

ANNEXATION OF CITY, BOROUGH OR TOWNSHIP TO A CONTIGUOUS CITY

Act of Apr. 28, 1903, P.L. 332, No. 260

Cl. 53

AN ACT

For the annexation of any city, borough, township, or part of a township, to a contiguous city, and providing for the indebtedness of the same.

Compiler's Note: Section 10 of Act 588 of 1937 provided that Act 260 is repealed insofar as it relates to the annexation of a township of the first class, or part thereof, to a city or a borough.

Compiler's Note: Section 13 of Act 547 of 1929 provided that Act 260 is repealed insofar as it relates to the annexation of cities of the third class.

Compiler's Note: Section 10 of Act 427 of 1923 provided that Act 260 is repealed insofar as it relates to the annexation of cities of the third class.

Section 1. Be it enacted, &c., That any city, borough, township, or part of a township, may become annexed to any contiguous city in the same county, in the following manner, namely:

There shall be presented to the court of quarter sessions of the county a petition, signed by at least five per centum of the qualified voters, as shown by the registry lists for the last preceding general election of the city, borough, township, or part of a township, desiring annexation to a city under this act; and in case such petition is for the annexation of a part of a township, there shall be a plan attached showing such portion, and the petition shall only be signed by qualified voters as above defined, and residing in such portion. The petition shall be subscribed by the petitioners within three months immediately preceding the presentation thereof to the court, and shall be verified by affidavit of one or more of the petitioners.

(1 amended Apr. 19, 1905, P.L.216, No.158)

Section 2. The petition shall be filed, and thereupon the court shall direct notice to be given to the chief executive officer of the city to which, the annexation is proposed to be made; and it shall be the duty of the councils of such city, within three months from the date of said notice, to, by ordinance, consent to or disapprove the proposed annexation. If the councils disapprove, then there shall be no further proceedings under that petition; but if the councils approved, then the court shall direct such notice to be given the people of the territory proposed to be annexed as the court shall consider to be proper and reasonable, and the said notice shall state a reasonable date thereafter at which the petition will be considered and all parties heard: Provided, however, That in case a part of a township is proposed to be annexed, the court shall direct that the notice above prescribed be given to the people of the entire township of which a part is proposed to be annexed.

Upon the date fixed for the hearing, or as soon thereafter as practicable, the court shall hear the case; and, if the requirements of this act have been complied with, then shall order an election to be held in the petitioning city, borough, or township, referred to in the petition, upon the question of annexation; and, in the case of a petition for annexation of a part of a township, the court shall order an election to be held upon the question of annexation in the entire township of which a part is proposed to be annexed. If such order be made within three months and more than thirty days before the date of any general election, such election shall be held at such general election; otherwise, it shall be held at such date as the court shall fix, but in no case within thirty days from the making of such order.

(2 amended Apr. 24, 1931, P.L.54, No.45)

Section 3. The court shall direct that notice be given by advertisements or hand-bills, or both, of the time of such election; and shall also order the county commissioners to prepare separate ballots for such election, which shall read on the outside "Annexation" and on the inside "For Annexation" or "Against Annexation," and said commissioners shall provide for the placing of such ballots at the polling-places, at the opening of the polls on the day fixed, and for separate ballot-boxes to receive the ballots.

Section 4. The election shall be held at the regular polling-places, and by the regular election officers, or, in case of their absence, their places shall be filled as provided by law. In receiving and counting, and in making returns of, the votes cast, the inspectors, judges and clerks of said election shall be governed by the laws of this Commonwealth regulating municipal elections; and the vote shall be counted by the court as is now provided by general laws governing municipal elections, and all the penalties of the said election laws, for the violation thereof, shall apply to the voters, inspectors, judges and clerks voting at, and in attendance upon, the elections held under the provisions of this act. The result of the election shall be certified to the court of quarter sessions having jurisdiction of the proceedings.

Section 5. If it shall appear by the vote when counted that a majority has voted for annexation, the court shall enter a decree accordingly; otherwise the proceedings shall be dismissed: Provided, however, That in proceedings for the annexation of part of a township no decree of annexation shall be entered until the Council of Basic Education, after due inquiry into the consequent effect upon the school districts affected, shall approve in writing of the proposed annexation. In case the proceedings shall be dismissed, no petitions from that city, borough, township, or part of a township, shall thereafter be presented unless signed by twenty per centum of the qualified voters thereof, as shown by the registry lists for the last preceding general election; and the court shall exercise its discretion as to allowing such petitions to be filed: Provided, however, That should the court permit such petition to be filed, no election shall be ordered to be held within two years from the date of the former election on such

annexation. If in such case the court allows the petition to be filed, the proceedings shall be as herein provided for on the first petition.

(5 amended Aug. 13, 1963, P.L.700, No.374)

Section 6. If a decree be entered for annexation, on the first Monday of January thereafter the territory so annexed shall become a part of the city to which it is annexed, and all the territory within the limits of the city, as thus enlarged by said annexation, shall be liable for the floating and bonded indebtedness and the interest thereon of both the annexed territory and the city to which it is annexed, so that the taxes shall be uniform throughout the territorial limits of the whole city.

The territory annexed shall, as soon as practicable, be arranged into wards of the city to which it is annexed, in accordance with existing laws.

This act shall apply to all cases in which the territory annexed has not become a part of the city prior to the first Monday of January, nineteen hundred and ten.

(6 amended May 10, 1909, P.L.501, No.280)