

INCORPORATED TOWN COUNCILS TO DECLARE CERTAIN OFFICES VACANT

Act of May. 27, 1953, P.L. 249, No. 35

CL. 08

AN ACT

Providing that the town councils of incorporated towns shall have the right to declare vacant the seats of councilmen or presidents of town councils for failure to qualify and for failure to attend meetings or vote upon questions before the council.

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

Section 1. Whenever any person elected or appointed a member or president of the town council of any incorporated town who has been notified of his election or appointment shall because of death or other reasons refuse or neglect to qualify as such member or president of such town council within ten days next succeeding the beginning of his term of office, unless prevented by sickness or prevented by necessary absence from the town, the town council acting without such person may declare his office as member or president of the town council vacant and such vacancy shall be filled by the town council, by appointing, by resolution, a registered elector of the town, to hold such office, if the term thereof continues so long, until the first Monday in January after the first municipal election occurring more than sixty days after the vacancy occurs, at which election an eligible person shall be elected to the office for the remainder of the term. For such actions a majority of the remaining members of the council shall constitute a quorum.

(1 amended Feb. 11, 1976, P.L.12, No.9)

Section 2. Whether elected or duly appointed to fill a vacancy in elective office, a town officer shall be removable from office only by impeachment, or by the Governor for reasonable cause after due notice and full hearing on the advice of two-thirds of the Senate, or upon conviction of misbehavior in office or of an infamous crime in accordance with the Constitution of Pennsylvania, but the officer's title to office may be tried by proceedings of quo warranto as provided by law.

(2 amended Oct. 30, 2015, P.L.213, No.53)

Section 2.1. If the electors of any incorporated town shall fail to choose a mayor, councilman or auditor, provided that such office exists, or if any person elected to such office shall neglect or refuse to serve therein, or if a vacancy shall occur in the office by death, resignation, removal from the incorporated town, or otherwise, a majority of the remaining councilmen may appoint a successor who is a registered voter and upon their failure to make such appointment within thirty days after the vacancy occurs, the vacancy shall be filled within fifteen additional days by the vacancy board. Such board shall consist of the town council and one registered elector of the town, who shall be appointed by town council at the council's first meeting each calendar year or as soon thereafter as practical and who shall act as chairman of the vacancy board. If the vacancy board fails to fill the position within the time prescribed, the chairman shall, or in the case of a vacancy in the chairmanship, the remaining members of the vacancy board shall, petition the court of common pleas to fill the vacancy. In the case where there are vacancies in a majority of town council, the court of common pleas shall fill such vacancies upon presentation of petition signed by not less than fifteen registered electors of the town. In all cases, the successors so appointed shall hold the office until the first Monday in

January after the first municipal election occurring more than sixty days after the vacancy occurs, at which election an eligible person shall be elected for the unexpired term.

(2.1 amended Oct. 30, 2015, P.L.213, No.53)

Section 3. All acts or parts of acts are hereby repealed in so far as they are inconsistent with the provisions of this act.

Section 4. The provisions of this act shall become effective immediately upon final enactment.