three hundred
18 registered voters according to the last general or municipal
19 election.

20 (c) All wards in the city shall be numbered and composed of
21 compact and contiguous territory as nearly equal in population
22 as practicable and as officially and finally reported in the
23 most recent Federal census, decennial or special.

24 Section 15.1. The act is amended by adding a section to
25 read:

26 Section 401.1. Petition of Registered Voters.--(a)
27 Registered voters may petition council to initiate proceedings
28 under section 401 to create new wards, divide a ward or wards,
29 or detach part of a ward and attach to another ward as follows:

30 (1) One hundred registered voters may petition council to

1 create or divide a ward if, in the case of a petition proposing
2 to create a ward, the petitioners reside in the portion of the
3 city which the petition proposes to create as a ward, or in the
4 case of a petition to divide a ward, the petitioners reside in
5 the ward which the petition proposes to divide.

6 (2) Twenty-five registered voters may petition to detach
7 part of one ward and attach the detached part to another ward if
8 the petitioners reside in the part of the ward that is proposed
9 to be detached.

10 (b) Council shall by motion approve by a majority of
11 council, and within ninety days of presentment of the petition,
12 determine whether to initiate proceedings under section 401. If
13 the motion is in favor of initiating proceedings, council shall
14 appoint a commission in accordance with section 403.

15 (c) In the event that council has not approved a motion
16 within ninety days after the presentment of a petition under
17 subsection (a), any ten registered voters may petition the court
18 of common pleas and contest the existing apportionment as
19 violating section 401. The proceedings before the court shall be
20 conducted in accordance with 53 Pa.C.S. §§ 906 (relating to
21 contest of reapportionment by governing body) and 907 (relating
22 to costs and expenses of contest).

23 Section 15.2. Sections 402 and 403 of the act are amended to
24 read:

25 Section 402. [Petition for Striking Territory from One Ward
26 and Attaching to Another.--Any part or district of a ward in any
27 city may be detached therefrom and attached to another ward by
28 the court of quarter sessions of the proper county, on
29 application thereto for that purpose, by the petition of at
30 least twenty-five qualified electors of the district to be

1 stricken off or attached, or by the petition of the council of
2 the city] (Reserved).

3 Section 403. Appointment of Commission[; Report; Order of
4 Court.--Upon the presentation of any such petition praying for
5 the creation of a new ward out of parts of two or more wards, or
6 the division of a ward, or for the detaching from a ward of a
7 part or district thereof and attaching the same to another ward,
8 the said court shall appoint five impartial qualified electors,
9 residents of the city, but not of the wards to be affected
10 thereby, as commissioners to inquire into the propriety of
11 granting the prayer thereof: Provided, however, That in cities
12 having not more than three wards, said commissioners shall be
13 selected from the city at large, and may be residents of the
14 ward or wards to be affected thereby. The commissioners so
15 appointed, or any four of them, shall examine the premises and
16 make a draft of the new ward or wards proposed to be created, or
17 of the ward or wards to be divided, or of the wards affected,
18 showing the division or change thereof, or showing the lines as
19 any separation and attachment will affect them, as the case may
20 be, and showing clearly the number of qualified electors
21 contained within the proposed new ward. The commissioners shall
22 make report to the said court at its next term, together with
23 their recommendation.].--(a) If council initiates proceedings
24 pursuant to section 401, whether on its own volition or pursuant
25 to the petition of registered voters, it shall appoint five
26 impartial registered voters who are residents of the city as
27 commissioners, to make a report and recommendation concerning
28 the necessity, desirability and feasibility of proposed wards.
29 (b) Except as provided in subsection (c), commissioners
30 shall not be residents of the wards to be affected by the

1 petition.

2 (c) In cities having not more than three wards,
3 commissioners appointed under subsection (a) shall be selected
4 from the city at large, and may be residents of the ward or
5 wards to be affected thereby.

6 Section 15.3. The act is amended by adding sections to read:

7 Section 403.1. Expenses of Commissioners.--Council shall
8 make appropriations for the reasonable expenses of the
9 commissioners incurred for their services pursuant to this
10 article. Each commissioner shall submit to the city controller
11 for approval an itemized account of his or her expenses to be
12 paid under the authority of this section.

13 Section 403.2. Report.--(a) Commissioners appointed by
14 council in accordance with section 403(a) shall examine the
15 premises and prepare a report which shall include a draft of all
16 wards affected by the proposed creation, division or detachment,
17 showing the division or change thereof, or showing the lines of
18 wards as any separation and attachment will affect them, as the
19 case may be, and showing clearly the population contained within
20 the affected wards using figures officially and finally reported
21 in the most recent Federal census, decennial or special. The
22 report, upon completion, shall be submitted to council and shall
23 include a recommendation reflecting the decision of a majority
24 of its members concerning the proposed creation, division or
25 detachment of a ward or wards.

26 (b) Consistent with the standards applied in municipal
27 reapportionment pursuant to 53 Pa.C.S. § 903(b) (relating to
28 reapportionment by governing bodies), no report shall recommend
29 the creation, division or detachment of a ward or wards unless
30 the result of implementing the report and recommendation would

1 be that each ward in the city is composed of compact and
2 contiguous territory as nearly equal in population as
3 practicable as officially and finally reported in the most
4 recent Federal census, decennial or special.

5 (c) Upon receipt of the report, council shall, by motion,
6 determine whether to submit the question of the proposed
7 creation, division or detachment of a ward or wards as provided
8 in the report to the registered voters of the city in accordance
9 with section 404.

10 Section 15.4. Sections 404, 405, 406, 407 and 408 of the act
11 are amended to read:

12 Section 404. Election[; Form of Ballot.--If a majority of
13 the commissioners appointed report favorably to such creation or
14 division, or the detaching from a ward of a part or district
15 thereof and attaching the same to another ward, the court shall
16 order].--(a) If based upon the report in section 403.2, council
17 decides to proceed, it shall certify to the county board of
18 elections the question of the creation, [or] division or
19 detachment of [such] the ward[,], or wards to be submitted to the
20 [qualified electors] registered voters of the ward or wards
21 [affected, and in the case of the detachment of territory to the
22 electors of the ward from which the territory is to be stricken
23 off] or parts thereof which are the subject of the report, at
24 the general or municipal election occurring not less than ninety
25 days [thereafter] after the report was approved by council.

26 (b) The [clerk of said court shall certify such order to
27 the] county board of elections [which] shall [thereupon] cause
28 [a proper] the question [to be submitted to the qualified
29 electors at such] of approving the creation, division or
30 detachment of a ward or wards to be placed on the ballot in the

1 ward or wards or parts that will be affected thereby, at the
2 appropriate election in the manner provided by the Pennsylvania
3 Election Code.

4 Section 405. Notice of Election; Review of Report.--[It
5 shall be the duty of the mayor of the said city to give at least
6 fifteen days' public notice, by advertisement in one or more
7 newspapers, of general circulation, that such an election will
8 be held, and of the time and place of holding the same.] (a)
9 Council shall direct that an election notice by advertisement in
10 a newspaper be given at least fifteen days prior to the date
11 that the question of approving the creation, division or
12 detachment of a ward or wards are to be presented at the
13 specified general or municipal election.

14 (b) The election notice shall contain a statement of the
15 issue to be submitted to the registered voters at the election,
16 including the ward, wards or parts thereof to be affected, and
17 the date upon which the election is to be held. The notice shall
18 reference the report and specify that it is available for review
19 and copying as a public record pursuant to the act of February
20 14, 2008 (P.L.6, No.3), known as the "Right-to-Know Law."

21 Section 406. Election Laws to Apply.--All [the electors,
22 judges, inspectors and clerks, voting at and in attendance upon
23 the election to be held under the provisions of this article,
24 shall be subject to the penalties imposed by] matters relating
25 to the election at which the question of approving the creation,
26 division or detachment of a ward or wards is to be presented to
27 the voters shall be governed by the applicable provisions of the
28 Pennsylvania Election Code.

29 Section 407. Computing Vote; Return; [Order of Court;]
30 Resubmission of Question.--[The officers of such election shall

1 receive and count the votes in the manner prescribed by law, and
2 shall forthwith make out a return on forms furnished by the
3 board of elections, showing the number of votes for and against
4 such new ward, or for or against such division or detachment of
5 a ward, as the case may be, and shall deliver the same to the
6 clerk of the court of quarter sessions within three days. The
7 said clerk shall compute said return, and forthwith certify the
8 result thereof to the court. If it appears that a majority of
9 the votes so taken are for a new ward, or for a division or for
10 the detachment of territory and its attachment to another ward,
11 said court shall thereupon order and decree the creation of such
12 new ward or wards, or such division, or such detachment and
13 attachment agreeably to the lines marked out and returned by the
14 commissioners.]

15 (a) The county board of elections shall tabulate and publish
16 the results of the referendum in a newspaper within thirty days
17 of the election. A certified copy of the results shall be placed
18 on record among the minutes of council.

19 (b) If a majority voted in favor of creating or dividing a
20 ward or wards, or the detachment of a part of a ward to be
21 attached to another, council shall proceed to create or divide a
22 ward or wards or detach a part of a ward to be attached to
23 another, in accordance with the report, and shall number the new
24 wards when necessary[, and order a certified copy of the whole
25 proceeding to be placed on record among the minutes of council].

26 (c) If a majority [of votes shall be] voted against [the new
27 ward, or against division or against detachment] creating or
28 dividing a ward or wards, or the detachment of a part of a ward
29 to be attached to another, no further action shall be had upon
30 [such proceeding] the question, nor shall any new [application

1 for such new ward or such division or detachment and attachment
2 be heard] petition on the same question be resubmitted until two
3 years from the date of [such] the election.

4 Section 408. Change of Ward Lines by [Court] Council.--
5 Whenever it shall appear to [the court of quarter sessions]
6 council in proceedings for the division of any ward, or the
7 creation of new wards, that any of the boundaries or divisions
8 thereof are uncertain for any cause, [the said court shall make
9 such order or decree as to] shall determine the relocation of
10 the line [as to it may appear proper, so that the same shall] to
11 conform as nearly as possible to the boundary lines which may
12 have been previously determined upon so long as the result is
13 that each ward in the city is composed of compact and contiguous
14 territory as nearly equal in population as practicable as
15 officially and finally reported in the most recent Federal
16 census, decennial or special.

17 Section 16. Article V and subdivision (a) heading of the act
18 are repealed:

19 [ARTICLE V

20 ANNEXATION OF TERRITORY

21 (a) Annexation of Boroughs, Townships and Parts
22 of Townships]

23 Section 16.1. Section 501 of the act, amended July 10, 1959
24 (P.L.519, No.138), is repealed:

25 [Section 501. Petition for Annexation of Boroughs or
26 Townships and Parts of Townships.--Any borough having a
27 population of less than ten thousand inhabitants, or any
28 township or part of a township, contiguous to any city, whether
29 wholly or partially within the same or different counties, may
30 become annexed to any such city in the following manner:

1 (a) In the case of a borough, the borough council may pass
2 an ordinance for such annexation, whenever three-fifths of the
3 taxable inhabitants of such borough shall present a petition,
4 accompanied with the written consent of a majority in number and
5 interest of property owners of the borough, asking for such
6 annexation.

7 (b) In the case of a township, or part thereof, whenever
8 three-fifths of the taxable inhabitants of such township or part
9 thereof shall present a petition to the council of said city,
10 accompanied with the written consent of a majority in number and
11 interest of property owners of such township or part of a
12 township, asking for such annexation.

13 (c) In case of part of a township, when there are no taxable
14 inhabitants residing therein, then whenever three-fifths of the
15 property owners in number and interest of property situated
16 therein shall present a petition to the council of said city
17 asking for such annexation.

18 In construing this section, a majority in interest of owners
19 of undivided interests in any piece of property shall be deemed
20 and treated as one person for the purpose of ascertaining the
21 number of petitioners.]

22 Section 16.2. Section 502 of the act is repealed:

23 [Section 502. Advertisement; Plots.--Before any such
24 petition is circulated or signed, notice thereof shall be given
25 by advertisement once a week for four weeks in two newspapers
26 published in or circulated throughout the territory to be
27 annexed. Such notice shall state the purpose of the petition and
28 the date it will be ready for signing. All such petitions shall
29 be accompanied by a plot or plots of the territory to be
30 annexed, showing all streets and highways, municipal or township

1 improvements and public buildings.]

2 Section 16.3. Section 503 of the act, amended October 5,
3 1967 (P.L.327, No.143), is repealed:

4 [Section 503. Ordinance of City; Filing Copy Thereof.--Upon
5 presentation to the council of such city of a certified copy of
6 the ordinance in case of a borough, or of the petition in the
7 case of a township or part thereof, together with the required
8 plots in any case, the council of said city may, by ordinance,
9 annex such borough, township, or part thereof to the said city.
10 Certified copies of the borough and city ordinances and the
11 petition and the plans shall be filed in the office of the clerk
12 of the court of quarter sessions of the county or counties
13 involved, and like copies shall be certified to the Department
14 of Community Affairs of the Commonwealth. Nothing contained in
15 subdivision (a) of this article shall be deemed to require any
16 city to annex any borough, township or part of any such
17 township.]

18 Section 16.4. Section 504 of the act is repealed:

19 [Section 504. Conclusiveness of Ordinance; Referendum;
20 Appeal.--Thirty days after the filing of the said annexation
21 ordinance by the said city council, such ordinance and the
22 action of the said city council shall be finally conclusive,
23 unless an appeal therefrom is taken within the said thirty days,
24 by petition to the court of quarter sessions of the county in
25 which the city is located, or unless a referendum petition is
26 filed as provided in this act.]

27 Section 16.5. Section 505 of the act, repealed in part June
28 3, 1971 (P.L.118, No.6), is repealed:

29 [Section 505. Hearing an Appeal; Notice; Appeal from Final
30 Order.--Where an appeal is taken by any person aggrieved by such

1 annexation ordinance of the city, the court shall fix a day for
2 hearing the same. Notice shall be given to all parties
3 interested in such manner as the court shall direct. From any
4 such final order or decree, any party in interest, aggrieved by
5 such order or decree, may have an appeal to the Supreme Court as
6 in other cases. Upon final determination and approval of the
7 annexation ordinance, the annexation shall take effect
8 immediately.]

9 Section 16.6. Section 506 of the act, added July 10, 1959
10 (P.L.519, No.138), is repealed:

11 [Section 506. Petition for Annexation of Boroughs Having Ten
12 Thousand or More Inhabitants.--Whenever electors, equal to at
13 least ten per centum of the highest vote cast for any office in
14 any borough having a population of ten thousand or more
15 inhabitants contiguous to a city at the last preceding general
16 election, or whenever ten per centum of the qualified electors,
17 residing within any part of a borough having a population of ten
18 thousand or more inhabitants contiguous to a city, shall
19 petition the council of such city for the annexation of the
20 borough, or part thereof, to the contiguous city, and for a
21 referendum on the question of such annexation, the council shall
22 cause a question to be submitted at the primary or general
23 election occurring at least sixty days thereafter, by certifying
24 a resolution, duly adopted, to the county board of elections of
25 the county or counties in which any part of the city or borough
26 is located, for submission of such question on the ballot or on
27 voting machines at such election, both in such borough and in
28 the city to which annexation is desired, in the manner provided
29 by the election laws of this Commonwealth.

30 Such question shall be in the following form:

1 Do you favor the annexation of the Yes
2 borough of
3 (or the part of the borough briefly No
4 described) to the city of ?

5 If a majority of the persons voting on such question in the
6 entire borough shall vote "yes," and a majority of the persons
7 voting on such question in the city shall vote "yes," then the
8 borough or part thereof, as the case may be, shall on the first
9 Monday of January next following, be and become a part of the
10 city.

11 If a majority of the persons voting on the question in the
12 borough or in the city shall vote "no," no further proceeding
13 shall be had, and it shall not be lawful to hold another
14 election upon the question until the second general or municipal
15 election thereafter occurring.

16 All petitions shall be accompanied by a plot or plots of the
17 territory to be annexed, showing all streets and highways,
18 municipal improvements and public buildings, and all petitions
19 for the annexation of a part of a borough shall include a
20 description of the part of the borough sought to be annexed.]

21 Section 16.7. Article V subdivision (b) heading and section
22 515 of the act are repealed:

23 [(b) Annexation of Outlying Lots in a Township

24 Section 515. Annexation of Outlying Lots; Appointment of
25 Viewers.--Upon application by petition to the court of quarter
26 sessions signed by a majority or more of the taxable
27 inhabitants, accompanied by the written consent of a majority of
28 the property owners in number and interest of any outlots or
29 sections of land in a township containing not more than one
30 hundred acres of land contiguous to the city, and being part of

1 the same county in which the city is situated, stating that they
2 desire the same to be annexed to said city, the desirability
3 therefor, and describing the lots or land to be annexed, with a
4 map or draft of the same, which petition shall be sworn to by
5 one or more of the petitioners, and accompanied by the petition
6 of the council of the city praying for the annexation of such
7 outlots or sections of land and containing a copy of the
8 resolution of the council of said city approving the annexation,
9 the said court shall thereupon appoint three viewers, who shall
10 be nonresidents of the city or of the township whose territory
11 is to be annexed, to inquire into and investigate the
12 allegations and facts stated in the said petition.]

13 Section 16.8. Section 516 of the act, amended October 5,
14 1967 (P.L.327, No.143), is repealed:

15 [Section 516. Notice of View; Report; Decree.--Notice of the
16 first hearing of the said viewers shall be given to the city,
17 and to at least one of the petitioners as the court may direct.
18 The said viewers, or a majority of them, shall make report to
19 said court at its next session after their appointment. If they
20 report that they find the statements and facts of said petition
21 to be true, and recommend the annexation as prayed for, and if
22 no appeal is taken within thirty days therefrom, the said court
23 shall thereupon make an order or decree to carry the annexation
24 into effect. The city clerk shall forward a certified copy of
25 said decree to the Department of Community Affairs of the
26 Commonwealth.]

27 Section 16.9. Section 517 of the act, amended October 5,
28 1967 (P.L.327, No.143) and repealed in part June 3, 1971
29 (P.L.118, No.6), is repealed:

30 [Section 517. Appeal; Hearing; Notice; Decree.--Within

1 thirty days after filing of such report, any person aggrieved
2 thereby may take an appeal, by petition to the court of quarter
3 sessions, setting forth his complaint, and thereupon the court
4 shall fix a day for hearing the same. Notice of such appeals
5 shall be given to all parties interested by publication once in
6 one newspaper, in accord with the provisions of section one
7 hundred and nine of this act. After such hearing, the court
8 shall decide whether the proceedings are in conformity with this
9 act, and make an order or decree either dismissing the appeal
10 and approving such annexation or sustaining the appeal and
11 dismissing the annexation. When the court of quarter sessions
12 makes an order to carry such annexation into effect, where no
13 appeal is taken, and upon final determination and approval of
14 the annexation ordinance, where an appeal has been taken, the
15 said outlots or sections of land shall at once and thereafter be
16 a part of said city as fully as if the same had been originally
17 a part thereof. A certified copy of any final decree or order
18 approving such annexation shall be forwarded by the city clerk
19 to the Department of Community Affairs.]

20 Section 16.10. Section 518, Article V subdivision (c)
21 heading and section 525 of the act are repealed:

22 [Section 518. Compensation of Viewers.--The viewers herein
23 provided for shall be allowed five dollars per day for each and
24 every day actually spent by them in the performance of their
25 duties, together with their actual necessary expenses. The costs
26 of the proceedings in all cases shall be paid by the city.

27 (c) Annexation of Part of a Borough

28 Section 525. Petition for Annexation of Territory in a
29 Borough; Ordinance of City.--Territory in a borough contiguous
30 to a city or separated therefrom by a river or stream may be

1 detached from the borough and annexed to the city in the
2 following manner:

3 A petition signed by owners of the land in the territory
4 proposed to be detached and annexed, and described in the
5 petition, shall be presented to the borough authorities, who, if
6 they find that the petition is signed by either a majority of
7 freehold owners or by the owners of two-thirds of the area of
8 the territory described, and that the assessed valuation of the
9 territory described is not in excess of five per centum of the
10 assessed valuation of the borough, may, by ordinance, detach the
11 described territory, subject to the acceptance of the detached
12 portion by the city of the third class, and upon notice from the
13 council of the borough that it has ordained the detachment of
14 the described territory of the borough for the purpose of having
15 it annexed to the city, the city may, by ordinance, annex the
16 portion of the borough so proposed to be detached.]

17 Section 16.11. Section 526 of the act, amended October 5,
18 1967 (P.L.327, No.143), is repealed:

19 [Section 526. Filing of Plans.--Upon such annexation by
20 ordinance, a plan of the territory annexed shall be filed by the
21 city council in the office of the county commissioners and with
22 the clerk of the court of quarter sessions and thereupon the
23 detachment and annexation shall be effective: Provided, however,
24 That if there be no delay through litigation or causes beyond
25 the control of the councils, the plan shall be filed, as herein
26 required, within thirty days after the passage of the annexation
27 ordinance by the city council, and, if the proceedings are not
28 thus completed, they shall be void in their entirety and of no
29 effect. A copy of the plan filed shall be likewise forwarded to
30 the Department of Community Affairs of the Commonwealth.]

Section 16.12. Article V subdivision (d) heading , sections 535 and 536 and subdivision (e) heading of the act are repealed:

[(d) Indebtedness and Public Property when Borough or Township is Annexed

Section 535. Apportionment of Indebtedness of Borough or Township; Taxes to be Uniform.--All the indebtedness of each borough or township annexed to a contiguous city under the provisions of this act, as well as the indebtedness of the city to which the same is annexed, shall be paid by the city as enlarged by such annexation; and all territory included within the limits of the same shall be liable for the payment of the floating and bonded indebtedness, and the interest thereon, of all the territory included within such enlarged city; and all taxes thereafter levied therefor shall be uniform throughout the territorial limits of such enlarged city.

Section 536. Property of Annexed Territory to Become Property of City.--All of the public property owned by any such borough or township annexed to any city shall become and remain the public property of the said city.

(e) Apportionment of Indebtedness when Part of a Township or Outlying Lots are Annexed]

Section 16.13. Section 540 of the act, amended October 5, 1967 (P.L.327, No.143), is repealed:

[Section 540. Adjustment of Indebtedness when Part of Township is Annexed.--Where any part of any township or outlying lots thereof are annexed to any city, the township officers of that part of the said township not annexed, and the city council of the said city, shall make a just and proper adjustment and apportionment of all public property owned by the said township at the time of said annexation, both real and personal,

1 including funds as well as indebtedness, if any, to and between
2 the said township and the city. In making such adjustment and
3 apportionment of the property and indebtedness, the township and
4 the city shall be entitled respectively to share in a division
5 of the property and indebtedness in the proportion that the
6 assessed valuation of the land remaining in the township bears
7 to the assessed valuation of the land annexed: Provided,
8 however, That where indebtedness was incurred by the township
9 for an improvement located wholly within the annexed part of the
10 township, the whole of such indebtedness shall be assumed by the
11 city, and where any part of any such improvement is located
12 within the annexed part of the township, the part of such
13 indebtedness representing the part of the improvement located
14 within the territory annexed, shall be assumed by the city, and
15 the adjustment and apportionment of any remaining debt, and the
16 public property of the township shall be made as above provided.
17 The adjustment and apportionment as made shall be reduced to
18 writing, and duly executed and acknowledged by the proper
19 officials, and filed in the office of the clerk of the court of
20 quarter sessions of the county in which said city is located. A
21 copy of such adjustment and apportionment shall be forwarded by
22 the city clerk to the Department of Community Affairs of the
23 Commonwealth.]

24 Section 16.14. Sections 541, 542 and 543 of the act are
25 repealed:

26 [Section 541. Appointment of Commission; Contents of
27 Report.--In case the said council of the said city and the
28 township's authorities cannot make such amicable apportionment
29 and adjustment of their property and indebtedness within six
30 months after any such annexation, then, in that case, the said

1 council or any officer of said township may present a petition
2 to the court of quarter sessions of the county in which the said
3 city is located. Whereupon the said court shall appoint three
4 disinterested commissioners, residents and taxpayers of said
5 county not residing in the said city nor in the said township,
6 who, after hearing, due notice of which shall be given to the
7 city and township interested by publication once in one or more
8 newspapers, at least twenty days before said hearing, in accord
9 with the provisions of section one hundred and nine of this act,
10 shall make report to the court, making an apportionment and
11 adjustment according to the provisions of this act of all the
12 property as well as indebtedness, if any, to and between the
13 said city and the said township, said report to state the
14 amount, if any, that shall be due and payable from the city to
15 the township, or from the township to the city, as well as the
16 amount of indebtedness, if any, that shall be assumed by the
17 city or township, or both of them.

18 Section 542. Notice of Filing of Report; Exceptions;
19 Confirmation.--The commissioners shall give the city and the
20 township at least five days' notice of the filing of their
21 report. Unless exceptions are filed thereto by the city or by
22 the township within thirty days after filing thereof, the same
23 shall be confirmed by the court absolutely. Any sum awarded by
24 the report to the city or to the township shall be a legal and
25 valid claim in its favor against the city or township charged
26 therewith, and the amount of debt, if any, apportioned to any
27 city or township shall be a legal and valid claim against such
28 city or township charged therewith. Any property, real or
29 personal, given and adjudged to the city or the township shall
30 become and be the property of the city or the township to

1 whichever one the same is given and adjudged. Upon such report
2 being confirmed, such claim or indebtedness charged against any
3 city or township may be collected in the same manner as a
4 judgment is collected against any city or township.

5 Section 543. Compensation of Commissioners; Costs.--The
6 commissioners shall be allowed five dollars per day for each day
7 actually spent by them in the performance of their duties,
8 together with their actual necessary expenses. All costs and
9 expenses of such proceedings shall be apportioned by the court
10 to and between the said city and the said township as it shall
11 deem proper.]

12 Section 16.15. Section 544 of the act, repealed in part June
13 1971 (P.L.118, No.6), is repealed:

14 [Section 544. Disposition of Exceptions; Appeal.--In case
15 exceptions are filed to the report of the commissioners, the
16 court shall dispose of the same, taking testimony if deemed
17 advisable, and the decision of the court thereon shall be final
18 and binding on the several cities and townships, unless an
19 appeal is taken.]

20 Section 16.16. Section 545, Article V subdivision (f)
21 heading, sections 550 and 551 and subdivision (g) heading of the
22 act are repealed:

23 [Section 545. Jurisdiction when Territory is in Two or More
24 Counties.--In cases where a city or township is situated in two
25 or more counties, the court of quarter sessions of the county in
26 which the city is located shall have exclusive jurisdiction over
27 the matter, but the same shall be heard by a judge, not a
28 resident of either of the judicial districts affected, who shall
29 be called to preside specially in the matter, and, in such
30 cases, the court shall appoint the commissioners hereinbefore

1 provided for from both or from three of such counties.

2 (f) Apportionment of Indebtedness when Part of a
3 Borough is Annexed

4 Section 550. Apportionment of Indebtedness; Decree of
5 Court.--The court of quarter sessions having jurisdiction of the
6 city, in cases where any part of a borough is annexed to a city,
7 upon a petition of the borough or city, may hear evidence and
8 consider the indebtedness and assessed valuation of the borough
9 and the city and the assessed valuation of the territory
10 annexed, and may enter a decree making such adjustment of the
11 indebtedness and the manner and time of the payment thereof as
12 to the court may seem meet and proper.

13 Section 551. Collection of Taxes Assessed Prior to
14 Annexation.--Any taxes assessed prior to the going into effect
15 of the proceedings shall be paid to the borough, and the
16 collection and enforcement thereof shall be as though the land
17 had not been detached.

18 (g) Wards]

19 Section 16.17. Section 560 of the act, amended October 5,
20 1967 (P.L.327, No.143), is repealed:

21 [Section 560. Distribution of Annexed Territory Among Wards;
22 New Wards; Ward Officers.--Within thirty days from the effective
23 date of any annexation, the city council shall cause a petition
24 to be presented to the court of quarter sessions of the county
25 in which the said city is located, praying for the distribution
26 of the annexed territory among the wards of the said city, or
27 for the creation of a new ward or wards out of the same, and to
28 make such order or decree as may be necessary to constitute such
29 ward or wards an election district or election districts, or add
30 to or create new election districts in a ward or wards to which

1 such territory is attached, and the said court shall, in case of
2 the creation of a new ward or wards, appoint the election and
3 other officers of the same, and name the place or places of
4 holding the first election in the said ward or wards for ward
5 officers, and, for that purpose, may order a special election,
6 if said court shall deem the same necessary, to be conducted in
7 the manner provided by the Pennsylvania Election Code. The
8 officers elected at such special election shall hold their
9 respective offices until their successors, elected at the next
10 succeeding municipal election, shall be duly qualified. Any
11 decree of court creating a new ward or wards shall be entered in
12 full upon the records of said court and certified copies
13 thereof, under the seal of the court, shall be delivered by the
14 clerk of said court to and be filed by the city clerk of the
15 city and the secretary of the school district in which said ward
16 or wards become located. The clerk of the court of quarter
17 sessions shall likewise certify copies thereof to the Secretary
18 of the Commonwealth and to the Department of Community Affairs.]

19 Section 16.18. Article V subdivision (h) heading of the act,
20 amended August 6, 1963 (P.L.511, No.268), is repealed:

21 [(h) Annexation of Property Owned by a City]

22 Section 16.19. Section 561 of the act, amended October 5,
23 1967 (P.L.327, No.143), is repealed:

24 [Section 561. If any city owns land contiguous to said city
25 on January 1, 1963, the city may annex said territory in the
26 following manner:

27 A bill may be introduced in council to annex said land,
28 setting forth a description of the territory to be annexed and
29 the courses and distances of the boundaries of such territory.
30 If said bill becomes an ordinance by action of council, a copy

1 thereof shall be certified to the Department of Community
2 Affairs.]

3 Section 16.20. Section 562 of the act, added May 27, 1957
4 (P.L.210, No.104), is repealed:

5 [Section 562. Upon such annexation by ordinance, a plan of
6 the territory annexed shall be filed by the city council in the
7 office of the county commissioners and with the clerk of the
8 court of quarter sessions, and thereupon the annexation shall
9 become effective.

10 The annexation proceedings authorized by these sections are
11 in addition to, and not in substitution of, proceedings
12 otherwise provided by law for annexation of territory, and may
13 be followed without reference to or compliance with such other
14 provisions.]

15 Section 16.21. Article V subdivision (i) heading, section
16 570, subdivision (j) heading and section 580 of the act, added
17 July 10, 1959 (P.L.521, No.139), are repealed:

18 [(i) Terms and Salaries of Officials and Employes
19 of Annexed Territory

20 Section 570. Annexation Officials and Employes.--In case of
21 annexation, all salaried public officials of territory annexed
22 who have theretofore been elected for a definite term shall
23 continue to receive during the term for which they were elected
24 the same salaries as they would have received except for such
25 annexation, and it shall be the duty of the mayor of such city
26 to assign to such public officials the performance of such
27 suitable services and duties as will be in the public interest
28 of the city and particularly of the annexed portion thereof. In
29 case of nonelective employes of such annexed borough or
30 township, they shall, so far as practicable, be employed at

1 corresponding duties by the city in accordance with rules and
2 regulations to be established by city ordinance. Tax collectors
3 holding office at the date of annexation shall continue to
4 perform the duties and receive the emoluments of office for the
5 full term for which they were elected, but upon the expiration
6 of such term, the office shall be abolished within such
7 territory and the duties thereof shall be merged with that of
8 the collector of taxes of such city of the third class.

9 (j) Ordinances

10 Section 580. Annexation Ordinances.--In case of annexation,
11 all ordinances governing the annexed territory shall remain in
12 full force and effect over the annexed territory until
13 appropriate ordinances are passed by the Council of the city of
14 the third class integrating ordinances of the annexed territory
15 with those of the city of the third class.]

16 Section 17. Article VI heading of the act is reenacted to
17 read:

18 ARTICLE VI

19 CITY BOUNDARIES

20 Section 18. Sections 601, 602, 603, 604, 605 and 606 of the
21 act are amended to read:

22 Section 601. Navigable Stream Boundaries.--Whenever any city
23 is bounded by the nearest margin of a navigable stream, and an
24 opposite [township, borough, or city] municipal corporation is
25 also bounded by the nearest margin of the same stream, the
26 boundaries of [such] the city shall extend to the center line of
27 the stream. Nothing contained in this section shall be construed
28 to repeal any local or special law providing otherwise.

29 Section 602. Court to Establish Disputed Boundaries.--[The
30 court of quarter sessions, upon petition of any interested

political subdivision] (a) In any case in which a city or any
municipal corporation contiguous to the city disputes the
boundary between them, the court of common pleas, upon petition
of the city or the contiguous municipal corporation, may
ascertain and establish the disputed [boundaries between any
such parties. Whenever the] boundary.

(b) In any dispute [involves] involving the boundaries of
counties, the provisions of [the County Code shall apply to that
extent.] this article shall not supersede the application of the
relevant provisions of the act of August 9, 1955 (P.L.323,
No.130), known as "The County Code."

Section 603. Petition to Court; Commissioners; Report.--Upon
[such] petition in accordance with section 602(a), the court
shall appoint [as] three impartial commissioners [three
impartial qualified electors], who shall have authority to
employ a professional engineer or surveyor. After giving notice
to parties [affected by publication once in at least one
newspaper, in conformity with section one hundred and nine of
this act, they shall view the disputed boundaries] interested as
directed by the court, the commissioners shall hold a hearing
and view the disputed boundaries. A majority of the
commissioners shall make [a prompt] their report and
recommendations to the court, [which report shall be]
accompanied [with] by a plot or draft of the lines and
boundaries proposed [boundary, if the same cannot be fully
described] to be ascertained and established if they cannot be
fully designated by natural lines[. The] or boundaries. Upon the
filing of the report, it shall be confirmed nisi, and the court
[shall] may make [such] further order [thereupon as to] as it
shall [seem] deem just and reasonable.

1 Section 604. [Reviews;] Exceptions and [Issues.--Any person
2 affected may petition the court for a review, or may except to
3 the report of the commissioners. When matters of fact are in
4 dispute, the court may frame an issue and certify the same for
5 trial to the court of common pleas.] Procedure.--Exceptions to
6 the report may be filed by any interested person or municipal
7 corporation within thirty days after the filing of the report,
8 and the court shall set a day for the hearing of the exception.
9 Notice of the hearing shall be given as the court may direct.
10 After hearing, the court may sustain the exceptions or dismiss
11 them and confirm the report or refer the report back to the same
12 or new commissioners with authority to make another report. If
13 no exceptions are filed within thirty days after the filing of
14 the report, the court shall confirm the report absolutely. When
15 any report is confirmed absolutely, the court shall enter a
16 decree establishing the lines and boundaries as shown in the
17 report.

18 Section 605. Pay and Expenses of Commissioners.--The
19 commissioners shall each receive [five dollars per day, for each
20 day necessarily employed in the performance of their duties, as
21 well as mileage at the rate of ten cents per mile for each mile
22 necessarily traveled, and reasonable expenses incurred for
23 surveying] reasonable compensation as established by the court
24 and reasonable expenses incurred for surveying services, to be
25 paid equally by the [political subdivisions interested] city and
26 any interested municipal corporation.

27 Section 606. Boundary Monuments.--[Whenever a boundary is
28 established pursuant to the preceding sections of] If a
29 boundary, ascertained and established pursuant to this article,
30 [the court shall cause such part of the same as] cannot be fully

1 described by natural lines, the court shall cause it to be
2 marked with permanent monuments, placed at intervals not
3 exceeding fifteen hundred feet[,] and at the end of any course[,
4 and the]. The expense of placing [the said] these monuments,
5 [when] as approved by the court, shall be borne equally by the
6 [political subdivisions interested, and the court shall compel
7 payment of the same according to law] city and any interested
8 municipal corporation.

9 Section 19. Article VII heading of the act is reenacted to
10 read:

11 ARTICLE VII

12 ELECTED OFFICERS AND ELECTIONS

13 Section 20. Sections 701, 702, 703 and 704 of the act are
14 amended to read:

15 Section 701. Elected Officers; Term; Eligible to Reelection;
16 Vacancies Where Elected Officer Fails to Qualify.--[The] (a)
17 (1) Except as provided in subsection (c), the elected officers
18 of each city shall be a mayor, four [councilmen] council
19 members, a controller, and a treasurer.

20 (2) Except as provided in section [seven hundred and two of
21 this act] 702 with respect to the first election of members of
22 council, each [of such officers] elected officer shall serve for
23 a term of four years from the first Monday of January next
24 succeeding his or her election[,] until the first Monday of
25 January in the fourth year thereafter.

26 (3) Any such officer shall be eligible to reelection.

27 (b) Any person elected to a city office who fails to qualify
28 [within thirty days after the first Monday of January following
29 his election] in accordance with the provisions of sections 904
30 and 905 and, as applicable, section 1001, 1201, 1401 or 1701,

1 shall be ineligible to qualify thereafter. A vacancy shall then
2 exist in the [said] office and a person shall be appointed to
3 fill [said] the vacancy in the manner provided by this act.

4 (c) In accordance with this subsection, two additional
5 council members may be elected to form a seven-member council
6 comprised of six council members and the mayor, or a city that
7 has opted for a seven-member council may reestablish a five-
8 member council comprised of four council members and the mayor,
9 in accordance with the following:

10 (1) Upon petition of at least five per centum of the
11 registered voters of the city or pursuant to a resolution of
12 council, and after approval by a majority of those voting at the
13 next municipal or general election, there shall be elected two
14 additional council members, so that the council shall be
15 comprised of six council members and the mayor.

16 (2) The referendum petition or resolution of the council
17 certified by the city clerk shall be filed with the county board
18 of elections not later than the thirteenth Tuesday before the
19 next municipal or general election. The county board of
20 elections shall place the question before the electors as
21 provided by the Pennsylvania Election Code. The form of the
22 question shall be as follows:

23 Should two additional council members be elected to serve in
24 this city, so that council shall be comprised of six council
25 members and the mayor?

26 Yes

No

27 (3) The county board of elections shall tabulate and publish
28 the results of the referendum within thirty days of the
29 election.

30 (4) In no event shall the question of additional council

1 members be voted on more than once in any three-year period.

2 (5) At the first municipal election following approval at a
3 general election of the question providing for the election of
4 two additional council members, one of the additional council
5 members shall be elected for a term of four years and one for a
6 term of two years, each to serve from the first Monday of
7 January after the election. At the first general election
8 following approval at a municipal election of the question
9 providing for the election of two additional council members,
10 one of the additional council members shall be elected for a
11 term of three years and one for a term of one year, each to
12 serve from the first Monday of January after the election. After
13 that time, the additional council members shall be elected for
14 terms of four years each to serve from the first Monday of
15 January after the election.

16 (6) In cities in which the electorate has opted for a seven-
17 member council, comprised of six council members and the mayor,
18 the city shall return to a five-member council, including the
19 mayor, upon petition of at least five per centum of the
20 registered voters of the city or pursuant to a resolution of the
21 council, and after approval by a majority of electors voting at
22 the next municipal or general election. The referendum petition
23 or resolution shall be filed with the county board of elections
24 not later than the thirteenth Tuesday before the next municipal
25 or general election. The county board of elections shall place
26 the question before the electors as provided under the
27 Pennsylvania Election Code. The form of the question shall be as
28 follows:

29 Should this city return to a five-member council, comprised
30 of four council members and the mayor?

1 Yes No

2 (7) The county board of elections shall tabulate and publish
3 the results of the referendum within thirty days of the
4 election. In no event shall the question of reducing the seven-
5 member council be voted on more than once in any five-year
6 period.

(8) At the first municipal election following approval of the question providing for the return to a five-member council, to be comprised of four council members and the mayor, four council members shall be elected to serve from the first Monday of January after the election, when the terms of the six council members serving on the seven-member council shall cease. The four candidates receiving the highest number of votes for the office of council member shall be elected. The two candidates receiving the first and second highest number of votes shall serve for a term of four years. The two candidates receiving the third and fourth highest number of votes shall serve for a term of two years. After that time, council members shall be elected as provided in subsection (a).

20 Section 702. First Elections in Newly Created Cities.--(a)
21 At the first municipal election occurring at least ninety days
22 after the date of the letters patent issued by the Governor
23 incorporating [and] the city, the [qualified electors of such]
24 registered voters of the city shall elect [a mayor, a treasurer,
25 and a controller] city officials as set forth in section 701(a)
26 (1). [At such election, the electors of such city shall also
27 elect four councilmen.]

28 **(b)** The two candidates for [such office] council receiving
29 respectively the highest number of votes at [such] the election
30 shall serve for a term of four years from the first Monday of

1 January next succeeding their election until the first Monday of
2 January in the fourth year thereafter[, and the two candidates
3 at such election].

4 (c) The two candidates for council receiving the next
5 highest number of votes shall serve for a term of two years from
6 the first Monday of January next succeeding their election until
7 the first Monday of January in the second year thereafter.

8 Section 703. Nominations and Elections.--All matters
9 relating to nominations of candidates and election of city
10 officers shall be governed by the applicable provisions of the
11 Pennsylvania Election Code.

12 Section 704. Certificates of Election.--[Whenever an
13 election shall have been held for city officers, for regular
14 terms of service] Upon the election of city officers in
15 accordance with this article, it shall be the duty of the
16 [officer-elect to procure from the] county board of elections to
17 issue, and of the officer-elect to procure, a certificate of
18 election [as issued by the board, according to law, and to lay
19 the same before]. The officer-elect shall present the
20 certificate of elections to council on the date and time fixed
21 by law for [their] its organization[; and the said]. The
22 certificate shall be filed among the city archives, and its
23 presentation shall be noted in the minutes.

24 Section 21. Article VIII heading of the act is reenacted to
25 read:

26 ARTICLE VIII

27 VACANCIES IN OFFICE

28 Section 22. Section 801 of the act, amended August 21, 1953
29 (P.L.1292, No.364), is amended to read:

30 Section 801. Vacancies in Council and Office of Mayor.--[If

1 a vacancy exists in the city council, whether as to the office
2 of mayor or one or more of the other members of council, the
3 city council shall, by a majority of its remaining members, fill
4 such vacancy, within thirty days thereafter, by electing a
5 qualified person to serve until that first Monday of January
6 when his successor who shall have been elected by the qualified
7 electors at the next municipal election, occurring at least
8 thirty days after such vacancy exists, is duly sworn into office
9 for the remainder of the term of the person originally elected
10 to said office.

11 In case vacancies should exist whereby the offices of three
12 or four of the five members of the city council become vacant,
13 the remaining one or two members shall fill such vacancies, one
14 at a time, giving each new appointee such reasonable notice of
15 his appointment as will enable him to meet and act with the then
16 qualified member or members of the city council in making
17 further appointments until three members of city council have
18 been qualified, whereupon the said three members shall fill the
19 remaining vacancies at a meeting attended by the said three
20 members of said city council, such appointees to receive a
21 majority of the votes of the said three members present at any
22 such meeting. The person or persons selected to fill such
23 vacancy or vacancies shall hold their offices as herein
24 provided.

25 If, by reason of a tie vote, or otherwise, such vacancy shall
26 not have been filled by the remaining members of city council
27 within the time as limited herein, the court of common pleas,
28 upon the petition of ten or more qualified electors shall fill
29 such vacancy by the appointment of a qualified person, for the
30 portion of the unexpired term as above provided.

1 If at any time vacancies should occur or exist in the
2 membership of all five members of city council, the court of
3 common pleas shall appoint a city council, including a mayor, of
4 persons properly qualified, who shall serve as herein provided.]

5 (a) Within thirty days of a vacancy in the office of mayor or
6 other member of city council, or if an elected mayor or council
7 member has failed to qualify pursuant to section 701 prior to
8 taking office, the council shall, by a majority of its remaining
9 members, appoint a qualified person to fill the vacant office.

10 (b) If council does not fill a vacancy within thirty days in
11 accordance with subsection (a), or if vacancies should exist in
12 the offices of a majority or more of the members of the city
13 council, including the position of mayor, the president judge of
14 the court of common pleas having jurisdiction within the city
15 shall fill the vacancy or vacancies upon either the petition of
16 ten or more qualified electors of the city or the petition of a
17 majority of the remaining members of council.

18 (c) A person appointed under subsection (a) or (b) shall
19 serve for the lesser of the following periods:

20 (1) The remainder of the unexpired term of the office to
21 which he or she is appointed.

22 (2) Until the first Monday of January after the next
23 municipal election occurring at least thirty days after the
24 vacancy occurred.

25 (d) If necessary to fill the unexpired term of the person
26 originally elected to an office that has become vacant, a person
27 shall be elected at the municipal election referred to in
28 subsection (c) to serve from the first Monday of January after
29 that election for the remainder of the unexpired term.

30 Section 23. Section 802 of the act, amended May 6, 1957

1 (P.L.104, No.45), is amended to read:

2 Section 802. Vacancy in Office of Controller or of
3 Treasurer.--[If a vacancy occurs in the office of city
4 controller or in the office of city treasurer, the city council
5 shall fill such vacancy, within thirty days thereafter, by
6 choosing a city controller or a city treasurer, as the case may
7 be, to serve until his successor is elected by the qualified
8 electors at the next municipal election, occurring at least two
9 hundred days after such vacancy occurs, and is duly sworn into
10 office. The person so elected shall serve for the remainder of
11 the term of the person originally elected to such office.

12 If by reason of a tie vote or otherwise, such vacancy shall
13 not have been filled by the members of city council within the
14 time as limited herein, the court of common pleas upon the
15 petition of ten or more qualified electors shall fill such
16 vacancy by the appointment of a qualified person for the portion
17 of the unexpired term as above provided.] (a) Within thirty
18 days after a vacancy occurs in the office of city controller or
19 in the office of city treasurer, or if an elected city
20 controller or city treasurer has failed to qualify pursuant to
21 section 701 prior to taking office, the council shall appoint a
22 qualified person to fill the vacant office.

23 (b) If council does not fill a vacancy within thirty days in
24 accordance with subsection (a), the president judge of the court
25 of common pleas having jurisdiction within the city shall fill
26 the vacancy upon the petition of ten or more registered voters
27 of the city.

28 (c) A person appointed under subsection (a) or (b) shall
29 serve for the lesser of the following periods:

30 (1) For the remainder of the unexpired term of the

1 controller or treasurer whose office has become vacant.

2 (2) Until the first Monday of January after the next
3 municipal election occurring at least two hundred days after
4 such vacancy occurs.

5 (d) If necessary to fill the unexpired term of the
6 controller or treasurer whose office has become vacant, a person
7 shall be elected at the municipal election referred to in
8 subsection (c) to serve from the first Monday of January after
9 that election for the remainder of the unexpired term.

10 (e) In any case in which a person is elected or appointed to
11 fill an office for which a bond is required and if, within
12 fourteen days of the date that person is scheduled to take the
13 oath of office at the organizational meeting of council, he or
14 she fails to post a bond, the office shall be deemed to be
15 vacant and the resulting vacancy shall be filled in the manner
16 provided by this act.

17 Section 24. Article IX heading of the act is reenacted to
18 read:

19 ARTICLE IX

20 GENERAL PROVISIONS RELATING TO CITY

21 OFFICERS AND EMPLOYEES

22 Section 25. Sections 901, 902, 903, 904, 905, 906, 907, 908
23 and 909 of the act are amended to read:

24 Section 901. Appointment and Removal of Officers and
25 Employees; Removal from Elective Office; Employees Not to Hold
26 Elective Office.--(a) Council shall have the power of
27 appointment and dismissal of all city officers and employes,
28 other than elected officers, and shall provide for the removal
29 of officers of the city whose offices are established by
30 ordinance, except where otherwise provided by this act.

1 (b) In the case of persons holding an elective city office,
2 whether elected thereto or duly appointed to fill a vacancy in
3 the elective office, the following shall apply:

4 (1) They shall be removed from office in accordance with the
5 Constitution of this Commonwealth, as follows:

6 (i) By impeachment;

7 (ii) By the Governor for reasonable cause after due notice
8 and full hearing on the advice of two-thirds of the Senate; or

9 (iii) Upon conviction of misbehavior in office, or of any
10 infamous crime.

11 (2) Provisions of this act or other provisions of law
12 requiring a forfeiture of office upon the conviction of a crime
13 shall apply only if the court determines that the conviction is
14 for misbehavior in office or for an infamous crime.

15 (3) Nothing in this section shall prevent title to elected
16 city offices from being tried by proceedings of quo warranto as
17 provided by law.

18 (c) In the case of persons who are appointees to city
19 offices or positions, other than to elective offices, the
20 following shall apply:

21 (1) They may be removed by the appointing power, except as
22 limited by law or the constitution.

23 (2) They shall be removed on conviction of misbehavior in
24 office or of any infamous crime.

25 (d) Except as otherwise provided by law, a person may not
26 concurrently hold elective city office and be an employe of the
27 same city.

28 Section 902. Officers and Employes; Number; Duties;
29 Compensation.--[Council shall] (a) Except as otherwise provided
30 by this act, council may prescribe, by ordinance, the number,

duties, and compensation of the officers and employes of the city. [No payment of such compensation shall be made from the city treasury or be in any way authorized, to any person except an officer or employe elected or appointed in pursuance of law. No ordinance shall be passed giving any extra compensation to any officer, servant, employe or contractor, without previous authority of law.]

(b) With regard to compensation paid to any officer or employe of the city, the following shall apply:

(1) No payment shall be authorized from the city treasury to any officer or employe of the city unless that officer or employe has been elected or appointed in accordance with law.

(2) Unless previously authorized by law, no ordinance shall give extra compensation to any officer or employe of the city.

(c) Any officer drawing or countersigning any [warrant] document authorizing payment, or passing or paying any voucher contrary to this section, shall be guilty of a misdemeanor[,] and, upon conviction thereof, shall [forfeit his office,] be subject to forfeiting his or her office in accordance with section 901(b) (2) and be sentenced to pay a fine not exceeding five thousand dollars, or to undergo imprisonment not exceeding one year, or both, at the discretion of the court.

Section 903. [Salaries of Officers not to be Increased After Election] Changes in Salary, Compensation and Emoluments of Officers.--(a) No city shall increase or diminish the salary, compensation, or emoluments of any elected officer after [his] the officer's election. Any change in salary, compensation or emoluments of the elected office shall become effective at the beginning of the next term of the member of council or other elected official.

1 (b) Nothing in subsection (a) shall be construed to limit
2 retirement benefits applicable to all employees and officers.

3 Section 904. Offices to be Held until Qualification of
4 Successors.--Any officer of any city, who has been elected or
5 appointed and has qualified, shall hold [said] office until his
6 or her successor is elected or appointed and [duly qualifies.]
7 takes the oath of office, provides any necessary bond and takes
8 any other necessary actions required by law to qualify to assume
9 office. Should any elected official fail to appear at the
10 organizational meeting of the city council to demonstrate his or
11 her qualifications for office and to take the oath of office,
12 such official shall fully qualify for office and shall take the
13 oath of office within fourteen days of the date of the
14 organizational meeting of the council or the office of that
15 elected official shall be deemed to be vacant and the vacancy
16 shall be filled in the manner provided by this act. When the
17 terms of office of more than one council at-large member expire,
18 and more than one seated council member are to be replaced as
19 the result of an election, and only one of the newly elected
20 council members fails to qualify to assume office, those members
21 whose terms have expired and who are to be replaced shall draw
22 lots to determine which of them shall continue to serve on
23 council until his or her successor duly qualifies for and takes
24 the oath of office. No person continuing to hold office pursuant
25 to this section after the first Monday of January which would
26 have marked the end of his or her term shall participate in the
27 deliberations concerning or in any vote appointing his or her
28 successor.

29 Section 905. Oath of Office; Violation of Oath; Penalty.--
30 (a) All officers of the city, whether elected or appointed,

1 shall, before entering upon their respective duties, take and
2 subscribe [the oath prescribed by section 1 of article VII of
3 the Constitution of this Commonwealth. Any person refusing to
4 take such oath shall forfeit his office. Any person guilty of a
5 violation of his oath shall be guilty of a misdemeanor, and,
6 upon conviction, shall forfeit his office, and be sentenced to
7 pay a fine not exceeding one thousand dollars, or to undergo an
8 imprisonment not exceeding one year, or both, at the discretion
9 of the court.] an oath or affirmation of office pursuant to 53
10 Pa.C.S. § 1141 (relating to form of oaths of office).

11 (b) Any person refusing to take the oath shall be deemed not
12 to have met the qualifications to hold office. Any person who
13 violates his or her oath shall be guilty of a misdemeanor, and
14 upon conviction thereof, shall be sentenced to pay a fine not
15 exceeding one thousand dollars or to undergo imprisonment not
16 exceeding one year, or both, at the discretion of the court, and
17 shall be subject to forfeiting his or her office in accordance
18 with section 901.

19 Section 906. Bond to be Given by Officers and Agents.--
20 [Council] In addition to the requirements for bonding that may
21 be imposed by this act or any other law, council may require
22 from all officers and agents of the city, elected or appointed,
23 lawful bonds with corporate sureties for the faithful
24 performance of their duties. No officer or agent required by law
25 or ordinance to give bond, as aforesaid, shall be sworn into
26 office or enter upon the duties thereof until such bond shall
27 have been duly approved by the proper authority.

28 Section 907. Surety Bonds; [Premiums.--When any officer or
29 employe of any city is required to give a bond for the faithful
30 performance of this duties, such bond shall be endorsed by a

1 surety company, and the city shall pay the premium on such bond.
2 The bonds of city officers and employes hereafter given shall be
3 with corporate sureties and not with individual or personal
4 sureties.] Insurance; Premiums.--(a) Unless otherwise provided
5 by this act or any other provision of law, the following shall
6 apply when any elected or appointed officer or employe of any
7 city is required to give a bond:

8 (1) The bond shall be for the faithful performance of the
9 duties of the elected or appointed officer or employe.

10 (2) The bond shall be endorsed by a surety or other company
11 authorized by law to act as a surety and that is qualified to do
12 business in this Commonwealth.

13 (3) The bonds of elected or appointed officers and employes
14 shall be with corporate sureties and not with individual or
15 personal sureties.

16 (4) The city shall pay the premium on the bond, unless all
17 or a portion of the premium on the bond is to be paid by the
18 Commonwealth or political subdivisions other than the city, or
19 unless provisions are otherwise made in law for payment of the
20 premium on the bond, in which case the city shall pay the unpaid
21 portion of the premium.

22 (5) The bond shall be approved by the city solicitor.

23 (6) In addition to any other conditions required by law, the
24 bond shall be in such sum and with such conditions as council
25 may direct.

26 (b) Except as may be otherwise provided in section 1402,
27 when any elected or appointed officer or employe of any city is
28 required to give a bond for the faithful performance of his or
29 her duties, council may, in lieu of the bond, purchase one or
30 more blanket bonds for elected or appointed officers or employes

1 or it may purchase insurance provided that the insurance covers
2 the same events of loss and insures the city against the same
3 misconduct as the bond in compliance with this act.

4 (c) In addition to any bond required by this act for the
5 faithful performance of official duties by any elected or
6 appointed officer or employe of any city or any insurance in
7 lieu of the bond, council may require city officers or employes
8 who as part of their official duties handle money or have money
9 in their possession at any time to be covered by adequate
10 insurance which provides the types of protection against loss as
11 may be designated by council, which may include, but need not be
12 limited to, protection against loss through robbery, burglary or
13 larceny. The cost of the insurance shall be paid by the city and
14 the amount of the insurance shall be fixed by council.

15 Section 908. Officers not to Become Surety on Bonds Given to
16 City; Penalty.--No member of the council, or any other city
17 officer, shall become surety [in] on any bond or obligation
18 given to the city by any agent or contractor[,] for the faithful
19 performance of any trust, agency, or contract. Any person
20 violating any of the provisions of this section shall be guilty
21 of a misdemeanor[,] and, upon conviction, shall [forfeit] be
22 subject to forfeiting his or her office in accordance with
23 section 901 and be sentenced to pay a fine not exceeding one
24 hundred dollars.

25 Section 909. Moneys and Accounts to be Delivered by Officer
26 to Successor.--Every officer of the city receiving or having in
27 his or her possession any money, accounts, property, documents
28 or effects belonging to the city shall, upon termination of his
29 or her office, deliver the same to the city or to his or her
30 qualified successor. Any person violating the provisions of this

1 section shall[, upon summary conviction thereof before an
2 alderman or justice of the peace, be sentenced to pay a fine of
3 not less than one hundred dollars or more than three hundred
4 dollars, and, in default of payment, undergo imprisonment not
5 exceeding ninety days. Such failure to deliver shall, for each
6 day thereof, be a separate and distinct offense.] be subject to
7 prosecution in accordance with the applicable provisions of 18
8 Pa.C.S. (relating to crimes and offenses). Nothing set forth in
9 this section may limit any other remedies at law or at equity
10 available to the city.

11 Section 26. Sections 910, 911, 912, 913, 914 and 915 of the
12 act are repealed:

13 [Section 910. Receipt of Bribe by Officer or Employee of
14 City; Penalty.--Any member of council, or other city officer or
15 employe, who shall solicit, demand, or receive, or consent to
16 receive, directly or indirectly, for himself or for another,
17 from any company, corporation, or persons, any moneys, office,
18 appointment, employment, testimonial, reward, thing of value or
19 enjoyment or of personal advantage, or promise thereof, for his
20 vote or official influence, or for withholding the same, or with
21 an understanding, expressed or implied, that his vote or
22 official action shall be in any way influenced thereby, or who
23 shall solicit or demand such money or other advantage, matter,
24 or thing, aforesaid, for another, as the consideration of his
25 vote or official influence, or for withholding the same, or who
26 shall give or withhold his vote or influence in consideration of
27 the payment or promise of such money, advantage, or thing to
28 another, shall be guilty of bribery, a felony, and, upon
29 conviction thereof, shall be sentenced to pay a fine not
30 exceeding ten thousand dollars, and to undergo imprisonment for

1 a period not exceeding five years, and shall be forever
2 incapable of holding any place of profit or trust in this
3 Commonwealth.

4 Section 911. Bribery of Officers or Employees; Penalty.--Any
5 person who shall, directly or indirectly, offer, give, or
6 promise any money or anything of value, testimonial, privilege,
7 or personal advantage to any member of council or other city
8 officer or employe, to influence him in the performance or
9 nonperformance of any of his public or official duties, shall be
10 guilty of bribery, and, upon conviction thereof, shall be
11 sentenced to pay a fine not exceeding ten thousand dollars, and
12 to undergo imprisonment for a period not exceeding five years,
13 and shall be forever incapable of holding any place of profit or
14 trust in this Commonwealth.

15 Section 912. City Property not to be Used by Officers for
16 Gain; Penalty.--No portion of the property of the city shall be
17 used for private gain by any officer of the city, councilman,
18 agent or employe of said city, or any department thereof; nor
19 shall the same be wilfully used or injured, or be sold or
20 disposed of in any manner by any officer, councilman, agent or
21 employe, without the consent of the council. Any person
22 violating any of the provisions of this section shall be guilty
23 of a misdemeanor, and, upon conviction, shall be sentenced to
24 pay a fine not exceeding five hundred dollars, or to undergo
25 imprisonment not exceeding one year, or both, at the discretion
26 of the court. Upon such conviction, the party offending shall be
27 forthwith removed from his office or employment, and shall not
28 thereafter be eligible to election or appointment to any place
29 of profit or trust under said city, or any department thereof.

30 Section 913. City not to Engage in Private Construction.--No

1 official, officer, agent or employe of any city or of any
2 department, office, institution or agency thereof, shall dispose
3 of, or authorize or permit the disposal of, any services,
4 materials, supplies or labor belonging to, or paid or contracted
5 for by, the city or any of its departments, offices,
6 institutions or agencies, in any building, installing, laying or
7 other work of construction of any manner of thing, whether
8 gratuitously or for a consideration, for private rather than
9 public benefit, within or without the city's boundaries, unless
10 such disposal is expressly or by necessary implication
11 authorized or required by law. This section is intended to
12 prohibit encroachment of officials, officers, agents or employes
13 of a city upon the markets of legitimate private enterprise
14 engaged in all types of construction work. Any official,
15 officer, agent or employe of a city or any department, office,
16 institution or agency thereof, violating the provisions of this
17 section, shall, upon summary conviction thereof, forfeit and pay
18 to the city a fine of not less than one hundred nor more than
19 three hundred dollars for each such offense, or in default
20 thereof undergo imprisonment for not more than ninety days; and
21 each day's violation shall constitute a separate and distinct
22 offense.

23 Section 914. Warrants or Claims not to be Purchased by
24 Officers; Penalty.--No member of the council or other officer of
25 such city, shall purchase any warrant, order, or claim for labor
26 or supplies furnished to said city, nor be interested, directly
27 or indirectly, in the purchase of the same for any sum less than
28 the amount specified therein. Any such person violating any of
29 the provisions of this section shall be guilty of a misdemeanor,
30 and, upon conviction thereof, shall forfeit his office and be

1 sentenced to pay a fine not exceeding one hundred dollars.

2 Section 915. Imposition of Penalties.--Whenever any offense
3 punishable under this article IX shall also be punishable under
4 the Penal Code of 1939, the penalties imposed, other than
5 forfeiture of office or right to hold office, shall be only
6 those prescribed by said Penal Code.]

7 Section 27. Section 916 of the act, amended September 26,
8 1951 (P.L.1515, No.379), is amended to read:

9 Section 916. [City Leagues] Pennsylvania League of Cities
10 and Municipalities and Other Municipal Affairs Organizations.--
11 Any city may unite with other cities, or with the cities of two
12 or more classes, or with any other municipalities, and may form
13 and organize [leagues] a league of said cities[,] and
14 municipalities and hold annual conventions for the study and
15 consideration of such municipal affairs as concern and pertain
16 to the cities and municipalities comprising the league. [Each] A
17 city that is a member of [a] the league may send delegates
18 thereto and pay the necessary expenses incident to their
19 attending [said] the annual convention, [and] pay dues to the
20 league, appropriate moneys to join and participate in any of the
21 various business and training programs of the league designed to
22 address municipal needs in a cost-efficient manner and provide a
23 fund for the necessary costs and expenses of the league and
24 league conventions and the work carried on by [said] the league.
25 Each delegate shall submit to the city controller for approval
26 an itemized account of his or her expenses to be paid [him]
27 under the authority of this section. Council is hereby
28 authorized to appropriate [monies] moneys for like support of
29 and participation in other organizations at the national and
30 State level concerned with municipal affairs.

Section 28. Section 917 of the act is amended to read:

Section 917. Powers of Subpoena; Compelling Testimony.--[In any case where an official or officer of the city or any agency thereof created or authorized by this act is specifically empowered to conduct hearings and investigations, such officer, official or agency] (a) This section applies to any of the following that are specifically empowered to conduct hearings and investigations:

(1) an officer or official of the city; or

(2) a city agency created or authorized to be created by this act.

(b) The officer, official or city agency referred to in subsection (a) shall have authority, for the purposes of [such] hearings or investigations, to issue subpoenas for the attendance and giving of testimony of [such] witnesses as are subject to the subpoenas of the courts of record of this Commonwealth, and to issue subpoenas duces tecum as to [such] the witnesses.

(c) In the case of [any] a city agency, [such] the subpoenas shall [issue] be issued in the name of the city and of the agency upon the signature of the presiding officer [thereof] of the city and the official seal, if any, of the agency. [Any person refusing to obey the orders of any such subpoena shall, upon summary conviction thereof before an alderman of the city, be fined not less than ten nor more than three hundred dollars, and in default of payment thereof shall be imprisoned for a period not in excess of thirty days. All such fines shall be paid to the city treasurer for the use of the city.]

(d) Subpoenas shall be served by any adult person as directed by the city or city agency, in accordance with the

1 rules of civil procedure, and return of service shall be filed
2 in accordance with law and applicable rules of court.

3 (e) Subpoenas issued by any officer or official of the city
4 or any city agency shall be enforced in the same manner, and
5 violations of a subpoena shall be subject to the same penalties
6 as provided by general law for subpoenas of the courts of common
7 pleas of the Commonwealth.

8 Section 29. Section 918 of the act, added August 1, 1963
9 (P.L.459, No.244), is amended to read:

10 Section 918. Consolidation or Integration of Fire and Police
11 Personnel Prohibited.--No city shall consolidate, integrate or
12 in any manner reorganize the paid members of the fire [bureau]
13 force and the paid members of the police [bureau] force into one
14 bureau or organization.

15 Section 30. The act is amended by adding a section to read:

16 Section 919. Limitation Upon Employee Witnesses.--A city may
17 regulate the circumstances under which a city police officer,
18 firefighter, engineer, housing inspector, building inspector or
19 other employee may provide expert testimony in a civil action or
20 proceeding to which the city is not a party if the transaction
21 giving rise to the action or proceeding occurred within the city
22 and the employee's knowledge of the facts giving rise to the
23 action or proceeding was acquired in the course of the employee's
24 performance of his or her job-related duties for the city.

25 Section 31. Article X and subdivision (a) headings of the
26 act are reenacted to read:

27 ARTICLE X

28 THE COUNCIL

29 (a) General Provisions

30 Section 32. Section 1001 of the act, amended July 27, 1973

1 (P.L.230, No.60), is amended to read:

2 Section 1001. Qualifications of [Councilmen.--The
3 councilmen] Council Members.--(a) The council members shall be
4 at least [twenty-one] eighteen years of age[,] and shall be
5 elected by the electors at large[. They shall have been
6 residents of the city wherein they shall be elected throughout
7 one year next before their election, and shall reside therein
8 throughout their terms of service.], subject to the creation of
9 wards pursuant to Article IV.

10 (b) Council members shall reside in the city from which
11 elected and shall have resided in the city continuously for at
12 least one year before their election. Prior to being sworn in to
13 office and as a condition to qualifying for office, each elected
14 council member shall present a signed affidavit to the city
15 clerk that states the person resides in the city from which
16 elected and has resided in the city continuously for at least
17 one year preceding the person's election.

18 (c) No officer of the United States or of the Commonwealth
19 of Pennsylvania (except notaries public or officers of the
20 militia), nor any county officer, nor any officer of any school
21 district embraced in the territory of [said] the city, nor any
22 officer or employe of [said] the city, or of any department
23 [thereof, nor any member or employe of a municipality authority
24 of which the city is a member] of the city, shall serve as a
25 [councilman during his continuance or] council member while
26 continuing to hold the incompatible office or employment, except
27 as hereinafter provided.

28 Section 33. Section 1002 of the act is amended to read:

29 Section 1002. Vesting of Legislative Power.--The legislative
30 power of every city shall be vested in a council composed of the

1 mayor and [four councilmen] council members.

2 Section 34. Section 1003 of the act, amended April 9, 1957
3 (P.L.53, No.27), is amended to read:

4 Section 1003. Organization of Council.--[The] On the first
5 Monday of January following the regular municipal election, the
6 members of council shall assemble [in their] at the usual place
7 of meeting[,] for the purpose of organizing[, at ten o'clock in
8 the forenoon of the first Monday of January next succeeding the
9 regular municipal election]. If the first Monday is a legal
10 holiday, the meeting shall be held the first day following [at
11 the time herein prescribed]. The mayor shall be the president of
12 the council, and a member [thereof] of the council, and shall
13 have the same rights and duties, including the introduction of
14 bills and the making of motions, as pertain to [councilmen.]
15 other council members. The vice president of city council shall
16 be the member of city council designated as the director of the
17 department of accounts and finance or, if a member of city
18 council is not the director of that department, the member of
19 council appointed by the council as its vice president.

20 Section 35. Sections 1004 and 1005 of the act are amended to
21 read:

22 Section 1004. Oath of [Councilmen] Council Members; Quorum;
23 Rules.--(a) The members of council shall take the oath of
24 office provided for [by this act, which oath may be administered
25 by the city clerk or any other person authorized to administer
26 oaths. Three] in section 905.

27 (b) A majority of the whole number of members of council
28 shall constitute a quorum, but a smaller number may compel the
29 attendance of absent members, under penalties to be prescribed
30 by ordinance. Only members physically present at a meeting place

1 within the city shall be counted in establishing a quorum.

2 (c) The council may, consistent with law, determine [its own
3 rules] and adopt rules for its procedure and conduct of
4 business.

5 Section 1005. Meetings of Council; Notice; Participation by

6 Telecommunication Device.--(a) The council shall hold stated

7 meetings at least once in each month, and at such other times as

8 may be fixed by ordinance, and continue them so long as the

9 transaction of the public business demands. The mayor [may, and

10 upon request of two councilmen must, call special meetings of

11 council upon], as president of council, may call special

12 meetings of council. A special meeting of council shall be

13 called by the mayor upon the request of two council members in

14 the case of a five-member council, or upon the request of three

15 council members in the case of a seven-member council. In

16 addition to any notice required by 65 Pa.C.S. Ch. 7 (relating to

17 open meetings), twenty-four hours' notice of a special meeting

18 shall be given to each member[, which notice shall state whether

19 such meeting is to be convened for special or general business.

20 If called for special business, only such business shall be

21 considered as is stated in the notice. Such notice may be waived

22 by unanimous consent of council]. A special meeting can be a

23 special purpose meeting or a general purpose meeting, as

24 advertised.

25 (b) Council may provide for the participation of council

26 members in meetings of council by means of telecommunication

27 devices, such as telephones or computer terminals, which permit,

28 at a minimum, audio communication between locations, provided

29 that:

30 (1) a majority of the whole number of members of council are

1 physically present at the advertised meeting place within the
2 city;

3 (2) the telecommunication device used permits the member of
4 council not physically present at the meeting to hear the
5 comments of and speak to the other members of council and of the
6 general public who are physically present;

7 (3) the telecommunication device used permits members of
8 council and the members of the public who are physically present
9 at the meeting to speak to and hear the comments and vote, if
10 any, of the member of council who is not physically present at
11 the meeting; and

12 nothing in this subsection may be construed to limit the
13 protections and prohibitions contained in section 202 of the
14 Americans with Disabilities Act of 1990 (Public Law 101-336, 104
15 Stat. 327), and the Federal rules and regulations adopted in
16 implementation of that act.

17 (c) All meetings of council, whether regular or special,
18 shall be open to the public. The council shall be a continuous
19 body, and it shall be lawful for any council to complete any
20 unfinished business or legislation begun by the preceding
21 council.

22 Section 36. Sections 1006, 1007, 1008, 1009, 1010 and 1011
23 of the act are repealed:

24 [Section 1006. Ordinances; Resolutions; Rules and
25 Regulations; Imposition of Fines.--The council of every city
26 shall pass ordinances, resolutions, rules and regulations in
27 accordance with the provisions of this act, and not inconsistent
28 therewith, as may be necessary to carry into effect the
29 requirements thereof, and may impose fines and penalties for the
30 violation of such ordinances, rules and regulations, recoverable

1 in the manner hereinafter provided for the recovery of fines and
2 penalties for the violation of city ordinances and subject to
3 like limitations as to the amount thereof.

4 Section 1007. Voting; No Veto; Vote Necessary to Pass
5 Ordinance.--Each of the five members of council, shall vote on
6 all questions coming before the council, except as hereafter
7 provided. The mayor shall have no right of veto. Except as
8 otherwise provided in this act, an affirmative vote of three
9 members shall be necessary in order to pass any ordinance,
10 resolution, rule or regulation.

11 Section 1008. Journal of Proceedings; Recording and
12 Withholding of Vote.--The council shall keep a journal of its
13 proceedings, which shall be in the possession of the city clerk,
14 and which shall at all times be open to public inspection. Upon
15 every vote, the yeas and nays shall be called and recorded by
16 the city clerk. Every motion, resolution, or ordinance shall be
17 reduced to writing before the vote is taken thereon. No member
18 in attendance shall withhold his vote on any measure, bill or
19 question unless the council excuse him and enter the reason upon
20 the journal.

21 Section 1009. Disclosures of Interest by Councilman.--A
22 member who has a personal or private interest in any question,
23 measure or bill proposed or pending before the council shall
24 disclose the fact to council, and shall not vote thereon, nor
25 take any part in the discussion of the same. If such interested
26 person shall vote without disclosing his interest in such
27 question, measure or bill, he shall forfeit his office, and
28 council may avoid the enactment or transaction or not, as it
29 deems best.

30 Section 1010. Ordinances and Resolutions; Signing by Mayor

1 and City Clerk.--Every legislative act of the council shall be
2 by resolution or ordinance, and every ordinance which shall have
3 passed said council shall be signed by the mayor and attested by
4 the city clerk.

5 Section 1011. Bills; Titles.--All proposed ordinances shall
6 be presented to council in written form as bills and shall be
7 numbered serially for the calendar year. They shall not be so
8 altered or amended on their passage through council as to change
9 their original purpose. No ordinances, except general
10 appropriation ordinances, shall be passed containing more than
11 one subject, which shall be expressed in its title.]

12 Section 36.1. Section 1012 of the act, amended July 30, 1975
13 (P.L.130, No.64), is repealed:

14 [Section 1012. Reading of Bills; Final Passage.--The title
15 of every bill shall be read when introduced and on final
16 passage, except as to amendments or other changes which shall be
17 read at length. A complete copy of every bill introduced shall
18 be available for public inspection at the clerk's office during
19 regular office hours. No bill shall be passed finally on the
20 same day on which it was introduced. At least three days shall
21 intervene between its introduction and its final passage. Upon
22 final passage, ordinances shall be numbered serially.]

23 Section 36.2. Section 1013 of the act is repealed:

24 [Section 1013. Payments not Authorized by Law.--No ordinance
25 shall be passed providing for the payment of any money by the
26 city without previous authority of law. Any officer drawing or
27 countersigning any warrant or passing any voucher for a payment
28 not authorized by law, or making such payment, shall be guilty
29 of a misdemeanor, and, upon conviction thereof, shall be
30 sentenced to pay a fine not exceeding five thousand dollars, and

1 undergo imprisonment not exceeding one year.]

2 Section 36.3. Section 1014 of the act, amended December 1,
3 1977 (P.L.242, No.78), is repealed:

4 [Section 1014. Time of Taking Effect of Ordinances;
5 Publication; Recording; Proof and Evidence; Notice of Building,
6 Housing, Fire Prevention, Electrical, Plumbing and Zoning
7 Ordinances and Other Standard or Nationally Recognized Codes,
8 Maps and Plans.--All ordinances shall, unless otherwise provided
9 therein or by law, take effect in ten days after their passage,
10 upon their being signed by the mayor and attested by the city
11 clerk. Every proposed ordinance, except as otherwise herein
12 provided, prescribing a penalty for the violation thereof shall
13 be forthwith published not more than sixty days nor less than
14 seven days prior to passage in at least one and not more than
15 two newspapers printed or circulated within the city, in the
16 manner provided by section one hundred and nine of this act.
17 Publication of any proposed ordinance shall include either the
18 full text thereof or the title and a brief summary prepared by
19 the city solicitor setting forth all the provisions in
20 reasonable detail and a reference to a place within the city
21 where copies of the proposed ordinance may be examined. If the
22 full text is not included a copy thereof shall be supplied to
23 the same newspaper of general circulation in the city at the
24 time the public notice is published. If the full text is not
25 included an attested copy thereof shall be filed in the county
26 law library or other county office designated by the county
27 commissioners who may impose a fee no greater than that
28 necessary to cover the actual costs of storing said ordinances.
29 In the event substantial amendments are made in the proposed
30 ordinance or resolution, before voting upon enactment, council

1 shall within ten days readvertise in one newspaper of general
2 circulation in the city, a brief summary setting forth all the
3 provisions in reasonable detail together with a summary of the
4 amendments. All ordinances shall, within one month after their
5 passage, be certified and recorded by the city clerk, in a book
6 provided by the city for that purpose, which shall be at all
7 times open to the inspection of citizens. Any and all city
8 ordinances, or portions thereof, the text of which, prior to the
9 effective date of this amending act, shall have been attached to
10 the city ordinance book, shall be considered in force just as if
11 such ordinances, or portions thereof, had been recorded directly
12 upon the pages of such ordinance book: Provided, That all other
13 requirements of this act applicable to the enactment, approval,
14 advertising and recording of such ordinance, or portions
15 thereof, were complied with within the time prescribed by this
16 act. All ordinances, resolutions, motions or other proceedings
17 of council may be proved by the certificate of the city clerk
18 under the corporate seal, and when printed or published in book
19 or pamphlet form by authority of the city, shall be read and
20 received as evidence in all courts and elsewhere without further
21 proof. At least one week and not more than three weeks prior to
22 the first reading of any proposed building code, ordinance,
23 housing code, ordinance, fire prevention code, ordinance,
24 electrical code, ordinance, plumbing code, ordinance, or zoning
25 ordinance, or any standard or nationally recognized code,
26 ordinance, or any changes or variations of any standard or
27 nationally recognized code, or parts thereof, by council, an
28 informative notice of intention to consider such ordinance and a
29 brief summary setting forth the principal provisions of the
30 proposed ordinance in such reasonable detail as will give

1 adequate notice of its contents, and a reference to the place or
2 places within the city where copies of the proposed building
3 code, housing code, fire prevention code, electrical code,
4 plumbing code, or zoning ordinance or any standard or nationally
5 recognized code may be examined or obtained, shall be published
6 in the manner herein provided for the publication of ordinances.
7 Such building code, ordinance, housing code, ordinance, fire
8 prevention code, ordinance, electrical code, ordinance, plumbing
9 code, ordinance, or zoning ordinance or any standard or
10 nationally recognized code, ordinance, shall not be published
11 after adoption, but not less than three copies thereof shall be
12 made available for public inspection, and use during business
13 hours for at least three months after adoption, and printed
14 copies thereof shall be supplied upon demand, at cost. In any
15 case in which maps, plans or drawings of any kind are to be
16 adopted as part of an ordinance, council may, instead of
17 publishing the same as part of the ordinance, refer, in
18 publishing the ordinance or a summary thereof, to the place
19 where such maps, plans or drawings are on file and may be
20 examined.]

21 Section 36.4. Section 1014.1 of the act, added July 10, 1957
22 (P.L.631, No.340), is repealed:

23 [Section 1014.1. Codification of Ordinances.--(a) When a
24 city of the third class shall have caused to be prepared a
25 consolidation, codification or revision, containing minor
26 nonsubstantive changes of the general body of its ordinances,
27 the city council may adopt the consolidation, codification or
28 revision, containing minor nonsubstantive changes, as an
29 ordinance, in the same manner that is now prescribed by law for
30 the adoption of its ordinances except as hereinafter provided.

1 (b) A consolidation, codification or revision, containing
2 minor nonsubstantive changes of city ordinances, to be enacted
3 as a single ordinance, shall be introduced in the city council
4 at least thirty days before its final enactment and, at least
5 fifteen days before its final enactment, notice of the
6 introduction thereof specifying its general nature and content
7 shall be given by advertisement in a newspaper of general
8 circulation in the city.

9 (c) When the consolidation, codification or revision,
10 containing minor nonsubstantive changes, is enacted as an
11 ordinance, it shall not be necessary to advertise the entire
12 text thereof, but it shall be sufficient to publish or advertise
13 the table of contents thereof in the manner provided by law for
14 the advertising of ordinances, and to state in the advertisement
15 if it be the case that the consolidation, codification or
16 revision, containing minor nonsubstantive changes, contains a
17 penalty or penalties. The advertisement shall indicate a place
18 within the city where a copy thereof may be examined.

19 (d) The procedure set forth in this section for the
20 consolidation, codification or revision, containing minor
21 nonsubstantive changes of city ordinances as a single ordinance,
22 may also be followed in enacting a complete group or body of
23 ordinances repealing or amending existing ordinances as may be
24 necessary in the course of preparing a consolidation,
25 codification or revision containing minor nonsubstantive changes
26 of the city ordinances.

27 (e) The consolidation, codification or revision, containing
28 minor nonsubstantive changes, may contain matter which, when it
29 becomes effective as an ordinance, will operate to adopt by
30 reference any building, fire prevention or other standard or

1 model code or zoning ordinance and zoning map.]

2 Section 37. Section 1015 of the act is amended to read:

3 Section 1015. Attendance of Witnesses and Production of

4 Books Before Council or Committee [Thereof] of Council.--(a)

5 The council of any city may compel the attendance of

6 witnesses[,] and the production of books, papers, and other

7 evidence[,] at any meeting of the body or any committee

8 [thereof] of the council. For that purpose, subpoenas may

9 [issue] be issued, signed by the mayor or the [chairman]

10 chairperson of the committee, in any pending case of inquiry[,]

11 or investigation, [or impeachment,] and the [same] subpoenas may

12 be served and executed in any part of this Commonwealth. Any

13 member of council and the city clerk shall have power to

14 administer oaths to [such] the witnesses. If any witness shall

15 refuse to testify as to any fact within his or her knowledge, or

16 to produce any books or papers within his or her possession or

17 under his or her control[,] required to be used as evidence in

18 any such case, the city clerk shall [forthwith] report the facts

19 relating to [such] the refusal to the court of common pleas. All

20 questions arising upon [such] the refusal, and also upon any new

21 evidence[,] not included in [said] the clerk's report (which new

22 evidence may be offered in behalf of or against such witness),

23 shall at once be heard by [said] the court. If the court

24 determines that the testimony or evidence required by [such] the

25 witness is legal and properly competent[,] and ought to be given

26 or produced by [him] the witness, then [said] the court shall

27 make an order commanding [such] the witness to testify or

28 produce books or papers, or both, as the case may be. If [such]

29 the witness shall thereafter, in disobedience of [such] the

30 order of the court, refuse to testify or to produce the books or

papers[, as aforesaid], then the [said] court shall have power to order the commitment of [such] the witness for contempt.

(b) Any person[,] so called as a witness[,] and examined under oath[,] shall be liable to indictment, conviction[,] and punishment for perjury[,] in the same manner and to the same extent as if the witness had been called and examined before any committee of the Legislature, or in any judicial proceeding before any of the courts of record, in accordance with existing laws. [No] A person outside of [such] the city, subpoenaed [as aforesaid] under this section, shall be [required to respond to the same until he has been furnished with] entitled to be reimbursed for mileage to and from [said] the city[,] at the [rate of ten cents per mile] maximum mileage rate periodically established by the United States Internal Revenue Service, and a per diem allowance [of three dollars] as established by council for the person's time [his presence is desired] in [said] the city.

Section 38. Section 1016 of the act, amended May 11, 1959 (P.L.307, No.54), is amended to read:

Section 1016. Salaries.--[Councilmen] (a) Council members shall receive for their services during their term of service annual salaries, to be fixed by ordinance, payable in [monthly or semi-monthly instalments] regular installments. Councils may, by the ordinance fixing [said] the salaries, provide for the assessment and retention [therefrom] from the salaries of reasonable fines for absence from regular or special meetings of council or [councilmanic] committees of the council.

(b) As an alternative to the annual salary method for establishing the compensation payable to members of the city council, the council may provide that the members of council

will receive compensation on a per-meeting-attended basis,
provided that the compensation shall only be payable for duly
advertised public meetings in which a council member
participated. If council has provided that members of council
will receive compensation on a per-meeting basis, council may
provide for the forfeiture of up to one-twelfth of the annual
compensation of any council member or impose another appropriate
penalty for each unexcused absence from regularly scheduled
legislative council sessions.

(c) The salary paid to any [councilman] council member shall
[not be less than two hundred and fifty dollars per year.] be in
accordance with this subsection:

(1) For the term of city [councilmen] council members in
newly created cities, and until [thereafter] changed by
ordinance, [the salary of] each [councilman shall be] council
member may receive a salary as follows:

[In cities of fifteen thousand inhabitants or under by the
last United States census, each councilman shall receive a
salary of nine hundred dollars per annum; where said population
is between fifteen thousand and thirty thousand, one thousand
eight hundred dollars per annum; in cities having a population
above thirty thousand, three thousand six hundred dollars per
annum.]

(i) not more than one thousand eight hundred seventy-five
dollars per year in cities having a population of less than five
thousand;

(ii) not more than two thousand five hundred dollars per
year in cities having a population of five thousand or more, but
less than ten thousand;

(iii) not more than three thousand two hundred fifty dollars

per year in cities having a population of ten thousand or more,
but less than fifteen thousand;

(iv) not more than four thousand one hundred twenty-five
dollars per year in cities having a population of fifteen
thousand or more, but less than twenty-five thousand;

(v) not more than four thousand three hundred seventy-five
dollars per year in cities having a population of twenty-five
thousand or more, but less than thirty-five thousand; and

(vi) not more than five thousand dollars per year in cities
having a population of thirty-five thousand or more.

(2) The compensation to be received by [councilmen shall not
be increased or diminished after their election; but succeeding
councils may change all compensation, said change to take effect
as to councilmen taking office at least six months after the
passage of the ordinance providing for such change.] council
members and elected officials in cities other than newly created
cities shall be fixed by ordinance of council finally enacted at
least two days prior to the last day fixed by law for candidates
to withdraw their names from nominating petitions previous to
the day of the municipal election.

Section 39. The act is amended by adding a section to read:

Section 1016.1. Appointment of City Clerk.--(a) The council
of each city shall appoint a city clerk who shall be an at-will
employee with no property interest in his or her position and
whose compensation shall be fixed by ordinance.

(b) Council may by ordinance or resolution prescribe duties
of the city clerk in addition to those established by law. The
city clerk shall have the power of a notary public to administer
oaths in any matter pertaining to the business of the city or in
any legal proceeding in which it is interested.

1 (c) The records of council shall be in the actual or
2 constructive custody of the city clerk and shall be subject to
3 inspection and copying if permitted by the laws of the
4 Commonwealth governing open or public records generally.

5 Section 40. Section 1017 of the act, repealed in part April
6 28, 1978 (P.L.202, No.53), is repealed:

7 [Section 1017. Enforcement of Ordinances; Recovery and
8 Payment Over of Fines and Penalties.--All actions, prosecutions,
9 complaints, and proceedings for the violation of the ordinances
10 of the city, and for fines, penalties, and forfeitures imposed
11 thereby, shall be instituted in the corporate name of the city,
12 and be conducted in the manner prescribed by law.

13 No warrant shall be issued except upon complaint, upon oath
14 or affirmation, specifying the ordinance for the violation of
15 which the same is issued. All process shall be directed to and
16 be served by any policeman or constable of the city, who shall
17 execute the same as may be provided by law.

18 Warrants shall be returnable forthwith. Every summons shall
19 be returnable in not less than five nor more than eight days
20 from the date thereof. Upon such return, like proceedings shall
21 be had in all cases as are directed by law for summary
22 convictions, or proceedings for the recovery of penalties,
23 before justices of the peace, with the same right of appeal from
24 any final judgment entered.]

25 Section 40.1. Section 1018 of the act is repealed:

26 [Section 1018. Cost of Maintenance of Prisoners in County
27 Jails.--When a prisoner shall be committed to any county jail or
28 prison in this Commonwealth, either for the nonpayment of a fine
29 or penalty imposed for the violation of any city ordinance, or
30 while awaiting a hearing upon any charge for the violation of

1 any city ordinance, the cost of proceedings and the expenses of
2 maintaining such prisoner during his confinement by virtue of
3 any such commitment, shall be paid by the city, whose ordinances
4 were alleged to have been violated, or to which any such fines
5 or penalties are payable. The county in which such city is
6 located shall not be liable for any such maintenance, or to any
7 officer, magistrate, alderman, or person for any costs of such
8 proceedings.]

9 Section 41. Article X of the act is amended by adding a
10 subdivision to read:

11 (a.1) Ordinances

12 Section 1018.1. Ordinances and Resolutions.--(a) With
13 regard to ordinances, the following shall apply:

14 (1) The council of every city shall enact ordinances, in
15 accordance with the provisions of this act, as may be necessary
16 to carry out the requirements of this act and may impose fines
17 and penalties for the violation of the ordinances, recoverable
18 in the manner provided in this act for the recovery of fines and
19 penalties for the violation of city ordinances and subject to
20 limitations as to the amount of the fines and penalties.

21 (2) Every legislative act of the council shall be by
22 ordinance, and the legislative acts shall include, but not be
23 limited to, tax ordinances, general appropriation ordinances and
24 all ordinances that exercise the police power of the city,
25 regulate land use, development and subdivision, impose building,
26 plumbing, electrical, property maintenance, housing and similar
27 standards, and otherwise regulate the conduct of persons or
28 entities within the city and impose penalties for the violation
29 of the ordinances.

30 (3) A proposed ordinance may be introduced by any council

member, and council may require that the introduction of a proposed ordinance by a council member be by motion.

(b) With regard to resolutions, the following shall apply:

(1) The council of every city shall adopt resolutions in accordance with the provisions of this act.

(2) The purposes for which resolutions may be adopted shall include, but not be limited to, ceremonial or congratulatory expressions of the good will of the council, statements of public policy of the council, approval of formal agreements of the city, except when the agreements arise under a previously approved purchasing system of the city, approval of the acquisition, disposition and leasing of real property and the approval, when required, of administrative rules and regulations arising under State statutes or city ordinances.

Section 1018.2. Voting; No Veto; Vote Necessary to Enact Ordinances or Adopt Resolutions.--(a) Members of council present or participating via a telecommunication device shall vote on all questions coming before the council, except as may be required by the provisions of any public official ethics law which may from time to time be applicable to members of city council and except as may be excused by a simple majority vote of the members of council present at any meeting of the council for such cause as they may determine to be appropriate and which cause shall be entered upon the journal.

(b) The mayor shall have no right of veto.

(c) Except as otherwise provided in this act, no ordinance may be enacted or resolution adopted by the council without an affirmative vote of a majority of the whole number of the members of council.

Section 1018.3. Journal of Proceedings; Recording and

Withholding of Vote.--The council shall keep a journal of its proceedings, which shall be in the possession of the city clerk and which shall at all times be open to public inspection. Upon every vote, the yeas and nays shall be called and recorded by the city clerk. An ordinance shall and a resolution may be reduced to writing before the vote is taken on the ordinance or resolution. A member of council shall not withhold his or her vote on any question coming before the council, unless permitted to do so in accordance with section 1018.2(a).

Section 1018.4. Signing and Attesting Ordinances.--Every legislative act of the council shall be by ordinance, and every ordinance enacted by council shall be signed by the mayor and attested by the city clerk.

Section 1018.5. Proposed Ordinances; Titles.--All proposed ordinances shall be presented to council in written form as bills and shall be numbered serially for the calendar year. No ordinances, except general appropriation ordinances, may be enacted containing more than one subject, which shall be reasonably identified in its title. No ordinance shall be so altered or amended upon enactment by council as to change the original purpose. The title of an ordinance shall not be considered in the construction or interpretation of the ordinance by a court of competent jurisdiction.

Section 1018.6. Reading of Proposed Ordinances; Final Enactment.--(a) The title of every proposed ordinance shall be read at least twice, once when introduced and again before final enactment by council except as to amendments or other changes to the proposed ordinance, which shall be read at length.

(b) A complete copy of every ordinance introduced shall be available for public inspection at the clerk's office during

1 regular office hours.

2 (c) No ordinance shall be finally enacted by council on the
3 same day on which it was introduced, and at least three days
4 shall intervene between its introduction and its final enactment
5 by council.

6 (d) Upon enactment, ordinances shall be numbered serially.

7 Section 1018.7. Payments not Authorized by Law.--No
8 ordinance may be enacted or resolution be adopted providing for
9 the payment of any money by the city without previous authority
10 of law. Any officer executing a document authorizing payment or
11 passing a voucher for a payment not authorized by law, or making
12 the payment, shall upon conviction be guilty of a misdemeanor
13 and subject to punishment in accordance with the applicable
14 provisions of 18 Pa.C.S. (relating to crimes and offenses).

15 Section 1018.8. Time of Taking Effect of Ordinances.--All
16 ordinances, except those pertaining to the subjects set forth in
17 section 1050(b), and unless otherwise provided by law, shall
18 take effect on the tenth day after enactment, upon being signed
19 by the mayor and attested by the city clerk.

20 Section 1018.9. Publication of Proposed Ordinances.--(a)
21 Every proposed ordinance, except as otherwise provided in this
22 act, shall be published in a newspaper not more than sixty days
23 nor less than seven days prior to enactment.

24 (b) Except as otherwise provided in law, the publication of
25 a proposed ordinance shall include either the full text or the
26 title of the ordinance and a reference to a place within the
27 city where copies of the proposed ordinance may be examined. If
28 the full text is not published, the newspaper in which the
29 proposed ordinance is published shall, upon request, be
30 furnished a copy of the ordinance.

1 (c) In the event substantial amendments are made in the
2 proposed ordinance, council shall within ten days from the date
3 of final enactment readvertise in a newspaper a brief summary
4 setting forth all the provisions in reasonable detail together
5 with a summary of the amendments.

6 Section 1018.10. Filing of Proposed Ordinances.--(a) If the
7 full text is not published, an attested copy of the proposed
8 ordinance shall be filed in the county law library or other
9 county office designated by the county commissioners who may
10 impose a fee no greater than that necessary to cover the actual
11 costs of storing the proposed ordinances.

12 (b) The date of filing the proposed ordinance with the
13 county shall not affect the effective date of the ordinance or
14 the validity of the process of enactment of the ordinance, nor
15 shall a failure to file within the time provided be deemed a
16 defect in the process of the enactment or adoption of the
17 ordinance.

18 Section 1018.11. Records of Ordinances Maintained by the
19 City Clerk.--(a) All ordinances shall, within one month after
20 their enactment, be certified and recorded by the city clerk in
21 a book provided by the city for that purpose which shall be at
22 all times open to the inspection of citizens. A standard or
23 nationally recognized code or any portion of the standard or
24 nationally recognized code enacted by reference need not be
25 recorded in or attached to the ordinance book, but shall be
26 deemed to have been legally recorded if the ordinance by which
27 the code was enacted by reference shall have been recorded, with
28 an accompanying notation stating where the full text of the code
29 shall have been filed.

30 (b) At the close of each year, with the advice and

1 assistance of the city solicitor, the city clerk shall bind,
2 compile or codify all the ordinances of the city, or true copies
3 of the ordinances, which then remain in force and effect.

4 (c) The city clerk shall also properly index the record
5 books, compilation or codification of ordinances.

6 (d) The retention of ordinances shall be in accordance with
7 53 Pa.C.S. Pt. III Ch. 13 Subch. F (relating to records).

8 (e) A city ordinance, or portions of a city ordinance, the
9 text of which prior to the effective date of this act shall have
10 been attached to the city ordinance book, shall be considered in
11 force as if the ordinance, or portions of the ordinance, had
12 been recorded directly upon the pages of the ordinance book.

13 Section 1018.12. Proof and Evidence.--All ordinances,
14 resolutions, motions or other proceedings of council may be
15 proved by the certificate of the city clerk under the corporate
16 seal and, when printed or published in book or pamphlet form by
17 authority of the city, shall be read and received as evidence in
18 all courts and elsewhere without further proof.

19 Section 1018.13. Standard or Nationally Recognized Codes.--

20 (a) In the same manner as other ordinances, and except as
21 otherwise provided in this act or the Pennsylvania Construction
22 Code Act, council may enact, by reference to a standard or
23 nationally recognized code, all or any portion of the standard
24 or nationally recognized code as an ordinance of the city. Three
25 copies of the proposed standard or nationally recognized code,
26 portion of the code or amendment to the code shall be filed in
27 the office of the city clerk at least ten days before the city
28 council considers the proposed ordinance and upon enactment
29 shall be kept with the ordinance book and available for public
30 use, inspection and examination.

1 (b) (1) Except as otherwise provided by the Pennsylvania
2 Construction Code Act, and regulations adopted pursuant to the
3 act, an ordinance adopting by reference any standard or
4 nationally recognized code shall be enacted within sixty days
5 after its introduction and shall encompass subsequent changes in
6 the code unless otherwise specified in the ordinance.

7 (2) An ordinance which incorporates standard or nationally
8 recognized code amendments by reference shall become effective
9 after the same procedure and in the same manner as is specified
10 in this section for original adoption of the code.

11 (c) An ordinance that incorporates by reference standard
12 technical regulations or code shall be subject to the provisions
13 of the Pennsylvania Construction Code Act, if applicable.

14 Section 1018.14. Maps, Plans or Drawings.--Except as may be
15 otherwise provided under the Pennsylvania Municipalities
16 Planning Code, if maps, plans or drawings of any kind are to be
17 adopted as part of an ordinance, the council may, instead of
18 publishing the maps, plans or drawings as part of the ordinance,
19 make reference in publishing the ordinance or a summary of the
20 ordinance to the place where the maps, plans or drawings are on
21 file and may be examined. Once enacted as part of an ordinance,
22 a map, plan or drawing shall be amended by ordinance.

23 Section 1018.15. Codification of Ordinances.--(a) City
24 council may prepare a consolidation or codification of the
25 general body of city ordinances or the ordinances on a
26 particular subject. City council may adopt the consolidation or
27 codification as an ordinance of the city in the same manner
28 prescribed for the adoption of its ordinances, except as
29 follows:

30 (1) A consolidation or codification to be enacted as a

single ordinance shall be introduced in the city council at least thirty days before its final enactment; and at least fifteen days before final enactment, notice of introduction of the consolidation or codification specifying its general nature and content shall be given by advertisement in a newspaper.

(2) The required advertised notice of the proposed adoption of the consolidation or codification shall include a listing of its table of contents, and the advertisement shall indicate a place within the city where a copy of the proposed consolidation or codification may be examined.

(b) The procedure for the consolidation or codification of city ordinances as a single ordinance may also be followed in enacting a complete group or body of ordinances repealing or amending existing ordinances as may be necessary in the course of preparing a consolidation or codification of the city ordinances, except that the advertisement giving notice of the proposed adoption shall list, in lieu of a table of contents, the titles only of each of the ordinances in the complete group or body of ordinances.

(c) The consolidation or codification may contain matter, which, when it becomes effective as an ordinance, will operate to adopt by reference any building, fire prevention or other standard or model code or zoning ordinance and zoning map in accordance with section 1018.13 and, if applicable, section 1018.14.

Section 1018.16. Enforcement of Ordinances; Recovery and Payment of Fines and Penalties.--(a) Actions, prosecutions, complaints and proceedings for the violation of the ordinances of the city and for fines, penalties and forfeitures imposed shall be instituted in the corporate name of the city and be

1 conducted in the manner prescribed by law.

2 (b) Unless otherwise provided by law, proceedings for the
3 violation of the ordinances of the city shall be conducted as
4 summary conviction proceedings, or proceedings for the recovery
5 of penalties, before magisterial district judges, with the same
6 right of appeal from any final judgment entered.

7 Section 1018.17. Penalty.--A person who violates any
8 ordinance enacted under the authority of this act for which no
9 penalty is otherwise specified commits a summary offense and,
10 upon conviction, shall be sentenced to pay a fine not exceeding
11 one thousand dollars or undergo imprisonment not exceeding
12 ninety days, or both, at the discretion of the court.

13 Section 42. Article X subdivision (b) heading of the act is
14 amended to read:

15 (b) [Initiative] Initiating Ordinances
16 by Electors

17 Section 43. Sections 1030, 1031, 1032, 1033, 1034, 1035,
18 1036, 1037, 1038, 1039, 1040 and 1041 of the act are amended to
19 read:

20 Section 1030. Initiation of Proposed Ordinances by Petition;
21 Exceptions.--[Any] (a) Except as provided in subsection (b), a
22 proposed ordinance may be submitted to the council by a petition
23 signed by the electors of any city[, as hereinafter provided,
24 except:

25 (a) Proposed ordinances relating to any matter, subject or
26 thing, which is not the subject of a referendum vote as provided
27 in subdivision (c) of this article; or

28 (b) Proposed ordinances to repeal, amend, or modify any
29 ordinance which has been subject to the provisions of the
30 referendum as provided in subdivision (c) of this article.] in

1 accordance with this subdivision.

2 (b) The following proposed ordinances may not be submitted
3 to council by petition in accordance with this subdivision:

4 (1) Proposed ordinances dealing with the subjects set forth
5 in section 1050(b).

6 (2) Proposed ordinances to repeal, amend or modify an
7 ordinance which took effect after having been subject to the
8 provisions of the referendum for reconsideration of the
9 ordinance.

10 Section 1031. Petition; Notice.--[The city clerk, upon the
11 written request of one hundred qualified electors of the city,
12 directed to him, asking for the preparation of a petition for
13 the submission of any proposed ordinance to the council of such
14 city, and accompanied by a copy of the proposed ordinance, shall
15 prepare such petition within ten days, and in the meantime
16 notice shall be published, at least one time, in one newspaper,
17 in the manner provided by section one hundred and nine of this
18 act, that such petition will be ready for signing at the
19 expiration of ten days from the presentation of said request.
20 This notice shall state the purpose for which the petition is
21 made, the place where and when it may be signed. Fifteen days
22 shall be allowed for signatures.] If the city clerk receives a
23 written request for the preparation of a petition for the
24 submission of a proposed ordinance to the city council by at
25 least one hundred qualified electors of the city and the request
26 is accompanied by a copy of the proposed ordinance, the city
27 clerk shall, within ten days after receiving the request, do
28 each of the following:

29 (1) Prepare the requested petition.

30 (2) Publish notice at least one time in a newspaper that

1 provides, at a minimum, the following information:

2 (i) The date on which the request for the petition was
3 received and that the petition will be ready for signing at the
4 expiration of ten days from that date.

5 (ii) The purpose for which the petition is made.

6 (iii) The place at which and the dates and times during
7 which the petition may be signed, with fifteen days, exclusive
8 of Saturdays, Sundays and holidays, being allowed for
9 signatures.

10 Section 1032. Signing; Oath.--[The signing] A petition for
11 the submission of a proposed ordinance shall be [done] signed in
12 the city clerk's office only. The petition shall be retained
13 [there] in the city clerk's office at all times [during the] for
14 a period of fifteen days. Each signer shall add to his or her
15 signature his or her place of residence by street and number[,]
16 and shall make oath before the city clerk that he or she is a
17 qualified elector of the city and resides at the address given.
18 The city clerk shall keep his or her office open for the purpose
19 of permitting voters to sign [such] the petition [from eight
20 o'clock ante meridian to ten o'clock post meridian of each day
21 except Sundays and holidays] at least from nine o'clock ante
22 meridian through seven o'clock post meridian, prevailing time,
23 Monday through Friday, except holidays. [He] The city clerk
24 shall not permit any person to sign [such] petitions after [ten
25 o'clock post meridian] seven o'clock post meridian, prevailing
26 time, on the last day for signing the same.

27 Section 1033. Number of Signatures; Examination and
28 Certificate by City Clerk.--[At the expiration of the fifteen
29 days aforesaid, and within ten days thereafter,] Within ten days
30 after the period of time for signing the petition has elapsed,

1 the city clerk shall examine [such] the petition[,] and, from
2 the record of registered voters of the city, ascertain whether
3 or not [said] the petition is signed by voters equal to twenty
4 per centum of all votes cast for all candidates for mayor at the
5 last preceding municipal election at which a mayor was elected.
6 If necessary, the council [shall] may allow the city clerk extra
7 help for [that] the purpose of complying with this section. The
8 city clerk shall attach to [said] the petition his or her
9 certificate showing the result of [said] the examination. If
10 less than the required twenty per centum is certified, the
11 petition shall fail and shall be filed in the office of the city
12 clerk.

13 Section 1034. Submission to Council.--If the petition [shall
14 be] is certified to contain signatures equalling the required
15 twenty per centum of said votes cast as aforesaid, the clerk
16 shall submit the same to the council without delay.

17 Section 1035. Actions by Council; Notices.--If the petition
18 accompanying the proposed ordinance [be] is signed by electors
19 equal in number to twenty per centum of the votes cast for all
20 candidates for mayor at the last preceding municipal election at
21 which a mayor was elected, the council shall either:

22 (a) [Pass said] enact the proposed ordinance without
23 alteration[,] within twenty days (except as otherwise provided
24 herein)[,] after attachment of the clerk's certificate to the
25 accompanying petition; or

26 (b) [Forthwith, after the clerk shall attach to the petition
27 accompanying such ordinance his certificate of sufficiency, the
28 council shall call a special election] call for a referendum to
29 be held at the time of the next general, municipal or primary
30 election occurring at least ninety days thereafter[;], and at

1 [such] which election[, such] the proposed ordinance shall be
2 submitted without alteration to the vote of the electors of the
3 [said] city, after attachment of the clerk's certificate to the
4 accompanying petition. Notice of [such] the election [shall be
5 given as provided by the Pennsylvania Election Code.] and the
6 text of the question to be submitted to the electors shall be
7 published in the same manner as publication is required in
8 section 1201 of the Pennsylvania Election Code.

9 Section 1036. Form of Ballot [or Ballot Label] on Submission
10 to Vote.--[The ballots or ballot labels used when voting upon
11 said ordinance shall be supplied by the county board of
12 elections, and shall contain a question, stating the nature of
13 the proposed ordinance, followed by the words "yes" and "no" and
14 shall be as provided in the Pennsylvania Election Code. The
15 votes shall be counted and returns thereof made and computed as
16 provided in section ten hundred and sixty-two of this act.] The
17 question to be submitted to the electors on the proposed
18 ordinance shall be framed to state the nature of the proposed
19 ordinance, followed by the words "yes" and "no," and the
20 question shall be placed on the ballots which shall be counted,
21 returned and computed in accordance with section 1062 and the
22 election laws of the Commonwealth.

23 Section 1037. Effect of Majority Vote.--If the majority of
24 the qualified electors voting on the proposed ordinance shall
25 vote in favor [thereof, such] of the ordinance, the ordinance
26 shall [thereupon] become a valid and binding ordinance of [said]
27 the city.

28 Section 1038. No Repeal Within Two Years.--[Any] An
29 ordinance so proposed by petition, whether [passed] enacted by
30 council or adopted by a vote of the electors, [cannot] shall not

1 be repealed or amended within two years of its effective date
2 except by a vote of the electors.

3 Section 1039. Number of Proposed Ordinances to be Submitted;
4 [Special] Elections Limited.--Any number of proposed ordinances
5 may be voted upon at the same election, in accordance with the
6 provisions of this subdivision[: Provided, That]. Proposed
7 ordinances on the same subject matter shall not be submitted by
8 petition [oftener] more frequently than once [in] every three
9 years.

10 Section 1040. Submission for Repeal by Council.--The council
11 may submit a proposition for the repeal or amendment of [any
12 such] an ordinance to be voted upon at any succeeding municipal,
13 general or primary election[,] occurring at least ninety days
14 [thereafter] after council's submission of the proposition.
15 Should [such] the submitted proposition[, so submitted,] receive
16 a majority of the votes cast [thereon] on the proposition at
17 [such] the election, [such] the ordinance shall [thereby] be
18 repealed or amended accordingly.

19 Section 1041. Publication of Proposed Ordinance; Repeal or
20 Amendment.--Whenever any proposed ordinance is to be submitted
21 to the voters of the city at any election, or any ordinance is
22 submitted by council for repeal or amendment, notice [thereof]
23 of the election and text of the question to be submitted to the
24 electors shall be published [as required by] in the same manner
25 as publication is required in section 1201 of the Pennsylvania
26 Election Code.

27 Section 44. Article X subdivision (c) heading of the act is
28 amended to read:

29 (c) [Referendum] Reconsidering Ordinances by Electors

30 Section 45. Sections 1050, 1051, 1052, 1053, 1054, 1055 and

1 1056 of the act are amended to read:

2 Section 1050. [Referendum; Exceptions.--No] Time Ordinances
3 Go Into Effect.--(a) Except as provided in subsection (b), no
4 ordinance [passed] enacted by council shall go into effect
5 before ten (10) days from the time of its final [passage,
6 except] enactment by council.

7 (b) Ordinances dealing with the following subjects may be
8 made effective upon final enactment:

9 [(a)] (1) Ordinances expressly required to be [passed]
10 enacted by the general laws of the State or by the provisions of
11 any act of Assembly, or the provisions of which and the matters
12 to be carried out [thereunder] under the ordinance are subject
13 to the approval of an officer or tribunal of the [State
14 Government;] Commonwealth.

15 [(b)] (2) Ordinances providing for tax levies or fees,
16 annual and other appropriations[,] and for the exercise of the
17 right of eminent domain[;] .

18 [(c)] (3) Ordinances for the preservation of the public
19 peace, health, morals, safety[,] and in the exercise of the
20 police powers of the city government, and for the prevention and
21 abatement of nuisances[;] .

22 [(d)] (4) Any ordinance providing for an election to
23 increase indebtedness, and any other ordinance which by law must
24 be submitted to an election before it shall take effect[;] .

25 [(e)] (5) Ordinances for the opening, paving, grading[,] or
26 other improvement of streets or highways, when the improvement
27 is petitioned for by a majority in number or interest of the
28 abutting property owners[;] .

29 [(f)] (6) Ordinances for the construction of sewers[,] and
30 for the purpose of keeping the streets, highways[,] and

1 sidewalks in good order and repair and in a safe and passable
2 condition[;]_.

3 Section 1051. Petition; Reconsideration of Ordinance.--[If,
4 during such period of ten days from the time of its final
5 passage, a petition signed by electors of the city equal in
6 number to at least twenty per centum of the entire vote cast for
7 all candidates for mayor at the last preceding municipal
8 election at which a mayor was elected, protesting against the
9 passage of any ordinance other than those excepted from the
10 provisions of this subdivision by the foregoing section, is
11 presented to the council, said ordinance shall be suspended from
12 going into operation, and council shall reconsider such
13 ordinance.] With the exception of ordinances dealing with the
14 subjects set forth in section 1050(b), an ordinance shall be
15 suspended from going into operation and shall be reconsidered by
16 council if, within ten days after its final enactment, there is
17 presented to council, in accordance with this subdivision, a
18 petition protesting against enactment of the ordinance which
19 shall be signed by electors of the city equal in number to at
20 least twenty per centum of the entire vote cast for all
21 candidates for mayor at the last preceding municipal election at
22 which a mayor was elected.

23 Section 1052. Preparation of Petition by City Clerk;
24 Notice.--[Such] A petition under section 1051 shall be prepared
25 by the city clerk immediately upon receipt by [him] the clerk of
26 the written request of one hundred qualified electors of the
27 city asking that the [same] petition be prepared. Upon its
28 preparation, [he] the clerk shall give notice by [one insertion
29 in one of the daily newspapers, if one be published in the city,
30 and, if not, then in a weekly or daily newspaper published in

1 the county, that such] publication in a newspaper that the
2 petition is ready for signing and the purpose of the petition,
3 giving the place where and time when it may be signed. The
4 [said] signing shall be done only in the city clerk's office,
5 where the petition shall be retained during the period of ten
6 days after the [passage] enactment of the [said] ordinance.

7 Section 1053. Additional Petitions.--In order to facilitate
8 the signing of [such] the petition, the city clerk shall cause
9 to be made at least two additional similar petitions for signing
10 by the qualified electors, and the signing of [such] the
11 additional similar petitions shall have the same force and
12 effect as the signing of the original petition. The city clerk
13 is hereby authorized to employ at least two persons to take
14 charge of [said] the additional petitions[; the]. The city clerk
15 and [said] the persons hired are hereby empowered to administer
16 the oath [hereinafter] required to be taken by the electors.
17 This section also shall apply [as well] to petitions initiating
18 ordinances under subdivision (b).

19 Section 1054. Signatures; Oath; Time of Signing.--Each
20 signer of a petition under section 1051 shall add to his or her
21 signature his or her place of residence by street and number[,]
22 and shall make an oath before the city clerk, or other person
23 authorized [as aforesaid] under section 1053, that [he] the
24 signer is a qualified elector of the city and resides at the
25 address given. The city clerk shall keep his or her office open
26 for the purpose of receiving signatures to the petitions [from
27 eight o'clock ante meridian to ten o'clock post meridian of each
28 day except Sundays and holidays. He] at least from nine o'clock
29 ante meridian through seven o'clock post meridian, prevailing
30 time, Monday through Friday. The city clerk shall not permit

1 [any] a person to sign [any of the said petitions] a petition
2 after [ten] seven o'clock post meridian, prevailing time, of the
3 tenth day following the [passage] enactment of the ordinance on
4 which the referendum vote is [prayed for] requested.

5 Section 1055. Presentation of Petition to Council.--At the
6 expiration of [said] ten days, the [said] petition shall be
7 [deemed and taken to be] filed with and presented to the
8 council, and [it shall be the duty of] the city clerk [to lay
9 the same before] shall present the petition to the council at
10 its first meeting [thereafter] after expiration of the ten-day
11 period.

12 Section 1056. Ascertainment of Number of Signers; Report.--
13 After [its] presentation of the petition to council, the city
14 clerk shall ascertain from the record of registered voters of
15 the city whether or not [said] the referendum petition is signed
16 by voters equal to twenty per centum of all the votes cast for
17 mayor at the last preceding municipal election at which a mayor
18 was elected. If necessary, the council [shall allow him] may
19 allow the clerk extra help for that purpose, and, after [he] the
20 clerk has made [said] the examination, [he] the clerk shall
21 report the result [thereof] to council.

22 Section 46. Sections 1057 and 1058 of the act are repealed:

23 [Section 1057. Ordinances Granting Franchises.--No franchise
24 or consent to occupy the public streets, highways, or other
25 places in any city of the third class shall be given or granted
26 to any person or persons, railroad, railway, gas, water, light,
27 telephone or telegraph company, or to any public utility
28 corporation, except by ordinance, and no ordinance for such
29 purpose shall go into effect before thirty days after it has
30 been filed with the Public Utility Commission.

1 Section 1058. Petition against Ordinances; Suspension.--If,
2 within said thirty days, a petition prepared, advertised, and
3 perfected in all respects complying with the provisions of this
4 subdivision (except that the petitioners shall have thirty days
5 in which to prepare said petition), is addressed to the council,
6 signed by registered electors of the city equal in number to at
7 least twenty per centum of all the votes cast for mayor at the
8 last preceding municipal election at which a mayor was elected,
9 protesting against the passage of said ordinance, the latter
10 shall be suspended, and it shall be the duty of the city clerk
11 to examine said petition and ascertain, from the registry of
12 voters, whether or not said petition is signed by the required
13 number of electors. If necessary, the council shall allow the
14 city clerk extra help for said purpose. Upon such examination he
15 shall report the result to council.]

16 Section 47. Sections 1059, 1060, 1061, 1062, 1063 and 1064
17 of the act are amended to read:

18 Section 1059. Effect of Petition; Submission to Voters.--
19 If[,] in any case[,] it shall appear that the [petitions]
20 petition provided for in this subdivision [have] has not been
21 signed by the requisite number of voters, no action shall be
22 taken, but the [ordinances] ordinance shall be [deemed and]
23 taken to be in full force from the time or times [they each] it
24 would have gone into effect had there been no petition against
25 the [same. But in case such petitions are] ordinance. If the
26 petition is signed by electors equal to twenty per centum of all
27 the votes cast for mayor as aforesaid, the council shall
28 reconsider [such] the ordinance, and if the [same] ordinance is
29 not entirely repealed by council on reconsideration, the council
30 shall call a [special election,] referendum to be held at the

1 time of the next general [or], municipal or primary election
2 occurring not less than sixty days [therefrom] after the
3 reconsideration. At [such] the election, the [said] ordinance
4 shall be submitted without alteration in accordance with the
5 Pennsylvania Election Code.

6 Section 1060. Certification [of] to County Board of
7 Elections; Ballots or Ballot Labels; Expense of Elections.--The
8 city clerk, after consultation with the city solicitor, shall
9 certify to the county board of elections a copy of the ordinance
10 and the proceedings of council directing the referendum vote,
11 and the county board of elections shall cause the question to be
12 printed for use in the election districts of the city. The
13 preparation of ballots or ballot labels for and the holding of
14 [special elections] a referendum shall be as provided in the
15 Pennsylvania Election Code. Any number of ordinances may be
16 referred and voted on at the same election.

17 Section 1061. Form of Ballot or Ballot Label.--The ballot
18 used when voting upon [such] the ordinance shall contain a
19 question stating the nature of the referred ordinance followed
20 by the words "yes" and "no" and shall be as provided in the
21 Pennsylvania Election Code.

22 Section 1062. Computing and Filing Returns.--The officers
23 holding [said elections] an election shall keep tally sheets and
24 make returns of votes on the referendum question in the same
25 manner as tally sheets are kept and returns made in elections of
26 officers and the submission of other questions as provided by
27 the Pennsylvania Election Code. The returns shall be filed with
28 the county board of elections which shall compute the returns
29 and certify the results [thereof] to the city council. The
30 returns and certifications of [all special elections] a

1 referendum question shall be made as provided in the
2 Pennsylvania Election Code.

3 Section 1063. Effect of the Vote.--If it shall appear that
4 more persons have voted for [said] the ordinance than against
5 it, the ordinance shall take immediate and full effect [without
6 more] from the date the results are certified to the city
7 council. If the vote is against [said] the ordinance, [it] the
8 ordinance shall be [lost] nullified and of no effect.

9 Section 1064. Publication of Ordinance Before Election.--
10 Before any referendum [election] is held on any ordinance[, a
11 copy] in accordance with this subdivision, the city shall
12 provide notice of the ordinance which is to be submitted to the
13 vote of the people [shall be published as required] by
14 publishing a copy of the ordinance in a newspaper. Publication
15 in accordance with this section shall be in addition to
16 publication requirements of the Pennsylvania Election Code.

17 Section 48. Article XI heading of the act is reenacted to
18 read:

19 ARTICLE XI

20 THE EXECUTIVE DEPARTMENT

21 Section 49. Sections 1101, 1102, 1103 and 1104 of the act
22 are amended to read:

23 Section 1101. Executive Departments.--[The executive and
24 administrative powers, authority, and duties in each city shall
25 be distributed into and among five departments, as follows:

- 26 1. Department of Public Affairs.
27 2. Department of Accounts and Finance.
28 3. Department of Public Safety.
29 4. Department of Streets and Public Improvements.
30 5. Department of Parks and Public Property.] The city may

1 have a department of administration and other departments as
2 council shall establish by ordinance. All of the administrative
3 functions, powers and duties of the city shall be allocated and
4 assigned within the departments established by council by
5 ordinance or, in the absence of an ordinance making this
6 allocation, among five departments, as follows:

7 (1) Department of Public Affairs.

8 (2) Department of Accounts and Finance.

9 (3) Department of Public Safety.

10 (4) Department of Streets and Public Improvements.

11 (5) Department of Parks and Public Property.

12 Section 1102. Determination of Powers and Duties of
13 Departments.--[The council shall determine] Subject to the
14 restrictions and limitations of this act and other laws, the
15 council may, by ordinance, do all of the following:

16 (1) Determine the powers and duties to be performed by[, and
17 assign them to, the appropriate] each department[; shall
18 prescribe].

19 (2) Prescribe the powers and duties of officers and
20 employes[; may assign].

21 (3) Assign particular officers and employes, including
22 directors of departments, to one or more of the departments[;
23 may require].

24 (4) Require an officer or employe to perform duties in two
25 or more departments[; and may make].

26 (5) Make such other rules and regulations as may be deemed
27 necessary or proper for the efficient and economical conduct of
28 the business of the city.

29 Section 1103. Designation of [Departments] Department
30 Directors; Changes.--Unless otherwise provided by ordinance in

1 accordance with sections 1101 and 1102, the following shall
2 apply:

3 (1) The mayor shall be director of the department of public
4 affairs and as such shall have supervision over the city police.

5 In the event that council either does not create a department of
6 public affairs or appoints a person other than the mayor as the
7 director of the department of public affairs, the mayor shall
8 retain the same powers of supervision over city police as he or
9 she would possess had the mayor been appointed director of the
10 department of public affairs.

11 (2) The council shall, at [the biennial] its organization
12 meeting, designate[, by majority vote, one councilman] by
13 resolution one council member to be director of the department
14 of accounts and finance, one to be director of the department of
15 public safety, one to be director of the department of streets
16 and public improvements, and one to be director of the
17 department of parks and public property. [Such] The designation
18 may be changed at council's discretion.

19 Section 1104. Department Directors Responsible for City
20 Property and Supplies; Perpetual Inventory Reports.--The
21 director of each department shall be responsible for the
22 personal property and supplies of the city within [his] the
23 director's department[, and]. Each department director shall
24 prepare and maintain a perpetual inventory of [such] the
25 personal property and supplies[. He shall] for which the
26 director is responsible and, from time to time during the fiscal
27 year, file the inventory with the city clerk [a copy of such
28 inventory from time to time during the fiscal year, and shall
29 make available to the director of accounts and finance a copy of
30 such inventory to assist him in the preparation of the proposed

1 budget ordinance. He shall furnish a copy of such inventory to
2 the council upon request.] or other official designated by
3 council. The city clerk or other designated official with whom
4 the inventory is filed shall, upon request, furnish a copy of
5 the inventory to the chief fiscal officer and to council.

6 Section 50. The act is amended by adding a section to read:

7 Section 1105. Quarterly Reports from Directors of
8 Departments.--At the close of each quarter of the fiscal year,
9 each department director shall prepare and submit to the
10 director of the department of accounts and finance, if one
11 exists, or to the business administrator or other official
12 designated by council, a comprehensive and detailed report of
13 all expenditures and operations of the director's department
14 during the quarter. The person to whom the quarterly reports are
15 submitted shall review and consolidate the quarterly reports and
16 shall prepare and submit to council a consolidated report on the
17 expenditures and operations of the entire city government,
18 together with his or her recommendations, not later than the
19 second meeting of council after the close of each quarter.

20 Section 51. Article XII heading of the act is reenacted to
21 read:

22 ARTICLE XII

23 THE MAYOR

24 Section 52. Section 1201 of the act, amended July 27, 1973
25 (P.L.230, No.60), is amended to read:

26 Section 1201. Qualifications.--The mayor shall be at least
27 [twenty-one] eighteen years of age[,] and shall be elected at
28 large by the qualified electors of the city. He or she shall
29 have been a resident of the city wherein he or she shall be
30 elected for at least one year[, next before his election,]

1 before his or her election and shall reside in the city
2 throughout his or her term of service. Prior to being sworn in
3 to office, and as a condition to qualifying for office, the
4 elected mayor shall present a signed affidavit to the city clerk
5 that states the person resides in the city from which elected
6 and has resided in the city continuously for at least one year
7 preceding the person's election.

8 Section 53. Section 1202 of the act is amended to read:

9 Section 1202. Chief Executive; Inauguration.--The mayor
10 shall be the chief executive of the city. [He shall be
11 inaugurated and take the oath of office provided for by this act
12 at ten o'clock in the forenoon of the first Monday of January
13 next succeeding his election, or as soon thereafter as possible]
14 The mayor shall be inaugurated and take the oath of office in
15 accordance with sections 904 and 905 on the first Monday of
16 January following the regular municipal election. If the first
17 Monday is a legal holiday, the mayor shall be inaugurated and
18 take the oath the first day following or as soon after that day
19 as possible.

20 Section 54. Section 1203 of the act, amended July 11, 1996
21 (P.L.647, No.109), is amended to read:

22 Section 1203. Execution of Laws; Powers of Sheriff
23 Conferred; Emergency Powers.--[(a) It shall be the duty of the
24 mayor and the chief executive of cities adopting the city
25 manager form of government to be vigilant and active in causing
26 the ordinances of the city, and the laws of the Commonwealth
27 relating to the government of the city, to be executed and
28 enforced.

29 (b)] (a) In accordance with the powers granted in this act,
30 the mayor shall have the authority to cause the ordinances of

1 the city, and all general laws applicable to the ordinances, to
2 be executed and enforced.

3 (b) The mayor shall annually report to the council and the
4 public on the work of the previous year and on the condition and
5 requirements of the city government and shall, from time to
6 time, make such recommendations for action by the council as he
7 or she may deem in the public interest.

8 (c) In order to enable [him] the mayor effectually to
9 preserve the public peace within the city, all the powers which
10 are devolved by the laws of this Commonwealth upon sheriffs, to
11 prevent and suppress mobs, riots, and unlawful and tumultuous
12 assemblies, are hereby conferred upon [him] the mayor.

13 (d) When the mayor [or chief executive] considers that a
14 state of emergency exists, [he] the mayor may issue [his] a
15 proclamation, which shall be in writing and copies of which
16 shall be made available to all news media[,] and to each member
17 of city council, declaring a state of emergency [for a period
18 not to].

19 (e) Upon the issuance of a proclamation declaring a state of
20 emergency under subsection (d), the following shall apply:

21 (1) The state of emergency shall not exceed five days,
22 unless extended by action of council.

23 (2) In the case of a declaration of a state of emergency by
24 the mayor [or chief executive] for either a citywide or site-
25 specific emergency, city agencies may temporarily implement
26 their emergency assignments without regard to procedures
27 required by other laws pertaining to the incurring of
28 obligations and the employment of temporary workers. [In his]

29 (3) The proclamation [he] may prohibit, for all or any part
30 of the city in which there is a clear and present danger to life

1 or property through civil disorder[;]:

2 [(1) Any] (i) a person being on the public streets[,] or in
3 the public parks or at any other public place during the hours
4 declared by [him] the mayor to be a period of curfew;

5 [(2) The] (ii) the assembling or gathering of a group of
6 people, in such numbers to be designated by [him] the mayor,
7 upon the public streets, parks or other public places;

8 [(3) The] (iii) the entry or departure of persons into or
9 from any restricted area;

10 [(4) The] (iv) the sale, purchase, or dispensing of any
11 commodities or goods[, as] designated by [him] the mayor;

12 [(5) The] (v) the transportation, possession or use of
13 gasoline, kerosene, or other combustible, flammable or explosive
14 liquids or materials, except in connection with the normal
15 operation of motor vehicles, normal home use[,] or legitimate
16 commercial use; or

17 [(6) Any] (vi) any other [such] activities as [he] the
18 mayor reasonably believes [should be prohibited to help
19 preserve] would cause a clear and present danger to the
20 preservation of life, health, property or the public peace.

21 [(c)] (f) The proclamation of an emergency shall describe
22 any restricted area with particularity and shall specify the
23 hours during which such restrictions are to be in effect.

24 [(d)] (g) Any person violating [such] a proclamation of
25 emergency shall be guilty of a summary offense and shall, upon
26 conviction, be sentenced [to pay a fine not to exceed three
27 hundred dollars (\$300) or to undergo imprisonment not to exceed
28 thirty days, or both] as provided by law.

29 Section 55. Sections 1204 and 1205 of the act are amended to
30 read:

1 Section 1204. Official Seal of Mayor.--Council shall provide
2 an official seal for the mayor [and prescribe the form thereof]
3 in such form as the mayor may reasonably request, which shall
4 not be changed during the mayor's term of office.

5 Section 1205. Supervision of Conduct of City Officers.--The
6 mayor shall supervise the conduct of all city officers, examine
7 the grounds of all reasonable complaints against any of them,
8 and cause all of their violations or neglect of duty to be
9 promptly punished or reported [to the council] for correction in
10 the manner council may direct. For the purposes [aforesaid, he]
11 of this section, the mayor is hereby empowered to issue
12 subpoenas and compulsory processes, under his or her official
13 seal, for the attendance of such persons and the production of
14 such books and papers as [he] the mayor may deem necessary[, and
15 shall have like enforcement of such subpoenas as is]. A subpoena
16 shall be enforced in the manner provided for council in section
17 [one thousand fifteen of this act] 1015.

18 Section 56. Section 1206 of the act, amended September 29,
19 1955 (P.L.653, No.177), is amended to read:

20 Section 1206. [Quarterly Reports from Directors of
21 Department;] Report of Mayor to Council; Information from
22 Directors of Departments.--[The director of each department of
23 the city shall prepare and submit to the Director of the
24 Department of Accounts and Finance, at the close of each quarter
25 of the fiscal year, a comprehensive and detailed report of all
26 expenditures and operation of his department during the quarter.
27 The Director of the Department of Accounts and Finance shall
28 review and consolidate such quarterly reports and shall prepare
29 and submit to council a consolidated report on the expenditures
30 and operations of the entire city government, together with his

1 recommendations, not later than the second meeting of council
2 after the close of each quarter.] The mayor shall have the
3 authority, at all times, to call upon any official of the city
4 or heads of departments for any information as to the affairs
5 under their control and management as [he] the mayor may
6 require. [He] The mayor may likewise report upon any and all
7 matters of city government as frequently to council as [he] the
8 mayor deems conducive to the interest and welfare of the city.

9 Section 57. Section 1207 of the act, amended August 21, 1953
10 (P.L.1292, No.364) and repealed in part April 28, 1978 (P.L.202,
11 No.53), is amended to read:

12 Section 1207. [Criminal and Civil Jurisdiction; Docket;
13 Fees.--He] Power to Take Acknowledgments and Oaths and to
14 Formalize Marriages.--The mayor shall be empowered to take
15 acknowledgments of any instruments in writing[,] pertaining to
16 the business of the city, solemnize marriages[,] and to
17 administer oaths and affirmations[,] as to city business[,] and
18 shall attest all his [acts with his official seal] or her acts
19 with the mayor's official seal, if any.

20 Section 58. Section 1208 of the act, amended May 11, 1959
21 (P.L.307, No.54), is amended to read:

22 Section 1208. Salary.--(a) (1) The mayor of each city
23 shall receive for his or her services during the term of service
24 an annual salary to be fixed by ordinance, payable in [such]
25 equal [instalments] installments as council shall provide.

26 (2) The council shall, by ordinance, fix the amount of
27 salary to be paid to the mayor for his or her services[,] and
28 may provide for the assessment and retention [therefrom] from
29 the salary of reasonable fines for absence from regular or
30 special meetings of council or [councilmanic] committees of

1 council.

2 (3) The amount of the mayor's salary [in cities] shall not
3 be less than two thousand five hundred dollars.

4 (b) Until changed by ordinance, the salary of mayors in
5 newly created cities [shall] may be as follows: [In cities
6 having a population of fifteen thousand or under, by the last
7 United States census, one thousand two hundred dollars per
8 annum; in cities having a population of over fifteen thousand,
9 and less than thirty thousand inhabitants, two thousand four
10 hundred dollars per annum; in cities having a population
11 exceeding thirty thousand, four thousand eight hundred dollars
12 per annum.

13 The amount of compensation for the mayor in any of the said
14 cities shall not be increased or diminished after his election.
15 Succeeding councils may change the amount of the mayor's
16 compensation, but such change shall not affect the compensation
17 of the mayor then in office or of any person taking office as
18 mayor within six months of final passage of the ordinance
19 providing for such change.]

20 (1) in cities with a population of less than five thousand,
21 a maximum of two thousand five hundred dollars a year;

22 (2) in cities with a population of five thousand or more but
23 less than ten thousand, a maximum of five thousand dollars a
24 year;

25 (3) in cities with a population of ten thousand or more but
26 less than fifteen thousand, a maximum of seven thousand five
27 hundred dollars a year; and

28 (4) in any city with a population in excess of fifteen
29 thousand, the salary of the mayor shall not exceed five hundred
30 dollars a year per thousand population or fraction of a

1 thousand, the population to be determined by the latest official
2 census figures.

3 (c) The compensation to be received by a mayor in cities
4 other than newly created cities shall be fixed by ordinance of
5 council enacted at least two days prior to the last day fixed by
6 law for candidates to withdraw their names from nominating
7 petitions previous to the day of the municipal election. The
8 compensation to be received by the mayor shall not be increased
9 or diminished after his or her election unless the increase or
10 decrease was included in an ordinance enacted at least two days
11 prior to the last day fixed by law for candidates to withdraw
12 their names from nominating petitions previous to the day of the
13 municipal election.

14 (d) (1) Subject to clause (2) and notwithstanding any other
15 provisions of law, a mayor may receive an honorarium, fee or
16 reimbursement of expenses related to the performance of a
17 marriage ceremony in this Commonwealth, if the mayor first
18 notifies council in writing of his or her intention to perform
19 marriage ceremonies. A notification pursuant to this clause
20 shall remain in effect for the term of the mayor or until such
21 time as the notification is rescinded by the mayor.

22 (2) The honorarium or fee shall not exceed one hundred fifty
23 dollars for each ceremony performed. The mayor shall keep
24 accurate accounts of the fees received relating to the
25 performance of marriage ceremonies and provide council each
26 quarter with a report of moneys received for that period. The
27 quarterly report shall include the amount of money received, the
28 names of persons from whom money was received along with the
29 date and the location of the performed ceremony and shall be
30 considered a public record.

1 (3) The receipt of a fee under this subsection shall not be
2 considered a violation of 65 Pa.C.S. Ch. 11 (relating to ethics
3 standards and financial disclosure) and shall not be considered
4 compensation under this act.

5 Section 59. Section 1209 of the act is amended to read:

6 Section 1209. Acting Mayor; Powers and Duties.--[The member
7 of city council who shall be designated as the director of the
8 department of accounts and finance shall be vice president of
9 the city council, and acting mayor of the city during the
10 absence or inability of the mayor to act; and, during such
11 absence or inability, he] During the absence of the mayor or the
12 inability of the mayor to act, the vice president of city
13 council shall be the acting mayor who shall exercise all the
14 rights and powers of the mayor. In the event of a vacancy in the
15 office of the mayor by reason of death, resignation, or
16 otherwise, the vice president of council shall, in like manner,
17 act as the mayor and shall, while acting as mayor, receive the
18 compensation of mayor but not [of director of accounts and
19 finance or councilman during such incumbency] his or her
20 compensation as a council member, until the successor of the
21 mayor is duly [elected] appointed and qualified [as hereinbefore
22 provided] in accordance with section 901. In case of the absence
23 or inability of the [director of accounts and finance to act]
24 vice president of council to act as mayor, the council shall
25 designate another one of its members to act as mayor.

26 Section 60. Article XIII heading of the act is amended to
27 read:

28 ARTICLE XIII

29 CITY [CLERK] ADMINISTRATOR OR MANAGER

30 Section 61. Sections 1301, 1302 and 1303 of the act are

1 amended to read:

2 Section 1301. [Appointment; Compensation; Removal.--The
3 council of each city shall appoint a city clerk on the first
4 Monday of May, one thousand nine hundred and fifty-two, and on
5 the first Monday of May every fourth year thereafter, and fix
6 his compensation by ordinance. He shall serve for a term of four
7 years and until his successor is duly appointed and qualified.]
8 Office of City Administrator or Manager.--City council may, at
9 its discretion at any time, by ordinance enacted by a majority
10 vote of all members elected to council, establish the office of
11 city administrator or manager and may in like manner abolish the
12 same. The appointed office of city administrator when referenced
13 in this act may also be referred to as the office of city
14 manager and a reference to a city administrator shall be deemed
15 a reference to a city manager.

16 Section 1302. [Power to Administer Oaths; Duties.--The city
17 clerk shall have the power of a notary public to administer
18 oaths in any matter pertaining to the business of said city, or
19 in any legal proceeding in which it is interested. He shall also
20 perform such other duties as shall be prescribed for his office
21 by law, ordinance or resolution of council.] Appointment;
22 Selection; Removal.--In a city in which the office of city
23 administrator has been established, council shall appoint a
24 person to fill that office initially, and thereafter, whenever a
25 vacancy exists in the office. The appointment of a person to
26 fill the office of city administrator shall be by an affirmative
27 vote of a majority of all the members of council. Council shall
28 select a city administrator on the basis of executive and
29 administrative qualifications, education and experience and may
30 give special consideration to applicants with training and

experience in municipal government operation. The city administrator shall serve at the pleasure of council, subject to contractual rights that may arise under an employment agreement that may be entered in accordance with section 1303.

Section 1303. [Records Open to Inspection.--The records and documents of city council of every city shall be kept in the office of the city clerk and shall be open to the inspection of any taxpayer thereof, his, her, or its agent, upon demand therefor during office hours.] Employment Agreement.--Council may enter into an employment agreement with the city administrator. The employment agreement may set forth the terms and conditions of employment and the agreement may provide that it shall remain in effect for a specified period terminating no later than two years after the effective date of the agreement or the date of the organization meeting of council following the next municipal election, whichever shall first occur. An employment agreement entered into pursuant to this section may specify conditions under which a city administrator would be entitled to severance compensation. In no event, however, shall an employment agreement guarantee employment through the term of the agreement or confer upon the city administrator any legal remedy based on specific performance.

Section 62. The act is amended by adding sections to read:

Section 1304. Residency; Elective City Office.--At the time a person is appointed to fill the office of city administrator, he or she need not be a resident of the city. After his or her appointment, the city administrator may reside outside the city only with the approval of council. The city administrator shall not hold any elective city office.

Section 1305. Powers and Duties.--(a) Council may, by

ordinance, vest in the city administrator powers and duties relating to the general management of city business and to the enforcement of city ordinances and regulations. The powers and duties conferred upon a city administrator in accordance with this section shall not be construed as diminishing powers granted to other city officers by statute or ordinance.

(b) The powers and duties that may be conferred upon a city administrator by council may include, but shall not be limited to, any or all of the following:

(1) To be the chief administrative officer of the city responsible to the city council as a whole for the proper and efficient administration of the affairs of the city.

(2) To direct and supervise the administration of all departments and functions of the city, except as otherwise provided by ordinance or law.

(3) Except as otherwise provided by this act, to appoint city employes on the basis of merit system principles and suspend, remove or otherwise discipline employes, subject to the following:

(i) The city administrator may make recommendations to council concerning appointments or removals at the department head level.

(ii) Prior to any action being taken with regard to appointments or removals at the department head level, the city administrator shall confer with council.

(iii) Council must confirm appointments or removals at the department head level.

(4) To designate a qualified administrative officer of the city to perform the city administrator's duties during his or her temporary absence or disability. In the event the city

1 administrator fails or is unable to make such designation, or if
2 the absence or disability continues more than thirty days, the
3 council may, by resolution, appoint an officer of the city to
4 perform the duties of the city administrator during his or her
5 absence or disability until the city administrator is able to
6 return to work.

7 (5) To negotiate contracts for the city, subject to the
8 approval of city council, and make recommendations concerning
9 the nature and location of municipal improvements and execute
10 municipal improvements as determined by the city council.

11 (6) To see that all terms and conditions imposed in favor of
12 the city or its inhabitants in any statute, franchise or
13 contract are faithfully kept and performed. Upon knowledge of
14 any violation, call the same to the attention of the city
15 council.

16 (7) To attend all meetings of the city council with the
17 right to take part in the discussions, but without the right to
18 vote.

19 (8) To recommend to the city council for adoption such
20 measures as the administrator may deem necessary or expedient,
21 keep the council advised of the financial condition of the city
22 and make reports to the council as requested by it.

23 (9) To investigate at any time the affairs of any officer or
24 department of the city that is under the administrator's
25 jurisdiction.

26 (10) To prepare and submit the annual city budget for review
27 and approval by the city council. The recommended budget shall
28 be submitted to city council for its review no later than the
29 last stated meeting in November. The budget so submitted shall
30 be accompanied by an enabling ordinance, together with such

1 explanatory comment or statement as the administrator may deem
2 desirable. The budget document shall be in such form as is
3 required by law for city budgets and shall contain such
4 additional documentation or explanation of the various items of
5 expenditure and revenue as may be required by council.

6 (11) To perform such other duties as may be designated by
7 the city council in the enabling ordinance.

8 Section 63. Article XIV heading of the act is reenacted to
9 read:

10 ARTICLE XIV

11 THE CITY TREASURER

12 Section 64. Section 1401 of the act, amended July 27, 1973
13 (P.L.229, No.59), is amended to read:

14 Section 1401. Qualifications.--The city treasurer shall be
15 [a competent] an accountant, at least twenty-one years of age,
16 and shall have been a resident of the city for at least one year
17 [next prior to his] before his or her election. He or she shall
18 reside in the city throughout his or her term of office. Prior
19 to being sworn in to office, and as a condition to qualifying
20 for office, the elected treasurer shall present a signed
21 affidavit to the city clerk that states the person resides in
22 the city from which elected and has resided in the city
23 continuously for at least one year preceding the person's
24 election.

25 Section 65. Section 1402 of the act, amended July 2, 1953
26 (P.L.318, No.67), is amended to read:

27 Section 1402. Bond; Insurance; Salary.--[The city treasurer
28 shall give lawful fidelity bond to the Commonwealth, with a
29 surety company authorized by law to act as surety, to be
30 approved by the city council, in such sum as it may by ordinance

1 direct, conditioned for the accounting for and paying over all
2 moneys received by him in his capacity as city treasurer and the
3 safekeeping and payment over of all public moneys entrusted to
4 his care, and that as tax collector of city, county, institution
5 district, and school taxes he shall account for and pay over all
6 moneys received by him as taxes, penalties and interest. The
7 city treasurer shall in addition furnish adequate insurance
8 protection against any and all losses of said funds through
9 fire, burglary, larceny, theft, robbery or forgery. Such
10 insurance shall be approved by the city council in such sum as
11 it may by ordinance direct. The city treasurer and his surety
12 shall be discharged from further liability on any bond as tax
13 collector, as soon as all tax items contained in the duplicates
14 delivered to him are either: (1) collected and paid over, or (2)
15 certified to the city council for entry as liens in the office
16 of the prothonotary, or as claims in the tax claim bureau, as
17 the case may be, or (3) returned to the county treasurer or city
18 treasurer for sale, or (4) in the case of taxes, not levied upon
19 real estate, a record of those which remain uncollected is filed
20 with the tax authority. The city treasurer shall be required to
21 give, in addition to insurance as aforesaid, but one bond which
22 shall include his duties as city treasurer and collector of
23 city, county, institution district, and school taxes, and shall
24 cover the full term of his office. Should any of the taxing
25 districts be of the opinion at any time that the bond and
26 insurance as aforesaid provided by the city treasurer is not
27 sufficient in amount as to the surety and insurance thereon, the
28 said taxing district may petition the court of quarter sessions
29 having jurisdiction in the city to have the city treasurer
30 furnish additional bond and insurance as aforesaid. Thereupon,

1 the city treasurer shall furnish such additional bond and
2 insurance, if any, as the said court may prescribe. The premium
3 of the bond or bonds and insurance shall be paid by the city or
4 shared pro rata by the taxing districts interested, as the case
5 may be, according to their respective tax interests. The
6 treasurer shall not in any event be required to provide bond or
7 bonds and insurance in an amount in excess of the taxes to be
8 collected by him. The bond or bonds and insurance provided by
9 the city treasurer shall or be for the use of the city and the
10 taxing districts involved. He shall, as city treasurer, receive
11 a fixed annual salary, to be provided by ordinance. His
12 compensation as tax collector for the city, county, institution
13 district and school district shall be as provided for in the
14 Local Tax Collection Law.] (a) The city treasurer shall give
15 lawful fidelity bond, covering the full term of his or her
16 office, for the faithful performance of his or her official
17 duties, including his or her duties as tax collector of city,
18 county, institution district and school taxes. In addition to
19 being subject to such other conditions as council may direct,
20 the bond of the city treasurer shall be conditioned upon the
21 following:

22 (1) The accounting for and paying over of all moneys
23 received in his or her capacity as city treasurer.

24 (2) The accounting for and paying over of all moneys
25 received as taxes, penalties and interest in his or her capacity
26 as tax collector of city, county, institution district and
27 school taxes.

28 (3) The safekeeping and payment over of all public moneys
29 entrusted to his or her care.

30 (b) Council may require two bonds from the city treasurer:

1 (1) A bond for the faithful performance by the city
2 treasurer of his or her official duties other than those of tax
3 collector.

4 (2) A bond covering the duties of the city treasurer as
5 collector of city, county, institution district and school
6 taxes.

7 In lieu of the bond required for the faithful performance by the
8 city treasurer of his or her official duties other than those of
9 tax collector, council may purchase insurance, provided that the
10 insurance covers the same events of loss and insures the county
11 against the same misconduct as the bond in compliance with this
12 act.

13 (c) The city treasurer and his or her surety shall be
14 discharged from further liability on any bond as tax collector,
15 as soon as each of the tax items contained in the duplicates
16 delivered to the city treasurer has been:

17 (1) collected and paid over;

18 (2) assigned to third party assignees;

19 (3) certified to the city council for entry as liens in the
20 office of the prothonotary or as claims in the tax claim bureau,
21 as the case may be;

22 (4) returned to the county treasurer or city treasurer for
23 sale; or

24 (5) in the case of taxes not levied upon real estate, a
25 record of those which remain uncollected is filed with the tax
26 authority.

27 (d) Council may require the city treasurer to be covered by
28 insurance protection in accordance with section 907.1(c).

29 (e) Should any of the taxing districts be of the opinion at
30 any time that the bond or insurance provided by the city

1 treasurer is not sufficient in amount, the taxing district may
2 petition the court of common pleas having jurisdiction in the
3 city to have the city treasurer furnish additional bond and
4 insurance. Thereupon, the city treasurer shall furnish
5 additional bond and insurance, if any, as the court may
6 prescribe. The premium on the bond or on the bonds and insurance
7 shall be shared pro rata by the taxing districts interested, as
8 the case may be, according to their respective tax interests
9 pursuant to the act of May 25, 1945 (P.L.1050, No.394), known as
10 the "Local Tax Collection Law." The treasurer shall not in any
11 event be required to provide bond or bonds and insurance in an
12 amount in excess of the taxes to be collected by him or her. The
13 bond or bonds and insurance provided by the city treasurer shall
14 be for the use of the city and the taxing districts involved.

15 (f) The city treasurer shall receive a fixed annual salary
16 to be provided by ordinance. His or her compensation as tax
17 collector for the city, county, institution district and school
18 district shall be as provided for in the "Local Tax Collection
19 Law."

20 Section 66. The act is amended by adding sections to read:

21 Section 1402.1. City Treasurer to be Tax Collector.--Except
22 as otherwise provided by the act of December 31, 1965 (P.L.1257,
23 No.511), known as "The Local Tax Enabling Act," the city
24 treasurer, by virtue of his or her office, shall be the
25 collector of the city, county, school and institution district
26 taxes assessed or levied in the city by the proper authorities
27 therein. As tax collector, the city treasurer shall maintain and
28 keep an office which may be the same as that of the city
29 treasurer for the purpose of receiving taxes during regular
30 business hours.

1 Section 1402.2. Date of Delivery of Duplicate; Collection.--

2 The council of each city and the county and county institution
3 district authorities, now empowered or which may be hereafter
4 empowered to levy taxes upon persons and property within the
5 city, shall, within thirty days after the adoption of the budget
6 or within thirty days after receipt of the assessment roll from
7 the county, whichever is later, make out and deliver their
8 respective duplicates of taxes assessed to the city treasurer to
9 be collected. The proper school authorities shall make out and
10 deliver the school duplicates of their respective taxes in such
11 city at the time and in the manner provided by the school laws
12 of this Commonwealth. All duplicates of taxes placed in the
13 hands of the treasurer shall at all times be open to proper
14 inspection of the taxpayers and of the proper auditing and
15 examining officers of the city, county or school district, as
16 the case may be, and shall be delivered by the treasurer at the
17 expiration of his or her term to his or her successor.

18 Section 1402.3. Tax Liens; Schedule of Uncollected Taxes;

19 Liability for False Return.--Upon the settlement of the
20 duplicates of city, county, institution district and school
21 taxes which by law are made a lien on real estate, the city
22 treasurer as collector of taxes shall make out schedules of the
23 city, county, school or institution district taxes uncollected
24 upon the duplicates with a brief description of the properties
25 against which the same are assessed, for the purpose of having
26 the same entered for lien or sold according to law. The failure
27 of the city treasurer to collect the taxes from personal
28 property, when the same could have been collected, shall not
29 impair the lien thereof or affect any sale made for the
30 collection thereof. In case the city treasurer shall make any

1 wilfully false return, he or she shall be liable to any person
2 or persons injured thereby.

3 Section 67. Sections 1403, 1404, 1405, 1406, 1407 and 1408
4 of the act are amended to read:

5 Section 1403. Receipt and Payment of Moneys; Daily
6 Transmittal of Receipts; Duplicates.--The city treasurer shall
7 demand and receive all moneys payable to the city from [whatever
8 source, and shall issue a receipt in every case to the person
9 making such payment, and shall pay all warrants duly
10 countersigned by the director of accounts and finance and the
11 city controller] such sources as the city council may from time
12 to time entrust to the city treasurer and shall issue a receipt
13 when requested in every case to the person making such payment
14 and shall pay all documents authorizing payment duly
15 countersigned. All receipts for money received on behalf of the
16 city by the treasurer shall be numbered serially and made in
17 duplicate at least, and all such duplicates shall daily, not
18 later than the next succeeding business day, be transmitted by
19 the city treasurer to the city controller.

20 Section 1404. Method of Keeping Accounts.--The accounts of
21 the city treasurer shall be kept in such manner as to clearly
22 exhibit all the items of receipts and expenditures of the city,
23 [and] the sources from which the moneys are received and the
24 objects for which the same are disbursed. He or she shall keep
25 separate and distinct accounts of the receipts and expenditures
26 of the city, including, but not limited to, the sinking fund,
27 and [the water and lighting] each department[, respectively]
28 providing a utility service, and also of every special fund
29 [which may come into his hands].

30 Section 1405. Moneys Appropriated Only to be Paid Out.--No

1 money shall be paid out of the city treasury unless the same
2 shall have been previously approved, duly authorized and
3 appropriated by council to the purpose for which it is to be
4 drawn, which shall be explicitly mentioned in the [warrant
5 therefor] document authorizing payment.

6 Section 1406. Depositories of City Funds Entrusted to the
7 Treasurer by City Council.--The treasurer shall keep the public
8 funds in [such] banks or financial depositories as council may
9 direct, under [such] restrictions and safeguards as council may
10 provide, and shall verify his or her accounts whenever required,
11 to the satisfaction of council.

12 No treasurer complying with the provisions of this section
13 and any ordinance of the city, nor his or her surety or
14 sureties, shall be chargeable with losses of city funds caused
15 by the insolvency or negligence of any [such] city depositories.

16 Section 1407. Delivery of City Property in His or Her
17 Possession to Successor.--The city treasurer shall, upon the
18 termination of his or her office, deliver to the city or to his
19 or her duly qualified successor all moneys, accounts, property
20 or effects in his or her possession belonging to the city.

21 Section 1408. [Assistants and Employees.--] Appointment of
22 Deputy Treasurer and Employee; Powers; Responsibility.--(a) The
23 city treasurer [shall] may appoint [all] the following:

24 (1) A deputy treasurer who, in the case of the sickness,
25 absence or inability of the city treasurer to act, shall have
26 the same powers and shall perform the same duties as are imposed
27 by law upon the city treasurer and such appointment shall be in
28 compliance with the requirements of the act of May 25, 1945
29 (P.L.1050, No.394), known as the "Local Tax Collection Law."

30 (2) All the assistants and employees of [his] the city

1 treasurer's office, whose number and compensation shall be fixed
2 by council[,] and who, in all other respects, shall be
3 considered as employes of the city.

4 (b) All persons appointed pursuant to this section shall be
5 covered by a bond, blanket bond or insurance in accordance with
6 section 907.1.

7 Section 68. Article XV heading of the act is reenacted to
8 read:

9 ARTICLE XV

10 THE CITY ENGINEER

11 Section 69. Article XV subdivision (a) heading of the act is
12 repealed:

13 [(a) General Provisions]

14 Section 70. Sections 1501, 1502, 1503, 1504 and 1505 of the
15 act are amended to read:

16 Section 1501. [Election of the City Engineer; Term; Bond;
17 Filling of Vacancies.--The council of each city shall, on the
18 first Monday of May, one thousand nine hundred and fifty-two,
19 and on the first Monday of May every fourth year thereafter, or
20 as soon thereafter as practicable in each of said years, appoint
21 a city engineer, who shall be a registered engineer in civil
22 engineering. He shall serve for a term of four years from the
23 said first Monday of May and until his successor is qualified.
24 He shall receive a fixed annual salary to be provided by
25 ordinance. He shall give lawful bond to the city, with a surety
26 or other company authorized by law to act as surety, to be
27 approved by council, in such sum as it shall by ordinance
28 direct, conditioned for the faithful performance of his official
29 duties. Vacancies in said office shall be filled by council for
30 the unexpired term.] Appointment of City Engineer.--Council

shall provide for the manner of appointment and compensation of the city engineer, who shall be a registered professional engineer in this Commonwealth and shall serve at the pleasure of council. Nothing contained herein shall prohibit council from designating an engineering firm of registered professional engineers from performing the duties and functions of the city engineer.

Section 1502. Control of Engineering Matters.--The city engineer shall have the [superintendence, direction and control of the engineering matters of the city, and no department of the city shall employ or retain any additional engineer, except with the previous assent of council. Assistants and employes in the office of the city engineer shall be appointed in accordance with the civil service provisions of this act. The provisions of this article shall not apply to any board of commissioners of water-works of any city wherein the title to the water-works therein located is in the name of the commissioners of water-works.] supervision, direction and control of the engineering matters of the city, and no department of the city shall employ or retain any additional engineer, except with the previous assent of council.

Section 1503. Duties[; Preparation of Plans.--The city engineer shall perform such duties as the council shall prescribe with reference to the construction, reconstruction, maintenance and repair of all streets, pavements, sewers, bridges, culverts and other engineering work. He shall prepare plans, specifications, and estimates for all such work undertaken by such city, and shall, whenever required, furnish council, the committees thereof, the mayor, public boards, or heads of departments, with reports, information or estimates on

1 any city engineering work, or on questions submitted by any of
2 them in their official capacity.].--As authorized by council,
3 engineering work undertaken by the city shall be performed or
4 supervised by the city engineer or by another registered
5 professional engineer employed by the city for a particular
6 purpose. The duties of the city engineer may include, but need
7 not be limited to, the following:

8 (1) Preparing plans, specifications and estimates, and
9 undertaking other engineering work related to constructing,
10 reconstructing, maintaining and repairing streets, pavements,
11 sewers, bridges, culverts and other municipal improvements.

12 (2) Making reports, giving estimates, supplying information
13 and responding to questions concerning city engineering work to
14 city officials and employes, provided that council may regulate
15 the manner, number and method of making these requests.

16 (3) Conducting, supervising or directing surveys relating to
17 city property and improvements authorized by law or as directed
18 by council.

19 (4) Preparing a topographical survey of the city or a
20 general plan of city streets, marking the lines of streets, both
21 those already opened and those intended to be opened for public
22 use, as council may deem necessary.

23 (5) Surveying, making a draft or plan of and laying out new
24 or proposed streets, as council may deem necessary.

25 (6) Reporting a grade for any proposed or new streets, as
26 council may deem necessary.

27 (7) Making reports, from time to time, as deemed expedient
28 by the city engineer or as council shall direct, of the surveys
29 and plans of city streets in convenient sections without
30 awaiting the completion of the entire survey.

1 (8) Keeping and maintaining books and records, and providing
2 for certified copies of the same, as may be directed or
3 authorized by council.

4 Section 1504. [Certificate of Commencement and of Completion
5 of Municipal Improvements.--The city engineer shall immediately
6 after the completion of any municipal improvement, the cost and
7 expense of which, in whole or in part, is to be paid by the
8 abutting property, make certificate in which he shall state the
9 day or time on which the particular improvement was completed,
10 and shall file the same with the city clerk, who shall enter the
11 said day or time of completion in a book to be kept by him for
12 said purposes; and the said day or time mentioned in said
13 certificate shall be conclusive on all parties as to the time
14 the said work was completed. The time of completion of the work,
15 referred to in this section and in other parts of this act,
16 shall be taken to mean the time of the completion of the whole
17 contract for the improvement. He shall also furnish to the city
18 clerk a certificate showing the time on which any such
19 particular improvement was commenced, and such certificate shall
20 be conclusive evidence of the time when the said improvement was
21 begun. An entry of such date shall be made by said clerk in the
22 books aforesaid.] Certifying Commencement and Completion of

23 Municipal Improvements.--Within a reasonable time after the
24 completion of any municipal improvement, the cost and expense of
25 which, in whole or in part, is to be paid by the abutting
26 property owner or owners, the city engineer, or employes
27 designated by the city engineer, shall certify the day or time
28 on which the particular improvement was commenced and the day or
29 time on which the particular improvement was completed, shall
30 file the same with the city clerk and shall provide notice of

the filing to the city solicitor. The day or time of completion of the work, referred to in this section and in other parts of this act, shall mean the time of the completion of the whole contract for the improvement. Information filed with the clerk certifying the day or time of the commencement and completion of the work shall be conclusive evidence of the day or time when the improvement was begun and completed.

Section 1505. [Surveys.--The city engineer shall have the charge and direction of all surveys and regulations authorized by any act of Assembly, or ordinance of such city, and shall perform such other duties as council shall direct.] Surveys; Entering Upon the Lands of Others.--For the purposes of carrying out authorized surveys, laying out streets or of other engineering work of the city, the city engineer or other persons engaged in city engineering work shall have full power and authority to enter upon the lands and premises of any person or persons within the city.

Section 71. Article XV subdivision (b) heading, sections 1515, 1516, 1517, 1518, 1519, 1520 and 1521, subdivision (c) heading and sections 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537 and 1538 are repealed:

[(b) Real Estate Registry

Section 1515. Council to Provide for Registry of Real Estate.--For the purpose of procuring accurate information in reference to the ownership of all real estate, the council of each city shall provide, by ordinance, for a registry thereof in accordance with this subdivision.

Section 1516. Preparation of Books, Plans and Maps.--The city engineer of any city in which such registry shall be established shall cause to be made all such necessary books,

1 maps and plans as will show the situation and dimensions of each
2 property therein, which books, maps or plans shall be so
3 prepared as to show the city number, and name of the owner or
4 owners thereof, with blank spaces for the owner of each lot,
5 with provision for the names of future owners, and dates of
6 future transfer of title. For such purpose, the city engineer
7 shall have free access, without charge, to any of the public
8 records wherein the necessary information may be obtainable
9 therefor. He may also cause search to be made in any other place
10 for any muniments or evidence of title, not reported to him as
11 hereinafter provided, and requisite for the completion of said
12 books, maps or plans.

13 Section 1517. Preservation of Records.--The said books, maps
14 and plans shall be carefully preserved in the office of the
15 engineer, and shall be so kept, by additions from time to time,
16 or otherwise, as to show the ownership of every lot or piece of
17 real estate, or subdivision thereof, within the city limits,
18 with the successive transmissions of title, from the date of the
19 commencement of such plans; but nothing herein or in this
20 article shall invalidate any municipal or tax claim by reason of
21 the fact that the same is not assessed or levied against the
22 registered owner.

23 Section 1518. Certified Copies of Entries Admissible as
24 Evidence.--Certified copies, signed by the city engineer, of any
25 of the entries in said books, or upon said maps or plans, shall
26 be received in evidence in the same manner as the books, maps
27 and plans themselves might be admissible for such purposes; and
28 may be also furnished to any person desiring the same, for such
29 fee or compensation for the use of the city as may be fixed by
30 ordinance.

1 Section 1519. Duties Imposed on Owners of Real Estate when
2 Registry Established; Penalty.--All owners of unregistered real
3 estate within the city limits, within thirty days from the date
4 of the approval of the ordinance establishing such registry, and
5 every subsequent purchaser, devisee, or person acquiring title
6 by partition or otherwise, to any real estate therein, within
7 thirty days after acquiring such title, shall furnish to the
8 said engineer, at his office, descriptions of their respective
9 properties, upon blanks to be furnished by the city, and, at the
10 same time, present their conveyance to be stamped by said
11 engineer, without charge, as evidence of the registration
12 thereof. Any person or persons neglecting or refusing to comply
13 with the provisions of this section, for a period of thirty days
14 after public notice of the requirements thereof, shall be liable
15 to a penalty of five dollars, to be recovered, with costs of
16 suit, in the name and for the use of the city, as penalties for
17 the violation of city ordinances are recoverable: Provided,
18 however, That such registration may within said thirty day
19 period be also effected by the recorder of deeds of the county,
20 in accordance with existing law.

21 Section 1520. Registry of Properties Sold at Judicial
22 Sales.--The sheriffs of the respective counties in which such
23 cities are situated shall present for registry the deeds of all
24 properties within the city limits sold by them at judicial
25 sales, whether by execution, in partition, or otherwise.

26 Section 1521. Filing of Municipal Claims.--Each city's
27 registry may be used as the lawful and proper source of property
28 owners' or reputed owners' names for the purpose of filing
29 municipal claims as liens or of reviving municipal liens.

30 (c) Topographical Survey

Section 1530. Council May Authorize Topographical Survey.--

Any city may, by ordinance, cause a topographical survey thereof, to be made by its city engineer, or by such other civil engineer and assistants as they may employ for that purpose.

Section 1531. Plan of Streets and Highways; Surveys;

Grades.--The city engineer, upon being duly authorized, shall procure and keep in his office such necessary plot or other books as shall be necessary for the purpose of entering or recording thereon all the streets and highways of the city,

already opened or to be hereafter opened. He shall survey and

mark the lines of all the streets and highways of the city,

already opened or intended to be opened for public use, and

survey and lay out new streets and highways, as council may deem

necessary, for a regular and convenient city plan, and, if

specially directed, he shall report a grade for any proposed new

streets. For the said purposes, the city engineer and his

assistants or any other person engaged in such engineering work

for the city shall have full power and authority to enter upon

the lands and premises of any person or persons within the said

city.

Section 1532. Return of Draft of Completed Survey to

Council; Inspection.--When the survey shall be completed, the

said engineer shall make or cause to be made a draft or plan

thereof, with every provision and explanation necessary for a

full understanding of the same, distinctly designated where new

streets and highways are thereafter to be opened, and shall

return the same to the council. It shall remain in the office of

the city clerk, and open to inspection by those interested,

until finally approved as hereinafter provided.

Section 1533. Notice of Return; Objections; Alterations;

1 Approval; Recording.--Council shall give at least thirty days'
2 previous notice by publication once in at least two newspapers
3 of general circulation, if there be that many, as required by
4 section one hundred and nine of this act, and by posting at
5 least ten handbills upon lands or territory contained in the map
6 or plan returned for approval, that on a certain day or days, to
7 be fixed by the said council, the said council will hear any
8 objection that may be made to said draft or plans by any
9 freeholder or citizen of said city, or interested person. The
10 council at the time appointed, or at any subsequent time within
11 three months, shall determine whether any and what alterations
12 shall be made in the said plan or draft. When the same is
13 finally approved, whether as returned or as altered and changed,
14 said council may direct that the same be entered and recorded in
15 the plot-book of street plans, in the office of the city
16 engineer.

17 Section 1534. Notation of Grades on Plans.--In case the city
18 engineer is directed to report grades for said streets or
19 highways, the same shall be noted on said draft or plan, and be
20 returned with his surveys; and said grades shall be subject to
21 alterations and changes by council, in the manner aforesaid; and
22 when approved by the said council shall become part of the
23 plans, and be entered and recorded as aforesaid.

24 Section 1535. Effect of Recording.--Upon the recording of
25 such plan or draft in the street plan book, and the passage of
26 an ordinance approving said street drafts or plans and grades,
27 or of either, as the case may be, therein designating the book
28 and page, or pages, at or in which the said plan or plans are
29 recorded, thereafter all the streets and highways, as designated
30 upon said approved plan and recorded as aforesaid, shall be

1 adjudged and taken to be laid out and located streets and
2 highways.

3 Section 1536. Deviation from Established Plans; Liability of
4 City.--In case the council shall thereafter change or alter, or
5 should they by themselves or their officers deviate from the
6 regulations of the streets or highways, so as aforesaid
7 established, and damages thereby accrue to the property of any
8 person or persons in consequence thereof, the said city shall be
9 liable for the payment of such damages.

10 Section 1537. Sectional Surveys.--Sectional surveys or
11 drafts may be returned to the council by said engineer at any
12 time, and be confirmed as aforesaid, and with like force and
13 effect.

14 Section 1538. Reports of Partial Surveys; Confirmation.--The
15 said engineer may, from time to time as he shall deem expedient
16 and the said council shall direct, make report of the surveys,
17 plans and regulations by him made, in convenient sections,
18 without awaiting the completion of the entire survey, and shall
19 make duplicate drafts and plans of said section in the manner
20 hereinbefore prescribed. The same proceedings shall be had for
21 the final confirmation of such partial or sectional drafts and
22 plans as is herein directed in relation to the confirmation of
23 the entire survey, and with like effect and force.]

24 Section 72. Article XVI heading of the act is reenacted to
25 read:

26 ARTICLE XVI

27 THE CITY SOLICITOR

28 Section 73. Sections 1601, 1602, 1603 and 1604 of the act
29 are amended to read:

30 Section 1601. Appointment of City Solicitor[; Term;

1 Compensation; Bond; Filling of Vacancies.--The council of each
2 city shall, on the first Monday of May, one thousand nine
3 hundred and fifty-two, and on the first Monday of May every
4 fourth year thereafter, or as soon thereafter as practicable in
5 each of said years, appoint a city solicitor, who shall be
6 learned in the law and admitted to practice in the Supreme Court
7 of the Commonwealth, and shall maintain an office in the city.
8 He shall serve for a term of four years from the said first
9 Monday of May and until his successor is qualified. He shall
10 receive a fixed annual salary to be provided by ordinance. He
11 shall give lawful bond to the city, with a surety or other
12 company authorized by law to act as surety, to be approved by
13 council, in such sum as they shall by ordinance direct,
14 conditioned for the faithful performance of his official duties.
15 Vacancies in said office shall be filled by council for the
16 unexpired term.].--Council shall provide for the manner of
17 appointment and compensation of the city solicitor, which may be
18 a law firm.

19 Section 1602. Direction of [Law] Legal Matters.--The city
20 solicitor shall have the [superintendence,] direction[,] and
21 control of the [law] legal matters of the city. No department of
22 the city shall employ or retain any additional counsel in any
23 matter or cause, except with the [previous] prior assent of
24 council.

25 Section 1603. Duties.--The city solicitor shall [prepare]
26 oversee the preparation of all bonds, obligations, contracts,
27 leases, conveyances, and assurances to which the city or any
28 department thereof may be party, as may be directed by
29 resolution or ordinance, and shall [commence and prosecute]
30 oversee the commencement and prosecution of all and every suit

1 or suits, action or actions, brought by the city, and the filing
2 of municipal claims and liens, for or on account of any of the
3 estates, rights, trusts, privileges, claims, or demands[,] of
4 the same, as well as [defend] oversee the defense of all actions
5 or suits against the [said] city or any officer thereof, wherein
6 or whereby any of the estates, rights, privileges, trusts,
7 ordinances, or acts of the city or any department thereof, may
8 be brought in question before any court. He or she shall have
9 like duties before any administrative agency or other judicial
10 or quasi-judicial body. He or she shall do all and every
11 professional act incident to the office which he or she may be
12 lawfully authorized and required to do by the mayor, or by any
13 ordinance or resolution of the council, and shall perform such
14 other duties as council may direct.

15 Section 1604. Written Opinions to be Furnished.--[The city
16 solicitor shall, whenever required, furnish the council, the
17 mayor, or any elected city official, with his opinion, in
18 writing, upon any question of law which may be submitted by any
19 of them in their official capacities.] (a) Subject to
20 regulation by council in accordance with subsection (b), the
21 city solicitor shall furnish a written opinion on questions of
22 law submitted, in their official capacities, by any of the
23 following:

24 (1) The council.

25 (2) The mayor.

26 (3) Any other elected city official.

27 (4) Any appointed city official designated by council as
28 authorized to request a written legal opinion.

29 (b) The city council may provide for the regulation of the
30 manner in which questions are presented to the city solicitor by

1 any elected or appointed city official and may limit the
2 questions submitted in such manner as the city council may
3 direct.

4 Section 74. Sections 1605 and 1606 of the act are repealed:

5 [Section 1605. City Lien Docket.--The city solicitor shall
6 keep in his office a city lien docket, which shall be open to
7 public inspection, and in which he shall cause to be entered all
8 claims for curbing, paving, or repaving sidewalks, assessments
9 of damages, contributions for opening streets, or parts thereof,
10 for grading, paving, and macadamizing the same, for water and
11 lighting frontage tax and water and lighting rates, sewerage,
12 city taxes, and other matters that may be the subject of claim
13 on the part of the city, which have or shall be returned to the
14 solicitor as remaining due and unpaid after the period
15 prescribed by law or ordinance for the payment of such claims.
16 Nothing contained herein shall be deemed to alter or replace the
17 administration and effect of the Real Estate Tax Sale Law in any
18 city wherein said law is in operation.

19 Section 1606. Department Heads to Furnish Statements of
20 Claim.--It shall be the duty of the head of each department,
21 wherein any such claim shall originate, to furnish to the city
22 solicitor, within the period prescribed by law or ordinance, a
23 statement of all claims for curbing, paving, et cetera, which
24 remain due or unpaid, a certified copy of which the said heads
25 of departments shall at the same time furnish to the director of
26 accounts and finance.]

27 Section 75. Section 1607 of the act is amended to read:

28 Section 1607. Satisfaction of Liens Due City.--Upon the
29 payment of any lien or other debt of record due the city, to any
30 city employe or city official or other person authorized to

1 receive the [same] payment, that person shall [forthwith forward
2 to the city solicitor a satisfaction piece therein], as soon as
3 practicable, notify the city solicitor; and it shall be the duty
4 of the city solicitor or his [assistant forthwith] or her
5 designee, as soon as practicable, to cause satisfaction to be
6 entered upon the proper record [thereof] of the lien or debt of
7 record.

8 Section 76. Section 1608 of the act is repealed:

9 [Section 1608. Return and Payment of Money and Fees
10 Received.--The city solicitor shall, at least once in every
11 month, make a return to the director of accounts and finance,
12 under oath or affirmation, of each item of moneys received by or
13 through him, or his assistants, by virtue of his office, or on
14 account of any matter connected therewith. Immediately upon
15 making such return, he shall pay over the amount in his hands to
16 the city treasurer. He shall, in like manner, pay into the city
17 treasury all fees received by him in his official capacity, but
18 this provision shall not be taken to include the judgment fee or
19 commission allowed him in his capacity of attorney.]

20 Section 77. Sections 1609 and 1610 of the act are amended to
21 read:

22 Section 1609. Assistant Solicitor.--[The council of each
23 city may] Council may, at its discretion, appoint one or more
24 assistant city solicitors[, whose term of office shall be
25 concurrent with that of the city solicitor, and whose] to assist
26 the solicitor in the performance of all duties and shall provide
27 for the compensation [shall be fixed by resolution, and who
28 shall assist the solicitor in the performance of all duties
29 prescribed for him] of assistant solicitors by resolution.

30 Section 1610. Special Counsel.--Council may, at its

1 discretion, retain special counsel for particular proceedings or
2 matters of the city and [fix his] shall provide for the
3 compensation of special counsel by resolution.

4 Section 78. Article XVII heading of the act is amended to
5 read:

6 ARTICLE XVII

7 THE CITY CONTROLLER AND INDEPENDENT AUDITOR

8 Section 79. Article XVII of the act is amended by adding a
9 subdivision heading to read:

10 (a) City Controller

11 Section 80. Section 1701 of the act, amended July 27, 1973
12 (P.L.234, No.62), is amended to read:

13 Section 1701. Qualifications; Bond; Compensation.--(a) The
14 city controller or any deputy or temporary deputy controller
15 shall be [a competent] an accountant, at least twenty-one years
16 of age, shall have been a resident of the city for at least one
17 year [next before his election] before his or her election, and
18 shall reside in the city throughout his or her term of office.
19 Prior to being sworn in to office, and as a condition to
20 qualifying for office, the elected city controller shall present
21 a signed affidavit to the city clerk that states the person
22 resides in the city from which elected and has resided in the
23 city continuously for at least one year immediately before the
24 person's election.

25 (b) The city controller shall give bond in accordance with
26 section 907.1 for the faithful performance of his or her
27 official duties as the city controller. The bond shall cover the
28 full term of his or her office and shall be conditioned upon the
29 following:

30 (1) The accounting for and paying over of all moneys

1 received in his or her capacity as city controller.

2 (2) The safekeeping and payment over of all public moneys
3 entrusted to his or her care.

4 (c) The city controller shall receive a fixed annual salary,
5 to be set by ordinance, in an amount not less than the
6 compensation paid to members of council.

7 Section 81. Sections 1702 and 1703 of the act are repealed:

8 [Section 1702. Bond.--He shall give lawful bond to the city,
9 with a surety or other company authorized by law to act as
10 surety, to be approved by the council, in such sum as it may by
11 ordinance direct, conditioned for the honest and faithful
12 discharge of his official duties.

13 Section 1703. Compensation.--He shall receive a fixed annual
14 salary, to be provided by ordinance, which shall not be less
15 than the compensation paid to members of council.]

16 Section 82. Section 1704 of the act, amended May 6, 1957
17 (P.L.100, No.42) and December 14, 1967 (P.L.828, No.355), is
18 amended to read:

19 Section 1704. [Examination and Audit of Accounts].--(a)]
20 Powers and Duties.--(a) The city controller shall countersign
21 all documents authorizing the payment of moneys out of the city
22 treasury when satisfied of the legality of the payment.

23 (b) The city controller shall have the power to administer
24 oaths or affirmations in relation to any matter touching the
25 authentication of any account, claim or demand of or against the
26 city, but shall not receive any fee therefor.

27 (c) The city controller shall have the power to examine[,
28 audit and settle all] the following accounts:

29 (1) All accounts whatsoever in which the city is concerned,
30 either as debtor or creditor[, and shall also, annually or as

1 often as he desires or is directed to do so by council, examine
2 and audit the].

3 (2) The accounts of all city bureaus, officers, and
4 departments which collect, receive, and disburse public
5 moneys[, or who are charged with the management, control, or
6 custody thereof[, and in every case he shall make report of such
7 examination, audit and settlement to the council. He shall
8 likewise audit and report upon the].

9 (3) The accounts of [any such] a city officer upon the
10 death, resignation, removal or expiration of the term of the
11 [said officers] officer. [He shall likewise audit and report
12 upon the]

13 (4) The accounts of any library to which the city makes
14 appropriations, [those of] any institution owned by the city,
15 and [those of] Pennsylvania National Guard units to which the
16 city makes appropriations.

17 [(b) He shall likewise audit, or with the consent of council
18 cause to be made by an accountant an annual audit of, all the
19 accounts of any municipal officer in any department of the city
20 government who may be charged with the duty, or who may perform
21 the services, of receiving and disbursing the funds of any
22 association, society, or organization of municipal employes or
23 persons, directly or indirectly connected with the municipal
24 government, for the benefit, relief, or pensioning of firemen,
25 policemen, or other municipal employes or persons as aforesaid.

26 (c) All such audits shall be made within as short a time as
27 possible after the close of the fiscal year, and be annually
28 reported to council at its first meeting in March, as other
29 reports of the controller are made, and shall be filed with the
30 court of quarter sessions within ninety days of the close of the

1 fiscal year.

2 (d) Council may provide for an audit of any or all accounts
3 by an independent certified public accountant.

4 (e) Brief abstracts or summaries of the reports of such
5 accounts and financial statements or such other reports thereof
6 as council may require shall be published at least once a week
7 for two weeks in one newspaper, in accordance with the
8 provisions of section one hundred and nine of this act. The
9 expense and cost of such publication shall be paid out of the
10 funds of the various associations, organizations, or societies,
11 as their other expenses are paid.]

12 (d) In the same manner in which subpoenas may be issued and
13 enforced, in accordance with section 917, the city controller
14 shall have power to issue and pursue enforcement of subpoenas to
15 obtain the attendance both of officers whose accounts the
16 controller is authorized to examine and of any person or persons
17 whom it may be necessary to examine as witnesses.

18 (e) The city controller may present council with annual or
19 periodic statements concerning the results of the controller's
20 examination of accounts.

21 Section 83. The act is amended by adding sections to read:

22 Section 1704.1. Deputy Controller; Employees.--The controller
23 may appoint a deputy controller and may select individuals to
24 serve as assistants and employees in the controller's office. The
25 number of the assistants and employees permitted, if any, shall
26 be fixed by council. Assistants and employees in the controller's
27 office shall, in all other respects, be considered employees of
28 the city. A deputy controller, assistants and employees appointed
29 hereunder shall be bonded, and their compensation shall be fixed
30 by council.

1 Section 1704.2. Temporary Deputy Controller.--In case of the
2 sickness, absence or inability of a city controller, and when no
3 deputy shall have been appointed by the controller, the council
4 may appoint a temporary deputy controller to serve during the
5 sickness, absence or inability of such controller, or until the
6 controller shall appoint a deputy. A temporary deputy controller
7 shall be bonded and receive such compensation as fixed by
8 council.

9 Section 1704.3. Continuation of Office.--The appointment of
10 an independent auditor in accordance with subdivision (b) shall
11 not abolish the office of controller. The elected controller
12 shall continue to exercise those powers retained for the
13 controller in this subdivision.

14 Section 84. Article XVII of the act is amended by adding a
15 subdivision heading to read:

16 (b) Independent Auditor

17 Section 85. The act is amended by adding sections to read:

18 Section 1704.11. Appointment of an Independent Auditor.--The
19 council shall provide, by resolution, for the appointment of an
20 independent auditor. The independent auditor may be a certified
21 public accountant or a firm of certified public accountants.

22 Section 1704.12. Powers and Duties of the Independent
23 Auditor.--(a) The independent auditor shall conduct an annual
24 audit of all accounts of city officers, departments and offices
25 which collect, receive and disburse public moneys and other
26 funds or are charged with the management, control or custody
27 thereof on which he or she is required to report pursuant to
28 this subdivision. The annual audit, as directed by council,
29 shall also include any accounts subject to examination by the
30 controller pursuant to subdivision (a).

1 (b) The independent auditor shall have and possess the
2 powers expressly provided in this subdivision and, in relation
3 to accounts which the independent auditor is authorized to
4 audit, shall have the same power as the city controller to issue
5 subpoenas to obtain the attendance of officers and witnesses.

6 Section 86. Section 1705 of the act, amended March 2, 1970
7 (P.L.71, No.31), is amended to read:

8 Section 1705. Annual Report to Council; Filing Copy in Court
9 and Appeal [Therefrom].--(a) The [city controller] independent
10 auditor appointed in accordance with this subdivision shall make
11 a report to council, at [its] council's first meeting in March
12 in each year, of the audits [which he shall have] made of the
13 accounts of the officers having charge, custody, control or
14 disbursement of such public moneys and other funds, showing the
15 balance in their hands respectively, and, within ninety days of
16 the close of the fiscal year, the [city controller] independent
17 auditor shall file a copy of the [said] annual report to council
18 with the clerk of the court or the prothonotary, as may be
19 provided by local rules of court.

20 (b) The independent auditor shall also prepare, annually, an
21 intelligible summary of the report or reports made pursuant to
22 this section, showing the fiscal condition of the affairs of the
23 city. Council may require advisory interim reports from the
24 independent auditor.

25 (c) It shall be lawful for the city or any taxpayer thereof
26 on its behalf or any officer whose account is settled or audited
27 to appeal from the settlement or audit to the court of common
28 pleas of the county within forty-five days after the [said]
29 annual report to council has been filed. If the appellant is a
30 taxpayer or any officer charged as aforesaid, he shall file a

1 bond, with one or more sufficient sureties, conditioned to pay
2 all costs thereafter accruing in case a decision shall not be
3 obtained more favorable to the party on whose behalf the appeal
4 shall be taken than that contained in the [said] report. [The
5 city controller shall also prepare an intelligible summary of
6 said reports, showing the fiscal condition of the affairs of the
7 city, and post one copy of said summary in a conspicuous place
8 in the city hall. Council may require advisory interim reports
9 from the city controller.]

10 Section 87. Sections 1706, 1707, 1708 and 1709 of the act
11 are repealed:

12 [Section 1706. Power to Administer Oaths; Countersigning of
13 Warrants.--The city controller shall have the power to
14 administer oaths or affirmations in relation to any matter
15 touching the authentication of any account, claim, or demand of
16 or against the city, but shall not receive any fee therefor, and
17 shall countersign all warrants for the payment of moneys out of
18 the city treasury when satisfied of the legality of such
19 payment.

20 Section 1707. Power to Subpoena City Officers.--The city
21 controller shall have power to issue subpoenas to obtain the
22 attendance of officers whose accounts he is authorized to
23 adjust, audit, and settle, and also to subpoena any person or
24 persons whom it may be necessary to examine as witnesses, and in
25 case any city officer or any witness refuses to appear upon
26 being subpoenaed, he shall report such refusal to council, and
27 the council is hereby empowered to enact ordinances to compel
28 the attendance of city officers and witnesses before the said
29 city controller and to impose penalties in case of refusal.

30 Section 1708. Appointment of Deputy Controller; Powers;

1 Responsibility.--The city controller may appoint a deputy
2 controller, who in case of the sickness, absence, or inability
3 of such controller to act, shall have the same powers and shall
4 perform the same duties as are imposed by law upon the city
5 controller. In the case of such appointment, the said controller
6 shall be responsible and liable for the acts of such deputy.

7 Section 1709. Appointment of Temporary Deputy by Council;
8 Bond; Compensation.--In case of the sickness, absence, or
9 inability of a city controller, and when no deputy shall have
10 been appointed by him, the council of such city may appoint a
11 deputy controller to serve during the sickness, absence, or
12 inability of such controller, or until such controller shall
13 appoint a deputy, as aforesaid, who shall furnish such bond, and
14 receive such compensation, as shall be fixed by council.]

15 Section 88. Article XVIII heading of the act is reenacted to
16 read:

17 ARTICLE XVIII

18 ACCOUNTS AND FINANCES

19 Section 89. Section 1801 of the act, amended April 27, 1965
20 (P.L.21, No.18), is amended to read:

21 Section 1801. Fiscal Year.--The fiscal year of each city
22 shall begin on the first day of January and end on the last day
23 of December.

24 Section 90. Sections 1802, 1803 and 1804 of the act are
25 amended to read:

26 Section 1802. [Director of Accounts and Finance] Chief
27 Fiscal Officer; Bond; Administering Oaths.--[The director of
28 accounts and finance shall be the head of the Department of
29 Accounts and Finance. He shall furnish bond in such amount as
30 shall be fixed by ordinance. He] (a) Council shall provide for

1 a chief fiscal officer for the city. In filling the position of
2 chief fiscal officer, council may appoint, but shall not be
3 limited to appointing, the director of the department of
4 accounts and finance, if one is appointed pursuant to Article XI
5 or the city administrator, if one is appointed pursuant to
6 Article XIII.

7 (b) Council shall require that the chief fiscal officer
8 furnish a bond subject to section 907.1.

9 (c) The chief fiscal officer shall have authority to
10 administer oaths and affirmations in relation to any matter
11 touching the authentication of every account with or claim or
12 demand of or against the city, but shall not be entitled to
13 receive any fee therefor.

14 Section 1803. Deputy.--[The director of accounts and finance
15 may appoint a deputy, subject to the approval of council, which
16 shall fix the salary of such deputy.] Council may authorize the
17 chief fiscal officer to appoint, subject to the approval of
18 council, a deputy chief fiscal officer whose compensation shall
19 be fixed by council. The deputy shall have power to administer
20 oaths and affirmations in all matters relating to the affairs of
21 [said] the office and shall furnish a bond subject to section
22 907.1. If no deputy has been appointed, council may appoint a
23 temporary deputy chief fiscal officer to serve during the chief
24 fiscal officer's illness, absence or inability to serve. The
25 temporary deputy chief fiscal officer may be required to furnish
26 bond as required by council. [The director of accounts and
27 finance shall in all cases be responsible and liable for the
28 actions and conduct of the said deputy.]

29 Section 1804. Regulations Concerning Appropriation.--(a) No
30 debt shall be created by any department of the city[,] except in

1 [pursuance of previous authority of law, ordinance, or
2 resolution] accordance with law.

3 (b) No money shall be paid out of the city treasury except
4 upon appropriation made according to law[,] and [on warrant]
5 pursuant to a document authorizing payment drawn by the proper
6 officer or officers in pursuance thereof.

7 (c) No work shall be hired to be done, no materials
8 purchased, no contracts made, and no order issued for the
9 payment of any moneys [in any amount which will cause the sums
10 appropriated to specific purposes to be exceeded], if doing so
11 would result in the total expenditure of money for a specific
12 purpose to exceed the amount appropriated for that purpose.

13 (d) In every case in which an appropriation shall be
14 [exhausted] entirely expended, and the object of [which] the
15 appropriation is not completed, the [director of accounts and
16 finance] chief fiscal officer shall [immediately] on or before
17 the next regularly scheduled council meeting report the fact to
18 the city council and accompany [such] the report with a
19 statement of the moneys which have been drawn on [such] the
20 appropriation[,] and the particular purpose for which they were
21 drawn.

22 (e) The council may at any time by ordinance make
23 supplemental appropriations for any lawful purpose from any
24 funds on hand or estimated to be received within the fiscal year
25 and not appropriated to any other purpose, including the
26 proceeds of any borrowing now or hereafter authorized by law.

27 (f) The council shall have the power to authorize the
28 transfer of any unexpended balance, of any appropriation item,
29 or any portion thereof, but [such action shall be taken only on
30 the recommendation of a director of one of the departments]

council shall first seek comments from the director of the
department negatively affected by the proposed transfer pursuant
to this section.

[When a transfer of over five per cent of an appropriation
item is made within a department or when a transfer of over five
per cent of the total appropriation is made from one department
to another department, an affirmative vote of four members of
the council shall be required.]

(g) Consistent with this section, council shall determine
the manner and method of all intradepartmental and
interdepartmental financial transfers.

Section 91. Section 1804.1 of the act, amended July 10, 1980
(P.L.478, No.103) and December 13, 1982 (P.L.1149, No.263), is
amended to read:

Section 1804.1. Investment of City Funds.--(a) The council
shall have power to provide the following:

(1) [make] The investment of city sinking funds as
authorized by [the act of July 12, 1972 (P.L.781, No.185), known
as the "Local Government Unit Debt Act";] 53 Pa.C.S. Pt. VII
Subpt. B (relating to indebtedness and borrowing).

(2) [make] The investment of moneys in the general fund and
in special funds of the city other than the sinking funds as
authorized by this article[; and].

(3) [liquidate] The liquidation of any [such] investment, in
whole or in part, by disposing of securities or withdrawing
funds on deposit. Any action taken to make or to liquidate any
investment shall be made by the officers designated by action of
the council.

(b) The council shall invest city funds consistent with
sound business practice.

(c) The council shall provide for an investment program subject to restrictions contained in this act and in any other applicable statute and any rules and regulations adopted by the council.

(d) Authorized types of investments for city funds shall be any of the following:

(1) United States Treasury bills.

(2) Short-term obligations of the United States Government or its agencies or instrumentalities.

(3) Deposits in savings accounts or time deposits, other than certificates of deposit, or share accounts of institutions insured by the Federal Deposit Insurance Corporation [or the Federal Savings and Loan Insurance Corporation] or the National Credit Union Share Insurance Fund [or the Pennsylvania Deposit Insurance Corporation or the Pennsylvania Savings Association Insurance Corporation] to the extent that such accounts are so insured[,] and, for any amounts above the insured maximum, provided that approved collateral as provided by law therefore shall be pledged by the depository.

(4) Obligations of the United States of America or any of its agencies or instrumentalities backed by the full faith and credit of the United States of America, the Commonwealth of Pennsylvania or any of its agencies or instrumentalities backed by the full faith and credit of the Commonwealth, or of any political subdivision of the Commonwealth of Pennsylvania or any of its agencies or instrumentalities backed by the full faith and credit of the political subdivision.

(5) Shares of an investment company registered under the Investment Company Act of 1940 (54 Stat. 789, 15 U.S.C. § 80a-1 et seq.), whose shares are registered under the Securities Act

1 of 1933 (48 Stat. 74, 15 U.S.C. § 77a et seq.), provided that
2 the only investments of that company are in the authorized
3 investments for city funds listed in clauses (1) through (4).

4 (6) Certificates of deposit purchased from institutions
5 insured by the Federal Deposit Insurance Corporation [or the
6 Federal Savings and Loan Insurance Corporation] or the National
7 Credit Union Share Insurance Fund [or the Pennsylvania Deposit
8 Insurance Corporation or the Pennsylvania Savings Association
9 Insurance Corporation] to the extent that such accounts are so
10 insured. However, for any amounts above the insured maximum,
11 such certificates of deposit shall be collateralized by a pledge
12 or assignment of assets of the institution, and such collateral
13 may include loans (including interest in pools of loans) secured
14 by first mortgage liens on real property. Certificates of
15 deposit purchased from commercial banks shall be limited to an
16 amount equal to twenty per centum of a bank's total capital and
17 surplus. Certificates of deposit purchased from savings and loan
18 associations or savings banks shall be limited to an amount
19 equal to twenty per centum of an institution's assets minus
20 liabilities.

21 (7) Any investment authorized by 20 Pa.C.S. Ch. 73 (relating
22 to [fiduciaries] municipalities investments) shall be an
23 authorized investment for any pension or retirement fund.

24 (8) Repurchase agreements which are fully collateralized by
25 obligations of the United States Government or its agencies or
26 instrumentalities, which are free from other liens and backed by
27 the full faith and credit of the United States or are rated in
28 the highest category by a nationally recognized statistical
29 rating organization.

30 (9) Deposits in investment pools established by the State

1 Treasurer or established by local governments pursuant to 53
2 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental
3 cooperation) and related statutes, provided that the investment
4 pools are rated in the highest category by a nationally
5 recognized statistical rating organization.

6 (e) In making investments of city funds, the council shall
7 have authority to do any of the following:

8 (1) [To permit] Permit assets pledged as collateral under
9 subsection (d)(3), to be pooled in accordance with the act of
10 August 6, 1971 (P.L.281, No.72), relating to pledges of assets
11 to secure deposits of public funds.

12 (2) [To combine] Combine moneys from more than one fund
13 under city control for the purchase of a single investment,
14 provided that each of the funds combined for the purpose shall
15 be accounted for separately in all respects and that the
16 earnings from the investment are separately and individually
17 computed and recorded, and credited to the accounts from which
18 the investment was purchased.

19 (3) [To join] Join with one or more other political
20 subdivisions and municipal authorities in accordance with [the
21 act of July 12, 1972 (P.L.762, No.180), referred to as the
22 Intergovernmental Cooperation Law] 53 Pa.C.S. Ch. 23, Subch. A
23 (relating to intergovernmental cooperation), in the purchase of
24 a single investment, provided that the requirements of clause
25 (2) on separate accounting of individual funds and separate
26 computation, recording and crediting of the earnings therefrom
27 are adhered to.

28 Section 92. Sections 1805, 1806, 1807 and 1808 of the act
29 are amended to read:

30 Section 1805. Countersigning [Warrants;] Documents; Money

1 Available; Evidence Required.--(a) The [director of the
2 Department of Accounts and Finance] chief fiscal officer shall
3 countersign all [warrants upon the city treasury, the form
4 whereof shall be prescribed by council, and] documents, in the
5 form approved by council, authorizing payment from the city
6 treasury.

7 (b) In countersigning documents authorizing payment from the
8 city treasury, the chief fiscal officer shall not [suffer]
9 permit any appropriation made by the council to be overdrawn[.
10 No warrant shall be countersigned] and shall not countersign
11 unless there is money in the treasury to pay the same.

12 (c) Except in the case of [warrants for the payment of
13 moneys] documents authorizing payment to volunteer fire
14 companies, whenever a [warrant on the treasurer] document
15 authorizing payment from the city treasury shall be presented to
16 the [director of accounts and finance] chief fiscal officer to
17 be countersigned, the person presenting the same shall be[, by
18 the said director,] required to produce evidence of each of the
19 following:

20 (1) [That the] The amount expressed in the [warrant]
21 document authorizing payment is due [to] the person in whose
22 favor it is drawn.

23 (2) [That the] The supplies, services or other consideration
24 for payment of which the [warrant] document authorizing payment
25 is drawn have been furnished, performed or given according to
26 law and the terms of the contract, if any.

27 Section 1806. Record of Assets, Property, Trusts, Debts Due,
28 Receipts and Expenditures.--The [director of accounts and
29 finance] chief fiscal officer or other official or employe of
30 the city designated by council shall have charge and keep a

1 record of accounts, under appropriate titles, to show separately
2 and distinctly all of the assets and property whatsoever vested
3 in the city, and all trusts in care of the same, debts owing by
4 the city, and all of the receipts and expenditures of the
5 various departments.

6 Section 1807. Supervision of Accounts of Departments.--The
7 [director of accounts and finance] chief fiscal officer shall
8 have the supervision and control of the accounts of all of the
9 departments, and may require from them at any time a statement
10 in writing of all money or property of the city in their hands.

11 Section 1808. Suggestions [by Director] for Improvement of
12 City Finances.--The [director of accounts and finance] chief
13 fiscal officer may, from time to time, and shall, when the
14 council shall direct, suggest plans to the council for the
15 management and improvement of the city finances.

16 Section 93. Sections 1809 and 1810 of the act, amended June
17 22, 2000 (P.L.321, No.33), are amended to read:

18 Section 1809. Annual Budget; Presentation to Council;
19 Notice; Revision; Adoption.--[The director of accounts and
20 finance] (a) Each year, the chief fiscal officer shall, on
21 behalf of council, at the last stated meeting in November [in
22 each year] present to council for [first reading] introduction a
23 proposed budget ordinance for all funds showing the estimated
24 receipts, expenditures, and liabilities of every kind[,] for the
25 ensuing year, with the balance of unexpended appropriations[,]
26 and all other information of value as a basis for fixing the
27 levy and tax rate for the next fiscal year. Council shall[,]
28 upon [passing] introducing the [said] proposed budget ordinance
29 [on first reading,] fix a date for adoption thereof, which shall
30 be not later than the thirty-first day of December of [such]

1 that year.

2 (b) The several departments of the city government shall,
3 before the proposed budget ordinance is [presented] introduced,
4 as [above] provided in subsection (a), furnish to the council an
5 estimate of the probable receipts and expenditures and an
6 estimate of the amount required by each of [said] the
7 departments for the public service during the ensuing fiscal
8 year as a basis for making the annual appropriations thereto.

9 (c) When the proposed budget ordinance is submitted to
10 council and has [passed first reading] been introduced, the city
11 clerk shall forthwith make the same available for public
12 inspection at his or her office in the city hall[,] and shall
13 thereupon publish a notice to that effect once in [at least one]
14 a newspaper. [in accordance with the provisions of section one
15 hundred nine of this act. Such] The notice shall state the date
16 fixed by council for [adoption] enactment of the proposed budget
17 ordinance, and [such] notice shall be published at least twenty
18 days prior to the time fixed by council for [adoption] enactment
19 of the proposed budget ordinance. The proposed budget ordinance
20 shall be available for public inspection at the city clerk's
21 office for at least ten days after the aforesaid newspaper
22 notice [thereof] is published.

23 (d) The council shall, after making such changes and
24 modifications therein as appear proper, [adopt] enact the budget
25 and any appropriation measures required to put it into effect
26 upon the date fixed for [adoption] enactment thereof[: Provided,
27 That said], provided, however, that the budget shall reflect as
28 nearly as possible the estimated revenues and expenditures of
29 the city for the year for which the budget is prepared. [That
30 should] Should it appear upon any revision of the budget that

1 the estimated expenditures in the [adopted] enacted budget would
2 be increased more than ten per cent in the aggregate or more
3 than twenty-five per cent in any individual item over the
4 proposed budget, [such] the budget shall not be [adopted]
5 enacted with any [such] of the increases therein unless the same
6 be again made available for public inspection [and for protest
7 of such increases] for a period of at least ten days after
8 notice to that effect is published as hereinbefore provided.

9 Section 1810. Amending Budget; Notice.-- (a) During the
10 month of January [next following any municipal election]
11 following the expiration of a past fiscal year, in furthering
12 its fiduciary responsibility, the council of any city may amend
13 the budget and the levy and tax rate to conform [with] to its
14 amended budget ordinance. A period of ten days' public
15 inspection at the office of the city clerk of the proposed
16 amended budget ordinance, after notice by the city clerk to that
17 effect is published [once] in a newspaper, as provided in
18 section one hundred nine of this act] shall intervene between
19 council's [first reading] introduction of the proposed amended
20 budget ordinance and the [adoption] enactment thereof. Any
21 amended budget ordinance must be [adopted] enacted by council on
22 or before the fifteenth day of February.

23 [No such] (b) After introduction, no proposed amended budget
24 ordinance shall [after first reading] be revised upward in
25 excess of ten [percent] per centum in the aggregate thereof or
26 as to an individual item in excess of twenty-five per [cent]
27 centum of the amount of such individual item in the proposed
28 amended budget ordinance.

29 Section 94. Section 1811 of the act is amended to read:

30 Section 1811. Appropriations; Tax Rate; Limitations.--(a)

1 When all estimates for the receipts, liabilities, and
2 expenditures for the ensuing year shall be made, council shall
3 proceed to make the annual appropriations[,] and shall fix the
4 tax rate at such figure as will, in combination with all other
5 estimated receipts of the city, fully meet and cover the
6 aggregate amount of such estimates of liabilities and
7 expenditures for the ensuing year.

8 (b) No appropriation, however, shall be made for any purpose
9 until the interest accruing on the funded debt of the city and
10 the principal of [such] that part of [said] the debt as may be
11 coming due in that fiscal year, the salaries of officers, and
12 the ordinary and necessary expenses of the city shall first be
13 provided for, and no appropriation shall be made for any purpose
14 in excess of the estimated receipts and revenues for the fiscal
15 year for which such appropriations are made.

16 Section 95. Section 1811.2 of the act, amended October 5,
17 1967 (P.L.327, No.143) and repealed in part July 12, 1972
18 (P.L.781, No.185), is amended to read:

19 Section 1811.2. Borrowing in Anticipation of Current
20 Revenue.--[Cities] In accordance with 53 Pa.C.S. Pt. VII Subpt.
21 B (relating to indebtedness and borrowing), cities may borrow
22 money in anticipation of current revenues to an amount not
23 exceeding [such] the anticipated current revenues, which shall
24 be pledged for the payment of [such] the loan or loans, and may
25 issue notes or other [form] forms of obligation[, executed by
26 the director of the Department of Accounts and Finance and
27 attested by the mayor under the seal of the city, securing such
28 loans. Such notes or other form of obligation shall mature and
29 be payable during the current fiscal year in which such money is
30 borrowed. No such borrowing shall constitute an increase of

1 indebtedness within the meaning of Article nine, section eight
2 of the Constitution of Pennsylvania, or of the "Municipal
3 Borrowing Law" of June twenty-fifth, one thousand nine hundred
4 forty-one (Pamphlet Laws 159), or of any of the provisions of
5 this act, and shall not require the approval of the Department
6 of Community Affairs. Such notes shall bear interest at a rate
7 not exceeding six (6) per centum per annum, payable at maturity
8 or in advance, and may be sold at either public or private sale
9 for not less than par. If such loans are not repaid in whole or
10 in part during the fiscal year in which they are made, they, or
11 such amounts as remain unpaid, shall become an obligation upon
12 the following year's budget and shall be included therein and
13 paid not later than the thirty-first day of December of such
14 following year. The incurring of such obligations shall receive
15 the affirmative vote of not less than two-thirds of the members
16 of the city council] in evidence of the debt.

17 Section 96. Sections 1812 and 1813 of the act, amended June
18 22, 2000 (P.L.321, No.33), are amended to read:

19 Section 1812. Annual Reports; Publication; Filing Report
20 with Department of Community and Economic Development;
21 Penalty.--(a) The [director of accounts and finance] chief
22 fiscal officer shall make a report, verified by oath or
23 affirmation, to the council at a stated meeting in April in each
24 year of the public accounts of the city and of the trusts in its
25 care for the preceding fiscal year, exhibiting all of the
26 expenditures thereof, respectively, and the sources from which
27 the revenue and funds are derived and in what measures the same
28 have been disbursed. Each account shall be accompanied by a
29 statement in detail of the several appropriations made by
30 council, the amount drawn and encumbered on each appropriation,

1 and the unencumbered balance outstanding to the debit or credit
2 of such appropriation at the close of the fiscal year.

3 (b) [Such] The report, accompanied by a concise financial
4 statement setting forth the balance in the treasury at the
5 beginning of the fiscal year, all revenues received during the
6 fiscal year, by major classifications, all expenditures made
7 during the fiscal year, by major functions, and the current
8 resources and liabilities of the city at the end of the fiscal
9 year, the gross liability and the net debt of the city, the
10 amount of the assessed valuation of the taxable property in the
11 city, the assets of the city and the character and value
12 thereof, the date of the last maturity of the respective forms
13 of funded debt, and the assets in each sinking fund, shall be
14 published [once in not more than two newspapers printed or
15 circulated in such city, as required by section one hundred and
16 nine of this act] in a newspaper. Before [such] the report or
17 statement is made or published, [the same] it shall be approved
18 by the [controller] independent auditor, who may approve it
19 subject to such exceptions as he or she may have thereto[:
20 Provided, Council]; provided, however, that council may cause
21 [such] the statement to be printed in pamphlet form in addition
22 to the publications made as aforesaid.

23 (c) The [director of accounts and finance] chief fiscal
24 officer shall also, annually, make report of the financial
25 condition of the city in the form above provided to the
26 Department of Community and Economic Development, within ninety
27 days after the close of the fiscal year, signed and duly
28 verified by the oath of the [director] chief fiscal officer and
29 approved by the [city controller] independent auditor, as above
30 provided. Any [director of accounts and finance] chief fiscal

1 officer appointed by the city refusing or [wilfully] willfully
2 neglecting to file such report shall, upon conviction thereof[,]
3 in a summary proceeding brought [at the instance of] by the
4 Department of Community and Economic Development, be sentenced
5 to pay a fine of five dollars for each day's delay beyond said
6 ninety days, and costs. All fines recovered shall be for the use
7 of the Commonwealth.

8 (d) The report to the Department of Community and Economic
9 Development shall be presented in a form as provided for in
10 section [one thousand eight hundred and thirteen of this act]
11 1813.

12 Section 1813. Committee to Prepare Uniform Forms.--(a) The
13 uniform financial report forms, specified in the foregoing
14 sections of this act, shall be prepared by a committee
15 consisting of four representatives of the Pennsylvania League of
16 Cities and Municipalities and the Secretary of Community and
17 Economic Development, or his or her agent or designee who shall
18 be a person trained in the field of municipal finance.

19 [Such] (b) The representatives shall be appointed by the
20 president of [said] the organization within sixty days after the
21 effective date of this act. Such representatives shall be chosen
22 from among finance officers of third class cities or other
23 officers of such cities who have knowledge of their fiscal
24 procedures[. As], and as far as possible, they shall be chosen
25 to represent cities in the various population groups within the
26 range of cities of the third class. The president of the
27 Pennsylvania League of Cities and Municipalities and other
28 designated participants shall supply to the Secretary of
29 Community and Economic Development the names and addresses of
30 [such] the representatives immediately upon their appointment.

1 [Said]

2 (c) The representatives shall serve without compensation,
3 but they shall be reimbursed by the Commonwealth for all
4 necessary expenses incurred in attending meetings of the
5 committee. The committee shall meet at the call of the Secretary
6 of Community and Economic Development, or his or her agent or
7 designee, who shall serve as [chairman] chairperson of the
8 committee.

9 (d) It shall be the duty of the Secretary of Community and
10 Economic Development, or his or her agent or designee, to see to
11 it that the forms required by this act are prepared in
12 cooperation with [said] the committee. In the event that [said]
13 the committee should for any reason fail to furnish such
14 cooperation, the Secretary of Community and Economic
15 Development, or his or her agent or designee, shall complete the
16 preparation of the forms. After their preparation, he or she
17 shall issue [said] the forms and distribute them annually, as
18 needed, to the designated officers of each city of the third
19 class.

20 (e) No change or alteration in the forms prescribed shall be
21 made by the Secretary of Community and Economic Development or
22 his or her agent designee, except by a majority approval of the
23 committee, unless upon reasonable notice two or more
24 representatives thereof fail to attend the committee meetings.
25 In voting upon any change or alteration, each representative and
26 the [chairman] chairperson of the committee shall have one vote.

27 Section 97. Section 1814 of the act is amended to read:

28 Section 1814. Annual Reports to Council on Insurance and
29 Bonds.--The [director of accounts and finance] chief fiscal
30 officer shall prepare or cause to be prepared and submit to

1 council [at the first stated meeting in October of each year],
2 as council shall direct, a complete and itemized report of all
3 policies of insurance contracted for by the city[,] for the
4 information and consideration of council. The [director of
5 accounts and finance] chief fiscal officer shall make a like
6 report [at the same time each year], as council shall direct, of
7 all bonds given for the protection of the city in whole or in
8 part.

9 Section 98. Article XIX heading of the act is reenacted to
10 read:

11 ARTICLE XIX

12 CONTRACTS

13 Section 99. Section 1901 of the act, amended or added
14 September 17, 1959 (P.L.906, No.359), October 4, 1978 (P.L.1045,
15 No.239), July 1, 1981 (P.L.196, No.59), March 25, 1988 (P.L.289,
16 No.32), April 3, 1992 (P.L.53, No.17) and July 11, 1996
17 (P.L.647, No.109), is amended to read:

18 Section 1901. [Power to Make Contracts; Regulations
19 Concerning Contracts.--(a) Each city may make contracts for
20 carrying into execution the provisions of this act and the laws
21 of the Commonwealth. The council shall, by ordinance, provide
22 for and regulate the award of all contracts. All contracts or
23 purchases not in excess of ten thousand dollars shall be by note
24 or memorandum in writing, signed by the officer or employe
25 making the purchase or contract.

26 (b) All services and personal properties required by any
27 city, or any department thereof, where the amount exceeds the
28 sum of ten thousand dollars, shall be furnished and performed
29 under written contract, and the contract shall be awarded and
30 given to the lowest responsible bidder, after advertising two

1 times, each publication on a different day, in not more than two
2 newspapers, in accord with the provisions of section one hundred
3 and nine of this act, and the bids shall not be opened until at
4 least ten days have elapsed after the first advertisement. A
5 notice of the advertisement for contracts or purchases shall
6 also be posted at the city hall.

7 (c) The amount of the contract shall in all cases, whether
8 of straight sale price, conditional sale, bailment lease, or
9 otherwise, be the entire amount which the city pays to the
10 successful bidder or his assigns in order to obtain the services
11 or property or both, and shall not be construed to mean only the
12 amount which is paid to acquire title or to receive any other
13 particular benefit or benefits of the whole bargain.

14 (d) The contracts or purchases made by council involving an
15 expenditure of over ten thousand dollars, which shall not
16 require advertising or bidding, as hereinbefore provided are as
17 follows:

18 (1) Those for maintenance, repairs or replacements for
19 water, electric light or other public works of the city,
20 provided they do not constitute new additions, extensions or
21 enlargements of existing facilities and equipment, but a bond
22 may be required by council as in other cases of work done.

23 (2) Those made for improvements, repairs and maintenance of
24 any kind made or provided by any city through its own employes:
25 Provided, however, That this shall not apply to construction
26 materials used in a street improvement.

27 (3) Those where particular types, models or pieces of new
28 equipment, articles, apparatus, appliances, vehicles, or parts
29 thereof, are desired by council, which are patented and
30 manufactured or copyrighted products.

1 (4) Those involving any policies of insurance or surety
2 company bonds; those made for public utility service under
3 tariffs on file with the Pennsylvania Public Utility Commission;
4 those made with another political subdivision or a county, the
5 Commonwealth of Pennsylvania, the Federal government, any agency
6 of the Commonwealth or the Federal government, or any municipal
7 authority, including the sale, leasing or loan of any supplies
8 or materials by the Commonwealth or the Federal government, or
9 their agencies, but the price thereof shall not be in excess of
10 that fixed by the Commonwealth, the Federal government, or their
11 agencies.

12 (5) Those involving personal or professional services.

13 (6) Those made during a state of emergency declared by the
14 mayor or chief executive in accord with section one thousand two
15 hundred and three of this act.

16 (e) The acceptance of bids by advertising required herein
17 shall be made by public announcement at the meeting at which
18 bids are received by council or at a subsequent meeting, the
19 time and place of which shall be publicly announced when bids
20 are so received. If, for any reason, the award is not made at
21 either of the above meetings, the same business may be
22 transacted at a subsequent meeting, the time and place of which
23 shall be announced at the previous meeting held for such award.
24 At such third meeting, the council shall either award the
25 contract or shall reject all bids.

26 (f) Council may require that any bids so advertised be
27 accompanied by cash, by a certified or cashier's good faith
28 check or other irrevocable letter of credit in a reasonable
29 amount, or by a bond with corporate surety in a reasonable
30 amount. Whenever it is required that a bid be accompanied by

1 cash, certified check, cashier's good faith check or other
2 irrevocable letter of credit, no bid shall be considered unless
3 so accompanied. In the event any bidder shall, upon award of the
4 contract to him, fail to comply with the requirements
5 hereinafter stated as to a bond guaranteeing the performance of
6 the contract the good faith deposit by cash, certified check, or
7 bond, shall be forfeited to the city as liquidated damages.

8 (g) Where advertising is required herein, the successful
9 bidder shall be required to furnish a bond or irrevocable letter
10 of credit in an amount sufficient to council with suitable
11 reasonable requirements guaranteeing the performance of the
12 contract within twenty days after the contract has been awarded,
13 unless council prescribes a shorter period of not less than ten
14 days, and failure to furnish such security within such time
15 shall void the award. The provisions of this subsection
16 requiring successful bidders to furnish security shall not be
17 mandatory as to contracts for the purchase of motor vehicles or
18 other pieces of equipment but only as to those contracts which
19 involve furnishing of labor and materials. Council may in all
20 cases of contracts or purchases require security for
21 performance, delivery, or other terms.

22 (h) Where the roadway of a street is to be paved originally
23 and for the first time, or reconstructed by putting down a new
24 base, or a sewer is to be constructed, or grading done, such
25 work shall be done under written contract, after advertising as
26 provided in section one hundred and nine of this act, and such
27 contract shall be given to the lowest responsible bidder.

28 (i) The council may, by ordinance, provide for and regulate
29 the purchase of supplies and materials and the sale of personal
30 property.

(j) The council may also, by ordinance, provide a contingent fund or funds for necessary repairs and incidental expenses, not otherwise provided in the general appropriations, and such funds may be expended without advertising for bids.

(k) Every contract for the construction, reconstruction, alteration, repair, improvement or maintenance of public works shall comply with the provisions of the act of March 3, 1978, (P.L.6, No.3), known as the "Steel Products Procurement Act."

(l) No person, consultant, firm or corporation contracting with a city for purposes of rendering personal or professional services to the city shall share with any city officer or employe, and no city officer or employe shall accept, any portion of the compensation or fees paid by the city for the contracted services provided to the city except under the following terms or conditions:

(1) Full disclosure of all relevant information regarding the sharing of the compensation or fees shall be made to the council of the city.

(2) The council of the city must approve the sharing of any fee or compensation for personal or professional services prior to the performance of said services.

(3) No fee or compensation for personal or professional services may be shared except for work actually performed.

(4) No shared fee or compensation for personal or professional services may be paid at a rate in excess of that commensurate for similar personal or professional services.]

Power to Make and Regulate the Awarding of Contracts.--Each city may make contracts for carrying into execution the provisions of this act and the laws of this Commonwealth. In addition to and consistent with the requirements of this article, council shall,

1 by ordinance, provide for and regulate the procedures for the
2 award of all contracts, including the purchase of supplies and
3 materials.

4 Section 100. The act is amended by adding sections to read:

5 Section 1901.1. Contracts or Purchases in Excess of Twenty-
6 five Thousand Dollars.--(a) Except as provided in section
7 1901.4(b), all contracts or purchases in excess of twenty-five
8 thousand dollars shall be subject to advertising and competitive
9 bidding as provided in this article.

10 (b) All services and personal properties required by any
11 city, or any department thereof, where the amount exceeds the
12 sum of twenty-five thousand dollars shall be furnished and
13 performed under written contract, and the contract shall be
14 awarded and given to the lowest responsible bidder after
15 advertising, in a newspaper, in accordance with the provisions
16 of section 109, and the bids shall not be opened until at least
17 ten days have elapsed after the advertisement. A copy of the
18 advertisement for contracts or purchases shall be posted in the
19 city office designated by council.

20 Section 1901.2. Contracts or Purchases Not in Excess of
21 Twenty-five Thousand Dollars.--With regard to all contracts or
22 purchases not in excess of twenty-five thousand dollars the
23 following shall apply:

24 (1) The purchases or contracts shall be evidenced by note or
25 memorandum in writing, signed by the officer or employe making
26 the purchase or contract.

27 (2) Council, or the officer designated by council, shall
28 approve all purchases or contracts, except council need not
29 approve those purchases or contracts within the category of
30 small or routine purchases or incidental expenses, as defined by

1 ordinance.

2 Section 1901.3. Determining Amount of a Contract.--The
3 amount of the contract shall in all cases, whether of straight
4 sale price, conditional sale, bailment lease or otherwise, be
5 the entire amount which the city pays to the successful bidder
6 or his or her or its assigns in order to obtain the services or
7 property, or both, and shall not be construed to mean only the
8 amount which is paid to acquire title or to receive any other
9 particular benefit or benefits of the whole bargain.

10 Section 1901.4. Contracts or Purchases Not Requiring
11 Advertising or Bidding.--(a) City contracts or purchases, if
12 not in excess of twenty-five thousand dollars, shall not require
13 advertising or bidding.

14 (b) City contracts or purchases involving an expenditure of
15 over twenty-five thousand dollars which shall not require
16 advertising or bidding are as follows:

17 (1) Those for maintenance, repairs or replacements for
18 water, electric light or other public works of the city,
19 provided they do not constitute new additions, extensions or
20 enlargements of existing facilities and equipment, but security
21 may be required by council as in other cases of work done.

22 (2) Those made for improvements, repairs and maintenance of
23 any kind made or provided by any city through its own employees,
24 except that this exception shall not apply to construction
25 materials used in a street improvement.

26 (3) Those where particular types, models or pieces of new
27 equipment, articles, apparatus, appliances, vehicles or parts
28 thereof desired by council are patented or copyrighted products.

29 (4) Those involving any policies of insurance or surety
30 company bonds.

1 (5) Those made for public utility service and electricity,
2 natural gas or telecommunication services, provided that, in the
3 case of utilities not under tariff with the Pennsylvania Public
4 Utility Commission, contracts made without advertising and
5 bidding shall be made only after receiving written or telephonic
6 price quotations from at least three qualified and responsible
7 providers. In lieu of price quotations, a memorandum shall be
8 kept on file showing that fewer than three qualified providers
9 exist in the market area within which it is practicable to
10 obtain quotations. A written record of telephonic price
11 quotations shall be made and shall contain at least the date of
12 the quotation, the name of the provider and the provider's
13 representative, the type of service that was the subject of the
14 quotation and the price. Written price quotations, written
15 records of telephonic price quotations and memoranda shall be
16 retained for a period of three years.

17 (6) Those made with another political subdivision or a
18 county, the Commonwealth of Pennsylvania, the Federal
19 Government, any agency of the Commonwealth or the Federal
20 Government or any municipal authority, including the sale,
21 leasing or loan of any supplies or materials by the Commonwealth
22 or the Federal Government, or their agencies, but the price
23 thereof shall not be in excess of that fixed by the
24 Commonwealth, the Federal Government or their agencies.

25 (7) Those involving personal or professional services.

26 (8) Those made during a state of emergency declared by the
27 mayor in accordance with section 1203 or those made during a
28 disaster emergency declared by the Governor or during a local
29 emergency in accordance with 35 Pa.C.S. Pt. V (relating to
30 emergency management services).

1 (9) Those where the purchase is made under and in accordance
2 with a cooperative purchasing program operated by the
3 Commonwealth or any council of governments of which the city is
4 a member.

5 Section 1901.5. Receipt, Opening, Award or Rejection of
6 Bids.--(a) In any case in which advertisement and bidding are
7 required, the advertisement shall specify the time by which and
8 place at which bids will be received and the time and place for
9 the opening or disclosure of bids.

10 (b) Bids received pursuant to advertisement shall be opened
11 or disclosed publicly by council or its designated agent. The
12 amount of each bid and any other relevant information as may be
13 specified by council, together with the name of each bidder,
14 shall be disclosed and recorded; and the record shall be open to
15 public inspection.

16 (c) At a public meeting of council, not more than sixty days
17 after the receipt of bids, council shall either award the
18 contract or shall reject all bids.

19 Section 1901.6. Bid, Performance and Payment Security.--(a)
20 The following shall apply to bid security:

21 (1) Council may require that bids received pursuant to
22 advertisement be accompanied by bid security, in a reasonable
23 amount, which shall be in the form of a certified or bank check
24 or a bond provided by a surety company authorized to do business
25 in this Commonwealth or another form of security as specified in
26 the advertisement for bids.

27 (2) In the event the successful bidder shall, upon award of
28 the contract, fail to comply with the requirements of subsection
29 (b) as to performance security, the bid security shall be
30 forfeited to the city as liquidated damages.

1 (b) The following shall apply to performance security:

2 (1) In the case of a contract that had been subject to
3 advertising and bidding, the successful bidder shall be required
4 to furnish performance security in the form of a bond or
5 irrevocable letter of credit in an amount equal to one hundred
6 per centum of the contract price with suitable reasonable
7 requirements guaranteeing the performance of the contract.
8 Performance security shall be provided within twenty days after
9 the contract has been awarded, unless council prescribes a
10 shorter period of not less than ten days. Failure to furnish
11 such security within the required time period shall void the
12 award.

13 (2) The provisions of this subsection requiring successful
14 bidders to furnish security shall not be mandatory as to
15 contracts for the purchase of motor vehicles or other pieces of
16 equipment but only as to those contracts which involve
17 furnishing of labor and materials. Council may in all cases of
18 contracts or purchases require security for performance,
19 delivery or other terms.

20 (c) In conformity with the act of December 20, 1967
21 (P.L.869, No.385), known as the "Public Works Contractors' Bond
22 Law of 1967," it shall be the duty of every city to require any
23 person, partnership, association or corporation entering into a
24 contract with such city for the construction, erection,
25 installation, completion, alteration, repair of or addition to
26 any public work or improvement of any kind whatsoever, where the
27 amount of the contract is in excess of ten thousand dollars,
28 before commencing work under the contract, to provide payment
29 security in a form acceptable to and approved by the city, which
30 may include, but need not be limited to, a bond, Federal or

Commonwealth-chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in the lending institutions, equal to one hundred per centum of the contract amount. The payment security shall be solely for the protection of claimants supplying labor or materials to the prime contractor to whom the contract was awarded, or to any of the prime contractor's subcontractors, in the prosecution of the work provided for in the contract. The payment security shall be conditioned for the prompt payment of all material furnished or labor supplied or performed in the prosecution of the work under the contract.

Section 1901.7. Compliance With Other Laws.--Every contract subject to this article shall comply, as applicable, with the provisions of the act of August 15, 1961 (P.L.987, No.442), known as the "Pennsylvania Prevailing Wage Act," the act of December 20, 1967 (P.L.869, No.385), known as the "Public Works Contractors' Bond Law of 1967," the act of January 23, 1974 (P.L.9, No.4), referred to as the Public Contract Bid Withdrawal Law, the act of March 3, 1978 (P.L.6, No.3), known as the "Steel Products Procurement Act," the act of February 17, 1994 (P.L.73, No.7), known as the "Contractor and Subcontractor Payment Act," 62 Pa.C.S. Chs. 37 Subch. B (relating to motor vehicles), 39 (relating to contracts for public works) and 45 (relating to antibid-rigging).

Section 1901.8. Prohibitions.--No person, consultant, firm or corporation contracting with a city for purposes of rendering personal or professional services to the city shall share with any city officer or employe, and no city officer or employe shall accept, any portion of the compensation or fees paid by the city for the contracted services provided to the city.

1 Section 1901.9. Lowest Responsible Bidder.--For purposes of
2 this article, the lowest responsible bidder need not be the
3 bidder submitting the lowest dollar amount bid. The city may
4 also consider the quality of goods or services supplied, ease of
5 repair, compatibility with other city equipment or services,
6 responsiveness, past performance of the bidder and any other
7 reasonable factors specified in the advertisement for bids.

8 Section 101. Section 1902 of the act, amended March 25, 1988
9 (P.L.289, No.32), is amended to read:

10 Section 1902. Evasion of Advertising Requirements.--No
11 [member or members of council] elected or appointed official or
12 officials of any city shall evade the provisions of [the
13 preceding section as to] this article requiring advertising for
14 bids by purchasing or contracting for services and personal
15 properties piecemeal for the purpose of obtaining prices under
16 [ten] twenty-five thousand dollars, upon transactions which
17 should, in the exercise of reasonable discretion and prudence,
18 be conducted as one transaction amounting to more than [ten]
19 twenty-five thousand dollars. This provision is intended to make
20 unlawful the practice of evading advertising requirements by
21 making a series of purchases or contracts, each for less than
22 the advertising requirement price, or by making several
23 simultaneous purchases or contracts, each below said price,
24 when, in either case, the transactions involved should have been
25 made as one transaction for one price. Any [members of council
26 who so vote] elected or appointed official who acts in violation
27 of this provision [and who know], knowing that the transaction
28 upon which [they so vote] he or she acts is or ought to be a
29 part of a larger transaction and that it is being divided in
30 order to evade the requirements as to advertising for bids,

1 shall be jointly and severally subject to surcharge for ten per
2 centum of the full amount of the contract or purchase. Wherever
3 it shall appear that [a member of council may have voted] an
4 elected or appointed official may have acted in violation of
5 this section but the purchase or contract on which he [so voted
6 was not approved by council] or she acted was not executed, this
7 section shall be inapplicable.

8 Sections 102. Sections 1904 and 1905 of the act are
9 repealed:

10 [Section 1904. Reference of Expenditures for Approval by
11 Council.--Any expenditures or transactions, exclusive of
12 compensation paid to city employes, in any department, office or
13 bureau of the city, which may reasonably seem likely to exceed
14 the sum of five hundred dollars over a period of sixty days,
15 shall not be undertaken or proceeded upon except after reference
16 thereof to council and approval by council by ordinance or
17 resolution. Council may approve, revise, or refuse to approve
18 any such referred expenditure or transaction. No official, agent
19 or employe of the city shall knowingly violate the provisions of
20 this section, and any person so violating shall forfeit and pay
21 to the use of the city a penalty of one hundred dollars for each
22 offense.

23 Section 1905. Personal Interest in Contracts.--In any case
24 where a city officer or official elected or appointed knows or
25 by the exercise of reasonable diligence could know that he is
26 interested to any appreciable degree, either directly or
27 indirectly, in any contract for the sale or furnishing of any
28 personal property for the use of the city, or for any services
29 to be rendered for such city, involving the expenditure by the
30 city of more than three hundred dollars in any year, he shall

1 notify council thereof; and any such contract shall not be
2 passed and approved by council except by an affirmative vote of
3 at least four members thereof. In case the interested officer is
4 a member of council, he shall refrain from voting upon said
5 contract. The provisions of this section shall not apply to
6 cases where such officer or official is an employe of the
7 person, firm or corporation to which money is to be paid in a
8 capacity with no possible influence on the transaction and in
9 which he cannot possibly be benefited thereby, either
10 financially or in any other material manner. Any officer or
11 official who shall knowingly violate the provisions of this
12 section shall be liable to the city upon his bond, if any, or
13 personally, to the extent of the damage shown to be sustained
14 thereby by the city, to ouster from office, and shall be guilty
15 of a misdemeanor; and upon conviction thereof, shall be
16 sentenced to pay a fine not exceeding five hundred dollars, or
17 imprisonment not exceeding one year, or both.]

18 Section 103. Section 1906 of the act, amended August 21,
19 1953 (P.L.1292, No.364), is amended to read:

20 Section 1906. Designation of Appropriations; Certification
21 in Excess of Appropriation; Contracts for Governmental Services
22 for More than One Year.--[Every contract involving an
23 appropriation of money shall designate the item of appropriation
24 on which it is founded, and the estimated amount of the
25 expenditure thereunder shall be charged against such item, and
26 so certified by the director of accounts and finance on the
27 contract before it shall take effect as a contract. The payments
28 required by such contract shall be made from the fund
29 appropriated therefor. In any case where the lowest responsible
30 bid is in excess of the item of appropriation on which the

1 contract is to be founded, the item of appropriation may be
2 increased by council in the amount necessary to cover the bid,
3 and the contract may be awarded and certified without any
4 additional advertising. If the director of accounts and finance
5 shall certify any contract in excess of the appropriation made
6 therefor, the city shall not be liable for such excess, but the
7 director of accounts and finance shall be liable for the same,
8 which may be recovered in an action at law by the contracting
9 party aggrieved. But nothing] With regard to any contract,
10 council may direct the city administrator, chief fiscal officer,
11 or other designated official or employe to furnish information
12 concerning the availability of appropriated funds to satisfy
13 required payments under the contract. Nothing herein contained
14 shall prevent the making of contracts for governmental services
15 for a period exceeding one year, but any contract so made shall
16 be executory only for the amounts agreed to be paid for such
17 services to be rendered in succeeding fiscal years.

18 [It shall be the duty of the director of accounts and finance
19 to certify contracts for the payment of which sufficient
20 appropriations have been made.]

21 Section 104. Section 1907 of the act, amended April 3, 1992
22 (P.L.53, No.17), is repealed:

23 [Section 1907. Security for the Protection of Labor and
24 Materialmen.--It shall be the duty of every city to require any
25 person, copartnership, association, or corporation, entering
26 into a contract with such city for the construction, erection,
27 installation, completion, alteration, repair of, or addition to,
28 any public work or improvement of any kind whatsoever, where the
29 amount of such contract is in excess of one thousand five
30 hundred dollars, before commencing work under such contract, to

1 execute and deliver to such city, in addition to any other
2 security which may now or hereafter be required by law to be
3 given in connection with such contract, an additional bond or
4 irrevocable letter of credit for the use of any and every
5 person, copartnership, association, or corporation interested,
6 in a sum not less than fifty per centum and not more than one
7 hundred per centum of the contract price, as such city may
8 prescribe, conditioned for the prompt payment of all material
9 furnished and labor supplied or performed in the prosecution of
10 the work, whether or not the said material or labor enter into
11 and become component parts of the work or improvement
12 contemplated. Such additional security shall be deposited with
13 and held by the city for the use of any party interested
14 therein. Every such additional security shall provide that every
15 person, copartnership, association, or corporation who, whether
16 as subcontractor or otherwise, has furnished material or
17 supplied or performed labor in the prosecution of the work as
18 above provided, and who has not been paid therefor, may sue in
19 assumpsit on said additional security, in the name of the city,
20 for his, their, or its use and prosecute the same to final
21 judgment for such sum or sums as may be justly due him, them, or
22 it, and have execution thereof: Provided, however, That the city
23 shall not be liable for the payment of any costs or expense of
24 any suit. The surety or sureties on a bond under this section
25 must be authorized to do business in this Commonwealth.]

26 Section 105. Section 1908 of the act is repealed:

27 [Section 1908. Purchasing Department.--Each city may, by
28 ordinance, provide for the establishment of a purchasing
29 department, which shall have supervision over the purchase and
30 distribution of all supplies purchased. The said department

1 shall be attached to the department of accounts and finance or
2 such other department as council may determine, and shall be
3 operated in accordance with rules and regulations to be adopted
4 by council, the rules to include the manner in which quotations
5 shall be secured on the supplies purchased. The said department
6 shall assist council at all times in eliminating waste and
7 extravagance in the purchase and distribution of the supplies of
8 the city.]

9 Section 106. Section 1908.1 of the act, added December 10,
10 1974 (P.L.815, No.270), is amended to read:

11 Section 1908.1. Purchase Contracts for Petroleum Products;
12 Fire Company, Etc., Participation.--The council of each city
13 shall have power to permit, subject to [such] any terms and
14 conditions as [it] the city may impose, [and as hereinafter
15 specifically provided, shall, prescribe] any fire company,
16 rescue company and ambulance company in the city to participate
17 in purchase contracts for petroleum products entered into by the
18 city. [Any such company desiring to participate in such purchase
19 contracts shall file] Fire company, rescue company and ambulance
20 company participation in purchase contracts for petroleum
21 products shall be subject to the condition that all prices shall
22 be F.O.B. destination. If permitted by council, a fire company,
23 rescue company or ambulance company may participate in
24 designated petroleum product contracts entered into by the city,
25 subject to the fire company, rescue company or ambulance
26 company:

27 (1) Having filed with the city clerk a request that it be
28 authorized to participate in contracts for the purchase of
29 petroleum products of the city [and agreeing].

30 (2) Having agreed that it will be bound by [such] any terms

1 and conditions [as] imposed by the city [may, and as hereinafter
2 specifically provided, shall, prescribe and].

3 (3) Having agreed that it will be responsible for payment
4 directly to the vendor under each purchase contract. [Among such
5 terms and conditions, the city shall prescribe that all prices
6 shall be F.O.B. destination.]

7 Section 107. Section 1909 of the act, amended March 25, 1988
8 (P.L.289, No.32), is amended to read:

9 Section 1909. Separate Bids for Plumbing, Heating,
10 Ventilating and Electrical Work, Elevators and [Moving Stairs]
11 Escalators.--In the preparation of specifications for the
12 erection, construction, and alteration of any public building,
13 when the entire cost of such work shall exceed [ten] twenty-five
14 thousand dollars, the architect, engineer, or other person
15 preparing such specifications[,] shall prepare only the
16 following separate specifications[:]; (1) plumbing, (2) heating,
17 (3) ventilating, (4) electrical work, (5) elevators and [moving
18 stairs] escalators, and (6) one complete set of specifications
19 for all the other work to be done in such erection, construction
20 and alteration. The project manager, construction manager or
21 other person or persons authorized by council to enter into
22 contracts for the erection, construction, or alteration of such
23 public buildings shall receive separate bids upon each of the
24 [said] branches of work, and the city council or the appropriate
25 city officer shall award the contract for the same to the lowest
26 responsible bidder for each of [said] the branches, including
27 the balance of the work, in addition to the plumbing, heating,
28 ventilating and electrical work and elevators and [moving
29 stairs] escalators. Where it is desired to install an air
30 conditioning unit, the heating and ventilating so involved may

1 be regarded as one branch of work having only one set of
2 specifications, and bids may be received and a contract awarded
3 thereon as hereinbefore provided.

4 Section 108. Sections 1910, 1911 and 1912 of the act are
5 amended to read:

6 Section 1910. Acceptance by Contractor of [Workmen's]
7 Workers' Compensation Act.--[All contracts executed by any city,
8 or any officer or bureau or board thereof, which involve the
9 construction or doing of any work involving the employment of
10 labor, shall contain a provision that the contractor shall
11 accept, in so far as the work covered by any such contract is
12 concerned, the provisions of the Workmen's Compensation Act and
13 any reenactments, supplements or amendments thereto, and that
14 the said contractor will insure his liability thereunder, or
15 file with the city with whom the contract is made a certificate
16 of exemption from insurance from the Department of Labor and
17 Industry of this Commonwealth.

18 Every officer of any city, or bureau or department thereof,
19 who shall sign, on behalf of the said city, any contract
20 requiring in its performance the employment of labor, shall
21 require, before the said contract shall be signed, proof that
22 the said contractor with whom the contract is made shall have
23 accepted the Workmen's Compensation Act and any reenactments,
24 supplements or amendments thereto, and proof that the said
25 contractor has insured his liability thereunder in accordance
26 with the terms of the said act, or that the said contractor has
27 had issued to him a certificate of exemption from insurance from
28 the Department of Labor and Industry of this Commonwealth.

29 Any contract executed in violation of the provisions of this
30 section shall be null and void.]

1 (a) All contracts executed by any city which involve the
2 construction or performance of any work involving the employment
3 of labor shall contain a provision that the contractor shall
4 accept, and file with the city proof of compliance with or
5 exemption from, insofar as the work covered by the contract is
6 concerned, the act of June 2, 1915 (P.L.736, No.338), known as
7 the "Workers' Compensation Act."

8 (b) A certificate of exemption from issuance may be issued
9 on the basis of either individual self-insurance or group self-
10 insurance.

11 (c) A contractor shall file with the city any proof that the
12 Department of Labor and Industry, with respect to certain
13 employees, has accepted the application to be excepted from the
14 provisions of the "Workers' Compensation Act" on religious
15 grounds.

16 (d) Any contract executed in violation of this section is
17 void.

18 Section 1911. Contracts for Improvements; Assignment of
19 Assessments.--Where the whole or any part of the cost of an
20 improvement is to be paid by assessments upon the property
21 abutting or benefited, the city may enter into an agreement with
22 the contractor [that he], pursuant to which the contractor shall
23 take an assignment of [such] the assessments in payment of the
24 amount due [him] under the terms of [his] the contract, and, in
25 such case, the city shall not be otherwise liable under such
26 contract[, whether said assessments are collectible or not].

27 Section 1912. Architects and Engineers in Employ of City;
28 Prohibitions from Bidding on Public Works; Penalty.--(a) It
29 shall be unlawful for any architect or engineer[,] in the employ
30 of any city[,] to bid on any public work of the city.

1 (b) It shall be unlawful for the officers of any city,
2 charged with the duty of letting any public work, to award a
3 contract to any [such] architect or engineer[,] in the employ of
4 the city.

5 (c) Any person or persons violating these provisions, or any
6 of them, shall be guilty of a misdemeanor[,] and, on conviction
7 thereof, shall [forfeit his] be subject to forfeiting his or her
8 office, in accordance with section 901, and be sentenced to pay
9 a fine not exceeding five hundred dollars, or to undergo
10 imprisonment for not less than six months, or both, in the
11 discretion of the court. Any contract made in violation of the
12 provisions of this section shall be null and void.

13 (d) The provisions of this section shall be in addition to
14 any prohibition in 65 Pa.C.S. Ch. 11 (relating to ethics
15 standards and financial disclosure).

16 Section 109. Sections 1913, 1914 and 1915 of the act are
17 repealed:

18 [Section 1913. Contracts With Transportation Companies.--
19 Subject to the provisions of the Public Utility Law, any city,
20 of the one part, and any person operating a public
21 transportation service within the limits of such city, of the
22 other part, may enter into contracts with each other affecting,
23 fixing, and regulating the franchises, powers, duties, and
24 liabilities of such companies, and the regulations and
25 respective rights of the contracting parties. Such contracts
26 may, inter alia, provide for payments by the companies to the
27 city in lieu of the performance of certain duties or the payment
28 of license fees or charges imposed in favor of such city, by the
29 charters of the respective companies, or by any general law or
30 ordinance, for the appointment by the city of a certain number

1 of persons to act as directors of such company, in conjunction
2 with the directors elected by the stockholders of such company,
3 and, further, may provide for the ultimate acquisition by the
4 city, upon terms mutually satisfactory, of the leaseholds,
5 property, and franchises of the contracting companies.

6 Section 1914. Contracts for Relocation of Railroads.--

7 Subject to the provisions of the Public Utility Law, any city
8 may enter into contracts with any of the railroad companies,
9 whose roads enter its limits, whereby the said railroad
10 companies may relocate, change or elevate their railroads within
11 said limits, in such manner as, in the judgment of the proper
12 authorities of such city, may be best adapted to secure the
13 safety of lives and property, and promote the interest of said
14 city; and, for that purpose, may do all such acts as may be
15 necessary and proper to effectually carry out such contracts.
16 Any such contracts, made by any railroad company or companies as
17 aforesaid with any city, are hereby fully ratified and
18 confirmed. Nothing herein contained shall affect any contract
19 made, or hereafter to be made, with any railroad company, from
20 apportioning the expenses of altering and adjusting the grades
21 of existing railroads and intersecting streets in any city so as
22 to dispense with grade crossings.

23 Section 1915. Contracts with Street Railways for Exclusive
24 Right to Lay Tracks.--In case any city shall deem it necessary
25 for the public benefit and convenience to secure the removal of
26 any street railway tracks already laid, or prevent the laying of
27 such tracks already authorized to be laid, or to change the
28 route of any street railway on any street or streets, or portion
29 of a street or streets, within its corporate limits, and such
30 purpose or purposes can be accomplished by agreement with the

1 street railway company or motor power company owning, leasing or
2 operating such tracks, the said parties may, subject to the
3 provisions of the Public Utility Law, enter into a contract, for
4 a period not exceeding fifty years, for such considerations and
5 upon such terms and conditions, and containing such
6 stipulations, reservations and covenants as may be agreed upon
7 between the respective parties thereto; and such contract may
8 include a covenant providing that, during the continuance
9 thereof, municipal consent shall not be granted to any other
10 company to use or occupy the street, streets, or portions of a
11 street or streets, covered by such contract, for street railway
12 or passenger transportation purposes; which covenants shall be
13 enforceable by bill in equity against such city, in case of
14 attempted breach thereof; and such contract may also provide for
15 the laying or relaying of such tracks upon such terms and under
16 such contingencies and conditions as may be agreed upon. When
17 such contract shall have been made, it shall form a part of the
18 charter of the company, with like force and effect as to all its
19 terms, conditions, stipulations, restrictions, covenants, and
20 provisions as to change of routes as if the same formed a part
21 of the original charter of such company; and no removal of
22 tracks already laid, or postponement of or delay in the time of
23 beginning or completing the work of laying tracks already
24 authorized to be laid, and no change of route therein provided
25 for, shall operate or be construed to deprive or divest any such
26 company, entering into such contract, of any of the rights,
27 franchises, or privileges possessed by it at the time of
28 entering into such contract, so as to operate in favor of any
29 company subsequently formed and seeking to occupy, for street
30 railway purposes, the street, streets, or portions of a street

1 or streets, covered by such contract. Nothing in this section
2 contained, nor any contract made in pursuance thereof, shall be
3 construed to limit or affect in any way, or impose any
4 additional liability for the exercise of, the right of a
5 railroad company to lay its tracks, over, upon, under, and
6 across such street or streets, or portions thereof.]

7 Section 110. The act is amended by adding a section to read:

8 Section 1916. Contracts with Passenger or Transportation
9 Companies.--Except as may be prohibited by 66 Pa.C.S. Pt. I
10 (relating to public utility code) or Federal or other state
11 regulation of transportation or commerce, a city may, as it
12 deems necessary for the public benefit and convenience, contract
13 with a person or persons owning a public transportation service,
14 railroad company, street railway, motor power company, or
15 passenger or transportation company.

16 Section 111. Section 1917 of the act, amended July 11, 1996
17 (P.L.647, No.109), is amended to read:

18 Section 1917. Sales of Real and Personal Property.--[No city
19 personal property shall be disposed of by sale or otherwise
20 except upon approval of council by ordinance or resolution. In
21 cases where council shall approve a sale of city personal
22 property, it shall estimate the sale value of the entire lot to
23 be disposed of. If council shall estimate such sale value to be
24 less than one thousand dollars, it shall require a notice of the
25 proposed sale to be posted for at least ten days on the bulletin
26 board in the city hall, describing and itemizing the property to
27 be sold and directing that bids may be made thereon at the
28 office of the city clerk. Thereafter, council may sell such
29 property, in whole or in part, for the best price or prices
30 obtainable. If council shall estimate the sale value to be one

1 thousand dollars or more, the entire lot shall be advertised for
2 sale once in at least one newspaper, in accordance with the
3 provisions of section one hundred nine of this act, and sale of
4 the property so advertised shall be made to the best responsible
5 bidder; and the bids shall not be opened until at least ten days
6 after the said advertisement. Council may sell any such property
7 at auction, but the provisions as to notice contained in this
8 section shall be likewise observed as to the holding of such
9 auction sales. The provisions of this section shall not be
10 mandatory where city personal property is to be traded-in or
11 exchanged for new city personal property.] Sales of real and
12 personal property shall be conducted in conformance with section
13 2402.1(b).

14 Section 112. Section 1918 of the act, amended October 17,
15 1974 (P.L.775, No.254), is repealed:

16 [Section 1918. Street Construction and Improvement by City
17 Employees.--Whenever a city uses the work or services of its
18 employees in the construction or improvement, of any public
19 street within the territorial limits, it shall be subject to the
20 limitations and duties imposed by this article in the purchase
21 of any materials for such construction or improvement. The
22 provisions of this section shall not be construed to affect or
23 limit the provisions of Article XXIX of this act.]

24 Section 113. Section 1919 of the act, amended July 1, 1994
25 (P.L.373, No.55), is amended to read:

26 Section 1919. [Sales] Sale of Real and Personal Property to
27 Certain Entities.--Any [provision of this act requiring
28 advertising for bids and sale to the highest bidder] requirement
29 for advertising for bids and sale to the highest bidder imposed
30 by this act or by a city pursuant to section 2402.1(b) shall not

1 apply where city real or personal property is to be sold to a
2 county, city, borough, town, township, home rule municipality,
3 institution district, school district, volunteer fire company,
4 volunteer ambulance service or volunteer rescue squad located
5 within the city, or municipal authority [pursuant to the]
6 created under 53 Pa.C.S. Ch.56 (relating to municipal
7 authorities) or under the former act of May 2, 1945 (P.L.382,
8 No.164), known as the "Municipality Authorities Act of 1945," a
9 housing authority created pursuant to the act of May 28, 1937
10 (P.L.955, No.265), known as the "Housing Authorities Law," an
11 urban redevelopment authority created pursuant to the former act
12 of May 24, 1945 (P.L.991, No.385), known as the "Urban
13 Redevelopment Law," a parking authority [pursuant to the]
14 created under 53 Pa.C.S. Ch. 55 (relating to parking
15 authorities) or under the former act of June 5, 1947 (P.L.458,
16 No.208), known as the "Parking Authority Law," a port authority
17 pursuant to the act of December 6, 1972 (P.L.1392, No.298),
18 known as the "Third Class City Port Authority Act," or a
19 corporation not for profit [engaged in community industrial
20 development. Any provision of this act requiring advertising for
21 bids and sale to the highest bidder shall not apply where real
22 property is to be sold to a corporation not for profit]
23 organized as a public library for its exclusive use as a
24 library, [to] a medical service corporation not for profit, [to]
25 a corporation not for profit engaged in community industrial
26 development, a housing corporation not for profit, [to] the
27 Commonwealth or [to] the Federal Government or a nonprofit
28 museum or historical society for its exclusive use as a
29 nonprofit museum or historical society. When real or personal
30 property is to be sold [to a corporation not for profit

1 organized as a public library for its exclusive use as a library
2 or to a medical service corporation not for profit or to a
3 housing corporation not for profit] pursuant to this section,
4 council may elect to accept a nominal consideration for the sale
5 as it shall deem appropriate. Real property sold pursuant to
6 this section shall be subject to the condition that when the
7 property is not used for the purposes of the conveyance, the
8 property shall revert to the city.

9 Section 114. Article XX heading of the act is amended to
10 read:

11 ARTICLE XX

12 POLICE [BUREAU] FORCE

13 Section 115. Sections 2001 and 2002 of the act, amended
14 December 27, 1967 (P.L.893, No.403), are amended to read:

15 Section 2001. Appointment, Number, Rank, Compensation and
16 Qualifications of [Policemen] Police Officers.--(a) The council
17 shall fix, by ordinance, the number, grades and compensation of
18 the members of the city police force, who shall, except as
19 provided in section 2002, be appointed in accordance with the
20 civil service provisions of this act[, and no].

21 (b) No member of the city police force having been promoted
22 in conformity with the civil service provisions of this act
23 shall be demoted in rank or discharged from the police force
24 except upon proper cause shown as set forth under the civil
25 service provisions of this act.

26 (c) No [policeman shall] police officer, after his or her
27 appointment and qualification, shall hold at the same time the
28 office of constable.

29 (d) Council shall [prescribe all necessary] promulgate rules
30 and regulations for the organization and government of the

1 police force. [The minimum annual starting salary or
2 compensation to be paid the members of the police force by any
3 city shall be four thousand five hundred dollars (\$4,500), with
4 minimum annual increments of three hundred dollars (\$300) for
5 the first three years of such employment. If the annual salary
6 or compensation of any policeman employed by the city on the
7 effective date of this amending act is less than four thousand
8 five hundred dollars (\$4,500), such salary or compensation shall
9 be increased to four thousand five hundred dollars (\$4,500), and
10 such policeman shall receive minimum annual increments of three
11 hundred dollars (\$300) for the next three years of such
12 employment.]

13 Section 2002. Designation of Chief and Other Officers.--The
14 [mayor shall designate, from the force, the chief and other
15 officers who shall serve as such officers until their successors
16 are appointed and qualified. The chief of police shall be
17 designated by the mayor and may be demoted without cause in the
18 same manner, but not to any rank lower than the rank which he
19 held at the time of his designation as chief of police.] chief
20 of police, or any deputy police chief, shall be designated by
21 the mayor from within or without the ranks, each of whom may be
22 demoted without cause in the same manner, but not to any rank
23 lower than the rank which was held at the time of his or her
24 designation as chief of police or deputy police chief, if these
25 officers were employes of the police force before their
26 employment as police chief or deputy police chief. The officers,
27 other than the chief of police or deputy police chief, shall be
28 designated in accordance with Article XLIV.

29 Section 116. Sections 2003, 2005, 2006, 2007, 2008 and 2009
30 of the act are amended to read:

1 Section 2003. Extra [Policemen] Police Officers;
2 Compensation.--[The mayor, whenever, in his judgment] Whenever
3 in the judgment of the mayor it is necessary for the public
4 safety or to preserve order, the mayor may appoint extra
5 [policemen] police officers to serve for such period as the
6 council may designate, not exceeding thirty days, whose
7 compensation shall be fixed by council.

8 Section 2005. Powers of [Policemen] Police Officers to
9 Arrest.--[Policemen] Police officers shall be ex-officio
10 constables of the city, and shall and may[, within the city or]
11 enforce the laws of this Commonwealth or otherwise perform the
12 functions of their office in accordance with 42 Pa.C.S. §§ 8952
13 (relating to primary municipal police jurisdiction) and 8953
14 (relating to statewide municipal police jurisdiction) and upon
15 property owned or controlled by the city or by a [municipality]
16 municipal authority [of] created by the city [within the
17 Commonwealth], without warrant and upon view, arrest and commit
18 for hearing any and all persons guilty of breach of the peace,
19 vagrancy, riotous or disorderly conduct or drunkenness, or who
20 may be engaged in the commission of any unlawful act tending to
21 imperil the personal security or endanger the property of the
22 citizens, or violating any of the ordinances of [said] the city
23 for the violation of which a fine or penalty is imposed.

24 Section 2006. Service of Process; Fees; Payment into
25 Treasury.--[Policemen] Police officers shall have authority to
26 serve and to execute [within the city or upon property owned or
27 controlled by the city or by a municipality authority of the
28 city within the Commonwealth all] criminal process or processes
29 issued for the violation of city ordinances [which may be issued
30 by the mayor or any alderman,] and shall charge the same fees

1 and costs as pertain by law to the constables of the city for
2 similar services, but the [said] fees and costs shall be
3 [received and collected by the mayor or alderman, and by him]
4 paid into the city treasury monthly as herein provided.

5 Section 2007. Supervision by Mayor.--[Policemen] The chief
6 of police shall obey the orders of the mayor and make report to
7 him or her, which report shall be [laid by him before council
8 monthly] presented monthly by the mayor to council. [The mayor
9 shall exercise a constant supervision and control over their
10 conduct.]

11 Section 2008. Extra Compensation Prohibited; Exception;
12 Penalty.--No [policeman] police officer shall ask, demand or
13 receive any compensation or reward whatsoever for his or her
14 services other than that provided by ordinance, except rewards
15 offered for the arrest of persons accused of crime committed
16 outside of the city in which [they hold office, and witness fees
17 and mileage as provided by law for their appearance in any court
18 of record] such officer is employed. Any [policeman] police
19 officer violating any of the provisions of this section shall be
20 guilty of a misdemeanor [in office, and, upon conviction, shall
21 be sentenced to pay a fine not exceeding fifty dollars, or
22 undergo imprisonment not exceeding thirty days, or both, at the
23 discretion of the court,] of the third degree and upon
24 conviction shall be sentenced to pay a fine or undergo
25 imprisonment, or both, at the discretion of the court to be
26 followed by dismissal from office.

27 Section 2009. Compensation or Insurance for Volunteer
28 [Policemen] Police Officer.--Each city may make necessary
29 appropriations to provide compensation or insurance for
30 volunteer [policemen] police officers injured or killed while

1 engaged in the performance of such duties as may be assigned to
2 them in the city.

3 Section 117. Section 2010 of the act, amended April 6, 1998
4 (P.L.236, No.44), is amended to read:

5 Section 2010. School Crossing Guards.--(a) Upon request of
6 the board of school directors of the school district in which a
7 city is located, the city council may appoint school crossing
8 guards who shall have the duty of controlling and directing
9 traffic at or near schools [and who shall be in suitable and
10 distinctive uniform. School crossing guards shall be authorized
11 only in the management of traffic and pedestrians in and around
12 areas identified by the city police department and the school
13 district superintendent]. They shall serve at the pleasure of
14 the city council, except as noted in subsection (b)[, and shall
15 not come within the civil service provisions of this act and
16 shall not be entitled to participate in any city pension plan or
17 plans now in effect or hereafter effective]. The compensation of
18 the school crossing guards, if any, shall be fixed by the city
19 council and shall be jointly paid by the city council and the
20 board of school directors, in a ratio to be determined by the
21 city council and board of school directors. If the city council
22 and board of school directors are unable to determine the ratio
23 of compensation of the school crossing guards to be paid by the
24 council and the board, each shall pay one-half of the
25 compensation of [such police. Auxiliary policemen, appointed as
26 prescribed by general law, may be designated to serve as school
27 crossing guards] the school crossing guards.

28 (b) A city council may [approve] enact an ordinance allowing
29 a board of school directors to assume the hiring and oversight
30 of the school crossing guards. Before city council may [approve]

1 enact such an ordinance, the board of directors of the school
2 district shall [approve] adopt a resolution requesting the
3 authority to assume the hiring and oversight of the school
4 crossing guards. The ordinance enacted by council shall outline
5 how the city police department will provide any necessary
6 training and assistance of the school crossing guards while on
7 duty. [Such school crossing guards will be authorized only in
8 the management of traffic and pedestrians in and around areas
9 identified by the city police department and the school district
10 superintendent or his or her designee. The school crossing
11 guards shall not come within the civil service provision of this
12 act, nor shall they] School crossing guards shall not fall under
13 the bargaining unit of the school district nor be classified as
14 an employe as defined under section 1101-A of the act of March
15 10, 1949 (P.L.30, No.14), known as the "Public School Code of
16 1949," or under any benefits as provided under the "Public
17 School Code of 1949[,]."
18 effective. Once] After the ordinance [receives] is enacted by
19 city council [approval], the school district shall assume the
20 cost of compensation, including fixing such compensation, if
21 any, of the school crossing guards. [Auxiliary policemen,
22 appointed as prescribed by general law, may be hired by the
23 school district to serve as school crossing guards.] The board
24 of school directors shall notify the city council, mayor and
25 police chief or commissioner of those hired to serve as school
26 crossing guards and request the necessary training or assistance
27 be provided as outlined by the ordinance.

28 (c) Whether the city council appoints school crossing guards
29 upon the request of the board of school directors or whether the
30 city council enacts an ordinance allowing a board of school

directors to assume the hiring and oversight of the school crossing guards, the following shall apply to school crossing guards:

(1) Their duties and authority shall be restricted to the management of traffic and pedestrians in and around areas identified by the city police force and the school district superintendent or his or her designee.

(2) They shall be in suitable and distinctive uniform while performing their duties as school crossing guards.

(3) They shall not come within the civil service provisions of this act.

(4) They shall not be entitled to participate in any city or school district pension or benefit plan or plans now in effect or hereafter effective.

(5) Auxiliary police officers, appointed as prescribed by general law, may be designated by city council or hired by the school district, as applicable, to serve as school crossing guards.

Section 118. Article XXI heading of the act is reenacted to read:

ARTICLE XXI

FIRE BUREAU

Section 119. Section 2101 of the act is amended to read:

Section 2101. Organization of Fire Bureau; Maintenance; Apparatus.--[Each city may organize a fire bureau, with or without pay, make] With regard to a city fire bureau, council shall have the authority to:

(1) by ordinance, establish and organize a fire bureau;

(2) make appropriations for the maintenance of the same[, prescribe];

1 (3) promulgate rules and regulations for the government of
2 the officers and companies belonging thereto[,]; and

3 (4) purchase equipment and apparatus for the extinguishment,
4 prevention and investigation of fires and for the public safety.

5 Section 120. Section 2101.1 of the act, added July 1, 1994
6 (P.L.373, No.55), is amended to read:

7 Section 2101.1. Appointment and Demotion of Fire Chief and
8 Deputy Fire Chief.--The mayor, by and with approval and consent
9 of council, shall appoint the fire chief and any deputy fire
10 chief, each of whom may be demoted without cause in the same
11 manner but not to any rank lower than the rank which he or she
12 held at the time of his or her designation as fire chief or
13 deputy fire chief if these officers were employes of the fire
14 bureau before their employment as fire chief or deputy fire
15 chief.

16 Section 121. Section 2102 of the act, amended November 9,
17 1965 (P.L.670, No.328), is amended to read:

18 Section 2102. Paid Bureau; Election of Officers and
19 Companies.--When a paid fire bureau is organized by any city,
20 the council, except as provided by section 2101.1, may provide,
21 by ordinance, for the election or appointment of the officers
22 and companies belonging thereto, in accordance with civil
23 service provisions where applicable. The minimum annual starting
24 salary or compensation to be paid the officers and [firemen]
25 firefighters by any city shall be [four thousand five hundred
26 dollars (\$4,500), with minimum annual increments of three
27 hundred dollars (\$300) for the first three years of such
28 employment. If the annual salary or compensation of any fireman
29 employed by the city on the effective date of this amending act
30 is less than four thousand five hundred dollars (\$4,500), such

1 salary or compensation shall be increased to four thousand five
2 hundred dollars (\$4,500), and such fireman shall receive minimum
3 annual increments of three hundred dollars (\$300) for the next
4 three years of such employment] established by the city council.

5 Section 122. Section 2103 of the act, amended July 19, 1957
6 (P.L.1012, No.448), is amended to read:

7 Section 2103. Platoon System; Hours of Service; Vacation;
8 Sick Leave.--The director of the department having charge of the
9 fire bureau in [each city shall] a city may divide the officers
10 and members of companies of the uniformed fire force in the
11 employ of [such cities] the city, and any other [firemen]
12 firefighters and drivers regularly employed and paid by the
13 city, excepting the chief engineer and assistant chiefs, and
14 those employed subject to call, into [two] shifts, bodies or
15 platoons to perform service during such hours as the director
16 shall fix[, except as herein otherwise provided. The hours of
17 day service shall not exceed ten, commencing at eight o'clock in
18 the morning; the hours of night service shall not exceed
19 fourteen, commencing at six o'clock in the afternoon; and the
20 hours of day service shall not exceed fifty hours in any one
21 calendar week, and the hours of night service shall not exceed
22 seventy hours in any one calendar week, unless the hours of day
23 and night service shall be equalized, in which case neither the
24 hours of day or night service shall exceed fifty-six in any one
25 calendar week: Provided, That for the duration of any war in
26 which the United States is engaged, and six months thereafter,
27 the hours of service may exceed the number hereinbefore provided
28 as the maximum number of hours of service, and in such cases,
29 council shall provide for the payment of extra compensation for
30 any hours of service, at the same rate as paid for regular

1 service in excess of such maximum hours of service. The employees
2 of such fire forces shall be allowed to have at least twenty-
3 four consecutive hours of rest in every calendar week, to have
4 an annual vacation of not less than fourteen working days, and
5 shall be entitled to twenty-one days sick leave annually without
6 diminution of the salary or compensation fixed by ordinance. In
7 those instances in which sick leave exceeds four days at any one
8 time, it shall be necessary for the employe to present evidence
9 satisfactory to the director of the department showing either
10 injury, hospitalization, or illness attended to by a physician].
11 In cases of riot, serious conflagration, times of war, public
12 celebrations, or other such emergency, the [chief engineer of
13 the bureau of fire, or the assistant chief deputy, or chief]
14 fire chief or officer in charge at any fire shall have the power
15 to assign all the members of the fire force to continuous
16 duty[,] or to continue any member thereof on duty, if necessary.
17 [No member of any of said shifts, bodies or platoons shall be
18 required to perform continuous day service or continuous night
19 service for a longer consecutive period than two weeks, nor be
20 kept on duty continuously longer than ten hours in the day
21 shifts, bodies or platoons or fourteen hours in the night
22 shifts, bodies or platoons, excepting as may be necessary to
23 equalize the hours of duty and service, and also excepting in
24 cases of emergency, as above provided.]

25 Section 123. Sections 2104, 2105, 2106, 2107 and 2108 of the
26 act are amended to read:

27 Section 2104. Fire Marshal; Powers.--Every city may, by
28 ordinance, provide for the creation of the office of fire
29 marshal who shall be appointed by the mayor, by and with the
30 approval and consent of council, biennially. The fire marshal

1 and [his] any authorized assistants[, if council shall provide
2 for such assistants,] shall inspect all constructions or
3 buildings within the city or upon property owned or controlled
4 by the city or a [municipality] municipal authority of the city
5 within the Commonwealth[, whether public, private, or business,]
6 and shall enforce all laws of the Commonwealth and ordinances of
7 the city relating to such constructions or buildings, for the
8 prevention, containment, or investigation of fire and
9 firehazards, both as to the constructions or buildings and as to
10 the contents or occupancies thereof. The fire marshal or his or
11 her assistants shall report to the director of public safety or
12 to council or other designated official, as council shall by
13 ordinance provide, any faulty or dangerous construction or
14 building or like condition in any building[,] that may
15 constitute a fire hazard[,] or any proposed use or occupation of
16 any construction, building or premises[,] which would create or
17 increase a hazard of fire. [He] The fire marshall shall
18 investigate and keep a permanent record of the cause, origin and
19 circumstances of every fire and the damage resulting therefrom
20 occurring within his or her jurisdiction immediately after the
21 occurrence of [such] the fire. The [said] records of the fire
22 marshal shall be open to public inspection[.] except records
23 relating to or resulting in a criminal investigation or
24 otherwise excepted from a public record pursuant to the act of
25 February 14, 2008 (P.L.6, No.3), known as the "Right-to-Know
26 Law." The fire marshal shall submit to council an annual report
27 consolidating the information contained in [said records at the
28 first stated meeting in March of each year] the records as
29 directed by council. [He shall request the mayor or any alderman
30 of the city to investigate, under the act, approved the

seventeenth day of April, one thousand eight hundred sixty-nine (Pamphlet Laws 74), the origin of any fire he deems suspicious; and shall be equally subject to appointment and removal and to all the powers and duties under the act, approved the twenty-seventh day of April, one thousand nine hundred twenty-seven (Pamphlet Laws 450, Number 291), as amended, as is the chief of the fire department] If the fire is deemed suspicious, the fire marshal shall have the authority to investigate the same.

Section 2105. Obstructing Fire Marshal; Fine.--It shall be unlawful for any person to obstruct or prevent or attempt to obstruct or prevent the fire marshal in the discharge of his or her duties. Council may, by ordinance, establish the types or grades of such criminal conduct[,] and may establish fines[,] or imprisonment [in default of payment thereof,] or both for such violations. No fine so ordained shall exceed [three hundred] one thousand dollars for any single violation, and no imprisonment [in default of payment of such a fine] shall exceed ninety days.

Section 2106. Investigation of Cause of Fire; Power of the Mayor.--The mayor of any city may, whenever in his or her judgment the occasion demands it, issue a subpoena, in the name of the Commonwealth of Pennsylvania, to any person or persons requiring [them to attend] the attendance of the person or persons before [him] the mayor or the fire marshal at [such] the time and place as may be named in [said] the subpoena, then and there to testify, under oath or affirmation, which the fire marshal in the absence of the mayor is hereby empowered to administer, as to the origin of any fire occurring within the bounds of such city[,] and also as to any facts or circumstances that may be deemed important to secure the detection and conviction of any party or parties guilty of the offense of

1 arson or attempted arson.

2 Section 2107. Fire Chief Ex-officio Fire Marshal.--The fire
3 chief of any city shall be ex-officio fire marshal thereof in
4 any city wherein the office is not separately filled [by
5 council] pursuant to ordinance, and in [such] that case all the
6 powers and duties herein given to or imposed upon [such] the
7 fire marshal shall be enjoyed and exercised by [such] the fire
8 chief [of the fire department].

9 Section 2108. Compensation Insurance for Injured Volunteer
10 [Firemen] Firefighters or Special Fire Police.--Each city may
11 make [such] appropriations as may be necessary to secure
12 insurance or compensation for volunteer [firemen] firefighters
13 killed or injured while engaged in the performance of their
14 duties or as special fire police.

15 Section 124. Section 2109 of the act, added June 16, 1993
16 (P.L.97, No.21), is amended to read:

17 Section 2109. Salary of Nonunion City Fire Officers.--[Any]
18 A fire chief or head of a fire department of a city who has been
19 removed from bargaining units under the act of June 24, 1968
20 (P.L.237, No.111), referred to as the Policemen and Firemen
21 Collective Bargaining Act, by rulings of the Pennsylvania Labor
22 Relations Board shall receive not less than the same dollar
23 increase, including fringe benefits but excluding overtime and
24 festive holiday pay, as received by the highest-ranking fire
25 officer participating in the bargaining unit.

26 Section 125. Article XXII heading of the act is amended to
27 read:

28 ARTICLE XXII

29 [BUREAU OF MINE INSPECTION AND]

30 SURVEYS AND SURFACE SUPPORT

1 IN COAL MINING AREAS

2 Section 126. Sections 2201 and 2202 of the act are repealed:

3 [Section 2201. Ordinance Creating.--Any city within the
4 limits of the anthracite or of the bituminous coal regions of
5 the Commonwealth may, by ordinance, create a bureau of mine
6 inspection and surface support.

7 Section 2202. Bureau, How Constituted.--The bureau shall
8 consist of one practical mining engineer, to be appointed by the
9 mayor, with consent of the council, and such assistants, clerks,
10 and employes as the council may provide. The officers and
11 employes of the bureau shall receive such compensation as may be
12 prescribed by council.]

13 Section 127. Sections 2203, 2204, 2205, 2206 and 2207 of the
14 act are amended to read:

15 Section 2203. [Inspection of Mines] Survey of Mines.--
16 [Members of the bureau may enter, inspect, examine] For the
17 purpose of conducting a survey as may be required by council,
18 the city engineer or other registered professional engineer
19 employed by the city, may enter and survey any mine or colliery,
20 within the limits of the city, in whole or in part, at all
21 reasonable times, either by day or night, but not so as to
22 impede nor obstruct the workings of the mine or colliery; and
23 may take with them [such] other persons [as may be] necessary
24 for the purpose of making [an examination or] a survey. The
25 owner, operator, or superintendent of such mine or colliery
26 shall furnish the means necessary for [such] the entry,
27 [inspection, examination,] survey and exit.

28 Section 2204. Operators to Furnish Maps; Contents.--The
29 owner, operator, or superintendent of every coal mine or
30 colliery within the limits of the city, in whole or in part,

1 [within three months after the passage of an ordinance by any
2 city creating such bureau,] shall, at the request of council,
3 make or cause to be made and furnished to [such bureau] the city
4 engineer an accurate map or plan of the workings or excavations
5 of [such] each coal mine or colliery, or parts thereof, within
6 the limits of [said] the city[, on a scale of one hundred feet
7 to the inch. The map or plan shall exhibit the workings or
8 excavations in every seam of coal on a separate sheet, and the
9 tunnels and passages connecting with such workings or
10 excavations. It shall show in degrees the general inclination of
11 the strata, with any material deflection therein in the workings
12 or excavations, and shall also show the tidal elevations of the
13 bottom of every shaft, slope, tunnel, and gangway, and of any
14 other point in the mine or on the surface where such elevation
15 shall be deemed necessary by the bureau. The map or plan shall
16 show the number of the last survey station and date of each
17 survey on the gangways or the most advanced workings].

18 Section 2205. Extensions to be Placed on Maps.--[Every mine
19 owner, operator, or superintendent shall place or cause to be
20 placed upon the map of the bureau, at least] Not less than once
21 in every three months, a map that has been provided to a city,
22 at the request of council, pursuant to section 2204, shall be
23 updated at the direction of the mine owner, operator or
24 superintendent. The updated map shall show all the extensions
25 made in any mine, wholly or partially within the limits of
26 [such] the city, and not already so placed upon the map, except
27 those made within thirty days immediately preceding the time of
28 placing [such] the extensions upon the [said] map.

29 Section 2206. Certain Surface Supports Not to be Removed.--
30 It shall be unlawful for any person, [copartnership]

1 partnership, association, or corporation to dig, mine, remove,
2 or carry away the coal, rock, earth, or other minerals or
3 materials forming the natural support of the surface beneath the
4 streets and places of any city[, in the anthracite region or in
5 the bituminous region,] to such an extent and in such a manner
6 as to thereby remove the necessary support of the surface,
7 without having first placed or constructed an artificial
8 permanent support sufficient to uphold and preserve the
9 stability of the surfaces of such streets and places.

10 Section 2207. Penalty for Surface Support Violations.--Any
11 person, corporation or association[, being the owner, lessee or
12 operator of any coal mine, and] violating the provisions of this
13 article concerning surface support of streets and places within
14 the city shall be guilty of a misdemeanor[, and, upon
15 conviction thereof, shall be sentenced for such offense to pay a
16 fine not exceeding one thousand dollars, or [to undergo]
17 imprisonment [in the county jail] for a period not exceeding
18 ninety days, or both, and each [five day continuance in any] day
19 in which such violation continues shall constitute an additional
20 and separate offense [and be likewise punishable upon conviction
21 thereof].

22 Section 128. Section 2208 of the act is repealed:

23 [Section 2208. General Penalties.--Any owner, operator or
24 superintendent of any coal mine or colliery who shall violate
25 any of the provisions of this article, except those requiring
26 surface support of streets and places within the city, shall,
27 upon summary conviction thereof before a justice of the peace or
28 an alderman of the city, be fined not less than fifty dollars
29 nor more than three hundred dollars, and in default of payment
30 thereof, shall be imprisoned for not more than ninety days for

1 each such violation. Each five day continuance in any such
2 violation shall constitute an additional and separate offense
3 and be likewise punishable upon summary conviction thereof. All
4 fines imposed under this section shall be paid into the treasury
5 of the city.]

6 Section 129. Section 2209 of the act is reenacted to read:

7 Section 2209. Enactment of Ordinances.--Council may enact
8 such ordinances as may be necessary for the enforcement of the
9 provisions of this article and provide penalties for the
10 violation thereof.

11 Section 130. Article XXIII and subdivision (a) headings of
12 the act are reenacted to read:

13 ARTICLE XXIII

14 PUBLIC HEALTH

15 (a) Board of Health

16 Section 131. Section 2301 of the act is amended to read:

17 Section 2301. Board of Health[; Incompatibility].--Each city
18 shall have a board of health. Council may, by ordinance, create
19 a board of health [as herein provided], or, in lieu thereof,
20 council shall be the board of health. [The board of health shall
21 have five members appointed by council, who shall serve without
22 compensation. Except as otherwise herein provided, membership on
23 the board of health shall be incompatible with every other city
24 office.] If council is the board of health, members of council
25 shall receive no additional compensation for serving on the
26 board.

27 Section 132. Section 2302 of the act, amended June 16, 1993
28 (P.L.97, No.21), is amended to read:

29 Section 2302. [Qualifications; Term; Removal.--The] Members
30 of Appointed Boards of Health.--(a) Council shall appoint five

1 members to a board of health created by ordinance. Appointed
2 members shall serve without compensation. Except, in the case of
3 an appointed member who is a licensed or certified health care
4 professional that has his or her principal office in the city,
5 members of the appointed board of health shall be residents of
6 the city. [At least one, and whenever possible two,]

7 (b) Two members of the board shall be [currently] a licensed
8 or certified health care professional unless council cannot
9 identify two such professionals who are willing to serve, in
10 which case, one member shall be a licensed or certified health
11 care professional. If no licensed or certified health care
12 professional can be identified to serve on the board, council
13 may, in lieu thereof, appoint any individual who has experience
14 or is knowledgeable of public health issues.

15 (c) Health care professionals pursuant to this section must
16 be licensed or certified by the State Board of Medicine, the
17 State Board of Examiners of Nursing Home Administrators, the
18 State Board of Podiatry, the State Board of Veterinary Medicine,
19 the State Board of Occupational Therapy Education and Licensure,
20 the State Board of Osteopathic Medicine, the State Board of
21 Pharmacy, the State Board of Physical Therapy [or], the State
22 Board of Nursing [to be engaged in a medical, medically related
23 or health care profession or business and shall be a resident or
24 have an office in the city. If a licensed or certified medical
25 or health care professional cannot be identified to serve on the
26 board, council may appoint any individual who has experience or
27 is knowledgeable of public health issues], the State Board of
28 Social Workers, Marriage and Family Therapists and Professional
29 Counselors, the State Board of Chiropractic, the State Board of
30 Dentistry, the State Board of Optometry, the State Board of

1 Psychology or the State Board of Speech-Language and Hearing
2 Examiners.

3 [Upon] (d) After the creation of the board, by ordinance,
4 council shall designate [for] one appointee for a term of one
5 year, [for] another for a term of two years, and so on up to
6 five; thereafter, one member of the board shall be appointed
7 annually to serve for a term of five years from the first Monday
8 of [April] January succeeding his or her appointment.

9 (e) Council may remove appointed members of the board for
10 official misconduct or neglect of duty.

11 (f) All vacancies on appointed boards shall be filled by
12 council appointing a qualified person to membership on the board
13 for the unexpired term of the person whose membership had been
14 vacated.

15 Section 133. Sections 2303, 2304, 2305, 2306, 2307, 2308,
16 2309, 2310 and 2311 of the act are amended to read:

17 Section 2303. Oath of Office; Organization; Secretary.--(a)
18 Each member of the board of health shall take the oath of office
19 prescribed in section [nine hundred and five of this act] 905.

20 (b) The board of health shall organize annually on the first
21 Monday of January[. The board] and shall elect a president
22 annually from among [the] its members. [and]

23 (c) Council shall appoint a secretary of the board of health
24 who is not a member of the board of health. [board member. The
25 secretary shall take the aforesaid oath and shall give a
26 fidelity bond with corporate surety to the city in such amount
27 as council requires.] The secretary shall receive [such] a
28 salary as approved by council [shall approve].

29 Section 2304. Duties of Secretary.--The secretary of the
30 board shall have the power and his or her duty shall be as

1 follows:

2 (1) To keep the minutes of the proceedings of the board[,
3 shall keep] and accurate accounts of the expenditures of the
4 board.

5 (2) To [, shall] draw all requisitions for the payment of
6 moneys on account of the board of health from appropriations
7 made by the council to the board and shall present the same to
8 the president of the board for his or her approval.

9 (3) To [, shall] render statements of the expenditures to
10 the board at each stated meeting or as frequently as the board
11 may require.

12 (4) To [, shall] prepare, under the directions of the board,
13 the annual report to council, together with the estimate of
14 appropriations needed for the ensuing year.

15 (5) To [He shall] make such reports to the State Department
16 of Health as are required by law or by rule or regulation of the
17 [Department] department.

18 (6) To [, and shall] make such other reports and perform
19 such other duties as are required [of him] by law or by the
20 board of health.

21 Section 2305. Health Officer; Qualifications; Oath [and
22 Bond.--The board shall appoint as].--(a) Council shall, by
23 ordinance, determine the manner and method of selection of a
24 health officer who shall be a person with some experience or
25 training in public health work [in accordance with rules and
26 regulations of the Advisory Health Board of] and who shall be
27 or, within six months of taking the oath of office, shall become
28 certified for the office of health officer by the State
29 Department of Health[, and who shall not enter upon his duties
30 until he has been certified for the office of health officer by

1 the State Department of Health]. The health officer shall take
2 the oath required of members of the board. [, and shall give
3 bond with corporate surety approved by council to the city for
4 the faithful performance of his duties. The amount of the bond
5 shall be fixed by council.] The health officer shall be the
6 agent of the board of health but shall not serve as a member of
7 the board of health.

8 (b) City council may appoint, as the principal health
9 officer of the city, the manager or chief administrator employed
10 and compensated by a nonprofit corporation which may be
11 appointed as a board of health in accordance with subdivision
12 (c). The manager or chief administrator, to be eligible for
13 appointment, must be a reputable physician of at least five
14 years' experience in the practice of his or her profession or in
15 public health work. The principal health officer, appointed
16 pursuant to this subsection, shall have all the powers and
17 authority and duties now or hereafter to be conferred or
18 prescribed by law upon principal health officers.

19 Section 2306. Duties of Health Officer.--(a) The duties of
20 the health officer shall include the following:

21 (1) [It shall be the duty of the health officer to] attend
22 all [stated] regular and special meetings of the board of
23 health; [and to]

24 (2) be available for the prompt performance of his or her
25 official duties [at all times. He shall];

26 (3) quarantine places of communicable diseases in accordance
27 with law and with the rules and regulations of the State
28 Department of Health or of the city board of health[.];

29 (4) [He shall] execute all laws and rules or regulations for
30 the disinfection of quarantined places[.];

1 (5) [He shall] serve written notice on teachers and persons
2 in charge of public, parochial, Sunday and other schools[,]
3 requiring the exclusion from school of children who are
4 suffering from, or who reside with persons who are suffering
5 from, communicable diseases[, and shall];

6 (6) make sanitary inspections[, and shall] subject to
7 constitutional standards in a similar manner as provided in
8 section 2308; and

9 (7) execute the orders of the board of health and all other
10 laws, rules and regulations and orders pertaining to his or her
11 office.

12 (b) The health officer [He] shall[, in the performance of
13 his duties, have the power and authority of a policeman of the
14 city] to the extent of his or her duties have the power to issue
15 citations for the violation of applicable laws or ordinances.

16 Section 2307. Duties of Board of Health.--[The board of
17 health shall enforce the laws of the Commonwealth and the rules,
18 regulations and orders of the State Department of Health.] (a)
19 The board of health shall undertake to prevent or diminish the
20 introduction or further spread of infectious or contagious
21 diseases[, and otherwise to protect and increase the public
22 health by regulating communication with places of infection or
23 contagion, by isolating carriers of infection or contagion or
24 persons who have been exposed to any infectious or contagious
25 disease, by abating or removing all nuisances which the board
26 shall deem prejudicial to the public health, and by enforcing
27 the vaccination laws; and the board shall make all such rules
28 and regulations as to it appear proper for the preservation or
29 improvement of the public health, consistent with this article
30 and the laws of the Commonwealth.

1 (b) In carrying out its duties under this act, the board of
2 health shall, if authorized, enforce the laws of the
3 Commonwealth that are relevant to and relate to its duties.

4 (c) The board of health shall transmit to the State
5 Department of Health all of its reports and publications and
6 such other information regarding public health in the city as
7 may be requested or required by the [Department] department.

8 Section 2308. Powers of Board of Health.--The board of
9 health shall have authority:

10 (1) [To employ] If authorized by council, to employ agents
11 and employees at rates of compensation approved by council. [at
12 such rates or salaries as council shall approve.

13 (2) To establish and staff emergency hospitals, with the
14 consent of council, in case of the [prevalance] prevalence or
15 threat of any contagious or infectious disease or other serious
16 peril to public health, and to provide for and regulate the
17 management of such hospitals.

18 (3)] (2) To enter upon any premises whatsoever within the
19 city as a body or by committee or by its agents or employees,
20 which premises are suspected of infectious or contagious disease
21 or of any other nuisance prejudicial to the public health, or of
22 the danger of them, for the purpose of examining the premises or
23 of preventing, confining or abating public nuisances.

24 (i) In the event that entry upon any premises is refused by
25 an owner, an agent of an owner, or tenant, the board of health
26 shall obtain an administrative search warrant from any
27 magisterial district judge within the judicial district wherein
28 lies the premises to be inspected.

29 (ii) It shall be sufficient to support the issuance of a
30 warrant for the board of health to provide to the magisterial

1 district judge evidence of any of the following:

2 (A) Reasonable standards and an administrative plan for
3 conducting inspections.

4 (B) The condition of the premises or general area and the
5 passage of time since the last inspection.

6 (C) Facts, supported by an oath or affirmation, alleging
7 that probable cause exists that a law, regulation or ordinance
8 subject to enforcement by the board of health has been violated.

9 [(4)] (3) To conduct investigations and to hold public
10 hearings in the performance of its duties and powers, wherein
11 the president and secretary of the board shall have full power
12 to administer oaths and affirmations but shall receive no fee
13 therefor. For such purposes, the board of health may require the
14 attendance of witnesses and their books and papers.

15 [(5) To establish a force of sanitary police for the
16 enforcement of its rules and regulations, whenever in the
17 opinion of the board the public health of the city requires. To
18 fix the number of such police and the duration of their service
19 and to have the exclusive control and direction of them. The
20 mayor shall detail police from the regular police force or make
21 new appointments in order to provide a sanitary police force,
22 and upon the expiration of the need for such a force the members
23 thereof shall be returned to duty as regular policemen, or, if
24 newly appointed, be dismissed as the mayor may direct, but no
25 permanent increase of the police force shall be made thereby
26 unless council so ordains.

27 (6)] (4) To publish and enforce its rules and regulations as
28 approved by council.

29 [(7) To] (5) If approved by council, to provide for or
30 cooperate in providing for general and gratuitous vaccination,

1 disinfection and other public health control programs, and
2 likewise to make available medical relief in such ways as in its
3 opinion will benefit the public health.

4 [(8) To certify to council expenditures in excess of
5 council's appropriations therefor, necessarily incurred by the
6 board by reason of an epidemic, or upon approval of council, for
7 any other immediate and serious peril to public health. Council
8 shall thereupon appropriate sufficient money to meet such
9 additional expenditures.

10 (9)] (6) To [prevent, abate or remove] provide, in
11 accordance with subdivision (b), for the prevention, abatement
12 and removal of conditions found by it to be detrimental to the
13 public health as public, not private, nuisances[,] or to declare
14 and certify to council [such] the conditions and the premises or
15 ways or places harboring [them] the condition to be public, not
16 private, nuisances.

17 [(10) To prescribe regulations for the erection or operation
18 of bone boiling establishments or of repositories of dead
19 animals in the city, and in accordance therewith, to permit or
20 refuse to permit such erections or operations within the city.
21 Any person who shall erect or operate any such establishment or
22 repository in the city without the permission of the board of
23 health, or in violation of its regulations pertaining thereto,
24 shall forfeit and pay to the city the sum of three hundred
25 dollars for every such offense, and the like amount for each
26 month's continuance thereof, to be collected by an action before
27 an alderman of the city, and shall also be subject to indictment
28 for the common law offense of creating and maintaining a
29 nuisance. Nothing herein shall limit the remedies of injunction
30 or abatement as to any such establishment.

1 (11) To determine whether or not the keeping or slaughtering
2 of stock animals or fowls in or about any dwelling or part
3 thereof, or in the yard, lot or adjoining property of any such
4 building within the city or parts thereof, is or may become
5 detrimental to the public health. Council may prohibit any such
6 keeping or slaughtering which the board certifies to it as
7 detrimental, or the board may issue permits in accordance with
8 regulations adopted by it for the keeping of such animals or
9 fowls within the city or parts thereof. No such permit shall
10 extend beyond the calendar year within which it was issued, and
11 the fee for each permit shall be one dollar.]

12 Section 2309. Effect of Rules and Regulations.--[The rules
13 and regulations of the board of health may be approved by
14 council, and when printed and advertised by council as required
15 by this act in the case of ordinances, shall have the force of
16 ordinances of the city; and all penalties, fines or imprisonment
17 prescribed therein for violations thereof, together with the
18 expenses necessarily incurred in carrying the rules and
19 regulations into effect and the costs of proceedings incident
20 thereto, shall be recoverable for the use of the city, as
21 provided for in the case of other city ordinances.] Rules and
22 regulations adopted by the board of health shall be presented to
23 city council for its approval. City council shall have the
24 authority to approve, by ordinance, the rules and regulations
25 submitted by the board of health. Upon approval by council, the
26 rules and regulations of the board of health shall have the
27 force and effect of ordinances of the city. The ordinance
28 approving the rules and regulations may incorporate them by
29 reference. Council shall provide a place for the public to view
30 the rules and regulations. The ordinance approving the rules and

1 regulations shall prescribe the penalties, fines or imprisonment
2 for violations thereof.

3 Section 2310. Fees and Penalties.--All fees and penalties
4 collected or received by the board or any officer thereof [in
5 his] acting in an official capacity shall be paid [monthly] as
6 received to the city treasurer for the use of the city.

7 Section 2311. Proceedings of Board to be Public.--The
8 proceedings of the board shall be public [and its journal of
9 proceedings shall be open to the inspection of any taxpayer].

10 Section 134. Article XXIII subdivision (b) heading of the
11 act is amended to read:

12 (b) [Abatement of] Public Nuisances Detrimental
13 to Public Health

14 Section 135. Sections 2320 and 2321 of the act are amended
15 to read:

16 Section 2320. [Definition.--] Determination of Public
17 Nuisances.--(a) Any condition or usage whatsoever in or about
18 the buildings, structures or land, or the streets or private
19 ways and places, or elsewhere, within the city, whether public
20 or private, [which] if determined by the board of health [shall
21 find] to be detrimental to the public health [is hereby declared
22 to be] shall constitute a public nuisance. Whenever in this
23 subdivision the words "public nuisance" or "nuisance" are used
24 they shall be deemed to mean a nuisance detrimental to the
25 public health, unless a different meaning is specified.

26 (b) The powers of investigation and entering upon premises
27 vested in the board of health and its agents and employes
28 pursuant to its orders shall be available for the determination
29 of public nuisances.

30 Section 2321. [Procedure for the] Abatement of Public

1 Nuisances by Designated Department.--[Whenever the board of
2 health shall determine, after such examination, investigation or
3 hearing as shall suffice to inform its judgment, that a public
4 nuisance exists or is about to exist, it may order the nuisance
5 to be removed, abated, suspended, altered, or otherwise
6 prevented or avoided. Notice of such order, bearing the official
7 title of the board and the number of days for compliance
8 therewith and the alternative remedy of the board in case of
9 non-compliance, shall be served upon the person, if any, whom
10 the board deems responsible therefor or concerned therein, and
11 upon the owner or abutting owner of the land, premises or other
12 places whereon such a nuisance is or is about to be, if any. In
13 case no such party or parties can be discovered by the board,
14 the order shall be served by posting a copy or copies thereof
15 conspicuously upon the premises for a period of at least ten
16 days.] (a) If, in accordance with this subdivision, the board
17 of health determines that a public nuisance exists, it shall
18 report its determination, along with any request for summary
19 abatement, to the department designated by council in section
20 2702-A, relating to the report and investigation of a public
21 nuisance.

22 (b) Notwithstanding any other provision of Article XXVII-A,
23 the department designated to abate public nuisances shall
24 proceed as follows:

25 (1) The report to the designated department that the board
26 of health has determined that public nuisance exists shall be
27 deemed a determination by the designated department that a
28 public nuisance exists as required by section 2702-A(d)(1).

29 (2) Summary abatement, if requested by the board of health,
30 shall be pursued if the designated department finds that the

1 criteria set forth in section 2702-A(d)(2) exists.

2 (3) If summary abatement is not pursued, the designated
3 department shall proceed with abatement with prior notice in
4 accordance with Article XXVII-A.

5 Section 136. Sections 2322, 2323 and 2324 of the act are
6 repealed:

7 [Section 2322. Contents of Notice.--The notice of the
8 board's order shall clearly specify:

9 1. The place and manner of the nuisance or anticipated
10 nuisance as determined by the board;

11 2. The nature or condition thereof;

12 3. The board's order with respect to the nuisance or
13 anticipated nuisance;

14 4. The names of the persons found by the board to be
15 responsible therefor or concerned therewith and the name of the
16 owner, if any, of the land or premises involved;

17 5. The date of the board's order and the number of days
18 therefrom allowed for compliance with it;

19 6. The alternative remedy of the board in case of non-
20 compliance;

21 7. Notice that the persons affected thereby may apply,
22 within the time set for compliance with the order, to the board
23 for a hearing, and may request such stay of execution or
24 modification or rescission of the said order as they shall
25 believe just and proper;

26 8. The signature of the president of the board, attested by
27 the secretary.

28 Section 2323. Hearing; Disposition.--If any person affected
29 thereby shall apply for a hearing within the time provided, the
30 board shall promptly notify all interested parties of the time

1 and place of the hearing. The board shall enter upon its minutes
2 such facts and proofs as it may receive, and its proceedings on
3 such hearing and thereafter may rescind, modify or reaffirm its
4 order and require execution of the original or of a new or
5 modified order, as it shall determine and direct. The persons
6 affected shall be notified of the board's final order, and
7 within ten days from the mailing of such notice may appeal
8 therefrom to the court of quarter sessions, which appeal may
9 operate as a supersedeas if the court, upon proper cause shown,
10 so orders, and provided the appellants post bond, approved by
11 the court, for the use of the city, with sufficient surety to
12 cover all the expense and costs of executing the board's order.

13 Section 2324. Abatement of Public Nuisances by Board of
14 Health or City.--In any case where the persons ordered by the
15 board of health to abate or prevent a public nuisance or
16 anticipated public nuisance refuse or neglect to do so within
17 the time specified in the original or any subsequent order of
18 the board, then, unless the said order shall have been suspended
19 by appeal to the court and proper bond posted, the board may
20 direct its health officer and employes to execute the said
21 order; or if the execution of the said order requires the
22 grading, paving or repaving of private alleys or any similar
23 work upon any property whatsoever within the city or any other
24 work or service that may best be performed or contracted for by
25 the agencies and employes of the city itself, then the board
26 shall certify its order to the city council and council shall
27 thereupon proceed to cause the execution of the order. In any
28 case where the board of health or the council thus abates or
29 prevents or causes the abatement or prevention of a public
30 nuisance, the cost and expense of such work, services and

1 materials shall be charged to the persons affected in their
2 proper proportions; and upon non-payment of such charges, the
3 city may file a lien therefor upon the affected premises in the
4 name of and for the use of the city, as provided by law for
5 municipal claims, in addition to the other remedies available
6 for the collection of debts due the city. The lien shall attach
7 as of the time the work was commenced, which shall be fixed by
8 the certificate of the health officer or of the city engineer
9 filed with the city clerk.]

10 Section 137. Article XXIII subdivision (c) heading of the
11 act is reenacted to read:

12 (c) Corporations Acting as Boards of Health

13 Section 138. Section 2330 of the act is amended to read:

14 Section 2330. Board of Directors of Corporation to be
15 Appointed Members of Board of Health.--[Whenever any corporation
16 not for profit has been or shall hereafter be chartered, whose
17 principal corporate purpose is or shall be substantially to
18 preserve and promote the health of the public of any city, and
19 the control and elimination of disease, and such corporation, in
20 the opinion of the council of such city and the State Department
21 of Health, shall have at its disposal sufficient means to render
22 its assistance of value to the city in the administration of its
23 public health affairs, and is properly organized and managed,
24 said council may, by ordinance, appoint the members of the board
25 of directors for such corporation as the board of health of such
26 city for a term of five years. The said board of directors shall
27 not be more than nine or less than five in number, and at least
28 two of the members shall be reputable physicians with not less
29 than five years' experience in the practice of their profession.
30 When, by limitation in the charter or by-laws of such

1 corporation, the office of any member of the board of directors
2 shall terminate, such person's membership in the board of health
3 shall also terminate and a vacancy in such membership exist, to
4 be filled as hereinafter provided. Whenever the number of
5 directors of such corporation shall be increased, subject,
6 however, to the aforesaid maximum limitation of nine, the
7 council of said city may appoint any person added to the
8 corporation's board of directors as an additional member of the
9 board of health for a term equal in the unexpired term of the
10 other members, subject, also, to termination resulting from
11 limitations in the corporation's charter or by-laws as
12 aforesaid.] (a) City council may, by ordinance, appoint the
13 members of a board of directors of a nonprofit corporation as
14 the board of health for the city for a term of five years
15 provided that the nonprofit corporation:

16 (1) Has as its principal purpose to substantially preserve
17 and promote the health of the public of the city and to control
18 and eliminate disease.

19 (2) Has sufficient means to render valuable assistance to
20 the city's public health affairs in the opinion of city council
21 and the State Department of Health.

22 (3) Is properly organized and managed.

23 (4) Has no fewer than five and no more than nine members on
24 the board of directors.

25 (5) Has at least two reputable physicians on the board with
26 each having no less than five years' experience in the practice
27 of his or her profession.

28 (b) When the office of any member of the board of directors
29 terminates pursuant to the nonprofit corporation's charter or
30 bylaws, the office of the member of the board of health shall

1 also terminate with the resulting vacancy to be filled as
2 hereinafter provided.

3 (c) If the number of the board of directors of the nonprofit
4 corporation increases, subject to the limitation of a maximum of
5 nine members, city council may appoint any person added to the
6 corporation's board of directors as an additional member of the
7 board of health for a term equal to the unexpired term of the
8 other members. This additional appointment shall be subject to
9 any subsequent termination resulting from a limitation in the
10 corporation's charter and bylaws.

11 Section 139. Section 2331 of the act is repealed:

12 [Section 2331. Councilmen and School Directors Eligible for
13 Appointment.--Members of council of such city, not more than two
14 in number, and one member of the board of directors of the
15 school district of such city, if they are also members of the
16 board of directors of said corporation, shall be eligible to
17 appointment as members of the board of health of said city.]

18 Section 140. Sections 2332, 2333, 2334 and 2335 of the act
19 are amended to read:

20 Section 2332. Power of Board.--The board of health [so
21 appointed] under this subdivision shall have all the power and
22 authority and perform the duties now or hereafter conferred and
23 prescribed by law upon boards of health of cities.

24 Section 2333. Health Officer.--[If the board of directors of
25 such corporation shall employ as manager or chief administrator
26 of the activities and operations of the corporation a reputable
27 physician of five years' experience in the practice of his
28 profession, or in public health work, for a compensation to be
29 paid out of the corporation's funds, it shall be lawful for such
30 council to appoint such manager or chief administrator as the

1 principal health officer of such city, with all the powers and
2 authority and duties now or hereafter to be conferred or
3 prescribed by law upon principal health officers.] Pursuant to
4 section 2305(b), city council may appoint the manager or chief
5 administrator of a nonprofit corporation as the principal health
6 officer of the city.

7 Section 2334. Secretary.--The secretary of the board of
8 directors of [such] the nonprofit corporation under this
9 subdivision may serve as secretary of [such] the board of
10 health.

11 Section 2335. Filling of Vacancies.--[As the five year terms
12 of members of such board of health expire, and as vacancies
13 therein occur, the council of such city may appoint successors
14 to those whose terms shall have so expired for further terms of
15 five years, and appoint persons to fill vacancies in both cases
16 by selection of the then members of such board of directors,
17 including, in the case of vacancies, the persons in the said
18 board of directors who may be selected to fill the vacancies
19 therein. Such appointment in the case of a vacancy shall be for
20 the unexpired portion of the five year term.] City council may
21 appoint successors for vacancies on the board of health that
22 occur as five-year terms of board members expire. The successors
23 shall serve for five-year terms. City council may also appoint
24 successors to vacancies on the board of health that occur for
25 any other reason, but in such case the appointment shall be for
26 the unexpired portion of the five-year term. Successors, whether
27 appointed for a five-year term or the unexpired portion of a
28 five-year term, shall be selected from the members of the
29 nonprofit corporation's board of directors.

30 Section 141. Section 2336 of the act is repealed:

1 [Section 2336. Appointment and Removal of Health Employees.--
2 The council of such city shall, in all cases where possible,
3 follow the recommendations of said board of health as to
4 appointment and removal of all persons having to do with the
5 administration of the public health affairs of the city. Such
6 appointees shall be required to pass any civil service
7 examination required by any civil service commission lawfully
8 established in such city.]

9 Section 142. Section 2337 of the act is amended to read:

10 Section 2337. No Compensation for Members.--The members of
11 [such] the board of health under this subdivision shall serve
12 without compensation from the city. [This subdivision (c) shall
13 be effective only under the circumstances set forth in section
14 two thousand three hundred and thirty.]

15 Section 143. The act is amended by adding a section to read:

16 Section 2338. Applicability of Subdivision.--This
17 subdivision (c) shall be effective only under the circumstances
18 set forth in section 2331.

19 Section 144. Article XXIII subdivision (d) heading of the
20 act is amended to read:

21 (d) [Penalties] Penalty

22 Section 145. Section 2340 of the act is amended to read:

23 Section 2340. Penalty.--Any person violating any provision
24 of this article or any order or regulation of the board of
25 health made under the authority of this article, or of any law,
26 or regulation or ordinance therein referred to or authorized, or
27 who shall obstruct or interfere with any person in the execution
28 of any order or regulation of [said] the board, or wilfully and
29 illegally omit to obey any [such] order or regulation of the
30 board, shall be guilty of a [misdemeanor, and, upon conviction,

1 shall be sentenced to pay a fine not exceeding one hundred
2 dollars, or undergo imprisonment not exceeding ninety days, or
3 both, at the discretion of the court.] summary offense
4 punishable in accordance with section 1018.10.

5 Section 146. Article XXIV heading of the act is reenacted to
6 read:

7 ARTICLE XXIV

8 CORPORATE POWERS

9 Section 147. Section 2401 of the act is repealed:

10 [Section 2401. Existing Powers Saved.--The corporate powers
11 and the duties of the officers of cities, now in existence by
12 virtue of the laws of the Commonwealth, and not repealed by this
13 act, shall be and remain as now provided by law.]

14 Section 148. Section 2402 of the act is amended to read:

15 Section 2402. Powers of [City] Cities.--(a) Each city is
16 hereby declared to be a body corporate and politic, and shall
17 have perpetual succession, and may:

18 1. Sue and be sued;

19 [2. Purchase and hold real and personal property for the use
20 of the city;

21 3. Lease, sell and convey any real or personal property
22 owned by the city, and make such order respecting the same as
23 may be conducive to the interests of the city;

24 4. Make all contracts, and do all other acts in relation to
25 the property and affairs of the city necessary to the exercise
26 of its corporate or administrative powers;

27 5] 2. Have and use a corporate seal, and alter the same at
28 pleasure. Every such seal shall have upon it the word
29 "Pennsylvania," the name of the city, and the year of its
30 original incorporation;

1 [6] 3. Display the flag of the Commonwealth or of any
2 county, city, borough or other municipality in the Commonwealth
3 on the public buildings of the city.

4 [7. To appropriate] 4. Appropriate money for the exercise
5 of powers expressed or implied in this act or any other
6 applicable law, and for like uses to accept gifts or grants of
7 money, other property or services from public or private
8 sources.

9 (b) The powers [hereby] granted in this act shall be
10 exercised [by the mayor and councilmen] in the manner herein
11 provided and consistent with section 1018.1.

12 Section 149. Section 2402.1 of the act, added September 21,
13 1959 (P.L.922, No.370), is amended to read:

14 Section 2402.1. [Sale of Real Estate.--The title to real
15 estate sold by any city after June 28, 1947, if the sale was
16 authorized by an ordinance or resolution of the city council of
17 said city, and not attacked in any proceeding instituted within
18 six years of the effective date of this amendment and the title
19 to real estate sold after the effective date of this amendment,
20 if the sale was authorized by an ordinance or resolution of the
21 city council of said city and is not attached in any proceeding
22 instituted within six years after date of such sale, is hereby
23 declared to be good and valid and free and clear of any defects
24 and any such person who is grantee thereunder, and his heirs,
25 successors and assigns, shall hold and may convey such real
26 estate and all conveyances made after June 28, 1947, are hereby
27 ratified and confirmed. Nothing in this section shall be
28 construed to apply to property which the city acquired other
29 than by purchase.] City Property and Affairs.--(a) In
30 exercising its discretion to make decisions that further the

public interest under terms it deems most beneficial to the city, council shall have the power and authority to do any of the following:

(1) Purchase, hold, use and manage real and personal property in a manner decided by council.

(2) Lease, sell and convey real and personal property owned by the city in a manner decided by council.

(3) Make contracts and do all other acts respecting city property and affairs as council may deem conducive to the public interest and necessary to the exercise of the city's corporate and administrative powers.

(b) In providing for the manner of selling real and personal property of the city, council shall have the authority to determine, in the exercise of reasonable discretion, the method of sale and the selling price most beneficial to the public interest. In the exercise of this authority, council shall have the authority by ordinance to establish conditions pursuant to which city-owned real or personal property shall be sold, including sale to the highest bidder after advertising for bids.

(c) In regards to the sale of personal property of the city, an auction may be conducted by means of an online or electronic auction sale. During an electronic auction sale, bids shall be accepted electronically at the time and in the manner designated in the advertisement. During the electronic auction, each bidder shall have the capability to view the bidder's bid rank or the high bid price. Bidders may increase their bid prices during the electronic auction. The record of the electronic auction shall be accessible for public inspection. The purchase price shall be paid by the high bidder immediately or at a reasonable time after the conclusion of the electronic auction as determined by

council. In the event that shipping costs are incurred, they shall be paid by the high bidder. A city that has complied with the advertising requirements of this section, and in accordance with the provisions of section 109, may provide additional public notice of the sale by bids or auction in any manner deemed appropriate by council. The advertisement for electronic auction sales authorized in this section shall include the Internet address or means of accessing the electronic auction and the date, time and duration of the electronic auction.

Section 150. Section 2402.2 of the act, amended July 31, 1968 (P.L.943, No.290), is repealed:

[Section 2402.2. Typewritten, Printed, Photostated and Microfilmed Records Valid; Recording or Transcribing Records.-- All city records, required to be recorded or transcribed, shall be deemed valid if typewritten, printed, photostated or microfilmed, and where recording in a specified book of record is required, except minutes of the proceedings of the council, such records may be recorded or transcribed in a mechanical or key-operated post binder book, or bound book with pages being consecutively numbered by transcribing directly upon the pages of such book of record or may be attached to such book of record by stapling or by glue or any other adhesive substance or material, and all records heretofore recorded or transcribed in any manner authorized by this section are validated. The minutes of proceedings of the council shall, in the manner prescribed by this section for other records, be recorded in a bound book. When any record shall be recorded or transcribed after the effective date of this amendment by attaching such record or a copy thereof to the book of record as hereinabove provided, the city seal shall be impressed upon each page to which such record

1 is attached, each impression thereof covering both a portion of
2 the attached record and a portion of the page of the book of
3 record to which such record is attached.]

4 Section 151. Section 2403 of the act, amended, added or
5 repealed in part August 24, 1953 (P.L.1337, No.380), May 20,
6 1957 (P.L.178, No.86), June 20, 1957 (P.L.346, No.188), June 24,
7 1959 (P.L.482, No.108), June 30, 1959 (P.L.496, No.121), May 23,
8 1961 (P.L.216, No.116), June 14, 1961 (P.L.370, No.204), June 8,
9 1965 (P.L.104, No.72), December 16, 1965 (P.L.1120, No.434),
10 November 24, 1967 (P.L.618, No.280), February 24, 1970 (P.L.63,
11 No.27), March 25, 1970 (P.L.225, No.92), July 29, 1971 (P.L.250,
12 No.61), October 4, 1978 (P.L.950, No.188), November 26, 1978
13 (P.L.1399, No.330), October 5, 1979 (P.L.195, No.64), November
14 1, 1979 (P.L.455, No.92), December 21, 1998 (P.L.1013, No.135)
15 and June 27, 2008 (P.L.196, No.31), is amended to read:

16 Section 2403. [Specific Powers.--In addition to other powers
17 granted by this act, the council of each city shall have power,
18 by ordinance:

19 1.] Payment of Debts and Expenses.--[To] Council may provide
20 for the payment of the debts and expenses of the city, and to
21 appropriate money therefor.

22 [1.1. Creation of Capital Reserve Fund for Anticipated
23 Capital Expenditures.--To create and maintain a separate capital
24 reserve fund for any anticipated legal capital expenditures,
25 which fund shall be designated for a specific purpose or
26 purposes at the time of its creation. The money in the fund
27 shall be used, from time to time, for the construction, purchase
28 or replacement of or addition to municipal buildings, equipment,
29 machinery, motor vehicles or other capital assets of the city as
30 specified at the time of the creation of the fund and for no

1 other purpose: Provided, That it may be used for capital
2 expenditure other than the purpose or purposes specified at the
3 time it was created, if city council by a four-fifths vote shall
4 declare that the original purpose or purposes have become
5 impracticable, inadvisable or impossible, or that conditions
6 have arisen in the city which make other capital expenditures
7 more urgent than those for which the fund was created.

8 The council may appropriate moneys from the general city
9 funds to be paid into the capital reserve fund, or place in the
10 fund any moneys received from the sale, lease or other
11 disposition of any city property or from any other source unless
12 received or acquired for a particular purpose. The fund shall be
13 controlled, invested, reinvested and administered and the moneys
14 therein and income from such moneys expended for the specific
15 purpose or purposes for which the fund is created in such manner
16 as may be determined by the council. The money in the fund, when
17 invested, shall be invested in securities designated by law as
18 legal investments for sinking funds of municipalities.

19 2. Hiring of Employes; Salaries.--To provide for and
20 regulate the manner of hiring and discharging employes and
21 laborers, and the fixing of their salaries or compensation.

22 3. Creation of Necessary Offices, Boards or Departments.--To
23 create any office, public board, or department which it may deem
24 necessary for the good government and interests of the city,
25 and, unless otherwise provided by this act, appoint the members
26 of any board, bureau or commission; to prescribe the powers
27 thereof, and to regulate and prescribe the terms, duties and
28 compensation of all such officers, and of all officers who are
29 members of any public board or any department so created, but no
30 ordinance shall be passed increasing or diminishing the salary

1 or compensation of any officer, or of any member of any board,
2 bureau or commission, after his or their appointment. The
3 provisions of this clause as to the creation of any public
4 board, bureau or commission, and prescribing the duties thereof,
5 shall not apply to the creation of any board of commissioners of
6 water-works of any city wherein the title to the water-works
7 therein located is in the name of the commissioners of water-
8 works.

9 4. Lock-ups and Police Stations.--To provide for the
10 erection, lease or purchase of lock-ups and police stations for
11 the detention and confinement of persons arrested for any cause,
12 or of persons convicted under city ordinances and sentenced for
13 periods not in excess of ten days.

14 5. Market Houses and Milk Depots.--To purchase, lease and
15 own ground for, and to erect, maintain, and establish, market
16 houses, milk depots, and market places, for which latter purpose
17 parts of any streets, sidewalks or city property may be
18 temporarily used; to provide and enforce suitable general market
19 regulations; to contract with any person or persons or
20 association of persons, companies, or corporations, for the
21 erection and regulation of market houses, milk depots, and
22 market places, on such terms and conditions and in such manner
23 as the council may prescribe; to raise all necessary revenue
24 therefor as herein provided; and to levy and collect a license
25 tax from every person or persons who may be authorized by
26 council to occupy any portion of the streets, sidewalks or city
27 property for temporary market purposes.

28 6. Collection and Removal of Garbage.--To provide for and
29 regulate the collection, removal and disposal of garbage, ashes
30 and other waste or refuse material, either by contract or by

1 municipal conduct of such services, and to impose and collect,
2 by lien or otherwise, reasonable fees and charges therefor, and
3 to prescribe fines and penalties for the violation of ordinances
4 regulating such matters.

5 7. Comfort and Waiting Stations and Drinking Fountains;
6 Waiting Rooms in Court Houses.--To take, purchase or acquire,
7 property for the purpose of erecting, providing, maintaining,
8 and operating thereon comfort stations, waiting stations and
9 drinking fountains; and to construct and maintain such stations
10 and fountains on such property or in any of the streets or
11 public places within its corporate limits; to provide and equip
12 and maintain in the court house, in cooperation with the county
13 commissioners of the county wherein the city is situated,
14 whenever such city is the county seat, rest or waiting rooms and
15 provide attendants therefor. The cost of providing such waiting
16 and rest rooms, and of maintaining the same, including salaries
17 and all incidental expenses, shall be paid by the county, and by
18 the city, in such proportion as may be agreed upon.

19 8. Running at Large of Animals, Et Cetera.--To provide for
20 the erection of all needful pens, pounds, and other means of
21 confinement, within or without the city limits; to appoint
22 keepers thereof; and to regulate or prohibit the running or
23 being at large of stock and domestic animals, and fowls; and to
24 cause such as may be at large to be impounded and sold to
25 discharge the costs and penalties provided for the violations of
26 such prohibitions and the expenses of impounding and of keeping
27 the same and of such sale. To regulate the maintaining and care
28 of dogs within the city. To regulate or prohibit the keeping of
29 bee hives within the city.

30 9. Destruction of Dogs.--To destroy dogs found at large

1 contrary to the laws of the Commonwealth, or to prohibit or
2 regulate, by its own ordinance, the running at large of dogs,
3 cats or other animals, and, in the enforcement of such
4 regulations, to direct the killing of dogs, cats or other
5 animals, or their seizure and detention, including reasonable
6 charges therefor, or to provide for their sale for the benefit
7 of the city. The powers herein expressed shall be exercised in
8 conformity with the Dog Law of 1921.

9 10. Inspection and Regulation of Fireplaces, Chimneys, Et
10 Cetera; Smoke Regulations.--To regulate the construction and
11 inspection of fireplaces, chimneys, stoves, stovepipes, ovens,
12 boilers, kettles, forges, or any apparatus used in any building,
13 manufactory, or business, and to order the suppression or
14 cleaning thereof when deemed necessary; to regulate and control
15 the production and emission of unnecessary smoke or fly-ash from
16 any chimney or other source, except railroad locomotives.

17 11. Manufacture, Sale, Storage and Transportation of
18 Explosives; Offensive Business.--To regulate or prohibit the
19 manufacture, sale, storage, or transportation of inflammable or
20 explosive substances within the city, and to regulate or
21 prohibit dangerous, obnoxious, or offensive business with the
22 city.

23 12. Regulation of Division Fences, Party Walls,
24 Foundations.--To provide regulations for party walls and
25 division fences and for the foundations of buildings, to enter
26 upon the land or lands, lot or lots, of any person or persons,
27 within the city, at all reasonable hours, by its duly appointed
28 city engineer, or building inspectors, in order to enforce such
29 regulations and set out foundations; and to prescribe reasonable
30 fees for the service of city officers in the inspection and

1 regulation of party walls, division fences and foundations, and
2 to enforce the payment of the same. To provide fines or
3 penalties for violations of such regulations. In setting out
4 foundations and regulating party walls as to breadth and
5 thickness, the city shall cause the foundations to be laid
6 equally upon the lands of the persons between whom the party
7 wall is to be made, and the builder thereof or his successor in
8 interest shall be reimbursed one moiety of the charge of said
9 wall or for so much thereof as the next builder shall have
10 occasion to make use of before such next builder shall or may
11 use or break into said wall.

12 13. Public Wells, Cisterns, Aqueducts, and Reservoirs.--To
13 establish, make, and regulate public wells, cisterns, aqueducts,
14 and reservoirs, and to provide for filling the same.

15 14. Construction of Levees and Ferries; Deepening of
16 Channels.--Subject to the provisions of State law, to provide
17 for the construction and maintenance of levees and ferries
18 within the jurisdiction of the city and within the limits
19 thereof; to erect wharves on navigable waters adjacent to the
20 city, regulate the use thereof, collect wharfage, and establish
21 wharf and dock lines; to provide for protection against floods;
22 to construct and maintain docks, retaining walls, dams, or
23 embankments; and to remove obstructions from, deepen and widen
24 the channels of rivers and streams flowing through or adjacent
25 to the city.

26 15. Railroad Crossing; Flagmen; Speed of Locomotives.--
27 Subject to the provisions of the Public Utility Law, to provide
28 for and require the construction and maintenance of bridges or
29 other crossings over or under railroad tracks; and to enter into
30 contracts with railroad companies for the construction and

1 maintenance of the same; to require the erection of safety-gates
2 and the placing of flagmen or warning devices at the
3 intersection of railroads with streets; to forbid the
4 obstruction of the said crossings by locomotives or railroad
5 cars; and to regulate the rate of speed at which locomotives,
6 cars or trains shall pass upon or across the streets within the
7 built-up portions of the city.

8 15.1. Railroad Companies; Conveyances and Grants of Rights
9 of Way.--Subject to the provisions of the Public Utility Law, to
10 lease, license or grant rights of way to railroad companies
11 through tunnels or over bridges and viaducts, to enter into
12 agreements with railroad companies for the maintenance of any
13 such tunnels, bridges or viaducts, and to convey such tunnels,
14 bridges or viaducts to railroad companies that have paid in part
15 for their construction, where legal title to said tunnels,
16 bridges or viaducts is not vested in the city but will vest in
17 the city by operation of law or under the terms of any contract.

18 16. Nuisances and Obstructions.--To prohibit nuisances,
19 including, but not limited to, accumulations of garbage and
20 rubbish and the storage of abandoned or junked automobiles or
21 other vehicles on private or public property, and the carrying
22 on of any offensive manufacture or business, and to require the
23 removal of any nuisance or dangerous structure from public or
24 private places upon notice to the owner, and, upon his default,
25 to cause such removal and collect the cost thereof, together
26 with a penalty of ten per centum of such cost, from the owner,
27 by an action in assumpsit. The cost of removal and the penalty
28 may be entered as a lien against such property in accordance
29 with existing provisions of law. In the exercise of the powers
30 herein conferred, the city may institute proceedings in courts

1 of equity.

2 17. Regulation of Signs, Porches, Et Cetera.--To regulate,
3 by uniform rules and regulations, porches, porticoes, benches,
4 doorsteps, railings, bulk, bay or jut windows, areas, cellar
5 doors and cellar windows, signs and sign posts, boards, poles or
6 frames, awnings, awning posts, or other devices or things,
7 projecting over, under, into or otherwise occupying the
8 sidewalks or other portion of any of the streets, the building
9 of cellars and basement ways and other excavations through or
10 under the sidewalks, and boxes, bales, barrels, hogsheads,
11 crates, or articles of merchandise, lumber, coal, wood, ashes,
12 building materials, or any other article or thing whatsoever,
13 placed in or upon any of the said sidewalks or other portion of
14 said streets; and also to prevent and require or cause the
15 removal of, upon notice, all encroachments thereon. In the
16 exercise of the powers herein conferred, the city shall have the
17 same remedies, penalties and procedures as are expressed in
18 clause 16 of this article.

19 18. Trees.--To regulate the planting, trimming, care and
20 protection of shade trees in or extending over the streets.

21 19. Numbering of Buildings.--To require and regulate the
22 numbering of buildings and lots.

23 20. Cab-stands.--To establish stands for coaches, cabs,
24 omnibuses, carriages, wagons, automobiles, and other vehicles
25 for hire, and to enforce the observance and use thereof.

26 21. Police Force.--To establish and maintain a police force,
27 and define the duties of the same.

28 22. Police Protection, Et Cetera, Parks, Et Cetera;
29 Commitment of Professional Thieves.--To establish and enforce
30 suitable police regulations for the protection of persons and

1 property at public squares, parks, depots, depot grounds, and
2 other places of public resort, owned, controlled or managed by
3 the city or an agency or bureau thereof, whether within or
4 without the city, in whole or in part, and for the arrest and
5 commitment of professional thieves, and suspicious persons found
6 in any part of the city who can give no reasonable account of
7 themselves. The mayor or any alderman of the city shall have
8 jurisdiction to hear and determine violations of such ordinances
9 and to impose any judgment or penalty therefor as provided in
10 such ordinances.

11 23. Rewards for Apprehension of Certain Criminals.--To offer
12 rewards for the arrest and conviction of persons guilty of
13 capital or other crimes within the city.

14 24. Gaming, Prostitution, Et Cetera.--To restrain, prohibit,
15 and suppress houses of prostitution, gambling houses, gaming,
16 cock or dog fighting, and other disorderly or unlawful
17 establishments or practices, desecration of the Sabbath day,
18 commonly called Sunday, and all kinds of public indecencies.

19 25. Prevent Riots.--To prevent and restrain riots, noises,
20 disturbances, or disorderly assemblies in any street, house, or
21 place in the city.

22 26. Regulate Guns, Et Cetera.--To regulate, prohibit, and
23 prevent the discharge of guns, rockets, powder, or any other
24 dangerous instrument or combustible material within the city,
25 and to prevent the carrying of concealed deadly weapons.

26 27. Sale and Use of Fireworks.--To regulate or prohibit and
27 prevent the sale, use and discharge of fireworks, firecrackers,
28 sparklers, and other pyrotechnics.

29 28. Arrest of Vagrants.--To arrest, fine, or set at work on
30 the streets, or elsewhere, all vagrants found in said city.

1 29. Racing; Dangerous Practices; Et Cetera.--To prevent the
2 racing of horses, cars and other vehicles, fast driving or
3 riding in the streets or public places in the city, and all
4 games, practices, or amusements, therein likely to result in
5 danger or damages to any person or property.

6 30. Riding or Driving on Sidewalks.--To prevent or regulate
7 the riding or driving of animals, or the passage of any vehicle
8 over, along and across sidewalks, and to regulate the passing of
9 the same through the streets.

10 31. Regulations of Skating-Rinks, Theatres, Et Cetera.--
11 Subject to the provisions of general laws of the Commonwealth
12 regarding the same, to regulate all skating-rinks, operas,
13 theatres, concerts, shows, circuses, menageries, and all kinds
14 of public exhibitions for pay (except those for religious,
15 educational or charitable purposes); and to restrain and
16 prohibit, under fines or penalties, all exhibitions of indecent
17 or immoral character.

18 32. Bathing; Boat Houses and Bath Houses.--To regulate the
19 time and place of bathing in rivers and other public water in
20 and adjoining the said city, and to construct, maintain and
21 manage municipal boat houses and bath houses.

22 33. Prohibition of Fire Producing Devices in Certain Retail
23 Stores.--To prohibit the smoking or carrying of lighted
24 cigarettes, cigars, pipes or matches, and the use of matches or
25 fire producing devices, in retail stores arranged to accommodate
26 one hundred persons or more, or which employ ten or more
27 employes: Provided, That any such ordinance passed under this
28 provision shall not prohibit smoking in any restaurant room,
29 rest room, beauty parlor, executive office, or any room
30 designated for smoking in such store. To provide penalties for

1 the violation of such ordinances.

2 34. Appropriations to Post of Veterans.--To appropriate
3 annually to each camp of the United States War Veterans in the
4 city, and to each post of the American Legion, and to each post
5 of the Veterans of Foreign Wars, and to each post of the
6 Veterans of World War I of the U. S. A., Inc., and to each post
7 of the American Veterans of World War II (AMVETS), to each post
8 of the Catholic War Veterans, Inc., and to each detachment of
9 the Marine Corps League, and to each Naval Association, and to
10 each post of the Grand Army of the Republic, and to each post of
11 the Disabled American Veterans of the World War, and to each
12 chapter of the Military Order of the Purple Heart, and to each
13 post of the Jewish War Veterans, and to each organization of
14 American Gold Star Mothers, and to each post of the Italian
15 American War Veterans of the United States, Incorporated, and to
16 any other such organization of ex-service persons in the city,
17 incorporated under the laws of the Commonwealth, a sum not to
18 exceed three hundred dollars, to aid in defraying the expenses
19 of Memorial Day and Armistice Day. Where the Grand Army of the
20 Republic has ceased to exist or to function, such appropriation
21 may be made to the Sons of Union Veterans of the Civil War, or,
22 in the absence of such order, to a duly constituted organization
23 which conducts the decorating of the graves of Union veterans of
24 the Civil War. Such payments shall be made to defray actual
25 expenses only. Before any payment is made, the organization
26 receiving the same shall submit verified accounts of their
27 expenditures.

28 35. Support of National Guard Units.--To appropriate
29 annually a sum not exceeding seven hundred and fifty dollars for
30 the support and maintenance, discipline and training of any

1 dismounted company or similar unit of the National Guard, and a
2 sum not to exceed fifteen hundred dollars for the support and
3 maintenance of any mounted or motorized troop or similar unit of
4 the National Guard. Where such units are organized as a
5 battalion, regiment or similar organization, the total amount
6 due may be paid to the commanding officer of the battalion,
7 regiment or similar organization. Any moneys so appropriated
8 shall be paid by warrant drawn to the order of the commanding
9 officer of such company, battalion, regiment or similar
10 organization, only when it shall be certified to the city, by
11 the Adjutant General of the Commonwealth, that the said company
12 or companies have satisfactorily passed the annual inspection
13 provided by law. The moneys so appropriated shall be used and
14 expended solely and exclusively for the support and maintenance,
15 discipline and training of the said company, battalion,
16 regiment, or similar organization; and the commanding officer
17 shall account, by proper vouchers to the said city each year,
18 for the expenditure of the money so appropriated, and no
19 appropriation shall be made for any subsequent year until the
20 expenditure of the previous year is duly and satisfactorily
21 accounted for.

22 The accounts of such expenditures shall be subject to the
23 inspection of the Department of Military Affairs, and shall be
24 audited by the city controller in the manner provided by this
25 act for the audit of accounts of city moneys.

26 36. Appropriation of Money, Et Cetera, to Assist in Erection
27 of Armories.--To appropriate money or convey land, either
28 independently or in conjunction with any other political
29 subdivision, to the Commonwealth, for the purpose of assisting
30 the Armory Board of the State of Pennsylvania in the erection of

1 armories for the use of the National Guard, and to furnish
2 water, sewer services, light, or fuel free of cost to the
3 Commonwealth for use in any armory of the National Guard; and to
4 do all things necessary to accomplish the purpose of this
5 clause.

6 37. Eminent Domain for National Guard Purposes.--To take, by
7 right of eminent domain, for the purpose of appropriating to
8 itself for the use of the National Guard of Pennsylvania, such
9 public lands, [easments] easements, and public property as may
10 be in its possession or control and used or held by it for any
11 other purpose. Such right, however, shall not be exercised as to
12 any street or wharf.

13 38. Lands for Armory Purposes.--To acquire, by purchase or
14 by gift, or by the right of eminent domain, any land for the use
15 of the National Guard of Pennsylvania; and to convey such lands
16 so acquired to the Commonwealth in order to assist the Armory
17 Board in the erection of armories. The power conferred by this
18 clause shall not be exercised to take any church property,
19 grave-yard, or cemetery. Lands within three miles outside the
20 limits of the city may be acquired in like manner for the use of
21 the National Guard.

22 39. Purchase of Burial Grounds for Deceased Service
23 Persons.--To appropriate money for and purchase plots of ground
24 in any cemetery or burial ground, within their respective
25 limits, for the interment of such deceased service persons as
26 shall hereafter die within such city, or shall die beyond such
27 city and shall have a legal residence within such city at the
28 time of their death, and whose bodies are entitled to be buried
29 by the county under the provisions of existing laws.

30 40. Payment of Rent for Veterans' Organizations.--By a two-

1 third vote of the council, to appropriate money to any
2 incorporated organization of veterans of any war in which the
3 United States was engaged, to be used in the payment of the rent
4 of any building or rooms in which such organization has its
5 regular meetings.

6 41. Rooms for Meetings of Veterans.--To furnish, upon
7 application, to each organization composed of veterans of the
8 Civil War, veterans of the Spanish American War, veterans of the
9 World War or World War II, veterans of any foreign war, and
10 children of veterans, a room or rooms in any public building of
11 such city, sufficient for the meeting of each of such
12 organizations at least once each month.

13 42. Care of Memorials.--To take charge of, care for,
14 maintain, and keep in good order and repair, at the expense of
15 the city, any soldiers' monument, gun or carriage, or similar
16 memorial, situate in the city, and not in the charge or care of
17 any person, body, or organization, and not put up or placed by
18 the Government of the United States, the Commonwealth of
19 Pennsylvania, the commissioners of the county, or by the
20 direction or authority of any other state of the Union, and to
21 receive from any person or organization any moneys or funds
22 which can be used for the benefit of such memorials, and to
23 expend the same.

24 43. Manufacture and Sale of Ice.--To manufacture ice, and to
25 sell the same to the inhabitants of the city at such rates as
26 shall be fixed by ordinance, and to erect, equip, and maintain
27 such buildings and other structures, and purchase or hire and
28 maintain such vehicles, as may be deemed necessary for such
29 purpose.

30 44. Inspection of Milk.--To provide for the inspection of

1 milk sold or consumed within the city and milk depots, and
2 dairies which offer milk or milk products for retail sale within
3 the city, under such rules and regulations as will protect the
4 people from adulteration and dilution of the same.

5 45. Municipal Music.--To appropriate money to defray the
6 expenses of musical entertainments held under the auspices of
7 the city, and for the purpose of having music in any public park
8 or place.

9 46. Regulation and Licensing of Auction Sales.--To regulate
10 and license sales of merchandise at public auction, other than
11 judicial sales, sales by executors or administrators, or sales
12 by or in behalf of licensed pawnbrokers of unredeemed pledges in
13 the manner provided by law.

14 47. Aid to Historical Societies.--To make annual
15 appropriations not exceeding one thousand dollars for the
16 support and maintenance of the principal historical society
17 located therein, which shall be incorporated under the laws of
18 the Commonwealth, shall maintain permanent quarters and shall
19 keep the same open to the public, shall have a membership of at
20 least one hundred persons who have paid into the treasury of the
21 society a membership fee of at least two dollars for the support
22 of the society, shall hold, annually, at least two regular
23 meetings that shall be open to the public, and shall at all
24 times maintain facilities for the free storage, deposit, and
25 inspection of official documents and records of the city, and
26 other proper public or historical archives and records.

27 48. Establishment of Institutions to Collect Educational
28 Collections.--To establish institutions authorized to collect
29 and hold certain scientific, educational and economic
30 collections, the object of each being the instruction of the

1 public concerning commerce, manufacturing, mining, and
2 agriculture; said institutions to have power to purchase or
3 accept by gift any real estate, money, or personal property
4 necessary for their use and promotion, and power to use, convey,
5 or transfer the same, as if they were bodies corporate, to be
6 governed by boards of trustees, nominated, appointed, and
7 confirmed in such manner as council may determine.

8 49. Sprinkling of Streets.--To cause any street, or part
9 thereof, not less than one block, to be sprinkled with water or,
10 if such street is paved, to be cleaned during such time as it
11 may be necessary, at the expense of the owners of property
12 abutting upon the same. Upon the petition of the owners of such
13 property, who shall represent a majority of the feet front on
14 the street or part thereof, it shall be the duty of council to
15 cause such sprinkling or cleaning to be done at the expense of
16 the owners of property abutting thereon. Council may cause such
17 sprinkling to be done with the water of the city, when water
18 works are owned or operated by the city, and the sprinkling
19 carts and apparatus owned by the city, or may contract for the
20 use of said carts and apparatus with the lowest responsible
21 bidder.

22 50. Electric Wires may be Placed Underground in Certain
23 Districts.--To define a reasonable district within which all
24 electric light wires, telephone and telegraph wires shall be
25 placed under ground in conduits owned and constructed either by
26 the municipality or by corporations owning such wires, or by
27 corporations organized for the purpose of laying such conduits
28 and renting space therein. In all cases in which such conduits
29 are owned by any private corporation, partnership, or
30 individual, there shall be reserved to the city, whether

1 expressed in the ordinance or not, the right to regulate, by
2 ordinance, the manner in which such conduit shall be used, and
3 the terms and conditions of such use, and also the right to take
4 such conduits, either by purchase, upon agreement of the owners
5 thereof and the city, or by condemnation proceedings; in which
6 latter case the proceedings for the assessment of damages shall
7 be the same as provided in this act for property taken, injured
8 or destroyed.

9 The court of quarter sessions upon the appeal of any person
10 may review any ordinance passed in pursuance of this clause, and
11 may annul such ordinance if deemed unreasonable, capricious or
12 arbitrary, such appeal to be taken within thirty days from the
13 approval of such ordinance.

14 51. Ambulances and Service; Maintenance.--To acquire, by
15 purchase, gift or bequest, or to operate and maintain ambulances
16 or ambulance service for the purposes of conveying sick and
17 injured persons in the city and the vicinity to and from
18 hospitals, or in lieu thereof, to hire a private ambulance
19 service, and, for such purposes, to appropriate and expend
20 moneys of the city; or to appropriate money annually toward a
21 nonprofit community ambulance service. All appropriations of
22 money heretofore made and contracts for hire of private
23 ambulance service heretofore entered into by any city are hereby
24 validated and confirmed.

25 52. Weighing and Measuring of Commodities.--To regulate the
26 weighing and measuring of every commodity sold in the city, in
27 all cases not otherwise provided for by law, including the
28 measuring of gas, water, and electric currents; to provide for
29 and regulate the inspection and weighing of hay, grain, and
30 coal, and the measuring of wood, bark, and fuel, to be used in

1 the city, and to designate the place or places of inspecting and
2 weighing the same; to regulate and prescribe the place or places
3 for exposing for sale hay, coal, bark and wood; to demand and
4 receive reasonable fees for such inspection, weighing and
5 measuring; for the regulation and stamping of weights and
6 measures; and the regulation and inspection of meters, except as
7 otherwise provided by law.

8 53. Insurance.--To make contracts of insurance with any
9 mutual or other fire insurance company, association or exchange,
10 duly authorized by law to transact insurance business in the
11 Commonwealth of Pennsylvania, on any building or property owned
12 by the city.

13 To make contracts of insurance with any insurance company, or
14 nonprofit hospitalization corporation, or nonprofit medical
15 service corporation, authorized to transact insurance business
16 within the Commonwealth, insuring its elected or appointed
17 officers, officials and employes, or any class or classes
18 thereof, or their dependents, under a policy or policies of
19 group insurance covering life, health, hospitalization, medical
20 service, or accident insurance, and to contract with any such
21 company granting annuities or pensions for the pensioning of
22 such persons; and, for such purposes, to agree to pay part or
23 all of the premiums or charges for carrying such contracts, and
24 to appropriate out of its treasury any money necessary to pay
25 such premiums or charges, or portions thereof. All contracts
26 procured hereunder shall conform and be subject to all the
27 provisions of any existing or future laws concerning group
28 insurance and group annuity contracts. The proper officer,
29 agency, board or commission of the city having authority to
30 enter into such contracts of insurance is hereby authorized,

1 enabled and permitted to deduct from the officer's or employee's
2 pay, salary or compensation, such part of the premium as is
3 payable by the officer or employee and as may be so authorized by
4 the officer or employee in writing.

5 53.1. Liability Insurance.--

6 54. Parking Lots.--To acquire by lease, purchase, or
7 condemnation proceedings, any land which in the judgment of city
8 council may be necessary and desirable for the purpose of
9 establishing and maintaining lots for the parking of motor
10 vehicles, and for no other use or purpose, and to regulate the
11 use thereof and to establish or designate, at the discretion of
12 council, areas exclusively reserved for parking by handicapped
13 individuals and to post signs regulating such areas.

14 55. Disorderly Conduct.--To define disorderly conduct within
15 the limits of the city and to provide for the imposition of
16 penalties for such conduct in such amounts, without limitation
17 except as in this act provided, as council shall establish, and
18 notwithstanding any statutes of the Commonwealth upon disorderly
19 conduct and the penalties therefor.

20 56. Official Expenses on City Business.--To make
21 appropriations for the reasonable expenses of city officials
22 actually incurred in the conduct of city business.

23 57. Insurance Against Burglary, Etc.--To insure against
24 burglary or theft of city property, or against fire and other
25 calamities, and against public liability.

26 58. To Provide Against Hazards of War.--To build or
27 establish bomb shelters or assist in so doing to provide against
28 all hazards of war and their consequences; and for all such
29 purposes, to have the power of eminent domain, to cooperate with
30 any other unit and agency of government, Federal, State, or

1 local, in every lawful way, for purposes of defense and against
2 the hazards of war.

3 59. Municipality Authorities; Cooperation with Other
4 Political Subdivisions.--To form municipality authorities as
5 authorized by law. To cooperate with other political
6 subdivisions in the conduct of city affairs as authorized by
7 law.

8 60. Local Self-Government.--In addition to the powers and
9 authority vested in each city by the provisions of this act, to
10 make and adopt all such ordinances, by-laws, rules and
11 regulations, not inconsistent with or restrained by the
12 Constitution and laws of this Commonwealth, as may be expedient
13 or necessary for the proper management, care and control of the
14 city and its finances, and the maintenance of the peace, good
15 government, safety and welfare of the city, and its trade,
16 commerce and manufactures; and also all such ordinances, by-
17 laws, rules and regulations as may be necessary in and to the
18 exercise of the powers and authority of local self-government in
19 all municipal affairs; and the said ordinances, by-laws, rules
20 and regulations to alter, modify, and repeal at pleasure; and to
21 enforce all ordinances inflicting penalties upon inhabitants or
22 other persons for violations thereof, and impose penalties in
23 accordance with section 4131.1: Provided, however, That no
24 ordinance, by-law, rule or regulation shall be made or passed
25 which contravenes or violates any of the provisions of the
26 Constitution of the United States or of this Commonwealth, or of
27 any act of Assembly heretofore or that may be hereafter passed
28 and in force in said city.

29 61. Historical Property.--To acquire by purchase or by gift,
30 and to repair, supervise, operate and maintain ancient landmarks

1 and other property of historical or antiquarian interest, which
2 is either listed in the Catalogue of Historical Sites and
3 Buildings in Pennsylvania issued by the Joint State Government
4 Commission, or approved for acquisition by the Pennsylvania
5 Historical and Museum Commission as having historical
6 significance.

7 62. Appropriations for Handling, Storage and Distribution of
8 Surplus Foods.--The council of any city to which this act
9 applies may appropriate from city funds moneys for the handling,
10 storage and distribution of surplus foods obtained either
11 through a local, State or Federal agency.

12 All appropriations of moneys heretofore made by the council
13 of any city for the handling, storage and distribution of
14 surplus foods obtained, either through a local, State or Federal
15 agency, are hereby validated.

16 63. Junk Dealers and Junk Yards.--To regulate and license
17 junk dealers and the establishment and maintenance of junk yards
18 and scrap yards including, but not limited to, automobile junk
19 or grave yards.

20 64. Appropriations for Industrial Promotions.--To make
21 appropriations to an industrial development agency as defined in
22 section 3, act of May 31, 1956 (P.L.1911), known as the
23 "Industrial Development Assistance Law," when the city is
24 located within the area for which the agency has been authorized
25 to make application to and receive grants from the Department of
26 Commerce for the purposes specified in the "Industrial
27 Development Assistance Law."

28 65. Non-debt Revenue Bonds.--To issue non-debt revenue bonds
29 pursuant to provisions of the act of June 25, 1941 (P.L.159),
30 known as the "Municipal Borrowing Law," and its amendments, to

1 provide sufficient moneys for and toward the acquisition,
2 construction, reconstruction, extension or improvement of
3 municipal facilities, including water systems or facilities,
4 sewers, sewer systems and sewage disposal systems or facilities,
5 systems for the treatment or disposal of garbage and refuse,
6 buildings, machinery and apparatus for manufacturing and
7 distributing electric, gas or light, aeronautical facilities
8 including but not limited to airports, terminals and hangars,
9 park and recreational facilities, parking lots and public
10 auditoriums to be secured solely by the pledge of the whole or
11 part of the rent, toll or charge for the use or services of such
12 facilities. Included in the cost of the issue may be any costs
13 and expenses incident to constructing and financing the
14 facilities and selling and distributing the bonds.

15 66. Appropriations for Urban Common Carrier Mass
16 Transportation.--To appropriate funds for urban common carrier
17 mass transportation purposes from current revenues and to make
18 annual contributions to county departments of transportation or
19 to urban common carrier mass transportation authorities to
20 assist the departments or the authorities to meet costs of
21 operation, maintenance, capital improvements, and debt service,
22 and to enter into long-term agreements providing for the payment
23 of the said contributions.

24 67. Adoption and Amendment of Codes by Reference.--To
25 incorporate by reference the provisions of any code or portions
26 of any code, or any amendment thereof, properly identified as to
27 date and source, without setting forth in full the provisions to
28 be adopted: Provided, however, That no portion of any code which
29 limits the work to be performed to any type of construction
30 contractor, or labor or mechanic classification shall be

1 adopted. Not less than three copies of such code, portion, or
2 amendment which is incorporated or adopted by reference, shall
3 be filed with the clerk of the city and kept with the city
4 ordinance book, and available for public use, inspection and
5 examination. The filing requirements herein prescribed shall not
6 be deemed to be complied with unless the required copies of such
7 codes, portion, or amendment or public record are filed with the
8 clerk of such city at least ten days before council considers
9 the proposed ordinance.

10 Any ordinance adopted by reference to any code shall be
11 enacted within sixty days after it is filed with the clerk of
12 the city, and shall only encompass the provisions of the code
13 effective as of the code date stated in the ordinance. Any
14 subsequent changes in the code shall be adopted by the city
15 before they may become effective as an ordinance of the city.

16 Any city that has adopted any code by reference may adopt
17 subsequent ordinances which incorporate by reference any
18 subsequent changes thereof, properly identified as to date and
19 source, as may be adopted by the agency or association which
20 promulgated the code.

21 Any ordinances which incorporate code amendments by reference
22 shall become effective after the same procedure and in the same
23 manner as is herein specified for original adoption of any such
24 code.

25 68. Appropriation for Nonprofit Art Corporation.--To
26 appropriate moneys annually, not exceeding an amount equal to
27 one mill of the real estate tax to any nonprofit art corporation
28 for the conduct of its artistic and cultural activities. For the
29 purposes of this section nonprofit art corporation shall mean a
30 local arts council, commission or coordinating agency, or any

1 other nonprofit corporation engaged in the production or display
2 of works of art, including the visual, written or performing
3 arts. Artistic and cultural activities shall include the display
4 or production of theater, music, dance, painting, architecture,
5 sculpture, arts and crafts, photography, film, graphic arts and
6 design and creative writing.

7 69. Emergency Services.--(a) The city shall be responsible
8 for ensuring that fire and emergency medical services are
9 provided within the city by the means and to the extent
10 determined by the city, including the appropriate financial and
11 administrative assistance for these services.

12 (b) The city shall consult with fire and emergency medical
13 services providers to discuss the emergency services needs of
14 the city.

15 (c) The city shall require any emergency services
16 organizations receiving city funds to provide to the city an
17 annual itemized listing of all expenditures of these funds
18 before the city may consider budgeting additional funding to the
19 organization.]

20 Section 152. The act is amended by adding sections to read:

21 Section 2404. Creation of Capital and Operating Reserve
22 Funds.--(a) Council may create and maintain a separate capital
23 reserve fund for any anticipated capital expenses, which fund
24 shall be designated for a specific purpose or purposes when
25 created. The moneys in the fund shall be used for no other
26 purpose unless the council declares that conditions in the city
27 make other expenses more urgent than those for which the fund
28 was created. Council may appropriate moneys from the general
29 city funds to be paid into the capital reserve fund or place in
30 the fund any moneys received from the sale, lease or other

disposition of any city property or from any other source.

(b) With regard to an operating reserve fund the following shall apply:

(1) Council shall have the power to create and maintain a separate operating reserve fund in order to:

(i) minimize future revenue shortfalls and deficits;

(ii) provide greater continuity and predictability in the funding of vital government services;

(iii) minimize the need to increase taxes to balance the budget in times of fiscal distress; and

(iv) provide the capacity to undertake long-range financial planning and to develop fiscal resources to meet long-term needs.

(2) Council may annually make appropriations from the general city fund to the operating reserve fund, but no appropriation shall be made to the operating reserve fund if the effect of the appropriation would cause the fund to exceed five per centum of the estimated revenues of the city's general fund in the current fiscal year.

(3) Council may at any time by resolution make appropriations from the operating reserve fund for the following purposes only:

(i) to meet emergencies involving the health, safety or welfare of the residents of the city;

(ii) to counterbalance potential budget deficits resulting from shortfalls in anticipated revenues or program receipts from whatever source; or

(iii) to provide for anticipated operating expenditures related either to the planned growth of existing projects or programs or to the establishment of new projects or programs if,

1 for each such project or program, appropriations have been made
2 and allocated to a separate restricted account established
3 within the operating reserve fund.

4 (c) The operating reserve fund shall be invested, reinvested
5 and administered in a manner consistent with the provisions of
6 this act relating to the investment of city funds generally.

7 Section 2405. Hiring of Employees; Salaries.--Council may
8 provide for and regulate the manner of hiring and discharging
9 employees and the fixing of their salaries or compensation,
10 consistent with applicable Federal and State law.

11 Section 2406. Creation of Necessary Offices or Boards.--In
12 addition to the city departments established in accordance with
13 Article XI, council may create any city office, or public board,
14 bureau or commission, which it may deem necessary for the good
15 government and interests of the city, and, with regard to an
16 office or membership on a board, bureau or commission, unless
17 otherwise provided by this act, council may make appointments
18 thereto and regulate and prescribe the terms, duties and
19 compensation thereof.

20 Section 2407. Lockups.--(a) Council may provide for lockup
21 facilities as deemed necessary for the detention and confinement
22 of persons.

23 (b) No city shall erect or construct a city jail or lockup,
24 or use any existing building or lockup for the first time that
25 will be or is located within five hundred feet of any public
26 school building.

27 Section 2408. Market Places.--Council may:

28 (1) Purchase, lease and own ground for market places;

29 (2) Erect, maintain, and establish market places;

30 (3) Provide for and enforce suitable general market

1 regulations;

2 (4) Contract with any person or persons or association of
3 persons, companies or corporations for the erection and
4 regulation of market places, on such terms and conditions and in
5 such manner as council may prescribe; and

6 (5) Levy and collect a license fee from every person or
7 persons who may be authorized by council to occupy any portion
8 of the streets, sidewalks or city property for temporary market
9 purposes.

10 Section 2409. Accumulation of Ashes, Garbage, Solid Waste
11 and Refuse Materials.--(a) Council in the manner authorized by
12 the act of July 7, 1980 (P.L.380, No.97), known as the "Solid
13 Waste Management Act," and the act of July 28, 1988 (P.L.556,
14 No.101), known as the "Municipal Waste Planning, Recycling and
15 Waste Reduction Act," may prohibit accumulations of ashes,
16 garbage, solid waste and other refuse materials upon private
17 property, including the imposition and collection of reasonable
18 fees and charges for the collection, removal and disposal
19 thereof.

20 (b) Council may collect and remove, by contract or
21 otherwise, ashes, garbage, solid waste and other refuse
22 materials and recyclables and prescribe penalties for the
23 enforcement thereof. Any contract with refuse haulers may be
24 made for an initial period not exceeding five years with
25 optional renewal periods of up to five years. This limitation
26 does not apply to contracts with any other county or municipal
27 corporation.

28 (c) Council may dispose of, by contract or otherwise, ashes,
29 garbage, solid waste or other refuse materials. Any contract
30 with the owner of a private facility for the disposal or

incineration of ashes, garbage, solid waste or other refuse materials may be made for a period not exceeding twenty years. This limitation does not apply to contracts with any county or municipal corporation.

(d) Council may acquire any real property and erect, maintain, improve, operate and lease, either as lessor or lessee, facilities for incineration, landfill or other methods of disposal, either inside or outside the limits of the city, including equipment, either separately or jointly, with any county or municipal corporation in order to provide for the destruction, collection, removal and disposal of ashes, garbage, solid waste or other refuse materials, for the collection and storage of recyclable materials or for the composting of leaf and yard waste. Council may provide for the payment of the cost thereof out of the funds of the city. Council may acquire land for landfill purposes, either amicably or by exercising the power of eminent domain, and maintain lands and places for the dumping of ashes, garbage, solid waste or other refuse materials. If council acquires land outside the limits of the city by exercising the power of eminent domain, the taking shall be subject to the limitations in 26 Pa.C.S. § 206 (relating to extraterritorial takings).

(e) Council may establish, alter, charge and collect rates and other charges for the collection, removal and disposal of ashes, garbage, solid waste, other refuse materials and recyclable materials, and the cost of including the payment of any indebtedness incurred for the construction, purchase, improvement, repair, maintenance and operation of any facilities therefore, and the amount due under any contract with any county or municipal corporation furnishing the services or facilities.

1 The rates and other charges shall be collected pursuant to the
2 Municipal Claim and Tax Lien Law, or by an action in assumpsit.

3 (f) Council may make appropriations to any county or
4 municipal corporation for the construction, purchase,
5 improvement, repair, maintenance and operation of any facilities
6 for the collection, removal, disposal or marketing of ashes,
7 garbage, solid waste, other refuse materials, recyclable
8 materials or composted leaf and yard waste.

9 (g) A city shall not be subject to requirements otherwise
10 imposed by law for the sale of personal property owned by the
11 city when selling recyclable materials or materials separated,
12 collected, recovered or created by recycling, as provided in the
13 act of April 9, 1992 (P.L.70, No.21), entitled "An act excluding
14 the sale of recyclable material from political subdivision
15 personal property sale restrictions relating to advertising and
16 bidding."

17 Section 2410. Regulation of Pets and Feral Animals.--Council
18 may, by ordinance, prohibit and regulate the running at large of
19 dogs, cats, other pets and feral animals.

20 Section 2411. Inspection and Regulation of Fireplaces,
21 Chimneys, Et Cetera; Smoke Regulations.--In conformity with
22 Federal and State laws and regulations, council may regulate and
23 inspect fireplaces, chimneys and other sources of smoke and fly-
24 ash to control the production and emission of unnecessary smoke
25 and fly-ash.

26 Section 2412. Fireworks and Inflammable Articles.--In
27 conformity with Federal and State laws and regulations, council
28 may:

29 (1) Regulate and prohibit the manufacture of fireworks or
30 inflammable or dangerous articles.

1 (2) Grant permits for supervised public displays of
2 fireworks and adopt rules and regulations governing the
3 displays.

4 (3) Adopt rules and regulations not inconsistent with State
5 regulations relating to the storage of inflammable articles.

6 (4) Impose other safeguards concerning inflammable articles
7 as may be necessary including the discharge of rockets, powder
8 or any other dangerous instrument or combustible material within
9 the city.

10 Section 2413. Regulation of Division Fences, Party Walls,
11 Foundations.--(a) Subject to the provisions of, and regulations
12 adopted pursuant to, the act of November 10, 1999 (P.L.491,
13 No.45), known as the "Pennsylvania Construction Code Act," and
14 other applicable law, council may provide regulations for party
15 walls and division fences and for the foundations of buildings,
16 and for entering upon the land or lands, lot or lots, of any
17 person or persons, within the city, at all reasonable hours, by
18 its duly appointed city engineer, or building inspectors, in
19 order to enforce the regulations and set out foundations.
20 Council may also prescribe reasonable fees for the service of
21 city officers in the inspection and regulation of party walls,
22 division fences and foundations, and may enforce the payment of
23 the same. Council may provide fines or penalties for violations
24 of an ordinance enacted pursuant to this section.

25 (b) In setting out foundations and regulating party walls as
26 to breadth and thickness, the city shall cause the foundations
27 to be laid equally upon the lands of the persons between whom
28 the party wall is to be made. The cost of the foundation and
29 party wall shall be divided proportionately among the property
30 owners sharing the same. The property owners shall either share

1 the expense when the foundation is laid and the party wall is
2 erected, or when the subsequent building is erected if all
3 buildings are not erected at the same time.

4 Section 2414. Nuisances.--Council may prohibit and abate
5 public nuisances in accordance with Article XXVII-A.

6 Section 2415. Regulation of Encroachments.--In compliance
7 with applicable State laws and city ordinances, council may
8 provide for the regulation of all encroachments in, under or
9 upon any of the sidewalks or other portion of the streets of the
10 city.

11 Section 2416. Shade Trees.--(a) Council may, by ordinance,
12 regulate the manner and method, if any, for the planting,
13 trimming, removing, maintaining and protection of shade trees
14 in, on and along or extending over the public streets, sidewalks
15 and rights-of-way of the city, and provide for penalties for
16 violations thereof. The cost of such activities may, at
17 council's discretion, be assessed against the owners of the
18 properties abutting the street, sidewalk or right-of-way upon
19 which any tree is located pursuant to Article XLV-A, except that
20 the cost and expense of caring for trees after they have been
21 planted shall be paid by the city.

22 (b) Council may, by ordinance, provide for the creation of a
23 shade tree commission, its composition, powers and duties and
24 delegate council's authority for regulating shade trees to the
25 commission. Alternatively, council may delegate its regulatory
26 powers for shade trees to an existing department.

27 Section 2417. Numbering of Buildings.--Council may require
28 and regulate the numbering of buildings and lots.

29 Section 2418. Transportation Stands.--Council may establish
30 stands for taxis, buses, automobiles, and other vehicles for

hire, and enforce the observance and use thereof.

Section 2419. Police Force.--(a) Council shall have the power to establish and maintain a police force, and define the duties of the same in accordance with Article XX.

(b) Subject to the requirements of 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental cooperation), council shall have the power to provide for police services by contract or by purchase of police services or by joining or developing a consolidated regional police service.

Section 2420. Police Regulations.--Council may establish and enforce suitable police regulations for the protection of persons and property.

Section 2421. Rewards.--Council may offer rewards for the arrest and conviction of persons guilty of capital or other crimes within the city.

Section 2422. Prevent Riots.--Council may prevent and restrain riots, noises, disturbances or disorderly assemblies in any street, house or place in the city.

Section 2423. Regulate Discharge of Guns and Deadly Weapons.--To the extent permitted by Federal and other State law, council may regulate, prohibit, prevent the discharge of guns and prevent the carrying of concealed deadly weapons.

Section 2424. Racing; Dangerous Practices; Et Cetera.--With regard to streets and public places in the city, council may regulate or prohibit racing or fast driving of vehicles, and all games, practices or amusements likely to result in danger or damages to any person or property.

Section 2425. Bathing; Recreational Swimming Establishments; Boat Houses and Bath Houses.--To the extent permitted by the act of June 23, 1931 (P.L.899, No.299), known as the "Public Bathing

1 Law," council may regulate the time and place of bathing in
2 rivers and other public water in and adjoining the city, and may
3 construct, maintain and manage municipal boat houses, bath
4 houses and recreational swimming establishments.

5 Section 2426. Musical Entertainment.--Council may
6 appropriate money to defray the expenses of musical
7 entertainments held under the auspices of the city, and for the
8 purpose of having music in any public park or place.

9 Section 2427. Aid to Historical Societies.--Council may make
10 annual appropriations for the support and maintenance of the
11 principal historical society located in the city, which shall be
12 incorporated under the laws of the Commonwealth, shall maintain
13 permanent quarters and shall keep the same open to the public.

14 Section 2428. Establishment of Institutions to Collect
15 Educational Collections.--Council may establish institutions
16 authorized to collect and hold certain scientific, educational
17 and economic collections, the object of each being the
18 instruction of the public concerning commerce, manufacturing,
19 mining and agriculture. The institutions may purchase or accept
20 by gift any real estate, money or personal property necessary
21 for their use and promotion. The institutions may use, convey,
22 or transfer the same as if they were bodies corporate, and these
23 institutions shall be governed by boards of trustees, nominated,
24 appointed and confirmed in the manner council may determine.

25 Section 2429. Ambulances and Rescue and Life Saving
26 Services.--Council may acquire, operate and maintain motor
27 vehicles for the purposes of conveying sick and injured persons
28 to and from hospitals, and it may appropriate moneys toward
29 ambulance and rescue and life saving services and make contracts
30 relating thereto.

1 Section 2430. Insurance.--(a) Council, in its discretion,
2 or as required by law or a collective bargaining agreement, may
3 make contracts of insurance and contracts for annuities or
4 pensions, including, but not limited to, the following:

5 (1) Contracts of insurance with any mutual or other fire
6 insurance company, association or exchange, duly authorized by
7 law to transact insurance business in the Commonwealth of
8 Pennsylvania, on any building or property owned by the city and
9 contracts to insure against burglary or theft of city property,
10 or against fire and other calamities, and against public
11 liability.

12 (2) Contracts of insurance with any insurance company, or
13 nonprofit hospitalization corporation, or nonprofit medical
14 service corporation, authorized to transact insurance business
15 within this Commonwealth, insuring elected or appointed
16 officers, officials and employees of the city, or any class or
17 classes thereof, or their dependents, under a policy or policies
18 of group insurance covering life, health, hospitalization,
19 medical service or accident insurance.

20 (3) Contracts to purchase annuities or pensions for elected
21 or appointed officers, officials and employees, or any class or
22 classes thereof.

23 (b) In the case of contracts for the benefit of elected or
24 appointed officers, officials and employees of the city, or any
25 class or classes thereof, or their dependents, the city may, as
26 determined by council, or as required by law or a collective
27 bargaining agreement, pay part or all of the premiums or charges
28 for the contracts.

29 Section 2431. Parking Lots.--Council may acquire by lease,
30 purchase, or condemnation proceedings, land which in its

judgment may be necessary and desirable for the purpose of
establishing and maintaining lots for the sole purpose of
parking motor vehicles. Council may regulate the use of the land
including the posting of signs and may establish or designate
areas exclusively reserved for parking by persons with
disabilities. Such regulation of parking lots shall be
consistent with 75 Pa.C.S. (relating to vehicles) and the act of
October 27, 1955 (P.L.744, No.222), known as the "Pennsylvania
Human Relations Act."

Section 2432. Disorderly Conduct.--Council may, by
ordinance, prohibit disorderly conduct within the limits of the
city and provide for the imposition of penalties in accordance
with this act. If an ordinance is enacted, it shall define
disorderly conduct in a manner substantially similar to the
provisions of 18 Pa.C.S. § 5503 (relating to disorderly
conduct).

Section 2433. Official Expenses on City Business.--Council
may make appropriations for the reasonable expenses of city
officials actually incurred in the conduct of city business.

Section 2434. Municipality Authorities; Cooperation with
Other Political Subdivisions.--(a) The council may by
ordinance, individually or in cooperation with other
municipalities or school districts, form municipal authorities
as authorized by 53 Pa.C.S. Ch. 56 (relating to municipal
authorities).

(b) The council may by ordinance make cooperative agreements
with regard to the performance of a city's powers, duties and
functions in accordance with the provisions of 53 Pa.C.S. Ch. 23
Subch. A (relating to intergovernmental cooperation).

Section 2435. Local Self-Government.--The council of each

1 city shall have power to enact, make, adopt, alter, modify,
2 repeal and enforce in accordance with this act ordinances,
3 resolutions, rules and regulations, not inconsistent with or
4 restrained by the Constitution of Pennsylvania and laws of this
5 Commonwealth, that are either of the following:

6 (1) Expedient or necessary for the proper management, care
7 and control of the city and its finances, and the maintenance of
8 the peace, good government, safety and welfare of the city and
9 its trade, commerce and manufactures.

10 (2) Necessary to the exercise of the powers and authority of
11 local self-government in all municipal affairs.

12 Section 2436. Historical Property.--Council may acquire by
13 purchase or by gift, and may repair, supervise, operate and
14 maintain landmarks and other historical properties which are
15 either eligible for listing or listed in the National Register
16 of Historical Places, or certified by the Pennsylvania
17 Historical and Museum Commission as having historical
18 significance.

19 Section 2437. Appropriations for Handling, Storage and
20 Distribution of Surplus Foods.--(a) Council may appropriate
21 from city funds moneys for the handling, storage and
22 distribution of surplus foods obtained through a Federal, State
23 or local agency.

24 (b) All appropriations of moneys previously made by the
25 council of any city for the handling, storage and distribution
26 of surplus foods obtained, through a local, Federal, State or
27 local agency, are hereby validated.

28 Section 2438. Junk Dealers and Junk Yards.--Council may
29 regulate and license junk dealers and the establishment and
30 maintenance of junk yards and scrap yards, including, but not

1 limited to, automobile junk or grave yards.

2 Section 2439. Appropriations for Industrial Promotions.--

3 Council may make appropriations to an industrial development

4 organization as defined in section 2301 of the act of June 29,

5 1996 (P.L.434, No.67), known as the "Job Enhancement Act," when

6 the city is located within the area for which the industrial

7 development organization has been authorized to make application

8 to and receive grants from the Department of Community and

9 Economic Development for the purposes specified in Chapter 23 of

10 the "Job Enhancement Act."

11 Section 2440. Non-debt Revenue Bonds.--Consistent with and

12 without limitation of any power conferred or duty imposed by 53

13 Pa.C.S. Pt. VII Subpt. B, (relating to indebtedness and

14 borrowing), council may issue non-debt revenue bonds pursuant to

15 provisions of 53 Pa.C.S. Pt. VII Subpt. B.

16 Section 2441. Appropriations for Urban Common Carrier Mass

17 Transportation.--Council may appropriate funds for urban common

18 carrier mass transportation purposes from current revenues and

19 make annual contributions to county departments of

20 transportation or to urban common carrier mass transportation

21 authorities to assist the departments or the authorities to meet

22 costs of operation, maintenance, capital improvements and debt

23 service, and to enter into long-term agreements providing for

24 the payment of the contributions.

25 Section 2442. Appropriation for Nonprofit Art Corporation.--

26 Council may appropriate moneys annually, not exceeding an amount

27 equal to one mill of the real estate tax to any nonprofit art

28 corporation for the conduct of its artistic and cultural

29 activities. For the purposes of this section, "nonprofit art

30 corporation" shall mean a local arts council, commission or

coordinating agency, or any other nonprofit corporation engaged
in the production or display of works of art, including the
visual, written or performing arts. Artistic and cultural
activities shall include the display or production of theater,
music, dance, painting, architecture, sculpture, arts and
crafts, photography, film, graphic arts and design and creative
writing.

Section 2443. Ratification and Validation of Real Estate
Sales.--All deeds conveying title to real estate or interests
therein from any city to any other party which are executed and
delivered pursuant to an ordinance or resolution of the city
council and which are not contested by an action filed in the
court of common pleas of the county in which the city is located
within six years of the date such deeds are recorded are hereby
declared to be valid and to have fully and effectively conveyed
the property and interests described therein in accordance with
the terms thereof. No such deed shall thereafter be subject to
attack in any court, agency or proceeding.

Section 2444. Maintenance and Validation of Certain
Records.--Except as otherwise may be required by any law
governing the recording of documents with the recorder of deeds,
all city records that are required to be recorded or copied
shall be deemed valid if recorded or transcribed by any digital,
photostatic, photographic, microphotographic, microfilm,
microcard, miniature photographic, optical, electronic or other
process which accurately reproduces the original and forms a
durable medium for recording, storing and reproducing the
original in accordance with standards, policies and procedures
for the creation, maintenance, transmission or reproduction of
images of records approved by the county or local government

records committees, as applicable, and as otherwise provided by
law. No city shall be required to retain original or paper
copies of any documents after the documents are archived by any
of the methods stated in this section or as otherwise provided
by law. Where recording in a specific book is required, except
for minutes or the proceedings of council, such records may be
recorded, transcribed or otherwise assembled in an appropriate
book, disk or other medium approved by resolution of council,
and all records heretofore recorded and assembled in any manner
are hereby validated.

Section 2445. Rights Within Streets and Rights-of-Way.--(a)
The power granted to a city in subsection (b) shall be exercised
in compliance with Federal and State law and shall be subject to
the power of the Pennsylvania Public Utility Commission, under
66 Pa.C.S. Pt. I (relating to public utility code) to regulate
the business, facilities and service of public utilities,
including determining the location and installation of utility
facilities.

(b) Council may consent to a public or private corporation
or any other person using city streets and other properties,
whether such use is within, on or over the streets or public
property in question, for transportation purposes or for the
purpose of installing and maintaining pipes, wires, fibers,
cables or any other utility or service medium. Council may
define a reasonable district or reasonable districts within
which all electric or telephone wires, cables or any other
utility or service medium are to be placed underground. A city
shall pay just compensation to any property owner whose land has
been acquired by the city for use as a right-of-way for purposes
of this section. Just compensation shall be determined pursuant

1 to 26 Pa.C.S. (relating to eminent domain).

2 Section 2446. Emergency Services.--(a) The city shall be
3 responsible for ensuring that fire and emergency medical
4 services are provided within the city by the means and to the
5 extent determined by the city, including the appropriate
6 financial and administrative assistance for these services.

7 (b) The city shall consult with fire and emergency medical
8 services providers to discuss the emergency services needs of
9 the city.

10 (c) The city shall require any emergency services
11 organizations receiving city funds to provide to the city an
12 annual itemized listing of all expenditures of these funds
13 before the city may consider budgeting additional funding to the
14 organization.

15 Section 2447. Charitable Purposes.--(a) Council may, by
16 ordinance, create a city bureau or agency which bureau or agency
17 may receive in trust, and city council may control for the
18 purposes of the trust, all estate, moneys, assets and property,
19 real and personal, which may have been or shall be bestowed upon
20 it by donation, gift, legacy, endowment, bequest, devise,
21 conveyance or other means, for charitable purposes.

22 (b) Council may make appropriations to the agency or bureau
23 for charitable purposes except as limited by the Constitution of
24 Pennsylvania and laws of this Commonwealth.

25 (c) As used in this section, "charitable purposes" shall
26 mean the relief of poverty, the advancement of education, the
27 promotion of health, governmental or municipal purposes, and
28 other purposes the accomplishment of which is beneficial to the
29 community.

30 Section 153. Article XXV heading of the act is reenacted to

1 read:

2 ARTICLE XXV

3 TAXATION

4 Section 154. Article XXV subdivision (a) heading of the act
5 is amended to read:

6 (a) Assessments [and Revisions] of Property for Taxation

7 Section 155. Sections 2501, 2502 and 2503 of the act are
8 repealed:

9 [Section 2501. Election of Assessor; Term; Removal;
10 Qualifications.--The council of each city on the first Monday of
11 January, one thousand nine hundred and fifty-two, and on the
12 first Monday of January in every fourth year thereafter, or as
13 soon thereafter as may be conveniently done, shall elect one
14 person, resident of the city for at least five years previous to
15 his election, a qualified elector thereof, and owner of real
16 estate therein, at the time of his election and during the
17 entire term of service, of the assessed value of at least five
18 hundred dollars, as city assessor, to serve for the term of four
19 years from the first Monday of January in the year in which he
20 is elected. Any assessor may be removed from office by council
21 and the vacancy thus occasioned may be filled in the manner
22 hereinafter provided. Council shall not permit any person
23 elected assessor to enter upon the duties of said office, nor
24 continue in office, when he does not have and possess all of the
25 qualifications aforesaid. For this purpose council shall have
26 power, by a majority vote of all the members elected thereto, to
27 declare the said office of assessor vacant at any time any
28 person has not or ceases to have the qualifications aforesaid
29 for the said office. They may thereupon fill the vacancy thus
30 occasioned, in the manner hereinafter provided for the filling

1 of vacancies.

2 Section 2502. Oath of Assessor; Filling of Vacancies.--The
3 said assessor shall, before entering upon his duties, take and
4 subscribe the oath prescribed for municipal officers, and file
5 the same with the city clerk. Any vacancy happening in said
6 office shall be filled by appointment by council, for the
7 unexpired term.

8 Section 2503. Assistant Assessors; Compensation of Assessors
9 and Assistants.--The council may, during each triennial year and
10 in the intervening years, appoint such assistant assessors, to
11 serve for such length of time as council may authorize, direct,
12 or appoint by ordinance. Such assistant assessors shall be
13 removable at the pleasure of council. The compensation or salary
14 of the city assessor, and of the assistant assessors, if any,
15 shall be fixed by ordinance.]

16 Section 156. Sections 2503.1 and 2504 of the act, amended or
17 added December 13, 1982 (P.L.1192, No.273), are repealed:

18 [Section 2503.1. Definitions.--The following words and
19 phrases when used in this act shall have, unless the context
20 clearly indicates otherwise, the meanings given to them in this
21 section:

22 "Base year," the year upon which real property market values
23 are based for the most recently citywide revision of assessment
24 of real property or other prior year upon which the market value
25 of all real property of the city is based. Real property market
26 values shall be equalized within the city and any changes by the
27 board of revision of taxes and appeals shall be expressed in
28 terms of such base year values.

29 "Board," the board of revision of taxes and appeals in cities
30 of the third class.

1 "Common level ratio," the ratio of assessed value to current
2 market value used generally in the county as last determined by
3 the State Tax Equalization Board pursuant to the act of June 27,
4 1947 (P.L.1046, No.447), referred to as the State Tax
5 Equalization Board Law.

6 "Established predetermined ratio," the ratio of assessed
7 value to market value established by the city council and
8 uniformly applied in determining assessed value in any year.

9 Section 2504. Assessment of Property; Duties of Assessor.--

10 (a) The assessor shall make, or cause to be made, during the
11 year one thousand nine hundred fifty-four, and every third year
12 thereafter, a full, just, equal, and impartial assessment of all
13 property, taxable according to the laws of this Commonwealth for
14 county purposes, and all matters and things within the city
15 subject by law to taxation for city purposes, and a just and
16 perfect list of all property exempt by law from taxation, with a
17 just valuation of the same. But nothing hereinbefore contained
18 shall be construed as making taxable for city purposes the
19 classes of personal property which by law are made taxable
20 exclusively for county purposes at the rate of four mills. With
21 his assessment he shall return such dimension, description, or
22 quality of each lot or parcel of land as will be sufficient to
23 identify the same, together with the number and kind of
24 improvements. At the triennial assessment, the assessor shall,
25 if council so directs by ordinance, classify all real estate in
26 the city, in such manner and upon such testimony as may be
27 adduced before him, so as to distinguish between the buildings
28 on land and the land exclusive of the buildings, and he shall
29 certify to the council the aggregate valuation of all real
30 estate subject to taxation for city purposes within each such

1 classification. At the next triennial assessment following the
2 effective date of this amending act, the assessor shall, if
3 council by ordinance so directs, classify all real estate in
4 such city in such manner and upon such testimony as may be
5 adduced before him so as to distinguish between the buildings on
6 land and the land exclusive of the buildings, and he shall
7 certify to the council the aggregate valuations of all real
8 estate subject to taxation for city purposes within each such
9 classification.

10 (b) In all cases he shall value, or cause to be valued, the
11 property at the actual value thereof. In arriving at actual
12 value the city may utilize the current market value or it may
13 adopt a base year market value. In arriving at such value the
14 price for which any property would separately bona fide sell, or
15 the price at which any property may bona fide actually have been
16 sold, either in the base year or the current taxable year, shall
17 be considered, but shall not be controlling. Instead such
18 selling price, estimated or actual, shall be subject to revision
19 by increase or decrease to accomplish equalization with other
20 similar property within the taxing district. It shall be the
21 further duty of the assessor to return annually a list of all
22 the inhabitants over eighteen years of age.

23 (c) The board shall assess real property at a value based
24 upon an established predetermined ratio which may not exceed one
25 hundred per centum of actual value. Such ratio shall be
26 established and determined by the city council after proper
27 notice has been given.

28 (d) In arriving at the actual value, all three methods,
29 namely, cost (reproduction or replacement, as applicable, less
30 depreciation and all forms of obsolescence) comparable sales and

1 income approaches, must be considered in conjunction with one
2 another.

3 (e) The board shall apply the established predetermined
4 ratio to the actual value of all real property to formulate
5 assessment roll.]

6 Section 157. Section 2504.1 of the act, added July 29, 1970
7 (P.L.640, No.215), is repealed:

8 [Section 2504.1. Temporary Tax Exemption for Residential
9 Construction.--(a) As used in this section, the word
10 "dwellings" means buildings or portions thereof intended for
11 permanent use as homes or residences.

12 (b) New single and multiple dwellings constructed for
13 residential purposes and improvements to existing unoccupied
14 dwellings or improvements to existing structures for purposes of
15 conversion to dwellings, shall not be valued or assessed for
16 purposes of real property taxes until (1) occupied, (2) conveyed
17 to a bona fide purchaser, or (3) one year from the first day of
18 the month in which falls the sixtieth day after which the
19 building permit was issued or, if no building permit or other
20 notification of improvement was required, then from the date
21 construction commenced. The assessment of any multiple dwelling
22 because of occupancy shall be upon such proportion which the
23 value of the occupied portion bears to the value of the entire
24 multiple dwelling.]

25 Section 158. Section 2505 of the act, amended October 4,
26 1978 (P.L.950, No.188), is repealed:

27 [Section 2505. Manner of Assessments.--The assessor may
28 assess real estate in the name or names of the registered owner,
29 actual owner (legal or equitable), reputed owner, owner of the
30 life estate, occupier, vendor, vendees, or any person who has or

1 has had any connection with the legal title thereof, or an
2 interest in the premises, or has charge or control thereof;
3 partnership property, in the name of the partnership or in the
4 name of the partners, or any of them; trust property, in the
5 name of the trustee or trustees, or any of them, or in the name
6 of the cestui que trust; property of a minor, in the name of the
7 minor or his guardian; property of a lunatic, in the name of the
8 lunatic or his guardian or committee; and property formerly
9 belonging to a person, since deceased, may be assessed in the
10 name of the decedent, or in the name of the estate of said
11 decedent, or of his administrator or administrators, executor or
12 executors, or his heirs generally, or in the name of any
13 administrator, executor, or heir; and in assessing the same in
14 the names of the executors, administrators or heirs, it shall
15 not be necessary to designate them by their christian or
16 surnames; and other property not herein provided for may be
17 assessed in the manner the same is assessed for county taxation.
18 This provision shall not prevent the collection, under existing
19 laws, of any tax assessed against property by a sufficient
20 designation or description, where the same has been assessed in
21 the name of any person or persons who are not the owners
22 thereof. Where lands of owners are part within and part without
23 the city limits, they shall be assessed in the same manner and
24 within the same jurisdiction as if the same were being assessed
25 for county purposes.]

26 Section 159. Sections 2506, 2508, 2509, 2510, 2511, 2512,
27 2513, 2514, 2515 and 2516 of the act are repealed:

28 [Section 2506. Duties of Assessors in Other Than Triennial
29 Years.--In the years between triennial assessments, the said
30 assessor shall perform the following duties with reference to

1 the assessment of property and other matters and subjects of
2 taxation, namely: He shall,

3 (a) Assess any property which has been omitted, and correct
4 any errors of law, fact or judgment which may have been made in
5 making the triennial assessment;

6 (b) Add to the assessment any property which has ceased to
7 be exempt and any property acquired since the triennial
8 assessment;

9 (c) Add to the value of any real estate the value of any new
10 building or other new improvements;

11 (d) Deduct from the value of any property any loss caused by
12 destruction, injury, or otherwise, howsoever;

13 (e) Where tracts as assessed at the triennial assessment
14 have been subdivided, equalize and apportion the assessment of
15 the lands thus subdivided upon the basis of the value as fixed
16 at the triennial assessments upon the whole lot or tracts;

17 (f) Where any borough, township, part of a borough or
18 township, or any tract or tracts of land, have been added to the
19 city, since the last triennial assessment, make a full and
20 impartial assessment of the property in the annexed district,
21 and return the same in a like manner as if it were a triennial
22 assessment;

23 (g) When any property has been transferred or disposed of,
24 make the proper changes, deductions or transfers upon the proper
25 assessment books and duplicates;

26 (h) Perform such other duties, as may be prescribed by
27 ordinance, necessary to the making of proper assessments or
28 valuations.

29 Section 2508. Omitted Property to be Assessed; Liability of
30 Owner for Back Taxes.--When the said assessor ascertains that

1 any property is omitted, he shall assess the same for the
2 omitted years, but not back further than and including the last
3 year of the preceding triennial assessment. The person or party
4 owning said omitted property shall be liable for the tax against
5 the property for the omitted year or years, at the tax rate
6 levied during the omitted year or years, and the proper
7 authorities shall make out the proper tax and place the amount
8 thereof in the hands of the city treasurer for collection.

9 Section 2509. Clerks; Power to Administer Oaths;
10 Inventories.--The assessor shall have the right to procure such
11 books, maps, et cetera, as may be necessary to the performance
12 of his duties, and, when authorized by council, may employ
13 clerks for the purpose of transcribing and making duplicate and
14 assessment books. He, and each of them, shall have power to
15 administer oaths, and to require, under oath, of every taxable
16 or person in charge or control of any property, an inventory of
17 his taxable property, with his estimate of the just, full, fair,
18 and impartial value thereof, and which, in his judgment, the
19 same would bring at a fair public sale thereof. Such estimate
20 shall not be conclusive, but shall be subject to revision by
21 increase, decrease or equalization with other property.

22 Section 2510. Information from Real Estate Registry Office;
23 Sufficiency of Descriptions.--Where any city has established a
24 registry of real estate by law, the assessor shall have the
25 right to obtain from the official in charge of said registry
26 such information as to the registered owners of real estate as
27 said department is able to furnish, and under such rules and
28 regulations as shall be established by ordinance of council. It
29 shall be a sufficient description of any real estate in any
30 assessment books or duplicates to designate the same by such

1 city lot number, other number or designation, as is used on the
2 registry.

3 Section 2511. Time of Completion of Assessments.--The
4 assessor shall complete his triennial assessment, and the annual
5 assessments in intervening years, on or before the first day of
6 September in each year, or as soon thereafter as practicable. He
7 may, with the approval of the board of revision and appeals, add
8 to the duplicates in the hands of the city treasurer any subject
9 of taxation omitted therefrom, and rectify any and all errors
10 and mistakes made therein.

11 Section 2512. Liability for Neglect.--Any assessor or
12 assessors who shall wilfully omit, neglect, or refuse to assess
13 any property liable to taxation shall be held responsible to the
14 city for any loss or damage caused thereby.

15 Section 2513. Ordinances to Regulate Assessments, Transfers,
16 Appeals, Et Cetera.--The council of each city may pass such
17 ordinances as it may deem proper and necessary, providing for
18 and regulating the manner of making the assessments, valuations,
19 and transfers, and the taking of appeals to the board of
20 revision and appeal, and regulating proceedings before said
21 board on any and all matters not specifically provided for in
22 this act.

23 Section 2514. Board of Revision of Taxes and Appeals.--The
24 council of each city shall constitute the board of revision of
25 taxes and appeals, and the city clerk shall serve as clerk
26 thereof.

27 Section 2515. New Assessments.--The council, in any years
28 other than a triennial year, if it shall deem a new assessment
29 necessary, may, on or before the first day of May, issue its
30 precept to the city assessor and by ordinance or resolution

1 require him to make out and return a full, just, and equal
2 assessment of property within the city, or such parts thereof as
3 may be deemed advisable.

4 Section 2516. Revision of Assessments.--The said board of
5 revision of taxes and appeals shall take and receive the
6 triennial and yearly assessment as returned by the city
7 assessor, and may revise, equalize, and alter such assessments,
8 in any and every year, by increasing or reducing the valuation
9 either in individual cases or by wards, or parts of wards;
10 rectify all errors, and add to the assessment book, and to the
11 duplicate thereof in the hands of the city treasurer, any
12 property or person subject to taxation omitted therefrom, and
13 any real estate in such city which has been exempt from
14 taxation, and has ceased to be occupied and used for the purpose
15 or purposes which entitled it to such exemption, as taxable for
16 the portion of the year commencing at the time when the right to
17 exemption ceases. Such property shall thereupon become subject
18 to taxation, at the rate fixed for the year, for the
19 proportionate part of the year during which it is not entitled
20 to exemption.]

21 Section 160. Section 2516.1 of the act, amended July 29,
22 1970 (P.L.640, No.215), is repealed:

23 [Section 2516.1. Additions and Revisions to Duplicates.--
24 Whenever in any city there is any construction of a building or
25 buildings not otherwise exempt as a dwelling after the city
26 council has prepared a duplicate of the assessment of city taxes
27 and the building is not included in the tax duplicate of the
28 city, the authority responsible for assessments in the city
29 shall, upon the request of the city council, direct the assessor
30 in the city to inspect and reassess, subject to the right of

1 appeal and adjustment provided by the act of Assembly under
2 which assessments are made, all taxable property in the city to
3 which major improvements have been made after the original
4 duplicates were prepared and to give notice of such
5 reassessments within ten days to the authority responsible for
6 assessments, the city and the property owner. The property shall
7 then be added to the duplicate and shall be taxable for city
8 purposes at the reassessed valuation for that proportionate part
9 of the fiscal year of the city remaining after the property was
10 improved. Any improvement made during the month shall be
11 computed as having been made on the first of the month. A
12 certified copy of the additions or revisions to the duplicate
13 shall be furnished by the city council to the city treasurer,
14 together with their warrant for collection of the same, and
15 within ten days thereafter the city treasurer shall notify the
16 owner of the property of the taxes due the city.]

17 Section 161. Section 2517 of the act is repealed:

18 [Section 2517. Hearing of Appeals.--The board of revision of
19 taxes and appeals may require the attendance of the assessor and
20 assistant assessors, or any of them, or other citizens, before
21 them for examination on oath or affirmation. It shall hear and
22 determine all appeals by taxpayers from the assessments made by
23 the city assessor, at such time and place as it may prescribe,
24 conformably with law as to notice to the taxable and his filing
25 of notice of intention to appeal.]

26 Section 162. Section 2518 of the act, amended December 13,
27 1982 (P.L.1192, No.273), is repealed:

28 [Section 2518. Notice to Taxables of Assessments; Appeals.--

29 (a) The assessor shall give, or cause to be given, printed or
30 written notice to each taxable of the city, whose property is

1 newly assessed, or whose last previous assessment has been
2 changed, of the amount of the present assessment, valuation and
3 ratio and the new assessment, valuation and ratio. The said
4 notice shall not be required to be given to any taxable whose
5 property assessment was not changed as a result of any triennial
6 assessment. The said notice shall also inform the taxable of the
7 requirements of this section as to appealing from any
8 assessment. Such notice may be served personally or by posting
9 on the premises or by mailing the same to the last known address
10 of the taxable.

11 (b) Notice similar to that provided for in subsection (a)
12 shall be given when the city changes the established
13 predetermined ratio.

14 (c) Any person dissatisfied or aggrieved by any assessment,
15 or any change thereof, made by the assessor, may appeal to the
16 said board of revision of taxes and appeals, by filing with the
17 board a statement in writing of intention to appeal, setting
18 forth:

19 (1) The assessment or assessments by which such person feels
20 aggrieved;

21 (2) The address to which the board shall mail notice of when
22 and where to appear for hearing.

23 (d) The statement of intention to appeal shall be filed with
24 the said board not later than thirty days after the notice of
25 assessment has been mailed to the taxable at his last known
26 address, or has been served upon him personally, or has been
27 posted upon the premises. No appeal shall be permitted except
28 upon such a statement of intention as herein required, nor may
29 any taxable appeal as to an assessment not designated in his
30 statement of intention to appeal. The board shall fix the time

1 and place of hearing appeals and shall give at least five days
2 notice to the taxable.

3 (e) Any triennial assessment made prior to the effective
4 date of this amending act, which did not change a property
5 assessment, is hereby validated irrespective of whether or not
6 written or printed notice of such assessment was given to the
7 taxable.]

8 Section 163. Section 2519 of the act is repealed:

9 [Section 2519. Power of Assessor to Administer Oaths.--For
10 the purposes of all hearings, and for all other purposes
11 necessary to the discharge of his duties, the assessor shall
12 have authority to administer oaths and affirmations touching any
13 matter relating thereto.]

14 Section 164. Sections 2520 and 2521 of the act, amended
15 December 13, 1982 (P.L.1192, No.273), are repealed:

16 [Section 2520. Custody of Assessment Books; Completion of
17 Work of Board.--(a) The board of revision of taxes and appeals
18 shall procure and have the custody and control of all books
19 relating to assessment of city taxes, and keep them arranged
20 according to wards and dates, and shall furnish the city
21 assessor the necessary books for making the assessment, which,
22 on the completion of such assessment, shall be returned to such
23 board of revision of taxes and appeals. The board shall complete
24 its labors, and the hearing and determination of all appeals, on
25 or before the first day of December of each year, or as soon
26 thereafter as practicable, after which the assessment shall be
27 copied, by wards, into a tax duplicate or duplicates for the use
28 of the city. The assessment, so corrected and copied, shall be
29 and remain a lawful assessment for the purpose of city taxation
30 until altered as provided in this article. The board shall give

notice in writing within five days after its disposition of each appeal, advising the taxable of its decision.

(b) In any appeal of an assessment the board shall make the following determinations:

(1) The current market value for the tax year in question.

(2) The common level ratio.

(c) The board, after determining the current market value of the property for the tax year in question, shall then apply the established predetermined ratio to such value unless the common level ratio varies by more than fifteen per centum from the established predetermined ratio, in which case the board shall apply the common level ratio to the current market value of the property for the tax year in question.

(d) Nothing herein shall prevent any appellant from appealing any base year valuation without reference to ratio.

Section 2521. Appeals from Decisions of Board; Costs.--(a) Any owner of taxable property who may feel aggrieved by the decision of the board of revision of taxes and appeals as to the assessment or valuation of his taxable property may appeal from the decision of the board of revision of taxes and appeals to the court of common pleas of the county within which such property is situated, and, for that purpose, may present to said court, or file in the prothonotary's office, within sixty days after mailing notice to him that the board of revision of taxes and appeals have held the appeals provided for by law and acted on the said assessments and valuations, a petition signed by him, his agent, or attorney, setting forth the facts of the case. The court shall thereupon, after notice to the said board of revision of taxes and appeals, hear the said appeal and the proofs in the case, and make such orders and decrees touching

1 the matter complained of as to the judges of said court may seem
2 just and equitable, having due regard to the valuation and
3 assessment made of other property in such city. The costs of the
4 appeal and hearing shall be apportioned or paid as the court may
5 direct. The said appeals shall not, however, prevent the
6 collection of the taxes complained of, but in case the same
7 shall be reduced, then the excess shall be returned to the
8 person or persons who shall have paid the same.

9 (b) In any appeal of an assessment the court shall make the
10 following determinations:

11 (1) The current market value for the tax year in question.

12 (2) The common level ratio.

13 (c) The court, after determining the current market value of
14 the property for the tax year in question, shall then apply the
15 established predetermined ratio to such value unless the common
16 level ratio varies by more than fifteen per centum from the
17 established predetermined ratio, in which case the court shall
18 apply the common level ratio to the current market value of the
19 property for the tax year in question.

20 (d) Nothing herein shall prevent any appellant from
21 appealing any base year valuation without reference to ratio.]

22 Section 165. The act is amended by adding a section to read:

23 Section 2522. Assessment Powers.--(a) With regard to the
24 valuing and assessing of property for taxation within a city,
25 the following shall apply:

26 (1) If, on the effective date of this section, a city is
27 utilizing the county assessment office for the valuation and
28 assessment of property, the city shall continue to utilize the
29 county assessment office for this purpose.

30 (2) If clause (1) does not apply, council may appoint and

employ persons to value and assess property for taxation within a city, following the procedures and methodologies set forth in the assessment law or laws applicable in the county in which the city is located, provided that the act of April 16, 1992 (P.L.155, No.28), known as the "Assessors Certification Act," shall apply to persons hired pursuant to this clause.

(3) If clause (2) applies, a city may subsequently elect to utilize the county assessment office to value and assess property.

(4) (i) A city, conducting its own assessments as authorized by clause (2), or utilizing the county assessment office pursuant to clause (1) or (3), may, by ordinance, adopt an established predetermined ratio different from that used by the county. The city shall apply the ratio selected to the actual valuation supplied by the county to determine assessed value for tax purposes. The established predetermined ratio selected by the city may not exceed one hundred per centum of actual value.

(ii) As used in this clause, "established predetermined ratio" shall mean the ratio of assessed value to market value established by the city council and uniformly applied in determining assessed value in any year.

(5) A city that is utilizing the county assessment office in accordance with clause (1) or which elects to utilize the county assessment office in accordance with clause (3) may not thereafter appoint and employ persons to value and assess property in accordance with clause (2).

(b) In any case in which a city appoints persons to value and assess property, the following shall apply:

(1) If the property being assessed is not wholly within the

1 city limits, it shall be assessed in the same manner and within
2 the same jurisdiction as if the same were being assessed for
3 county purposes.

4 (2) If a city has established a registry of real estate, it
5 may obtain for purposes of assessment, from the official in
6 charge of the registry, available information as to the
7 registered owners of real estate, under rules and regulations as
8 may be established by ordinance. It shall be a sufficient
9 description of any real estate in any assessment books or
10 duplicates to designate the same by such city lot number, other
11 number or designation, as is used on the registry.

12 (3) For purposes of assessment appeals, council shall
13 constitute the board of revision of taxes and appeals and the
14 city clerk shall serve as clerk thereof.

15 (4) Except as authorized in this section, the city shall not
16 exercise powers contrary to or in limitation or enlargement of
17 powers granted by statutes that provide the substantive rules
18 governing the making of assessments and valuations of property
19 which are applicable to the assessment of property for taxation
20 purposes under the county assessment law or laws applicable in
21 the county in which the city is located.

22 (5) A city conducting its own assessments pursuant to
23 subsection (a) (2) shall establish and follow procedures that are
24 consistent with similar procedures provided in the assessment
25 law or laws applicable in the county in which the city is
26 located, including, but not limited to, providing notice of an
27 opportunity to appeal assessments, for taking appeals to and
28 from the board of appeals and for the conduct of proceedings
29 before the board.

30 (c) A temporary tax exemption for residential construction

1 shall be subject to the following:

2 (1) New single and multiple dwellings constructed for
3 residential purposes and improvements to existing unoccupied
4 dwellings or improvements to existing structures for purposes of
5 conversion to dwellings shall not be valued or assessed for
6 purposes of real property taxes until:

7 (i) occupied;

8 (ii) conveyed to a bona fide purchaser; or

9 (iii) one year from the first day of the month in which
10 falls the sixtieth day after which the building permit was
11 issued or, if no building permit or other notification of
12 improvement was required, then from the date construction
13 commenced.

14 (2) The assessment of any multiple dwelling because of
15 occupancy shall be upon such proportion which the value of the
16 occupied portion bears to the value of the entire multiple
17 dwelling.

18 (3) As used in this subsection, the word "dwellings" means
19 buildings or portions thereof intended for permanent use as
20 homes or residences.

21 Section 166. The heading of subdivision (b) of Article XXV
22 of the act is reenacted to read:

23 (b) Levy and Collection

24 Section 167. Section 2531 of the act, amended November 19,
25 1959 (P.L.1519, No.534), August 3, 1967 (P.L.199, No.63), June
26 16, 1972 (P.L.443, No.135) and May 22, 1981 (P.L.71, No.20) and
27 repealed in part December 13, 1988 (P.L.1121, No.145), is
28 amended to read:

29 Section 2531. Tax Levies.--(a) Council may, by ordinance,
30 levy and, in accordance with this act, provide for the

1 collection of [the following taxes:

2 1. A tax for general revenue purposes on all persons and
3 property taxable according to the laws of the Commonwealth for
4 county purposes: the valuation of such property to be assessed
5 as hereinbefore provided.

6 2. An annual tax sufficient to pay interest and principal on
7 any indebtedness incurred pursuant to the act of July 12, 1972
8 (P.L.781, No.185), known as the "Local Government Unit Debt
9 Act," or any prior or subsequent act governing the incurrence of
10 indebtedness of the city.

11 3. A residence tax for general revenue purposes, not
12 exceeding five dollars annually, on all inhabitants above the
13 age of eighteen years. Any ordinance of council fixing the rate
14 of taxation for any year at a mill rate shall also include a
15 statement expressing the rate of taxation in dollars and cents
16 on each one hundred dollars of assessed valuation of taxable
17 property.

18 4. The council of any city may, by ordinance, in any year
19 levy separate and different rates of taxation for city purposes
20 on all real estate classified as land, exclusive of the
21 buildings thereon, and on all real estate classified as
22 buildings on land. When real estate tax rates are so levied, (i)
23 the rates shall be determined by the requirements of the city
24 budget as approved by council, (ii) higher rates may be levied
25 on land if the respective rates on lands and buildings are so
26 fixed so as not to constitute a greater levy in the aggregate
27 than a rate of twenty-five mills on both land and buildings, and
28 (iii) they shall be uniform as to all real estate within such
29 classification.

30 5. Where the city council by a majority action shall, upon

1 due cause shown, petition the court of quarter sessions for the
2 right to levy additional millage, the court, after such public
3 notice as it may direct and after hearing, may order a greater
4 rate than twenty-five mills but not exceeding five additional
5 mills to be levied.] taxes on all property within the city that
6 is made taxable for city purposes and subject to valuation and
7 assessment by the county assessment office or the city, as
8 provided in subdivision (a), as follows:

9 (1) A tax for general revenue purposes not exceeding thirty
10 mills.

11 (2) An annual tax sufficient to pay interest and principal
12 on any indebtedness incurred pursuant to 53 Pa.C.S. Pt. VII
13 Subpt. B (relating to indebtedness and borrowing) or any prior
14 or subsequent act governing the incurrence of indebtedness of
15 the city.

16 (3) An annual tax, not to exceed five mills, to light the
17 highways, roads and other public places in the city.

18 (4) An annual tax for the purpose of maintaining and
19 operating recreation places and programs.

20 (5) An annual tax, not to exceed the sum of one-tenth of one
21 mill, for the purpose of defraying the cost and expense of
22 caring for shade trees and the administrative expenses connected
23 therewith, or council may provide for such expenses by
24 appropriation from the General Fund.

25 (b) Council may, by ordinance, levy and, in accordance with
26 this act, provide for the collection of a residence tax for
27 general revenue purposes, not exceeding five dollars annually,
28 on all inhabitants who are eighteen years of age or older.

29 (c) With regard to the taxes authorized in subsection (a),
30 the following shall apply:

1 (1) Special purpose levies authorized in this section shall
2 not be included in calculating the thirty-mill limit imposed by
3 subsection (a).

4 (2) Any ordinance fixing the rate of taxation for any year
5 at a millage rate shall also include a statement expressing the
6 rate of taxation in dollars and cents on each hundred dollars of
7 assessed valuation of taxable property.

8 (3) The council of any city may, by ordinance, in any year
9 levy separate and different rates of taxation for city purposes
10 on all real estate classified as land, exclusive of the
11 buildings thereon, and on all real estate classified as
12 buildings on land. When real estate tax rates are so levied:

13 (i) The rates shall be determined by the requirements of the
14 city budget as approved by council.

15 (ii) The respective rates levied on land and buildings do
16 not have to be equal but must be so fixed so as not to
17 constitute a greater levy in the aggregate than a rate of thirty
18 mills on both land and buildings.

19 (iii) The rates shall be uniform as to all real estate
20 within such classification.

21 (4) Where the city council by a majority action shall, upon
22 due cause shown, petition the court of common pleas for the
23 right to levy additional millage for general revenue purposes,
24 the court, after such public notice as it may direct and after
25 hearing, may order a greater rate than thirty mills but not
26 exceeding five additional mills to be levied.

27 (5) (i) Notwithstanding council's power to authorize the
28 transfer of an unexpended balance of an appropriation item
29 pursuant to section 1804, when any moneys are collected for any
30 special purpose, no city treasurer or council member may apply

1 those moneys to any purpose other than that for which they were
2 collected.

3 (ii) Any city treasurer or council member who violates
4 subclause (i) commits a misdemeanor of the third degree, and, in
5 addition to the fine or penalty which may be imposed upon
6 conviction, shall be required to pay restitution in the amount
7 of moneys improperly spent.

8 Section 168. Section 2531.1 of the act, amended November 26,
9 1982 (P.L.759, No.214) and repealed in part December 13, 1988
10 (P.L.1121, No.145), is amended to read:

11 Section 2531.1. Exemptions from Taxation.--The council of
12 any city may, by ordinance or resolution, exempt any person
13 whose total income from all sources is less than [five] twelve
14 thousand dollars [(\$5,000)] (\$12,000) per annum from any per
15 capita or [resident's] residence tax levied under this act. This
16 exemption shall not apply to real property taxes.

17 Section 169. The act is amended by adding a section to read:

18 Section 2531.2. Certification of Schedule.--For the purpose
19 of delinquent tax collection and the filing of liens on property
20 upon which the taxes, assessed and levied, have not been paid
21 and have become delinquent, the treasurer shall certify
22 schedules of unpaid taxes. The certification shall be made to
23 the person designated by each taxing district for which the
24 treasurer collects taxes.

25 Section 170. Sections 2532, 2533 and 2534 of the act are
26 repealed:

27 [Section 2532. City Treasurer to Be Tax Collector.--The city
28 treasurer, by virtue of his office, shall be the collector of
29 the city, county, school, and institution district taxes,
30 assessed or levied in the city by the proper authorities

1 therein.

2 Section 2533. Oath of City Treasurer as Collector of
3 Taxes.--At the time the city treasurer enters upon his duties,
4 he shall take and subscribe his oath of office as collector of
5 city, county, school, and institution district taxes, which oath
6 shall be filed with the city clerk.

7 Section 2534. Office for Receipt of Taxes; Supplies.--The
8 city treasurer, as collector of taxes, shall keep his office in
9 the same place occupied by him as city treasurer, which shall be
10 kept open for the receipt of taxes at all times during business
11 hours. All printing and stationery supplies shall be furnished
12 by the proper authorities, respectively.]

13 Section 171. Section 2535 of the act, amended December 14,
14 1967 (P.L.828, No.355), is repealed:

15 [Section 2535. Date of Delivery of Duplicate; Collection.--
16 The council of each city and the county and county institution
17 district authorities, now empowered or which may be hereafter
18 empowered to levy taxes upon persons and property within the
19 city, shall, within thirty days after the adoption of the budget
20 or within thirty days after receipt of the assessment roll from
21 the county whichever is later, make out and deliver their
22 respective duplicates of taxes assessed to the city treasurer,
23 as the collector of the said taxes, which shall be collected by
24 the city treasurer, by virtue of his office as aforesaid. The
25 proper school authorities shall make out and deliver the school
26 duplicates of their respective taxes in such city at the time
27 and in the manner provided by the school laws of the
28 Commonwealth. All duplicates of taxes placed in the hands of
29 said treasurer shall at all times be open to proper inspection
30 of the taxpayers and of the proper auditing and examining

1 officers of said city, county or school district, as the case
2 may be, and shall be delivered by said treasurer at the
3 expiration of his term to his successor in office.]

4 Section 172. Sections 2536, 2537 and 2538 of the act are
5 repealed:

6 [Section 2536. Deposits.--The city treasurer as collector of
7 taxes shall pay over to himself as city treasurer, in accordance
8 with the provisions of the Local Tax Collection Law, all the
9 city taxes collected by him. He shall at the same time deposit
10 all the city taxes so paid over to him into a bank or financial
11 institution, which shall be a city depository named by the city
12 council. All such deposits shall be made in the name of the city
13 treasurer as such, or in the name of the city, as council may
14 provide.

15 Section 2537. Tax Liens; Schedule of Uncollected Taxes;
16 Liability for False Return.--Upon the settlement of the
17 duplicates of city, county, institution district, and school
18 taxes which by law are made a lien on real estate, the city
19 treasurer, as collector of said taxes, shall make out schedules
20 of said city, county, school, or institution district taxes
21 uncollected upon his duplicates, or those delivered to him by
22 his predecessor, with a brief description of the properties
23 against which the same are assessed, for the purpose of having
24 the same entered for lien or sold, according to law. The failure
25 of the said collector to collect the said taxes from personal
26 property, when the same could have been collected shall not
27 impair the lien thereof or affect any sale made for the
28 collection thereof. In case any such collector shall make any
29 wilfully false return, he shall be liable therefor to any person
30 or persons injured thereby.

1 Section 2538. Certification of Schedule.--The schedule of
2 unpaid city taxes shall be certified by the city treasurer, as
3 collector of taxes, to the city solicitor for filing in court,
4 with the like force and effect as if certified by the city
5 treasurer under existing laws. The schedule of unpaid school and
6 institution district taxes shall be certified to such officer or
7 person as is now, or shall hereafter be, designated to receive
8 the same for filing as a lien in court; and where no such person
9 is designated, the said schedule may be certified to the
10 solicitor of the authority levying the tax, who may cause the
11 said taxes to be registered as a lien in court, under existing
12 laws, and the certifying of the said schedules by the city
13 treasurer, as a collector, shall in all cases have the like
14 effect as if the same had been certified by the city treasurer,
15 as aforesaid.]

16 Section 173. Article XXV subdivision (c) heading of the act
17 is reenacted to read:

18 (c) Sales of Real Estate for Delinquent Taxes

19 Section 174. Section 2541 of the act, amended April 29, 1998
20 (P.L.294, No.47), is repealed:

21 [Section 2541. Public Sale of Property to Satisfy Tax
22 Claims.--(a) In addition to other remedies provided for the
23 collection of delinquent city taxes, the city treasurer may sell
24 at public sale, in the manner hereinafter provided, any property
25 upon which the taxes, assessed and levied, have not been paid
26 and have become delinquent, unless such property has already
27 been purchased and is held for the benefit of all the tax
28 levying authorities concerned.

29 (b) For purposes of this section, taxes shall be considered
30 delinquent thirty days after the final deadline for payment of

1 such taxes for the current tax year.]

2 Section 175. Section 2542 of the act is repealed:

3 [Section 2542. Time of Holding Sales.--Such sales shall be
4 made on the first Monday in June, in the year succeeding the
5 year in which the respective taxes are assessed and levied, or
6 on any day to which such sale may be adjourned, or on any first
7 Monday of June in any succeeding year.]

8 Section 176. The act is amended by adding a section to read:

9 Section 2542.1. Public Sale of Property to Satisfy Tax

10 Claims.--(a) Property upon which city real estate taxes have
11 not been paid and have become delinquent may become subject to
12 public sale in accordance with one of the following:

13 (1) The act of July 7, 1947 (P.L.1368, No.542), known as the
14 "Real Estate Tax Sale Law."

15 (2) The act of May 16, 1923 (P.L.207, No.153), referred to
16 as the Municipal Claim and Tax Lien Law.

17 (b) The remedies authorized in this section shall be in
18 addition to other remedies provided for the collection of
19 delinquent city taxes, including an action in assumpsit.

20 (c) Unless otherwise provided in the statutes referred to in
21 subsection (a), taxes shall become delinquent thirty days after
22 the final deadline for payment of such taxes for the current tax
23 year.

24 Section 177. Section 2543 of the act is amended to read:

25 Section 2543. Certification of Schedules [of Taxes.--Where
26 the treasurer has not already in his hands the duplicates of
27 said taxes, or certificates or schedules thereof, any receiver
28 or collector of taxes, or other person having such delinquent
29 taxes in his hands, shall certify to the city treasurer
30 schedules of all unpaid taxes, with descriptions of the property

1 assessed.] to Treasurer.--At the request of the treasurer, any
2 person acting on behalf of the city who possesses a schedule of
3 unpaid city taxes shall certify the schedule to the treasurer
4 along with the description of property against which the unpaid
5 taxes were assessed.

6 Section 178. Section 2544 of the act is repealed:

7 [Section 2544. Advertisement of Sales.--The city treasurer
8 shall advertise for sale any of the property upon which it
9 appears the taxes have not been paid, as shown by the duplicates
10 in his hands, or by the returns or schedules certified to him,
11 as aforesaid. Said advertisement shall be made, once a week for
12 three successive weeks prior to the day of sale, in at least two
13 newspapers of general circulation, printed and published in the
14 city, and, in case two newspapers are not published in said
15 city, then publication shall be made in two newspapers printed
16 and published in the county in which the city is situate. The
17 city treasurer shall also cause to be posted or tacked, in a
18 conspicuous place on each parcel or lot of land advertised for
19 sale, at least ten days prior to the day of sale, a notice
20 stating that said property will be sold by said treasurer, for
21 delinquent taxes, on a certain day and time, and at a certain
22 place within the city, for which posting of notice he shall
23 receive and tax as costs twenty-five cents for each notice. No
24 sale shall be valid where the taxes have been paid prior to said
25 advertisement, or where the taxes and costs have been paid after
26 advertisement and before sale.]

27 Section 179. Section 2546 of the act is amended to read:

28 Section 2546. Record of Sales [to be Kept; City May];
29 Purchase [Lands at Sale.--] and Resale.--(a) The treasurer
30 shall keep in his or her office, or in such other place as

1 council may direct, a [book, in which he shall enter] record of
2 all the sales made [by him, giving a description of each
3 property sold, the name of the person as the owner thereof as
4 the same appears upon the duplicate, or has been returned to
5 him, the time of sale and the price at which sold, together with
6 the cost. The] pursuant to section 2542.1.

7 (b) Notwithstanding any other provision of law, the city
8 shall have the right to bid[, at any such sale, the amount of
9 taxes and costs, and, if necessary, purchase such lands] on and
10 purchase properties sold pursuant to section 2542.1.

11 (c) Properties purchased by the city under subsection (b)
12 may be sold in accordance with section 2402.1(b).

13 Section 180. Sections 2547 and 2548 of the act are repealed:

14 [Section 2547. Payment of Purchase Price by Purchaser;

15 Resale for Default.--Any purchaser or purchasers at said
16 treasurer's sale, except the city, as soon as the property is
17 struck down, shall pay the amount of the purchase money, or such
18 part thereof as may be necessary to pay all the taxes and costs,
19 as also one dollar and fifty cents for the use of the
20 prothonotary, for entering the report of the treasurer, filing
21 surplus bond, and acknowledgment of the treasurer's deed, as
22 hereinafter mentioned. In case said amount is not forthwith
23 paid, after the property is struck down, the sale may be avoided
24 and the property put up again by the city treasurer, at said
25 sale or at any subsequent sale.

26 Section 2548. Return of Sale.--The city treasurer shall
27 promptly make a report and return to the court of common pleas,
28 wherein he shall set forth, (a) a brief description of each
29 parcel of real estate sold; (b) the name of the person (where
30 known), in which the same is assessed; (c) the amount of tax,

1 and the year for which the same was assessed; (d) the time when
2 and the names of the newspapers in which the advertisement for
3 sale was made, with a copy of said advertisement; (e) the time
4 of sale; (f) the name of the purchaser; and (g) the price for
5 which each respective property was sold.]

6 Section 181. Section 2549 of the act, repealed in part June
7 3, 1971 (P.L.118, No.6), is repealed:

8 [Section 2549. Confirmation of Sale; Disposition of
9 Objections.--Upon the presentation of said report or return, if
10 it shall appear to said court that such sale has been regularly
11 conducted, under the provisions of this subdivision (c) of this
12 article, the said report and sales so made shall be confirmed
13 nisi; in case no objections or exceptions are filed to any such
14 sale in the office of the prothonotary within ninety days from
15 the date of such confirmation, a decree of absolute confirmation
16 shall be entered, as of course, by the prothonotary. Any
17 objections or exceptions to such a sale may raise the legality
18 of the taxes for nonpayment of which the real estate was sold or
19 the return thereof, or the validity of the sale for the reason
20 that the tax was actually paid, or question the regularity or
21 legality of the proceedings of the treasurer in any respect. In
22 case any objections or exceptions are filed, they shall be
23 disposed of according to the practice of the court, and, when
24 the same are overruled or set aside, a decree of absolute
25 confirmation shall be entered by the court. If such objections
26 or exceptions are sustained and the court deems the defect not
27 amendable, it shall, by its order or decree, invalidate the
28 sale. If no objections or exceptions are filed as herein
29 provided, or if such objections or exceptions are finally
30 overruled and the sale confirmed absolutely, the validity of the

1 assessment of the tax and the validity of the proceedings of the
2 treasurer, with respect to such sale, shall not thereafter be
3 inquired into judicially in equity or by civil proceedings by
4 the person or persons in whose name such property was sold, his,
5 her or their heirs, or his, her or their grantees or assigns,
6 subsequent to the date of the assessment of the taxes for which
7 such sale was made, and such sale, after the period of
8 redemption shall be terminated, shall be deemed to pass a good
9 and valid title to the purchaser as against the person or
10 persons in whose name such property was sold, provided the
11 purchaser has filed the bond for surplus moneys as hereinafter
12 provided.]

13 Section 182. Section 2550 of the act is repealed:

14 [Section 2550. Filing of Surplus Bond.--After any sale of
15 property or lands for delinquent taxes has been confirmed by the
16 court, as aforesaid, the purchaser or purchasers, where the bid
17 exceeds the taxes and costs as aforesaid, shall make and execute
18 to the said treasurer for the use of the persons entitled, a
19 bond for the surplus money that may remain after satisfying and
20 paying all the taxes and costs, as aforesaid, with warrant of
21 attorney to confess judgment annexed thereto. The treasurer
22 shall forthwith file said bond in the office of the prothonotary
23 of the proper county, at the number and term where said report
24 and return is filed. The surplus bond, filed as aforesaid, from
25 the time of the date of the deed for property thus sold, shall
26 bind as effectually, and in like manner as judgments, the land
27 by said treasurer sold, into whose hands or possession they may
28 come. The owners of said lands at the time of sale, their heirs
29 or assigns or other legal representatives, may, at any time
30 within five years after such sale, cause judgment to be entered

1 in said court upon said bond, in the name of said treasurer, for
2 the use of said owners, their heirs, assigns or legal
3 representatives, as the case may be. In case the moneys
4 mentioned in said bonds, with legal interest thereon from the
5 time it is demanded, be not paid within three months after such
6 entry, execution may forthwith issue for the recovery thereof.]

7 Section 183. Section 2551 of the act, amended August 17,
8 1951 (P.L.1262, No.299), is repealed:

9 [Section 2551. Acknowledgment and Delivery of Deeds.--When
10 the purchaser has paid the amount of his bid, or such portion
11 thereof as he is required to pay under this subdivision, and has
12 given the surplus bond as above required, the city treasurer
13 shall make the said purchasers, his or their heirs or assigns, a
14 deed in fee simple for the lands sold, as aforesaid, and the
15 said deed or deeds duly acknowledge in the court of common
16 pleas. Such acknowledgment shall be duly entered and recorded by
17 the prothonotary of said court in the treasurer's deed book. For
18 such service and the entry of the report of the city treasurer,
19 and filing surplus bond, the prothonotary shall receive the sum
20 of one dollar and fifty cents for each property sold.]

21 Section 184. Section 2552 of the act is repealed:

22 [Section 2552. Acknowledgment of Receipt of Redemption
23 Money.--Where the owner or other person interested in the land
24 thus sold shall redeem the same, and pay the satisfaction fee,
25 the city treasurer shall acknowledge the receipt of the
26 redemption moneys upon the margin of the acknowledgment of the
27 treasurer's deed, as the same is entered and recorded in the
28 prothonotary's office. Thereafter said deed shall be void and of
29 no effect. Thereupon such owner or persons interested shall be
30 entitled to have the treasurer's deed delivered up to him, her

1 or them by the purchaser for cancellation. The city treasurer
2 shall pay to said purchaser all the moneys he had paid at the
3 time of sale, together with the twenty-five per centum penalty
4 thereon; and shall enter upon the book of sales kept by him, as
5 hereinbefore provided, an acknowledgment or receipt showing that
6 the owner or party interested redeemed the same, giving date of
7 redemption and amount of money received.]

8 Section 185. Article XXV subdivision (d) heading and section
9 2560 of the act are repealed:

10 [(d) City Sales of Real Estate Purchased from Tax Claim Bureau

11 Section 2560. Real Estate Purchased from Tax Claim Bureau.--
12 Any city may, by ordinance, sell in the manner hereinafter
13 provided, any real estate owned by the city which has been
14 acquired by the city by purchase from a tax claim bureau at
15 public sales held by said bureau pursuant to the provisions of
16 the Real Estate Tax Sale Law, its amendments and supplements,
17 upon which real estate the city held at the time of such sale a
18 lien or liens for municipal improvements.]

19 Section 186. Section 2561 of the act, amended April 6, 1998
20 (P.L.236, No.44), is repealed:

21 [Section 2561. Sale Procedure.--(a) After an ordinance has
22 been passed authorizing and directing the sale of real estate as
23 provided for in section two thousand five hundred sixty, the
24 city treasurer shall advertise such proposed sale once a week
25 for three successive weeks in at least one newspaper of general
26 circulation in the city. The advertisement shall give a brief
27 description of the property to be sold sufficient to identify it
28 as to location and character, and the terms and conditions of
29 sale shall ask for sealed bids for the purchase thereof, direct
30 all bids to be sent to the city clerk on or before a certain

1 date, and give any other information relating to such bids as
2 may be necessary; shall announce that the bids shall be opened
3 and read at a public meeting of council to be held at a time
4 fixed, and that council shall have the right to reject any and
5 all bids. In lieu of the above contents of the advertisement,
6 the advertisement may give a brief description of the property
7 to be sold, sufficient to identify it as to location and
8 character, and provide for a public sale of the property to the
9 highest responsible bidder, at such time and place as shall be
10 designated by council, with the right reserved to council to
11 reject any and all bids.

12 (b) A city that elects to sell property to a nonprofit
13 corporation for community development or reuse may waive the
14 advertising and bidding requirements of subsection (a) only upon
15 entering into a written agreement with the nonprofit corporation
16 that requires the property to be used for industrial, commercial
17 or affordable housing purposes. This exemption shall not apply
18 to property on which existing governmental functions are
19 conducted.]

20 Section 187. Section 2562 of the act is repealed:

21 [Section 2562. Delivery of Deed.--If council accepts the
22 highest responsible bid for such property, the city treasurer
23 shall, within twenty days after such acceptance and upon the
24 receipt of the purchase money, deliver to the successful bidder,
25 his heirs or assigns, a deed in fee-simple for the property sold
26 as aforesaid, which shall be acknowledged by the mayor and
27 attested by the city clerk.]

28 Section 188. The act is amended by adding a section to read:

29 Section 2562.1. Conduct of Tax Sales.--The procedures and
30 requirements relating to the sale of property for delinquent

taxes, including, but not limited to, the advertisement for and
the time and conduct of the sale, the payment of the purchase
price and the distribution of proceeds, making the return and
confirmation of sale and the delivery of deed shall be governed
by the act of July 7, 1947 (P.L.1368, No.542), known as the
"Real Estate Tax Sale Law," or the Municipal Claim and Tax Lien
Law as utilized by the city in accordance with section 2542.1,
and by any applicable rules of court governing procedures for
tax sales.

Section 189. Article XXVI heading of the act is reenacted to
read:

ARTICLE XXVI

LICENSES AND LICENSE FEES

Section 190. Article XXVI subdivision (a) heading of the act
is repealed:

[(a) General Powers to License]

Section 191. Section 2601 of the act, amended October 4,
1978 (P.L.950, No.188), is amended to read:

Section 2601. [License Taxes for Revenue Purposes.--Council
may, by ordinance, levy and collect a license tax for general
revenue purposes, not exceeding one hundred dollars each,
annually, on all photographers, auctioneers, contractors,
druggists, hawkers, peddlers, produce or merchandise vendors,
bankers, brokers, other than real estate brokers, undertakers,
pawnbrokers, trading stamp or premium companies or dealers,
warehouses or storage houses or places, parking lot operators,
merchants of all kinds, persons selling or leasing goods upon
installments, grocers, confectioners, butchers, wholesale meat
dealers, restaurants, billiard parlors, bowling alleys, billiard
tables, pool tables, and other gaming tables and devices; all

1 motor buses and motor omnibuses, trackless trolley omnibuses and
2 street railway cars transporting passengers for pay or hire
3 within the limits of the city, or from such city only to points
4 within a radius of ten miles of the city's boundaries; all
5 skating rinks, operas, theatres, shows, circuses, menageries,
6 and all kinds of public exhibitions for pay, except those for
7 religious, educational or charitable purposes; all lumber
8 dealers, persons who work on commission and all persons who make
9 a business of buying lumber for sale at wholesale or retail; all
10 furniture dealers, saddle or harness dealers, stationers,
11 jewelers, livery or automobile or boarding-stable keepers; all
12 market-house companies and owners of market-houses, garage
13 companies, and owners of other than private garages, express
14 companies or agencies; and all persons operating vehicles upon
15 the streets of the city as carriers for hire or compensation,
16 which persons regularly pick up or deliver or otherwise
17 transport wholly within or to or from the city property at an
18 annual rate not in excess of ten dollars per vehicle so used,
19 but not to exceed one hundred dollars per annum from any person
20 so operating: Provided, however, That in lieu thereof, the city
21 may levy an annual license tax not in excess of one hundred
22 dollars upon any such person having a place of business located
23 within the city; and, where no other license tax is imposed, on
24 telegraph, telephone, steam-heating, gas, natural gas, water,
25 electric light or power companies, or agencies or individuals
26 furnishing communication, light, heat or power, by any of the
27 means enumerated, and to regulate the collection of the same. If
28 any person, firm or corporation conducts a business at more than
29 one location in a city, the business conducted at each location
30 shall be considered and assessed as a separate and independent

1 business, and shall be subject to a license tax: Provided, That
2 the word "business," as used in this sentence, shall not be
3 construed to mean or include any place of business at which the
4 principal business conducted is that of selling, storing or
5 distributing products manufactured by the firm, person or
6 corporation operating the business. The taxes assessed under
7 this section shall be in addition to all other taxes levied and
8 collected by the city, county, or Commonwealth.] Licensing and
9 Regulatory Powers.--In addition to all other powers granted by
10 this act and other laws, each city shall have the specific
11 licensing and regulatory authority provided by this article.

12 Section 192. The act is amended by adding a section to read:

13 Section 2601.1. Registration of Businesses or Occupations.--

14 (a) Council may, by ordinance, designate the types or kinds of
15 businesses or occupations located or carried out within the city
16 that are subject to annual registration with the city.

17 (b) Unless otherwise provided in this article, an ordinance
18 requiring registration in accordance with this section may
19 provide for an annual fee on businesses and occupations in an
20 amount reasonably related to the administration of the
21 registration program, not to exceed one hundred dollars.

22 Section 193. Sections 2602 and 2603 of the act are amended
23 to read:

24 Section 2602. Regulation of Motor Vehicles.--[Each city may
25 regulate the transportation by motor vehicles not operated on
26 tracks of passengers or property, for pay, within the limits of
27 the city, or from points in the city to points beyond the limits
28 of the city. In such regulation, the city may impose reasonable
29 license fees, make regulations for the operation of vehicles,
30 and may designate certain streets upon which such vehicles may

only be operated.] (a) Subject to subsection (b), a city may regulate transportation by motor vehicle.

(b) A city shall have no authority to, and shall not, regulate transportation by motor vehicle in a manner that is preempted by or is inconsistent with applicable Federal and State laws and regulations, policies or orders of Federal and State regulatory agencies.

(c) The following words and phrases when used in this section shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Regulate." Licensing and making regulations for transportation by motor vehicle, including the designation of streets for transportation by motor vehicle.

"Transportation by motor vehicle." The transportation, for pay, of passengers and property, within the limits of the city or from points in the city to points beyond the limits of the city, by a motor vehicle which is not operated on tracks.

Section 2603. Licensing of Plumbers.--Council may license and provide for the collection of a license fee from all persons, [copartnerships] partnerships, associations, or corporations engaged or engaging in the business or work of plumbing or house drainage, who shall have been certified as being qualified to engage in such business, in such manner as may be provided by ordinance or the laws of the Commonwealth.

Section 194. The act is amended by adding sections to read:

Section 2604. Power to Regulate and License Transient Merchants.--(a) With regard to transient merchants, a city shall have power, by ordinance, to regulate and license the transient merchant, including, but not limited to, requiring that a license be procured prior to commencement of transient

1 merchant activity.

2 (b) An ordinance adopted pursuant to subsection (a) may
3 impose a penalty not exceeding five hundred dollars for a
4 violation of its provisions and may provide for other means of
5 enforcement.

6 (c) The amount of a transient merchant license shall not
7 exceed two hundred fifty dollars for each month, or fractional
8 part thereof, during which any sale or solicitation is
9 continued.

10 (d) (1) The term "transient merchant" as used in this
11 section shall include all of the following:

12 (i) Transient wholesale and transient retail businesses for
13 the sale of goods, wares or merchandise within the city.

14 (ii) Transient charitable solicitors for the solicitation of
15 charitable contributions within the city.

16 (2) The term shall not include any of the following:

17 (i) Farmers selling their own produce.

18 (ii) Persons selling donated goods, wares and merchandise if
19 the proceeds of the sale are to be applied to any charitable or
20 philanthropic purpose.

21 (iii) A person selling bakery products, meat and meat
22 products or milk and milk products, if that person is the
23 manufacturer or producer of the products sold.

24 Section 2605. Regulation of Special Events.--(a) In
25 addition to other licensing and regulatory powers authorized in
26 this article, council shall have the authority, by ordinance, to
27 require a permit for and to reasonably regulate the conduct of a
28 special event, which may include, but is not limited to, a music
29 festival, concert, dance, circus, carnival, arts and craft show,
30 parade, public assembly, demonstration, performance, exhibition,

1 community event or block party.

2 (b) Regulation of a special event pursuant to this section
3 shall be for the purpose of protecting and preserving city and
4 public property or for the purpose of promoting or protecting
5 the public health, safety or welfare.

6 (c) Pursuant to this section a city may reasonably regulate
7 and require a permit for any of the following:

8 (1) A special event that will result in the obstruction of a
9 city street or sidewalk or that would compromise the ability of
10 the city to respond to a public safety emergency.

11 (2) A special event on any property wholly or partially
12 owned or maintained by the city.

13 (3) A special event on private property, if, in connection
14 with the event, the city will be providing city services,
15 including those relating to public safety, fire and sanitary
16 facilities, to a degree over and above that which the city
17 routinely provides.

18 Section 195. Article XXVI subdivision (b) heading, sections
19 2610, 2611 and 2612, subdivision (c) heading, sections 2620,
20 2621 and 2622, subdivision (d) heading, sections 2630, 2631,
21 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639 and 2640 and
22 subdivision (e) heading of the act are repealed:

23 [(b) Restrictions

24 Section 2610. Farmers.--No city shall levy or collect any
25 license fee from any farmer upon his sales of his own produce in
26 or about the streets of the city, but this provision shall not
27 be deemed to restrict in any other way a city's power to
28 regulate the conduct of such business.

29 Section 2611. Insurance Business.--No city shall levy or
30 collect any license fee upon insurance companies or their

1 agents, or insurance brokers, authorized to transact business
2 under the laws of the Commonwealth.

3 Section 2612. Persons Taking Orders by Samples.--No city
4 shall levy or collect any license fee or mercantile tax upon
5 persons taking orders for merchandise by sample, from dealers or
6 merchants for individuals or companies who pay a license or
7 mercantile tax at their chief places of business. Nothing in
8 this section shall authorize any person to sell by retail to
9 others than dealers or merchants.

10 (c) Transient Retail Merchants

11 Section 2620. Power to Regulate and License.--Every city
12 shall have power, by ordinance, to regulate and license each and
13 every transient wholesale and retail business within such city
14 for the sale of goods, wares, or merchandise, and to prohibit
15 the commencement or doing of any such business until or unless
16 the license required by such ordinance has been procured from
17 the proper authorities by the person, firm or corporation
18 desiring to commence such transient wholesale and retail
19 business, and to enforce such ordinances by penalties not
20 exceeding three hundred dollars and by other appropriate means.
21 The amount of such license shall not exceed two hundred dollars
22 for each month, or fractional part thereof, during which any
23 such sale is continued.

24 Section 2621. Exceptions.--Nothing contained in this
25 subdivision (c) shall be construed to apply (1) to farmers
26 selling their own produce, (2) to the sale of goods, wares, and
27 merchandise, donated by the owners thereof, the proceeds whereof
28 are to be applied to any charitable or philanthropic purpose, or
29 (3) to any manufacturer or producer in the sale of bread and
30 bakery products, meat and meat products, or milk and milk

1 products.

2 Section 2622. Commonwealth License Saved.--Nothing contained
3 in this subdivision (c) shall be construed to relieve any
4 person, partnership, or corporation from the duty of taking out
5 a license, or from the payment of any license tax imposed or
6 authorized by any other statute of this Commonwealth.

7 (d) Public Dances and Dance Halls

8 Section 2630. Definitions.--The term "public dance" or
9 "public ball," as used in this subdivision (d), shall be taken
10 to include any dance or ball conducted in connection with
11 instruction in dancing for hire, and any dance or ball to which
12 admission may be had by the payment of a fee or by the purchase,
13 possession, or presentation of a ticket or token, or in
14 connection with which a charge is made for caring for clothing
15 or other property, and any dance or ball to which the public
16 generally may gain admission with or without the payment of a
17 fee.

18 The term "dance hall" or "ball room," as used in this
19 subdivision, shall be taken to include any room, place, or space
20 in which a public dance or public ball, as herein defined, shall
21 be held, and any room, hall, or academy in which classes in
22 dancing are held and instruction in dancing is given for hire.

23 Section 2631. Permits for Dances; Fees.--No person, persons,
24 society, club, or corporation shall hold a public dance or
25 public ball, within the limits of any city, without having first
26 obtained a permit therefor from the mayor thereof, except for
27 dances held and conducted by regularly established instructors
28 in dancing in connection with such instruction.

29 The fee for such permit, which shall be paid at the time of
30 the issuing thereof, shall be one dollar for each public dance

1 or ball.

2 Section 2632. Dance Halls, Ball Rooms, and Academies to be
3 Licensed; Fees.--It shall be unlawful to hold or conduct any
4 public dance or public ball, or to hold or conduct classes in
5 dancing, or to give instructions in dancing for hire, in any
6 hall, ball room, or academy, within the limits of any city,
7 unless the dance hall or ball room or academy, in which the same
8 may be held, shall have been duly licensed for such purpose.

9 Application for such license shall be made by the proprietor
10 of such dance hall or ball room or academy to the mayor, who is
11 hereby authorized to issue the same.

12 The fee payable for each such license granted hereunder shall
13 be as follows:

14 In the case of dance halls maintained and conducted in
15 connection with regularly established instruction in dancing,
16 and exclusively used in such connection, the annual license fee
17 shall be ten dollars.

18 In the case of all other dance halls and ball rooms, the
19 annual license fee shall be fifteen dollars.

20 Each license granted hereunder shall expire on the first day
21 of June of each year.

22 The fee payable for each license granted hereunder shall be
23 for the whole or any portion of a calendar year, and all moneys
24 received by way of license fees hereunder shall be paid into the
25 general fund of the city.

26 Every licensed public dance hall or ball room or academy
27 shall post its license in a conspicuous place within the hall
28 where the dance is held.

29 Section 2633. Mayor to Investigate Applications.--It shall
30 be the duty of the mayor to cause an investigation of all

1 applications for public dance hall or ball room licenses to
2 determine whether or not the dance hall, ball room, or academy,
3 sought to be licensed, complies with the rules, regulations,
4 ordinances, and laws applicable thereto, and, in making such
5 investigation he shall, when desired, have the assistance of any
6 department of the government of the city.

7 Section 2634. Safe and Proper Places only to be Licensed.--

8 No license for a public dance hall or ball room or academy shall
9 be issued until it shall be ascertained that the place for which
10 it is issued complies with and conforms to all laws, ordinances,
11 health and fire regulations, applicable thereto, and is a safe
12 and proper place for the purpose for which it shall be used,
13 properly ventilated, and supplied with sufficient toilet
14 conveniences.

15 Section 2635. Revocation of Licenses.--The license of any
16 public dance hall or ball room or academy may be forfeited or
17 revoked by the mayor for disorderly or immoral conduct on the
18 premises, or upon proof that the dance hall, ball room, or
19 academy was frequented by disorderly or immoral persons, or for
20 the violation of any of the rules, regulations, ordinances, and
21 laws governing or applying to public dance halls, ball rooms, or
22 academies, or public dances. If at any time the license of a
23 public dance hall, ball room, or academy shall be forfeited or
24 revoked, at least three months shall elapse before another
25 license or permit shall be granted for dancing on the same
26 premises.

27 Section 2636. Licensed Places to be Kept Clean.--All public
28 dance halls or ball rooms or academies shall be kept at all
29 times in a clean, healthful, and sanitary condition, and all
30 stairways and other passages and all rooms connected with public

1 dance hall, ball room, or academy shall be kept open and well
2 lighted.

3 Section 2637. Inspection of Licensed Places; Power of Police
4 to Vacate.--All public dance halls, ball rooms, and academies
5 shall be subject to inspection by the police department of the
6 city at all reasonable times and whenever they are open for
7 dancing, instruction in dancing, or for any other purpose.

8 Any police officer shall have the power to cause the place,
9 hall, or room where any public dance or ball is given to be
10 vacated whenever any provision of any law or ordinance with
11 regard to public dances and public balls is being violated, or
12 whenever any indecent act shall be committed, or when any
13 disorder of a gross, violent or vulgar character shall take
14 place therein.

15 Section 2638. Persons Under Sixteen to be Excluded after
16 Nine O'clock Post Meridian.--It shall be unlawful, after nine
17 o'clock post meridian, to permit any person to attend or take
18 part in any public dance who has not reached the age of sixteen
19 years.

20 Section 2639. Halls to be Closed at One O'clock Ante
21 Meridian.--All public dances shall be discontinued, and all
22 public dance halls shall be closed, on or before the hour of one
23 o'clock ante meridian: Provided, however, That upon the
24 application of a bona fide organization or society, and upon an
25 investigation by the proper authority, the mayor may grant such
26 organization or society a permit to continue a dance until two
27 o'clock ante meridian.

28 Section 2640. Penalties.--Any person, persons, society,
29 club, or corporation who shall violate any of the provisions of
30 this subdivision (d), shall be subject to a penalty of twenty-

1 five dollars, to be recovered with costs in a summary
2 proceeding.

3 (e) Parking Lots for Profit]

4 Section 196. Section 2650 of the act, amended October 5,
5 1979 (P.L.195, No.64), is amended to read:

6 Section 2650. Regulation[; Revenue; Bonding] of Parking Lot
7 and Parking Garage Operators.--(a) For the purposes of
8 protecting the public [and of raising revenue], each city may
9 enact suitable ordinances regulating the business of operating
10 [for profit] for-profit parking lots and for-profit parking
11 garages within the city [and may require such lots to reserve
12 areas exclusively for parking by handicapped individuals.
13 License or permit fees may be charged and collected from the
14 operators of such parking lots]. Ordinances shall be consistent
15 with 75 Pa.C.S. (relating to vehicles). Each city may require
16 for-profit parking lots and for-profit parking garages to
17 reserve areas exclusively for parking by handicapped
18 individuals. Nothing in this section shall be construed to limit
19 the protections and prohibitions contained in section 202 of the
20 Americans with Disabilities Act of 1990 (Public Law 101-336, 104
21 Stat. 327), the act of October 27, 1955 (P.L.744, No.222), known
22 as the "Pennsylvania Human Relations Act," and the Federal and
23 State rules and regulations adopted in implementation of those
24 acts. License and permit requirements may be imposed on for-
25 profit parking lots and for-profit parking garages and license
26 or permit fees may be charged and collected from the operators
27 thereof.

28 (b) Any city adopting [such] a regulatory plan [shall
29 require from each operator a bond to be approved by council for
30 the protection of the public from loss of or damage to the

1 vehicles parked, stored or placed under the jurisdiction of such
2 parking lot operator.] applicable to for-profit parking lots and
3 for-profit parking garages shall have the authority to require
4 that each operator maintain insurance, from an insurer legally
5 authorized to conduct business in this Commonwealth, in amounts
6 not less than that which is prescribed by council for the
7 protection of the public from loss of or damage to the vehicles
8 parked, stored or placed under the jurisdiction of the operator
9 and against liability arising out of the ownership or use of the
10 parking lot or parking garage.

11 Section 197. The act is amended by adding sections to read:

12 Section 2651. Farmers.--No city shall levy or collect any
13 license fee from any farmer upon sales of the farmer's own
14 produce in or about the streets of the city. This section shall
15 not restrict in any other way a city's power to regulate the
16 conduct of a farmer's business.

17 Section 2652. Insurance Business.--No city shall levy or
18 collect any license fee upon insurance companies or their
19 agents, or insurance brokers, authorized to transact business
20 under the laws of this Commonwealth.

21 Section 2653. Persons Taking Orders By Samples.--No city
22 shall levy or collect any license fee or mercantile tax upon
23 persons taking orders for merchandise by sample, from dealers or
24 merchants for individuals or companies who pay a license or
25 mercantile tax at their chief places of business. Nothing in
26 this section shall authorize a person to sell by retail to
27 persons other than dealers or merchants without payment of a
28 license or permit fee.

29 Section 2654. Commonwealth License Saved.--Nothing contained
30 in this article shall be construed to relieve any person,

partnership or corporation from the duty of taking out a license
or from the payment of any license tax or fee imposed or
authorized by any other statute, nor shall any Commonwealth
license tax or fee preempt the registration, license or
regulatory powers of a city in accordance with this article,
unless the preemption is expressly authorized.

Section 198. Article XXVII heading of the act is amended to
read:

ARTICLE XXVII

[INDEBTEDNESS] REAL ESTATE REGISTRY

Section 199. Sections 2701 and 2703 of the act are repealed:

[Section 2701. No Unauthorized Debt to be Created.--No city
and no municipal department thereof shall create any debt,
except in pursuance of previous authority of law or ordinance.

Section 2703. Liability in Bond Transfers.--All certificates
of loans, issued by a city, shall be transferable by the legal
owners thereof without any liability on the part of the transfer
agents of the city to recognize or see to the execution of any
trust, whether expressed or implied, or constructive, to which
such loans may be subject, unless such transfer agents of the
city shall have previously received notice, in writing, signed
by or on behalf of the person for whom such loans appear by the
certificate thereof to be held in trust, that the proposed
transfer would be a violation of such trust.]

Section 200. The act is amended by adding a section to read:

Section 2704. Real Estate Registry.--(a) For the purpose of
procuring accurate information in reference to the ownership of
all real estate, the council of each city may provide, by
ordinance, for a real estate registry in accordance with the act
of October 9, 2008 (P.L.1400, No.110), known as the "Uniform

Municipal Deed Registration Act." If required by the ordinance, every owner, subsequent purchaser, devisee or person acquiring title by partition or otherwise to any real estate in the city shall furnish, at the designated city office, descriptions of their respective properties upon blanks to be furnished by the city and, at the same time, present their conveyance to be stamped by the designated city official or employee, without charge, as evidence of its registration. A person who fails to register real estate as required by this article shall be liable for a penalty established by ordinance to be recovered, with costs of suit, in the name and for the use of the city, as penalties for the violation of city ordinances are recoverable.

(b) A registry established in accordance with this article shall be in the form provided by council and may include books, maps and plans. The registry shall show the location and dimensions of each property in the city, as well as the street number of and the name of the owner or owners of the properties, and shall allow for the inclusion of the names of future owners and dates of future transfer of title.

(c) A city official or employee charged with acquiring information necessary to establish and maintain the registry shall have free access, without charge, to any of the public records wherein the information may be obtained. The official or employee may also cause search to be made in any other place for any documentary or other evidence of title, not reported to him or her pursuant to this article, if it is necessary for the completion of the registry.

(d) The registry shall be preserved in the manner council shall designate, in accordance with 53 Pa.C.S. Ch. 13 Subch. F (relating to records).

1 (e) The official or employee charged with the duty of
2 maintaining the registry may provide certified copies of any of
3 the entries thereto, and the copies shall be received in
4 evidence in the same manner as the original registry would be
5 admissible. Certified copies also may be furnished to any person
6 for a reasonable fee.

7 (f) The sheriff of the county in which the city is situated
8 shall present for registry the deeds of all properties within
9 the city limits sold by the sheriff at judicial sales, whether
10 by execution, in partition or otherwise.

11 (g) Each city's registry may be used as the lawful and
12 proper source of property owners' or reputed owners' names for
13 all lawful purposes including the filing of municipal claims.

14 (h) Nothing in this section shall invalidate any municipal
15 or tax claim by reason of the fact that the same is not assessed
16 or levied against the registered owner.

17 Section 201. The act is amended by adding an article to
18 read:

19 ARTICLE XXVII-A

20 NUISANCE ABATEMENT

21 Section 2701-A. Definitions.--The following words and
22 phrases, as used in this article, shall have, unless the context
23 clearly indicates otherwise, the meanings given to them in this
24 section:

25 "Abatement." The removal, stoppage or destruction by any
26 reasonable means of that which causes or constitutes a public
27 nuisance.

28 "Department." The department designated by the city council
29 to determine the existence of and to abate a public nuisance in
30 accordance with this article.

1 "Owner." With regard to the property on which the alleged
2 public nuisance exists, the owner of record based upon the
3 city's real estate registry, if the city maintains a registry,
4 or if the city does not maintain a real estate registry, on the
5 tax assessment records of the city, if any, or of the county in
6 which the city is located. The term may include any person in
7 whom is vested all or any part of the legal or equitable title
8 to the property or who has charge, care or control of the
9 property as agent, executor, administrator, assignee, receiver,
10 trustee, guardian, lessee or mortgagee in possession.

11 "Property." Any personal property or any real property and
12 any improvements thereto.

13 "Public nuisance."

14 (1) Any conduct or any property, or condition or use of
15 property, defined or declared to be a public nuisance under any
16 provision of this act or other law.

17 (2) Conduct or property, or the condition or use of property
18 if the department determines that it endangers the health or
19 safety of, or causes any hurt, harm, inconvenience, discomfort,
20 damage or injury to, any person or property in the city, by
21 reason of the conduct or property, or the condition or use of
22 the property, being any of the following:

23 (i) A menace, threat or hazard to the general health and
24 safety of the community.

25 (ii) A fire hazard.

26 (iii) A building or structure that is unsafe for occupancy
27 or use.

28 (iv) Property that is so inadequately or insufficiently
29 maintained that it diminishes or depreciates the enjoyment and
30 use of other property in its immediate vicinity to such an

1 extent that it is harmful to the community in which the property
2 is situated.

3 (3) Unauthorized accumulations of garbage and rubbish and
4 the unauthorized storage of abandoned or junked automobiles or
5 other vehicles on private or public property, and the carrying
6 on of any offensive manufacture or business.

7 "Summary abatement." Abatement of a public nuisance by the
8 city without prior notice to the owner of the property in
9 accordance with this article.

10 Section 2702-A. Report and Investigation of a Public
11 Nuisance.--(a) Council shall designate the department to which
12 reports of the existence of a possible public nuisance shall be
13 made.

14 (b) The designated department shall establish criteria for
15 investigating reports made to it to determine the existence of a
16 public nuisance. The reports may be submitted by any member of
17 the public, any city employe or elected or appointed city
18 official or result from inspections made by the department.

19 (c) If the department, either as a result of a report made
20 to it or an investigation made by it, reasonably believes the
21 reported property involves a building which appears to be
22 structurally unsafe, it shall notify the city's building
23 inspector or other appropriate official who shall cause the
24 property to be inspected, subject to constitutional standards in
25 a similar manner as provided in section 2308, and submit a
26 written report to the department.

27 (d) Upon completing its investigation and receiving any
28 written reports required by subsection (c), the department shall
29 determine all of the following:

30 (1) If a public nuisance exists.

1 (2) If the public nuisance is of such a severe and
2 substantial nature that it presents a clear, immediate and
3 substantial danger to public health or safety or to the health
4 or safety of any occupant of a property on which a public
5 nuisance exists or of any property in the vicinity of the public
6 nuisance, that it is sufficient to justify extraordinary and
7 immediate action without prior notice to the owner of the
8 property to avoid personal injury, death or substantial loss of
9 property.

10 (e) Following an investigation, the department shall retain
11 a copy of its findings including any reports made to it and any
12 photographs of the property or condition investigated, pursuant
13 to 53 Pa.C.S. Ch. 13 Subch. F (relating to records).

14 Section 2703-A. Summary Abatement.--(a) A city shall have
15 the power to utilize summary abatement in accordance with this
16 section.

17 (b) In the case of a reported public nuisance, the
18 department shall have authority to utilize summary abatement if
19 all of the following occur:

20 (1) The department determines the existence of the criteria
21 in section 2702-A(d)(1) and (2).

22 (2) The mayor, or the mayor's designee, provides express
23 authorization to utilize summary abatement.

24 (c) If summary abatement is implemented pursuant to
25 subsection (b), the department shall have the authority to enter
26 upon the property for the purpose of abatement without prior
27 notice to the owner of the property or to the holders of liens
28 thereon.

29 (d) The following shall apply:

30 (1) Within ten days following a summary abatement, the

1 department shall post on the property upon which the abatement
2 has occurred a notice describing the action taken to abate the
3 nuisance.

4 (2) Within twenty days following a summary abatement, the
5 department shall determine the identity of the owner of the
6 property by reference to the city's real estate registry, if the
7 city maintains a registry, or in the absence of a registry, by
8 reference to county assessment records and the identity of the
9 holders of all liens upon the property which are properly
10 indexed among the records of the county and provide to the owner
11 and to all lienholders written notice, by first class mail or
12 hand delivery, of the action taken to abate the nuisance.

13 (3) Within thirty days following a summary abatement, the
14 department shall file with the city treasurer or other financial
15 officer of the city designated by council a statement of costs
16 of the abatement, which shall include the administrative fee and
17 civil penalty provided by this article. After filing with the
18 city treasurer, notice of the statement of costs shall be
19 provided to the owner and lienholders in accordance with section
20 2704-A(b).

21 Section 2704-A. Prior Notice of Abatement.--(a) The
22 department shall have the authority to abate a public nuisance
23 with prior notice as provided by this section if, after
24 inspecting the property or condition reported to be a public
25 nuisance, subject to constitutional standards in a similar
26 manner as provided in section 2308, the department determines,
27 as provided for in section 2702-A(d)(1), that the public
28 nuisance exists.

29 (b) (1) If the department proceeds with abatement pursuant
30 to this section, it shall identify the owner of the property by

reference to the city's real estate registry, if the city maintains a registry, or in the absence of a registry, by reference to county assessment records, and shall immediately serve a written notice on the owner by any of the following methods:

(i) Personal service.

(ii) Leaving a copy of the notice at the usual place of residence or business of the owner or the address of the owner shown in the city's real estate registry or in the records in the office of the recorder of deeds.

(iii) Mailing a copy by United States certified mail, return receipt requested, to the owner at the owner's current address shown in the city's real estate registry or in the records in the office of the recorder of deeds.

(2) If service of the written notice is unable to be perfected by any of the methods under clause (1), the department shall publish a copy of the notice in a newspaper once a week for two consecutive weeks and shall provide a copy of the notice to the individual in possession of the property on which the department has determined that the public nuisance exists, or if there is no individual in possession of the property, the department shall post a copy of the notice at the structure, location or premises.

(3) The department shall determine from the records in the offices of the recorder of deeds the identities of all lienholders of the property and serve a written notice on all lienholders by United States certified mail, return receipt requested.

(c) The notice to the owner and lienholders shall state clearly and concisely the findings and determination of the

1 department with respect to the existence of a public nuisance.
2 The notice shall further state that the public nuisance shall be
3 abated by the city at the expense of the owner unless it is
4 otherwise abated within thirty days of the notice or within any
5 extension of that period granted by the department.

6 (d) A person who is the owner of the premises, location or
7 structure at the time a notice to abate a public nuisance is
8 issued and served upon the person shall be responsible for
9 complying with the notice and shall be liable for any costs
10 incurred by the city in connection with the notice,
11 notwithstanding if the person conveyed his or her interest in
12 the property to another after the notice was issued and served.

13 (e) It shall not be a defense to the determination that a
14 public nuisance exists that the property is boarded up or
15 otherwise enclosed.

16 Section 2705-A. Abatement by Owner.--(a) Within thirty days
17 after written notice has been provided pursuant to section 2704-
18 A(b) (1) or (2), the owner shall remove and abate the nuisance.

19 (b) The department, upon written application by the owner
20 within the thirty-day period referred to in subsection (a), may
21 grant additional time for the owner to effect the abatement of
22 the public nuisance, if the extension is limited to a specific
23 time period.

24 Section 2706-A. Appeal After Notice; Hearing.--(a) A city
25 shall, by ordinance, provide a procedure pursuant to which an
26 owner of the property who has been served with a notice pursuant
27 to section 2704-A(b) (1) or (2) may request and have a timely
28 hearing on the question of whether a public nuisance in fact
29 exists.

30 (b) Council, or a committee of three council members

1 appointed by council, shall constitute the public nuisance
2 appeals board which, if an appeal is taken, shall conduct the
3 hearing on the question of whether a public nuisance in fact
4 exists. The appeals board may uphold, amend or modify the
5 determination of the department or extend the time for
6 compliance with the department's order if the extension is
7 limited to a specific time period.

8 (c) An appeal under this section shall toll the running of
9 the period of time within which the nuisance is to be abated
10 until a decision is rendered by the appeals board.

11 Section 2707-A. Abatement by City After Notice; Statement of
12 Costs.--If a public nuisance has not been abated at the
13 expiration of thirty days after notice has been provided or
14 within the additional time as the department or appeals board
15 may grant, taking into consideration the provisions of section
16 2706-A(c), the department shall have the authority to enter upon
17 the property for the purpose of abatement. Upon abatement in
18 accordance with this section, the department shall file with the
19 city treasurer or other financial officer of the city designated
20 by council a statement of costs of the abatement which shall
21 include the administrative fee and civil penalty provided by
22 this article.

23 Section 2708-A. Assistance in Abatement.--In abating a
24 public nuisance, the department may call upon any of the city
25 departments or divisions for whatever assistance shall be deemed
26 necessary or may abate the public nuisance by private contract.

27 Section 2709-A. Salvage of Material.--If deemed practicable
28 by the department, the department may salvage and sell at
29 private or public sale any material derived from an abatement of
30 a public nuisance. Pursuant to ordinance, all of the following

1 shall apply to the proceeds obtained from the sale of any
2 material salvaged as a result of an abatement:

3 (1) The proceeds shall be deposited as directed by
4 ordinance.

5 (2) The proceeds may be applied against the amount of the
6 costs, fees and penalties relating to the abatement.

7 (3) If the amount of the proceeds exceeds the amount of the
8 costs, fees and penalties, any excess shall be paid to the
9 owner.

10 Section 2710-A. Notice of Assessment; Appeal of Charges.--

11 (a) Upon receipt of the statement of costs from the department,
12 either for a summary abatement pursuant to section 2703-A or for
13 an abatement with notice pursuant to section 2704-A, the
14 treasurer or other financial officer of the city designated by
15 council shall, in accordance with section 2704-A(b), give notice
16 of the amount set forth in the statement of costs to the owner
17 and lienholders of the property upon which the public nuisance
18 has been abated. The notice shall state that the city proposes
19 to assess against the property the amount set forth in the
20 notice and that objections to the proposed assessment must be
21 made in writing and received by the designated officer within
22 twenty days from the date of mailing the notice.

23 (b) Upon the expiration of the twenty-day period, if no
24 written objections have been received by the officer, the total
25 amount of costs, fees and penalties specified in the statement
26 of costs may be entered as a lien against the property on which
27 the nuisance was abated and shall be collected in the manner
28 provided for the collection of municipal claims and liens,
29 subject to rights of appeal provided in this section.

30 (c) If objections of the owner or a lienholder are received

1 by the designated officer prior to the expiration of the twenty-
2 day period, the officer shall refer the matter to the department
3 for administrative review.

4 (d) The city shall, by ordinance, provide a procedure by
5 which the department shall make a determination regarding any
6 timely filed objection and by which an appeal of the
7 department's determination may be made to the appeals board
8 referred to in section 2706-A(b).

9 (e) The determination of the appeals board shall be a final
10 administrative decision within the city.

11 (f) The department, in administrative review, or the appeals
12 board, on appeal, may reduce or cancel a proposed assessment if
13 it is determined that any of the following did not conform to
14 the provisions of this article:

15 (1) The notice to remove the nuisance.

16 (2) The work performed in abating the nuisance.

17 (3) The computation of charges.

18 (g) The department, in administrative review, or the appeals
19 board, on appeal, may reduce a proposed assessment by
20 eliminating the civil penalty portion of the statement of costs
21 if any of the following applies:

22 (1) The current owner did not own the property at the time
23 the notice required in section 2703-A was posted.

24 (2) The owner did not receive the notice to remove the
25 nuisance, did not have knowledge of the nuisance and could not,
26 with the exercise of reasonable diligence, have had knowledge of
27 the nuisance.

28 Section 2711-A. Personal Liability of Owner.--
29 Notwithstanding the right of the city to utilize in rem
30 proceedings to pursue collection of the costs, fees and

1 penalties in the statement of costs as a municipal claim, the
2 person who is the owner of the property at the time of a summary
3 abatement at which the notice required is given or, in the case
4 of an abatement pursuant to section 2704-A, the person who was
5 the owner of the property at the time notice of the existence of
6 the public nuisance was given shall be personally liable for the
7 amount of the assessment, including all interest, other charges
8 and, except as provided in section 2710-A(g), civil penalties.

9 Section 2712-A. Administrative Fee and Civil Penalties.--
10 Whenever a public nuisance is abated by the city, the statement
11 of the costs of the public nuisance shall include the city's
12 actual cost of abatement, plus an administrative fee, not to
13 exceed ten per centum, and a civil penalty. For the first
14 abatement of a nuisance upon any owner's property within the
15 city in any two-year period, the civil penalty shall be two
16 hundred fifty dollars. For second and subsequent abatements,
17 upon any properties of any owner within the city during any two-
18 year period, the civil penalty shall be five hundred dollars.
19 The increased civil penalty shall be imposed and collected
20 regardless of whether the second and subsequent nuisances upon
21 property or properties of an owner involve the same property or
22 are of the same or different characters.

23 Section 202. Article XXVIII heading of the act is amended to
24 read:

25 ARTICLE XXVIII

26 [PROCEDURE FOR THE EXERCISE OF EMINENT DOMAIN AND THE
27 ASSESSMENT OF DAMAGES AND BENEFITS BY VIEWERS]

28 EMINENT DOMAIN

29 Section 203. Sections 2801 and 2802 of the act are amended
30 to read:

1 Section 2801. Exercise of Eminent Domain.--[In the] (a) In
2 addition to all other purposes for which a city may exercise the
3 power of eminent domain as authorized by this act or by other
4 laws of the Commonwealth, and subject to the duty to provide
5 just compensation, a city may acquire property by eminent
6 domain, including entering upon, appropriating, taking, using
7 and occupying private lands and property for any of the
8 following public purposes:

9 (1) The laying out, opening, widening, extending, vacating,
10 grading, or changing the grades or lines[,] of streets[, the].

11 (2) The construction of bridges, and the piers, abutments
12 and approaches therefor[, the].

13 (3) The construction of slopes, embankments and storm water
14 sewers, including storm water drains[, the].

15 (4) The erection and extension of [water-works] waterworks,
16 wharves and docks, public buildings, public works, filtration
17 plants, sewage systems, sewage treatment works, [garbage] waste
18 disposal plants, [lands and places for the disposal of ashes and
19 other refuse materials] including disposal of garbage, ashes and
20 other refuse materials and transfer facilities, gas plants,
21 electric power and light plants, [houses of detention,
22 workhouses, poor farms, poor houses,] fire [engine] houses,
23 hospitals, public auditoriums, memorial buildings, public
24 transportation facilities, comfort stations, homeless shelters,
25 waiting stations, communications facilities, drinking fountains,
26 [and] libraries[, the] and other public buildings and public
27 works.

28 (5) The establishing of recreation places[, and].

29 (6) The changing of watercourses[, the].

30 (7) The acquisition of lands, easements and property for use

1 of the Pennsylvania National Guard[, and for all other purposes
2 authorized by this act and the laws of the Commonwealth, a city
3 may enter upon, appropriate, take, use, occupy, injure, or
4 destroy, private lands, property, toll bridges, or material. All
5 such action by the city shall be provided for by ordinance. A
6 copy of each such ordinance shall be recorded within thirty days
7 after its enactment in the office of the recorder of deeds in
8 and for the county or counties wherein such property is situate,
9 and shall be indexed in the name of the property owner affected
10 thereby. A copy of the ordinance shall be sent by registered
11 mail to each such property owner at his last known address.] in
12 accordance with sections 4413-A and 4414-A.

13 (b) Eminent domain proceedings shall be subject to and
14 conform with the provisions of 26 Pa.C.S. (relating to eminent
15 domain).

16 Section 2802. Restrictions as to Certain Property.--In
17 addition to the restrictions made by other provisions of this
18 act in particular cases or by any other provision of law, no
19 city shall exercise the right of eminent domain as against land
20 now occupied by any building which was used during the Colonial
21 or Revolutionary period as a place of Assembly by the Council of
22 the Colony of Pennsylvania, the Supreme Executive Council of the
23 Commonwealth of Pennsylvania, or the Congress of the United
24 States; or as against the land occupied by any fort, redoubt, or
25 blockhouse[,] erected during the Colonial or Revolutionary
26 period[,] or any building used as headquarters by the Commander-
27 in-Chief of the Continental Army, or as against the site of any
28 building, fort, redoubt, blockhouse, or headquarters[,] which
29 are preserved for their historic associations and not for
30 private profit. The Colonial and Revolutionary period shall be

[taken as] deemed to have ended on the third day of September,
one thousand seven hundred and eighty-three.

Section 204. The act is amended by adding a section to read:

Section 2803. Title Acquired.--Except as otherwise provided
in law, if land or other real or personal property is acquired
by a city in eminent domain proceedings or is acquired by gift,
purchase or otherwise, the title obtained by the city shall be
in fee simple absolute or like absolute ownership unless the
parties agree otherwise in writing and the agreement expressly
appears in a recorded deed affecting any real property acquired
by the city or in the notice of condemnation.

Section 205. Sections 2809 and 2823 of the act are repealed:

[Section 2809. Value of Land or Property not to be Assessed
as Benefits; Exception.--In all cases of the appropriation of
land or property for public use, other than for streets, it
shall not be lawful to assess any portion of the damage done to
or value of the land or property so appropriated, against the
other property adjoining or in the vicinity of the land or
property so appropriated.

Section 2823. Assessment of Damages and Benefits.--The
damages may be paid, in whole or in part, by the city, or may be
assessed, in whole or in part, upon the land or property
benefited. In the latter case, the viewers having first
determined the damages apart from the benefits shall assess the
total cost of the improvement, or so much thereof as may be just
and reasonable, upon the lands or properties peculiarly
benefited, including in the assessment all parties for which
damages have been allowed, and shall report the same to the
court. The total assessments for benefits shall not exceed the
total damages awarded or agreed upon.]

1 Section 206. Section 2824 of the act is reenacted to read:

2 Section 2824. Assessment Awards.--In proceedings to assess
3 damages and benefits, if the land or property is both benefited
4 and damaged by such improvements, the excess of damages over
5 benefits, or the excess of benefits over damages, or nothing in
6 case the benefits and damages are equal, shall be awarded to or
7 assessed against the owner of land and property affected
8 thereby.

9 Section 207. Section 2850 of the act is repealed:

10 [Section 2850. Title Acquired.--In all cases where land or
11 property is acquired by the city in eminent domain proceedings
12 other than for street purposes, or is acquired by gift, purchase
13 or otherwise, the title obtained by the city shall be in fee
14 simple or like absolute ownership: Provided, That in particular
15 instances a different title may by agreement or consent be
16 acquired.]

17 Section 208. Article XXIX heading of the act is reenacted to
18 read:

19 ARTICLE XXIX

20 STREETS

21 Section 209. The heading of subdivision (a) of Article XXIX
22 of the act is repealed:

23 [(a) Plans and Location]

24 Section 210. The act is amended by adding sections to read:

25 Section 2901. Map of Streets.--Council may authorize and
26 approve a comprehensive map of city streets which may, but need
27 not, be a part of an official map adopted in accordance with the
28 Municipalities Planning Code. If a comprehensive map of city
29 streets is adopted, any street subsequently laid out in
30 accordance with this act shall be deemed an amendment to the

1 comprehensive map.

2 Section 2902. Laying Out Streets.--(a) A city shall have
3 the power to and may lay out streets by any of the following
4 means:

5 (1) By identifying the street on a comprehensive map of city
6 streets, in an amendment to the comprehensive map or in a
7 recorded subdivision or land development plan.

8 (2) By an ordinance laying out any area for future opening
9 as a public street.

10 (b) If, at the time of the enactment of an ordinance in
11 accordance with subsection (a)(2), the lines of the laid-out
12 street include property not subject to use as a public
13 passageway, the ordinance shall be filed with the recorder of
14 deeds of the county where the city is located. The recorder of
15 deeds shall index the ordinance by name of city, the name of the
16 property owner and, if applicable, the parcel number of the
17 property through which the proposed street is laid out.

18 Section 2903. Effect of Laying Out of Street.--With regard
19 to land not previously used by the city as a passageway for
20 public travel, the laying out and locating of a street in
21 accordance with this article shall not, in and of itself, do any
22 of the following:

23 (1) Authorize the entry upon or the appropriation of any
24 property.

25 (2) Constitute the opening of any street or the taking or
26 acceptance of any land.

27 (3) Obligate the city to improve or maintain the street or
28 land.

29 Section 2904. Improvements Within Laid-out Streets.--No
30 permit shall be issued for any building within the lines of any

1 street laid out pursuant to this article. No person shall
2 recover any damages for the taking for public use of any
3 building or improvements constructed within the lines of any
4 street after the same shall have been included in the general
5 plan or official map, and any building or improvement shall be
6 removed at the expense of the owner.

7 Section 211. Article XXIX subdivision (b) heading of the act
8 is repealed:

9 [(b) Opening, Widening, Extending, Straightening and Vacating]

10 Section 212. Section 2915 of the act is amended to read:

11 Section 2915. Power to Open, Etc.--[Cities] (a) With regard
12 to any street or any part of a street within city limits, a city
13 may, with or without any petition of property owners, [may] do
14 any of the following:

15 (1) [open] Open, widen, straighten, alter, extend and
16 improve[, and may].

17 (2) [establish] Establish or reestablish the grades [of,
18 and].

19 (3) [keep] Keep in order and repair and in safe passable
20 condition[, any street, or any part thereof, within the city
21 limits, or may].

22 (4) [vacate] Vacate and discontinue [the same] whenever
23 deemed expedient for the public good[,].

24 (5) With the approval of the Department of Transportation,
25 vacate highways laid out by the Commonwealth within the city
26 limits which have remained unopened for thirty years.

27 (b) [and] A city may provide for the payment of the cost
28 [thereof,] for any of the actions authorized in subsection (a),
29 either in whole or in part, from the general revenues of the
30 city. [Cities may vacate highways laid out by the Commonwealth

1 within their limits, which highways have remained unopened for
2 thirty years.]

3 Section 213. Section 2916 of the act, amended June 14, 1961
4 (P.L.362, No.197), is amended to read:

5 Section 2916. Ordinances [when no] When No Petition is
6 Presented.--[Any ordinance for] (a) An ordinance shall be
7 enacted for the opening, widening, straightening, extending or
8 vacating of any street, without petition of property owners,
9 [shall be adopted] by the affirmative vote of [at least four
10 members of any five member council, and under the mayor-council
11 plan A of government adopted pursuant to the Optional Third
12 Class City Charter Law, by the affirmative vote of at least five
13 members of a seven member council and by the affirmative vote of
14 at least seven members of a nine member council] a majority of
15 the whole number of members of the council plus one.

16 (b) [No such ordinance shall be finally adopted] An
17 ordinance pursuant to subsection (a) shall not be finally
18 enacted until the expiration of twenty-eight days from the date
19 of its introduction and, in the meantime, copies thereof shall
20 be published in [one or more of the newspapers of the city,] a
21 newspaper once a week for three consecutive weeks[, immediately
22 following the introduction thereof[, and in case no newspaper is
23 published in the city, then in the same manner in one newspaper
24 published in the county].

25 Section 214. Sections 2917, 2918 and 2919 of the act are
26 amended to read:

27 Section 2917. Erection of Improvements Restricted.--Any
28 ordinance widening or straightening any street, or part thereof,
29 shall fix the new line or lines and may require that thereafter
30 no owner or builder shall erect any new building or rebuild or

1 alter the front of any building already erected without making
2 it conform to the new lines[. In], in which case the land
3 owner's right of action shall accrue only when the city actually
4 enters on and occupies the land within the [said lines, or the
5 said] lines or the building is located or relocated to conform
6 to [said] the lines.

7 Section 2918. Petition for Opening, Etc.--(a) A petition
8 may be presented to council for the opening, widening,
9 straightening, altering, extending, vacating, or [for the]
10 establishing or reestablishing of the grade of any street[,].

11 (b) A petition made pursuant to this section shall be signed
12 by a majority, in number and interest, of the owners of property
13 abutting on the line of the proposed improvement or vacation as
14 fixed at the time of presentation of the petition, and shall be
15 verified by the affidavit of one or more of the petitioners. The
16 majority in interest of owners of undivided interests in any
17 piece of property shall be deemed as one person for the purposes
18 of the petition.

19 Section 2919. Notice of [Ordinance and] Petition[;
20 Appeal].--[Upon the approval of] After the presentation of the
21 petition presented in accordance with section 2918, and
22 council's determination of the adequacy of the petition, but
23 before final enactment of any ordinance [passed] enacted
24 pursuant to [said] the petition, notice shall be [given, once a
25 week in one] published in a newspaper, [as required by section
26 one hundred and nine of this act,] and [by] handbills shall be
27 posted in conspicuous places along the line of the proposed
28 improvement. The notice and handbills shall state the fact [of
29 the passage of the ordinance, and the date thereof,] that the
30 petition for the improvement was signed by a majority in

1 interest and number of the owners of property abutting the line
2 of the proposed improvement, and that any person interested may
3 [appeal to the court of common pleas of the county within thirty
4 days after the passage of the said ordinance.] provide comments
5 at a public hearing to be held at a date, time and place as
6 stated in the published notice and handbills. If, after the
7 hearing, council determines to proceed with the consideration of
8 an ordinance pursuant to the petition, it shall publish notice
9 of the ordinance and incorporate reference to any maps or
10 drawing, in accordance with subdivision (a.1) of Article X.

11 Section 215. Sections 2920 and 2921 of the act are repealed:

12 [Section 2920. Appeal from Ordinance.--Any person interested
13 may, within thirty days from the passage of the ordinance,
14 appeal from the validity of the ordinance to the court of common
15 pleas questioning the legality of the petition for improvement
16 or of the said ordinance or of both. If said court shall find
17 the petition or ordinance materially defective under the law, it
18 shall declare the ordinance void, otherwise it shall approve the
19 same.]

20 Section 216. Section 2921 of the act, repealed in part June
21 3, 1971 (P.L.118, No.6), is repealed:

22 [Section 2921. Effect of Failure to Appeal.--The parties
23 interested shall not question the legality of the petition and
24 ordinance in any manner or matter or at any time whatever,
25 except as provided in section two thousand nine hundred and
26 twenty of this act.]

27 Section 217. Section 2922 of the act is amended to read:

28 Section 2922. Assessment of Damages and Benefits.--[In any
29 proceedings under this subdivision of this article,] If
30 necessary, in any proceedings to exercise one of the powers

1 given in section 2915, viewers shall be appointed, damages
2 awarded, and benefits assessed as provided in 26 Pa.C.S.
3 (relating to eminent domain) or as provided in this act for
4 [such proceedings] the assessment of benefits.

5 Section 218. Article XXIX subdivision (c) heading of the act
6 is repealed:

7 [(c) Grading, Paving, Macadamizing, Et Cetera]

8 Section 219. Sections 2930 and 2931 of the act are amended
9 to read:

10 Section 2930. Power to Grade, Pave, Macadamize, Et Cetera.--

11 (a) Every city may grade, pave, macadamize or otherwise[,]
12 improve any street, or part thereof, and the sidewalks thereof
13 when included as a part of the improvement, have the same set
14 with curbstone, and provide for the drainage thereof.

15 (b) Every city may also provide for the improvement of any
16 [highway, or] street, or any sections or parts thereof, in
17 length, in the space between the curb, gutter, or [actual
18 carriage-way line] cartway and the property line, either by an
19 original work or improvement thereon, or by a change, repair,
20 renewal, or alteration in the [said] street or curb, or in
21 parking spaces, or shade trees, or by changing, altering,
22 renewing, replanting, pruning, or otherwise [improving the same,
23 in any or all of said particulars] making improvements therein.

24 Section 2931. Payment of Cost of Improvement.--The costs and
25 expenses of [things] the improvements done under [section two
26 thousand nine hundred and thirty of this act] section 2930 shall
27 be paid, in whole or in part, by the city, or by the owners of
28 real estate bounding and abutting thereon, which cost and
29 expense upon the abutting real estate shall be assessed
30 according to the foot-front rule, or according to the benefits,

1 as council shall, by ordinance, determine, except that in case
2 of grading only, the [said] costs and expense shall be assessed
3 according to benefits.

4 Section 220. Sections 2932, 2933 and 2934 of the act are
5 repealed:

6 [Section 2932. Assessment of Cost by Foot-Front Rule.--When
7 the costs and expenses, or any part thereof, are to be paid for
8 by the foot-front rule, the council shall assess or cause to be
9 assessed the said cost and expenses upon the real estate
10 bounding or abutting on the line of the improvement, by an equal
11 assessment on said property in proportion to the number of feet
12 the same fronts on the respective street, or part thereof, to be
13 improved. The council may provide for an equitable reduction
14 from the frontage of lots at all street, railroad, or like
15 intersections, or where, from the peculiar or pointed shape of
16 the lots, an assessment for the full frontage would be
17 inequitable.

18 Section 2933. Assessment of Costs According to Benefits.--
19 When the cost and expenses, or any part thereof, of any grading,
20 paving, macadamizing, or other improvement of any street, or
21 part thereof, is to be paid for by the owners of real estate
22 abutting or bounding thereon as aforesaid, according to
23 benefits, the same shall be assessed by viewers appointed by the
24 court of common pleas, as provided in this act for the
25 assessment of benefits by viewers.

26 Section 2934. Ordinance for Improvement at Expense of
27 Property Owners upon Petition.--Council may, by ordinance,
28 provide for the paving, macadamizing, grading, or other
29 improvement of any street, or part thereof, at the cost and
30 expense of the abutting property owners in whole or in part,

1 upon the petition therefor of a majority in number or interest
2 of the owners of property abutting or bounding on the line of
3 the proposed improvement, to be verified by the affidavit of one
4 or more of the petitioners. A majority in interest of owners of
5 undivided interests in any piece of property shall be deemed and
6 treated as one person for the purpose of said petition.]

7 Section 221. Section 2935 of the act, amended June 14, 1961
8 (P.L.362, No.197), is repealed:

9 [Section 2935. Ordinance for Improvement at Expense of
10 Property Owners without Petition.--Council may, by ordinance,
11 provide for the paving, macadamizing, grading or other
12 improvement of any street, or part thereof, at the cost and
13 expense of the abutting property owners, in whole or in part,
14 without petition therefor of abutting property owners if the
15 ordinance for such improvement has been passed by the
16 affirmative vote of four members of any five member council, and
17 under the mayor-council plan A of government adopted pursuant to
18 the Optional Third Class City Charter Law, by the affirmative
19 vote of at least five members of a seven member council and by
20 the affirmative vote of at least seven members of a nine member
21 council. Such ordinance shall not be passed in a less period
22 than twenty-eight days from the date of its introduction; and,
23 in the meantime, copies of such ordinance shall be published, in
24 one or more newspapers, once a week for three weeks, in the
25 manner required by section one hundred and nine of this act. The
26 requirements for such publication shall not, however, preclude
27 the amendment of any paving ordinance as to the kind of pavement
28 with which any street, or part thereof, or sidewalk, is proposed
29 to be paved.]

30 Section 222. Sections 2936 and 2937 of the act are repealed:

1 [Section 2936. Appeal from Ordinance.--Any person affected
2 may appeal from said ordinance in the manner and time and with
3 the effect provided for in sections two thousand nine hundred
4 twenty and twenty-one of this act.

5 Section 2937. Assessment of Damages and Benefits.--In any
6 proceedings under this subdivision of this article where the
7 cost and expense of the improvement is not assessed by the foot-
8 front rule, viewers shall be appointed, damages awarded, and
9 benefits assessed as provided in this act, for such
10 proceedings.]

11 Section 223. Section 2938 of the act is amended to read:

12 Section 2938. Preparation of Streets for Paving or
13 Repairing.--(a) Council may provide, by ordinance, for the
14 laying, renewing, and repairing of all gas, water, steam, or
15 other pipes, or conduits[,] in any street, before the paving,
16 repaving, or repairing of the same, and for making the necessary
17 [house] connections with [said] the pipes[, and also for].

18 (b) With regard to main or lateral sewers, council may
19 provide for the necessary [house] connections and branches [with
20 and] leading into main or lateral sewers[: Provided, That in no
21 case, except as a sanitary measure, of which council shall be
22 the judge, shall council require such house connections to be
23 extended further from such sewers, or from such gas, water,
24 steam, or other pipes, or conduits, than to the inner line of
25 the curbstone of such street Council may,].

26 (c) With regard to connections requiring extensions from
27 sewers or from gas, water, steam or other pipes or conduits,
28 council may not require private utility companies to make
29 extensions beyond the inner line of the curbstone of the street
30 unless it determines that it is necessary to do so as a sanitary

1 measure.

2 (d) If, after notice to all companies, corporations,
3 persons, and owners affected[, and in default of compliance
4 therewith, cause said pipes to be laid, renewed, or repaired,
5 and said connection made,] of the necessity for the laying,
6 renewing and repairing of gas, water, steam or other pipes or
7 conduits in a street and the necessity of making necessary
8 connections, prior to the proposed paving, repaving or repairing
9 of the street, there is a failure to comply, council may perform
10 work and may collect the cost of paving[, and repairing all
11 pipes and pipe connections, from the companies, corporations, or
12 persons owning or operating the said gas, water, steam, and
13 other pipes or conduits,] or repaving, or repairing of the pipes
14 or conduits, with interest[; and the], from the companies,
15 corporations, persons and owners affected. The cost of the sewer
16 connections shall be a first lien against the land for whose
17 benefit [such] the connections are made. A separate lien may be
18 filed therefor, or [such] the sewer connection cost may be
19 included in any lien filed for the cost of [such] the street
20 improvement, and the lien and the proceedings thereon shall be
21 as in the case of other municipal liens.

22 Section 224. Section 2939 of the act, amended September 26,
23 1951 (P.L.1515, No.379), is amended to read:

24 Section 2939. Highways in Cities.--Wherever in this act a
25 city is given powers, rights and duties as to its streets or
26 sections thereof, the same shall extend as well to highways or
27 sections thereof which are also streets of the city, to the
28 extent that the city is legally responsible for them, pursuant
29 to agreement or otherwise, excepting damages to abutting
30 property owners for acts of the Commonwealth unless the city

1 shall assume them, under this act or the [State Highway Law.]
2 act of June 1, 1945 (P.L.1242, No.428), known as the "State
3 Highway Law." The use of the word "street" in this act shall to
4 that extent include highways.

5 Section 225. Article XXIX subdivision (d) heading of the act
6 is repealed:

7 [(d) Grade Crossings]

8 Section 226. Section 2950 of the act is amended to read:

9 Section 2950. [Consent of Public Utility Commission] Grade
10 Crossing; Pennsylvania Public Utility Commission; Jurisdiction;
11 Damages.--(a) Every city constructing a street across a
12 railroad shall construct the same above or below the grade
13 thereof, unless permitted by the Pennsylvania Public Utility
14 Commission to construct the same at grade.

15 (b) Any new construction of a street crossing a railroad, or
16 any vacation of any street crossing a railroad, shall be
17 constructed or vacated only in a manner consistent with the
18 rules and regulations and under the jurisdiction of the
19 Pennsylvania Public Utility Commission. The compensation for
20 damages to the owners of adjacent property taken, injured or
21 destroyed by the construction of a street crossing a railroad or
22 any vacation of any street crossing a railroad shall be
23 ascertained, fixed and paid in a manner consistent with 66
24 Pa.C.S. Pt. I (relating to public utility code).

25 Section 227. Section 2951 and Article XXIX subdivision (e)
26 heading of the act are repealed:

27 [Section 2951. Public Utility Commission; Jurisdiction;
28 Damages.--Any such crossings of a railroad by a street, or any
29 vacation of any street crossing a railroad, shall be constructed
30 or vacated only in the manner prescribed by, and under the

jurisdiction of, the Public Utility Commission. The compensation for damages to the owners of adjacent property taken, injured or destroyed shall be ascertained, fixed, and paid in the manner prescribed in the Public Utility Law.

(e) Acquisition of Unobstructed View Across Lands]

Section 228. Section 2955 of the act is amended to read:

Section 2955. Acquisition of Unobstructed Views.--Any city may acquire, by purchase or by the right of eminent domain, a free and unobstructed view down and across lands located at or near intersections or curves of streets, railroads or railways, [or curves of any of them, as may be necessary,] to assure a free and unobstructed view in all directions at [such places,] the intersections or curves and to prevent the use of [such] the lands over and across which the view was acquired for any purpose or in any manner which may interfere with or obstruct the vision of any person or persons traveling upon any [such] street within the city. [Upon any such condemnation, the city having instituted the condemnation proceedings shall file with the recorder of deeds a plan, showing the property condemned and such other detailed information as may be deemed necessary and, after the same is filed, said city may, from time to time, abate or remove, or cause to be abated or removed, any obstruction to such view over and across such lands.

The proceedings for the condemnation of such view over and across such lands, and for the assessment of damages for property taken, injured or destroyed, shall be in the manner provided in this act for property taken, injured or destroyed.

Upon the condemnation of a view over and across any lands for the purposes aforesaid, the owner of such lands may make every such use thereof as will not interfere with a free and

1 unobstructed view at such intersection or curve. Unless
2 specially provided for in such condemnation proceedings, such
3 condemnation shall not be construed to prevent the owner thereof
4 from using such land for pasture or the growing of grass, oats,
5 wheat, or other crops which will not obstruct the vision more
6 than wheat.]

7 Section 229. Article XXIX subdivision (f) heading of the act
8 is repealed:

9 [(f) Use of Abutting Lands]

10 Section 230. Section 2960 of the act is amended to read:

11 Section 2960. Use of Abutting Lands for Embankments, Slopes,
12 Fills, and Culverts.--In the grading of any street, or any part
13 thereof, cities are hereby authorized and empowered to use so
14 much of the lots and lands abutting on the [same] street for the
15 construction of embankments, slopes, fills and culverts, as may
16 be necessary [and proper] for the completion of the improvement.
17 [The assessment of] Compensation for damages, costs, and
18 expenses, resulting [thereby, shall be regarded as other
19 assessments of damages, costs, and expenses, caused by the
20 grading of streets, in cities and shall be assessed and paid as
21 is provided by this act in such cases] from the use of lots and
22 lands abutting on the street for the construction of
23 embankments, slopes, fills and culverts shall be made in the
24 same manner as compensation for using and occupying private
25 lands for the grading of streets in accordance with section
26 2801.

27 Section 231. Article XXIX subdivision (g) heading, section
28 2963, subdivision (h) heading, section 2965 and subdivision (i)
29 heading of the act are repealed:

30 [(g) Abandoned Turnpikes]

1 Section 2963. Maintenance and Improvement of Condemned and
2 Abandoned Turnpikes.--When any turnpike, or part thereof,
3 situate in the same or more than one county, shall be condemned
4 for public use, free of tolls, and the assessment of damages
5 therefor shall have been paid by the county, or when any
6 turnpike company or association has abandoned its turnpike, or
7 any part thereof, or when any turnpike company or association
8 has been dissolved, such turnpike, or part thereof, located
9 within the limits of any city shall be maintained and improved
10 in the same manner as other streets of the city.

11 (h) Unlawful Assessments

12 Section 2965. Repayment of Assessments Paid to City by
13 Owners of Property Unlawfully Assessed.--Any city receiving
14 money in payment of an assessment levied under any provision of
15 this article shall repay the same or so much thereof as shall be
16 ordered to any parties bringing the action, within two years of
17 such payment or payments, upon the final determination of a
18 proper court in a proper issue that the assessment levied was
19 not such as the owner of the property so assessed was liable to
20 pay at the time council ordered the work to be done for which
21 the assessment was made, or within the said period of two years,
22 the city may repay such money voluntarily upon a showing that
23 the same was paid inadvertently, or such assessment or part
24 thereof was made erroneously.

25 (i) Streets or Roads Connecting City with Highways]

26 Section 232. Section 2970 of the act is amended to read:

27 Section 2970. Appropriation for Connections with Highways.--
28 Cities may, singly or jointly, with other political
29 subdivisions, appropriate and expend moneys for the improvement
30 of streets or roads beyond the limits of [such] the cities[,]

1 for the purpose of connecting improved streets in [such] the
2 cities with a highway [whenever that part of the connecting
3 street or road to be improved outside the city limits shall be
4 less than one mile in length].

5 Section 233. Article XXIX subdivision (j) heading of the act
6 is repealed:

7 [(j) Detours]

8 Section 234. Section 2975 of the act is amended to read:

9 Section 2975. [Streets not to be Closed to Vehicular
10 Traffic; Exceptions.--]Street Closings; Detours.--(a) The
11 following shall apply to the closing of a street to vehicular
12 traffic:

13 (1) No street shall be closed to vehicular traffic, except
14 upon order of the Department of Streets and Public Improvements,
15 [or, by order of the mayor] or other department of the city
16 having jurisdiction over public streets or, in cases of
17 emergency where immediate action is necessary to protect public
18 safety, by order of the mayor, the police or the fire marshal[,
19 in cases of emergency, wherein the safety of the public would be
20 endangered, nor shall any such].

21 (2) A street [be] may not remain closed for a longer period
22 than is necessary for the purpose for which [such] the order
23 [is] to close was issued.

24 (3) Except in cases of emergency, where immediate action is
25 necessary to protect public safety, no street shall be closed to
26 vehicular traffic when the same has been designated as a detour
27 by the Department of Transportation, unless the written consent
28 of the Secretary of Transportation has first been obtained or
29 unless council shall, by resolution duly recorded on its
30 minutes, declare the closing necessary for the safety of the

1 public.

2 (4) When any street which forms a part or section of a State
3 highway, or has been designated as a detour by the Department of
4 Transportation, is closed to vehicular traffic, the city shall
5 at once notify the Department of Transportation of the creation
6 of a detour, as hereinafter provided. When the detour is
7 removed, the Department of Transportation shall also be notified
8 at once of the removal.

9 (5) When any street shall be closed, it shall be the duty of
10 the official or department that authorized the closing to
11 designate a detour.

12 (6) While the detour is in use, legible signs shall be
13 erected and maintained at reasonable intervals, indicating the
14 proper direction, and the detour shall be maintained in safe and
15 passable condition.

16 (7) When the street that had been closed is opened for
17 traffic, all detour signs shall be removed.

18 (b) A city may enter into agreement with the owners of
19 private lands covering the acquisition of right of way
20 privileges for a detour over private property for the period
21 when a street shall be closed to traffic. In case no agreement
22 satisfactory to the parties can be reached, the city may proceed
23 with the construction of the detour, with the owner of the
24 property taken for the detour entitled to seek damages, if any,
25 in the same manner as damages are now ascertained for the
26 opening of streets in the city.

27 (c) In the exercise of the rights conferred by this section
28 relating to detours, council is hereby empowered to pay for the
29 necessary maintenance, subsequent repair and land rental out of
30 funds available for the construction and maintenance of city

1 streets.

2 (d) Any person who shall wilfully remove, deface, destroy or
3 disregard any barricade, light, danger sign, detour sign, signal
4 or warning of any other character whatsoever so legally erected
5 or placed or who shall drive on, over or across any street which
6 has been closed by proper authority commits a summary offense
7 punishable upon conviction thereof in accordance with section
8 1018.16, but with a mandatory fine of not less than five hundred
9 dollars (\$500) or more than the maximum fine authorized in
10 section 1018.16 for the second or any subsequent offense, and
11 shall pay the costs of prosecution together with the value of
12 the property so removed, defaced or destroyed, except that
13 persons who have no outlet due to the closing of a street may
14 drive on, over or across the street, subject to reasonable
15 conditions as may be prescribed by the city without being
16 subject to the penalties imposed by this section.

17 (e) All fines collected under the provisions of this section
18 shall be paid over to the treasurer of the city.

19 (f) In addition to the penalties provided in subsection (d),
20 the city, its agents or contractors may, in an action at law,
21 recover damages from any person or persons who have damaged a
22 street when it is closed to vehicular traffic.

23 Section 235. Sections 2976, 2977 and 2978 of the act are
24 repealed:

25 [Section 2976. Closing of Streets Designated as Detours by
26 State.--No street shall be closed to vehicular traffic when the
27 same has been designated as a detour by the Department of
28 Highways of the Commonwealth, unless the written consent of the
29 Secretary of Highways has first been obtained, or unless council
30 shall, by resolution duly recorded on its minutes, declare such

1 closing necessary for the safety of the public.

2 Section 2977. Notice of Detour on Streets Forming Part of
3 Highway.--When any street which forms a part or section of a
4 highway, is closed to vehicular traffic, the city shall at once
5 notify the Department of Highways of the Commonwealth of the
6 creation of a detour, as hereinafter provided. When such detour
7 is removed, the Department of Highways shall also be notified at
8 once of the removal.

9 Section 2978. Detours to be Provided when Streets Closed.--
10 When any street shall be closed, as hereinbefore provided, it
11 shall be the duty of the city authorities authorizing the
12 closing to immediately designate or lay out a detour, on which
13 they shall erect, or cause to be erected and maintained while
14 such detour is in use, legible signs at each intersection
15 throughout its entire length, indicating the proper direction.
16 During the period when such detour is in use, it shall be the
17 duty of such authorities closing the street to maintain such
18 detour in safe and passable condition. It shall also be the duty
19 of the authorities closing the street and maintaining the detour
20 to immediately remove all detour signs when the street
21 originally closed is opened for traffic. Whenever necessary in
22 the creation of a detour, as aforesaid, the city authorities
23 responsible for laying out the detour may enter into agreement
24 with the owners of private lands, covering the acquisition of
25 right of way privileges over private property for the period
26 when the street shall be closed to traffic. In case no agreement
27 satisfactory to the parties can be reached, the authorities
28 responsible for the laying out of the detour may proceed with
29 the construction of the same, and either such authorities or the
30 owner of the property occupied may petition the court for the

1 appointment of viewers to ascertain the damages, if any, in the
2 same manner as damages are now ascertained for the opening of
3 streets in such city. In the exercise of the rights conferred by
4 this section, council is hereby empowered to pay for the
5 necessary maintenance, subsequent repair, and land rental out of
6 such funds as are available for the construction and maintenance
7 of the streets in their charge.]

8 Section 236. Section 2979 of the act, amended March 25, 1988
9 (P.L.260, No.29), is repealed:

10 [Section 2979. Penalties.--Any person who shall wilfully
11 remove, deface, destroy or disregard any barricade, light,
12 danger sign, detour sign, or signal, or warning of any other
13 character whatsoever so legally erected or placed, or who shall
14 drive on, over or across any street which has been closed by
15 proper authority, shall, upon conviction thereof in a summary
16 proceeding before a magistrate, alderman, or justice of the
17 peace, be sentenced to pay a fine of not less than two hundred
18 dollars nor more than five hundred dollars for the first
19 offense, and a mandatory fine of five hundred dollars for the
20 second or any subsequent offense, and the costs of prosecution
21 together with the value of the sign so removed, defaced or
22 destroyed, and, in default of the payment thereof, shall be
23 sentenced to imprisonment of not more than ten days: Provided,
24 however, That persons who have no outlet due to the closing of a
25 street may drive on, over or across such street, with the
26 consent in writing of, and subject to such conditions as may be
27 prescribed by, the authorities responsible for the closing or
28 their agents or contractors, without being subject to the
29 penalties imposed by this section.

30 In addition to the penalties herein provided, the authorities

1 responsible for the maintenance of a street which has been
2 closed to vehicular traffic, or their agents or contractors,
3 may, in an action at law, recover damages from any person or
4 persons who have damaged a street when it is closed to vehicular
5 traffic. All fines collected under the provisions of this
6 section shall be paid by the officer receiving the same to the
7 treasurer of the city.]

8 Section 237. Article XXIX subdivision (k) heading of the act
9 is repealed:

10 [(k) Boundary Streets]

11 Section 238. Sections 2985 and 2986 of the act are amended
12 to read:

13 Section 2985. Maintenance of Streets Forming Boundaries.--
14 Whenever any street is on the boundary line between any city and
15 [a township, such] any other municipal corporation, the street
16 shall be maintained jointly by the city and the [township] other
17 municipal corporation. For the purpose of maintaining any such
18 street, the [authorities] officers of any city are hereby
19 directed to enter into agreements with the [authorities of any
20 township] other municipal corporation providing the manner in
21 which the same shall be maintained[,] and providing for the
22 division of the cost of maintenance between the city and
23 [township] other municipal corporation. If any [such city or
24 township] other municipal corporation shall fail or refuse to
25 enter into any such contract, [any taxpayer thereof or the
26 corporate authorities of the city or township] the city or any
27 taxpayer of the other municipal corporation may present a
28 petition to the court of [quarter sessions] common pleas of the
29 county, setting forth the facts. The court, after hearing, of
30 which [such] notice shall be given to all parties interested as

1 the court may direct, shall make an order directing the manner
2 of such maintenance and the division of the cost of maintenance
3 between the city and the [township] other municipal corporation.

4 Section 2986. Streets, the Center Line of Which Is the
5 Boundary [between Municipalities in the Same County] Between a
6 City and Another Municipal Corporation.--Whenever [the center
7 line of] any street constitutes the dividing line between [any
8 city and a township located in the same county, the city may
9 enter into a contract with the commissioners of the county and
10 the commissioners or road supervisors of the township, as the
11 case may be, providing for the grading, curbing, and
12 macadamizing or paving, of the street; the cost of such
13 improvement, to be borne one-half by the city, and one-half by
14 the county and township, in equal portions.

15 The alteration or improvement shall be constructed, and
16 subsequent repairs shall be made, under the supervision of the
17 proper authorities of the city, in compliance with existing laws
18 governing the construction of such alterations or improvements
19 in said city, and in further compliance with plans and
20 specifications to be agreed upon, in writing, between said city
21 and the commissioners of the county and commissioners or road
22 supervisors of the said township. The cost of repairs shall be
23 borne one-half by the city, and one-half by the township, or by
24 the county and township, in equal portions, or such other
25 proportions as may be agreed upon by the county and township] a
26 city and another municipal corporation, the city may enter into
27 a contract with the other municipal corporation to provide for
28 the grading, curbing, draining, paving and macadamizing of the
29 street. The alterations and improvements shall be made under the
30 supervision of the city or other municipal corporation, or by

contract let by the city or the other municipal corporation, as
may be provided for in the contract between the city and the
other municipal corporation.

Section 239. Section 2987 of the act is repealed:

[Section 2987. Street, the Center Line of Which is the
Boundary between Municipalities in Different Counties.--Whenever
the center line of any street constitutes a dividing line
between a city and a township located in an adjacent county, the
city may enter into a contract with the commissioners of the
county and the commissioners or township supervisors of such
township, as the case may be, providing for the grading,
curbing, macadamizing, or paving of the street, the cost thereof
to be borne one-half by the city, and one-half by the township
and the county in which such township shall be situated, in
equal portions.

Such alteration or improvement shall be constructed, and
subsequent repairs shall be made, under the supervision of the
proper authorities of the city, in compliance with the
provisions of this act governing such construction or
improvement by the city, and in further compliance with plans
and specifications to be agreed upon in writing between such
city and the commissioners of the county and the commissioners
or township supervisors of the township. The cost of repairs
shall be borne one-half by the city, and one-half by the
township or by the county and township in equal portions or such
other proportion as may be agreed upon by the county and
township.

In all cases in which it shall be found impossible to enter
into such contract or agreement, either the city or the county
or township or any taxpayer thereof may present a petition to

1 the court of common pleas of either county, setting forth the
2 facts and circumstances, including the condition of the street
3 from which the necessity or desirability for the grading,
4 curbing, macadamizing, or paving appears, and the estimated cost
5 thereof, and that the said city or county or the township have
6 failed to agree upon terms of the said contract. Such court may,
7 after hearing all the parties concerned, make its order or
8 decree, defining the nature and character of the improvement
9 reasonably necessary or desirable to be made to the street, and
10 requiring the parties hereinabove specified to enter into a
11 contract or contracts for the making and constructing of the
12 same as herein provided for.

13 A copy of the said petition, duly certified, shall be served
14 upon the city, the county and the township concerned, other than
15 the petitioner, with notice of such day as may be fixed by the
16 court for the hearing. Thereupon, any or all of the parties
17 served with such notice shall be entitled, on or before such
18 date, to file in the said court its answers to the said
19 petition, setting forth its version of the facts or such other
20 matters in relation thereto as may be deemed necessary or proper
21 by it. The court, upon the date so fixed or at such other time
22 as it may appoint, shall hear the evidence of the parties, or it
23 may refer the matter to a master, who shall hear the testimony
24 of the parties and report his findings, in the same manner and
25 under the same procedure as provided by the rules in equity in
26 similar cases.

27 The court may reject, confirm, or modify the report of the
28 master and may make its decree or order directing the making of
29 such alterations or improvements to the street as may be deemed
30 reasonably necessary or desirable and providing for the sharing

1 of the cost of such improvements, one-half by the city, and one-
2 half by the county and township in equal portions. The said
3 order or decree may further provide that the repairs to such
4 alterations and improvements subsequently required shall be
5 borne one-half by the city, and one-half by the county or
6 township in equal portions, or such other proportions as between
7 the county and the township as such court may find to be legal
8 and proper. Thereupon the said grading, curbing, macadamizing,
9 or paving of the street shall proceed in accordance with the
10 decree or order of the said court in the same manner as if the
11 contract or agreement provided for in this section had been
12 entered into and duly executed.]

13 Section 240. Sections 2988 and 2989 of the act are amended
14 to read:

15 Section 2988. Streets More Than Half of Whose Width is
16 Within City.--(a) Whenever any street, more than one-half the
17 width of which is within the limits of any city shall divide the
18 [said] city from any other [municipality or township located
19 within the same county, such] municipal corporation, the street
20 may be improved by the city in the same manner as if the said
21 street were entirely located within the limits of [said] the
22 city.

23 (b) The property [abutting on the side of said street which
24 is located outside the limits of the city making such], within
25 and without the city, that abuts the street and benefits from
26 the improvements [shall] may, for a depth of one hundred and
27 fifty feet plus one-half the width of [said] the street, the
28 total measured from its center line, be assessed for any and all
29 municipal improvements to or on the [said] street in the same
30 manner as [such] the property would be assessed under the

provisions of this act if it were entirely located within the limits of [such] the city.

Section 2989. Assessment for Improvements on Property Outside Limits Where Street Entirely Within City.--Whenever any street, entirely within the limits of any city, shall divide the [said] city from any other [municipality or township located in the same county] municipal corporation, the property on the side of [said] the street, [opposite the present line of said city, shall] within and without the city, that abuts the street and benefits from the improvement may, for a depth of one hundred and fifty feet from said line, be assessed for any and all municipal improvements to or on the streets on which the [said] property [shall abut] abuts, in the [manner provided by this act for such proceedings, as if the said property] same manner as the property would be assessed under the provisions of this act if it were entirely located within the limits of [said] the city.

Section 241. Section 2990 of the act is repealed:

[Section 2990. Street the Center Line of Which is the Dividing Line Between a City and Borough or Township of the First Class; Assessments.--Whenever the center line of any street constitutes the dividing line between a city and a borough, or a city and a township of the first class, located in the same county, the council of such city may, where such improvement is through built up property or properties duly plotted and laid out in lots for building purposes, and where two-thirds of the combined frontage of the two sides petition for the improvement, enter into a contract with the borough or township providing for the grading, curbing, draining, paving and macadamizing of such street. Such alterations and

1 improvements shall be made under the supervision of the proper
2 authorities of such city, borough, or township, or by contract
3 let by such city, borough, or township, as may be provided for
4 in the contract between the city and borough or township.

5 No ordinance or ordinances authorizing any such improvement,
6 where the whole or any part of the cost of the improvement is to
7 be assessed against abutting property, shall be finally adopted
8 until the expiration of thirty days from the date of its
9 introduction, and, in the meantime, copies thereof shall be
10 published, once a week for two weeks, in one newspaper
11 circulating in such city, borough, and township immediately
12 following the introduction thereof, and at least five copies
13 thereof shall be posted along the line of the proposed
14 improvement.

15 The whole cost of such alterations and improvements, or any
16 part thereof, as may be agreed upon in the contract between the
17 city, borough, and township, may be collected from the owners of
18 property within the city, borough, and within the township,
19 abutting along the line of the improvement, by an equal
20 assessment on the foot front. Any portion of such cost not
21 assessed against abutting property shall be paid one-half by
22 each of the municipal divisions joining in the improvement.

23 Thirty days' notice of assessments of the whole cost or part
24 of the cost of any such improvement shall be given to each party
25 assessed, either by service on the owner or his agent, or posted
26 on the premises by the clerk or secretary of the city, borough,
27 or township making the improvement. If any assessment made by
28 the city shall remain unpaid at the expiration of the notice, it
29 shall be the duty of the city solicitor to collect the same,
30 with interest from the time of the completion of the

1 improvement, by action of assumpsit, or by a lien to be filed
2 and collected in the same manner as municipal claims. When an
3 owner has two or more lots against which there is an assessment
4 for the same improvement, all of such lots shall be embraced in
5 one claim.]

6 Section 242. Article XXX heading of the act is reenacted to
7 read:

8 ARTICLE XXX

9 SIDEWALKS

10 Section 243. Sections 3001 and 3002 of the act are amended
11 to read:

12 Section 3001. Power to Lay Out and Grade Sidewalks; Compel
13 Construction of Sidewalks.--Any city may lay out, ordain and
14 establish sidewalks, curbs, gutters and drains along any street,
15 and may, with or without petition, require owners of property
16 abutting on any street to construct, pave, curb, repave and
17 recurb the sidewalks, and keep the same in good repair along
18 [such] their property, at such grades, and under such
19 regulations and specifications as council may provide. The
20 written consent of the Department of Transportation shall first
21 be obtained if the highway is a State highway.

22 Section 3002. Construction by Cities Upon Failure of Owner
23 So to Do; Collection of Cost.--(a) Upon failure of any owner of
24 property abutting on any street to construct, pave, curb,
25 repave, recurb or maintain any sidewalk [after notice so to do,
26 the same may be done or caused to be done by the city, and the
27 cost thereof], in accordance with the notice required in
28 subsection (d), the city, itself or by contract, may complete
29 the construction, paving, curbing, repaving, recurbing or
30 maintenance.

1 (b) Costs incurred by the city pursuant to subsection (a)
2 may be levied against and collected from [such] the owner who
3 failed to complete the construction, paving, curbing, repaving,
4 recurbing or maintenance of the sidewalk pursuant to notice to
5 do so, together with a penalty of ten per centum of [such] the
6 costs and all charges and expenses[, which amount].

7 (c) The costs, penalties, charges and expenses provided for
8 in subsection (b) shall be a lien upon [such premises] the
9 property for which the notice to construct, pave, curb, repave,
10 recurb or maintain the sidewalk was given. The lien shall exist
11 from the time of the completion of the work, which [date shall
12 be fixed by certificate of the city engineer, filed with the
13 clerk, and may be collected by action in assumpsit, or such]
14 shall be certified in accordance with section 1504. The lien may
15 be filed and proceeded in as provided by law in the case of
16 municipal liens[, or the] or may be collected from the owner by
17 action in assumpsit. Alternatively, the cost may be borne by the
18 city in whole or in part[;] and if in part, the rest to be
19 collected [from the owner] as provided herein.

20 (d) The notice required [herein] by this section shall be
21 served upon the owner of property to construct, pave, curb,
22 repave, recurb or maintain a sidewalk, if that can be done
23 within the county; [when it cannot be done so] if this cannot be
24 done, then the notice may be served upon the owner's agent or
25 the party in possession; and if this cannot be done, then the
26 notice may be served by posting conspicuously upon the premises.
27 Council may, by ordinance, [establish the period of such notice
28 after service after which the owner shall be deemed to have
29 failed to comply therewith. Such period shall not be less than
30 ten days] provide that, upon service or posting of notice in

accordance with this section, an owner shall be deemed to have failed to comply if the work is not completed within a specified period, which may be more but shall not be less than forty-five days after the service or posting.

Section 244. Section 3002.1 of the act, added August 11, 1967 (P.L.206, No.70), is amended to read:

Section 3002.1. Ordinances.--All reconstruction, repaving, and recurbing of sidewalks may be provided for in the ordinance providing for the original construction, paving and curbing of sidewalks without the necessity for adopting a new ordinance providing for [such] the reconstruction, repaving and recurbing.

Section 245. Section 3003 of the act is amended to read:

Section 3003. Emergency Repairs; Notice; Cost.--(a) Any city may make emergency repairs to sidewalks, within its corporate limits[, when, in the opinion of the officer or head of the department lawfully having charge of sidewalk repairs, a dangerous condition exists that can be repaired by an expenditure of not more than fifty dollars, upon failure of the owner of the property to make such repair within forty-eight hours after the service of notice upon such owner so to do. The notice shall be served as provided in this article for constructing and maintaining sidewalks and curbs. It shall expressly state that emergency repairs are required.] if the officer or designated individual representing the department in charge of repairs to sidewalks, upon inspection, determines that a substantial and immediate danger exists to the public health, safety and welfare, in which case the officer or individual shall prepare a written report of those conditions which shall be conclusive evidence of the existence of the emergency justifying the repair.

1 (a.1) This section is intended to provide an additional
2 remedy for cities in connection with emergency repairs [where
3 the actual cost of doing the work does not exceed fifty dollars.
4 The certificate of the officer or head of the department in
5 charge of repairs to sidewalks shall be conclusive evidence of
6 the existence of the emergency justifying such repair] of
7 sidewalks.

8 (b) A copy of the written report shall be served upon the
9 abutting property owner, along with a notice to make emergency
10 repairs to the sidewalk within forty-eight hours of service of
11 the notice and report. The notice and copy of the report shall
12 be served as provided in this article for constructing and
13 maintaining sidewalks and curbs. It shall expressly state that
14 emergency repairs are required. If the owner fails to make the
15 emergency repairs within the prescribed time, the city may make
16 the emergency repairs to the sidewalk.

17 (c) Upon the completion of any emergency repairs, the cost
18 thereof shall be a charge against the owner of the abutting
19 property, and shall be a lien, until paid, upon the abutting
20 property, provided a claim is filed therefor in accordance with
21 the law providing for the filing and collection of municipal
22 claims. The amount of the claim against the owner of the
23 abutting property may also be collected from the owner by an
24 action in assumpsit.

25 Section 246. Section 3004 of the act is repealed:

26 [Section 3004. Cost of Emergency Repairs to be a Lien.--Upon
27 the completion of any emergency repairs, the cost thereof shall
28 be a charge against the owner of the property, and shall be a
29 lien, until paid, upon the abutting property, provided a claim
30 is filed therefor in accordance with the law providing for the

1 filing and collection of municipal claims. Any such charge may
2 also be collected from the owner by an action in assumpsit.]

3 Section 247. Article XXXI heading of the act is amended to
4 read:

5 ARTICLE XXXI

6 BRIDGES [AND VIADUCTS]

7 Section 248. Article XXXI subdivision (a) heading of the act
8 is repealed:

9 [(a) Construction and Maintenance]

10 Section 249. Sections 3101, 3102 and 3103 of the act are
11 amended to read:

12 Section 3101. Construction and Maintenance of Bridges [and
13 Viaducts].--(a) Cities may locate, build and maintain bridges
14 [or viaducts, and], wholly or partially within the city limits,
15 along with the piers, abutments and approaches [therefor]
16 appurtenant to the bridges, to be used as public streets[, over
17 rivers, creeks, streams, railroads and private property, or over
18 and across any of them, whether the said viaducts or bridges be
19 wholly within, or partly without and partly within, the city
20 limits].

21 (b) As used in this article, a bridge shall mean a structure
22 built to span and provide passage over a valley, road, railroad
23 track, private property, river, creek, stream or any other body
24 of water or physical obstacle, and shall include viaducts
25 constructed from a series of spans or arches.

26 Section 3102. Ordinance for Location of Bridges;
27 Procedure.--Cities may enact ordinances fixing the location and
28 providing for the laying-out and opening of the routes or
29 locations for [said] bridges [and viaducts], which shall be
30 public streets; and the proceedings for the laying-out and

opening thereof, shall be the same as is provided by this act for the laying-out and opening of streets.

Section 3103. Right to Appropriate Property; Assessment of Damages.--In case the city has not agreed with the owner or owners for the damages done, or likely to be done, by the erection of [said] the bridge [or viaduct], the city may take and appropriate the lands and property necessary, over and across which to erect [said] the bridge [or viaduct], and the measure of damages [and benefits caused by such] for the taking and appropriation shall be assessed in the same manner and with like proceedings as provided [by this act for property taken, injured or destroyed] for property taken, injured or destroyed under 26 Pa.C.S. (relating to eminent domain).

Section 250. Article XXXI subdivision (b) heading of the act is repealed:

[(b) Joint Construction and Maintenance]

Section 251. Section 3110 of the act is amended to read:

Section 3110. [Contract] Agreement for Joint Construction and Maintenance.--(a) The city may [contract] enter into an agreement with any political subdivision or other public agency whatsoever or public utility or any other person interested and by law authorized thereto, or with any or all of them, for the laying out, construction, improvement and maintenance of any bridge [or viaduct], or for certain parts thereof, and for the payment of any damages caused thereby.

(b) An agreement as authorized in subsection (a) shall provide for the respective duties, obligations and responsibilities of the parties thereto, including, but not limited to, construction and maintenance of the bridge, or for certain parts thereof, and for payments relating thereto and

1 damages caused thereby.

2 (c) After an agreement, as authorized in subsection (a), has
3 been entered into, the city in conjunction with the other
4 parties thereto, shall have the authority to have prepared plans
5 or specifications of the entire work, and thereafter advertise
6 for bids, and award the contract to the lowest responsible
7 bidder. The city shall be liable to the contractor for only such
8 part of the contract price as it has agreed to pay by the
9 agreement, as authorized in subsection (a), but it shall, in
10 addition, be liable to the contractor for any moneys actually
11 paid into the city treasury by the other parties pursuant to the
12 terms of the agreement.

13 Section 252. Sections 3111, 3112 and 3113 of the act are
14 repealed:

15 [Section 3111. Stipulations of Joint Contract;
16 Maintenance.--The contracts provided for in the preceding
17 section may stipulate that the city shall pay a certain part of
18 the whole contract price or cost of the work, including damages;
19 or may stipulate that the city shall construct, or pay for the
20 construction of, a certain part of the work, and may otherwise
21 provide for the payment of the damages. When any railroad
22 company, street railway, or other persons interested, agrees to
23 pay a certain part of the cost of the entire work, it shall pay
24 such part into the proper city treasury. Upon said payment, the
25 city treasurer shall be liable therefor, and he shall pay the
26 same over to the contractor, as may be provided in the contract.
27 The said agreements may also provide for the maintenance of the
28 said bridges and viaducts after their erection.

29 Section 3112. Plans; Bids; Awarding of Contract.--After any
30 joint contract has been entered into, the city in conjunction

1 with the other parties thereto may have prepared plans or
2 specifications of the entire work, and thereafter advertise for
3 bids, and award the contract to the lowest responsible bidder.
4 The city shall be liable to the contractor for only such part of
5 the contract price as it has agreed to pay by the joint
6 contract, but it shall, in addition, be liable to the contractor
7 for any moneys actually paid into the city treasury by the other
8 parties to the joint agreement.

9 Section 3113. Subsequent Contract With Railroad Which has
10 not Contributed toward Cost.--No railroad, which has not
11 contributed to the payment of the cost of construction of said
12 viaduct or bridge, shall be permitted to run its line or lines
13 of tracks under said bridge or viaduct, unless it shall enter
14 into a contract with the city to thereafter pay a reasonable
15 amount, part or portion toward the keeping-up and maintaining of
16 the said structure, which amount shall be at the same rate, on
17 the same basis, as is paid by the other railroad companies.]

18 Section 253. Section 3114 of the act is reenacted to read:

19 Section 3114. Recording of Contract.--Any of the contracts
20 hereinabove provided for may be recorded in the office of the
21 recorder of deeds in the proper county. Such record shall be
22 notice to all persons who might be affected thereby.

23 Section 254. Section 3115 of the act is amended to read:

24 Section 3115. Power to Construct Boundary Bridges.--Whenever
25 a creek, over which a bridge may be necessary, shall be on the
26 division line of a city and another municipality [or township],
27 the city [shall unite] may enter into an intergovernmental
28 agreement pursuant to 53 Pa.C.S. Ch. 23, Subch. A (relating to
29 intergovernmental cooperation) with [such] the municipality [or
30 township in] for the construction and maintenance of a bridge[,]

1 and [pay an equal share of the expenses incident thereto] for
2 apportionment of the costs.

3 Section 255. Article XXXI subdivision (c) heading, section
4 3120, subdivision (d) heading and sections 3130, 3133 and 3134
5 of the act are repealed:

6 [(c) Acquisition of Existing Bridges

7 Section 3120. Power to Acquire Existing Bridge.--Any city
8 which is divided or separated in any of its territorial sections
9 or parts by intervening rivers or streams of water may purchase,
10 enter upon, take, use, hold and appropriate such bridge or
11 bridges, together with the approaches and appurtenances thereto,
12 lying within its corporate limits as shall have been erected and
13 are now in use over such rivers or streams of water so dividing
14 and separating the sections or parts aforesaid.

15 (d) Acquisition of Toll-Bridges

16 Section 3130. Power to Acquire Toll-Bridges.--Any city may
17 purchase, condemn, maintain, and use any public toll-bridge
18 crossing any river or stream within the limits of such
19 municipality, together with the approaches and appurtenances
20 thereto; and may enter into contracts, as hereinafter provided,
21 with the county commissioners of the proper county, whereby said
22 county shall pay a portion of the cost thereof.

23 Section 3133. Contract with County for Purchase.--The city
24 may enter into and unite in a contract with the county
25 commissioners of the county in which said bridge is located upon
26 such terms and conditions as may be agreed upon for the
27 purchase, appropriation, or condemnation of said bridge. The
28 contract may stipulate that the city and county shall pay a
29 certain part or portion of the whole purchase price or damages
30 allowed by condemnation proceedings. The amounts to be paid by

1 the county shall be paid into the city treasury, and, upon said
2 payment, the city treasurer shall be liable therefor, and it
3 shall be held and applied solely for the said purpose or
4 purposes. The said contracts may also provide for and include
5 provisions for the maintenance, repair, and rebuilding of the
6 said bridge, after its purchase or condemnation by the said
7 city.

8 Section 3134. To Become a Public Bridge; Rentals for Other
9 than Foot and Vehicle Travel.--Whenever any toll-bridge shall be
10 so purchased or condemned, the city shall control, maintain, and
11 use the said bridge as a public bridge, but may charge tolls or
12 rentals for the use thereof, from railway, telephone, and
13 telegraph companies, and other persons making a use thereof for
14 other than ordinary public foot and vehicle travel. Where
15 contracts existed between such companies and persons and the
16 owners of the bridge at the time of such purchase or
17 condemnation, such contracts shall be preserved for the benefit
18 of the city and shall be assigned thereto.]

19 Section 256. The act is amended by adding a section to read:

20 Section 3135. Acquisition of Existing Bridges.--Any city may
21 purchase, condemn, maintain and use any public toll-bridge
22 crossing any river or stream within the limits of the
23 municipality, together with the approaches and appurtenances
24 thereto, and may enter into contracts with the county
25 commissioners of the proper county whereby the county shall pay
26 a portion of the cost thereof.

27 Section 257. Article XXXII heading of the act is amended to
28 read:

29 ARTICLE XXXII

30 SANITARY SEWERS

1 Section 258. Article XXXII subdivision (a) heading of the
2 act is repealed:

3 [(a) Construction]

4 Section 259. Section 3201 of the act, amended August 6, 1963
5 (P.L.525, No.280), is amended to read:

6 Section 3201. Construction of Sanitary Sewers; Cost; Eminent
7 Domain.--(a) Any city [may] shall have the power to construct
8 and reconstruct, or cause to be constructed or reconstructed, in
9 its streets, and over and across public and private lands or
10 property, sanitary sewers of all kinds, main or local, with
11 extensions thereof, and with lateral and branch sewers
12 therefrom, including house connections to the curb[, in its
13 streets, and over and across public and private lands or
14 property, and pay the].

15 (b) The cost and expense [thereof] of construction and
16 reconstruction in accordance with subsection (a) may be paid out
17 of the general revenues or special funds raised for said
18 purpose, or assess the same, in whole or in part, upon property
19 benefited, improved or accommodated, as [hereinafter] provided
20 for in Article XLV-A.

21 [For such purposes, the] (c) The city shall have the right
22 of eminent domain to effectuate the purposes of this section.
23 The damages for property taken, injured or destroyed shall be
24 ascertained and paid as provided in [this act for such
25 proceedings] 26 Pa.C.S. (relating to eminent domain).

26 Section 260. The act is amended by adding a section to read:

27 Section 3201.1. Required Connection; Fees.--In addition to
28 paying for the cost and expense of construction or
29 reconstruction in accordance with section 3201(b), a city may,
30 by ordinance, require connection to a sanitary sewer system

provided by the city or a municipal authority serving the city,
and impose and charge to property owners who desire to or are
required to connect to the sanitary sewer system a connection
fee, a customer facilities fee, a tapping fee and other similar
fees, as enumerated and defined by 53 Pa.C.S. § 5607(d) (24)
(relating to purposes and powers of municipal authorities) as a
condition of connection to a city-owned sewer collection,
treatment or disposal facility.

Section 261. Section 3202 of the act is repealed:

[Section 3202. Fee for Tapping Where Sewer is Paid For by
City.--Where the cost of constructing any sewer is paid for
wholly or partially from city funds, the city may charge a
reasonable fee for tapping or connecting with said sewer.]

Section 262. Section 3203 of the act, amended August 6, 1963
(P.L.525, No.280), is repealed:

[Section 3203. Assessment of Cost of Local Part of Main
Sewers.--In the case of the construction of main sanitary
sewers, or of any sanitary sewer which can be used in part for
main sanitary sewerage purposes, and in part as a local sanitary
sewer, the city may provide for assessing the property
benefited, improved or accommodated with the local sanitary
sewerage part thereof, according to the foot-front, or the
assessed valuation of the said property for city purposes, or
according to benefits.]

Section 263. Section 3204 of the act is repealed:

[Section 3204. Costs of Main Sewers.--The cost of all main
sewers, or of any sewers used in part for main sewerage
purposes, over and above the amount thereof assessed for local
sewerage, shall be paid for from the city funds.]

Section 264. Section 3205 of the act, amended August 6, 1963

1 (P.L.525, No.280), is repealed:

2 [Section 3205. Assessment of Cost of Local Sewers.--Council
3 may also provide that the cost and expenses of local, lateral,
4 branch, including house connections to the curbs, and other
5 sanitary sewers may be assessed against the property benefited,
6 improved or accommodated according to the foot-front, or
7 according to the assessed valuation thereof for city purposes,
8 or according to benefits.]

9 Section 265. Section 3206 of the act is amended to read:

10 Section 3206. Construction of [Sewerage System and] Sanitary
11 Sewage Treatment Works; Assessment of Cost.--[Any city may
12 construct, or cause to be constructed, a sewerage system of
13 sewers in streets, with extensions thereof, and with lateral and
14 branch sewers therefrom to and in other streets, and in public
15 or private lands, at the same time as part of the same
16 improvement and under the same contract, and the cost and
17 expense thereof may be assessed as provided in this article.]
18 (a) Any city may construct or cause to be constructed sanitary
19 sewage treatment works, and the same may likewise be a part of
20 the same improvement and under the same contract as sanitary
21 sewers.

22 (b) Sewage treatment works may be erected within or without
23 the limits of the city. The city shall have authority to
24 acquire, by eminent domain or otherwise, property within or,
25 subject to the limitations in 26 Pa.C.S. § 206 (relating to
26 extraterritorial takings), without the limits of the city deemed
27 necessary for such treatment works and the sewers leading
28 thereto.

29 Section 266. Sections 3207 and 3208 of the act, amended
30 August 6, 1963 (P.L.525, No.280), are repealed:

1 [Section 3207. Reductions in Assessments for Corner or
2 Irregular Shaped Lots.--Where council determines to construct
3 local, lateral, and other sanitary sewers, and to assess the
4 cost and expenses thereof according to the foot-front rule, they
5 shall provide for a reduction of an equitable part from the
6 frontage of the longest side of all corner lots, and at other
7 places, where, from the peculiar or pointed shape of the lots,
8 an assessment for the full frontage would be inequitable. If the
9 owner of the property benefited, improved or accommodated by the
10 sanitary sewers is not satisfied with the allowance or
11 reduction, or refuses to accept the same, he shall have the
12 right to appeal to the court of common pleas; and the
13 proceedings shall be as provided in this act for the assessment
14 of damages and benefits by viewers or by such other lawful
15 procedure as the court may determine.

16 Section 3208. Assessment of Cost by Viewers Appointed by
17 Council.--Where the council determines to construct main, local,
18 lateral, or branch sanitary sewers, and to assess the cost and
19 expense thereof according to benefits, in addition to the
20 remedies which now or may hereafter exist for the assessment of
21 the said cost and expense by viewers appointed by court, council
22 may appoint three disinterested freeholders as viewers, who, or
23 a majority of whom, shall assess the costs and expenses of said
24 sanitary sewers upon the lands benefited, improved or
25 accommodated thereby in proportion, as nearly as may be, to the
26 benefits which may result to each lot or parcel of land. Said
27 viewers, or a majority thereof, shall report their assessment to
28 the council, in the manner hereinafter set forth, and council
29 shall act thereon as hereinafter provided.]

30 Section 267. Sections 3209, 3210, 3211 and 3212 of the act

1 are repealed:

2 [Section 3209. Report of Council's Viewers; Notice;
3 Objections; Hearing.--Said viewers, or a majority of them, shall
4 make report in writing, specifying the amount assessed by them
5 upon each lot or parcel of land for main or local sewerage
6 separately, and file the same with the city clerk within such
7 time as the council shall direct. After the report is filed,
8 council shall cause not less than ten days' public notice to be
9 given, by publication once in two newspapers of the city, as
10 required by section one hundred and nine of this act, of the
11 object of such assessments, and that the same will come for
12 confirmation at a time to be specified in said notice.
13 Objections to the assessment shall be in writing and be filed
14 with the city clerk, and may be heard before the city council at
15 the time specified in the notice. Council may, after hearing
16 objections, modify, set aside, or confirm said assessments. If
17 council sets aside the first or any other assessment, they may
18 appoint other viewers, of the same qualifications as
19 hereinbefore provided, and cause new assessments to be made, and
20 the proceedings shall be the same as provided for the first
21 assessment.

22 Section 3210. Certification of Assessments for Collection;
23 Liens.--After making assessments for sewers, council may direct
24 that they be certified to the city treasurer, or to such party
25 as said assessments may be assigned to for collection. If such
26 assessments are not paid within such time as council may by
27 ordinance prescribe, it shall be lawful to file liens therefor
28 in the prothonotary's office of the proper county, as provided
29 by law. Said liens shall bear interest from the time the
30 assessments were payable, at the rate of six per centum, per

1 annum, until paid.

2 Section 3211. Rental Charge for Use of Sewers.--Cities may
3 provide by ordinance for the imposition and the collection of an
4 annual rental, rate or charge for the use of sewers, sewer
5 systems, or sewage treatment works as authorized by law.

6 Section 3212. Limitation of Amount of Sewer Rental Charge.--
7 Such annual rental, rate or charge shall not exceed the amount
8 authorized by law.]

9 Section 268. Section 3213 of the act, amended December 18,
10 1992 (P.L.1424, No.175), is repealed:

11 [Section 3213. Collection of Sewer Rentals.--(a) Council
12 shall provide for the collection of such annual rentals, rates
13 or charges.

14 (b) In the case of a city which has agreed to provide sewer
15 service to a residential dwelling unit in which the owner does
16 not reside, the city shall notify the owner and the tenant
17 within thirty days after the tenant's bill for that service
18 first becomes overdue. Such notification shall be provided by
19 first class mail to the address of the owner provided to the
20 city by the owner and to the billing address of the tenant,
21 respectively. Nothing herein shall be construed to relieve the
22 owner of liability for such service unless the city fails to
23 provide the notice required herein.]

24 Section 269. The act is amended by adding a section to read:

25 Section 3213.1. Rental Fees or Charges.--(a) All persons
26 whose property is connected to a sanitary sewer system shall pay
27 to the city, in addition to the cost of making the connection, a
28 monthly, quarterly, semiannual or annual charge. The charges
29 shall be imposed by the city in accordance with procedures
30 approved by council. Until paid, a charge shall constitute a

lien against the property connected to the sanitary sewer system
and the amount thereof may be recovered by due process of law
through an action in assumpsit in the name of the city against
the owner of the property charged or by a lien filed in the
nature of a municipal lien. All water utilities supplying water
to users within the boundaries of any city shall at the request
of the council furnish to the city, at reasonable times agreed
to by the city and water utilities, a list of all water meter
readings and flat-rate water bills, and the basis for each flat-
rate water charge, so that the data may be used in calculating
sewer rental fees. The city may pay to the utilities clerical
and other expenses incurred in the preparation of the lists.

(b) Nothing in this section shall be construed to repeal or
modify any of the provisions of 66 Pa.C.S. (relating to public
utilities).

(c) All sanitary sewer rentals received shall be deposited
in a special fund to be used only for the payment of the cost of
administration, construction, reconstruction, repair, operation
and maintenance of the sanitary sewer system.

(d) In the case of a city which has agreed to provide
sanitary sewer service to a residential dwelling unit in which
the owner does not reside, the city shall notify the owner and
the tenant within thirty days after the tenant's bill for that
service first becomes overdue. Such notification shall be
provided by first class mail to the address of the owner
provided to the city by the owner and to the billing address of
the tenant, respectively. Nothing herein shall be construed to
relieve the owner of liability for such service unless the city
fails to provide the notice required herein.

Section 270. Section 3214 of the act is repealed:

1 [Section 3214. Collection of Sewer Rentals.--Such annual
2 sewer rentals or charges shall be a lien on the properties
3 charged with the payment thereof from the date set in the
4 ordinance, and, if not paid after thirty days' notice, may be
5 collected by an action in assumpsit in the name of the city
6 against the owner of the property charged or by distress of
7 personal property on the premises or by a lien filed in the
8 nature of a municipal lien.]

9 Section 271. Section 3215 of the act, added August 6, 1963
10 (P.L.525, No.280), is repealed:

11 [Section 3215. Tapping Fees.--Each city may provide by
12 ordinance for charging a tapping fee whenever the owner of any
13 property connects such property with a sewer system constructed
14 or acquired by the city, which fee shall be in addition to any
15 charges assessed and collected against such property in the
16 construction or acquisition of such sanitary sewer by the city,
17 or any rental charges assessed by the city. In any case where
18 the property connected or to be connected with the sanitary
19 sewer system of the city is not equipped with a water meter, the
20 city may install such a meter at its own cost and expense. If
21 the property is supplied with water from the facilities of a
22 public water supply agency, the city shall not install such
23 meter without the consent and approval of the public water
24 supply agency.]

25 Section 272. Article XXXII subdivision (b) heading and
26 sections 3220, 3221 and 3222 of the act are repealed:

27 [(b) Acquisition of Existing Sewers

28 Section 3220. Purchase of Existing Sewers.--Any city, in
29 which any corporation created and existing under and by virtue
30 of the laws of this Commonwealth, or any person or persons or

1 unincorporated associations, have constructed and are
2 maintaining or may hereafter construct and maintain sewers,
3 culverts, conduits, and pipes, with the necessary inlets and
4 appliances, for surface, under-surface and sewage drainage, may
5 become the owner of such sewers, culverts, conduits, and pipes,
6 with the necessary inlets and appliances, for surface, under-
7 surface, and sewage drainage, and the property of such company,
8 person or persons, or unincorporated associations, by paying
9 therefor the actual value of the same at the time of taking by
10 the city.

11 Section 3221. Ascertainment of Price in Case of
12 Disagreement.--In case of disagreement as to the amount to be
13 paid, the same shall be ascertained in the manner provided by
14 this act in case of property taken, injured or destroyed.

15 Section 3222. Appointment of Viewers.--Whenever the amount
16 to be paid by any city to any corporation, person or persons, or
17 unincorporated association, for the acquisition of such sewers,
18 culverts, conduits, and pipes, with the necessary inlets and
19 appliances, shall have been ascertained in the manner provided
20 in the preceding section, the court of common pleas of the
21 proper county, or any law judge thereof in vacation, on
22 application thereto by petition by said city or any person
23 interested, shall appoint viewers who shall assess the costs and
24 expenses of the sewers, culverts, conduits, and pipes, with the
25 necessary inlets and appliances, acquired by said city, upon the
26 property benefited according to benefits, if sufficient can be
27 found, but if not, then the deficiency, when finally
28 ascertained, shall be paid by the city; and the proceedings of
29 said viewers, and the proceedings on their report, shall be as
30 provided in this act for the assessment of damages and

1 benefits.]

2 Section 273. The act is amended by adding a section to read:

3 Section 3222.1. Acquisition of Existing Sanitary Sewer
4 Systems.--(a) A city may, by ordinance, acquire all or part of
5 an existing sanitary sewer system or community subsurface
6 sanitary sewage collection and treatment system.

7 (b) Acquisition may be by any of the following means:

8 (1) By purchase, when the city and the owner can agree on a
9 price not exceeding the actual value of the sanitary sewer
10 system or part thereof to be transferred.

11 (2) By deed of dedication to the city by the owner of the
12 sanitary sewer system or part thereof.

13 (3) If the facilities are within the city, by the exercise
14 of eminent domain.

15 (c) If any sanitary sewer system or community subsurface
16 sanitary disposal collection and treatment system is acquired by
17 purchase or eminent domain under this section, the cost of
18 acquisition may be distributed or assessed under this act as
19 when a sanitary sewer system is constructed by the city.

20 (d) The rights, powers and duties of the city with respect
21 to acquired sanitary sewer systems are the same as exist with
22 respect to sanitary sewer systems constructed by the city.

23 Section 274. Article XXXII subdivision (c) heading of the
24 act is repealed:

25 [(c) Construction of Sewers Outside Cartway and Curb Lines]

26 Section 275. Section 3230 of the act, amended August 6, 1963
27 (P.L.525, No.280), is amended to read:

28 Section 3230. [Power to Construct] Sewers Outside Cartway
29 and Curb Lines.--(a) Cities may require and permit sanitary
30 sewers and sewer pipes to be laid and constructed outside the

1 cartway and the curb lines thereof in any street or highway.

2 The [said] sanitary sewers shall be for the service and use
3 of the property on the side of the street or highway in which
4 they are laid.

5 (b) The costs and expenses of any sanitary sewer laid and
6 constructed in accordance with subsection (a) may be assessed
7 against the property benefited, improved and accommodated by the
8 sanitary sewer.

9 Section 276. Section 3231 of the act, amended August 6, 1963
10 (P.L.525, No.280), is repealed:

11 [Section 3231. Collection of Costs and Expenses.--The costs
12 and expenses of any sanitary sewer laid and constructed as
13 aforesaid may be assessed against the property benefited,
14 improved and accommodated by the sanitary sewer and such costs
15 and expenses, when so assessed, shall be assessed and collected
16 in the same way and manner as the cost and expenses of other
17 sanitary sewers are assessed and collected in the respective
18 city in which the same are laid.]

19 Section 277. Article XXXII subdivision (d) heading of the
20 act is repealed:

21 [(d) Joint Sewers]

22 Section 278. Section 3240 of the act, amended August 6, 1963
23 (P.L.525, No.280), is amended to read:

24 Section 3240. Building Joint Sewers.--(a) Cities may
25 jointly with other municipalities or [townships or both]
26 municipal authorities build and construct sanitary sewers,
27 including trunk-line sewers or drains and sewage treatment
28 works, and may connect into such system existing sanitary
29 sewers, and may assess their respective portions of the cost
30 thereof, or so much thereof as may be legally assessable, upon

1 property benefited, improved and accommodated by the improvement
2 [either by viewers as is provided in the case of cities by
3 sections three thousand two hundred and eight, three thousand
4 two hundred and nine, and three thousand two hundred and ten of
5 this act or by the foot-front rule or assessed valuation, as
6 provided in section three thousand two hundred and three of this
7 act] pursuant to Article XLV-A. Any portion of the cost of
8 [such] an improvement not assessed or not assessable shall be
9 paid [by the respective cities, boroughs, and townships joining
10 as may be agreed upon] as agreed upon by the respective cities
11 and other municipalities or municipal authorities.

12 (b) The cities[, boroughs, and townships] and other
13 municipalities or municipal authorities joining or contemplating
14 joining in any such improvement, in order to facilitate the
15 securing of preliminary surveys and estimates and the building
16 of [such] the improvement, may by ordinance or resolution
17 provide for the appointment of a joint sewer board composed of
18 one representative from each of the cities[, boroughs, and
19 townships] and other municipalities or municipal authorities
20 joining which shall act generally as the advisory and
21 administrative agency in securing [such] surveys and estimates
22 and in the construction of [such] the improvement, and its
23 subsequent operation and maintenance. The members of [such] the
24 board shall serve for terms of six years each from the dates of
25 their respective appointments, and until their successors are
26 appointed. The joint sewer board shall organize by the election
27 of [chairman, vice-chairman] a chair, vice-chair, secretary, and
28 treasurer. The several cities[, boroughs, and townships] and
29 other municipalities or municipal authorities may, in the
30 ordinances and resolutions creating the joint sewer board,

1 authorize the board to appoint an engineer, a solicitor, and
2 [such] other assistants as are deemed necessary; and agree to
3 the share of the compensation of [such] the persons each city[,
4 borough, and township] and other municipalities or municipal
5 authorities is to pay. The members of the joint sewer board
6 shall receive [such] compensation for attending meetings of the
7 board, as shall be fixed in the budget prepared by the board for
8 submission to and adoption by the several cities[, boroughs, and
9 townships] and other municipalities or municipal authorities as
10 hereinafter provided[, and the]. The budget item providing for
11 the compensation to members for attending meetings shall not
12 exceed a total of two hundred and fifty dollars per year, and no
13 member shall be paid unless [he] the member actually attends,
14 and the fee for each [such] attendance shall be stipulated, and
15 the members, in addition thereto, shall be entitled to actual
16 expenses to be paid by the respective cities[, boroughs, and
17 townships] and other municipalities or municipal authorities
18 which [such] the members represent.

19 (c) The joint sewer board shall have power to adopt rules
20 and regulations to govern its proceedings, and shall prepare and
21 suggest any practical measures and plans by means of which the
22 joint improvement may be carried to successful completion; and
23 the future development of the system, so as to conform to a
24 general plan, assured and safeguarded. [It] The joint sewer
25 board shall have power to prepare a joint agreement or
26 agreements for submission to and adoption by the several
27 cities[, boroughs, and townships] and other municipalities or
28 municipal authorities defining the advisory and administrative
29 powers of the board; setting forth the consents of the several
30 cities[, boroughs, and townships] and other municipalities or

1 municipal authorities to the proposed improvement; the manner in
2 which preliminary and final plans, specifications, and estimates
3 for the proposed improvement shall be prepared and adopted; how
4 proposals for bids shall be advertised, and contracts let; the
5 manner in which the costs of the improvement and other
6 incidental and preliminary expenses in connection therewith, and
7 the future cost of operation and maintenance shall be equitably
8 shared, apportioned, and paid; and all such other matters
9 including the preparation and submission of annual and other
10 budgets as may be deemed necessary or required by law to carry
11 the proposed improvement to completion and to assure future
12 maintenance and operation thereof. [But nothing herein] Nothing
13 contained herein shall authorize the board to make any
14 improvement or expend any public moneys which has not first been
15 authorized by all of the cities[, boroughs, and townships] and
16 other municipalities or municipal authorities proceeding with
17 the improvement.

18 (d) In any case where it shall be necessary to acquire,
19 appropriate, injure, or destroy private property of any kind to
20 build any [such] joint sewer improvement, and the same cannot be
21 acquired by purchase or gift, the right of eminent domain shall
22 vest in the city[, borough, or township] or other municipalities
23 or municipal authorities where [such] the property is located.
24 In any case where it shall be necessary to acquire, injure, or
25 destroy property of any kind in any territory not within the
26 limits of any of the cities[, boroughs, or townships] and other
27 municipalities or municipal authorities joining in the
28 improvement[;] then, subject to the limitations in 26 Pa.C.S. §
29 206 (relating to extraterritorial takings), the right of eminent
30 domain shall be vested in any city[, borough, or township

adjacent to such territory where such property is located] and
other municipalities or municipal authorities joining in the
sewer improvement. Damages for any property taken, injured, or
destroyed shall be assessed as provided by the general laws
relating to the cities[, boroughs, and townships] and other
municipalities or municipal authorities exercising the right of
eminent domain[;] and pursuant to the procedures of 26 Pa.C.S.
(relating to eminent domain) if applicable, and shall be paid by
the several cities[, boroughs, and townships] and other
municipalities or municipal authorities joining in the same
proportion as other costs of the improvement.

(e) Each of the cities joining in [any such improvement] an
improvement authorized by this section shall have power to incur
or increase its indebtedness[, not exceeding the constitutional
limits, for the purpose of paying its share or portion of the
costs of such improvement in the manner provided by law for the
incurring of indebtedness] in accordance with 53 Pa.C.S. Pt.
VII, Subpt. B (relating to indebtedness and borrowing), for the
purpose of paying its share or portion of the costs of the
improvement.

Section 279. Section 3241 of the act is amended to read:

Section 3241. Approval of [Sanitary Water Board] Department
of Environmental Protection.--No [such] sewer or plant shall be
constructed until plans and specifications have been submitted
to the [Sanitary Water Board] Department of Environmental
Protection, and approved in accordance with provisions [of the
act of assembly providing for such approval] applicable law.

Section 280. Sections 3242, 3243 and 3244 of the act are
repealed:

[Section 3242. Connections with Sewers of Adjacent

1 Municipalities.--Any city may connect with an existing sewer,
2 owned by any adjacent municipality, for sewage purposes, in the
3 manner prescribed in the following sections of this subdivision
4 of this article.

5 Section 3243. Applications to Court.--Whenever any city
6 desires to connect with the existing sewer of any adjacent
7 municipality, and no agreement has been reached between such
8 city and the adjacent municipality, an application shall be made
9 by council to the court of quarter sessions of the county,
10 setting forth that fact.

11 Section 3244. Appointment of Viewers.--If the court shall be
12 of the opinion that such connection can be made without
13 impairing the usefulness of the existing sewer, it shall appoint
14 three viewers, who shall view the premises and investigate the
15 facts of the case, and shall assess the proportionate part of
16 the expense of building the original sewer upon such city, and
17 shall fix the proportion of the expense for repairs which each
18 municipality shall thereafter bear, and determine all other
19 questions liable to arise in connection therewith.]

20 Section 281. Section 3245 of the act, repealed in part June
21 3, 1971 (P.L.118, No.6), is repealed:

22 [Section 3245. Report of Viewers; Appeals to Court.--The
23 viewers shall report to the court the result of their
24 investigation, which report shall be confirmed within thirty
25 days, unless exceptions thereto be filed. After confirmation of
26 such report, or the disposal of any exceptions, any party
27 interested may appeal from the decision of the court of quarter
28 sessions.]

29 Section 282. The act is amended by adding a section to read:

30 Section 3245.1. Municipal Corporation; Municipal Authority;

1 Agreements for Connections; Appointment of Viewers.--(a) Any
2 city may by agreement connect with an existing sanitary sewer
3 owned by any municipal corporation or municipal authority for
4 either sanitary sewage collection or treatment purposes.

5 (b) When any city desires to connect with the existing sewer
6 of any municipal corporation or municipal authority and no
7 agreement has been reached between the city and the municipal
8 corporation or municipal authority, city council shall present a
9 petition to the court of common pleas setting forth those facts.
10 The court shall fix a day for a hearing and notify all
11 interested parties thereof. If, after the hearing, the court
12 determines that the connection can be made without impairing the
13 usefulness of the existing sanitary sewer system, the court
14 shall appoint three viewers to view the premises, investigate
15 the facts of the case, assess the necessary costs and expenses
16 of making the connection and assess the proportionate part of
17 the expense of building the original sanitary sewer system upon
18 the city. The court shall determine the proportion of the
19 expense for repairs which each municipal corporation, municipal
20 authority and the city shall bear and shall determine all other
21 questions liable to arise in connection therewith.

22 (c) The viewers shall report to the court the result of
23 their investigation, which report shall be confirmed within
24 thirty days, unless exceptions thereto are filed. After
25 confirmation of the report, or the disposal of any exceptions,
26 any party interested may appeal from the decision of the court
27 of common pleas.

28 Section 283. Article XXXII subdivision (e) heading of the
29 act is repealed:

30 [(e) Power to Furnish Sewerage Facilities Outside of City]

1 Section 284. Section 3250 of the act is amended to read:

2 Section 3250. Sewers Extended Outside of City.--[All cities,
3 wherein the title to the sewerage system therein located, is, or
4 shall hereafter be in the name of the city,] A city with a
5 sanitary sewer system may extend [such] the system and construct
6 sewers beyond the [bounds of the cities wherein they are located
7 into the county and municipalities of the county in the vicinity
8 of such cities,] city's boundaries into adjoining municipalities
9 in the county where the city is located and furnish sewer
10 facilities to, and permit the tapping and the connection
11 therewith by any and all corporations, institutions, persons and
12 municipalities in the [counties in which said cities are] county
13 where the city is located in accordance with law and the rules
14 and regulations of the Public Utility Commission. This section
15 does not authorize a city to extend a sewerage system or
16 construct sewers in territory outside the boundaries of such
17 cities in which sewerage facilities are furnished by a private
18 company or by a municipality authority.

19 Section 285. Article XXXIII and subdivision (a) headings,
20 sections 3301 and 3302, subdivision (b) heading and sections
21 3310, 3311, 3312, 3313, 3314 and 3315 of the act are repealed:

22 [ARTICLE XXXIII

23 COLLECTION BY INSTALMENT OF THE COST OF STREET

24 AND SEWER IMPROVEMENTS

25 (a) Street and Sewer Improvements

26 Section 3301. Payment of Assessments in Instalments.--
27 Whenever any ordinance is passed providing for the grading,
28 paving or other improvement of any street, or part thereof, or
29 for the construction of any sewer, the expense whereof is to be
30 defrayed by local assessments, it may be prescribed in such

1 ordinance that the assessments may be paid in not more than ten
2 equal instalments, payable at such times as may be fixed by
3 ordinance, the last thereof not to be more than ten years after
4 the completion of the work on the improvement for which it is
5 assessed. The instalments shall bear interest at the rate of not
6 more than six per centum per annum, commencing at such time as
7 may be fixed by ordinance. If any of said instalments shall
8 remain unpaid for two months after the same shall become due and
9 payable, the whole of the assessment remaining unpaid shall be
10 due and payable. Any person upon whom such assessment has been
11 made may pay all or as many as he chooses of such instalments
12 before the same are due.

13 Section 3302. Collection of Assessments.--All assessments
14 made in pursuance hereof shall be collected in the same manner
15 and with the same penalties as provided by law for the
16 collection of municipal claims.

17 (b) Street Improvements

18 Section 3310. Issue of Bonds for Payment of Cost of
19 Improvement.--In order to provide for the payment of the cost
20 and expense of the permanent paving and improvement of any
21 street, or part thereof, cities may in addition to other methods
22 provided, from time to time, issue their bonds in such sums as
23 may be required, in all to an amount not exceeding the cost and
24 expense of such improvement and interest thereon.

25 Said bonds shall bear the name of the street to be improved.
26 They shall bear interest at a rate not exceeding six per centum
27 per annum, payable semi-annually, on the first day of July and
28 January, and their maturity shall be fixed in accordance with
29 the Municipal Borrowing Law.

30 Section 3311. Disposition of Proceeds of Sale of Bonds;

1 Assessment on Properties.--Said bonds shall be negotiated at not
2 less than par as other bonds of said cities are negotiated, and
3 the proceeds thereof applied solely to the payment of the cost
4 of said improvement. The contract price of the same, and
5 interest thereon to the first day, when interest thereon is
6 payable, shall be taken as the cost of said improvement, to be
7 assessed on the property benefited, according to the provisions
8 of this act.

9 Section 3312. Entering of Assessments as Liens.--Such
10 assessments shall be entered in the proper municipal lien and
11 judgment docket in the prothonotary's office, and shall, if
12 filed within six months from the completion of the improvements,
13 without the issuing of a scire facias to revive, remain a first
14 lien upon the property assessed until fully paid, having
15 precedence of all other liens, except taxes, and shall not be
16 diverted by any judicial sale, unless the payment of the same is
17 provided for from the proceeds of such sale.

18 The assessment shall state the name of the city claimant, the
19 name of the owner or reputed owner, a reasonable description of
20 the property, the amount claimed to be due, for what improvement
21 the claim is made, and the time when the assessment was finally
22 confirmed or made.

23 Section 3313. Instalment Payment of Assessments.--Such
24 assessment shall be payable at the city treasurer's office in
25 equal semi-annual instalments, with interest, at the rate
26 provided in said bonds, from the date to which interest was
27 computed on the amount of the assessments, or so much as remains
28 unpaid from time to time, until all said assessments and
29 interest are fully paid. The money so received by the city
30 treasurer shall be applied to the sinking fund.

1 Section 3314. Collection of Unpaid Instalments.--In case of
2 default in the payment of any semi-annual instalment of said
3 assessment and interest for a period of sixty days after the
4 same shall become due and payable, the entire assessment and
5 accrued interest shall become due and payable, and the city
6 solicitor shall proceed to collect the same under the provisions
7 of laws creating and regulating municipal liens and proceedings
8 thereon.

9 Section 3315. Payment in Advance; Discharge of Lien as Part
10 of Property.--Any owner of property against whom an assessment
11 shall have been made for such improvement shall have the right
12 to pay the same, or any part remaining unpaid, in full with
13 interest thereon to the next semiannual payment due on said
14 assessment, and such payment shall discharge the lien. If any
15 owner shall subdivide any property after such lien attaches, he,
16 in like manner, may discharge the same upon any subdivided
17 portion thereof by paying the amount for which said part would
18 be liable.]

19 Section 286. Article XXXIV heading of the act is amended to
20 read:

21 ARTICLE XXXIV

22 [WATER-COURSES]

23 WATERCOURSES, FLOOD PROTECTION PROJECTS

24 AND STORM WATER SYSTEMS

25 Section 287. Section 3401 of the act is amended to read:

26 Section 3401. [Changing of Water-Courses] Establishing and
27 Changing Watercourses, Flood Protection Projects and Storm Water
28 Systems; Removing Obstructions [Therefrom.--Cities].--(a)
29 Subject to obtaining, if required, the authorization of the
30 Department of Environmental Protection and of the Federal

1 Government, a city may, by ordinance, [after the consent of the
2 Water and Power Resources Board and of the Federal government,
3 where required, has first been obtained, establish the lines,
4 change and] do any of the following:

5 (1) Realign, change or vacate the channels, beds, and mouths
6 of [water-courses] watercourses through lands, marshes or waters
7 in or adjacent to the city[; crib, wall, confine], subject to
8 the limitations in the act of August 7, 1936 (1st Sp.Sess.,
9 P.L.106, No.46), referred to as the Flood Control Law, the act
10 of June 22, 1937 (P.L.1987, No.394), known as "The Clean Streams
11 Law," the act of November 26, 1978 (P.L.1375, No.325), known as
12 the "Dam Safety and Encroachments Act," and 26 Pa.C.S. § 206
13 (relating to extraterritorial takings).

14 (2) Confine, pave or completely [inclose, and prevent]
15 enclose watercourses within the city.

16 (3) Prevent and remove obstructions [therefrom at the
17 expense of those causing the same; and, for such purposes, may
18 enter upon and condemn such property and materials as may be
19 necessary. Cities may construct] and encroachments from
20 watercourses and the banks of streams that threaten or do injure
21 the city or property therein, at the expense of those that
22 caused the obstruction or encroachment through proceedings at
23 law or equity.

24 (4) Construct and maintain dams [as hereinafter provided.
25 Cities may also, by ordinance, establish the lines of banks of
26 streams of water which pass through or along the boundary of
27 such cities, and by proceedings at law or equity prevent and
28 remove all such encroachments on the banks of streams and water-
29 courses as threaten to or do injure the city or the property
30 therein.] in a watercourse flowing through the city, or partly

1 within and partly outside its corporate limits, for the purpose
2 of improving the public health, safety and welfare in the city.

3 (5) Plan and provide for projects, infrastructure and
4 improvements as a means of managing and controlling storm water,
5 which may include, but need not be limited to, the transport,
6 storage and the infiltration of storm water and other innovative
7 techniques identified in the county-prepared watershed plans
8 pursuant to the act of October 4, 1978 (P.L.864, No.167), known
9 as the "Storm Water Management Act."

10 (6) Plan and provide for projects, infrastructure, and
11 improvements as a means of providing flood protection pursuant
12 to the Flood Control Law.

13 (b) A city may, for any of the purposes in this section,
14 purchase, acquire, enter upon, take, use and appropriate private
15 property and materials as necessary. Condemnation proceedings
16 shall be pursuant to the procedures in 26 Pa.C.S. (relating to
17 eminent domain), and any takings of property outside the limits
18 of the city shall be subject to the limitations in 26 Pa.C.S. §
19 206 (relating to extraterritorial takings).

20 Section 288. Sections 3402, 3403, 3404, 3405 and 3406 of the
21 act are repealed:

22 [Section 3402. Notice.--No ordinance for the establishment
23 of lines or the vacation or alteration of the course or channel
24 of any water-course shall be passed, until notice thereof has
25 been given, by publication of the proposed ordinance, at least
26 once a week for three consecutive weeks, in one newspaper in
27 accordance with the provisions of section one hundred nine of
28 this act.

29 Section 3403. Viewers to Assess Damages.--The city may, at
30 any time after the passage of the ordinance, present a petition

1 to the court of common pleas, setting forth the lines
2 established and the nature of the vacation or alteration
3 proposed in the course or channel of such water-course, together
4 with a description of the proposed improvements, and praying the
5 court to appoint three viewers to ascertain the damages, costs,
6 and expenses resulting therefrom, and to assess the damages,
7 costs, and expenses, for so much thereof as the viewers may deem
8 reasonable, upon the property benefited.

9 Section 3404. Appointment of Viewers.--The court, or any law
10 judge thereof in vacation, shall appoint three viewers from the
11 county board of viewers, and appoint a time, not less than
12 twenty nor more than thirty days thereafter, when the viewers
13 shall meet upon the line of the improvement and view the same
14 and the premises affected.

15 Section 3405. Proceedings to Assess Damages.--The
16 proceedings before such viewers for the allowances of damages
17 for property taken, injured or destroyed, and for the assessment
18 of benefits upon property benefited, shall be as provided in
19 this act for the assessment of damages and benefits in eminent
20 domain proceedings.

21 Section 3406. Discontinuance of Proceedings.--If any city
22 shall repeal any ordinance passed, or discontinue any proceeding
23 taken, providing for any such improvements, prior to the entry
24 upon, appropriation, or injury to any property or materials, the
25 city shall not be liable to pay any damages, but all costs upon
26 any such proceeding, together with any actual damage or injury
27 sustained by reason of such proceeding, shall be paid by the
28 city.]

29 Section 289. Sections 3407 and 3408 of the act are amended
30 to read:

1 Section 3407. [Liens.--When the court has entered its final
2 decree confirming the report or fixing the assessments, the]
3 Assessment of Benefits; Liens.--With regard to improvements made
4 pursuant to section 3401(a), a city may, if feasible, assess the
5 benefits upon property benefited by the improvements pursuant to
6 Article XLV-A. The assessments of benefits shall become liens
7 upon the property assessed. Claims therefor may be collected in
8 the same manner as municipal claims are collected, or they may
9 be collected by action of assumpsit, the lien of the judgment,
10 however, to be limited to the property assessed.

11 Section 3408. Waters Excepted.--Nothing contained in the
12 preceding sections of this article shall apply to any [water-
13 course] watercourse used by any municipality or water company as
14 a source of supply, unless [such] the municipality or water
15 company shall consent to [such] the vacation or alteration.

16 Section 290. Section 3409 of the act is repealed:

17 [Section 3409. Construction of Dams.--Whenever the consent
18 of the Water and Power Resources Board and of the Federal
19 government, whenever necessary, has been granted to any city to
20 construct and maintain a dam, in a public navigable river or
21 stream flowing through, or partly within and partly without its
22 corporate limits, for the purpose of improving the sanitary
23 conditions thereof, such city may purchase, acquire, enter upon,
24 take, use and appropriate private property, either within or
25 without its territorial limits, for that purpose. If the city
26 cannot agree with the owner or lessee of such private property
27 upon the compensation for the property appropriated or the
28 damages done, or when, by reason of the absence or legal
29 incapacity of any such owner or lessee, no such compensation can
30 be agreed upon, the court of common pleas of the county in which

1 such property may be situate, or any judge thereof in vacation,
2 on application thereto by petition by said city or such owner,
3 lessee, or any person affected, shall appoint viewers to view
4 and ascertain the damages done by reason thereof, and the
5 proceedings thereupon shall be as provided in this act in the
6 case of property taken, injured or destroyed.]

7 Section 291. Article XXXV heading of the act is amended to
8 read:

9 ARTICLE XXXV

10 [PUBLIC] UTILITY SERVICE

11 Section 292. Article XXXV subdivision (a) and subheading (1)
12 headings and section 3501 of the act are repealed:

13 [(a) Water Supply

14 (1) General Provisions

15 Section 3501. Exclusive Right to Furnish Water to City;
16 Frontage Tax.--Each city shall have the exclusive right, at all
17 times, to supply the city with water, and such persons,
18 partnerships, and corporations therein as may desire the same,
19 at such prices, as may be agreed upon; and for that purpose to
20 have, at all times, the unrestricted right, by ordinance,
21 subject to the provisions of existing laws, to make, erect, and
22 maintain all proper works, machinery, buildings, cisterns,
23 reservoirs, pipes, conduits, for the raising, reception,
24 conveyances, and distribution of water; or, in territory not
25 supplied with water, to make contracts with and authorize any
26 person, company, or association so to do and to give such
27 person, company, or association the privilege of furnishing
28 water, as aforesaid, for any length of time not exceeding ten
29 years. Whenever an extension of a supply of water to portions of
30 the city not previously supplied shall be made, it shall be

1 lawful to charge all owners of houses, lots, and buildings on
2 each side of the street a frontage tax for the local water
3 supply part thereof according to the foot front or the assessed
4 valuation of the property for city purposes or according to
5 benefits. This tax shall be collected and recovered in the
6 manner provided by law for the recovery of municipal claims. The
7 legal title to all waterworks heretofore vested in any city by
8 equitable title shall, after the effective date of this act, be
9 vested in such city. Said waterworks shall be operated,
10 maintained, and managed in the same manner and subject to the
11 same provisions as any waterworks, owned or acquired by cities.]

12 Section 293. The act is amended by adding a section to read:

13 Section 3501.1. Right to Furnish Water, Lighting, Electric,
14 Gas or Other Similar Utility Service.--(a) A city may supply
15 water, lighting, electric, gas or other similar utility service
16 for public and private uses within the city. For these purposes,
17 a city shall have the power to install, maintain, and operate
18 all necessary facilities and to acquire property and make
19 improvements as needed. In carrying out the authority granted by
20 this section, a city may exercise all powers granted to it under
21 this act or any other law deemed necessary to carry out the
22 purposes of this section, including the power to acquire, by
23 eminent domain or otherwise, and the power to temporarily use or
24 lease, property.

25 (b) A city supplying water, lighting, electric, gas or other
26 similar utility service shall have the authority to fix the
27 rates and charges applicable thereto in accordance with section
28 3587.

29 (c) For the purposes of this section, a city shall have the
30 authority to incur debt in accordance with 53 Pa.C.S. Pt. VII,

1 Subpt. B (relating to indebtedness and borrowing).

2 Section 294. Article XXXV subheading (2) heading, sections
3 3505, 3506 and 3507, subheading (3) heading, sections 3515,
4 3516, 3517, 3518, 3519, 3520 and 3521, subheading (4) heading,
5 sections 3530, 3531 and 3532, subheading (5) heading and section
6 3540 of the act are repealed:

7 [(2) Acquisition by Eminent Domain

8 Section 3505. Appropriation of Lands and Waters.--Any city
9 desiring to erect water-works, or to improve its water supply,
10 may appropriate springs, streams, rivers, or creeks, and lands,
11 easements, and rights of way, within or without its limits; and,
12 for the purpose of conducting water obtained outside the limits
13 of the city, may lay pipes under and over any lands, rivers,
14 streams, bridges, highways, and under railroads. No water
15 appropriated under the provisions of this section shall be used
16 in such manner as to deprive riparian owners thereon of the free
17 use and enjoyment of the same for domestic or farm purposes.

18 Section 3506. Agreements as to Damages; Bonds.--Prior to any
19 such appropriation, the city shall attempt to agree with the
20 owner as to the damage done, or likely to be done. If the
21 parties cannot agree, or the owner cannot be found, or is under
22 legal incapacity, the city shall petition the court of common
23 pleas to fix the amount of its bond, with or without surety, as
24 the court may direct, conditioned for the payment to the owner
25 of the property of the damages for the taking thereof, when the
26 same shall have been ascertained, and shall file said bond, as
27 approved, in the said court.

28 Section 3507. Appointment of Viewers; Proceedings.--Upon
29 petition of either the property owner or city, the court shall
30 appoint three viewers from the county board of viewers, who

1 shall assess the damages for the property or rights
2 appropriated, and shall fix a time for their meeting, of which
3 notice shall be given to all parties interested by newspaper
4 publication, at least once in at least one newspaper, ten days
5 prior to such meeting, as required by section one hundred and
6 nine of this act, and the posting of hand bills along the line
7 of said improvement. The proceedings for the assessment of
8 damages shall be as provided in this act in case of property
9 taken, injured or destroyed.

10 (3) Acquisition by Purchase after Appraisement

11 Section 3515. Petition to Court Expressing Desire to Acquire
12 Water-Works.--Whenever any person, firm, or corporation shall
13 own any water-works or system which furnishes water within the
14 city, such city may present its petition to the court of common
15 pleas of the county, setting forth that the city is desirous of
16 owning and operating such water-works or system, and that it
17 will be necessary to issue bonds, to be secured by such water-
18 works or system, and that a value should be placed upon such
19 water-works or system, including all property, real and
20 personal, used in connection therewith. A city may acquire, by
21 agreement with the owner thereof, any water-works or system
22 which furnishes water within the city, or a part thereof, and
23 within nearby municipal subdivisions, or parts thereof.

24 Section 3516. Appointment of Engineers as Appraisers to Make
25 Valuation.--The court shall thereupon appoint three registered
26 engineers, in civil engineering, as appraisers, to value and
27 appraise such water-works or system, and the property used in
28 connection therewith, and the contracts or agreements with
29 municipalities or townships, who shall file their report in the
30 court within three months after their appointment, unless such

1 time be extended by the court.

2 Section 3517. Powers of Appraisers.--The appraisers shall
3 have access to the books and records of the person, firm, or
4 corporation, owning such water-works or system, to inform
5 themselves as to the income and value thereof. They shall have
6 power to administer oaths and are authorized to take the
7 testimony of witnesses. Their report shall be final if not
8 appealed from.

9 Section 3518. Appeal from Appraisalment.--Within ten days
10 after notice of the filing of any report, either party may
11 appeal from such appraisalment, alleging an undervaluation or
12 overvaluation of the property, and praying for a hearing before
13 the court. The court shall thereupon fix a time when such appeal
14 may be heard, of which time at least ten days' notice shall be
15 given to the parties, and, upon such hearing, the court shall
16 have power to modify such report, and either party may appeal
17 from the final confirmation of such report to the Superior or
18 Supreme Court.

19 Section 3519. Effect of Failure of Owner of Works to Accept
20 Price Fixed.--After the value is finally determined, the city
21 may buy such water-works or system at the valuation so fixed;
22 and the person, firm, or corporation owning the same shall,
23 within ten days after notice, file in court its consent to sell
24 and convey its water-works or system and property to the city at
25 the valuation fixed. And, in default thereof, such person, firm,
26 or corporation shall cease to have any exclusive privilege of
27 supplying the city, or the citizens thereof, with water, and the
28 city may install such water-works or system as may be necessary
29 for the accommodation of the public.

30 Section 3520. Issue of Bonds.--For the purpose of any

1 purchase authorized by this article, the city may issue general
2 obligation bonds or utility bonds or non-debt revenue bonds
3 issued as provided by the Municipal Borrowing Law.

4 Section 3521. Limit of Bond Issue.--Such bonds shall not
5 exceed in amount the value fixed by the appraisers or the court.
6 The proceeds of the sale of such bonds shall be used exclusively
7 for the purpose of paying for the property acquired.

8 (4) Acquisition of Competing Water Companies by Cities

9 Section 3530. Power to Acquire Companies Operating in Same
10 Territory.--Any city owning, operating, or controlling a system
11 of water-works for the supplying of water to persons,
12 partnerships, and corporations residing therein, and for
13 municipal purposes, whether the title to the said water-works be
14 in the name of commissioners of water-works or in the city
15 itself or otherwise, may acquire all the water-works, including
16 water pipes, mains, service attachments, fire hydrants, and
17 improvements of any water corporation or private individual
18 operating partly within and partly without the limits of the
19 said city, both so much as is included within the limits of the
20 said city, and so much as is without the limits of the said
21 city, serving the territory adjacent thereto, and acquire and
22 exercise all of the franchises and powers of said prior owner
23 both within and without the city limits.

24 No such municipal acquisition shall be valid until, upon
25 application filed by the city and formally joined in by the
26 proposed vendor water company, the Public Utility Commission
27 shall have found and determined, after public hearing, that the
28 granting of such application and the service contemplated by the
29 city is necessary or proper for the service, accommodation, and
30 convenience of the public. In any such proceeding, the entire

1 matter shall be before the commission, and no further specific
2 approvals of the said commission, which might otherwise be
3 required, shall be necessary.

4 Section 3531. Service Outside Limits Subject to Control of
5 Public Utility Commission.--The service of water by any such
6 city in the territory outside of the limits of the city shall be
7 subject to regulation and control by the Public Utility
8 Commission as to character of service, extensions, and rates,
9 with the same force and in like manner as though the city
10 serving in such territory were in fact a water corporation and
11 with respect to such territory outside of the limits of the
12 city, and shall have all the powers and be subject to all the
13 duties of a water corporation.

14 Section 3532. Different Rates Within and Without City.--
15 Inasmuch as the city may be serving its inhabitants at less than
16 the actual cost of service, including capital charges and
17 depreciation, because the plant may have been or may be built
18 and operated in part out of the funds raised by municipal
19 taxation, no rate, classification, rule, regulation, or
20 practice, put in operation by the city in the portion of its
21 territory supplied, located beyond the city limits shall be
22 considered as unjustly discriminatory solely by reason of the
23 fact that a different rate, classification, rule, regulation, or
24 practice is in operation within the boundaries of the
25 municipalities with respect to a similar service rendered.

26 (5) Power to Furnish Water to Consumers outside City

27 Section 3540. All cities wherein the title to the water-
28 works therein located is or shall hereafter be in the name of
29 the city may extend the water-pipes and improvements of any such
30 water-works, beyond the bounds of the cities wherein they are

1 located, into the county and municipalities of the county in the
2 vicinity of such cities; and furnish water to any and all
3 corporations, institutions, persons, and municipal subdivisions
4 in the counties in which said cities are located, in accordance
5 with law and the rules and regulations of the Public Utility
6 Commission. This section does not authorize a city to extend
7 water-pipes or supply water in territory, outside the boundaries
8 of such cities, which territory is being supplied with water by
9 a private company.]

10 Section 295. The act is amended by adding a section to read:

11 Section 3540.1. Power to Furnish Utilities to Consumers
12 Outside City.--A city that provides utility service in
13 accordance with section 3501.1 may provide utility service in
14 surrounding municipalities, or portions thereof, which are not
15 provided with such services by those surrounding municipalities,
16 local or regional public authorities or private companies,
17 subject to and in accordance with applicable law and the rules
18 and regulations of the Pennsylvania Public Utility Commission
19 with regard to the character of service, extensions and rates.

20 Section 296. Article XXXV subheading (6) heading, sections
21 3550, 3551, 3552 and 3553, subheading (7) heading, sections
22 3560, 3561, 3562, 3563 and 3564, subheading (8) heading and
23 sections 3570 and 3571 of the act are repealed:

24 [(6) Power to Lease Water-Works

25 Section 3550. Lease of Water-Works.--The council of any city
26 may, on behalf of such city, enter into a contract with any
27 private individual, copartnership, association, or corporation,
28 for the leasing of any water supply, works, systems, and
29 property, or both, of such private individual, copartnership,
30 association, or corporation.

1 Section 3551. Terms of Lease; Rental.--The said leasing may
2 be for such term of years and at such rental, as shall be agreed
3 upon by the city and the private individual, copartnership,
4 association, or corporation.

5 Section 3552. Operation of Property.--The property, so
6 acquired, shall be operated in the same manner as if the same
7 had been acquired by such city by purchase or condemnation
8 proceedings.

9 Section 3553. Rates.--The council of the city, subject to
10 the Public Utility Law, shall fix the rates to be charged for
11 the water furnished without the limits of such city to
12 individuals, copartnerships, associations, or corporations.

13 (7) Condemnation of Lands for Road Purposes and to
14 Prevent Contamination

15 Section 3560. Overflowing Roads; Acquisition of Lands to
16 Reconstruct Roads.--Whenever any city, in supplying water to the
17 public, shall find it necessary, in storing water, to occupy and
18 overflow with water portions of any turnpike or public road, or
19 whenever any public road leads into or crosses over any
20 reservoir used for the storage of water, the city shall cause
21 such turnpike or road to be reconstructed, at its own expense,
22 on a favorable location and in as perfect manner as the original
23 road, and, for such purposes, is authorized to condemn land
24 whenever an agreement as to the price cannot be had with the
25 owners.

26 Section 3561. Filing Maps and Plans.--After such change is
27 made, the city shall file in the court of quarter sessions of
28 the county a map or plan showing such change of road, and shall
29 furnish to the supervisors or other authorities of the township,
30 or municipal corporation, a copy of such map.

1 Section 3562. Condemnation of Lands to Prevent
2 Contamination.--Cities may acquire, by purchase or condemnation,
3 such lands along and contiguous to the streams of water or
4 reservoirs from which water is taken for public use, as may be
5 necessary to preserve the same from contamination.

6 Section 3563. Security for Payment of Damages.--No land
7 shall be taken, injured or destroyed for the uses mentioned in
8 this subdivision of this article until compensation therefor
9 shall have been paid, or secured, before such taking, injury or
10 destruction.

11 Section 3564. Condemnation Proceedings.--The damages
12 incurred in changing the location of any such turnpike or public
13 road, and in condemning land to preserve water from
14 contamination, shall be ascertained in the manner provided in
15 this act in case of property taken, injured or destroyed.

16 (8) Miscellaneous Provisions

17 Section 3570. Power of City to Patrol Through Private
18 Lands.--Any city owning and operating a water-works system is
19 hereby authorized and empowered to enter, by any of its
20 employees, upon private lands through which may pass any stream
21 or streams of water supplying such city, for the purpose of
22 patrolling the drainage area of such stream or streams, and
23 making investigations or inquiries pertaining to the condition
24 of the stream or streams, sanitary or otherwise. Any injury or
25 damage done to the property, so entered upon, shall be paid by
26 such city.

27 Section 3571. Leasing of Part of Water-Works for Yacht
28 Harbor.--The council, or the commission of water-works, or other
29 body of any city having charge and control of the water-works
30 property of any such city, may, subject to the approval of the

1 State Department of Health, and subject to proper restrictions,
2 lease, for a period of years, any portion of the real property,
3 not exceeding three acres, and any water area, under its
4 control, and not necessary or essential for the operation and
5 maintenance of such water-works, for the purpose of establishing
6 and maintaining a harbor for yachts and for the erection of
7 proper and suitable buildings in connection therewith, whenever
8 the occupation of the grounds and water areas so leased shall
9 not interfere with the operation of such water-works or in any
10 manner affect the sanitary conditions of any public water
11 supply.

12 Any such lease, before the same is executed, shall be
13 submitted to and be approved by the Department of Health.]

14 Section 297. Section 3572 of the act, added August 19, 1953
15 (P.L.1100, No.297), is repealed:

16 [Section 3572. Accumulation of Funds; Repair and Replacement
17 of Water Supply Systems.--Any city, which now has or may
18 hereafter acquire title to any water-works, shall create a
19 special fund and accumulate therein money to be expended
20 exclusively for the repairing and replacing of its water supply
21 system. The city shall annually place into the fund the
22 difference between ten (10) per cent of the net receipts
23 collected by it incidental to the supplying of water and water
24 service and the amount, if any, expended in repairing or
25 replacing its water supply system. The total amount in the
26 special fund shall not exceed in the aggregate ten (10) per cent
27 of the net receipts for any three years.

28 The provisions of this section shall not be construed to
29 limit the powers of the city to use receipts from water or water
30 services for purposes of repairing or replacing its water supply

1 system.]

2 Section 298. Article XXXV subdivision (b) heading, sections
3 3575 and 3576, subdivision (c) heading and sections 3580, 3581,
4 3582, 3583 and 3584 of the act are repealed:

5 [(b) Power and Light

6 Section 3575. Power to Furnish Light.--Cities shall have the
7 exclusive right, at all times, to supply the city with electric,
8 gas or other light, and such persons, partnerships, and
9 corporations therein as may desire the same, at such prices as
10 may be agreed upon; and shall have at all times, the
11 unrestricted right to make, erect, and maintain the necessary
12 buildings, machinery, and apparatus for manufacturing and
13 distributing the same, or, in territory not supplied with light,
14 to make contracts with and to authorize any person, company, or
15 association so to do, and to give such person, company, or
16 association the privilege of supplying gas or other light, as
17 aforesaid, for any length of time not exceeding ten years.

18 Section 3576. Street Lighting; Ornamental Lighting
19 Systems.--Cities may, by ordinance, provide for and regulate the
20 lighting of streets with gas or electric light, or light by
21 other means, and, upon petition of the majority of the property
22 owners in number or interest abutting on any street or section
23 thereof, may install ornamental lighting systems and assess the
24 costs of installation, maintenance, or operation entirely upon
25 the city, or entirely upon the abutting property owners, or
26 partly upon the abutting property owners and partly on the city.

27 (c) Water and Lighting Commission

28 Section 3580. Creation of Water and Lighting Department.--
29 Any city which now has or which may hereafter have the title to
30 any water, gas, or electric light works, by conveyance to the

1 same or by operation of law in its corporate name, or which may
2 hereafter erect or purchase water, gas, or electric light works,
3 under the provisions of this act, may create a department to be
4 called the water and lighting department, and, for the
5 organization and government of the same, the council may divide
6 the city into three districts for the election of a board of
7 commissioners, which districts shall be numbered one, two, and
8 three; one commissioner to be chosen from each respective
9 district, of which he shall be a resident at the time of his
10 election, and no member of council or person holding any city
11 office shall be eligible as a member of said board.

12 Section 3581. Election of Members of Commission.--The
13 council of such city creating such department, as aforesaid,
14 may, on the second Monday of April, or within thirty days
15 thereafter, elect one person from each of said districts as a
16 member of the board of commissioners of the water and lighting
17 department; and at the first election each member of council
18 shall vote for but two commissioners, and the three persons,
19 being one from each of said districts, having the highest number
20 of votes shall be declared elected. The commissioners so elected
21 shall serve for the term of one, two, and three years,
22 respectively, to be computed from the date of election, and
23 until their successors are duly elected and qualified. The term
24 of each shall be determined by lot at the first meeting of the
25 board, and thereafter on the second Monday of April of each
26 year, or within thirty days thereafter, the council shall elect
27 one commissioner to serve for the term of three years.

28 Section 3582. Compensation of Commissioners; Oath; Removal;
29 Filling of Vacancies.--The members of the board of
30 commissioners, created as aforesaid, shall receive such

1 compensation for their services as may be provided by ordinance.
2 Before entering upon their respective duties, they shall take
3 and subscribe the oath prescribed by this act for city officers,
4 and they shall be removable by council for misdemeanor in office
5 or neglect of duty. All vacancies occurring in the board shall
6 be filled by council for the unexpired term.

7 Section 3583. Duties of Board.--The board shall take charge
8 of the water and lighting department so created, and shall
9 employ and dismiss at pleasure a superintendent and a clerk, who
10 shall be secretary of the board, whose compensation shall be
11 fixed by council. The board shall employ such laborers,
12 mechanics and workmen as they may deem necessary for the
13 economical and efficient administration of said department. They
14 shall purchase such materials and supplies as may be required
15 for keeping the works in good repair, and have charge and
16 control of all constructions, repairs, enlargements and
17 extensions of the works, and shall conduct and manage the
18 affairs and business of the department in accordance with law
19 and the directions of council.

20 Section 3584. Estimates of New Work to be Furnished
21 Council.--The said board of commissioners shall, whenever called
22 upon by council, make and submit to them full estimates of the
23 cost, charges and expenses of any new work, enlargement,
24 extension of water or lighting supply, or alteration which
25 council may contemplate making relative to said works; and may,
26 at any time, submit to council any suggestions and estimates
27 they may see proper to make touching the improvement, extension,
28 or enlargement of said works, but no new construction,
29 reconstruction, extension, supply of water or light, or
30 enlargement of said works shall be undertaken by said

1 commissioner so created, or materials or supplies be purchased
2 therefor, without the previous consent and direction of
3 council.]

4 Section 299. Section 3585 of the act is amended to read:

5 Section 3585. Payment of Cost of [Extensions by Property
6 Owners; Frontage Tax] Extensions.--Whenever an extension of [a
7 supply of] pipes, wires or conduits is made to permit a city to
8 supply water or light, electric, gas or other similar utility
9 service to portions of the city not previously supplied [shall
10 be made by the said commissioners, they shall make out a full
11 statement of the number of feet of main pipes laid or extended
12 through any of the streets of the city in which main pipes were
13 not laid before the said extension, and shall file the same in
14 the department; and it shall be the duty of the clerk of said
15 department, forthwith, on receipt of said statement to make out
16 a list of all owners of houses, lots and buildings on each side
17 of the street through which said pipes are extended, and to
18 charge said owners, and each of them, for each and every house,
19 lot or building so situated in said streets, at such rate per
20 foot as council may by ordinance fix, for said mains extending
21 along the front of their respective houses, lots and buildings.
22 Nothing herein contained shall be construed to prevent council
23 from providing for the payment of water and gas pipes by the
24 city] with such service, an assessment of the costs thereof may
25 be made in accordance with Article XLV-A.

26 Section 300. Section 3586 of the act is repealed:

27 [Section 3586. Collection of Frontage Tax; Assessment of
28 Cost.--Said charge shall be called the frontage water tax, or
29 lighting tax, as the case may be, and shall be collected and
30 recovered in the manner provided by law for the recovery of

1 municipal claims. Whenever any pipes for the conveyance of water
2 or light shall be laid in any of the streets or highways within
3 such city, the owners of the ground in front of which the same
4 shall be laid shall pay for the expense thereof such sum for
5 each foot of the front of their ground upon such street as
6 council may, by ordinance, direct: Provided, That in all corner
7 lots an allowance shall be made of one-third the length of their
8 front, but such allowance shall be always and only on the street
9 having the longest front and in case both fronts are of equal
10 dimensions, the allowance shall be made in the street in which
11 the pipes shall be last laid, but in no case shall the allowance
12 exceed sixty feet on any corner lot: And provided further, That
13 when a corner lot shall have erected upon it two or more
14 separate tenements, there shall only be an allowance made equal
15 to one-third of the depth of the corner tenement and the yard
16 adjoining. The provisions of this and the foregoing section
17 shall not apply to any lot or piece of ground in such city upon
18 which there may be a supply of water or gas obtained from any
19 other source whatever, but if at any time the owner of such lot
20 or piece of ground shall desire to obtain a supply of water or
21 gas from the works of such city, then and in that case the
22 provisions of this section shall first be complied with.]

23 Section 301. Section 3587 of the act is amended to read:

24 Section 3587. Fixing Rates.--[The board of commissioners
25 may] Council shall fix, or may delegate to a city department the
26 power to fix, with the approval of council, [fix the water and
27 lighting rates, and the quantity to be used, and for that
28 purpose they shall, on the first Monday of March in each year,
29 establish the rates for the succeeding year, which rates shall
30 be submitted by them to council for its approval, and, when

1 approved, such rates shall not be changed for and during the
2 year, but if not approved, the existing rates shall continue
3 until modified by the commissioners, with the approval of
4 council] rates for the use of water or light, electric, gas or
5 other similar utility service and, in the case of consumers
6 outside the city, the fixing of rates shall be subject to and in
7 accordance with applicable law and the rules and regulations of
8 the Pennsylvania Public Utility Commission.

9 Section 302. Section 3588 of the act, amended December 18,
10 1992 (P.L.1424, No.175), is amended to read:

11 Section 3588. Collection of [Lighting and Water] Utility
12 Charges.--(a) Council shall provide, by ordinance, for the
13 collection of [all the lighting and water] charges for the use
14 of water or light, electric, gas or other similar utility
15 service that may accrue, from time to time, to the city [for the
16 use of the water or light], fixing the time when [such] the
17 charges shall be payable, and the penalties for nonpayment
18 thereof[; and such] . The charges shall be assessed to the
19 respective owners of the real estate on which [such water or
20 light] the utility service is used, and if the same shall not be
21 paid in accordance with the provisions of [such] the ordinance,
22 claims for the amounts due [shall be registered in the city lien
23 docket in the same manner as provided by law in the case of
24 unpaid city taxes on real estate, with the like force and effect
25 as to the lien thereof.] may be filed as a lien and collected in
26 accordance with the "Municipal Claim and Tax Lien Law."

27 (b) In the case of a city which has agreed to provide water
28 service through a separate meter and separate service line to a
29 residential dwelling unit in which the owner does not reside,
30 the owner shall be liable to pay the tenant's bill for service

1 rendered to the tenant by the city only if the city notifies the
2 owner and the tenant within thirty days after the bill first
3 becomes overdue. Such notification shall be provided by first
4 class mail to the address of the owner provided to the city by
5 the owner and to the billing address of the tenant,
6 respectively. Nothing herein shall be construed to require a
7 city to terminate service to a tenant, provided that the owner
8 shall not be liable for any service which the city provides to
9 the tenant ninety or more days after the tenant's bill first
10 becomes due unless the city has been prevented by court order
11 from terminating service to that tenant.

12 Section 303. Section 3589 of the act is repealed:

13 [Section 3589. Report to Council; Accounts of City
14 Treasurer; Disposition of Surplus.--The board of commissioners
15 shall, annually at a stated meeting of council in the month of
16 January, report to said council a full statement of all the
17 repairs, alterations, reconstructions, new constructions,
18 expenditures, and everything relating to the management and cost
19 to the city of maintaining each of the said works. The city
20 treasurer shall keep his accounts in such manner as to show in
21 his monthly report, distinctly and separately, the entire amount
22 of revenue realized during each month from the water and
23 lighting departments of said city, respectively; and the
24 revenues derived from the said water and lighting departments
25 shall be applied exclusively to the purposes of said
26 departments, respectively; and the surplus, if any, to the
27 reduction of the debt thereof. Any surplus revenues from said
28 water and lighting departments, after the payment of all the
29 debts of said respective departments, shall be applied as
30 follows: The surplus from the water revenues, to the reduction

1 of the bonded indebtedness which has been created by the city
2 for the erection and construction of its water-works; and the
3 surplus from the lighting revenues, to the reduction of any
4 bonded indebtedness which has been created by the city for the
5 erection and construction of its lighting plant.]

6 Section 304. The act is amended by adding a section to read:

7 Section 3590. Disposition of Revenues.--The revenues derived
8 from the city's furnishing of water, light, electric, gas or
9 other similar utility service shall be applied as follows:

10 (1) to the purposes of the respective departments under the
11 direction of which the utility service is provided;

12 (2) for the reduction of debt related to the provision of
13 that service; and

14 (3) to any other city department that provides labor or
15 materials for the maintenance and repair of property or
16 facilities relating to the city's provision of a utility
17 service.

18 Section 305. Article XXXVI heading is reenacted to read:

19 ARTICLE XXXVI

20 PUBLIC BUILDINGS AND WORKS

21 Section 306. Section 3601 of the act is amended to read:

22 Section 3601. [Hospitals, Jails, Poor Farms, Et Cetera.--
23 Each city may, by ordinance, erect] Public Buildings
24 Generally.--(a) With regard to public buildings, each city may,
25 by ordinance, do any of the following:

26 (1) Erect, purchase, establish or maintain [hospitals,
27 jails, workhouses, or houses of correction for juvenile or other
28 offenders and prescribe regulations for the government thereof;
29 and erect] all public buildings_ [necessary for the use of the
30 city, or of any department thereof; purchase, take, use, or

1 occupy, private lands upon which to erect any of the said
2 buildings; purchase, take, use, or occupy, within or without the
3 limits of the respective city, whether within the county wherein
4 is located the city, or within a county adjacent thereto, or
5 within both, private lands and buildings; establish and maintain
6 a general hospital, or hospitals, for the cure and treatment of
7 the sick and injured, or a hospital or hospitals for the
8 treatment and separation of persons suffering with contagious or
9 infectious diseases, and prescribe rules and regulations for the
10 government, management, and maintenance thereof; purchase, take,
11 use, or occupy, within the limits of the county of such city or
12 within a county adjacent thereto, or within both, private lands
13 upon which to establish and maintain a poor farm, with all
14 necessary and convenient buildings and appliances, where the
15 city may support and maintain such poor persons as such city is
16 by law required to support and maintain; acquire, by purchase,
17 or in other lawful manners, within or without the city, but
18 within the county or counties in which the city is located,
19 sufficient real estate for present and future use upon which to
20 erect workhouses or houses of detention, poor houses, garbage
21 and incinerating furnaces. The proceedings for the assessment of
22 damages for any property taken, occupied or used for any such
23 purpose shall be the same as provided in this act for property
24 taken, injured or destroyed.]

25 (2) Purchase, take, use, occupy, or acquire, by any lawful
26 means, including eminent domain, private lands, buildings and
27 property in order to erect, establish or maintain public
28 buildings.

29 (b) For purposes of this article, public buildings shall
30 include not only those buildings or structures which council

1 deems necessary for the use of the city, but also other
2 buildings and structures which are to be used for a public
3 purpose, including public auditoriums, public libraries, public
4 memorial buildings and monuments.

5 Section 307. Section 3602 of the act is repealed:

6 [Section 3602. Public Auditoriums, Libraries, Memorials and
7 Monuments.--Cities may take, purchase, or acquire, by any lawful
8 means, or through condemnation proceedings, property for the
9 purpose of erecting thereon public auditoriums, public
10 libraries, public memorial buildings, and monuments.]

11 Section 308. Section 3603 of the act is amended to read:

12 Section 3603. Payment of Cost of Erection and Maintenance.--
13 Cities may appropriate money [or issue bonds for the erection,
14 on said property purchased or acquired through condemnation
15 proceedings, public auditoriums, public libraries, public
16 memorial buildings, and monuments] and incur debt in accordance
17 with 53 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and
18 borrowing) for the purchase or acquisition through eminent
19 domain of private lands, buildings and property in order to
20 erect or establish public buildings. Cities may also appropriate
21 moneys for the operation and maintenance of [such public
22 auditoriums, public libraries, memorial buildings, and
23 monuments] public buildings.

24 Section 309. Section 3604 of the act is repealed:

25 [Section 3604. Proceedings for Assessment of Damages.--All
26 proceedings for the assessment of damages for property taken for
27 auditoriums, libraries, memorials and monuments shall be had in
28 the manner provided by this act for property taken, injured or
29 destroyed.]

30 Section 310. Sections 3605, 3606 and 3607 of the act are

1 amended to read:

2 Section 3605. Donation of Land by City for Library Purposes;
3 Contributions [toward Maintenance.--Cities may donate ground
4 thus acquired for a public library to any library association
5 provided said association will furnish the funds for the
6 erection of the library building, the plans of which are
7 approved by the city, but only in such cases where the said
8 library association is by its by-laws and charter compelled to
9 put back into the property and surplus earnings from the
10 operation of said library. Cities may make appropriations
11 towards the operating expense of such library.] toward
12 Maintenance.--In addition to the power to make appropriations,
13 donations and gifts for library purposes in accordance with the
14 act of June 14, 1961 (P.L.324, No.188), known as "The Library
15 Code," a city may acquire and donate land for library purposes
16 to a local library as defined in section 102 of "The Library
17 Code."

18 Section 3606. Rental of Public Auditoriums; Disposition of
19 Proceeds.--Cities, in the case of public auditoriums, may, by
20 order of council, charge a rental for the use of [said] the
21 public auditorium. All moneys derived from rental of [said] the
22 public auditoriums shall be paid into the general fund of the
23 city.

24 Section 3607. [Leasing of City Property as Memorials.--Each
25 city may lease real estate, the property of said city,] Long-
26 Term Improvement Leases.--(a) A city may lease city real estate
27 on long term improvement leases, at a nominal rental or
28 otherwise, to a [corporation of the first class] nonprofit
29 corporation, for the purpose of providing an auditorium for
30 dramatic, musical, artistic, literary, scientific or patriotic

societies or events, or for such other purposes as may be approved, from time to time, by council.

(b) A long-term improvement lease shall be for a term of not more than ninety-nine years, and may provide for a right of renewal for a like term, and shall contain provision for the improvement of the real estate by the lessee by the erection of a suitable building or buildings of dignified and appropriate architecture, absolute ownership of which building or buildings shall revert to the city, free of any claim or charge, at the end of the term of the lease or any renewal thereof.

(c) The building or buildings erected pursuant to a long-term improvement lease may be used for any one or more of the following purposes, which are hereby declared, in respect of this subject matter, to be used for public purposes: As an auditorium for dramatic, musical, artistic, literary, or scientific events, including provision for the accommodation of patriotic societies or groups, or such other accommodations and features as may be approved, from time to time, by the city.

(d) The title to property subject to a long-term improvement lease shall remain in the city, and for purposes of local taxation, the property which is subject to a long-term improvement lease and the leasehold estate created thereby shall be deemed to be devoted to a public purpose and public use.

(e) The lessees under a long-term improvement lease shall be exclusively liable for the maintenance and upkeep of the demised premises, and shall be solely responsible for the maintenance and operation thereof.

(f) Any long-term improvement lease may provide that the lessor shall be entitled to receive a sum equal to the net income of the demised premises after reasonable reserves and

1 proper amortization charges.

2 Section 311. Sections 3608, 3609, 3610, 3611 and 3612 of the
3 act are repealed:

4 [Section 3608. Term of Lease; Renewals; Improvements to be
5 Erected.--Every such lease shall be for a term of not more than
6 ninety-nine years, and may provide for a right of renewal for a
7 like term, and shall contain provision for the improvement of
8 the real estate by the erection of a suitable building or
9 buildings of dignified and appropriate architecture, absolute
10 ownership of which building or buildings shall revert to the
11 city, free of any claim or charge, at the end of the term of the
12 said lease or any renewal thereof.

13 Section 3609. Use of Buildings.--The building or buildings,
14 so erected, may be used for any one or more of the following
15 purposes, which are hereby declared, in respect of this subject
16 matter, to be used for public purposes: As an auditorium for
17 dramatic, musical, artistic, literary, or scientific events,
18 including provision for the accommodation of patriotic societies
19 or groups, or such other accommodations and features as may be
20 approved, from time to time, by the city.

21 Section 3610. Title in City; Exemption from Taxation;
22 Maintenance.--The title to the said property, as so improved,
23 shall remain in the city, and neither the said real estate, nor
24 the leasehold estate created by such lease, shall be subject to
25 local or other taxation.

26 The lessees shall be exclusively liable for the maintenance
27 and upkeep of the demised premises, and shall be solely
28 responsible for the maintenance and operation thereof.

29 Section 3611. Rental.--Any such lease may provide that the
30 lessor shall be entitled to receive a sum equal to the net

1 income of said demised premises after reasonable reserves and
2 proper amortization charges.

3 Section 3612. Location of City Jails Restricted.--No city
4 shall erect or construct a city jail or lock-up, or use any
5 existing building or lock-up for the first time, which will be
6 or is located within five hundred feet of any public school
7 building.]

8 Section 312. Article XXXVII heading of the act is reenacted
9 to read:

10 ARTICLE XXXVII

11 PARKS, PLAYGROUNDS, AND RECREATION CENTERS

12 Section 313. Section 3703 of the act, amended September 26,
13 1951 (P.L.1515, No.379), is amended to read:

14 Section 3703. Acquisition of Lands and Buildings.--Cities
15 may enter upon, take, use, purchase and acquire, by gift or by
16 the right of eminent domain, lands, property and buildings, for
17 the purpose of making, extending, enlarging, and maintaining
18 recreation places which shall consist of public parks, parkways,
19 playgrounds, playfields, gymnasiums, public baths, swimming
20 pools, or indoor recreation centers, may levy and collect such
21 special taxes as may be necessary to pay for the same, and make
22 appropriations for the improvement, maintenance, care,
23 regulation, and government of the same. Cities may designate and
24 set apart for use for any of the purposes specified in this
25 section lands and buildings owned by such cities and not
26 dedicated or devoted to other public use. Cities may also lease
27 lands and buildings in such cities for temporary use for [such]
28 these purposes. Lands, property and buildings outside the limits
29 of the city may be [acquired in like manner] purchased or
30 acquired for the recreation places[, and such lands may be

1 annexed to the city, in the manner provided by this act for the
2 annexation of territory to a city.] with the consent of the
3 governing body of the municipal corporation in which the lands,
4 property or buildings are situated.

5 Section 314. The act is amended by adding a section to read:

6 Section 3703.1. Powers of Council; Delegation.--(a) Council
7 shall have the power to equip, operate, supervise, and maintain
8 recreation places and to employ recreation directors or any
9 other officers or employees deemed necessary in order to carry
10 out the provisions of this article.

11 (b) In any case in which more than one-half the full costs
12 of the supervision and maintenance of the recreation places,
13 including the compensation of all the officers and employees
14 hired to carryout the provisions of this article, are borne by
15 the city, council shall have the authority to fix the
16 compensation of these officers and employees.

17 (c) Council may delegate all or part of its power under
18 subsection (a) to an existing body or board or to a recreation
19 board, as council shall determine.

20 Section 315. Section 3704 of the act, amended January 14,
21 1952 (1951 P.L.2032, No.570), is repealed:

22 [Section 3704. Creation of Recreation Board.--The authority
23 to supervise and maintain recreation places may be vested in any
24 existing body or board, or in a recreation board, as council
25 shall determine. Council may equip, operate, and maintain the
26 recreation places, as authorized by this act. Such authorities
27 may, for the purpose of carrying out the provisions of this
28 article, employ play leaders, recreation directors, supervisors,
29 superintendents, or any other officers or employes, as they deem
30 proper. Where more than one-half the full costs of the

1 supervision and maintenance of the recreation places, including
2 the compensation of all the officers and employes, are borne by
3 the city, the compensation of such officers and employes shall
4 be fixed by council: Provided, however, That in such cases,
5 council may delegate this power to the recreation commission.]

6 Section 316. Section 3705 of the act, amended October 4,
7 1978 (P.L.950, No.188), is amended to read:

8 Section 3705. [Composition of Board.--(a) If council shall
9 determine that the power to equip, operate, and maintain
10 recreation places, shall be exercised by a recreation board,
11 they may establish in said city such recreation board, which
12 shall possess all the powers, and be subject to all the
13 responsibilities of council under this article. Such] Creation
14 and Composition of Recreation Board.--Council may establish in
15 the city a recreation board, which shall possess the powers and
16 the responsibilities delegated to it by council in accordance
17 with section 3703.1(c). The recreation board, when established,
18 shall consist of [a minimum of five and a maximum of nine
19 persons, two of whom shall be members of and appointed by the
20 school board. The city] five or seven persons. The members of
21 the board shall be appointed by the mayor with the approval of
22 council and shall serve for terms no longer than five years and
23 the terms of the members shall be staggered in such a manner
24 that at least one expires annually. Members of [such] the
25 recreation board shall serve without pay. Vacancies in [such]
26 the board, occurring otherwise than by expiration of term, shall
27 be for the unexpired term and shall be filled in the same manner
28 as original appointments.

29 [(b) In addition to the establishment of a city recreation
30 board, the council may appoint persons to serve as members of a

1 school district recreation board established by the school
2 district wherein the city is located.]

3 Section 317. Sections 3706, 3707 and 3708 of the act are
4 amended to read:

5 Section 3706. [Organization of Board; Employees] Organization
6 of Board.--The members of a recreation board, established
7 pursuant to this article, shall elect their own [chairman] chair
8 and secretary and select all other necessary officers, to serve
9 for a period of one year[, and may employ such persons as may be
10 needed, as authorized by this article. Such] The board shall
11 have power to adopt rules and regulations for the conduct of all
12 business within its jurisdiction.

13 Section 3707. Joint Ownership and Maintenance.--[Any] A city
14 may, jointly with any [other cities, boroughs, or townships, or
15 any of them] one or more other municipalities, acquire property
16 for, and operate and maintain, any recreation [places] place.
17 Any city may join with any school district, in equipping,
18 operating, and maintaining recreation places, and may
19 appropriate money therefor.

20 Section 3708. [Issue of Bonds.--The city council may issue
21 general obligation bonds] Borrowing.--The city council may
22 borrow money and incur debt in accordance with 53 Pa.C.S. Pt.
23 VII Subpt. B (relating to indebtedness and borrowing) for the
24 purpose of acquiring lands or buildings for recreation places,
25 and for the equipment therefor.

26 Section 318. Section 3709 of the act, amended August 10,
27 1965 (P.L.318, No.168), is amended to read:

28 Section 3709. Maintenance and Tax Levy.--[All expenses
29 incurred in the operation of such] Expenses incurred in the
30 maintenance and operation of recreation places, established as

1 herein provided, [shall be payable] including the operation of
2 recreation programs therein, may be paid from the treasury of
3 the city. Council may annually appropriate, and cause to be
4 raised by taxation[, such tax for the purpose of maintaining and
5 operating recreation places. In lieu thereof, council may
6 annually appropriate moneys to any existing body or board, or to
7 a recreation board or commission, for the maintenance and
8 operation of recreation places.] in accordance with section
9 2531(a)(4), a tax for this purpose. The funds may be
10 appropriated, for the purposes of this section, to any existing
11 body or board, or to a recreation board or commission.

12 Section 319. The act is amended by adding a section to read:

13 Section 3709.1. City Trusts.--(a) In addition to all other
14 powers conferred by law, a city may receive in trust, and city
15 council may control for the purposes of the trust, all estate,
16 moneys, assets and property, real and personal, which may have
17 been or shall be bestowed upon it by donation, gift, legacy,
18 endowment, bequest, devise, conveyance or other means, for the
19 purpose of establishing or maintaining a public park or other
20 public purpose for the use and benefit of the citizens of the
21 city.

22 (b) In the event that a city trust has been or is created as
23 a result of any property or estate, whatsoever, having been
24 conveyed, bequeathed or devised or otherwise given or donated to
25 any city, in trust, for the purpose of establishing or
26 maintaining a public park or other public purpose for the use
27 and benefit of citizens of the city, control of the trust shall
28 be transferred to city council and, if necessary to carry out
29 the intention of this section, the court of common pleas in the
30 county in which a city is located may, upon petition of council,

transfer control of the trust to city council. City council may
delegate the supervision and operation of recreation places
subject to the trust to a recreation board in accordance with
section 3703.1. Nothing in this section shall limit any power of
the court to terminate or reform a trust under existing law.

Section 320. Sections 3710, 3711, 3712, 3713, 3714, 3715,
3716 and 3717 of the act are repealed:

[Section 3710. Leasing by City of its Parks or
Playgrounds.--Cities may enter into contracts and agreements
with any incorporated association, acting within its corporate
powers, for the use by the latter of any park or playground,
owned, leased, or occupied by said cities, for such period and
upon such terms as to maintenance, upkeep and improvement of
such ground as may be mutually agreed upon. No such contract or
agreement, however, shall permanently exclude the public of said
cities from the use and enjoyment of said parks and playgrounds.
The said cities shall at all times be invested with the power
and authority to adopt suitable rules and regulations concerning
the use and occupation of said parks and playgrounds by the
public generally, and by such incorporated associations
specially.

Section 3711. Sale of Coal Under Parks or Commons.--Council
may sell and lease, at the best price obtainable, and subject to
such conditions as it may deem necessary to impose for the
protection of the surface, the coal under any park or common
owned by and situate within the corporate limits of the city.
When any park, or common shall front on a river or other public
stream, such portion of the amount realized from the sale or
lease of such coal may be used for the erection of retaining
walls, as council shall deem necessary for the purpose. Before

1 any such coal shall be sold or leased, the proposed sale shall
2 be advertised, in accord with the provisions of section one
3 hundred and nine of this act, at least once a week in three
4 daily papers published in the city in which said coal is
5 situate, if there be so many, and in any other publication, as
6 council may determine; and sealed bids shall be received, and
7 the person, copartnership, association or corporation offering
8 the highest and best price shall be the purchaser, but council
9 shall have the right to reject all bids.

10 Section 3712. Use of Proceeds of Sale or Lease of Coal Under
11 Parks.--Whenever any city shall have sold or leased the coal
12 underlying any public park or common within the limits of said
13 city, the proceeds of said sale or lease, except as hereinbefore
14 otherwise provided, shall be applied only as follows: First. To
15 the improvement, policing, and lighting of the said park or
16 common, or the redemption of bonds issued for the improvement of
17 said park or common; Second. Any surplus of the said proceeds
18 may then be applied and used for the purchase and improvement of
19 other lands, within the limits of the city or immediately
20 adjacent thereto, for use as recreation places, or for the
21 building of bridges and construction of drains and sewers, or
22 for such other purposes as council may determine: Provided, That
23 no land shall be purchased for such use with said funds unless
24 the ordinance authorizing the purchase shall have been passed by
25 the affirmative vote of four members of council.

26 Section 3713. Application of Coal Rentals to Payment of
27 Costs of Improvements; Issue of Bonds.--Whenever hereafter any
28 such city shall have leased the coal under any public park or
29 common for a rental or royalty payable in periodical
30 instalments, in order to provide for the payment of the cost of

1 any such improvements authorized in the preceding sections, the
2 said city may, from time to time, issue general obligation
3 bonds. The issuance of any such bonds shall be in accordance
4 with the Municipal Borrowing Law.

5 Section 3714. Appointment of Directors of City Trusts.--
6 Whenever any property or estate, whatsoever, has been conveyed,
7 bequeathed or devised to any city, in trust, for the purpose of
8 establishing or maintaining a public park or other public
9 purpose for the use and benefit of citizens of such city, the
10 court of common pleas of the county in which such city is
11 located, on petition of council of said city, shall appoint five
12 persons as directors of city trusts, all of whom shall be
13 citizens of such city, and none of whom shall hold any office or
14 employment thereunder, who shall exercise and discharge all the
15 duties and powers of said city, however acquired, concerning
16 such property, conveyed, bequeathed or devised to such
17 charitable use, to the extent that the same has been or
18 hereafter may be, by statute or otherwise, vested in or
19 delegated to the said city or the officers thereof. The
20 directors of city trusts may delegate the supervision and
21 operation of such city trusts as are recreation places to the
22 authority determined by council for recreation places of the
23 city in accordance with section three thousand seven hundred
24 four of this act.

25 Section 3715. Term of Service; Removal; Vacancies.--The
26 persons so appointed shall serve as members of the board of
27 directors of city trusts during good behavior, subject, however,
28 to removal by the court of common pleas for dereliction or
29 neglect of duty, or for any other cause deemed by the said court
30 to be important for the conservation or administration of the

1 said trust thus imposed upon them.

2 All vacancies shall be, from time to time, filled by the said
3 court, on petition of the council, of said city, or any of its
4 citizens.

5 Section 3716. Duties of Directors.--The said directors of
6 trust shall carefully invest and preserve the trust funds; make
7 such rules and by-laws for the proper regulation of their
8 business not inconsistent with the terms annexed to any
9 conveyance, bequest or devise in any deed or last will and
10 testament of any decedent; appoint and employ as many agents and
11 employes as, in their judgment, shall be necessary for the
12 proper discharge of the said trust or trusts; and, in the name
13 and in accordance with the conditions of said trusts, do any and
14 all things requisite for the proper administration and
15 management of the property under their control.

16 Section 3717. Directors to be Agents of City; to Have no
17 Interest in Contracts.--The said directors, in the discharge of
18 their duties and within the scope of their powers, shall be
19 considered agents or officers of the city, but no compensation
20 or emolument whatever shall be received by them for any services
21 performed relating to the said trusts, nor shall any of them
22 have or acquire any personal interests in any contract whatever
23 made through them or their agents or employes.]

24 Section 321. Section 3718 of the act is amended to read:

25 Section 3718. [Appointment of Park Guards.--] Park
26 Rangers.--(a) The council of every city shall have power, under
27 the provisions of this article, to provide, by ordinance, for
28 the selection and employment of such number of persons as [they
29 deem necessary to act as park guards] are deemed necessary to
30 act as park rangers, fix their compensation and duties, and

1 provide for their [uniforming] uniforms.

2 (b) To the extent authorized by 53 Pa.C.S. Ch. 21 Subch. D
3 (relating to municipal police education and training), persons
4 appointed as park rangers, under any ordinance passed pursuant
5 to the provisions of subsection (a), shall have, in the parks
6 and playgrounds and other public places in the cities, and
7 beyond the limits of the cities when the cities have acquired
8 lands, properties and buildings for park and playground or other
9 public purposes, the same power, in preserving the peace,
10 maintaining order, and making arrests, as police officers have
11 in the cities.

12 (c) For purposes of the act of June 28, 1935 (P.L.477,
13 No.193), referred to as the Enforcement Officer Disability
14 Benefits Law (Heart and Lung Act), the term "park ranger," as
15 used herein, shall mean a park guard.

16 (d) Park rangers shall be under the supervision, control and
17 direction of the director of the Department of Parks and Public
18 Property, or, if none exists, any other department as council
19 directs.

20 Section 322. Sections 3719, 3720 and 3721, Article XXXVIII
21 and subdivision (a) headings and section 3801 of the act are
22 repealed:

23 [Section 3719. Powers of Park Guards.--Persons appointed as
24 park guards, under any ordinance passed pursuant to the
25 provisions of the preceding section, shall have, in the parks
26 and playgrounds and other public places in such cities, and
27 beyond the limits of such cities when such cities have acquired
28 such lands, properties and buildings for park and playground or
29 other public purposes, the same power, in preserving the peace,
30 maintaining order, and making arrests, as policemen have in such

1 cities.

2 Section 3720. Control of Park Guards.--Such park guards
3 shall be under the supervision, control, and direction of the
4 director of the Department of Parks and Public Property.

5 Section 3721. Sale of Unused and Unnecessary Land and
6 Buildings.--The council of each city is hereby vested with the
7 necessary power and authority to sell unused and unnecessary
8 lands and buildings that have been dedicated to park purposes by
9 public auction, upon sealed bids, or at private sale with
10 approval of the court of common pleas; Provided, nevertheless,
11 That before any such sale is made council shall advertise said
12 proposed sale twice in at least one newspaper in accordance with
13 section one hundred and nine of this act.

14 ARTICLE XXXVIII

15 SHADE TREES AND FORESTS

16 (a) Shade Trees

17 Section 3801. Shade Tree Commission.--Any city may, by
18 ordinance, create a commission to be known as the Shade Tree
19 Commission of such city; but in cities where the council of said
20 city shall not elect to create by ordinance such Shade Tree
21 Commission, the said council may exercise all the rights and
22 perform the duties and obligations imposed by this article upon
23 the Shade Tree Commission.]

24 Section 323. Section 3802 of the act, amended November 2,
25 1975 (P.L.459, No.128), is repealed:

26 [Section 3802. Composition of Commission.--The commission,
27 if ordained, shall be composed of not less than three nor more
28 than seven residents of the city, who shall be appointed by the
29 mayor, and shall serve without compensation.

30 One commissioner shall serve for a term of three years, one

1 for a term of four years, and one for a term of five years on
2 commissions of only three residents. Where the commission
3 consists of more than three members, the time sequence provided
4 for a three member commission shall be repeated.

5 On the expiration of the term of any commissioner, a
6 successor shall be appointed by the mayor to serve for a term of
7 five years.

8 Vacancies in the office of commissioner shall be filled by
9 the mayor for the unexpired term.

10 Should the governing body determine to increase the
11 membership of an already existing commission, the additional
12 members shall be appointed as provided in this section. If, at
13 any time, after increasing the membership of the commission the
14 governing body should determine to reduce the number of members
15 on the commission, such reduction shall be effectuated by
16 allowing the terms to expire and by making no new appointments
17 to fill the vacancy. Any increase or reduction in members shall
18 be by ordinance.]

19 Section 324. Sections 3803, 3804, 3805 and 3806 of the act
20 are repealed:

21 [Section 3803. Powers May Be Vested in Park Commission.--
22 Whenever in any city there exists a commission for the care of
23 public parks, the council may also, by ordinance, provide that
24 the park commission shall have all the powers and be subject to
25 all the duties prescribed by this article for the Shade Tree
26 Commission.

27 Section 3804. Powers of Commission.--The commission shall
28 have exclusive custody and control of the shade trees of the
29 city, and may plant, remove, maintain, and protect shade trees
30 on the streets and sidewalks in the city. The commission may

1 require the planting and replanting of shade trees along the
2 streets and sidewalks of the city, as council may direct. The
3 kind of tree and the alignment and locations of the trees shall
4 be determined by the commission or as council may direct, but
5 shall not prevent necessary or reasonable use of streets,
6 sidewalks, abutting property, or the conduct of business.

7 The commission may, with the approval of council, either
8 employ and pay superintendents, engineers, foresters, tree-
9 wardens, or other assistants, or may contract for personal and
10 professional services, for the proper performance of the duties
11 devolving upon it, and may make, publish, and enforce
12 regulations for the care and protection of the shade trees of
13 the city. No such regulation shall be in force until it has been
14 approved by the council, and until it has been published at
15 least twice in not more than two newspapers of the city.

16 Section 3805. Report of Commission.--The shade tree
17 commission shall annually report in full to the council, at
18 council's first stated meeting in October, of its transactions
19 and expenses for the last fiscal year of the city. The park
20 commission in cities wherein the park commission is authorized
21 to act as the shade tree commission, may incorporate such
22 transactions and expenses as a separate part of its regular
23 report to council.

24 Section 3806. Notices by Commission.--Whenever any shade
25 tree commission, or park commission, acting as a shade tree
26 commission, proposes to plant, transplant, or remove shade trees
27 on any street or sidewalk, notice of the time and place of the
28 meeting at which such work is to be considered shall be given in
29 not more than two newspapers published in the city, once a week
30 for two weeks immediately preceding the time of the meeting, in

1 accord with the provisions of section one hundred and nine of
2 this act. The notice shall specify in detail the streets or
3 sidewalks or portions thereof upon which trees are proposed to
4 be so planted, replanted, or removed.]

5 Section 325. Section 3807 of the act, amended August 21,
6 1953 (P.L.1292, No.364), is repealed:

7 [Section 3807. Payment by Owners.--The cost of furnishing,
8 planting, transplanting, or removing any shade trees in or along
9 the streets of the city, of the necessary and suitable guards,
10 curbing, or grading for the protection thereof, and of the
11 replacing of any pavement or sidewalk necessarily disturbed in
12 the execution of such work, shall be paid by the owner of the
13 real estate in front of whose property the work is done, except
14 that part of such cost may be certified by the commission to
15 council and to the city treasurer as a charge to be paid by the
16 city.

17 The amount each owner is to pay shall be ascertained and
18 certified by the commission to council and to the city
19 treasurer.]

20 Section 326. Sections 3808, 3809 and 3810, Article XXXVIII
21 subdivision (b) heading, sections 3820 and 3821, subdivision (c)
22 heading and sections 3830, 3831, 3832, 3833, 3834, 3835 and 3836
23 of the act are repealed:

24 [Section 3808. Assessments; Liens.--Upon the filing of the
25 certificate with the council, the city clerk shall cause thirty
26 days' written notice to be given by mail to the persons against
27 whose property an assessment has been made. The notice shall
28 state the amount of the assessment, and the time and place of
29 payment, and shall be accompanied with a copy of the
30 certificate. The expense of the notice shall be paid by the

1 city.

2 The amount assessed against the real estate shall be a lien
3 from the time of the filing of the certificate with the council,
4 and, if not paid within the time designated in the notice, a
5 claim may be filed and collected in the same manner as municipal
6 claims are filed and collected.

7 Section 3809. Maintenance by City; Tax Levy.--The cost and
8 expenses of caring for such trees after they have been planted
9 shall be paid by the city.

10 The needed amount shall each year be certified by the
11 commissioners to council in time for inclusion in the proposed
12 budget ordinance, and the funds provided by council shall be
13 drawn against, as required by the commission, in the same manner
14 as money appropriated for city purposes.

15 The city council may levy a special tax, not to exceed the
16 sum of one-tenth of one mill on the dollar on the assessed
17 valuation of the property in said city, for the purpose of
18 defraying the cost and expenses of caring for such shade trees
19 and the administrative expenses connected therewith, or it may
20 provide for such expenses by appropriations.

21 Section 3810. Penalties.--The commission, to the extent as
22 may be provided by ordinance of council, may assess penalties
23 for the violation of its regulations and of this article so far
24 as it relates to shade trees. Any penalty so assessed shall be a
25 lien upon the real estate of the offender and may be collected
26 as municipal claims are collected.

27 All penalties or assessments imposed under this article shall
28 be paid to the city treasurer, to be placed to the credit of the
29 commission, subject to be drawn upon by the commission for the
30 purposes authorized in this article.

(b) Memorial Trees

Section 3820. Memorial Trees.--Council may provide for or authorize provision for memorial trees for residents of the city who died while in the military service of the United States or in consequence thereof. Council may make appropriations or accept contributions for this purpose. Such trees shall bear some permanent indication of their purpose.

Section 3821. Penalty for Injury to Memorial Trees.--Any person wilfully, maliciously, or negligently destroying or injuring any trees planted pursuant to the provisions of this subdivision (b) shall be guilty of a misdemeanor, and upon conviction, shall be liable to a fine not exceeding five hundred dollars, or imprisonment not exceeding three months, or both, in the discretion of the court.

(c) Forests

Section 3830. Acquisition of Land for Forest Purposes.--Cities may acquire, by purchase, gift, or lease, and hold tracts of land covered with forest or tree growth or suitable for the growth of trees, and administer the same, under the direction of the Department of Forests and Waters, in accordance with the practices and principles of scientific forestry, for the benefit of the city. Such tracts may be of any size suitable for the purpose and may be located within or without the city limits.

Section 3831. Approval of Department of Forests and Waters.--Before the passage of any ordinance for the acquisition of land to be used as municipal forests, the mayor shall submit to the Department of Forests and Waters and secure its approval of the area and location of such land.

Section 3832. Ordinance Declaring Intention.--Whenever the council deems it expedient to acquire any lands for the purposes

1 of municipal forests, it shall so declare in an ordinance
2 wherein shall be set forth all facts and conditions relating to
3 the proposed action.

4 Section 3833. Appropriations of Money.--All money necessary
5 for the purchase of such tracts shall be appropriated in the
6 same manner as appropriations for city purposes, and such funds
7 may be provided from the current revenue or by the proceeds of a
8 sale of general obligation bonds in accordance with the
9 Municipal Borrowing Law.

10 Section 3834. Rules and Regulations.--Upon the acquisition
11 of any municipal forests or lands suitable for such, the council
12 shall notify the Department of Forests and Waters, which shall
13 make such rules for the government and proper administration of
14 the same as may be necessary. The council shall publish such
15 rules, declare the uses of the forest in accordance with the
16 intent of this subdivision (c) of this article, and make such
17 provisions for its administration, maintenance, protection and
18 development as shall be deemed necessary or expedient. The rules
19 governing the administration of such forests shall have for
20 their main purpose the producing of a continuing city revenue by
21 the sale of forest products.

22 Section 3835. Appropriations and Revenues.--All moneys
23 necessary to be expended for the administration, maintenance,
24 protection, and development of such forests shall be
25 appropriated and applied as is now done for city purposes. All
26 revenue and emoluments arising from such forests shall be paid
27 into the city treasury to be used for general city purposes.

28 Section 3836. Use of Forests.--Municipal forests may be used
29 by the public as general outing or recreation grounds subject to
30 the rules governing their administration as municipal forests.]

Section 327. Section 3837 of the act, amended May 21, 1956 (1955 P.L.1639, No.548), is repealed:

[Section 3837. Ordinance of Sale; Exceptions.--Whenever the council deems it expedient to sell any municipal forest, or part thereof, it shall so declare in an ordinance wherein shall be set forth all the facts and conditions relating to the proposed action, which proposed ordinance shall be advertised once a week for three weeks prior to its passage. No ordinance shall be effective in legalizing such sale until it has been approved by a majority vote of the people at the next ensuing general, municipal or primary election: Provided, however, That the provisions of this section shall apply only to lands acquired for municipal forests as such, and shall not limit the power of cities or water authorities to acquire, sell, exchange, lease, transfer, manage or maintain lands required for the conservation, development, utilization and disposal of water or watersheds: And provided further, That cities or water authorities may enter into agreements with the Department of Forests and Waters providing for such conservation, development, utilization and disposal of water or watersheds.

Section 328. Section 3838, Article XXXIX heading and section 3901 of the act are repealed:

[Section 3838. Appropriation for Forest Work.--Cities may appropriate moneys to any forest protection association cooperating in forest work with the State Department of Forests and Waters, or to be expended in direct cooperation with said department in forest work.

ARTICLE XXXIX

WHARVES AND DOCKS

Section 3901. Power to Erect and Maintain Wharves;

1 Regulation; Charges.--Cities may erect and maintain wharves in
2 navigable waters within or adjacent to the city, regulate the
3 use thereof, fix and collect wharfage, for all public wharves,
4 and docks within their limits in accordance with a regular
5 schedule of charges, establish wharf and dock lines, and
6 construct and maintain docks, retaining walls, dams and
7 embankments. They may regulate the anchoring of all manners of
8 vessels within their limits and the depositing of freight on
9 public wharves and docks. Cities may, pursuant to ordinance,
10 purchase or condemn such land or other property as they may need
11 for the purposes of wharves and docks.]

12 Section 329. Section 3902 of the act, amended July 1, 1959
13 (P.L.501, No.127), is repealed:

14 [Section 3902. Erection of Market-Houses and Railway Tracks
15 on Wharves; Charges; Licenses.--Cities may erect and maintain
16 market-houses and terminal sheds or stations on their wharves,
17 for the receipt and distribution of freight, express, and cargo;
18 construct railroad and street railway tracks or other facilities
19 on said wharves to provide for the convenient handling of such
20 freight or express or cargo; and collect rents, tolls, or
21 charges for the use of such market-houses, terminal stations,
22 tracks, wharves and other facilities. Cities may enter into
23 contracts and agreements with any person for the use by such
24 person of any tracks, terminal stations, wharves or other
25 facilities, for such period and upon such terms as to
26 maintenance, upkeep and improvements, as may be mutually agreed
27 upon. Such cities shall, at all times, be invested with the
28 power and authority to adopt suitable rules and regulations
29 concerning the use and occupation of the tracks, terminal
30 stations, wharves or other facilities, by such persons and by

1 the public. No such contract or agreement shall permanently
2 exclude the public of said cities from the use and enjoyment of
3 said tracks, terminal stations, wharves or other facilities, nor
4 shall any exclusive lease be granted for a term exceeding
5 twenty-five years.

6 No structure so erected, and no right granted under the
7 powers herein conferred, shall interfere with the general public
8 use of wharves for water-borne commerce.]

9 Section 330. Sections 3903, 3904 and 3905 and Article XL
10 heading of the act are repealed:

11 [Section 3903. Use of Unnecessary Wharves or Landings for
12 Other Municipal Purposes.--Whenever any city, by ordinance,
13 declares that any public landing, or public wharf, or part
14 thereof, fronting on any navigable water and lying within its
15 limits, has become unnecessary for use for public landing or
16 public wharf purposes, the city make take, enter upon, and
17 occupy for use for any other public purposes whatsoever, the
18 public landing, or public wharf, or part thereof, so found
19 unnecessary for such purposes, any limitation of use thereof by
20 the municipality arising from donation, dedication,
21 appropriation, statute, or otherwise, to the contrary
22 notwithstanding.

23 Section 3904. Appropriation of Wharves and Landings for
24 General Purposes.--Cities are vested with the right of eminent
25 domain for the purpose of appropriating, for such general public
26 uses, all such public landings or public wharves, or parts
27 thereof, so found unnecessary for such purposes, together with
28 any easements, property and property rights connected therewith.

29 Section 3905. Assessment of Damages.--All damages arising
30 from the exercise of the power of eminent domain hereunder shall

1 be ascertained and awarded in the manner provided by this act
2 for property taken, injured or destroyed.

3 ARTICLE XL
4 CITY PLANNING]

5 Section 331. Article XLI heading of the act, amended July
6 29, 1971 (P.L.250, No.61), is repealed:

7 [ARTICLE XLI
8 ZONING, BUILDING, HOUSING, FIRE PREVENTION, PLUMBING
9 AND ELECTRICAL ORDINANCES, AND PUBLIC NUISANCES]

10 Section 332. Article XLI subdivision (a), (b) and (c)
11 headings of the act are repealed:

12 [(a) The Zoning Ordinances
13 (b) Procedure for Adoption of Zoning Ordinance
14 (c) Board of Adjustment]

15 Section 333. Article XLI subdivision (d) heading and
16 sections 4130, 4131, 4131.1, 4132 and 4133 of the act, amended
17 or added December 21, 1998 (P.L.1013, No.135), are repealed:

18 [(d) Building, Housing, Property Maintenance,
19 Fire Prevention, Plumbing and Electrical Ordinances

20 Section 4130. Building Ordinance, Housing Ordinance,
21 Property Maintenance Ordinance, Fire Prevention Ordinance,
22 Electrical Ordinance and Plumbing Ordinance.--Each city may
23 enact a building ordinance, a housing ordinance, a property
24 maintenance ordinance, a fire prevention ordinance, an
25 electrical ordinance, and a plumbing ordinance, which may
26 provide for the following matters:

27 (a) A system of specifications and regulations to insure the
28 structural safety and the incombustibility of buildings and
29 housing constructed, reconstructed, altered, enlarged, repaired
30 or maintained within the city.

1 (b) A system of specifications and regulations for the
2 setting out, construction, alteration, repair, maintenance,
3 occupation, sanitation, ventilation, lighting, electric wiring,
4 water supply, toilet facilities, drainage, plumbing, use and
5 inspection of all buildings and housing or parts of buildings
6 and housing, and the walls and foundations thereof, constructed,
7 erected, altered, designated, or used, in whole or in part, for
8 human habitation, and for the sanitation and inspection of land
9 appurtenant thereto.

10 Section 4131. Form of Building Ordinance, Housing Ordinance,
11 Property Maintenance Ordinance, Fire Prevention Ordinance, and
12 Plumbing Ordinance; Passage.--The building ordinance, the
13 housing ordinance, the property maintenance ordinance, the fire
14 prevention ordinance, the electrical ordinance and the plumbing
15 ordinance may adopt any standard or nationally recognized
16 building code, any standard or nationally recognized housing
17 code, any standard or nationally recognized property maintenance
18 code, any standard or nationally recognized fire prevention
19 code, any standard or nationally recognized electrical code, or
20 any standard or nationally recognized plumbing code, or any
21 variations or changes or parts thereof, published and printed in
22 book form, covering any or all of the above items, without
23 incorporating such code in the ordinance, or any city may enact
24 any such building code, housing code, property maintenance code,
25 fire prevention code, electrical code, or plumbing code, or any
26 changes or variations or parts thereof, as its building
27 ordinance, as its housing ordinance, as its property maintenance
28 ordinance, as its fire prevention code, as its electrical code
29 or as its plumbing code. In either event, the building ordinance
30 or code, the housing ordinance or code, the property maintenance

1 ordinance or code, the fire prevention ordinance or code, the
2 electrical ordinance or code, and the plumbing ordinance or
3 code, or any changes or variations or parts thereof, need not be
4 advertised after passage, but notice of its consideration, in
5 reasonable detail shall be published as required by section one
6 thousand fourteen of this act. Not less than three copies of the
7 building ordinance, the housing ordinance, the property
8 maintenance ordinance, the fire prevention ordinance, the
9 electrical ordinance or the plumbing ordinance adopted by
10 council shall be made available to public inspection and use
11 during business hours for at least three months after its
12 adoption. The procedure herein set forth relating to the
13 adoption of such building ordinances, housing ordinances,
14 property maintenance ordinances, fire prevention ordinances,
15 electrical ordinances and plumbing ordinances may likewise be
16 adopted in amending, supplementing or repealing any of the
17 provisions of such ordinances.

18 Section 4131.1. Penalties.--(a) Except as provided for in
19 subsection (b), the building ordinance, the housing ordinance,
20 the property maintenance ordinance, the fire prevention
21 ordinance, the electrical ordinance and the plumbing ordinance
22 may provide penalties of fine not exceeding one per month on a
23 property and limited to no more than one thousand dollars for
24 the first two continual and uncorrected violations of the same
25 subsection of such ordinance on the same property and not
26 exceeding five thousand dollars for the third and any subsequent
27 continual and uncorrected violation of the same subsection of
28 such ordinance on the same property.

29 (b) If a violation of the building ordinance, the housing
30 ordinance, the property maintenance ordinance, the fire

1 prevention ordinance, the electrical ordinance or the plumbing
2 ordinance is found to pose a threat to the public's health,
3 safety or property, then penalties of fine may be provided for
4 as follows:

5 (i) not exceeding one citation per five calendar days for a
6 continual and uncorrected violation of the same subsection of
7 such ordinance on the same property;

8 (ii) limited to no less than five hundred dollars and no
9 more than one thousand dollars for the first two continual and
10 uncorrected violations of the same subsection of such ordinance
11 on the same property and no less than one thousand dollars and
12 not exceeding ten thousand dollars for the third and any
13 subsequent continual and uncorrected violation of the same
14 subsection of such ordinance on the same property, or
15 imprisonment for any term not exceeding ninety days, or both.

16 (c) For violations of any ordinance not specified in
17 subsection (a) or (b), a penalty may be imposed on any person
18 who violated such ordinance which shall include a fine of not
19 more than one thousand dollars, or a term of imprisonment of not
20 more than ninety days, or both.

21 Section 4132. Building Inspectors, Housing Inspectors,
22 Property Maintenance Inspectors, Fire Prevention Inspectors,
23 Electrical Inspectors, and Plumbing Inspectors.--Council may
24 appoint building inspectors, housing inspectors, property
25 maintenance inspectors, fire prevention inspectors, electrical
26 inspectors and plumbing inspectors and fix their compensation.
27 Such inspectors shall have the right to enter upon and inspect
28 any and all premises at all reasonable hours for the
29 administration and enforcement of the building ordinance, the
30 housing ordinance, the property maintenance ordinance, the fire

1 prevention ordinance, the electrical ordinance and the plumbing
2 ordinance. Any fees payable to them under the building
3 ordinance, the housing ordinance, the property maintenance
4 ordinance, the fire prevention ordinance, the electrical
5 ordinance and the plumbing ordinance shall be paid by them to
6 the city treasurer for the use of the city as promptly as may
7 be.

8 Section 4133. Actions to Restrain Violations.--The city may,
9 in addition to the penalties provided by its building ordinance,
10 its housing ordinance, its property maintenance ordinance, its
11 fire prevention ordinance, its electrical ordinance and its
12 plumbing ordinance, bring actions at law or in equity to prevent
13 or restrain, correct or abate any violations of its building
14 ordinance, its housing ordinance, its property maintenance
15 ordinance, its fire prevention ordinance, its electrical
16 ordinance and its plumbing ordinance.]

17 Section 334. Article XLI subdivision (e) heading and
18 sections 4140, 4141, 4142 and 4143 of the act are repealed:

19 [(e) Abatement of Public Nuisances

20 Section 4140. Petition for Removal of Public Nuisances;
21 Viewers; Vacating Public Alleys, Lanes or Passageways, Declared
22 Public Nuisances by Board of Health.--The council of any city
23 may, by resolution, authorize and empower the mayor of such city
24 to present a petition to the court of common pleas, setting
25 forth that any property, building, premises, business or
26 occupation, specifying the same fully and describing the same
27 accurately, located within said city has become a public
28 nuisance, injurious or dangerous to the community and to the
29 public health. Upon the presentation and hearing of such
30 petition, if the nuisance complained of be not a public

1 nuisance, per se, then the court may appoint three viewers, from
2 the county board of viewers, to go upon the premises where said
3 nuisance is alleged to exist--at a time to be fixed in the order
4 appointing the same, of which time due notice shall be given to
5 all persons affected, which shall be not less than twenty nor
6 more than thirty days from the date of the order making such
7 appointment--and shall thereupon, being first duly sworn, view
8 the property, premises, building, business or occupation, shall
9 hear the parties, their witnesses and counsel, and shall make
10 due report thereof to the court appointing them. In any case
11 where the board of health shall have declared any public alley,
12 lane or passageway or a part thereof to be a public nuisance,
13 any two or more owners of property adjacent or abutting thereof
14 may petition council that such public alley, lane or passageway
15 or part thereof be vacated in accordance with the procedure
16 provided in this subdivision for the abatement of public
17 nuisances; except that the viewers shall not question the
18 finding of the board of health, but shall determine whether or
19 not the said alley, lane or passageway or part thereof should be
20 vacated. Council may, with or without the aforesaid petition,
21 proceed for the vacating of any such public alley, lane or
22 passageway or part thereof, except that in no case shall any
23 such alley, lane or passageway be vacated in such a way or to
24 such an extent as to deprive any lot abutting thereon of its
25 sole means of ingress and egress; nor shall any alley, lane or
26 passageway created by grant or contract and not therefore
27 accepted by the public be vacated.

28 Section 4141. Power to Viewers.--The viewers, appointed as
29 aforesaid, may:

30 First. Determine whether or not the property, premises,

1 building, business or occupation is a public nuisance, and, if
2 they shall find it is such a nuisance, shall so return in their
3 award; and

4 Second. Find what, if any, compensation shall be paid by the
5 said city to the owner or owners of said property, premises,
6 building, business or occupation for the abatement of the same,
7 and if the findings of the said viewers be in favor of the said
8 city and direct the abatement of said nuisance, then judgment
9 shall be entered upon their award within thirty days after the
10 same is filed, unless the said award be appealed from or
11 exceptions thereto be filed within thirty days. No execution or
12 other process for the collection of any sum of money awarded to
13 any person or persons, corporation or corporations, as
14 compensation for the abatement of any such nuisance, shall issue
15 until the said nuisance has been fully and completely abated,
16 and return thereof made to the court.

17 Section 4142. Appeals.--Any of the parties interested in any
18 proceedings provided by the preceding two sections may appeal to
19 the court of common pleas within thirty days from the date of
20 filing an award; such appeal to be in the same form as now
21 governs appeals from the awards of viewers appointed pursuant to
22 this act to assess damages for property taken, injured or
23 destroyed, the party appealing to pay the costs incurred and to
24 give bond, with one surety, for the payment of all costs which
25 may thereafter be incurred. Upon such appeal being perfected,
26 the court shall frame an issue, which issue shall be placed at
27 the head of the next trial list then open, and shall be tried by
28 the court and jury in the same manner as feigned issues are now
29 tried. Upon such trial the jury shall have power to find the
30 same facts as are provided may be found by the viewers. If the

1 jury shall find in favor of the city and award any compensation
2 to the owner or owners of said property, premises, buildings,
3 business or occupation, judgment shall be entered upon the
4 verdict. No execution or other process for the collection of
5 such judgment shall issue until the nuisance complained of shall
6 have been fully and completely abated, and return thereof made
7 to the court; upon which the court shall have the power to award
8 execution or other process necessary to enforce the collection
9 of the judgment.

10 Section 4143. Abatement of Public Nuisance after Award of
11 Viewers.--Whenever the award of viewers, or the verdict of a
12 jury, shall find that a public nuisance exists, and the owner or
13 owners of any property, premises, building, business or
14 occupation causing the same shall fail to abate the same within
15 sixty days from the date of the judgment, the authorities of
16 said city shall have full power and authority to enter upon said
17 property, premises or building where said nuisance exists and
18 abate the same, and shall not be liable in any form of action
19 for so doing. The cost and expense of abating the same shall be
20 deducted from any compensation awarded in said proceedings.]

21 Section 335. The act is amended by adding an article to
22 read:

23 ARTICLE XLI-A

24 UNIFORM CONSTRUCTION CODE, PROPERTY MAINTENANCE CODE,

25 AND RESERVED POWERS

26 Section 4101-A. Primacy of Certain Codes.--(a) The
27 Pennsylvania Construction Code Act and the Uniform Construction
28 Code adopted under section 301 of the Pennsylvania Construction
29 Code Act shall apply to the construction, alteration, repair and
30 occupancy of all buildings and structures within a city that are

1 used or intended for supporting or sheltering any occupancy.

2 (b) This article and any ordinance, rule, or regulation
3 adopted pursuant to this article shall not supersede or abrogate
4 the Pennsylvania Construction Code Act or the Uniform
5 Construction Code and shall be construed and read in pari
6 materia with them.

7 Section 4102-A. Changes in Uniform Construction Code.--A
8 city may propose and enact an ordinance to equal or exceed the
9 minimum requirements of the Uniform Construction Code in
10 accordance with section 503 of the Pennsylvania Construction
11 Code Act.

12 Section 4103-A. Public Nuisance.--Any building, housing or
13 property, or part thereof erected, altered, extended,
14 reconstructed, removed or maintained, contrary to any of the
15 provisions of any ordinance enacted for any of the purposes
16 specified in this article may be reported, in accordance with
17 Article XXVII-A, to the department designated to determine
18 whether a public nuisance exists and, if a public nuisance is
19 determined to exist, it may be abated in accordance with that
20 article.

21 Section 4104-A. Property Maintenance Code.--(a)
22 Notwithstanding the primacy of the Uniform Construction Code, a
23 city may enact a property maintenance ordinance, including any
24 standard or nationally recognized property maintenance code or
25 any changes or variations or parts thereof, and it may, by
26 reference, in accordance with section 1018.13, incorporate any
27 standard or nationally recognized property maintenance code, or
28 any variations or changes or parts thereof, published and
29 printed in book form, without setting forth the text of the code
30 in the ordinance.

1 (b) The full text of the property maintenance code need not
2 be published but, in accordance with section 1018.9, it shall be
3 sufficient to publish the title of the ordinance and a reference
4 to a place within the city where copies of the proposed
5 ordinance may be examined. Not fewer than three copies of the
6 proposed property maintenance code, or portion thereof, or
7 amendment thereto shall be made available to public inspection
8 and use during business hours or a copy may be made available to
9 any interested party at the cost thereof, or may be furnished or
10 loaned without charge.

11 (c) A property maintenance code ordinance may provide for
12 finances and penalties not exceeding one thousand dollars or
13 imprisonment for any term not exceeding ninety days, or both,
14 for violations thereof. The procedure herein set forth relating
15 to the enactment of such ordinances may likewise be utilized in
16 amending, supplementing or repealing any of the provisions of
17 such ordinances.

18 (d) Council may appoint property maintenance inspectors who
19 shall have the right to, subject to constitutional standards in
20 a similar manner as provided in section 2308, enter upon and
21 inspect any and all premises at all reasonable hours for the
22 administration and enforcement of the city's property
23 maintenance code or ordinance incorporating a standard or
24 nationally recognized property maintenance code. Any fees
25 payable to a property maintenance inspector under the ordinance
26 shall be paid by the property maintenance inspector to the city
27 treasurer for the use of the city as promptly as may be.

28 (e) In addition to the penalties provided by the property
29 maintenance ordinance, the city may institute appropriate
30 actions or proceedings at law or in equity to prevent or

restrain property maintenance violations.

(f) The powers of a city as provided in this section shall be in addition to, but not limited to, the powers provided in the act of November 26, 2008 (P.L.1672, No.135), known as the "Abandoned and Blighted Property Conservatorship Act," and 53 Pa.C.S. Ch. 61 (relating to neighborhood blight reclamation and revitalization).

Section 4105-A. Reserved Powers.--(a) Nothing in this article shall be construed as limiting or restricting the police power that a city is authorized to exercise in conformity with the Pennsylvania Construction Code Act and the Uniform Construction Code. To the extent that the Uniform Construction Code or any replacement code remains applicable to cities, the powers set forth in subsection (b) may be exercised by cities only to the extent that those powers are not prohibited by or inconsistent with the Pennsylvania Construction Code Act or the Uniform Construction Code.

(b) If, as a result of legislative action or otherwise, the Uniform Construction Code or any replacement code is no longer made applicable to cities, the following powers are preserved and may be exercised by a city:

(1) A city may enact and enforce ordinances to govern and regulate the construction, reconstruction, alteration, extension, repair, conversion, maintenance, occupation, sanitation, ventilation, heating, egress, lighting, electric wiring, water supply, toilet facilities, drainage, plumbing, fire prevention, fireproofing including prescribing limitations wherein only buildings of noncombustible material and fireproofed roofs are used in construction, erection, or substantial reconstruction, use and inspection of all buildings

1 and housing or parts of buildings and housing, and the roofs,
2 walls and foundations thereof, and all facilities and services
3 in or about such buildings or housing constructed, erected,
4 altered, designed, or used, in whole or in part, for any use or
5 occupancy, and the sanitation and inspection of land appurtenant
6 thereto. Such codes may be combined or separately enacted or
7 combined with the property maintenance code.

8 (2) A city may require that before any work of construction,
9 reconstruction, alteration, extension, repair, or conversion of
10 any building is begun, approval of the plans and specifications
11 be secured.

12 (3) A city may incorporate any standard or nationally
13 recognized code, or any variations or changes or parts thereof,
14 published and printed in book form, without incorporating the
15 text of such code as provided in subdivision (a.1) of Article X.
16 The ordinances may provide for fines and penalties not exceeding
17 one thousand dollars or imprisonment for any term not exceeding
18 ninety days, or both, for violations thereof. The procedure
19 herein set forth relating to the enactment of such ordinances
20 may likewise be utilized in amending, supplementing or repealing
21 any of the provisions of ordinances that incorporate any
22 standard or nationally recognized code, or any variations or
23 changes or parts thereof.

24 (4) Council may appoint building inspectors, housing
25 inspectors, property maintenance inspectors, fire prevention
26 inspectors, electrical inspectors and plumbing inspectors and
27 fix their compensation. Such inspectors shall have the right to,
28 subject to constitutional standards in a similar manner as
29 provided in section 2308, enter upon and inspect any and all
30 premises at all reasonable hours for the administration and

enforcement of the city's enacted codes or ordinances
incorporating standard or nationally recognized codes. Any fees
payable to an inspector under the ordinances shall be paid by
the inspector to the city treasurer for the use of the city as
promptly as may be.

(5) In addition to the penalties provided by ordinances, the
city may institute appropriate actions or proceedings at law or
in equity to prevent or restrain the unlawful construction,
reconstruction, alteration, extension, repair, conversion,
maintenance or use or occupation of property located within the
city, to restrain, correct or abate the violation and to prevent
the use or occupancy of the building, housing or structure.

Section 336. Article XLII heading of the act is reenacted to
read:

ARTICLE XLII

AERONAUTICS

Section 337. Section 4201 of the act is amended to read:

Section 4201. Power to Acquire Land for Aeronautical
Purposes; Maintenance of Municipal Airports[, Etc.--With the
approval of the Pennsylvania Aeronautics Commission, a].--A city
may establish and maintain a municipal airport and may acquire,
by lease, purchase or condemnation proceedings, subject to the
limitations in 26 Pa.C.S. § 206 (relating to extraterritorial
takings), any land lying either within or without the
territorial limits of the city, and within or without the
territorial limits of the county in which [such] the city is
located, which, in the judgment of council, may be necessary and
desirable for the purpose of establishing and maintaining
municipal airports, landing fields, aviation easements or
intermediate landing fields and other air navigation facilities.

1 Section 339. Section 4202 of the act is repealed:

2 [Section 4202. Proceedings for Condemnation.--The
3 proceedings for the condemnation of lands under the provisions
4 of this article, and for the assessment of damages for property
5 taken, injured or destroyed, shall be conducted in the manner
6 provided by this act in the case of property taken, injured or
7 destroyed. The title acquired by the city exercising the power
8 to condemnation shall be a title in fee-simple.]

9 Section 339. Sections 4203, 4204 and 4205 of the act are
10 amended to read:

11 Section 4203. Leasing of Land Acquired for Aeronautical
12 Purposes.--Any city acquiring land for any aeronautical purposes
13 may lease the same, or part thereof to any individual or
14 corporation desiring to use the same for [the purpose of taking
15 off or landing an aeroplane, or for other aeronautical purposes,
16 on such terms and subject to such conditions and regulations as
17 may be provided. Any such city may enter into a contract, in the
18 form of a lease, providing for the use of said land, or any part
19 thereof, by the Government of the United States for air mail
20 delivery, or other aeronautical purposes, upon nominal rental or
21 without consideration] aeronautical purposes.

22 Section 4204. Operation of Facilities Jointly.--Any city may
23 operate and maintain municipal airports, landing fields or
24 intermediate landing fields and other air navigation facilities
25 jointly in accordance with [any other political subdivision or
26 with the Pennsylvania Aeronautics Commission, upon such terms
27 and conditions as may be agreed upon between the council and the
28 corporate authorities of the other contracting party or parties]
29 53 Pa.C.S. Ch.23 Subch. A (relating to intergovernmental
30 cooperation).

1 Section 4205. Appropriation for Support of Air Navigation
2 Facilities.--A city which does not own, lease, or operate
3 municipal airports, landing fields or intermediate landing
4 fields or other air navigation facilities[,] may appropriate
5 money for the support and maintenance of any such facilities,
6 situate either within or without the boundaries of the city, or
7 of the county or counties in which [such] the city is located.

8 Section 340. Article XLIII and subdivision (a) headings of
9 the act are reenacted to read:

10 ARTICLE XLIII

11 PENSIONS

12 (a) Police

13 Section 341. Section 4301 of the act, amended December 12,
14 1994 (P.L.1033, No.140), is amended to read:

15 Section 4301. Police Pension Fund[; Direction of].--(a)
16 Cities shall establish, by ordinance, a police pension fund[, to
17 be].

18 (b) The following shall apply to a police pension fund
19 established pursuant to this section:

20 (1) The fund shall be maintained by an equal and
21 proportionate monthly charge against each member of the police
22 force, which shall not exceed annually four per centum of the
23 pay of [such] the member and an additional amount not to exceed
24 one per centum of the pay of [such] the member to be paid by
25 [such] the member or the municipal corporation to provide
26 sufficient funds for payments required by subsection [(d) of
27 section 4303] (f) of section 4303 to surviving spouses even if
28 they remarry, or if no spouse survives or if such person
29 survives and subsequently dies, then to the child or children
30 under the age of eighteen years, of members of the police force

1 or of members retired on pension or who die in service[; which].

2 (2) The fund shall at all times be under the direction and
3 control of council but may be committed to the custody and
4 management of such officers of the city or [citizens thereof, or
5 corporations located therein] to such other persons or entities,
6 as may be designated by council[, and] by ordinance.

7 (3) The fund shall be applied, under such regulations as
8 council may, by ordinance, prescribe, for the benefit of such
9 members of the police force as shall receive honorable discharge
10 therefrom by reason of age or disability, surviving spouses even
11 if they remarry, or if no spouse survives or if such person
12 survives and subsequently dies, then to the child or children
13 under the age of eighteen years, of members of the police force
14 or of members retired on pension[; but such allowances as shall
15 be].

16 (4) Allowances made to those who are retired by reason of
17 the disabilities of age shall be in conformity with a uniform
18 scale, together with service increments as hereinafter provided.

19 (5) Any compensation paid to a corporate custodian of the
20 police pension fund shall be paid from the general fund of the
21 city.

22 Section 342. Section 4302 of the act, amended November 25,
23 1970 (P.L.754, No.246), is amended to read:

24 Section 4302. Retirement; Final Discharge.--[Such ordinance
25 shall prescribe a] (a) With regard to continuous service and
26 minimum retirement age requirements, the ordinance establishing
27 the police pension fund shall prescribe as follows:

28 (1) A minimum period of continuous service[,] of not less
29 than twenty years[, and, when].

30 (2) If any minimum retirement age is prescribed, a minimum

1 age of fifty years[, after which members of the force may retire
2 from active duty, and such members as are retired].

3 (b) Retired members, if not unfit by reason of age,
4 disability or otherwise, shall be subject to service[, from time
5 to time,] as a police reserve [until unfitted for such service,
6 when they may be finally retired by reason of age or disability]
7 under terms and conditions as may be established by council.

8 (c) With the approval of council, any member of the police
9 pension fund who is a contributor and who served in the armed
10 forces of the United States subsequent to September 1, 1940, and
11 who was not a member of the police pension fund prior to such
12 military service, shall be entitled to have full credit for each
13 year or fraction thereof, not to exceed five years of such
14 service upon [his] the member's payment to the police pension
15 fund of an amount equal to that which [he] the member would have
16 paid had he or she been a member during the period for which [he
17 desires] credit is desired, and his or her payment to [such] the
18 fund of an additional amount as the equivalent of the
19 contributions of the city on account of such military service.

20 Section 343. Section 4302.1 of the act, added December 17,
21 1990 (P.L.715, No.178), is amended to read:

22 Section 4302.1. Limited Vested Benefit.--(a) The ordinance
23 establishing a police pension fund may provide for a limited
24 vested benefit if such would conform to section 305 of the act
25 of December 18, 1984 (P.L.1005, No.205), known as the "Municipal
26 Pension Plan Funding Standard and Recovery Act."

27 (b) Under [the provisions of the benefit, should] a limited
28 vested benefit, a member of the police pension fund, [before
29 completing] who has not completed the minimum [age and minimum]
30 period of continuous service [requirements but after having]

1 requirement and satisfied any applicable minimum age
2 requirement, but who has completed twelve years of full-time
3 service, [the member] shall be entitled to vest his or her
4 retirement benefits subject to each of the following conditions:

5 (1) [the] The member must file with the management board of
6 the police pension fund a written notice of his or her intention
7 to vest[;]_.

8 (2) [the] The member must include in the notice, the date
9 the member intends to terminate his or her service as a full-
10 time police officer[;]_.

11 (3) [the] The termination date shall be at least thirty days
12 later than the date of notice to vest[;]_.

13 (4) [the] The member must be in good standing with the
14 police department on the date of notice to vest[; and]_.

15 (5) [the] The board shall indicate on the notice to vest the
16 rate of the monthly pay of the member as of the date of said
17 notice to vest or the highest average annual salary which the
18 member received during any five years of service preceding said
19 date, whichever is the higher.

20 [(b)] (c) Upon reaching the date which would have been the
21 member's retirement date had the member continued his or her
22 full-time employment with the police department, the member
23 shall notify the board, in writing, that the member desires to
24 collect his or her pension. The amount of retirement benefits
25 the member is entitled to receive under this section shall be
26 computed as follows:

27 (1) [the] The initial determination of the member's base
28 retirement benefits shall be computed on the salary indicated on
29 the notice to vest[; and]_.

30 (2) [the] The portion of the base retirement benefits due

1 the member shall be determined by applying to the base amount
2 the percentage that his or her years of service actually
3 rendered bears to the years of service which would have been
4 rendered had the member continued to be employed by the
5 department until his or her minimum retirement date.

6 Section 344. Section 4303 of the act, amended or added
7 January 18, 1952 (1951 P.L.2105, No.596), October 22, 1955
8 (P.L.723, No.207), November 25, 1970 (P.L.754, No.246), October
9 4, 1978 (P.L.950, No.188), December 17, 1990 (P.L.715, No.178),
10 December 12, 1994 (P.L.1033, No.140) and June 19, 2002 (P.L.442,
11 No.65), is amended to read:

12 Section 4303. Allowances and Service Increments.--(a)
13 Payments for allowances shall [not] only be a charge on the
14 police pension fund and shall not be a charge on any other fund
15 under the control, or in the treasury, of the city [or under its
16 control save the police pension fund herein provided for].

17 (b) The basis of the apportionment of the pension shall be
18 determined by the rate of the monthly pay of the member at the
19 date of injury, death, honorable discharge, vesting under
20 section 4302.1 or retirement, or the highest average annual
21 salary which the member received during any five years of
22 service preceding injury, death, honorable discharge, vesting
23 under section 4302.1 or retirement, whichever is the higher, and
24 except as to service increments provided for in subsection [(b)
25 of this section] (d), shall not in any case exceed in any year
26 one-half the annual pay of [such] the member computed at [such]
27 the monthly or average annual rate, whichever is the higher.

28 [(a.1)] (c) The provisions of subsection [(a)] (b) providing
29 that the apportionment of the pension shall not in any case
30 exceed in any year one-half the annual pay of [such] the member

1 computed at [such] the monthly or average annual rate, whichever
2 is the higher, shall not apply to a city of the third class
3 whether operating under an optional charter adopted in
4 accordance with the act of July 15, 1957 (P.L.901, No.399),
5 known as the "Optional Third Class City Charter Law," or under a
6 home rule charter adopted in accordance with 53 Pa.C.S. Pt. III
7 Subpt. E (relating to home rule and optional plan government),
8 which had in effect pension plans prior to the effective date of
9 this subsection that provided pensions in an amount greater than
10 fifty per centum of salary.

11 [(b)] (d) In addition to the retirement allowance which is
12 authorized to be paid from the police pension fund by this act,
13 and notwithstanding the limitations therein placed upon such
14 retirement allowances and upon contributions, every contributor
15 who shall become entitled to the retirement allowance shall also
16 be entitled to the payment of a "service increment" in
17 accordance with and subject to the conditions hereinafter set
18 forth.

19 (1) Service increment shall be the sum obtained by computing
20 the number of whole years after having served the minimum
21 required by this act during which a contributor has been
22 employed by [such] the city and paid out of the city treasury,
23 including credit for military service as provided in section
24 4302, and multiplying the said number of years so computed by an
25 amount equal to one-fortieth of the retirement allowance which
26 has become payable to [such] the contributor in accordance with
27 the provisions of this act. In computing the service increment,
28 no employment after the contributor has reached the age of
29 sixty-five years shall be included, and no service increment
30 shall be paid in excess of one hundred dollars (\$100.00) per

1 month.

2 (2) Each contributor, from and after [the effective date of
3 this amendment] January 1, 1952, shall pay into the retirement
4 fund a monthly sum in addition to his or her retirement
5 contribution, which shall be equal to one-half of one per centum
6 of his or her salary[: Provided, That such], provided, however,
7 that the payment shall not exceed the sum of one dollar (\$1.00)
8 per month[: And provided, That such], and further provided that
9 the service increment contribution shall not be paid after a
10 contributor has reached the age of sixty-five years.

11 (3) Persons who are contributors on the effective date of
12 this amendment who have already reached the age of sixty-five
13 years shall have his or her service increment computed on the
14 years of employment prior to the date of reaching his or her
15 sixty-fifth birthday.

16 (4) Service increment contributions shall be paid at the
17 same time and in the same manner as retirement contributions,
18 and may be withdrawn in full, without interest, by persons who
19 leave the employment of [such] the city, subject to the same
20 conditions by which retirement contributions may be withdrawn,
21 or by persons who retire before becoming entitled to any service
22 increment.

23 (5) All members of the police force who are now contributors
24 to the retirement fund and all those employed by the city after
25 the effective date of this amendment, if required to become
26 contributors to the retirement fund, shall be subject to the
27 provisions of this act.

28 (6) After [the effective date of this clause] June 19, 2002,
29 a city may agree to make service increment payments in excess of
30 one hundred dollars (\$100) per month as long as [such] the

1 payments do not exceed five hundred dollars (\$500) per month,
2 and, in computing such service increments, no employment after
3 the contributor has reached the age of sixty-five years shall be
4 included[: Provided, That], provided that any agreement to
5 provide an increase in service increment payments shall include
6 a proportionate increase in the amount each contributor shall
7 pay into the retirement fund under clause (2), not to exceed
8 five dollars (\$5) per month.

9 [(c)] (e) The spouse of a member of the police force or a
10 member who retires on pension who dies or if no spouse survives
11 or if such person survives and subsequently dies or remarries,
12 then the child or children under the age of eighteen years of a
13 member of the police force or a member who retires on pension
14 who dies on or after [the effective date of this amendment]
15 August 1, 1963, shall, during the lifetime of the surviving
16 spouse, even if the surviving spouse remarries, or until
17 reaching the age of eighteen years in the case of a child or
18 children, be entitled to receive a pension calculated at the
19 rate of fifty per centum of the pension the member was receiving
20 or would have been receiving had [he] the member been retired at
21 the time of his or her death and may receive the pension the
22 member was receiving or would have been receiving had [he] the
23 member been retired at the time of his or her death.

24 [(d)] (f) Any police officer who has less than ten years of
25 service and who dies or is totally disabled due to injuries or
26 mental incapacities not in line of duty and is unable to perform
27 the duties of a police officer, may be entitled to a pension of
28 twenty-five per centum of [his] the police officer's annual
29 compensation. For death or injuries received after ten years of
30 service the compensation may be fifty per centum of [his] the

1 police officer's annual compensation.

2 (g) The disability pension may be payable to the police
3 officer during his or her lifetime and if [he shall die] the
4 police officer dies, the pension payment that [he] the police
5 officer was receiving may be continued to be paid to his or her
6 spouse if [such person] the spouse survives or if [such person]
7 the spouse subsequently dies or remarries, then the child or
8 children under the age of eighteen years of the police officer.

9 Section 345. Section 4303.1 of the act, amended June 30,
10 1969 (P.L.98, No.36), is amended to read:

11 Section 4303.1. Increase of Allowances After Retirement.--

12 (a) Any city may, at any time, at its discretion, upon the
13 recommendation of the persons having custody and management of
14 the police pension fund, increase the allowances of persons
15 receiving allowances of any kind from the police pension fund by
16 reason of and after the termination of the services of any
17 member of said fund. [Such increases]

18 (b) Increases made pursuant to this section shall be in
19 conformity with a uniform scale, which may be based on the cost
20 of living, but the total of any such allowances shall not at any
21 time exceed one-half of the current salary being paid
22 [patrolmen] patrol persons of the highest pay grade.

23 Section 346. Section 4303.2 of the act, added October 3,
24 1988 (P.L.735, No.104), is amended to read:

25 Section 4303.2. Total Disability.--(a) Notwithstanding any
26 provision of this act, any police officer who becomes totally
27 disabled due to injuries sustained in the line of duty shall be
28 deemed to be fully vested in the police pension fund, regardless
29 of the actual number of years of credited service, and shall be
30 eligible for immediate retirement benefits.

1 (b) Claims under this section shall be decided by the
2 governing body of the city. Proof of disability shall be by
3 competent medical evidence provided by the claimant. The
4 governing body of the city may at any time have the claimant
5 examined by its own physician.

6 (c) Claims under this section may be brought as the
7 regulations of the city council prescribe. Hearings and appeals
8 shall be as provided in Title 2 of the Pennsylvania Consolidated
9 Statutes (relating to administrative law and procedure).

10 (d) The pension fund shall be subrogated to the right of the
11 claimant to the extent of any payments made under the act of
12 June 2, 1915 (P.L.736, No.338), known as ["The Pennsylvania
13 Workmen's Compensation Act,"] the "Workers' Compensation Act,"
14 or the act of June 28, 1935 (P.L.477, No.193), referred to as
15 the Enforcement Officer Disability Benefits Law.

16 (e) Definition.--As used in this section, "total disability"
17 shall mean permanent mental or physical impairment which renders
18 the police officer unable to perform his or her duties.

19 Section 347. Section 4304 of the act is amended to read:

20 Section 4304. Inalienable Rights in Fund.--Whenever any
21 person shall become entitled to receive an allowance from the
22 police pension fund, and shall have been admitted to participate
23 therein, [he] the person shall not be deprived of his or her
24 right to an equal and proportionate participation therein [upon]
25 on the basis upon which he or she first became entitled thereto.

26 Section 348. Section 4305 of the act, amended October 4,
27 1978 (P.L.950, No.188), is amended to read:

28 Section 4305. Payments to Police Pension [Funds by City.--
29 There] Fund by City.--Unless otherwise required by the act of
30 December 18, 1984 (P.L. 1005, No. 205), known as the "Municipal

Pension Plan Funding Standard and Recovery Act," or by any other
provision of law, this section shall govern the payment to the
police pension fund of moneys raised by taxes levied by the
city:

(1) A city shall [be paid] pay annually to the [organization
or association, constituting and having in charge the
distribution of police pension funds in every city] police
pension fund, a sum of money sufficient to meet the requirements
of and to maintain [such police pension] the fund which sum in
no year shall be less than one-half of one per centum nor more
than three per centum of all city taxes levied by the city,
other than taxes levied to pay interest on or extinguish the
debt of the city [or any part thereof].

(2) Council may exceed the limitations imposed by this
section if an additional amount is deemed necessary to provide
sufficient funds for payments to surviving spouses of members
retired on pension or killed or who die in the service[:
Provided, however, That], provided, however, that the city may
annually pay into [said] the fund not less than one-half of one
per centum of all city taxes levied by the city, other than
taxes levied to pay interest on or extinguish the debt of the
city [or any part thereof].

Section 349. Sections 4306 and 4307 of the act are amended
to read:

Section 4306. [Designation of Organization to Manage Pension
Fund.--The organization, having in charge the distribution of
police pension funds, herein mentioned, shall consist only of
such as is by ordinance designated as the official and
authorized organization or association to hold, receive, and
distribute the funds of moneys for the purpose of pensioning the

1 police officers of the city.] Management of Police Pension
2 Fund.--Only the persons designated, in accordance with section
3 4301(b)(2), shall be authorized to make decisions to hold,
4 receive and distribute the moneys of the police pension fund.

5 Section 4307. Trusts for Benefit of Police Pension Fund.--
6 Any city may take, by gift, grant, devise or bequest, any money
7 or property, real, personal or mixed, in trust for the benefit
8 of [such] the pension fund, and the care, management, investment
9 and disposal of [such] the trust funds or property shall be
10 vested in such officer or officers of the city, for the time
11 being, as the council may designate, and [such] the care,
12 management and disposal shall likewise be directed by ordinance
13 and the [said] trust funds shall be governed thereby, subject to
14 such directions, not inconsistent therewith, as the donors of
15 [such] the funds and property may prescribe.

16 Section 350. Section 4308 of the act, amended October 4,
17 1978 (P.L.950, No.188), is amended to read:

18 Section 4308. Repayment Before Retirement.--[If for any
19 cause any] (a) If a contributing member of the police [force
20 contributing to the] pension fund shall cease to be a member of
21 the police force before [he becomes] becoming entitled to a
22 pension, the total amount of the contributions paid into the
23 pension fund by [such] the member shall be refunded to him or
24 her in full, without interest.

25 (b) If [any such] a member shall have returned to him or her
26 the amount contributed, and shall afterward again become a
27 member of the police force, [he] the member shall not be
28 entitled to the pension designated until twenty years after his
29 or her reemployment, unless [he shall return] the member returns
30 to the pension fund the amount withdrawn, in which event the

1 period of twenty years shall be computed from the time the
2 member first became a member of the police force, excluding
3 therefrom any period of time during which the member was not
4 employed by the police force.

5 (c) In the event of the death of a member of the police
6 force not in the line of service before the member becomes
7 entitled to [the pension aforesaid and such] a pension and if
8 the member is not survived by a spouse or family entitled to
9 payments as [hereinbefore] provided in this subdivision, the
10 total amount of contributions paid into the pension fund by the
11 member shall be paid over to his or her estate.

12 Section 351. Section 4309 of the act, added December 17,
13 1990 (P.L.715, No.178), is amended to read:

14 Section 4309. Definitions.--As used in this subdivision, the
15 term "salary" is defined as the fixed amount of compensation
16 paid at regular, periodic intervals by the city to the member
17 and from which pension contributions have been deducted.

18 Section 352. Article XLIII subdivision (b) heading of the
19 act is amended to read:

20 (b) [Firemen] Firefighters

21 Section 353. Section 4320 of the act, amended October 4,
22 1978 (P.L.950, No.188), is amended to read:

23 Section 4320. [Firemen's] Firefighters' Pension Fund;
24 Management; Annuity Contracts.--(a) Except as hereinafter
25 provided, cities shall provide annuity contracts or establish,
26 by ordinance, a [firemen's] firefighters' pension fund[, to].

27 (b) The annuity contracts or pension fund shall be
28 maintained in part by an equal and proportionate monthly charge
29 against each member of the fire department, which shall not
30 exceed annually four per centum of the pay of such member, and

1 an additional amount not to exceed one per centum if deemed
2 necessary by the council to provide sufficient funds for
3 payments to surviving spouses of members retired on pension or
4 killed or who die in the service.

5 (c) In any case [where] in which there is an existing
6 organization or association for the benefit of fully paid
7 [firemen] firefighters, constituting and having in charge the
8 distribution of [firemen's] firefighters' pension funds, no
9 annuity contract shall be provided, nor shall any [firemen's]
10 firefighters' pension funds be established under the provisions
11 of this section unless and until the members of such
12 organization or association, by a two-thirds vote, elect to
13 transfer said existing fund into the pension fund required to be
14 established by this section.

15 (d) All pension funds established under the provisions of
16 this section shall be under the direction and control of a board
17 of managers [consisting of the mayor], which shall consist of
18 the following:

19 (1) Ex officio members as follows:

20 (i) the city administrator, if one has been appointed, or
21 the mayor if no city administrator has been appointed;

22 (ii) the director of accounts and finance[,];

23 (iii) the director of the department having charge of the
24 fire department, or in cities where no city administrator has
25 been appointed and the mayor is also the director of the
26 department having charge[,] of the fire department, then the
27 director of public safety[,];

28 (iv) the city controller; and

29 (v) the chief of the bureau of fire[, ex officio, and two].

30 (2) Two members of the fire department to be chosen by the

1 members of the fire department.

2 (e) If a city does not establish a department whose director
3 is named as an ex officio member of the board of managers, then
4 the director of another department or such officers of the city
5 as may be designated by council shall be substituted on the
6 board of managers.

7 (f) Of the first [managers] members so chosen by the members
8 of the fire department to the board of managers, one shall be
9 chosen for a term of two years and one for a term of four years.
10 Biennially thereafter one [manager] fire department member shall
11 be chosen for a term of four years to take the place of the one
12 whose term expires. In case of vacancy among the managers chosen
13 by the fire department, a successor shall be chosen for the
14 unexpired term.

15 (g) The fund shall be applied, under [such] regulations [as]
16 prescribed by the board of managers [shall prescribe], for the
17 benefit of such members of the fire department [as shall] who
18 receive honorable discharge therefrom by reason of service or
19 age or disability, surviving spouses of retired members and the
20 families of [such as may be] members who are killed or who die
21 in the service. All [such] pensions [as shall be allowed] to
22 those who are retired by reason of [the disabilities or of]
23 disability or service or age shall be in conformity with a
24 uniform scale, together with service increments as hereinafter
25 provided. Benefits [allowed] from [such] the fund to families of
26 [such as] members who are killed or who die in service shall
27 take into consideration the member's surviving spouse and his or
28 her minor children under eighteen years of age, if any survive.

29 Section 354. Section 4320.1 of the act, added June 16, 1993
30 (P.L.97, No.21), is amended to read:

Section 4320.1. Limited Vested Benefit for Firefighters.--

(a) The ordinance establishing a firefighters' pension fund may provide for a limited vested benefit if [such] it would conform to section 305 of the act of December 18, 1984 (P.L.1005, No.205), known as the "Municipal Pension Plan Funding Standard and Recovery Act."

(a.1) Under [the provisions of the] a limited vested benefit, [should] if a member of the firefighters' pension fund [before completing the minimum age and] has not completed the minimum period of continuous service [requirements but after having] and any applicable minimum age requirement but has completed twelve years of full-time service, and if, for any reason, shall cease to be employed as a full-time firefighter, the member shall be entitled to vest his or her retirement benefits subject to the following conditions:

(1) [the] The member must file with the management board of the firefighters' pension fund a written notice of his or her intention to vest[;].

(2) [the] The member must include in the notice the date the member intends to terminate his or her service as a full-time firefighter[;].

(3) [the] The termination date shall be at least thirty days later than the date of notice to vest[;].

(4) [the] The member must be in good standing with the fire department on the date of notice to vest[; and].

(5) [the] The board shall indicate on the notice to vest the rate of the monthly pay of the member as of the date of the notice to vest or the highest average annual salary which the member received during any five years of service preceding the date, whichever is the higher.

(b) Upon reaching the date which would have been the member's retirement date had the member continued his or her full-time employment with the fire department, the member shall notify the board in writing that the member desires to collect his or her pension. The amount of retirement benefits the member is entitled to receive under this section shall be computed as follows:

(1) [the] The initial determination of the member's base retirement benefits shall be computed on the salary indicated on the notice to vest[; and].

(2) [the] The portion of the base retirement benefits due the member shall be determined by applying to the base amount the percentage that his or her years of service actually rendered bears to the years of service which would have been rendered had the member continued to be employed by the department until his or her minimum retirement date.

Section 355. Section 4321 of the act, amended July 1, 1992 (P.L.347, No.74), is amended to read:

Section 4321. Retirement; Final Discharge.--[Such regulations shall prescribe a] (a) With regard to continuous service and minimum age requirements, the ordinance establishing or regulations governing the firefighters' pension fund shall prescribe as follows:

(1) A minimum period of continuous service[,] of not less than twenty years [and, when].

(2) If any minimum age is prescribed, a minimum age of fifty years[, after which members of the department may retire on pension from active duty, and such members as are retired].

(b) Retired members, if not unfit by reason of age, disability or otherwise shall be subject to service, from time

1 to time, as a [firemen's] firefighters' reserve in cases of
2 emergency [until unfitted for such service, when they may be
3 finally discharged by reason of age or disability], under terms
4 and conditions as my be established by council.

5 (c) With the approval of council, all members of the
6 [firemen's] firefighters' pension fund who are contributors and
7 who served in the armed forces of the United States subsequent
8 to September 1, 1940, and who were not members of the
9 [firemen's] firefighters' pension fund prior to such military
10 service, shall be entitled to have full credit for each year or
11 fraction thereof, not to exceed five years of such service upon
12 their payment to the [firemen's] firefighters' pension fund of
13 an amount equal to that which they would have paid had they been
14 members during the period for which they desire credit, and
15 their payment to such fund of an additional amount as the
16 equivalent of the contributions of the city plus any interest
17 the city would have been required to pay on the contributions on
18 account of such military service. Upon the death of a member who
19 retires on pension or is killed in the service on or after
20 January 1, 1960, or who dies in the service on or after January
21 1, 1968, payments as hereinafter provided shall be made to the
22 member's surviving spouse during the life of the spouse.

23 Section 356. Section 4322 of the act, amended or added
24 October 4, 1978 (P.L.950, No.188), June 16, 1993 (P.L.97, No.21)
25 and June 19, 2002 (P.L.442, No.65), is amended to read:

26 Section 4322. Pensions and Service Increments.--(a) The
27 following apply:

28 (1) Payments of pensions shall [not] only be a charge on
29 [any fund in the] the firefighters' pension fund and shall not
30 be a charge on any other fund under the control, or in the

1 treasury, of the city [or under its control save the firemen's
2 pension fund herein provided for].

3 (2) The basis of the pension of a member shall be determined
4 by the monthly salary of the member at the date of vesting under
5 section 4320.1 or retirement, or the highest average annual
6 salary which [he] the member received during any five years of
7 service preceding retirement, whichever is the higher, whether
8 for disability, or by reason of age or service, and except as to
9 service increments provided for in subsection (b) of this
10 section, shall be one-half the annual salary of [such] the
11 member at the time of vesting under section 4320.1 or retirement
12 computed at [such] the monthly or average annual rate, whichever
13 is the higher.

14 (3) In the case of the payment of pensions to members for
15 permanent injury incurred in service, and to families of members
16 killed or who die in service, the amount and commencement of the
17 payment of pensions shall be fixed by regulations of the board.
18 [Such] These regulations shall not take into consideration the
19 amount and duration of [workmen's] workers' compensation allowed
20 by law. Payments to surviving spouses of members retired on
21 pension or killed in the service on or after January 1, 1960, or
22 who die in the service on or after January 1, 1968, shall be the
23 amount payable to the member or which would have been payable
24 had [he] the member been retired at the time of [his] the
25 member's death.

26 (a.1) The provisions of subsection (a) providing that the
27 basis of the pension shall be one-half the annual salary of
28 [such] the member at the time of vesting under section 4320.1 or
29 retirement computed at [such] the monthly or average annual
30 rate, whichever is the higher, shall not apply to a city of the

1 third class whether operating under an optional charter adopted
2 in accordance with the act of July 15, 1957 (P.L.901, No.399),
3 known as the "Optional Third Class City Charter Law," or under a
4 home rule charter adopted in accordance with 53 Pa.C.S. Pt. III
5 Subpt. E (relating to home rule and optional plan government),
6 which had in effect pension plans prior to the effective date of
7 this subsection that provided pensions in an amount greater than
8 fifty per centum of salary.

9 (b) In addition to the pension which is authorized to be
10 paid from the [firemen's] firefighters' pension fund by this act
11 and notwithstanding the limitations therein placed upon such
12 pensions and upon contributions, every contributor who shall
13 become entitled to the pension shall also be entitled to the
14 payment of a "service increment" in accordance with and subject
15 to the conditions hereinafter set forth.

16 (1) Service increment shall be the sum obtained by computing
17 the number of whole years after having served the minimum
18 required by this act during which a contributor has been
19 employed by [such] the city and paid out of the city treasury,
20 including credit for military service as provided in section
21 4321, and multiplying the said number of years so computed by an
22 amount equal to one-fortieth of the retirement allowance which
23 has become payable to such contributor in accordance with the
24 provisions of this act. In computing the service increment, no
25 employment after the contributor has reached the age of sixty-
26 five years shall be included, and no service increment shall be
27 paid in excess of one hundred dollars (\$100) per month.

28 (2) Each contributor, from and after the effective date of
29 this amendment, shall pay into the pension fund a monthly sum in
30 addition to his or her pension contribution, which shall not

1 exceed the sum of one dollar (\$1) per month[: And provided, That
2 such], provided that the service increment contribution shall
3 not be paid after a contributor has reached the age of sixty-
4 five years.

5 (3) Any person who is a member of the department on the
6 effective date of this amendment who has already reached the age
7 of sixty-five years shall have his or her service increment
8 computed on the years of employment prior to the date of
9 reaching [his] the member's sixty-fifth birthday.

10 (4) Service increment contributions shall be paid at the
11 same time and in the same manner as pensions, and may be
12 withdrawn in full, without interest, by persons who leave the
13 employment of [such] the city, subject to the same conditions by
14 which retirement contributions may be withdrawn, or by persons
15 who retire before becoming entitled to any service increment.

16 (5) All members of the fire department who are now
17 contributors to the pension fund and all those employed by the
18 city after the effective date of this amendment, if required to
19 become contributors to the pension fund, shall be subject to the
20 provisions of this act.

21 (6) After the effective date of this clause, a city may
22 agree to make service increment payments in excess of one
23 hundred dollars (\$100) per month as long as such payments do not
24 exceed five hundred dollars (\$500) per month, and, in computing
25 such service increments, no employment after the contributor has
26 reached the age of sixty-five years shall be included[:
27 Provided, That], provided that any agreement to provide an
28 increase in service increment payments shall include a
29 proportionate increase in the amount each contributor shall pay
30 into the retirement fund under clause (2), not to exceed five

1 dollars (\$5) per month.

2 Section 357. Section 4322.1 of the act, amended June 30,
3 1969 (P.L.98, No.36), is amended to read:

4 Section 4322.1. Increase of Allowances After Retirement.--

5 (a) Any city may, at any time, at its discretion, upon the
6 recommendation of the persons having custody and management of
7 the [firemen's] firefighters' pension fund, increase the
8 allowances of persons receiving allowances of any kind from the
9 fund by reason of and after the termination of the services of
10 any member of the fund.

11 [Such increases] (b) Increases made pursuant to this section
12 shall be in conformity with a uniform scale, which may be based
13 on the cost of living, but the total of any such allowances
14 shall not at any time exceed one-half of the current salary
15 being paid [firemen] firefighters of the highest pay grade.

16 Section 358. Section 4323 of the act, amended August 14,
17 1959 (P.L.709, No.246), is amended to read:

18 Section 4323. Causes for Forfeiture of Rights in Fund; Other
19 Employments.--(a) Whenever any person shall become entitled to
20 receive a pension from the [firemen's] firefighters' pension
21 fund, and shall have been admitted to participate therein, [he]
22 the person shall not thereafter be deprived of his or her right
23 to participation therein [upon] on the basis upon which [he] the
24 person first became entitled thereto, except for one or [more]
25 both of the following causes[, that is to say]:

26 (1) Conviction of a felony or misdemeanor[, becoming an
27 habitual drunkard, or failing].

28 (2) Failing to comply with some general regulation relating
29 to the management of [said] the fund which may be made by the
30 managers, and which may provide that a failure to comply

1 therewith shall terminate the right to participate in the
2 pension fund.

3 (b) Any termination of a pension shall be only after [such]
4 due notice and hearing as shall be prescribed by regulation of
5 the managers.

6 Section 359. Section 4324 of the act, amended October 4,
7 1978 (P.L.950, No.188), is amended to read:

8 Section 4324. Payments to [Firemen's] Firefighters' Pension
9 [Funds] Fund by City.--[There] Unless otherwise required by the
10 act of December 18, 1984 (P.L.1005, No.205), known as the
11 "Municipal Pension Plan Funding Standard and Recovery Act," or
12 by any other provision of law, this section shall govern the
13 payment to the firefighters' pension fund of money raised by
14 taxes levied by the city:

15 (1) A city shall [be paid] pay to the [firemen's]
16 firefighters' pension [funds by every city] fund annually [the]
17 a sum of money not less than one-half of one per centum nor more
18 than three per centum of all city taxes levied by the city,
19 other than taxes levied to pay interest on or extinguish the
20 debt of the city [or any part thereof].

21 (2) Council may exceed the limitations imposed by this
22 section if an additional amount is deemed necessary to provide
23 sufficient funds for payments to surviving spouses of members
24 retired on pension or killed or who die in the service[:
25 Provided, however, That], provided, however, that the city shall
26 annually pay into said fund not less than one-half of one per
27 centum of all city taxes levied by the city, other than taxes
28 levied to pay interest on or extinguish the debt of the city [or
29 any part thereof].

30 Section 360. Sections 4325 and 4326 of the act are amended

1 to read:

2 Section 4325. [Transfer of Funds] Transfers from Other
3 Pension Funds.--(a) In any city wherein the members of the fire
4 department are members of a pension fund not established solely
5 for the purpose of pensioning members of the fire department,
6 there shall be transferred from such other pension fund into the
7 [firemen's] firefighters' pension fund required to be
8 established by this act, the moneys contributed thereto by
9 members of the fire department who have not been retired, and a
10 just and equitable proportion of the moneys contributed by the
11 city to such other pension fund for the future retirement of
12 members of the fire department. [Such] The transfers may be made
13 by the transfer of securities. The amounts to be transferred
14 shall be amicably adjusted by the managers of the [firemen's]
15 firefighters' pension fund and the pension board having the
16 charge of such other pension fund. In case of disagreement as to
17 the amount [so] to be transferred, the disagreement shall be
18 resolved by the city council, whose action thereon shall be
19 final.

20 (b) Nothing contained in this section shall be construed to
21 relieve any existing pension fund of its liability to continue
22 the payment of pensions to retired members of the fire
23 department in accordance with the laws and regulations under
24 which such members were retired.

25 Section 4326. Trusts for Benefit of [Firemen's]
26 Firefighters' Pension Fund.--Any [such] city may take, by gift,
27 grant, devise or bequest, any money or property, real, personal
28 or mixed, in trust for the benefit of [such] the pension fund[,
29 and the]. The care, management, investment and disposal of
30 [such] the trust funds or property shall be vested in [such] the

1 officer or officers of [such] the city, for the time being, as
2 the [said] city may designate[, and such]. The care, management
3 and disposal shall likewise be directed by ordinance and the
4 [said] trust funds shall be governed thereby, subject to [such]
5 directions, not inconsistent therewith, as the donors of [such]
6 the funds and property may prescribe.

7 Section 361. Section 4327 of the act, amended July 20, 1968
8 (P.L.434, No.204), is amended to read:

9 Section 4327. Repayment Before Retirement.--(a) If [for any
10 cause any] a contributing member of the [fire department
11 contributing to the] firefighters' pension fund shall cease to
12 be a member of the fire department before he or she becomes
13 entitled to a pension, the total amount of the contributions
14 paid into the pension fund by [such] the member shall be
15 refunded [to him] in full without interest.

16 (b) If [any such] a member shall have returned to him or her
17 the amount contributed, and shall afterward again become a
18 member of the fire department, [he] the member shall not be
19 entitled to the pension designated until twenty years after his
20 or her reemployment, unless [he shall return] the member returns
21 to the pension fund the amount withdrawn, in which event the
22 period of twenty years shall be computed from the time the
23 member first became a member of the fire department, excluding
24 therefrom any period of time during which the member was not
25 employed by the fire department.

26 (c) In the event of the death of a member of the fire
27 department not in the line of service before the member becomes
28 entitled to [the] a pension [aforesaid] and [such] if the member
29 [is not survived by a widow] has no surviving spouse or family
30 entitled to payments as [hereinbefore] provided in this

1 subdivision, the total amount of contributions paid into the
2 pension fund by the member shall be paid over to his or her
3 estate.

4 Section 362. Section 4328 of the act, added June 16, 1993
5 (P.L.97, No.21), is reenacted to read:

6 Section 4328. Definitions.--As used in this subdivision, the
7 term "salary" is defined as the fixed amount of compensation
8 paid at regular, periodic intervals by the city to the member
9 and from which pension contributions have been deducted.

10 Section 363. Article XLIII subdivision (c) heading of the
11 act, amended August 17, 1951 (P.L.1251, No.292), is amended to
12 read:

13 (c) Pension Funds for Employes Other Than [Policemen] Police
14 Officers and City-Paid [Firemen] Firefighters

15 Section 364. Section 4340 of the act, amended October 4,
16 1978 (P.L.950, No.188), is amended to read:

17 Section 4340. Pension Funds for Employes other than Police
18 or City-Paid [Firemen] Firefighters.--(a) Cities may create a
19 pension fund for the pensioning of employes [of said cities] who
20 are not members of the police force or city-paid fire department
21 [thereof], surviving spouses of retired members if council so
22 elects and the families of [such] employes as may be injured or
23 killed in the service, in the manner, under the conditions and
24 subject to the qualifications [following] set forth in this
25 subdivision.

26 (b) As used in this subdivision "employes" includes officers
27 and officials of the city, whether elected or appointed.

28 Section 365. Section 4341 of the act, amended June 21, 1984
29 (P.L.428, No.87), is amended to read:

30 Section 4341. Pension Board; Duties.--(a) In any city which

1 creates [such] a pension fund in accordance with this
2 subdivision, there shall be created a board to be known as the
3 pension board, [consisting of the mayor,] which shall consist of
4 the city administrator, if one has been appointed, or the mayor
5 if no city administrator has been appointed, the city
6 controller, the superintendent of finance, two employees to be
7 chosen by the employees contributing to the pension fund and, if
8 members of council participate in the pension fund and are
9 members of the fund, a member of council[,] chosen by council.

10 (b) It shall be the duty of [said] the board to register all
11 persons employed by the [said] city, and to administer the
12 collections and distribution of pension the fund [herein
13 provided for], and make such reasonable rules [in the premises]
14 as [such] the board may deem necessary [to carry into effect the
15 provisions of this act].

16 Section 366. Section 4342 of the act is amended to read:

17 Section 4342. Retirement Age.--[Every person, now or
18 hereafter employed by any] In a city which has created [such] a
19 pension fund and pension board [as hereinbefore provided,] in
20 accordance with this subdivision, an employee of the age of
21 sixty years, and upwards, who shall have been [so] employed for
22 a period of twenty years or more, shall, upon application to the
23 board of pensions [herein created,] be retired from service and
24 shall, subject to qualifications provided in this subdivision
25 during the remainder of his or her life, receive the pension or
26 compensation fixed by this [act, subject to such qualifications
27 as are herein contained] subdivision.

28 Section 367. Section 4343 of the act, amended October 4,
29 1978 (P.L.950, No.188), is amended to read:

30 Section 4343. Retirement Allowance; Proof of Disability;

1 Joint and Single Coverage Members Defined.--(a) During the
2 lifetime of any person in the employment of any city creating
3 such pension fund and pension board as hereinbefore provided, he
4 or she shall be entitled to receive as a pension annually, from
5 the fund set aside for the purpose, fifty per centum of the
6 amount which would constitute the average annual salary or wages
7 which he or she received during the last or any five years of
8 his or her employment by the said city, whichever is the higher,
9 said pension to be paid in semi-monthly payments. Should any
10 persons so employed, after twenty years of service, be
11 dismissed, voluntarily retired, or be in any manner deprived of
12 his or her position or employment, before attaining the age of
13 sixty years, upon continuing a monthly payment to the fund equal
14 to the last amount due and paid monthly while in active service,
15 said person shall be entitled to the pension above-mentioned,
16 notwithstanding he or she has not attained the age of sixty
17 years at the time of his or her separation from the service of
18 such city, but said pension shall not commence until he or she
19 has attained the age of sixty years. Should any employe,
20 however, become totally and permanently disabled, after ten
21 years of service and before attaining the age of sixty years, he
22 or she shall be entitled to the said pension. Proof of total and
23 permanent disability shall consist of the sworn statement of
24 three practicing physicians, designated by the board, that the
25 employe is in a permanent condition of health which would
26 permanently disable him or her from performing the duties of his
27 or her position or office.

28 (b) For the purpose of this article on pensions, the
29 following words shall have the meaning herein assigned to them:

30 (1) "Joint Coverage Member" of the retirement system shall

1 mean a city employe who shall have become a member of the
2 retirement system subsequent to the last date permitted by
3 [such] the city for statement or preference concerning social
4 security coverage, or who, having become a member on or before
5 [such] that date, shall have filed with the Retirement Board a
6 written statement that he or she elects social security coverage
7 under an agreement with the [Federal] Secretary of Health[,
8 Education and Welfare] and Human Services entered into by the
9 Commonwealth.

10 (2) "Single Coverage Member" of the retirement system shall
11 mean a city employe who shall have become a member of the
12 retirement system on or before the last date permitted by [such]
13 the city for statement of preference concerning social security
14 coverage and who either shall have filed with the Retirement
15 Board a written statement that he or she does not elect social
16 security coverage under any agreement with the [Federal]
17 Secretary of Health[, Education and Welfare] and Human Services
18 entered into by the Commonwealth, or shall not have filed with
19 the Retirement Board any written statement.

20 (c) Where a city has entered into an agreement with the
21 Commonwealth to place certain employes under the Federal Social
22 Security Act, the pension to be paid joint coverage members
23 according to the provisions of this section payable after the
24 age and upon that portion of annual compensation on which social
25 security benefits are payable, shall be reduced by an amount
26 equal to forty (40) per centum of the primary insurance amount
27 of social security paid or payable to the member. [Such] The
28 reduction shall be subject to the following provisions:

29 (1) Upon attainment of the age at which social security
30 benefits are payable by a beneficiary receiving a pension or

1 upon retirement of a contributor after attaining that age, his
2 or her eligibility to the old age insurance benefit and the
3 primary insurance amount of social security upon which the
4 reduction in the pension shall be based, shall be computed by
5 the board in the manner specified in the Federal Social Security
6 Act, except that in determining such eligibility and such amount
7 only wages or compensation for services performed in the employ
8 of the city shall be included.

9 (2) The reduction shall not apply to a pension for total and
10 permanent disability payable under this section.

11 (3) Whenever the amount of the reduction from the pension
12 shall have been once determined, it shall remain fixed for the
13 duration of the pension, except that any decrease in the primary
14 insurance amount under the Social Security Act shall result in a
15 corresponding decrease in the amount of the reduction from the
16 pension.

17 (4) The total sum, including social security benefits, to be
18 received upon retirement by an employe who is a member of the
19 system at the time of the agreement shall not be less than the
20 allowance that would be paid by the retirement system in the
21 absence of the agreement.

22 (d) If council elects, by ordinance, to make such payments,
23 the surviving spouse of an employe who retired on pension or is
24 killed in the service on or after January 1, 1960, shall, during
25 his or her lifetime or so long as he or she does not remarry, be
26 entitled to receive a pension calculated at the rate of fifty
27 per centum of the pension the member was receiving or would have
28 been entitled to had [he] the member been retired at the time of
29 his or her death.

30 Section 368. Section 4343.1 of the act, amended June 11,

1 1968 (P.L.160, No.90), is amended to read:

2 Section 4343.1. Retirement Allowances; Full Coverage;

3 Payments.--(a) Where a city has entered into an agreement with

4 the Commonwealth to place certain employees under the Federal

5 Social Security Act, the pension board may authorize any joint

6 coverage member of the retirement system to elect according to

7 the provisions of this section to receive compensation without

8 the reduction provided for in section 4343, provided [he] the

9 member shall make a lump-sum payment to the pension board, or

10 installment payments as may be approved by the board, equal to

11 the difference between the amount of the accumulated fund to his

12 or her credit in the fund as of the last date for which salary

13 or wages was paid and the amount which would have been to his or

14 her credit in such fund if contributions had been made on that

15 portion of his or her salary or wages on which social security

16 allowances are payable, at the same rate as made on that portion

17 of his or her salary or wages in excess thereof, from the time

18 that such salary or wages became subject to social security

19 coverage. Such election shall be made, in writing, in the form

20 prescribed by the pension board, and shall be accompanied by the

21 lump-sum payment or an agreement as to installment payments

22 herein required.

23 (b) The pension board may authorize any such member to make

24 the election herein provided at any time, and if made prior to

25 retirement, such member shall, in addition to any lump-sum or

26 installment payments required, pay to the board contributions on

27 his or her entire salary or wages thereafter received at the

28 rate provided in this act for monthly salary or wages in excess

29 of that on which social security allowances are payable.

30 Section 369. Section 4343.2 of the act, added July 11, 1996

1 (P.L.647, No.109), is amended to read:

2 Section 4343.2. Limited Vested Benefit.--(a) The ordinance
3 creating a pension fund in accordance with this subdivision may
4 provide for a limited vested benefit if [such] it would conform
5 to section 305 of the act of December 18, 1984 (P.L.1005,
6 No.205), known as the "Municipal Pension Plan Funding Standard
7 and Recovery Act."

8 (a.1) Under [the provisions of the benefit, should a member
9 of the pension fund terminate] a limited vested benefit, if a
10 member of the pension fund terminates employment before reaching
11 the date which would have been the member's earliest retirement
12 date had the member continued employment by meeting the minimum
13 age and minimum period of continuous service requirements but
14 after having completed twelve years of full-time service, the
15 member shall be entitled to vest his or her retirement benefits
16 subject to the following conditions:

17 (1) [the] The member must file with the management board of
18 the pension fund a written notice of his or her intention to
19 vest[;]_.

20 (2) [the] The member must include in the notice the date the
21 member intends to terminate his or her service as an employe[;]_.

22 (3) [the] The termination date shall be at least thirty days
23 later than the date of notice to vest[;]_.

24 (4) [the] The member must be in good standing with the city
25 on the date of notice to vest[; and]_.

26 (5) [the] The board shall indicate on the notice to vest the
27 rate of monthly pay of the member as of the date of said notice
28 to vest or the highest average annual salary which the member
29 received during any five years of service preceding said date,
30 whichever is the higher.

1 (b) Upon reaching the date which would have been the
2 member's earliest retirement date had the member continued his
3 or her employment with the city, the member shall notify the
4 board, in writing, that the member desires to collect his or her
5 pension. The amount of retirement benefits the member is
6 entitled to receive under this section shall be computed as
7 follows:

8 (1) [the] The initial determination of the member's base
9 retirement benefits shall be computed on the salary indicated on
10 the notice to vest[; and].

11 (2) [the] The portion of the base retirement benefits due
12 the member shall be determined by applying to the base amount
13 the percentage that his or her years of service actually
14 rendered bears to the years of service which would have been
15 rendered had the member continued to be employed by the city
16 until his or her earliest retirement date.

17 Section 370. Section 4344 of the act, amended October 4,
18 1978 (P.L.950, No.188), is amended to read:

19 Section 4344. Amount of Payments into Fund; Repayment before
20 Retirement.--The employes of any city, creating [such] a pension
21 fund and pension board in accordance with this subdivision,
22 shall pay into the board of pensions monthly an amount equal to
23 two per centum of their monthly salaries or wages, and if
24 council elects, by ordinance, to make [such] payments, an
25 additional amount not to exceed one per centum if deemed
26 necessary by council to provide sufficient funds for payments to
27 the surviving spouses of members who were retired on pension or
28 killed in the service, which shall be applied to the purposes of
29 the fund. Payment of the monthly amount or contribution herein
30 mentioned shall cease and be discontinued at the time the

1 beneficiary receives the pension herein provided. If for any
2 cause any employe contributing to the pension fund shall cease
3 to be an employe of the city before the [said] employe becomes
4 entitled to a pension, the total amount of the contributions
5 paid into the pension fund by [such] the employe shall be
6 refunded to him or her in full, without interest. If any [such]
7 employe shall have returned to him or her the amount contributed
8 as aforesaid, and shall afterward reenter the employ of the
9 city, [said] the employe shall not be entitled to the pension
10 designated until twenty years after [said] reemployment, unless
11 he or she shall return to the pension fund the amount withdrawn,
12 in which event that period of twenty years shall be computed
13 from the time [said] the employe first enters the service of the
14 city. In the event of the death of any [such] employe, before
15 the [said] employe becomes entitled to the pension aforesaid,
16 the [said] total amount of contributions paid into the pension
17 fund by [said] the employe shall be paid over to the estate of
18 [said] the deceased employe.

19 Section 371. Section 4344.1 of the act, amended July 21,
20 1959 (P.L.553, No.169), is amended to read:

21 Section 4344.1. Determination of Liability Upon Extension of
22 Social Security.--(a) Where a city has entered into an
23 agreement with the Commonwealth to place its employes under the
24 Federal Social Security Act, the pension board shall appoint an
25 actuary, and may fix [his] the employe's compensation. The
26 actuary shall determine the present value of the liability on
27 account of pensions payable under the provisions of section 4343
28 [of this act] to employes who are members of the system on the
29 effective date of the agreement, and shall offset the value of
30 any assets in the pension fund to determine the unfunded

1 liability. The city may make [such] the payments as it desires
2 toward the unfunded liability until the accumulated reserve
3 equals the present value of the liability. The actuary shall
4 also determine the amount which shall be contributed, annually,
5 into the fund on account of service of all new and original
6 members subsequent to the effective date of the agreement.

7 (b) Employees shall pay into the board of pensions, monthly,
8 an amount equal to three and one-half per centum of that portion
9 of monthly compensation on which social security allowances are
10 payable and five per centum of any monthly compensation in
11 excess of that on which social security allowances are payable.
12 The remainder of the needed annual contribution for service
13 subsequent to the date of the agreement, as determined by the
14 actuary, shall become the obligation of the city, and shall be
15 paid by it to the board of pensions by annual appropriations.
16 The provisions of this section shall, in all applicable cases,
17 supersede the provisions relating to contributions in section
18 4344 and section 4348 of this act.

19 Section 372. Section 4345 of the act is amended to read:

20 Section 4345. Payments by Laborers Optional.--Any person
21 holding a position in any [such] city as a laborer, at a per
22 diem wage, shall not be compelled to pay or contribute toward
23 the pension fund herein provided for, but shall have the option
24 or choice of so doing and, in that event only, of becoming
25 entitled to the pension provided by this act.

26 Section 373. Section 4346 of the act, amended August 17,
27 1951 (P.L.1251, No.292), is amended to read:

28 Section 4346. Heads of Departments to Certify List of
29 Employes.--The head of every department and office employing
30 persons entitled to receive a pension shall certify to the board

1 of pensions all persons so employed and the amount of salary or
2 wages which is paid to [said] employes, together with
3 dismissals, resignations, or terminations of service and, from
4 the records of their office or department, shall furnish [such]
5 other relevant information as the board of pensions shall
6 require. In the case of a volunteer [fireman] firefighter, "head
7 of department or office" shall mean the president or secretary
8 of the board of trustees of the volunteer fire company involved.

9 Section 374. Section 4347 of the act is amended to read:

10 Section 4347. Receipt, Investment and Payment of Funds.--It
11 shall be the duty of the board of pensions to receive and retain
12 and, when deemed advisable, to invest the funds payable in
13 accordance with the provisions of this subdivision [of this
14 article], and to pay over by warrant or check the amount due to
15 [said] employes.

16 Section 375. Sections 4348 and 4349 of the act, amended
17 August 17, 1951 (P.L.1251, No.292), are amended to read:

18 Section 4348. Appropriations and Contributions to Fund.--The
19 council may annually set aside, apportion, and appropriate, out
20 of all taxes and income of [such] the city, unto the board of
21 pensions, a sum sufficient to maintain the pensions or
22 compensations due hereunder on account of the city contributions
23 for all employes except volunteer [firemen] firefighters. On
24 account of volunteer [firemen] firefighters who become members
25 of the pension fund, the board of trustees of the volunteer fire
26 company employing and paying them shall annually contribute to
27 the board of pensions a sum equal to the same percentage of its
28 participating payroll as the amount contributed by the city for
29 the same year bears to its participating payroll.

30 Section 4349. Application.--(a) The benefits conferred by

1 this subdivision [of this article] shall apply to all persons
2 employed in any capacity by, or holding positions in, or, in the
3 case of a volunteer [fireman] firefighter, rendering services
4 recognized and accepted by, the cities creating a pension fund
5 and pension board in accordance with its provisions, but this
6 subdivision shall not apply to employees of [such] departments,
7 bureaus, or offices as are otherwise protected by pension
8 authorized by this act.

9 (b) Any volunteer [fireman] firefighter may become a member
10 of [such] a pension fund, as of the date of his or her original
11 employment or of the inception of the pension fund, whichever is
12 later, upon his or her making back contributions, and if the
13 volunteer fire company or board of trustees thereof employing
14 and paying him or her agrees to contribute and contributes to
15 the pension fund, from time to time, the sums hereinbefore
16 required.

17 Section 376. Sections 4350 and 4351 of the act are reenacted
18 to read:

19 Section 4350. Computation of Time of Service.--The time of
20 service herein specified, namely, twenty years, shall be
21 computed from the time of the first or original employments,
22 said employment to consist of service to the city and need not
23 be continuous.

24 Section 4351. Funds Payable to be Free of Attachment.--The
25 compensation or pension herein mentioned shall not be subject to
26 attachment or execution, and shall be payable only to the
27 beneficiary designated, and shall not be subject to assignment
28 or transfer.

29 Section 377. Section 4352 of the act, amended August 17,
30 1951 (P.L.1251, No.292), is amended to read:

1 Section 4352. Definitions.--The term or phrase "employee,"
2 "employed," "employed by the city," or "in the employment of any
3 city," as used in this subdivision, is meant to include all
4 persons in the service of cities creating a pension fund and a
5 pension board in accordance with the provisions thereof, who are
6 not now otherwise protected by pensions authorized by this act,
7 and any volunteer [fireman] firefighter who becomes a member of
8 the pension fund.

9 "Volunteer [fireman] firefighter" shall mean a driver of
10 fire-fighting apparatus or ambulances, regularly employed and
11 paid by a volunteer fire company, rendering services recognized
12 and accepted by a city.

13 Section 378. Section 4353 of the act, amended July 5, 2005
14 (P.L.70, No.28), is reenacted to read:

15 Section 4353. Beneficiaries of Fund not to be Employed by
16 City.--No person or persons who shall have become a beneficiary
17 shall be employed by the said city in any capacity. Subject to
18 the provisions of section 4361, nothing herein shall be
19 construed as prohibiting a person or persons who shall have
20 become a beneficiary from serving in an elective city office.

21 Section 379. Article XLIII subdivision (d) heading and
22 section 4361 of the act, added July 5, 2005 (P.L.70, No.28), are
23 reenacted to read:

24 (d) Beneficiaries Serving in Elective Office

25 Section 4361. Right to a Pension if Salary Refused.--In any
26 city governed by the provisions of this act, the act of July 15,
27 1957 (P.L.901, No.399), known as the "Optional Third Class City
28 Charter Law," or 53 Pa.C.S. Pt. III Subpt. E (relating to home
29 rule and optional plan government), a beneficiary serving in an
30 elective city office shall not be prohibited from receiving a

pension for any month in which he or she does not accept a salary from serving in the elective office.

Section 380. Article XLIV heading of the act is reenacted to read:

ARTICLE XLIV

CIVIL SERVICE

Section 381. Section 4401 of the act is amended to read:

Section 4401. Examinations Required of All Appointees.--No person or persons may be appointed to any [position whatever in the police department, or in the engineering department or electrical department, except as otherwise provided by law, or in the position of building inspector, or as health officers other than registered physicians, or as sanitary policemen or inspectors of the health department] uniformed position in the police or fire departments, excluding chiefs, deputy chiefs and similar senior officers, without having first passed all the examinations hereinafter provided for[,] and without having been appointed in the manner and according to the terms and provisions and conditions of this article.

Section 382. Section 4402 of the act, amended April 18, 1978 (P.L.37, No.19), is amended to read:

Section 4402. Appointment of Examining [Boards] Board.-- There shall be [the following civil service boards in each city: (a) A board for] a civil service board in each city that shall provide for and oversee the examination of applicants for appointment to and promotion to any position in the police [department; (b) a board for the examination of applicants for appointment as health officers other than registered physicians, or as sanitary policemen or inspectors of the health department; (c) a board for the examination of applicants for appointment to

1 any position in the engineering or electrical departments,
2 except as otherwise provided for by law, or to the position of
3 building inspectors.

4 Each of said boards shall consist of three citizens, who
5 shall be elected] or fire departments. The board shall consist
6 of three citizens who shall be appointed by council for terms of
7 four years or until their successors are [elected and qualified]
8 appointed and qualified except for the initial appointment of
9 board members as provided for in section 4403. Any person who is
10 a registered elector of the city may be appointed to [one or
11 more of said boards] the board. No city officer, official or
12 employe shall be eligible for appointment to [any] the civil
13 service board.

14 Section 383. The act is amended by adding a section to read:

15 Section 4402.1. Existing Civil Service Positions.--All
16 nonuniformed employes in city positions that were subject to
17 civil service regulation immediately prior to the effective date
18 of this section shall continue to be subject to civil service
19 regulation otherwise provided in this article for uniformed
20 employes with regard to the nonuniformed positions.

21 Section 384. Section 4403 of the act is amended to read:

22 Section 4403. Terms; Filling of Vacancies; Compensation;
23 Quorum.--[At the first election in newly created cities, council
24 shall elect to each of said boards] In a city in which the civil
25 service board is first established, terms of members of the
26 board shall be staggered. Council shall initially appoint to the
27 board one person to serve for two years, one person to serve for
28 three years, and one person to serve for four years. Upon the
29 expiration of the term of any member [of any of said boards, in
30 any city, one person shall be elected] a successor shall be

1 appointed by the city council to serve upon [said] the board for
2 [the] a term of four years. If any vacancies occur, they shall
3 be filled by the city council for the unexpired term. Each of
4 [said] the members, before entering upon the duties of [his]
5 office, shall take and subscribe to the oath of office
6 prescribed by [this act] 53 Pa.C.S. § 1141 (relating to form of
7 oaths of office) and file the same, duly certified by the
8 officer administering it, with the [controller of the city] city
9 administrator or, in cities without a city administrator, the
10 city clerk. No salary or other compensation shall be paid to any
11 member of the [said boards] board. Two members of the board
12 shall constitute a quorum necessary for the transaction of
13 business of that board. [Said boards] The board shall organize
14 for the purpose of transacting all business immediately after
15 [their first appointment and, from time to time,] the first
16 appointments and thereafter as new appointments to [such] the
17 board are made. After organizing, the board shall elect one of
18 its members as chairperson and one as secretary.

19 Section 385. The act is amended by adding sections to read:

20 Section 4403.1. Alternate Board Members.--Council may
21 appoint no more than three qualified electors of the city to
22 serve as alternate members of the civil service board. The term
23 of office of the alternate members shall be four years. If, by
24 reason of absence or disqualification of a member, a quorum is
25 not reached, the chairperson shall designate as many alternate
26 members of the board to sit on the board as may be needed to
27 provide a quorum. When seated pursuant to this section, an
28 alternate shall be entitled to participate in all proceedings
29 and discussions of the board to the extent as provided by law
30 for board members, including specifically the right to cast a

vote as a voting member during the proceedings, and shall have
all the powers and duties set forth in this act and as otherwise
provided by law. Any alternate member of the board shall
continue to serve on the board in all proceedings involving the
matter or case for which the alternate was initially designated
until the board has made a final determination of the matter or
case. Designation of an alternate pursuant to this section shall
be made on a case-by-case basis in rotation according to
declining seniority among all alternates. Alternates shall hold
no other office in the city. Any alternate may participate in
any proceeding or discussion of the board but shall not be
entitled to vote as a member of the board unless designated as a
voting alternate member pursuant to this section.

Section 4403.2. Investigations and Subpoenas.--(a) The
board shall have the power to make investigations concerning all
matters relating to the administration and enforcement of its
rules and regulations. The chairperson shall be authorized to
administer oaths and affirmations for witnesses testifying in
matters before the board.

(b) The board shall have the power to issue subpoenas over
the signature of the chairperson or designee and to require the
attendance of witnesses and the production of records and papers
pertaining to matters before the board, including any background
investigation conducted pursuant to any applicable rules and
regulations.

Section 386. Section 4404 of the act is amended to read:

Section 4404. Rules and Regulations; Examinations.--[Each of
said boards shall prepare and adopt such rules and regulations
to cover the selection and appointment of all persons as
hereinbefore provided, to be hereafter employed or appointed in

1 said cities, as in the judgment of said boards shall be best
2 adapted to securing the best service for the public. Such rules
3 and regulations] (a) The board shall have the power and its
4 duty shall be to prepare and adopt rules and regulations,
5 subject to approval by council, which, in the board's
6 discretion, are best adapted to securing and maintaining the
7 best service for the public for the selection, appointment and
8 promotion of persons who are qualified to perform the work which
9 is the subject of the civil service examination as provided in
10 this article, and who are to be employed, appointed or promoted
11 by the city. The rules and regulations adopted by the board
12 shall provide for ascertaining and determining, so far as
13 possible, [the physical qualifications, habits, reputation,
14 standing, experience and education of all applicants for such
15 positions, respectively; and they] the knowledge, skills,
16 aptitude, mental and physical abilities, experience, education
17 and character of all applicants as these criteria would
18 reasonably apply to the respective positions; and the rules and
19 regulations shall provide for examinations upon any and all
20 subjects deemed proper or necessary by [said boards] the board
21 for the purpose of determining [their qualifications for the
22 position sought and applied for] the qualifications of
23 applicants for the respective positions sought and for which
24 application is made.

25 (b) The civil service board shall, in accordance with this
26 act, adopt rules and regulations concerning the following
27 matters that may include:

28 (1) minutes of proceedings;

29 (2) rules of procedure;

30 (3) records of examinations;

- 1 (4) annual report to council;
2 (5) notice of the rules and regulations and any amendments
3 or repeals to the rules and regulations;
4 (6) application forms;
5 (7) further provisions concerning the duties of the
6 chairperson and secretary;
7 (8) appointment of examiners; and
8 (9) other administrative matters.

9 Section 387. Section 4404.1 of the act, added October 19,
10 2010 (P.L.533, No.77), is amended to read:

11 Section 4404.1. Physical and Psychological Medical
12 Examinations.--(a) [A] The board may require that an applicant
13 conditionally appointed in accordance with section 4406 of this
14 act undergo a physical or psychological medical examination as a
15 condition of permanent appointment. Physical medical
16 examinations, if required, shall be under the direction of a
17 physician or other qualified medical professional. Psychological
18 medical examinations, if required, shall be under the direction
19 of a psychiatrist or psychologist.

20 (b) A physician, other qualified medical professional,
21 psychiatrist or psychologist shall be appointed by council and
22 shall render an opinion as to whether the conditional appointee
23 has a physical or mental condition which calls into question the
24 individual's ability to perform all of the essential functions
25 of the position for which the individual was conditionally
26 appointed.

27 (c) If the opinion rendered by the physician, other
28 qualified medical professional, psychiatrist or psychologist
29 calls into question the conditional appointee's ability to
30 perform all essential functions of a position, the director of

1 the department within which the position is to be filled shall
2 meet with the conditional appointee for the purpose of having
3 one or more interactive discussions on whether the conditional
4 appointee can, with or without reasonable accommodation, perform
5 all the essential functions of the position.

6 (d) If, at the conclusion of the interactive discussion
7 under subsection (c), the department director determines that
8 the conditional appointee is not qualified, the department
9 director shall give written notice to the conditional appointee
10 and the board.

11 (e) Nothing in this act shall be construed to authorize
12 physical or psychological medical examinations prior to
13 conditional appointment in accordance with section 4406 of this
14 act.

15 (f) As used in this section, the following definitions shall
16 apply:

17 "Medical examination" shall mean any examination, procedure,
18 inquiry or test designed to obtain information about medical
19 history or a physical or mental condition which might disqualify
20 an applicant if it would prevent the applicant from performing,
21 with or without reasonable accommodation, all of the essential
22 functions of the position.

23 "Physician" shall have the meaning given to it in 1 Pa.C.S. §
24 1991 (relating to definitions).

25 "Qualified medical professional" shall mean an individual, in
26 collaboration with or under the supervision or direction of a
27 physician, as may be required by law, who is licensed:

28 (1) as a physician assistant pursuant to the act of December
29 20, 1985 (P.L.457, No.112), known as the "Medical Practice Act
30 of 1985," or the act of October 5, 1978 (P.L.1109, No.261),

1 known as the "Osteopathic Medical Practice Act"; or
2 (2) as a certified registered nurse practitioner pursuant to
3 the act of May 22, 1951 (P.L.317, No.69), known as "The
4 Professional Nursing Law."

5 Section 388. Section 4405 of the act, amended October 19,
6 2010 (P.L.533, No.77), is repealed:

7 [Section 4405. Grading for Discharged Servicemen.--When any
8 person who was engaged in the military service of the United
9 States during any military engagement in which the United States
10 participated, and has an honorable discharge therefrom, shall
11 take any examination for appointment, the examination shall be
12 marked or graded in the same manner as provided for all other
13 examinations. When the examination of the discharged individual
14 is completed and graded, if the grade is passing, the grading or
15 percentage as the examination merits shall be increased by
16 fifteen per centum, and the total mark or grade shall represent
17 the final grade or classification of the discharged individual
18 and shall determine the individual's order of standing on the
19 eligibility list. For the purpose of this article:

20 (1) "Military service" means the army, navy, marines, air
21 force, coast guard, and any branch or unit thereof.

22 (2) "Servicemen" means members of the military service,
23 including women.

24 (3) "Military engagement" includes land, naval and air
25 engagements.]

26 Section 389. The act is amended by adding a section to read:

27 Section 4405.1. Veterans' Preference.--In accordance with 51
28 Pa.C.S. Ch. 71 (relating to veterans' preference) the following
29 shall apply to the appointment of a uniformed civil service
30 position:

1 (1) A veteran who meets the qualifications for and
2 conditions of the position under uniform eligibility rules,
3 which include successful passage of an examination, shall
4 receive an additional ten points on the examination pursuant to
5 51 Pa.C.S. § 7103(a) (relating to additional points in grading
6 civil service examinations).

7 (2) If, after the additional ten points are granted, a
8 veteran is on the list of three eligible applicants, the veteran
9 shall receive a preference in hiring over nonveterans on that
10 list.

11 (3) The preference provided by this section shall constitute
12 the only preference with regard to a uniformed civil service
13 position to which a veteran is entitled under this act.

14 Section 390. Sections 4406 and 4406.1 of the act, amended or
15 added October 19, 2010 (P.L.533, No.77), are amended to read:

16 Section 4406. Selection of Appointee from Certified List of
17 Applicants.--[The boards] The following shall apply to civil
18 service selection, conditional appointments and appointments and
19 shall be incorporated by reference in the rules and regulations
20 of the board:

21 (1) The civil service board shall make and keep, in
22 numerical order, a list containing the names of all applicants
23 for civil service positions in the city who [may] pass the
24 required examinations, including any required physical fitness
25 or agility examinations that are job-related and consistent with
26 business necessity. [Where]

27 (2) Physical fitness or agility examinations shall be
28 conducted on a pass-fail basis.

29 (3) Written and oral examinations used to establish an
30 eligibility list shall offer the opportunity to achieve one

1 hundred points.

2 (4) If both written and oral examination methods are used in
3 conjunction with each other, the board, prior to initiating
4 testing, shall establish what constitutes a passing score on
5 each portion of the examination. If only a written examination
6 method is used, the board shall establish the passing score
7 before the examination is conducted.

8 (5) When more than one person takes examinations for any
9 position at the same time, the names of all those successfully
10 passing the examination shall be entered upon the eligibility
11 list in the order of their respective [percentages] point
12 totals, the highest coming first.

13 (6) The board shall furnish to council a certified copy of
14 all lists so prepared and kept. [Wherever any vacancy shall
15 occur in any civil service position in the city, the city
16 council] Such lists shall be maintained for a period of two
17 years or until a new list is certified to council, whichever
18 occurs first.

19 (7) Whenever council shall determine an appointment is to be
20 made to a civil service position in the city, the director of
21 the department in which the appointment is to be made shall make
22 written application to the [president of the proper] chair of
23 the board, who shall forthwith certify to the city council, in
24 writing, the three names on the eligibility list of applicants
25 for the position having the highest [percentage, but if there
26 be] number of points, unless there are less than three eligible
27 names on the list, in which event the board shall certify the
28 names. The director of the department in which the appointment
29 is to be made shall nominate to the city council a person from
30 the eligibility list submitted to fill the vacancy.

1 (8) If the city council approves the nomination, the person
2 nominated shall be conditionally appointed by council to fill
3 the vacancy, and shall be assigned for service in the
4 department, subject to any required physical or psychological
5 medical examinations that may be required by the [appropriate
6 examining] board as a condition of permanent appointment in
7 accordance with section 4404.1 of this act.

8 (9) If the council does not approve the nomination, or if
9 the appointee is determined by the medical examination process
10 to be unqualified, then the director of the department in which
11 the appointment is to be made shall submit another nomination
12 for the position from the remaining names, if any[, and if]. If
13 the nomination is not approved by the council, or if the
14 appointee is determined by the medical examination process to be
15 unqualified, the director shall submit the third name, if any.

16 (10) The person whose nomination by the director is approved
17 by the city council shall be appointed to fill the [position in
18 the department or as building inspector] civil service position
19 under consideration.

20 (11) The name of the person so appointed shall be
21 immediately stricken from the [eligibility] certified list of
22 the board, and, except as otherwise provided in this clause, the
23 names of the [rejected] nonappointed persons shall immediately
24 be restored to their proper place on the [eligibility list:
25 Provided, however, That if] certified list. If the name of any
26 applicant has been submitted to the council and been rejected
27 three times or the [appointee] council and the conditional
28 applicant has not been appointed for three such times or the
29 conditional applicant has been determined by the medical
30 examination process to be unqualified, then the name shall be

1 stricken from the [eligibility] certified list.

2 (12) Examinations for promotions for civil service positions
3 in the city shall be pursuant to section 4406.1 of this act.

4 (13) As used in this section, the term "medical examination"
5 shall have the meaning given it in section 4404.1 of this act.

6 Section 4406.1. Promotions.--(a) The [civil service boards
7 may recommend those in the employ of a department for promotion
8 if the person recommended is competent for the higher position.
9 If an examination is required, the] city council shall notify
10 the [applicable] civil service board of a civil service vacancy
11 in the city which is to be filled by promotion and shall request
12 the certification of an eligibility list as provided in this
13 article. The board shall certify for each vacancy the names of
14 three persons on the eligibility list who have received the
15 highest average in the last preceding promotional examination
16 held within the period of two years preceding the date of the
17 request for the eligibility list. If three names are not
18 available, the board shall certify the names remaining on the
19 list. The city council shall make an appointment from the names
20 certified, based solely on the merits and fitness of the
21 candidates, unless the city council makes objections to the
22 board regarding one or more of the persons on the eligibility
23 list. The city council shall have power to determine in each
24 instance whether an increase in salary shall constitute a
25 promotion.

26 (b) Notwithstanding subsection (a), the mayor or other
27 elected or appointed official of a city that has adopted one of
28 the following shall retain the power to promote a candidate
29 pursuant to that law:

30 (1) An optional charter pursuant to the act of July 15, 1957

1 (P.L.901, No.399), known as the "Optional Third Class City
2 Charter Law."

3 (2) An optional plan pursuant to 53 Pa.C.S. Chs. 30
4 (relating to types of optional plans of government) and 31
5 (relating to general provisions common to optional plans).

6 (3) Any other law authorizing or permitting the mayor or
7 other elected or appointed official to promote a candidate.

8 (c) The provisions of this section shall not apply to the
9 mayor's designation or appointment of the chief of police or any
10 deputy police chief pursuant to section 2002 or the mayor's
11 designation or appointment of a fire chief or any deputy fire
12 chief pursuant to section 2101.1.

13 Section 391. Section 4407 of the act is amended to read:

14 Section 4407. [Tenure; Preference in Appointment to
15 Discharged Serviceman; Temporary Appointments.--] Tenure;
16 Temporary Appointments.--(a) All appointments made pursuant to
17 the provisions of this article shall be for and during good
18 behavior, and no employe hired pursuant to the provisions of
19 this article shall be removed or transferred for any political
20 reasons whatever. [Among those persons possessing qualifications
21 and eligibility for appointment, preference in appointment shall
22 be given to honorably discharged servicemen and their spouses
23 and surviving spouses as provided by law.

24 All persons holding appointments in said several departments
25 or as building inspectors of said cities, at the time this act
26 goes into effect, shall retain their positions without being
27 required to pass examination, and be removed only in accordance
28 with the provisions of this article.]

29 (b) In case of riot or emergency, temporary appointments to
30 positions in the civil service may be made without complying

1 with the provisions of this article.

2 Section 392. Section 4408 of the act, amended October 4,
3 1978 (P.L.950, No.188), is amended to read:

4 Section 4408. [Suspension and Discharge] Suspension,
5 Discharge and Discipline; Reduction of Employees; Appeals.--(a)

6 All employes subject to civil service shall be subject to
7 suspension, discharge and discipline by the director of the
8 department in which the employe works for misconduct[,] or
9 violation of any law of this Commonwealth, [any] ordinance of
10 the city, or regulation of the department[, pending action by
11 the city council upon the charges made against any of such
12 employes. On hearing before the city council, where they may be
13 represented by counsel, they may be fined or suspended for a
14 period not exceeding thirty days with or without pay, or they
15 may be discharged by city council, if found guilty of the
16 charges made against them. The director of each such department
17 may, for misconduct or violation as aforesaid, suspend any
18 employe of such department for a period of ten days, with or
19 without pay, without preferring charges and without a hearing of
20 council; but no employe shall be suspended more than one time
21 for the identical or same violation or act of misconduct. If it
22 should become necessary to reduce the number of employes in said
23 department for purposes of economy, seniority rights shall
24 prevail, and any and all removals for such cause or causes shall
25 be from the members last appointed, and the member or members
26 serving the shortest time shall be removed first; but members
27 with longer times of service may be discharged for cause]. Any
28 employe aggrieved by the suspension, discharge or discipline
29 imposed by a department director more serious than a suspension
30 of three days without pay may request a hearing before the city

council, or by the civil service board if designated by ordinance. At the hearing, the employe may be represented by counsel.

(a.1) Any civil service employe aggrieved by the [action] decision of the council [in fining, suspending or discharging him shall have the right to appeal by petition to the court of common pleas within thirty days after the suspension or after receipt of written notice of such action by council which it shall be the duty of the council to give and the court shall hear the charges made against him de novo] or the civil service board shall have the right to appeal in accordance with 2 Pa.C.S. Ch. 7 Subch. B (relating to judicial review of local agency action). This review shall be exclusive. Where no such appeal is taken within the time prescribed by law, the decision by the city council or the civil service board shall become final in accordance with the law. The issue before the court shall be whether the action of the council or the civil service board shall be affirmed or be modified in any respect or whether the charges should be dismissed or whether the suspension or demotion made by the director shall be affirmed or rescinded.

Where any [such] employe has been suspended and the charges are dismissed or the suspension rescinded on appeal, he or she shall receive full compensation for the entire period of suspension.

(b) In any case in which a police officer or firefighter who is a member of a bargaining unit is subject to suspension, discharge or discipline, the police officer or firefighter shall have the option of challenging the suspension, discharge or discipline imposed by using the procedures provided in subsection (a) or by a proceeding in grievance arbitration. A choice to proceed either by subsection (a) or by grievance

1 arbitration shall foreclose the opportunity to proceed in the
2 alternative method.

3 Section 393. Sections 4409 and 4410 of the act are amended
4 to read:

5 Section 4409. [Secretaries of Boards; Compensation.--Each of
6 said civil service boards may] Secretary; Compensation.--The
7 civil service board shall appoint a secretary and prescribe his
8 [duties. He] or her duties, and shall have the power to change
9 these duties. The secretary shall be subject to removal at any
10 time by the board [appointing him, and such board shall have
11 power to change his duties. The compensation to be paid said
12 secretaries and all necessary stationery and supplies for said
13 boards shall be such as council shall by ordinance direct].
14 Council shall establish the compensation to be paid to the
15 secretary and all necessary stationery and supplies for the use
16 of the board shall be supplied by the city.

17 Section 4410. Review of Eligibility Lists.--The lists of
18 eligible names kept by [each] the civil service board shall be
19 annually examined by the board for the purpose of deleting
20 therefrom persons who are permanently unavailable for or
21 disqualified for the position or positions involved, either by
22 death, permanent removal from the area, written desire to be
23 removed therefrom, or by other permanent cause[,] in conformity
24 with the board's rules and regulations adopted pursuant to
25 section [four thousand four hundred four] 4404.

26 Section 394. The act is amended by adding an article to
27 read:

28 ARTICLE XLIV-A

29 VETERANS' AFFAIRS

30 (a) Support of Veterans' Organizations

1 Section 4401-A. Appropriations to Post of Veterans.--Council
2 may appropriate annually to organizations of veterans of the
3 United States armed services or veterans' parents to aid in
4 defraying the expenses of Memorial Day and Veterans Day, or
5 other expenses such as payment of rent of any building or rooms
6 where the organization has its regular meetings. Payments shall
7 be made to defray actual expenses only. Before any payment is
8 made, the organization receiving the same shall submit verified
9 accounts of their expenditures.

10 Section 4402-A. Rooms for Meetings of Veterans.--Council may
11 provide, upon application, to an organization composed of
12 veterans of the United States armed services, a facility in any
13 public building of the city, sufficient for the periodic meeting
14 of each of the organizations.

15 (b) Pennsylvania National Guard

16 Section 4411-A. Support of Pennsylvania National Guard
17 Units.--Council may appropriate annually a sum for the support
18 and maintenance, discipline and training of any troop, company
19 or similar unit of the Pennsylvania National Guard. If the units
20 are organized as a battalion, regiment or similar organization,
21 the total amount due may be paid to the commanding officer of
22 the battalion, regiment or similar organization. Any money
23 appropriated shall be paid by warrant drawn to the order of the
24 commanding officer of the company, battalion, regiment or
25 similar organization, only when it shall be certified to the
26 city, by the Adjutant General of the Commonwealth, that the
27 company has satisfactorily passed the annual inspection provided
28 by law. The money appropriated shall be used and expended solely
29 and exclusively for the support and maintenance, discipline and
30 training of the company, battalion, regiment or similar

organization; and the commanding officer shall account, by proper vouchers to the city each year, for the expenditure of the money appropriated. No appropriation shall be made for any subsequent year until the expenditure of the previous year is duly and satisfactorily accounted for. The accounts of the expenditures shall be subject to the inspection of the Department of Military Affairs, and shall be audited by the city controller in the manner provided by this act for the audit of accounts of city money.

Section 4412-A. Appropriation of Money, Et Cetera, to Assist in Erection of Armories.--Council may appropriate money or convey land, either independently or in conjunction with any other political subdivision, to the Commonwealth, for the purpose of assisting the State Armory Board in the erection of armories for the use of the Pennsylvania National Guard, and to furnish water, sewer services, light or fuel free of cost to the Commonwealth for use in any armory of the Pennsylvania National Guard. Council may do all things necessary to accomplish the purpose of this section.

Section 4413-A. Eminent Domain for National Guard Purposes.--Council may take, by right of eminent domain, for the purpose of appropriating to itself for the use of the Pennsylvania National Guard public lands, easements and public property in its possession or control and used or held by it for any other purpose. Such right, however, shall not be exercised as to any street or wharf.

Section 4414-A. Lands for Armory Purposes.--Council may acquire, by purchase or by gift, or by the right of eminent domain, any land for the use of the Pennsylvania National Guard and may convey lands so acquired to the Commonwealth in order to

1 assist the State Armory Board in the erection of armories. The
2 power conferred by this section shall not be exercised to take
3 any church property, graveyard or cemetery. Lands within three
4 miles outside the limits of the city may be acquired in like
5 manner for the use of the Pennsylvania National Guard provided
6 that if the land is acquired by eminent domain that the taking
7 shall be subject to the limitations in 26 Pa.C.S. § 206
8 (relating to extraterritorial takings).

9 (c) Burials and Memorials

10 Section 4421-A. Purchase of Burial Grounds for Deceased
11 Service Persons.--Council may appropriate money for and purchase
12 plots of ground in any cemetery or burial ground, within its
13 respective city limits, for the interment of deceased service
14 persons who die within the city, or die beyond the city but have
15 a legal residence within the city at the time of their deaths,
16 and whose bodies are entitled to be buried by the county under
17 the provisions of existing laws.

18 Section 4422-A. Care of Memorials.--Council may take charge
19 of, care for, maintain and keep in good order and repair, at the
20 expense of the city, any soldier's monument, gun or carriage or
21 similar memorial, situate in the city which is not in the charge
22 or care of any person, body or organization and which is not put
23 up or placed by the Government of the United States, the
24 Commonwealth or the commissioners of the county or by the
25 direction or authority of any other state. Council may receive
26 from any person or organization any money or funds which can be
27 used for the benefit of the memorials, and expend the money.

28 Section 4423-A. Memorial Trees.--Council may provide for or
29 authorize provision for memorial trees for residents of the city
30 who died while in the military service of the United States or

1 in consequence thereof. Council may make appropriations or
2 accept contributions for this purpose. Such trees shall bear
3 some permanent indication of their purpose.

4 Section 4424-A. Penalty for Injury to Memorial Trees.--Any
5 person wilfully, maliciously or negligently destroying or
6 injuring any trees planted pursuant to the provisions of section
7 4423-A shall be guilty of a misdemeanor and, upon conviction,
8 shall be liable to a fine not exceeding five hundred dollars, or
9 imprisonment not exceeding three months, or both, in the
10 discretion of the court.

11 Section 395. Article XLV heading and sections 4501, 4502,
12 4503, 4504 and 4505 of the act are repealed:

13 [ARTICLE XLV

14 CHARITIES AND WELFARE

15 Section 4501. Creation of Department of Charity.--Council,
16 by ordinance, may create a bureau for the purpose of
17 administering charity and for support of the poor, create any
18 office which may be deemed necessary for the proper government,
19 support, and management of said bureau, and regulate and
20 prescribe the powers, duties, and compensation of all such
21 officers. Such bureau shall have the care, management,
22 administration, and supervision of the charities, almshouses,
23 poorhouses, and the relief of the poor of the city, subject,
24 however, to the control of the council.

25 Section 4502. Power to Levy Special Tax.--Council may levy a
26 tax annually, not exceeding ten mills on the dollar, on all
27 persons and property taxable by the city for city purposes, for
28 the support of said bureau.

29 Section 4503. Hospitals; Appropriations; Free Treatment for
30 Poor.--Any city may acquire, by gift, devise, or bequest, lands,

1 chattels, securities and funds for the establishment and
2 maintenance of a hospital, for the purposes of caring for the
3 sick and injured residents of such city and the vicinity
4 thereof, and, for such purposes, to appropriate and expend money
5 of the city: Provided, That the poor residents of such city
6 shall receive free treatment to the extent that it is possible
7 to provide for same with the means available. Such hospital, or
8 any ward therein, may be named in accord with the wishes of any
9 person making a substantial donation thereto by will or
10 otherwise.

11 Section 4504. Appointment of Trustees for Gifts; Powers.--
12 Such gifts, devises, bequests and appropriated funds shall be
13 under the supervision of a board of trustees, to be appointed by
14 council, consisting of at least nine trustees, three of whom
15 shall be members of council, three of whom shall be licensed and
16 practicing physicians in such city and the vicinity thereof, and
17 the remainder of which board shall consist of residents of such
18 city and vicinity thereof. Said appointments shall at all times
19 be made subject to the approval of the orphans' court of the
20 county in which said city is situated. Said board of trustees
21 shall at all times be subject to the resolutions of council and
22 the jurisdiction of said court, which shall have power to remove
23 any of them upon petition of such city. Any vacancy in such
24 board may be filled by a new appointment in manner aforesaid.
25 Said board of trustees shall make reasonable rules for the
26 management of such hospital, and appoint and remove the
27 physicians, surgeons, nurses, and other employes necessary for
28 the conduct thereof.

29 Section 4505. Appropriations or Other Assistance for
30 Hospitals.--Council may make appropriations for the support or

1 assistance of hospitals within or near the city or, in lieu
2 thereof, council may provide for services to such hospitals at
3 the city's expense and with materials or equipment of the city.]

4 Section 396. The act is amended by adding an article to
5 read:

6 ARTICLE XLV-A

7 ASSESSMENTS FOR PUBLIC IMPROVEMENTS

8 Section 4501-A. Authority to Assess.--(a) In cases in which
9 one or more properties are benefited from a public improvement,
10 unless otherwise provided for in this act, a city shall be
11 authorized to assess, as provided in this article, all or any
12 portion of the costs of the public improvement, including any
13 related administrative fees, against those properties that are
14 benefited by the public improvement.

15 (b) Unless otherwise provided in this act, in addition to
16 the authority to assess the cost of public improvements against
17 properties benefited, a city shall have the power to pay for the
18 cost of public improvements, in whole or in part, from general
19 city funds or, if authorized, from a special city fund dedicated
20 to that purpose.

21 (c) If a city incurs indebtedness pursuant to 53 Pa.C.S. Pt.
22 VII Subpt. B (relating to indebtedness and borrowing) for the
23 purposes of funding the cost and expense of making public
24 improvements for which assessments can be made in accordance
25 with this article, and assessments are made, payments made on
26 the assessments must be applied to pay the debt service for the
27 indebtedness incurred for funding the cost and expense of making
28 the public improvements.

29 (d) As used in this article, unless the context clearly
30 indicates otherwise, the term "public improvement" may include,

1 but shall not be limited to, the building, paving, grading,
2 rebuilding, repaving and regrading of streets, sidewalks, curbs
3 and gutters; the creation, extension and renovation of water and
4 sewerage collection, transmission, treatment and disposal
5 systems; the creation, extension and renovation of storm,
6 surface and subsurface drainage systems; the construction,
7 reconstruction and repair of wharves and docks; the installation
8 of pipes, wires and conduits relating to city-supplied utility
9 services; the installation, maintenance or operation of
10 ornamental street lighting; or the planting, maintaining,
11 trimming, transplanting, removal and protection of shade trees.

12 Section 4502-A. Method of Assessment.--(a) In any case in
13 which council elects to exercise the power to make assessments
14 for a given public improvement as authorized in section 4501-A,
15 it shall, by ordinance and in conformity with this article,
16 establish the method and procedure pursuant to which assessments
17 shall be made.

18 (b) Council may, by ordinance, determine to make the
19 assessment by any means that results in fairly allocating all or
20 a portion of the costs and expenses of the public improvement
21 among all properties benefited thereby in reasonable proportion
22 to the benefits conferred upon each property. The methods that
23 may be used to make assessments in accordance with this
24 subsection may include, but shall not be limited to, an equal
25 assessment per front foot, lot, parcel, dwelling unit or square
26 foot or by an assessment made by viewers.

27 (c) If the front foot method is used:

28 (1) The cost to be collected shall be divided by the total
29 number of linear feet of street frontage of all properties
30 benefited.

1 (2) The assessment against each property shall be that
2 portion of the cost which is determined by multiplying the
3 dividend under clause (1) by the number of linear feet for
4 street frontage of that property.

5 (3) Council shall have the power and its duty shall be, in
6 the case of corner or irregularly shaped lots or where special
7 conditions exist, to provide for an equitable adjustment, as
8 necessary, to prevent an unjust or excessive assessment.

9 (d) In order to pay for all or a portion of the cost or
10 expenses of a public improvement, council may determine to
11 assess properties benefited based upon a report of viewers.
12 Three disinterested persons shall be appointed by council as
13 viewers. A majority of the viewers shall assess the cost against
14 each property benefited in reasonable proportion to the benefits
15 conferred upon each property. The viewers, or a majority of
16 them, shall make a report in writing which shall specify the
17 amount assessed upon each property and shall present the report
18 directly to council or file it with the city clerk, as council
19 directs.

20 Section 4503-A. Notice of Assessment.--(a) After the
21 amounts to be assessed against the properties to be benefited by
22 the public improvement have been calculated pursuant to the
23 method and procedures as prescribed by ordinance, the city shall
24 give personal notice of the assessment to the owner of each
25 property that is being assessed. The notice shall also state
26 that the owner has thirty days from receipt of the notice to
27 appeal the assessment.

28 (b) An assessment made pursuant to this article shall become
29 effective thirty days after personal notice is given by any of
30 the following means:

1 (1) Personal service on the owner.

2 (2) Certified mail, addressee only, return receipt
3 requested, to the owner at the owner's last known address.

4 (3) Posting notice at or upon the property, after reasonable
5 attempts to give personal notice pursuant to clauses (1) and (2)
6 have failed.

7 Section 4504-A. Appeals to Court.--Within thirty days after
8 receipt of the notice of assessment, an owner of property shall
9 have the right to appeal the assessment to the court of common
10 pleas in the county in which the assessed property is located.
11 On appeal, unless the court finds fraud, mistake or illegality,
12 the court shall be restricted to determining the questions of
13 whether the property assessed received any special benefits from
14 the improvement and whether the assessment made exceeds the
15 special benefits received.

16 Section 4505-A. Benefits and Damages.--In any proceeding in
17 which damages to property are being sought as a result of a
18 public improvement for which an assessment of benefits has been
19 made, the excess of damages over benefits, or the excess of
20 benefits over damages, or nothing in case the benefits and
21 damages are equal, shall be awarded to or assessed against the
22 owner of land and property affected by the public improvement.

23 Section 4506-A. Return by City of Assessments Paid on
24 Property Unlawfully Assessed.--The following shall apply with
25 regard to the return of payments made on an unlawful assessment:

26 (1) If, after a timely appeal, a court makes a final
27 determination that a property was unlawfully assessed or that
28 the amount assessed exceeded, to a substantial amount, the
29 benefits received by the property assessed from the public
30 improvement, a city that received money in payment of the

1 assessment shall repay the money in an amount as ordered by the
2 court.

3 (2) Within two years of receiving payment of an assessment,
4 the city may repay such money voluntarily if the city determines
5 that the assessment or part thereof was made erroneously.

6 (3) Repayments to property owners pursuant to clause (1) or
7 (2) shall include interest from the date of payment of the
8 unlawful or erroneous assessment at the rate of interest that is
9 provided for in 53 Pa.C.S. § 8426 (relating to interest on
10 overpayment).

11 Section 4507-A. Payment of Assessments in Installments.--(a)
12 An ordinance providing for a public improvement the expense of
13 which is to be defrayed by an assessment against properties
14 benefited by the public improvement may authorize the payment of
15 the assessments in installments. The ordinance shall set a time
16 when the installment payments shall commence and shall specify
17 the length of time over which the installments may be extended
18 and whether payments are to be made by equal annual or more
19 frequent installments. The period during which installments may
20 be paid shall not exceed the lesser of ten years or the number
21 of years equal to the period of maturity of the bonds issued to
22 fund the public improvement.

23 (b) The ordinance shall set forth the rate of interest for
24 the installments, which shall not be more than ten per centum
25 per annum unless a bond is issued for the improvement, in which
26 case the maximum interest rate on the installment payments shall
27 be pursuant to section 9 of the Municipal Claim and Tax Lien
28 Law.

29 (c) The city shall enter into a written installment
30 agreement with each property owner that will pay the assessment

1 in installments, subject to the requirements of the ordinance
2 pertaining to such agreements and this article.

3 (d) If any of the installments shall remain unpaid for sixty
4 days after the same has become due and payable, the entire
5 unpaid assessment plus unpaid accrued interest and any costs
6 shall be due and payable and the city may proceed to collect
7 them by filing a lien in the same manner as municipal claims are
8 filed or by action in assumpsit.

9 (e) Any property owner upon whom an assessment has been made
10 may pay all or as many of the installments before they are due,
11 with interest and costs to the due date of the next installment.

12 Section 4508-A. Collection of Assessments.--(a) Council
13 shall have the power to authorize the city treasurer or other
14 city official to collect assessments.

15 (b) The following shall apply to the collection of
16 assessments:

17 (1) A city may collect an assessment that remains unpaid for
18 sixty days after personal notice was given pursuant to section
19 4503-A, unless an installment agreement has been entered into
20 pursuant to section 4507-A.

21 (2) An assessment made pursuant to this article may be
22 collected in the same manner as municipal claims in the
23 Municipal Claim and Tax Lien Law or by an action of assumpsit
24 against the owner of the property benefited.

25 (3) Interest on an unpaid assessment shall begin to accrue
26 from the time of completion of the improvement at a rate of ten
27 per centum per annum unless a bond is issued for the
28 improvement, in which case the maximum interest rate shall be
29 pursuant to section 9 of the Municipal Claim and Tax Lien Law.

30 (4) If a property owner has two or more lots against which

1 there is an assessment for the same improvement, all of the lots
2 may be embraced in one claim.

3 (5) Assessments, whether paid one time or by installments,
4 shall be payable at the office of the city treasurer or any
5 other place designated by ordinance.

6 Section 397. Article XLVI heading of the act is reenacted to
7 read:

8 ARTICLE XLVI

9 COLLECTION OF MUNICIPAL CLAIMS BY SUIT AND

10 COMPROMISE OF CLAIMS

11 Section 398. Section 4601 of the act, amended July 25, 1963
12 (P.L.283, No.153), is amended to read:

13 Section 4601. Collection of Municipal Claims by Suit.--In
14 addition to the remedies provided by this act or any other law
15 for the filing of liens for the collection of municipal claims,
16 all cities may proceed for the recovery and collection of
17 municipal claims by action of assumpsit against the person or
18 persons who were the owner or owners of the property at the time
19 of the completion of the improvement, notwithstanding the fact
20 that there was a failure on the part of [any such] the city, or
21 its agents, to enter [any such] the municipal claim as a lien
22 against the property assessed for the improvement[, and for the
23 recovery of which the action of assumpsit was brought]. Any such
24 action in assumpsit shall be commenced within six years after
25 the completion of the improvement from which [said] the claim
26 arises.

27 This section shall extend to all municipal claims [where the
28 improvement was] for improvements heretofore made, where the
29 action of assumpsit has been instituted under the provisions of
30 prior acts of Assembly, and where the claim was not barred by

1 the statute of limitations affecting actions of assumpsit.

2 Section 399. Section 4602 of the act is amended to read:

3 Section 4602. Compromise of Municipal Claims[; Court
4 Approval.--Whenever].--(a) If any city has any municipal claim
5 entered in the office of the prothonotary as a lien against real
6 estate, [which said] and if the claim has existed for ten years
7 or more, council may[, with the approval of the court of common
8 pleas,] agree with the owner of [such] the real estate to
9 accept, in compromise or reduction of the amount of the claim
10 and the interest charges, expenses and fees added thereto and
11 due thereon, any sum less than the whole of such amount so due.

12 (b) Upon receipt of the compromise amount as agreed upon,
13 the city shall cause the lien to be properly satisfied on the
14 record, which satisfaction shall be as effective as if the whole
15 amount of the claim, interest, charges, expenses and fees had
16 been paid, and the claim shall no longer be a lien against the
17 real estate or a claim against the owner thereof.

18 (c) The provisions of this section permitting compromise of
19 municipal claims shall not apply to or in any manner affect any
20 claims, the assessments for which are the sole basis of
21 improvement bonds issued by any political subdivision and which
22 are the security for the payment thereof, or any claims, the
23 assessments for which have heretofore been assigned by any
24 political subdivision to any contractor in payment of the amount
25 due the contractor under terms of the contract for the
26 improvement for which the assessment was levied.

27 Section 400. Sections 4603 and 4604 of the act are repealed:

28 [Section 4603. Satisfaction.--Upon receipt of the compromise
29 amount so agreed upon and approved, the city shall cause the
30 lien to be properly satisfied on the record, which satisfaction

1 shall be as effective as if the whole amount of the claim,
2 interest, charges, expenses and fees had been paid, and such
3 claim shall no longer be a lien against the real estate or a
4 claim against the said owner thereof.

5 Section 4604. Certain Claims Excluded.--The provisions of
6 sections four thousand six hundred two and four thousand six
7 hundred three shall not apply to or in any manner affect any
8 claims, the assessments for which are the sole basis of
9 improvement bonds issued by any political subdivision and which
10 are the security for the payment thereof, or any claims, the
11 assessments for which have heretofore been assigned by any
12 political subdivision to any contractor in payment of the amount
13 due him under terms of the contract for the improvement for
14 which the assessment was levied.]

15 Section 401. Article XLVII heading of the act is reenacted
16 to read:

17 ARTICLE XLVII

18 ACTS OF ASSEMBLY REPEALED; SAVING CLAUSE

19 Section 402. Section 4701 of the act is amended to read:

20 Section 4701. Repeals and Saving Clause.--(a) Nothing
21 contained in this act revives any act, or part of any act,
22 repealed by the act reenacted, amended or revised by this act.

23 (b) The following acts and parts of acts of Assembly are
24 hereby repealed as particularly set forth:

25 The act, approved the twenty-fifth day of March, one thousand
26 eight hundred seventy-eight (Pamphlet Laws 8), entitled "An act
27 authorizing cities of the third class to levy and collect taxes
28 for park purposes, and curing any defects in previous levies,"
29 absolutely.

30 The act, approved the thirty-first day of May, one thousand

1 nine hundred nineteen (Pamphlet Laws 358, Number 172), "An act
2 to amend section three, article five of the act, approved the
3 twenty-seventh day of June, one thousand nine hundred thirteen
4 (Pamphlet Laws 568), entitled 'An act providing for the
5 incorporation, regulation, and government of cities of the third
6 class; regulating nomination and election of municipal officers
7 therein; and repealing, consolidating, and extending existing
8 laws in relation thereto,' by adding thereto clause forty-nine
9 relative to the collection and disposal of garbage, ashes, and
10 other waste and refuse matter," absolutely.

11 The act, approved the fourth day of June, one thousand nine
12 hundred nineteen (Pamphlet Laws 373), entitled "An act to amend
13 section three, article five of the act, approved the twenty-
14 seventh day of June, one thousand nine hundred thirteen
15 (Pamphlet Laws, five hundred and sixty-eight), entitled 'An act
16 providing for the incorporation, regulation, and government of
17 cities of the third class; regulating nomination and election of
18 municipal officers therein; and repealing, consolidating, and
19 extending existing laws in relation thereto,' by adding thereto
20 clause forty-nine, relative to appropriations for municipal
21 music," absolutely.

22 The act, approved the tenth day of March, one thousand nine
23 hundred twenty-one (Pamphlet Laws 29, Number 10), entitled "An
24 act for the relief of certain county treasurers and county tax
25 collectors, in the settlement of county, poor, and State taxes,
26 in cities of the third class," absolutely.

27 The act, approved the twenty-second day of April, one
28 thousand nine hundred twenty-seven (Pamphlet Laws 358), entitled
29 "An act authorizing and empowering cities of the third class to
30 recognize the moral obligation of the city to pay just claims

1 against the city, although under existing laws no legal recovery
2 could be had against the city," absolutely.

3 Section seven hundred twenty-three of the act, approved the
4 first day of May, one thousand nine hundred twenty-nine
5 (Pamphlet Laws 905), entitled "An act for the protection of the
6 public safety; regulating the use of highways, and the operation
7 of vehicles, tractors, street cars, trackless trolley omnibuses,
8 bicycles, pedestrians, and the riding of animals upon the
9 highways of this Commonwealth; providing for the titling,
10 including liens, encumbrances, and legal claims; registration of
11 certain vehicles and licensing the operators thereof, upon
12 payment of prescribed fees; prescribing and limiting the powers
13 of local authorities to deal with the subject matter of this
14 act; conferring powers and imposing duties upon the Department
15 of Revenue, the Department of Highways, peace officers, mayors,
16 burgesses, magistrates, aldermen, justices of the peace, the
17 courts and the clerks thereof, owners of vehicles, and garage
18 keepers; providing that records are admissible as evidence;
19 imposing upon owners, counties, cities, boroughs, incorporated
20 towns, townships, within the Commonwealth, liability for damages
21 caused by the negligent operation of their motor vehicles;
22 imposing penalties; imposing certain costs upon counties;
23 providing for the disposition of fines, forfeitures, fees, and
24 miscellaneous receipts; making an appropriation and providing
25 for refunds," in so far as inconsistent with the provisions of
26 this act.

27 The act, approved the seventeenth day of May, one thousand
28 nine hundred twenty-nine (Pamphlet Laws 1801), entitled "An act
29 authorizing cities of the third class to provide, by ordinance,
30 for the payment for public work or improvements heretofore made

1 for or furnished to the city, and accepted and used by the city,
2 where no legal or valid contract was entered into as required by
3 law," absolutely.

4 The act, approved the twenty-second day of May, one thousand
5 nine hundred thirty-three (Pamphlet Laws 923), entitled "An act
6 to authorize cities of the third class to sue out writs of scire
7 facias on certain municipal claims, where more than five years
8 have elapsed since said claims were filed, and to reduce such
9 claims to judgment; and providing for the revival and collection
10 of such judgments," absolutely.

11 The act, approved the thirty-first day of May, one thousand
12 nine hundred thirty-three (Pamphlet Laws 1108, Number 272),
13 entitled "An act providing for the appointment, promotion,
14 reduction, removal and reinstatement of paid officers, firemen
15 and employes of fire departments and of fire alarm operators and
16 fire box inspectors in the bureaus of electricity in cities of
17 the third class; defining the powers and duties of civil service
18 commissions for such purposes; and fixing penalties,"
19 absolutely.

20 The act, approved the sixteenth day of May, one thousand nine
21 hundred thirty-five (Pamphlet Laws 176, Number 82), entitled "An
22 act requiring cities of the second and third class to allow
23 members of the police departments, twenty-four consecutive hours
24 of rest each week, and fourteen days vacation each year, except
25 in emergency cases," so far as it relates to cities of the third
26 class.

27 The act, approved the first day of May, one thousand nine
28 hundred thirty-nine (Pamphlet Laws 40), entitled "An act to
29 amend the title and the act, approved the sixteenth day of May,
30 one thousand nine hundred thirty-five (Pamphlet Laws, one

1 hundred seventy-six), entitled 'An act requiring cities of the
2 second and third class to allow members of the police
3 departments, twenty-four consecutive hours of rest each week,
4 and fourteen days vacation each year, except in emergency
5 cases,' extending the provisions of said act to cities of the
6 second class A," so far as it relates to cities of the third
7 class.

8 Sections six hundred eighty-two and six hundred ninety of the
9 act, approved the twenty-fourth day of June, one thousand nine
10 hundred thirty-nine (Pamphlet Laws 872), entitled "An act to
11 consolidate, amend and revise the penal laws of the
12 Commonwealth," so far as they relate to cities of the third
13 class and are inconsistent with the provisions of this act.

14 The act, approved the twenty-third day of May, one thousand
15 nine hundred forty-five (Pamphlet Laws 907), entitled "An act
16 authorizing cities of the third class, with the approval of the
17 court of common pleas, to accept less than the full amount of
18 certain municipal claims filed as a lien against real estate in
19 compromise settlements thereof," absolutely.

20 The act, approved the second day of May, one thousand nine
21 hundred forty-seven (Pamphlet Laws 149), entitled "An act
22 authorizing cities to enact ordinances prohibiting smoking or
23 the carrying of lighted cigarettes, cigars, pipes or matches or
24 using matches or other fire producing devices in certain retail
25 stores within such cities and to provide penalties therefor," so
26 far as it relates to cities of the third class.

27 (c) All other acts or parts of acts of Assembly supplied by
28 or inconsistent with the provisions of this act are hereby
29 repealed. It is the intention that this act shall furnish a
30 complete and exclusive system for the government and regulation

1 of cities of the third class, except as to the several matters
2 enumerated in section [one hundred and three of this act] 103.

3 [But nothing] (d) Nothing contained in this act shall be
4 construed to repeal any local or special laws; or to repeal the
5 provisions of 66 Pa.C.S. Pt. I, known as the Public Utility
6 [Law] Code; or any law relating to the Board of Commissioners of
7 Navigation for the River Delaware and its navigable tributaries;
8 or the provisions of any law, the enforcement of which is vested
9 in the Department of Health or the [Sanitary Water Board]
10 Department of Environmental Protection; or the provisions of any
11 law, the enforcement of which is vested in the Department of
12 [Forests and Waters] Conservation and Natural Resources [or the
13 Water and Power Resources Board]; or the provisions of 74
14 Pa.C.S. Pt. III, Ch. 59, Subch. B, known as the Airport Zoning
15 Act; [or any of the provisions of the act, approved the thirty-
16 first day of May, one thousand nine hundred thirty-three
17 (Pamphlet Laws 1108); or any of the provisions of the act,
18 approved the thirteenth day of May, one thousand nine hundred
19 thirty-seven (Pamphlet Laws 620); or any of the provisions of
20 the act, approved the second day of July, one thousand nine
21 hundred thirty-seven (Pamphlet Laws 2803),]; or any of the
22 provisions of the act, approved [the twenty-third day of May,
23 one thousand nine hundred forty-five (Pamphlet Laws 903)] May
24 23, 1945 (P.L.903, No.362); or any amendments or supplements of
25 them; or any laws or parts of laws pertaining to civil defense.

26 Section 403. Termination and continuation of civil service
27 boards. Civil service boards shall be terminated and continued
28 as follows:

29 (1) All civil service boards created prior to the
30 effective date of this section, and pursuant to the act,

1 whether for uniformed or nonuniformed employees, or pursuant
2 to the act of May 31, 1933 (P.L.1108, No.272) entitled "An
3 act validating sheriff's sales of real estate on judgments of
4 foreclosure in scire facias sur mortgage cases when the
5 release of the mortgagor from liability was not filed with
6 the praecipe," shall be abolished except as provided in
7 paragraph (2).

8 (2) No civil service board before which proceedings
9 under section 4408 of the act or under section 10 of the act
10 of May 31, 1933 (P.L.1108, No.272), have been initiated or
11 are pending as of the effective date of this section may be
12 abolished until the conclusion of those proceedings before
13 the respective board.

14 (3) Any civil service proceedings initiated after the
15 effective date of this section shall be before the new civil
16 service board created in accordance with Article XLIV of the
17 act.

18 Section 404. This act shall take effect in 60 days.