

BOROUGH CODE, THE - AMEND REQUIREMENTS FOR INCORPORATION OF BOROUGH  
Act of Dec. 18, 1992, P.L. 1650, No. 181 Cl. 08  
Session of 1992  
No. 1992-181

HB 2337

AN ACT

Amending the act of February 1, 1966 (1965 P.L.1656, No.581),  
entitled "An act concerning boroughs, and revising, amending  
and consolidating the law relating to boroughs," further  
providing for the incorporation of a borough.

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

Section 1. Section 201 of the act of February 1, 1966 (1965  
P.L.1656, No.581), known as The Borough Code, is amended to read:

Section 201. Areas May be Incorporated.--The courts of [quarter  
sessions] **common pleas** may incorporate any **contiguous** area within  
their jurisdiction, not already incorporated or a part of an  
incorporated municipality **and having a population of at least 500  
residents**, as a borough, which, after having been so incorporated,  
shall be a body corporate and politic by the name which shall be  
decreed by the court.

Section 2. Section 202(a) and (d) of the act, amended July 10,  
1981 (P.L.247, No.80), are amended to read:

Section 202. Applications for Incorporation.--(a) The  
application for incorporation shall be by a petition signed by a  
majority of the freeholders residing within the limits of the  
proposed borough **and by the freeholders of a majority of the  
territory within the limits of the proposed borough**, when all parts  
of the proposed borough are in the same township, and, where  
portions of the proposed borough are in different townships, the  
petition shall be signed by a majority of the freeholders residing  
in each of such separate portions **and by the freeholders of a  
majority of the territory in each of such separate portions**. The  
signatures must be secured within three months immediately preceding  
the presentation thereof to the court. Such petition shall be  
subscribed by and sworn to by at least one of the signers. The  
number of signers required to the petition shall be ascertained as  
of the date the petition was presented to court.

\* \* \*

(d) [The court, if it shall find, after hearing and advice of  
the committee, that the conditions prescribed by this section have  
been complied with, shall certify the question to the board of  
elections of the county for a referendum vote of the residents of  
the proposed borough.] **After receiving the findings-of-fact and  
the advice of the committee, the court shall set a date for a  
hearing on the proposed incorporation and shall hear the parties  
interested and their witnesses. The court shall certify the question  
of the proposed incorporation to the board of election of the county  
for a referendum vote of the residents of the proposed borough only  
if it finds that the conditions prescribed by this section have  
been complied with and that the desirability of the proposed  
incorporation is supported by a preponderance of the evidence  
submitted at the hearing and by the committee.** Upon receipt of the  
certified election results, the court shall enter a final decree  
granting or denying the prayer of the petitioners.

Section 3. (a) Except as provided in subsection (b), this act shall apply to applications and petitions which are presented on or after March 25, 1992.

(b) In counties of the fifth class, this act shall apply to applications and petitions which are presented on or after the effective date of this act.

Section 4. This act shall take effect immediately.

APPROVED--The 18th day of December, A. D. 1992.

ROBERT P. CASEY