

**BOROUGHES AND INCORPORATED TOWNS (8 PA.C.S.) - JUDICIAL
ADJUSTMENT, DECREASE IN NUMBER OF MEMBERS OF COUNCIL AND
SPECIFIC POWERS**

Act of Jun. 5, 2020, P.L. 211, No. 28

Cl. 08

Session of 2020
No. 2020-28

HB 1036

AN ACT

Amending Title 8 (Boroughs and Incorporated Towns) of the Pennsylvania Consolidated Statutes, in creation and alteration, further providing for definitions and for judicial adjustment; in elections of officers, further providing for decrease in number of members of council; and, in manufacture and supply of electricity, further providing for specific powers.

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

Section 1. The definition of "township" in section 200 of Title 8 of the Pennsylvania Consolidated Statutes is amended to read:

§ 200. Definitions.

The following words and phrases when used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

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"Township." A township of the **first or second class or any home rule township**.

Section 2. Sections 214(a), 818(a) and (b) and 24A03(a)(1) of Title 8 are amended to read:

§ 214. Judicial adjustment.

(a) Petition.--If the governing bodies of the township and the borough cannot make an amicable adjustment and apportionment of the property and indebtedness within six months after the government of the newly incorporated borough is established, the supervisors **or commissioners** of the township or the council of the borough may present a petition to the court of common pleas requesting a judicial adjustment.

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§ 818. Decrease in number of members of council.

(a) Petition by electors.--The court of common pleas [may] **shall**, upon petition of at least 5% of the registered electors of any borough not divided into wards, which, according to the latest official census, had a population of not more than 3,000, **certify the question of a proposal to reduce the total number of members of council for the borough from seven to five or to three[.], as specified by the petition, to the board of election of the county for a referendum vote of the residents at the next general election held not sooner than the thirteenth Tuesday after the date of the petition.** The sufficiency of the number of signers to the petition shall be ascertained as of the date when the petition is presented to court. **Upon receipt of the certified election results, the court shall enter a final decree granting or denying the request of the petitioners. A petition under this section may not be considered more than once in five years.**

[(b) Notice.--The court shall give notice of the filing of the petition by advertisement in the legal newspaper of the county, if one is published in the county, and in one newspaper of general circulation and fix a day and time for hearing. After the hearing, the court may decrease the number of members of council elected in the borough from seven to five or to three, as requested in the petition.]

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§ 24A03. Specific powers.

(a) Specific powers enumerated.--In addition to exercising its general powers under section 24A02 (relating to general powers), a borough, through its governing body, shall have the following powers:

(1) To contract for the purchase, sale, exchange, interchange, wheeling, pooling or transmission of electric power and energy or for the right to the capacity of electric power, inside and outside of this Commonwealth, to and from any public or private power entities, private power companies, other boroughs and electric cooperative corporations. **The sale of electric power to a borough for resale inside the limits of the borough and the sale of electric power by a borough inside the limits of the borough shall be exempt from the tax imposed under section 1101 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.**

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Section 3. The amendment of 8 Pa.C.S. § 24A03(a)(1) shall apply as follows:

(1) To gross receipts received after December 31, 2016.

(2) To sales to or by a municipal power agency or any borough owned or operated utility established on or before the effective date of this section.

Section 4. This act shall take effect in 60 days.

APPROVED--The 5th day of June, A.D. 2020.

TOM WOLF