

FIRST CLASS TOWNSHIP CODE - FILING AND RECORDING OF ORDINANCES

Act of Feb. 4, 2014, P.L. 24, No. 11

Cl. 73

Session of 2014

No. 2014-11

SB 1081

AN ACT

Amending the act of June 24, 1931 (P.L.1206, No.331), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," further providing for filing and recording of ordinances.

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

Section 1. Clause I of section 1502 of the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, reenacted and amended May 27, 1949 (P.L.1955, No.569), amended July 1, 1969 (P.L.119, No.49) and June 23, 1976 (P.L.410, No.92) and repealed in part April 28, 1978 (P.L.202, No.53), is amended to read:

Section 1502. The corporate power of a township of the first class shall be vested in the board of township commissioners. The board shall have power--

I. Ordinances and Resolutions. (a) To adopt resolutions and ordinances prescribing the manner in which powers of the township shall be carried out, and generally regulating the affairs of the township. All such proposed ordinances, unless otherwise provided by law, shall be published at least once in one newspaper of general circulation in the township not more than sixty days nor less than seven days prior to passage. Publication of any proposed ordinance shall include either the full text thereof or the title and a brief summary prepared by the township solicitor setting forth all the provisions in reasonable detail and a reference to a place within the township where copies of the proposed ordinance may be examined. If the full text is not included a copy thereof shall be supplied to a newspaper of general circulation in the township at the time the public notice is published. If the full text is not included an attested copy thereof shall be filed in the county law library or other county office designated by the county commissioners who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinances. **Filing with the county may be completed by the submission of an electronic copy of the ordinance through a method available, in the sole discretion of the county, to permit receipt by the office storing municipal ordinances. Upon request by the township, the county shall notify the township of the method by which electronic copies may be submitted. The county may store the ordinance electronically, provided that the public is able to access the electronically stored township ordinances during regular business hours at the office or at a remote location. The township shall retain a printed copy of the e-mail and ordinance as transmitted. The date of such filing shall not affect the effective date of the ordinance, the validity of the process of the enactment or adoption of the ordinance.** In the event substantial amendments are made in the proposed ordinance or resolution, upon enactment, the board shall within ten days

readvertise in one newspaper of general circulation in the township, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments. In any case in which maps, plans or drawings of any kind are adopted as part of an ordinance, the commissioners may, instead of publishing the same as part of the ordinance, refer, in publishing the ordinance, to the place where such maps, plans or drawings are on file and may be examined. No ordinance, or resolution of a legislative character in the nature of an ordinance, shall be considered in force until the same is recorded in the ordinance book of the township. All township ordinances shall, within one month after their passage, be recorded by the township secretary in a book provided for that purpose, which shall be at all times open to the inspection of citizens. **A failure to record within the time provided shall not be deemed a defect in the process of the enactment or adoption of such ordinance.** The entry of the township ordinance in the ordinance book by the secretary shall be sufficient without the signature of the president of the board of commissioners or other person. Any and all township ordinances or portions thereof, the text of which prior to the effective date of this amendment shall have been attached to the ordinance book, shall be considered in force just as if such ordinances or portions thereof had been recorded directly upon the pages of such ordinance book: Provided, That all other requirements of this act applicable to the enactment, approval, advertising and recording of such ordinances or portions thereof were complied with within the time limit prescribed by this act.

(b) Whenever any township shall have caused to be prepared a consolidation, codification or revision of the general body of township ordinances, or the ordinances on a particular subject, the board of township commissioners may adopt such consolidation, codification or revision as an ordinance of the township, in the same manner that is now prescribed by law for the adoption of township ordinances, except as hereinafter provided.

Any such consolidation, codification or revision of township ordinances to be enacted as a single ordinance shall be introduced in the board of township commissioners at least thirty days before its final enactment, and at least fifteen days before its final enactment, notice of the introduction of any consolidation, codification or revision, specifying its general nature and listing its table of contents, shall be given by advertisement in a newspaper of general circulation in said township.

When any such consolidation, codification or revision has been enacted as an ordinance, it shall not be necessary to advertise the entire text thereof, but it shall be sufficient in any such case, to publish a notice stating that such consolidation, codification or revision, notice of the introduction of which had previously been given, was finally enacted.

The procedure set forth in this section for the consolidation, codification or revision of township 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, codification or revision of the township ordinances, except that in such case the advertisement giving notice of the introduction shall list, in lieu of a table of contents, the titles only of each of the ordinances in such complete group or body of ordinances, and the notice following

enactment shall simply state that such group or body of ordinances was passed finally.

(c) Complaint as to the legality of any ordinance or resolution may be made to the court. In cases of the laying out of streets over private property the court shall have jurisdiction to review the propriety as well as the legality of the ordinance.

(d) Any ordinance may be adopted by reference to a standard or nationally recognized code, or to parts thereof, determined by the board, or the provisions of the ordinance may be supplied by reference to a typed or printed code, prepared under the direction of or accepted by the board, or the provisions may consist of a standard or nationally recognized code, or parts thereof, and also further provisions typed or printed as aforesaid: Provided, however, That no portion of any code which limits the work to be performed to any type of construction contractor, or labor or mechanic classification shall be adopted.

Publication of such code, or amendments thereto, in full shall not be required, but it shall be sufficient compliance with this act, in such publication as is required, to set forth briefly the substance of such proposed code and to give notice of the place where such code is on file and may be examined. Not less than three copies of such code, portion, or amendment which is incorporated or adopted by reference, shall be filed with the secretary of the township at least ten days before the board considers the proposed ordinance and upon enactment kept with the ordinance book, and available for public use, inspection and examination.

Any ordinance adopted by reference to any code shall be enacted within sixty days after it is filed with the secretary of the township and, in the case of a standard or nationally recognized code, shall encompass the provisions of the code effective as of the code date stated in the ordinance.

Any township that has adopted any standard or nationally recognized code by reference may adopt subsequent ordinances which incorporate by reference any subsequent changes thereof, properly identified as to date and source, as may be adopted by the agency or association which promulgated the code.

Any ordinances which incorporate code amendments by reference shall become effective after the same procedure and in the same manner as is herein specified for original adoption of any such code.

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

APPROVED--The 4th day of February, A.D. 2014.

TOM CORBETT