



# HOUSE COMMITTEE ON APPROPRIATIONS

## FISCAL NOTE

HOUSE BILL NO. 1184

PRINTERS NO. 1616

PRIME SPONSOR: Moul

### COST / (SAVINGS)

FUND	FY 2020/21	FY 2021/22
Borough Funds	\$0	\$0
Incorporated Town Funds	\$0	\$0

**SUMMARY:** Makes various technical changes and clarifications to the Borough Code. The legislation also repeals current provisions in the Borough Code regulating the accumulation and collection of garbage and other refuse materials and creates a new chapter 25B "Solid Waste Collection and Disposition." This legislation would take effect in 60 days.

**ANALYSIS:** This legislation resolves some inconsistent provisions in the Borough Code, as well as makes technical changes due, in part, to subsequent statutory enactments by the General Assembly. The legislation also changes the provisions of the Code relating to the accumulation of ashes, garbage, rubbish, and refuse materials. Below are the more substantive changes within the legislation.

**Section 704 (Associations and organizations for mayors):** Clarifies the expenses of the mayor while attending the annual meeting of the Mayors' Association that shall be reimbursed.

**Section 801(a) (Eligibility):** Provides that a person's active military duty shall not disqualify the person from fulfilling a residency requirement imposed by a municipal code or charter as a qualification of elected office or to fill a vacancy of elected office. It further states that a person who is a resident of a municipality for at least one year immediately prior to the person's absence due to active military duty shall be deemed to be an ongoing resident of the municipality unless and until the person demonstrates an intent to establish a new domicile outside of the municipality.

**Section 1202(8) (Specific powers, solid waste):** This section is repealed due to the addition of new chapter 25B.

**Section 1316(c)(9) (Investment of funds):** Clarifies that boroughs may invest in a financial instrument authorized under Act 53 of 1973 pertaining to commercial paper.

**Section 3301.1(b)(2) (Ordinances and resolutions):** Removes language that is the subject of an ordinance requirement, and which has been interpreted as creating an ambiguity as to the process of borough budget enactment. The listing of those actions requiring an ordinance in section 3301.1 does not affect the substance of other sections in the Code that may specifically require an ordinance.

**Chapter 25B Solid Waste Collection and Disposition:** The legislation also creates new Chapter 25B "Solid Waste Collection and Disposition," which delineates regulation of the accumulation, collection and disposal of municipal waste and recyclables and contracts, rates and charges related thereto. "Municipal waste," with a cross reference to the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101 of 1988), is now used in place of ashes, garbage, rubbish, and refuse materials.

**Township References:** This legislation also removes the word "township" within the Code and replaces it with "municipality" to modernize the Code and allow for boroughs to be created from alternative forms of government.

**FISCAL IMPACT:** This legislation would have no adverse fiscal impact on Commonwealth or local funds.

**PREPARED BY:** Tim Rodrigo  
House Appropriations Committee (R)

**DATE:** May 25, 2021

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*