

FIRST CLASS CITIES, FINANCES
Act of Apr. 3, 1923, P.L. 50, No. 30
AN ACT

Cl. 11

Authorizing cities of the first class to provide for the use of moneys borrowed, or authorized to be borrowed, for purposes which have proved or may prove impracticable, impossible or inadvisable, for any other lawful municipal purpose, or to provide for the cancellation of the authority to borrow such moneys.

Section 1. Be it enacted, &c., That whenever any city of the first class has increased or has authorized the increase of its indebtedness without the assent of the electors of such city, or shall hereafter so increase or authorize the increase of its indebtedness, and the purpose of such increase or authorized increase has proved or shall prove to be impracticable, impossible or inadvisable, the council of such city may by their ordinance, which shall require the affirmative vote of two-thirds of all of the members of the council, so declare, and (a) may provide for the use of the money so borrowed or authorized to be borrowed for any other municipal purpose for which such indebtedness could have originally been lawfully incurred and upon the certificate of the City Controller as required by law for the original incurring of such debt, or (b) may rescind in whole or in part the authority to borrow such money. The council of such city may rescind in like manner in whole or in part the authority to borrow such money if originally authorized with the assent of the electors.

(1 amended Oct. 17, 1969, P.L.270, No.110)

Section 2. When said debt shall have been authorized or increased without the assent of the electors, prior to the final passage of the ordinance, a summary of the provisions of each section thereof shall be published five times, at intervals of not less than three days in at least two daily newspapers having a bona fide circulation in such city of at least thirty thousand (30,000) copies per issue.

(2 amended June 23, 1955, P.L.190, No.54)

Section 3. Whenever the original increase of indebtedness shall have been made or authorized with the assent of the electors of such city, and the council may desire to use the money so borrowed, or authorized to be borrowed, for any other lawful municipal purpose as aforesaid, they shall give notice by advertisement, once a week for three weeks in each of three daily newspapers having a bona fide circulation in such city of at least thirty thousand (30,000) copies per issue, and in the legal journal designated by the rules of court for the publication of legal notices and advertisements, of an election to be held at the place or places of holding municipal elections on a day to be by them fixed. Such notice shall state: (a) The date of such election: (b) The amount of money theretofore borrowed or authorized to be borrowed for the purpose in question: (c) The purpose for which such indebtedness was

originally authorized: (d) The new purpose for which the council of such city desire to make use of said money, and such notice may further state: (e) The reason why said money may not be used for the purpose for which it was borrowed or authorized to be borrowed or why it may be advisable not to use it for such purpose.

A certified copy of the ordinance required by section one of this act, and where notice shall be required by section three hereof a copy of such notice, shall be filed in the office of the prothonotary of the court of common pleas of the county in which such city is situated.

(3 amended Oct. 17, 1969, P.L.270, No.110)

Section 4. The council of such city shall fix the time of the holding of any such election on the day of the municipal or general, or other special election, unless more than ninety days shall elapse between the date of the ordinance and the day of holding the municipal or general, or other special election, in which case they may fix another day. If any day other than the day of the municipal or general, or other special election day, is fixed, the expense of holding the election shall be paid by the city.

Section 5. Such election shall be held in the place, time, and under the same regulations as provided by law for the holding of municipal elections, and the question to be submitted to the electors shall be substantially in the following form:

Shall the sum of dollars heretofore borrowed, or authorized to be borrowed, by the City of for the purpose of
. be used by the same city for the purpose of
. ?

The ballot shall be prepared in the manner provided by the election law for the submission of similar questions.

(5 amended Oct. 17, 1969, P.L.270, No.110)

Section 6. The election shall be conducted by the regular election officers. The election officers shall count the tickets cast at such election and make a return thereof to the prothonotary of the court of common pleas of the county duly certified as is required by law. In receiving and counting, and in making return of the votes cast, the inspectors, clerks, and judges of election shall be governed by the laws of this Commonwealth governing municipal elections, and the vote shall be counted by the court as is now provided by laws governing municipal elections. All penalties of the said election laws for violation thereof shall apply to the voters, inspectors, judges, and clerks voting at, and in attendance upon, elections held under the provisions of this act.

Section 7. The prothonotary shall make a return of the vote cast upon such questions, as filed in his office, to the corporate authorities of such city, and the same shall be placed on record among or upon the minutes thereof.

Section 8. If at such election a majority of the electors voting thereon shall vote in favor of using said money so borrowed, or authorized to be borrowed, for the new purpose as stated in the said notice, the said money may be used for such new purpose as if it had originally been authorized or borrowed

therefor, in accordance with such vote of the electors.
(8 amended Oct. 17, 1969, P.L.270, No.110)