

FIRST CLASS TOWNSHIP CODE - OMNIBUS AMENDMENTS

Act of Oct. 29, 2020, P.L. 782, No. 96

Cl. 73

Session of 2020
No. 2020-96

HB 2073

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," in preliminary provisions, further providing for definitions, for excluded provisions, for construction of act generally, for construction of references, for how act applies and for saving clauses where class of townships changed, repealing provisions relating to exception as to taxation and further providing for legal advertising; in classification and creation of townships of the first class, further providing for article heading and for provisions relating to classification, repealing provisions relating to enrollment to ascertain population, providing for creation of townships of the first class from townships of the second class, repealing provisions relating to proclamations by county commissioners, to submission of question to voters, to returns of election and effect thereof, to ascertainment of population and to submission of question to voters and returns of election and effect thereof, providing for reestablishment of townships of the second class, further providing for subdivision heading, providing for consolidation or merger, further providing for officers for new townships, repealing provisions relating to election of commissioners in new townships and to election of tax collector in new townships, further providing for certificate of creation of township and providing for change of name of township of first class; repealing provisions relating to change of name of township of first class; in townships lines and boundaries, further providing for stream boundaries, for establishment of boundaries, for petition to court and commissioners' report, for exceptions and procedure, for monuments, for compensation and expenses of commissioners and cost and for adjustment of indebtedness; in wards, further providing for creation, division and redivision of wards, providing for petition of electors, repealing provisions relating to filing and confirmation of report and exceptions, providing for county board of elections, repealing provisions relating to compensation of commissioners, to election districts and to numbering of wards, further providing for schedule for election of commissioners in townships first divided into wards and for schedule of election of commissioners in newly created wards and providing for Pennsylvania Election Code; in election of officers and vacancies in office, further providing for eligibility, for hold until successors qualified and for elected officers enumerated, repealing provisions relating to commissioners, to tax collector, to assessors, to auditors and to controller and further providing for vacancies in general; in general provisions relating to township officers, further providing for oath, for bonds, for compensation, for removal of township officers and appointees and for annuities in lieu of joining pension or retirement system, repealing

provisions relating to county associations of township officers, further providing for formation of State association authorized, repealing provisions relating to delegates from townships, providing for authorization to attend annual meetings and educational conferences, further providing for expenses of delegates paid by townships, repealing provisions relating to expenses of annual meeting and to conferences, institutes and schools, providing for provisions relating to county associations of township officers, further providing for subdivision heading, for appointments of police and firemen, for civil service commission created, appointments and vacancies, for offices incompatible with civil service commissioner, for organization of commission and quorum, for clerks and supplies, for rules and regulations, for minutes and records, for investigations, for subpoenas, for annual report, for general provisions relating to examinations, for application for examination, for rejection of applicant and hearing, for eligibility list and manner of filling appointments, for age and applicant's residence, for probation period, for provisional appointments, for promotions, for physical and psychological medical examinations, for removals, for hearings on dismissals and reduction, for present employees exempted, for discrimination on account of political or religious affiliations and for penalty, repealing provisions relating to salaries of civil service commission and further providing for police force and fire apparatus operators defined; in township commissioners, further providing for organization and failure to organize, for monthly meetings, quorum and voting, for compensation and for reports to auditors; in appointed township treasurer, further providing for township treasurer, for treasurer's bond, for treasurer's duties, for use of special funds and penalty and for depositories of township funds; in tax collector, further providing for powers and duties of tax collector; in township secretary, further providing for election of secretary and salary, for assistant secretary, for duties and penalty and for records open to inspection; in auditors, providing for subarticle heading, further providing for meetings, general duties and compensation, providing for compensation, further providing for subpoenas, power to administer oaths and penalty, for surcharges, auditors' report and publication of financial statements, for canceling orders, for penalty for failure to perform duty and for employment and compensation of attorney, providing for surcharge by auditors, further providing for balances due to be entered as judgments, for collection of surcharges, for appeals from report, for appeal bond and for consolidation of appeals, repealing provisions relating to testimony and argument, to framed issues and to prima facie evidence, further providing for judgment and for cost, repealing provisions relating to appeals, further providing for counsel fees and providing for provisions relating to appointed independent auditor; in controller, further providing for oath and bond of controller, for salary of controller, for general powers and duties of controller, may require attendance of witnesses and penalty, for controller to countersign warrants, for controller to prevent appropriation over drafts, for amount of contracts to be charged against appropriations, for management and improvement of township finances, for books to be kept by controller, for appeals from controller's report, bond and procedure on appeal and for controller to

retain books, documents, et cetera and pending appeals; in township solicitor, further providing for election and vacancies, repealing provisions relating to bond and further providing for solicitor to have control of law matters and for duties of solicitor; in township engineer, further providing for election of township engineer, term and filling of vacancies, repealing provisions relating to bond, further providing for control of engineering matters, for duties and preparation of plans, for certificate of commencement and of completion of municipal improvements and for surveys and repealing provisions relating to real estate registry; providing for township manager; providing for veterans' affairs; in police, further providing for appointment, compensation and training of policemen, providing for special fire police, further providing for chief of police and other officers, for powers of policemen, for service of process and fees and for supervision of police, repealing provisions relating to keepers to receive prisoners, further providing for badge, for not to receive fees, for establishment of police pension fund and management and for private police pension funds and optional transfers, repealing provisions relating to minimum service for retirement, to retirement allowance, to general funds of township not liable, to township appropriations, gifts and management, to reasons for denying retirement allowance and to annuity contracts in lieu of police pension fund and further providing for school crossing guards; in corporate powers, further providing for suits and property, providing for real property, for personal property, for exceptions, for surcharge from sale or lease and for general powers, further providing for corporate powers of a township, providing for officers, positions and departments, for police force, for lockup facilities, for rewards, for disorderly conduct, for public safety, for fire protection, for building and housing regulations, for numbering buildings, for regulation of business, for nuisances and dangerous structures, for municipal waste, for fireworks and inflammable articles, for smoke regulations, for prohibition of fire producing devices and smoking, for animals, for regulation of foundations, party walls and partition fences, for ambulances and rescue and lifesaving services, for display of flags, for health and cleanliness regulations, for public facilities, for hospital appropriations, for community nursing services, for parking and parking lots, for appropriations for certain streets, for airports, for appropriations for airports, for purchase and planting of trees, for intergovernmental cooperation, for widening and deepening of watercourses, for regulation of charges, for street, sewer, sidewalk, etc. and regulations, for capital reserve fund, for operating reserve fund, for surplus foods, for industrial promotions, for nondebt revenue bonds, for historical properties, for insurance, for appropriations for urban common carrier mass transportation, for open burning, for community development, for observances and celebrations, for building hospitals, for tourist promotion agencies, for sale of real or personal property to nonprofit medical service corporation, for sale of real or personal property to nonprofit housing corporation, for nonprofit art corporations, for neighborhood crime watch programs, for drug and alcohol abuse programs, for watershed associations, for emergency services, for mines and quarries, for conservation district, for electricity and for storm water and further providing for typewritten,

printed, photostated and microfilmed records valid and recording or transcribing records; providing for real estate registry; in public health, repealing a subarticle heading, further providing for appointment of boards of health and health officers, for members of board, terms and secretary, for organization of board, salary of secretary, bonds, fees and penalties and power to administer oaths, for duties of secretary, for duties of health officer, for powers of board of health, for entry of premises, for inspections, for budget and appropriations, for cooperation in health work and for powers of Secretary of Health and repealing provisions relating to expenses incurred by board or Secretary of Health, to suits by State Secretary of Health to recover expenses, to payment of expenses recovered into State Treasury and provisions relating to vacation of streets declared nuisances by board of health; in finance and taxation, further providing for fiscal year, annual budget and regulation of appropriations, for amending budget and notice, for committee to prepare uniform forms and for appropriations not to be exceeded and changes in appropriations, repealing provisions relating to certain contracts invalid, to power to create indebtedness, sinking fund and temporary indebtedness and to sinking fund and regulations and investments and further providing for investment of township funds, for indebtedness and orders of previous years, for disbursements to pay indebtedness, for tax levies, for additions and revisions to duplicates, for tax rates to be expressed in dollars and cents, for special levies to pay indebtedness and for delivery of duplicates; in contracts, further providing for power to make contracts, for general regulations concerning contracts, for evasion of advertising requirements, for bonds for protection of labor and materialmen, for purchase contracts for petroleum products, fire company, etc. and participation, for separate specifications for branches of work and for workmen's compensation insurance, repealing provisions relating to engineers and architects not to be interested in contracts and to minimum wages under contracts and further providing for penalty for personal interest in contracts; in eminent domain, assessment of damages and benefits, repealing subdivision heading, further providing for exercise of eminent domain and for restrictions as to certain property, providing for declaration of intention, further providing for value of land or property not to be assessed as benefits and exceptions and for title acquired and repealing provisions relating to procedure for the exercise of eminent domain and for the assessment of damages and benefits; in streets and highways, repealing subdivision heading, providing for definitions, for township street plan and for certain streets declared public streets, repealing subdivision heading, further providing for power to lay out, open, widen, vacate, et cetera, for burial grounds, et cetera, saved and for notice of hearing, repealing provisions relating to draft and report, to exceptions to report, to appointment of viewers and to notices to be posted along improvement, providing for petition for opening, etc. and for notice of petition, further providing for width of public roads, for opening and repairing roads and for detours, repealing provisions relating to laying out roads under the general road law, providing for street connecting with street of another municipal corporation, repealing subdivision heading and provisions relating to scope of subdivision,

further providing for plans of dedicated streets, repealing provisions relating to appeals where commissioners refuse approval, to no responsibility on township where plans not approved, to entry of lands, to penalty and to powers of State and counties preserved, providing for powers of State and counties preserved, for exclusive nature of provisions, for failure of board of commissioners to hold hearing, for entry on land to maintain marks and monuments and for bike paths, repealing subdivision heading, further providing for agreements to relocate, alter and vacate streets in or near State parks, repealing provisions relating to agreement to be filed in court and effect of filing, to altered and relocated streets declared township streets, to assessment of damages and to elimination of curves and repealing subdivision headings, further providing for improving or vacating streets by agreement, repealing subdivision heading, further providing for proceedings on petition, repealing provisions relating to grading restrictions, to notice, to contents of notice, to appeals from ordinance, to assessment of damages and benefits by viewers, to assessments to bear interest and collection, to grading, draining, curbing, paving or macadamizing streets or highways and collection of cost by foot front rule and to road material, ditches, drains and watercourses, providing for power to open drains and ditches, repealing a subdivision heading, further providing for provisions relating to trees, shrubbery and obstructions within limits of streets or highways, repealing a subdivision heading, further providing for provisions relating to protection of streets and highways from snowdrifts, repealing a subdivision heading and provisions relating to duty to erect, providing for naming of streets and for street lighting, ornamental lighting and traffic control signals and devices, further providing for penalty for destroying, repealing a subdivision heading, further providing for railroad crossings and for street permits, repealing a subdivision heading, further providing for provisions relating to county aid in the improvement of township streets, repealing provisions relating to penal provisions and to opening, making, amending and repairing streets and bridges by contracts with taxpayers and providing for boundary streets, for streets, the center line of which is the boundary between a township and another municipal corporation, for streets having more than half of their width within township and for assessment for improvements on property outside limits where street entirely within township; repealing provisions relating to boundary roads and streets; in bridges and viaducts, further providing for article heading, repealing subdivision heading, further providing for provisions relating to bridges and viaducts as part of street, repealing a subdivision heading and provisions relating to power to construct, further providing for maintenance, repealing provisions relating to bridges and viaducts over marshy or swampy grounds, creeks, rivulets, gullies, canals and railroads and a subdivision heading, further providing for bridges on division line of townships and repealing provisions relating to bridges between townships and municipalities, to bridges over railroad or canal and to maintenance, repair and rebuilding of bridges built by county; in sidewalks, further providing for power to lay out, ordain and establish grades, for width, for paving and curbing sidewalks and for repair of sidewalks and providing for emergency repairs; in sewers and drains,

further providing for article heading, for power to establish and construct sewers and drains, require connections and sewer rentals and for sewer and drainage systems, constructed by any municipality authority, connection by owners and enforcement, providing for notice of contemplated construction, further providing for location of sewers on private property and for treatment works and facilities therefor, repealing provisions relating to entry on lands to mark sewer routes and damages and to enforcement of judgment for damages, further providing for cost of construction and how paid, for sewer districts and for manner of assessment, repealing provisions relating to procedure for assessment of benefits, to lien for assessments and costs of proceedings and to assessment of property outside limits of townships for sewers, further providing for provisions relating to acquisition of sewer system from private interests and distribution of costs, to contracts with individuals or corporations for construction and maintenance of sewer and drainage systems, to sewers and drains in streets or highways or over private property and assessment of cost of construction according to benefits and for consent necessary, repealing provisions relating to assessment of cost, further providing for subdivision heading and for connection by agreement or petition and appointment of viewers, repealing provisions relating to notice of contemplated construction and protests by property owners, further providing for subdivision heading and for building joint sewers, repealing provisions relating to State permit and a subdivision heading; repealing provisions relating to collection by installment of the cost of street, curb, sidewalk and sewer improvements; providing for assessments for public improvements; providing for assessments, for public improvements; repealing provisions relating to revolving fund for street and sewer improvements; in water supply and waterworks, further providing for article heading and for contract with water companies and municipality and development of own water supply, providing for public utility law saved and for rates, further providing for State permit, for occupation of highways and for property damages and bond by township, repealing provisions relating to appointment of viewers, further providing for water districts and application of taxpayers and for connection to water supply system, repealing provisions relating to connection to water supply system of municipality authorities, further providing for cost of connection and where payable and for default in payment of installment, repealing provisions relating to entry of liens and further providing for subdivision heading, for joint maintenance of works with municipality, for State permits and for commission of waterworks; in manufacture and sale of electricity, further providing for manufacture and sale of electricity, for may regulate use and prices, for sale of hydroelectric generating facilities, for construction or purchase of hydroelectric generating facilities and for submission to electors; in public buildings, further providing for town hall, for unloading and warehouses, for appropriation of property, for ordinance of commissioners, for assessment of damages and for use of public lands acquired for other purposes; in licenses and licenses fees, further providing for provisions relating to transient retail merchants, for agents for licensed dealers not to be licensed, for insurance agents and brokers not to be licensed and for license fees on residents not to exceed those on

nonresidents; in parks, recreation centers, shade trees and forests, further providing for acquisition of lands and buildings, for creation of recreation board, for composition of park or recreation boards, for organization of park or recreation boards and powers and duties delegated to the board by the commissioners, for maintenance and tax levy, for joint ownership and maintenance, for issue of bonds, for right of establishment, for personnel of commission, appointment, terms and vacancies, for powers may be vested in park commission, for general powers of commission, for hiring of employees and legislative power of commission, for report of commission, for notice of commission's activities and planting or removal of shade trees, for landholders liability for costs and for removal of diseased trees, repealing provisions relating to assessments liens, further providing for maintenance by township and funds for and for penalties, repealing provisions relating to disposition of penalties, further providing for right of acquisition of forest lands, repealing provisions relating to approval of Department of Forests and Waters and further providing for ordinance and notice, for appropriation for acquisition, for rules and regulations, for appropriation for maintenance, for use of township forests, for ordinance of sale and for appropriation of money to forestry organizations; in land subdivision, repealing article heading; in zoning, repealing article heading; in Uniform Construction Code, Property Maintenance Code and reserved powers, further providing for changes in Uniform Construction Code, for property maintenance code and for reserved powers; in township planning commission, repealing article heading; repealing provisions relating to enforcement of ordinances; providing for ordinances; in actions by and against townships, further providing for recovery of municipal claims by suit; and, in repeals, further providing for provisions relating to repeals and repealing provisions relating to inconsistent repeals.

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

Section 1. Sections 102, 103, 104, 106, 107 and 108 of the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, are amended to read:

Section 102. Definitions.--The following words, terms and phrases, as used in this act, shall have the [meanings herein assigned to them] **following meanings** unless the context clearly indicates otherwise[.

(a) "Township," a township of the first class.

(b) "Street" includes a street, road, lane, alley, court, or public square.

(c) "Highway" or "State highway," a road or highway of the State highway system.]:

"Board of commissioners." The board of township commissioners of a township of the first class.

"Highway." A road or highway of the State highway system.

"Individual." A natural person.

"Municipal authority" or "municipality authority." A body politic and corporate created under 53 Pa.C.S. Ch. 56 (relating to municipal authorities).

"Municipal corporation." A city, borough, incorporated town, township of the first or second class or any home rule municipality other than a county.

"Municipality." A county, city, borough, incorporated town, township of the first or second class or any home rule municipality.

"Pennsylvania Municipalities Planning Code." The act of July 31, 1968 (P.L.805, No.247), known as the "Pennsylvania Municipalities Planning Code."

"Person." Includes a natural person, corporation, partnership, limited liability company, business trust, other association, government entity other than the Commonwealth, estate, trust or foundation.

"Street." Includes a street, road, lane, alley, court or public square.

"Township." A township of the first class.

Section 103. Excluded Provisions.--This act does not include any provisions, and shall not be construed to repeal any act, relating to:

(a) The assessment and valuation of property and persons for the purposes of taxation and collection of taxes [and the collection of municipal claims by liens;], **except as provided herein;**

(a.1) **The collection of municipal claims by liens;**

(b) The method of incurring or increasing bonded indebtedness;

(c) [Election officers and the general conduct] **Conduct of elections;**

(d) Public schools and school districts;

(e) [Constables;] **The powers and duties of constables ;**

(f) [Justices of the peace;] **Magisterial district judges;**

(g) State [roads] **highways** and private roads;

(g.1) **Any of the provisions of 75 Pa.C.S. (relating to vehicles);**

(h) Validation of elections, bonds, ordinances, and acts of corporate officers;

(i) [Free non-sectarian libraries;] **Any of the provisions of 24 Pa.C.S. Ch. 93 (relating to public library code);**

(j) Crimes and offenses provided for in [the Penal Code.] **18 Pa.C.S. (relating to crimes and offenses);**

(k) **Any law relating to the giving of municipal consent to public utilities.**

Section 104. Construction of Act Generally.--(a) The provisions of this act so far as they are the same as those of [existing] laws **in effect prior to June 24, 1931**, are intended as a continuation of [such] laws **in effect prior to June 24, 1931**, and not as new enactments. The repeal by this act of any act of Assembly, or part thereof, shall not revive any act, or part thereof, [heretofore] repealed or superseded **prior to June 24, 1931**, nor affect the existence of class of any township [heretofore] created **prior to June 24, 1931**. The provisions of this act shall not affect any act done, liability incurred, or right accrued or vested, or affect any suit or prosecution, pending or to be instituted, to enforce any right or penalty or punish any offense under the authority of [such] **the** repealed laws. All ordinances, **resolutions**, regulations, and rules, made pursuant to any act of Assembly repealed by this act, shall continue with the same force and effect as if [such] **the** act had not been repealed. Any person, holding office under any act of Assembly repealed by this act, shall continue to hold [such] office until the expiration of the term thereof, subject to the conditions attached to [such] **the** office prior to [the passage of this act] **June 24, 1931**.

(b) The board of commissioners shall have the corporate powers and duties and township officials shall have the powers and duties not only as set forth in this act but also as provided in other laws to the extent that the powers and duties are not repealed by this act.

Section 106. Construction of References.--Whenever, in this act, reference is made to any act by title **or otherwise**, such reference shall also apply to and include any codification wherein the provisions of the act referred to are substantially reenacted.

Section 107. How Act Applies.--This act shall apply to all townships of the first class within the Commonwealth[, as now existing or hereinafter created.] **existing on June 24, 1931, or created thereafter.**

Section 108. Saving Clauses Where Class of [Townships] **Township** Changed.--[Whenever any] **If a** township of the second class is designated a township of the first class, or [whenever any] **if a** township of the first class is reestablished as a township of the second class, all liabilities incurred, rights accrued or vested, obligations issued or contracted, and all suits and prosecutions pending or to be instituted to enforce any right or penalty accrued or **to** punish any offense committed[, prior to such] **before the** change of class, and all ordinances, resolutions, rules and regulations shall continue with the same force and effect as if no [such] change had been made.

Section 2. Section 109 of the act is repealed:

[Section 109. Exception as to Taxation.--This act does not provide for the assessment and valuation of property and persons for the purposes of taxation or the collection of township taxes.]

Section 3. Section 110, Article II heading and section 201 of the act are amended to read:

Section 110. Legal Advertising.--(a) Whenever, under the provisions of this act, notice is required to be published in one [newspaper, such] **or more newspapers, the** publication shall be made in a newspaper of general circulation, as defined [by the Newspaper Advertising Act, approved May sixteenth, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand seven hundred eighty-four)] **in 45 Pa.C.S. § 101 (relating to definitions)**, printed in the township, if there is such a newspaper, and, if not, then in a newspaper circulating generally in [such] **the** township. [If such notice is required to be published in more than one newspaper, it shall be published in at least one newspaper of general circulation, defined as aforesaid, printed, if there be such a newspaper, or circulating generally as above provided in the township. When such]

(b) **Unless dispensed with by special order of court, if the** notice relates to any proceeding or matter in any court, or the holding of an election for the increase of indebtedness, or the issue and sale of bonds to be paid by taxation, [such] **the** notice shall also, in counties of the second, third, fourth and fifth classes, be published in the legal newspaper **of the county**, if any, designated by the rules of court [of the proper county for the publication of legal notices and advertisements, unless such publication be dispensed with by special order of court: Provided, however, That ordinances,]. **Ordinances**, auditors' statements, summaries of auditors' statements, advertisements inviting proposals for public contracts and for bids for materials and supplies, or lists of delinquent

taxpayers, shall be published only in newspapers of general circulation[, defined as aforesaid].

ARTICLE II

CLASSIFICATION [AND CREATION OF TOWNSHIPS OF THE FIRST CLASS], **CREATION, REESTABLISHMENT AND CHANGE OF NAME OF TOWNSHIPS**

Section 201. **Classification of Townships.**--The townships now in existence and those to be [hereafter] created are divided into two classes [. Townships]: **townships of the first class and townships of the second class. A township** of the first class shall be [those] **a township** having a population of at least [three hundred] **300** inhabitants to the square mile[, which have heretofore fully organized and elected their officers and are now functioning as townships] **and is functioning as a township** of the first class **on June 24, 1931**, or [which may hereafter be created townships] **that were created after June 24, 1931, as a township** of the first class in the manner provided in this act. [All townships, not townships of the first class, shall be townships] **A township that is not a township of the first class or a home rule municipality shall be classified as a township** of the second class. A change from one class to the other shall [hereafter] be made only as provided by this act or the laws relating to townships of the second class.

Section 4. Section 205 of the act is repealed:

[Section 205. Enrollment to Ascertain Population.--At any time not less than one year before the time fixed for taking a decennial census of the United States, whenever the owners of twenty-five per centum of the assessed valuation of the real estate of any township of the second class shall present their petition to the court of quarter sessions, averring that the population of the township is at least three hundred inhabitants to the square mile, and shall give such security as the court may prescribe for the payment of all costs and expenses which may be incurred in any procedure had upon said petition, the court shall appoint a commissioner to perform the duties hereafter prescribed.

The said commissioner shall make an enrollment of the inhabitants of such township, and make report thereof to the court at the next ensuing term. Upon the filing of the report, the same shall be confirmed nisi, which confirmation shall become absolute unless excepted to within thirty days thereafter, during which time notice of the said filing and confirmation shall be advertised in a newspaper of general circulation, once a week for three weeks. If exceptions are filed to the report within the said thirty days, the court, upon consideration thereof, shall confirm the report or modify the said finding. After final confirmation, the clerk of the court shall certify to the county commissioners and to the township supervisors of the township the population of the township as shown by said proceedings. The costs and expenses of the proceedings, including a reasonable fee for the commissioner and attorney, shall be paid by the petitioners or by the township, or partly by each, as the court shall direct.]

Section 5. The act is amended by adding a section to read:

Section 205.1. Creation of Townships of the First Class from Townships of the Second Class.--At any time, a township of the second class may be established as a township of the first class as follows:

(1) A township of the second class may only become a township of the first class if the township of the second class has a population density of three hundred or more inhabitants to the square mile. The population density shall be determined

from the most recent census data as made available by the United States Census Bureau, whether it is from the decennial census, special census or from the Population Estimates Program.

(2) The board of supervisors of the township of the second class on its own initiative may, or within fifteen days after the receipt of a petition signed by at least five percent of the electors of the township of the second class shall, pass a resolution and record it on its minutes, submitting the question of whether the township of the second class shall be established as a township of the first class to the electors of the township of the second class. The petition and resolution shall include the population density of the township of the second class.

(3) At the next primary, general or municipal election occurring at least ninety days after the passage of the resolution, the question under paragraph (2) shall be submitted to the electors of the township. The county board of elections shall place the question of establishing a township of the first class on the ballot in accordance with the act of June 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania Election Code."

(4) The election officers shall compute the votes cast at the election and certify the votes to the county board of elections. The county board of elections shall compute the votes cast and certify the result to the county commissioners, the board of supervisors of the township of the second class and the clerk of the court of common pleas. If a majority of the votes cast at the election are in favor of becoming a township of the first class, the government of the township of the first class shall be organized and become effective on the first Monday of January after the election. When the township of the first class is organized and becomes effective, the terms of the officers of the township of the second class shall cease and the officers appointed by the court for the township under section 225 shall take office. If a majority of the votes cast at the election are in favor of remaining a township of the second class, no further proceedings may be initiated for a period of two years from the date of the election.

Section 6. Sections 206, 207, 208, 209 and 209a of the act are repealed:

[Section 206. Proclamations by County Commissioners.--In addition to the procedure provided in the preceding section, the county commissioners of each county shall, following each decennial census of the United States, ascertain from such census whether any township of the second class in the county has a population of three hundred inhabitants to the square mile, and shall immediately certify the fact that any township has a population of three hundred inhabitants to the square mile to the township supervisors of the township.

Section 207. Submission of Question to Voters.--At the first general or municipal election occurring at least ninety days after the ascertainment, by special enrollment or from the last preceding United States census, that any township of the second class has a population of at least three hundred inhabitants to the square mile, and after a petition signed by at least five per centum of the registered voters of the township has been filed in the quarter sessions court, the question whether such township of the second class shall become a township of the first class shall be submitted to the voters of the township, and the county board of elections shall cause to be printed on separate ballots, to be used in such township at such election, a proper question framed in accordance with the Pennsylvania Election Code.

Section 208. Returns of Election and Effect Thereof.--The election officers shall compute the votes cast at the election provided for in the preceding section and make return thereof to the clerk of the court of quarter sessions, who shall tabulate the same and certify the result thereof to the county commissioners and the township supervisors of such township. If a majority of the votes cast at any such election shall be in favor of becoming a township of the first class, the government of the township of the first class shall be organized and become operative on the first Monday of January next succeeding such election, at which time the terms of the officers of the township of the second class shall cease and terminate. If a majority of the votes cast at any such election shall be in favor of remaining a township of the second class, no further proceedings shall be had for a period of two years, after which period the supervisors, by unanimous action, may, or, upon petition of ten per centum of the registered voters of the township, shall, through the County Board of Elections, resubmit the question to the electors of the township in the manner hereinbefore provided.

Section 209. Ascertainment of Population.--At any time, not less than one year before the time fixed for taking a decennial census of the United States, whenever the owners of twenty-five per centum of the assessed valuation of the real estate of any township of the first class shall present their petition to the court of quarter sessions averring that the township no longer has a population of three hundred inhabitants to the square mile, and shall give such security as the court may prescribe for the payment of all costs and expenses which may be incurred in any procedure had upon said petition, the court shall appoint a commissioner to perform the duties hereafter prescribed.

The said commissioner shall make an enrollment of the inhabitants of such township and make report thereof to the court at the next ensuing term. Upon the filing of the report the same shall be confirmed nisi, which confirmation shall become absolute unless excepted to within thirty days thereafter, during which time notice of the said filing and confirmation shall be advertised in a newspaper of general circulation once a week for three weeks. If exceptions are filed to the report within the said thirty days, the court, upon consideration thereof, shall confirm the report or modify the said finding. After final confirmation, the clerk of the court shall certify to the county commissioners and to the township supervisors of the township the population of the township, as shown by said proceedings. The costs and expenses of the proceedings, including a reasonable fee for the commissioner and attorney, shall be paid by the petitioners or by the township, or partly by each, as the court shall direct.

In addition to the procedure provided in the preceding paragraph, the county commissioners of each county shall, following each decennial census of the United States, ascertain from such census whether any township of the first class in the county no longer has a population of three hundred inhabitants to the square mile, and shall immediately certify the fact that any township no longer has a population of three hundred inhabitants to the square mile to the board of commissioners of the township.

Section 209a. Submission of Question to Voters; Returns of Election, and Effect Thereof.--At the first general or municipal election occurring at least ninety days after the ascertainment by special enrollment or from the last preceding United States census, that any township of the first class no longer has a

population of at least three hundred inhabitants to the square mile, the question whether such township of the first class shall be reestablished as a township of the second class shall be submitted to the voters of the township, and the county board of elections shall cause to be printed, on separate ballots to be used in such township at such election, a proper question framed in accordance with the election laws of the Commonwealth.

The election officers shall compute the votes cast at the election provided for in the preceding paragraph and make return thereof to the clerk of the court of quarter sessions, who shall tabulate the same and certify the result thereof to the county board of elections and the township commissioners of such township. If a majority of the votes cast at any such election shall be in favor of becoming reestablished as a township of the second class, the government of the township of the second class shall be organized and become operative on the first Monday of January next succeeding such election, at which time the terms of the officers of the township of the first class shall cease and terminate. If a majority of the votes cast at any such election shall be in favor of remaining a township of the first class, no further proceedings shall be had for a period of four years, after which period the board of township commissioners, by unanimous action, may, or upon petition of ten per centum of the registered voters of the township shall, through the county board of elections, resubmit the question of the electors of the township in the manner hereinbefore provided.]

Section 7. The act is amended by adding a section to read:

Section 209.1. Reestablishment of Townships of the Second Class.--A township of the first class may, no sooner than five years after becoming a township of the first class, be reestablished as a township of the second class as provided in the act of May 1, 1933 (P.L.103, No.69), known as "The Second Class Township Code."

Section 8. Subdivision (c) heading of Article II of the act is amended to read:

(c) Creation of Townships of the First Class by **Merger or Consolidation**

Section 9. The act is amended by adding a section to read:

Section 220. Consolidation or Merger.--A township may be merged or consolidated into a new or existing municipal corporation in accordance with 53 Pa.C.S. Ch. 7 Subch. C (relating to consolidation and merger).

Section 10. Section 225 of the act is amended to read:

Section 225. Officers for New Townships.--[Whenever] **(a)** **If a new township of the first class [shall be created in accordance with any of the procedures in this article, the court of quarter sessions] is created from a township of the second class pursuant to this article, the court of common pleas shall appoint [five commissioners, and the other elective officers to which the township is entitled, and fix the polling place or places in such township. The] the elective officers for the new township and determine the polling place or places in the new township. The appointed officers [so appointed shall hold their offices from the first Monday of January following the election creating such township until the first Monday of January following the municipal election at which officers of the township are elected as hereinafter provided.] shall hold office until the first Monday of January after the next municipal election as provided in this act.**

(b) At the first municipal election following the creation of a township as provided in section 205.1, if the township has

not been divided into wards, five township commissioners shall be elected at large. Three of the commissioners shall be elected for terms of four years each, and two for terms of two years each, from the first Monday of January next following the election. The ballots at the election shall designate the term for which each commissioner is elected. Their successors shall be elected for terms of four years in accordance with this act. If the township has been divided into wards, the township commissioners shall be elected as provided in section 407.

(c) At the first municipal election, a tax collector shall be elected for a two or four year term so that the term shall expire at the same time as the terms of tax collectors of other townships of the first class under the provisions of this act. Thereafter the term of tax collector of the township shall be four years from the first Monday of January next following the tax collector's election.

Section 11. Sections 226 and 227 of the act are repealed:

[Section 226. Election of Commissioners in New Townships.--At the first municipal election following the creation of a township as hereinbefore provided, if such township has not been divided into wards, there shall be elected five township commissioners at large. Three of such commissioners shall be elected for terms of four years each, and two for terms of two years each, from the first Monday of January next following such election. The ballots at such election shall designate the term for which each commissioner is elected. Their successors shall be elected for terms of four years in accordance with this act.]

Section 227. Election of Tax Collector in New Townships.--At the municipal election, the qualified electors of a new township shall elect a tax collector for a two or four year term so that the term shall expire at the same time as the terms of tax collectors of other townships of the first class under the provisions of this act. Thereafter the term of tax collector of said township shall be four years from the first Monday of January next following his election.]

Section 12. Section 235 of the act is amended to read:

Section 235. Certificate of Creation of Township.--[Whenever a township of the first class is created, the clerk of the court shall certify such creation to the Department of Community Affairs and Department of Highways of the Commonwealth.] **If a township of the first class is created, the clerk of the court shall certify to the Department of State, the Department of Transportation, the Department of Community and Economic Development and the county planning commission a copy of the record constituting the charter of the township.** The clerk of the court [shall be allowed] **may charge** a fee of three dollars and fifty cents [for his services] **(\$3.50)**, to be paid as part of the costs of the proceedings.

Section 13. Article II of the act is amended by adding a subdivision to read:

(f) Change of Name of Township of First Class

Section 240. Change of Name of Township.--(a) Upon petition to the court of common pleas of at least 10% of the electors of a township, or upon passage of a resolution by the board of commissioners, seeking a change of the name of the township, the court shall order a referendum on the question.

(b) If the court determines that the petition or resolution for change of name of the township is in proper form and properly executed, the original petition or resolution shall be filed with the clerk of the court. A copy of the petition or resolution and order of the court shall be filed with the

county board of elections which shall frame the question to be submitted to the electors at the next general or municipal election which occurs at least 60 days after the court order.

(c) The election officers shall compute the votes cast on the question and certify the votes to the clerk of the court of common pleas who shall tabulate the votes and certify the result. If a majority of the votes cast at the election are in favor of the change of township name, the court shall so order and shall order the record of the proceedings to be permanently recorded. If a majority of the votes are against the change, there shall be no further proceedings on the petition or resolution.

Section 14. Article II.I of the act is repealed:

[ARTICLE II.I

CHANGE OF NAME OF TOWNSHIP OF FIRST CLASS

Section 2.201. Petition of Electors.--Upon petition to the court of quarter sessions of at least ten per centum of the registered electors of any township of the first class setting forth that the inhabitants of the township desire to change the name of the township, the court shall order an election to be held on the next day appointed for the holding of a general, municipal or primary election occurring at least ninety days after the presentation of the petition, at which election the question whether the name of the township shall be changed shall be submitted to the voters of the township.

Section 2.202. Filing and Advertisement of Petition.--Upon determination by the court that the petition for change of name of the township is in proper form and properly executed, and the entry of the court order thereon, the original petition shall be filed with the clerk of the court and a copy of the petition and order of the court shall be filed with the county board of elections which shall frame the proper question to be submitted to the electors at the election ordered by the court. Notice of the election shall be given in at least one newspaper of general circulation of the proper county once a week for four consecutive weeks, which shall set forth the time of the election and the purpose thereof. The publication of the notice shall be made on behalf of the petitioners in such form as the court shall approve.

Section 2.203. Returns and Effect of Election.--The election officers shall compute the votes cast on the question and make return thereof to the clerk of the court of quarter sessions who shall tabulate the same and certify the result thereof. If a majority of the votes cast at any such election shall be in favor of the change of township name, the court shall so order and shall order the record of the proceedings to be permanently recorded. If a majority of the votes were against the change, there shall be no further proceedings on the petition.]

Section 15. Sections 301, 302, 303, 304, 305, 306, 307 and 401 of the act are amended to read:

Section 301. Stream Boundaries.--[Whenever any township is bounded by the nearest margin of any navigable stream, and the opposite township, borough, or city, as the case may be,] **If a township is bounded by the nearest margin of a navigable stream and an opposite municipal corporation** is also bounded by the nearest margin of the same stream, the middle of [such] **the** stream shall be the boundary between [such] **the** township and the opposite [township, borough or city. Nothing contained in this section shall be construed to repeal any local or special law providing to the contrary.] **municipal corporation. This section shall not repeal any local or special law.**

Section 302. **Petition to Court; Establishment of Disputed Boundaries.**--The [courts of quarter sessions] **court of common pleas** may, upon the presentation of a petition signed by at least fifty [freeholders,] residents of the township, [(a) alter the lines of a township and any adjoining township, borough or city so as to suit the convenience of the inhabitants thereof; (b) cause the lines or boundaries of townships to be ascertained and established; and (c)] ascertain and establish disputed lines and boundaries between [two or more townships or between townships and cities or boroughs. When any such] **a township and other municipal corporations. When a** petition is presented, the court may require the petitioners to file a bond in sufficient sum to secure the payment of all costs of the proceeding.

Section 303. [Petition to Court; Commissioners'] **Boundary Commissioners; Report.**--Upon application by petition, **in accordance with section 302,** the court shall appoint three impartial citizens **as boundary commissioners,** one of whom shall be a registered **professional** surveyor or **registered professional** engineer[, to inquire into the prayer of the petition. After having given notice to parties interested]. **After giving notice to interested parties and upon publication of the petition,** as directed by the court, the **boundary** commissioners shall hold a hearing and view the **disputed** lines or boundaries[; and they, or any two of them,]. **Prior to the hearing, the boundary commissioners shall have a registered professional surveyor, not appointed by the court as a boundary commissioner, survey the disputed boundary line. The survey shall be reviewed by the boundary commissioners or a registered professional surveyor. A majority of the boundary commissioners shall prepare a report[, together with their opinion of the same, and accompany it with] accompanied by a plot or draft of the lines and boundaries proposed to be [altered or] ascertained and established if [the same] they cannot be fully designated by natural lines or boundaries. Upon the filing of [any such] the report, the same shall be confirmed [nisi and] subject to exceptions filed under section 304, and the court may, by its order, direct publication of the report and require [such notice to be given by the petitioners to the parties interested, as it deems proper.] notice to be given by the petitioners to the interested parties as the court deems proper.**

Section 304. **Exceptions and Procedure.**--Exceptions to [any such report may be filed by any person interested or political subdivision within thirty days after the filing of the report, and the court may thereupon fix a day for the hearing of such exceptions, of which such notice shall be given as the court may direct. After hearing, the court shall have power to sustain such exceptions or to dismiss them and confirm the report, or refer the report back to the same or new commissioners, with like authority to make another report, on which like legal proceedings may be had. Where no exceptions are filed within thirty days after the filing of the report, the court shall confirm the same absolutely. When any report is confirmed absolutely, the court shall enter a decree altering or ascertaining and establishing the lines and boundaries as shown in said report.] **the report may be filed by an interested person or political subdivision within thirty days after the filing of the report, and the court shall set a day for the hearing of the exceptions. Notice of the hearing shall be given as the court may direct. After hearing, the court may sustain the exceptions, dismiss the exceptions and confirm the report or refer the report back to the same or new boundary**

commissioners with authority to make another report. If no exceptions are filed within thirty days after the filing of the report, the court shall confirm the report absolutely. If a report is confirmed absolutely, the court shall enter a decree ascertaining and establishing the lines and boundaries as shown in the report. The court shall direct publication of the decree establishing the lines and boundaries.

Section 305. [Monuments.--Whenever any such township line or boundary is altered or ascertained and established, the court shall cause the same to be appropriately marked with stone monuments placed at intervals not exceeding fifteen hundred feet.] **Boundary Monuments.--The court shall order that a township line ascertained and established pursuant to this article to be appropriately marked.**

Section 306. Compensation and Expenses of **Boundary Commissioners; Cost.--**The compensation and expenses of boundary commissioners appointed to [alter or] ascertain and establish township lines shall be in [the] **a reasonable** amount approved by the court. The court shall, by its order, provide how the costs and expenses of [any such proceeding] **the proceedings**, including the furnishing and placing of monuments, shall be paid, and may assess them against the petitioners, [any township or municipalities interested, or any of them.] **the township or any interested municipal corporation, individually or in apportioned amounts as the court deems equitable.**

Section 307. Adjustment of Indebtedness.--[Whenever the boundaries of any township have been altered or ascertained and established, the court of quarter sessions may adjust the taxes, debts, and expenses for township, municipal and school purposes between the townships, municipalities and school districts affected.] **If the boundaries of a township are ascertained and established, the court of common pleas may adjust the taxes, debts and expenses for township, municipal and school purposes between the townships, municipal corporations and school districts affected.**

Section 401. Creation[, Division and Redivision of Wards.--]The court of quarter sessions, upon petition, may divide or redivide any township, heretofore or hereafter created, into wards, erect any wards out of two or more adjoining wards, or parts thereof, consolidate two or more wards into one ward, divide any wards already erected into two or more wards, or alter the lines or boundaries of any two or more adjoining wards, and may cause lines or boundaries of wards to be fixed and established. No township shall be divided or redivided into more than fifteen wards.] **and Alteration of Wards.-- (a) In addition to reapportionment initiated in accordance with 53 Pa.C.S. Ch. 9 (relating to municipal reapportionment) and section 11 of Article IX of the Constitution of Pennsylvania, the board of commissioners may, by ordinance, do any of the following:**

- (1) Divide townships into wards.
 - (2) Create new wards out of two or more adjoining wards or parts of wards.
 - (3) Consolidate two or more wards into one ward.
 - (4) Divide any ward already erected into two or more wards.
 - (5) Alter the lines of two or more adjoining wards.
 - (6) Cause the lines or boundaries of wards to be ascertained or established.
 - (7) Abolish all wards.
- (b) The following shall apply:

(1) No township may be divided or redivided into more than 15 wards.

(2) No ward shall be created containing less than [three hundred registered electors therein, and all wards which now, or at any time hereafter shall, contain] **300 registered electors.**

(3) At the discretion of the board of commissioners, any ward which contains less than [three hundred and fifty registered electors therein may in the discretion of the court be abolished, and if so abolished, the territory thereof shall be distributed among the remaining wards in such manner as the court of quarter sessions shall direct. All other wards as heretofore established shall remain as heretofore until altered or divided as provided in this article: Provided, That if, in townships wherein any ward shall be] **350 registered electors may be abolished, and the territory of the ward may be merged into a contiguous existing ward or wards. If two or more contiguous wards have respective populations not meeting the population threshold of 350 registered electors, the commissioners may consolidate those contiguous wards into one ward. All other wards shall remain as established until altered or divided as provided in this article. The composition of the wards shall be subject to subsection (d).**

(c) If a ward is abolished [as herein provided,] under this section and the number of wards [shall be] in the township is reduced to less than five, then the commissioner or commissioners in the [ward or wards] abolished ward or wards shall continue in office for the term for which elected, and shall become a commissioner or commissioners at large from [such township as provided in this act, with respect to townships having less than five wards.] **the township.**

(d) All wards in the township shall be numbered and composed of compact and contiguous territory as nearly equal in population as practicable as officially and finally reported in the latest official census.

Section 16. The act is amended by adding a section to read:

Section 402.1. Petition of Electors.--(a) At least 5% of registered electors of the township or, for a proposal affecting only a portion of the township, at least 5% of the registered electors of the ward which would be affected by the proposal, may petition the board of commissioners to initiate proceedings under section 401 and may present to the board of commissioners a plot showing the boundaries of the proposed wards of the township. The board of commissioners shall, by motion approved by a majority of the commissioners and within 90 days of presentment of the petition, determine whether to initiate proceedings under section 401.

(b) If the board of commissioners has not approved a motion within 90 days after the presentment of a petition under subsection (a), 10 registered electors may petition the court of common pleas and contest the existing apportionment as violating section 401(b) or (d). The proceedings before the court shall be conducted in accordance with 53 Pa.C.S. §§ 906 (relating to contest of reapportionment by governing body) and 907 (relating to costs and expenses of contest).

Section 17. Section 403 of the act is repealed:

[Section 403. Filing and Confirmation of Report; Exceptions.--When the report is presented, the court shall confirm the report nisi, which confirmation shall become absolute unless exceptions thereto are filed within thirty days

after such confirmation nisi. The court may grant a review if, in its opinion, a better adjudication may thereby be secured. If no exceptions are filed, the court may confirm the report, or make such other order as by it shall be deemed proper. If exceptions are filed, the court shall fix a time for hearing, and thereafter shall enter such decree as by it shall be deemed just and proper. From the final decree as entered by the court of quarter sessions, there shall be no appeal.]

Section 18. The act is amended by adding a section to read:

Section 403.1. County Board of Elections.--A copy of the ordinance enacted pursuant to section 401, along with a plot showing the boundaries of the wards established, shall be forwarded to the county board of elections.

Section 19. Sections 404, 405 and 406 of the act are repealed:

[Section 404. Compensation of Commissioners.--The commissioners, appointed under the provisions of this act, shall receive such compensation as the court shall fix. The compensation of the commissioners and reasonable attorney's fees, shall be paid by the township in all cases where the prayer of the petitioners is granted, and in other cases shall be paid by the petitioners.]

Section 405. Election Districts.--The court of quarter sessions may, from time to time, divide any such ward into two or more election districts so as to suit the conveniences of the electors thereof.

Section 406. Numbering of Wards.--When any township shall be divided or redivided into wards, or when any ward in any township shall be created, divided, or altered, the court shall, in its decree, fix the number of each of the wards of such township.]

Section 20. Sections 407 and 408 of the act are amended to read:

Section 407. Schedule for Election of Commissioners in Townships First Divided into Wards.--When a township is first divided into wards, the township commissioners then in office shall continue in office until the expiration of their respective terms.

At the first municipal election occurring at least [ninety] **90** days after [such] **the** division into wards, there shall be elected, by the registered electors of each ward of the township, one township commissioner, who shall reside in the ward for which [he] **the commissioner** is elected. At [such] **the** election, the township commissioners elected in even-numbered wards shall be elected for terms of two years each, and those in odd-numbered wards for terms of four years each, or vice versa, as the case may be, in order that the expiration of [such] **the** terms will harmonize with the expiration of terms of township commissioners elected for [such] **the even or odd** numbered wards under the provisions of this act. Thereafter, successors to [such] **the** commissioners shall be elected for terms of four years each at the municipal election immediately preceding the expiration of the terms of ward commissioners.

If the number of wards into which the township has been divided is less than five, then, at the municipal election preceding the expiration of the terms of any commissioner or commissioners [theretofore] elected at large, if [such] **the** expiration of terms will leave the township with less than five township commissioners, there shall be elected at large a sufficient number of township commissioners so that the total number of commissioners elected by wards and at large in the township shall thereafter be five. If one township commissioner

is elected at large [at such election, he], **the commissioner** shall be elected for a term of four years. If two township commissioners are elected at large [at such election], one shall be elected for a term of two years, and one for a term of four years. If three township commissioners are elected at large [at such election], two shall be elected for terms of four years each, and one for a term of two years. Successors to [such] **the** township commissioners elected at large [at such election] shall be elected for terms of four years each.

All terms of office of township commissioners, elected at large or by wards, shall commence on the first Monday of January next following their election.

Section 408. Schedule of Election of Commissioners in Newly Created Wards.--[Whenever] **If a new ward is created** in a township previously divided into wards[, a new ward is created,] and the number of wards [thereafter in such] **in the** township, including the new ward, is less than five, then, at the **next** municipal election [next] following the expiration of the term of the commissioner or commissioners elected at large whose terms shall first expire after [such creation] **the creation of the new ward**, there shall be elected, by the registered electors of [such] **the** new ward, one township commissioner, who shall reside in the ward for which [he] **the commissioner** is elected, for a term of two or four years, so that the expiration of [his] **the commissioner's** term will harmonize with the expiration of terms of commissioners for [such] **the even or odd** numbered wards under the provisions of this act. Successors to [such] **the** township commissioners shall be elected for terms of four years. The number of commissioners thereafter elected at large in [any such] **the** township shall be the difference between the number of wards and five, and a sufficient number of commissioners shall be elected at large at each municipal election preceding the expiration of terms of commissioners at large so that the total number of commissioners in the township will at all times be five.

[Whenever,] **If a new ward is created** in any township previously divided into wards[, a new ward is created,] and the number of wards thereafter in [such] **the** township is five, then, at the municipal election preceding the expiration of the term of office of any commissioner or commissioners elected at large, a township commissioner shall be elected for [such] **the** ward, who shall reside in the ward. [Such] **The** election shall be for a two or four year term so that the expiration of [his] **the commissioner's** term will harmonize with the expiration of terms of commissioners for [such] **the even or odd** numbered wards under the provisions of this act. The successor to [such] **the** ward commissioner shall be elected for a four-year term. No township commissioner shall thereafter be elected at large in [such] **the** township.

If the number of wards in [such] **the** township, including the new ward, [shall] **will** be more than five, the court of [quarter sessions] **common pleas** shall appoint a township commissioner for [such] **the** new ward, who shall hold office until the first Monday in January succeeding the first municipal election at which township commissioners are elected in [such] **the even or odd** numbered wards under the provisions of this act, at which election, and every four years thereafter, a township commissioner, who shall reside in the ward, shall be elected by the qualified electors of [said] **the** ward for a term of four years.

All township commissioners elected under this section shall take office on the first Monday of January next succeeding their election.

Section 21. The act is amended by adding a section to read:

Section 409. Pennsylvania Election Code.--Nothing in this article shall be construed as affecting the powers and duties of the court of common pleas, the county board of elections or restrictions on alteration of election districts as provided in Article V of the act of June 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania Election Code."

Section 22. Sections 501, 502 and 503 of the act are amended to read:

Section 501. Eligibility.--(a) Only a registered elector of a township may be eligible to an elective office in the township. Before being sworn into office, each elected township officer, or, **except as provided under section 530, each** appointed township officer in case of a vacancy in an elective office, shall present a signed affidavit to the township secretary stating that the officer resides in the township, or within the ward in the case of a ward office, from which elected or appointed and has resided in the township or ward continuously for at least one year immediately prior to the officer's election or appointment. In the case of a newly created ward in existence for less than one year at the time of a township officer's election or appointment, the affidavit shall state that the officer has resided within the township continuously for at least one year immediately prior to the officer's election or appointment and within the ward from the date of the ward's creation continuously until the officer's election or appointment.

(b) If an individual elected to office, or appointed to an elective office, fails to give the required bond, take the required oath or provide a signed affidavit, a vacancy is created in the office for which the individual was elected or appointed and the vacancy shall be filled as provided in section 530.

(c) No individual may hold more than one elective township office at the same time.

Section 502. [Hold Until Successors Qualified.--Officers of townships other than township commissioners shall hold their offices until their successors are elected and qualified, but such service shall not continue longer than the first Monday of January succeeding the next municipal election at which election a successor shall be elected for the unexpired term.]

Term of Office.--Except if a vacancy in office occurs pursuant to section 530, officers shall hold office for the term for which the individual was elected. Officers shall not serve longer than the first Monday of January succeeding the municipal election at which a successor was elected.

Section 503. Elected Officers [Enumerated].--(a) The electors of each township shall elect [(a) at least five township commissioners, (b) one township tax collector and (c) except as otherwise hereinafter provided, three elected auditors or one appointed auditor, or one controller where such office has been established. Elected township officers shall be registered electors of the township.]:

(1) At least five township commissioners. The following shall apply:

(i) In townships divided into wards but having less than five wards, the number of commissioners shall be five. One commissioner shall be elected from each ward, and the remaining number of commissioners, to which the

township is entitled, shall be elected at large. In townships having five or more wards, one commissioner shall be elected from each ward. Township commissioners shall be elected at municipal elections, preceding the expiration of the terms of commissioners then in office, for terms of four years each. Commissioners from odd-numbered wards shall be elected at alternate municipal elections than the municipal elections at which commissioners from even-numbered wards are elected. Elections at large shall be held at the municipal election preceding the expiration of the term of any commissioner elected at large.

(ii) In townships not divided into wards, there shall be five township commissioners, who shall be elected at large by the voters of the township. At each municipal election, two or three township commissioners, as the case may be, shall be elected for terms of four years each to take the place of the commissioners whose terms then expire.

(2) One township tax collector, and the following shall apply:

(i) The township tax collector shall be elected at municipal elections every four years. An individual must be a qualified tax collector or, in the case of an individual appointed to fill a vacancy in the office of tax collector, become a qualified tax collector, in accordance with the act of May 25, 1945 (P.L.1050, No.394), known as the Local Tax Collection Law.

(ii) If no individual is elected to the position of tax collector in the municipal election, or if the position of tax collector becomes vacant, the board of commissioners may, by resolution, appoint an individual or person to collect taxes. If a person other than an individual is appointed, the person shall post bonds to the same extent as would an individual appointed to fill the vacancy and as further provided by terms and conditions as set forth by the board of commissioners. Notwithstanding the Local Tax Collection Law, if a person other than an individual is appointed as a tax collector, no individual employed by the appointed tax collector or any of the appointed tax collector's officers shall be required to be or become a qualified tax collector or to file criminal history record information.

(3) Three elected auditors, and the following shall apply:

(i) At each municipal election, one auditor shall be elected for a term of six years. No auditor shall at the same time hold any other elective or appointive office.

(ii) The board of commissioners may provide by ordinance for the appointment of an independent auditor, in lieu of providing for the election of three auditors, as provided in subparagraph (i) or one controller as provided in paragraph (4). After enactment of the ordinance, an independent auditor shall be appointed annually by resolution at least thirty days prior to the close of the fiscal year. The office of elected auditor is abolished upon the appointment of an independent auditor.

(iii) The board of commissioners shall have the right at any time to repeal the ordinance providing for the appointed independent auditor, whereupon three

auditors shall be elected at the next municipal election following the repeal of the ordinance, to whom the following shall apply:

(A) One elected auditor shall serve a term of two years.

(B) One elected auditor shall serve a term of four years.

(C) One elected auditor shall serve a term of six years.

(D) The three elected auditors shall have all the powers and perform all the duties as provided in this act for elected auditors.

(4) One elected controller in lieu of three elected auditors, and the following shall apply:

(i) The provisions of this act relating to the controller shall not become operative or effective until the board of commissioners shall, by ordinance, accept the provisions of this act relating to the office of controller.

(ii) When a township has provided by ordinance for the office of an elected controller, the board of commissioners shall petition the court of common pleas to appoint a controller to hold office until the first Monday of January next succeeding the next municipal election when a controller shall be elected. When a controller is appointed or elected as provided within this paragraph, the office of elected auditor is abolished.

(iii) One controller, who shall be a competent accountant, shall be elected at municipal elections every four years.

(iv) The office of controller shall be continued until the ordinance is repealed, when the office of controller shall terminate. The township shall either appoint an independent auditor or, at the next municipal election following the repeal of the ordinance, provide for the election of three auditors, to whom the following shall apply:

(A) One elected auditor shall serve a term of two years.

(B) One elected auditor shall serve a term of four years.

(C) One elected auditor shall serve a term of six years.

(D) The three elected auditors shall have all the powers and perform all the duties as provided in this act for elected auditors.

(b) The terms of each elected officer under this section shall begin the first Monday of January next succeeding the individual's election.

Section 23. (Reserved).

Section 24. Subdivisions (b), (c), (d), (e) and (f) of Article V of the act are repealed:

[(b) Commissioners

Section 504. Number and Election of Commissioners in Townships Having Wards.--In townships having less than five wards, the number of commissioners shall be five. One such commissioner shall be elected from each ward, and the remaining number of commissioners, to which the township is entitled, shall be elected at large. In townships having five or more wards, one commissioner shall be elected from each ward. Commissioners shall reside in the ward from which elected, and

shall have resided in said ward continuously for at least one year before their election. Township commissioners shall be elected at municipal elections, preceding the expiration of the terms of commissioners then in office, for terms of four years each, from the first Monday of January succeeding their election. At the election in the year one thousand nine hundred and fifty-one, the commissioners from odd-numbered wards shall be elected, and at the election in the year one thousand nine hundred and fifty-three, those from even-numbered wards shall be elected. Elections at large shall be held at the municipal election preceding the expiration of the term of any commissioner elected at large.

Section 505. Number and Election of Commissioners in Townships Not Divided into Wards.--In townships not divided into wards, the number of township commissioners shall be five, who shall be elected at large by the voters of the township. At each municipal election, two or three township commissioners, as the case may be, shall be elected for terms of four years each, from the first Monday of January next succeeding, to take the place of the commissioners whose terms then expire. Commissioners shall reside in the township from which elected and shall have resided in that township continuously for at least one year before their election.

(c) Tax Collector

Section 510. Election of Tax Collector.--(a) At the municipal election in 2013 and every fourth year thereafter, the electors of each township shall elect one tax collector to serve for a term of four years from the first Monday of January after the election, except when vacancies create shorter terms. Tax collectors shall reside in the township from which they are elected and shall have resided in that township continuously for at least one year immediately preceding their election.

(b) If the electors of a township fail to choose a tax collector or if a person elected to the office fails to give the required bond or take the required oath, the vacancy shall be filled as provided in section 530.

(c) Compensation for tax collectors shall be fixed by ordinance as provided in section 603.

(d) Assessors

(e) Auditors

Section 520. Election of Auditors.--At each municipal election, one auditor shall be elected for a term of six years, from the first Monday of January succeeding such election. No auditor shall at the same time hold any other elective or appointive office.

Any township may, instead of electing three auditors as above provided or one controller as hereinafter provided, provide, by ordinance, for the audit of its accounts by an independent auditor who shall be a certified public accountant, registered in Pennsylvania, a firm of certified public accountants so registered, or a competent public accountant, or a competent firm of public accountants. Where such an ordinance has been so adopted, an independent auditor shall be appointed, annually, by resolution before the close of the fiscal year, to make an independent examination of all the accounts and accounting records of the township for the fiscal year then closing. Said appointment shall be made at least thirty days prior to the close of the fiscal year. Such independent auditor shall have and possess all the powers and perform all the duties provided in this act for elected auditors. The compensation of any such type of appointed auditor shall be fixed by the board of commissioners. When an independent auditor is appointed as

herein provided, the office of elected auditor is hereby abolished.

Whenever any township has heretofore provided by ordinance, for the audit of its accounts by an appointed auditor, said township shall have the right at any time to repeal said ordinance; and, thereupon, the office of appointed auditor shall be abolished, and said township shall have the further right, at the next municipal election following the repeal of said ordinance, to elect three auditors, one for a term of two years, one for a term of four years, and one for a term of six years from the first Monday of January succeeding such election, which auditors so elected shall succeed the appointed auditor, and shall have and possess all the powers and perform all the duties provided in this act for elected auditors.

(f) Controller

Section 525. Election of Controller.--The qualified electors in every township of the first class, accepting the provisions of this act relating to the controller as hereinafter provided, shall, at the municipal election in the year one thousand nine hundred and fifty-three, and every four years thereafter, elect as township controller one person, who shall be a competent accountant and a registered elector of the township. The person so chosen shall serve for a term of four years, from the first Monday of January next succeeding his election.

Section 526. Acceptance of Controller; Provisions by Ordinance.--The provisions of this act relating to the controller shall not become operative or effective in any township until the board of commissioners shall, by ordinance, accept the provisions of this act relating to the office of controller. Such office of controller shall be continued until the acceptance ordinance be repealed, when it shall terminate and the accounts of township officers shall thereafter be audited by auditors as in this act provided. When any township so accepts the provisions of this act, the court of quarter sessions, upon petition of the board of commissioners, shall appoint a controller, to hold office until the first Monday of January next succeeding the next municipal election at which a controller may be elected under the provisions of this act.

In all townships of the first class so accepting the provisions of this act, the office of township auditor is abolished.]

Section 25. Sections 530, 601, 602, 603 and 605 of the act are amended and section 604 is carried without amendment to read:

Section 530. Vacancies in General.--(a) If a vacancy occurs in the office of township commissioner, auditor, controller, or tax collector by death, resignation, removal provided in section 604, termination of residency from the township or ward in the case of a ward office, or by failure to take the required oath, give required bond or provide the affidavit required under section 501, or otherwise, the board of [township] commissioners shall fill the vacancy within thirty (30) days by appointing by resolution a registered elector of the township or ward in the case of a ward office, in which the vacancy occurs. **If a person other than an individual is appointed to fill a vacancy in the office of tax collector under section 503(a)(2)(ii), the person shall not be required to file the affidavit required under section 501. An individual appointed as a tax collector under section 4.2 or 4.4 of the act of May 25, 1945 (P.L.1050, No.394), known as the Local Tax Collection Law, shall not be required to file an affidavit required under section 501.**

(a.1) The following shall apply:

(1) A vacancy shall not be created by a resignation until the date that the resignation is accepted by a majority vote of a quorum of the **board of** commissioners at a public meeting or the effective date of the tendered resignation, whichever is later. The **board of** commissioners must accept a resignation no later than forty-five (45) days after it has been tendered in writing to the **board of** commissioners, unless it is withdrawn in writing prior to acceptance.

(2) A resignation that is not accepted as provided under paragraph (1) shall be deemed accepted after forty-five (45) days.

(b) If the board of [township] commissioners of any township shall refuse, fail, or neglect, or be unable for any reason whatsoever, to fill a vacancy within thirty (30) days after the vacancy occurs, then the vacancy board shall fill the vacancy within fifteen (15) additional days by appointing a registered elector of the township or ward in which the vacancy occurs. The vacancy board shall consist of the board of commissioners and one registered elector of the township, who shall be appointed by the board of [township] commissioners at the board's first meeting each calendar year or as soon thereafter as practical. The registered elector shall act as chairperson of the vacancy board and shall serve as the chairperson until the chairperson's successor is appointed.

(b.1) If the vacancy board does not fill the vacancy within fifteen (15) days, the chairperson shall, or in the case of a vacancy in the chairpersonship the remaining members of the vacancy board shall, petition the court of common pleas to fill the vacancy by appointing a registered elector of the township or ward, in which the vacancy occurs.

(b.2) If there are vacancies in a majority of the offices of commissioners, the court of common pleas shall fill the vacancies upon presentation of a petition signed by not less than fifteen (15) registered electors of the township.

(b.3) The registered elector appointed to fill a vacancy shall hold the office until the first Monday in January after the first municipal election occurring more than sixty (60) days after the vacancy occurs, at which election an eligible person shall be elected to the office for the remainder of the term. The appointed registered elector shall have been a resident of the township or ward continuously for at least one (1) year immediately prior to the appointment.

Section 601. Oath.--Every person elected or appointed to any township office in any township shall, before entering upon the duties of [his] office, take and subscribe an oath or affirmation **of office under 53 Pa.C.S. § 1141 (relating to form of oaths of office)**, before [some person having authority to administer oaths, to support the Constitution of the United States and of this Commonwealth, and to perform the duties of his office with fidelity. A copy of such] **any judge or magisterial district judge of the county or a notary public. A copy of the** oath or affirmation shall, within ten days thereafter, be filed with the township secretary.

Section 602. Bonds.--[When any officer or employe of any township is required to give bond for the faithful performance of his] **(a) Except as provided for in subsection (b), when any officer or employe of any township is required by law or action of the board of commissioners to give bond for the faithful performance of the officer's or employe's duties,** the bond shall be with a surety company or other company authorized by law to act as surety [and the]. **The** township shall

pay the premium on the bond, except that the premium on **the** bond of **the** township tax collector shall be paid by the respective taxing districts, as provided by the act of May 25, 1945 (P.L.1050, No.394), known as the "Local Tax Collection Law."

(b) When any officer or employe of a township, other than a tax collector, is required to give a bond for the faithful performance of the officer's or employe's duties, the board of commissioners may purchase insurance in lieu of a bond if the insurance covers the same events of loss and insures the township against the same misconduct as the bond.

Section 603. Compensation.--(a) Elected officers of townships other than tax collector shall receive [such] a salary, compensation or emoluments of office as may from time to time be fixed by ordinance of the township in accordance with [provisions of section 703.] **this act.**

(a.1) Notwithstanding section 34 of the act of May 25, 1945 (P.L.1050, No.394), known as the "Local Tax Collection Law," a township treasurer who is the elected tax collector of the township may receive a salary, compensation or emoluments of office in accordance with subsection (a) for the township treasurer's work as the township treasurer.

(b) Tax collectors shall receive [such] a salary, compensation or emoluments of office as may from time to time be fixed by ordinance of the township in accordance with the [act of May 25, 1945 (P.L.1050, No.394), known as the] "Local Tax Collection Law."

(c) Any change in salary, compensation or emoluments of office of an elected officer shall become effective at the beginning of the next term of the elected officer.

(d) Appointed officers and employes of the township shall receive [such] compensation for their services as the [township] **board of commissioners** shall prescribe.

Section 604. Removal of Township Officers and Appointees.--Whether elected or duly appointed to fill a vacancy in elective office, a township 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.

Section 605. Annuities in Lieu of Joining Pension or Retirement System.--(a) A township may **provide**, by ordinance, [provide as compensation] to employes of not less than ten years of satisfactory service **and** who are not less than sixty years of age upon termination of active employment with the township a proportion of the compensation last paid to them but not in excess of [fifty per centum thereof, as fixed in said ordinance or amendment thereto.] **50% of the compensation.**

(b) Any arrangement to provide post retirement compensation to [aged] **retired** appointees and employes pursuant to this section shall be a pension plan within the meaning of that term pursuant to the act of December 18, 1984 (P.L.1005, No.205), known as the "Municipal Pension Plan Funding Standard and Recovery Act," and the township establishing that plan shall provide funding of that pension plan in an amount sufficient to meet the minimum obligation of the municipality with respect to the pension plan pursuant to [that act. Nothing herein shall] **the "Municipal Pension Plan Funding Standard and Recovery Act."**

(c) **Nothing in this section shall be construed to** preclude any employe of the township from joining any pension system or

municipal retirement system that the township may establish or adopt. [The intent and purpose of this section is to permit townships, without levying any special tax or exceeding the existing tax limitation for general revenue purposes, to pay to their employees who are too old to advantageously join any pensioning or retirement system a reasonable annuity in lieu of joining a pension or retirement system, and who are not and cannot now be socially protected by any Federal social security system.]

(d) Upon the effective date of this subsection, a township may not provide for an annuity in lieu of employees joining a pension or retirement system. Nothing in this subsection shall be construed to affect the rights of any current or retired employees or appointees of a township entitled to payments granted in accordance with any annuity entered into prior to the effective date of this subsection.

Section 26. Subdivision (b) of Article VI of the act is repealed:

[(b) County Associations of Township Officers

Section 610. Formation of County Associations; Meetings.--County associations of township officers may be formed in the respective counties, or the township officers of two or more counties may form a joint county association. Such associations, when formed, shall hold annual conventions, or may hold semiannual or quarterly conventions, conferences, institutes, or schools at the county seats of the respective counties, or some other suitable place within the Commonwealth, for the purpose of considering and discussing questions and subjects pertaining to the best methods for the construction, improvement, and maintenance of the public highways and bridges, and the administration of township governments.

Section 611. Membership of Associations; Expenses of Members.--The township commissioners and other officers of the township designated by the township commissioners shall attend such conventions, conferences, institutes or schools whenever possible. Each township officer attending such convention, conference, institute or school shall receive a certificate, signed by the presiding officer and secretary or acting secretary of the association, attesting his presence at the convention, conference, institute, or school. Such certificate shall entitle him to collect from the township treasurer expenses which shall be limited to the registration fee, mileage for use of personal vehicle or reimbursement of actual transportation expense going to and returning from such meeting plus all other actual expenses that the township commissioners may have agreed to pay. Every delegate attending the annual meeting shall submit to the township commissioners an itemized account of expenses incurred thereat. The township commissioners may authorize township employees to be compensated at their regular employee rate during their attendance at the annual meeting. The board of township commissioners may authorize a commissioner who is not employed by the township to receive total or partial reimbursement for lost wages or salary while attending the annual meeting provided that sufficient documentation of such wages or salary is presented to the board of township commissioners to justify the reimbursement. The expenses of holding any such convention shall be paid pro rata by the townships joining therein.

Section 612. Officers of Association; Ex-Officio Membership.--The officers of the association shall consist of a president, two vice-presidents, a secretary, and a treasurer; all of whom, except the secretary, shall be members of the

association, and shall hold office for one year or until their successors are chosen. If desirable, the secretary may be a person not a regular member of the association, and may be paid for his service such compensation, not exceeding twenty-five dollars per annum, as the other officers may determine. Every township shall have one vote in the convention. The mayor of any city, the burgess of any borough, or their duly appointed representative, the county commissioners, and the judges of the court in the county, the township engineer of the State Highway Department, the assistant engineers of the division of township highways, and the superintendent of State highways in charge of such county, shall be eligible to membership, but shall not be entitled to vote nor to hold office.]

Section 27. Section 620 of the act is amended to read:

Section 620. [Formation of State Association Authorized.--The formation of a State association of township commissioners is hereby authorized. The township commissioners and not more than three other officers of the township designated by the township commissioners, including the delegate provided for by section six hundred twenty-one, may attend such meeting.] **State Association of Township Commissioners.--(a) The formation of a State association of township commissioners is authorized.**

(b) The association shall hold annual meetings[, at such] and educational conferences at a designated time and place within the Commonwealth [as it may designate, for the purpose of discussing various questions and subjects pertaining to the duties of township commissioners, and for the purpose of devising uniform, economical, and efficient methods of administering the affairs of townships.] for the purpose of addressing the interests of the townships. The expenses of the annual meetings and educational conferences may be paid, in full or in part, by the townships joining the association.

(c) The association, at its annual meeting and educational conference, by majority vote of all the voting delegates [there represented] attending, shall have power to adopt and amend bylaws to govern the association [which]. The bylaws shall govern the qualifications of delegates, election of officers, their designation, qualifications and duties, payment of dues and other organizational details. The association shall function under these bylaws for advancing the interest of and betterment of township government in townships of the first class.

[The dues as adopted in these bylaws are legal expenditures of the townships and shall be used to pay for the services, publications and other expenses, including the rental and acquisition of real estate to be used]

(d) The dues adopted in the bylaws shall be paid by each township upon becoming a member of the association and shall be used for association purposes and activities authorized or ratified by the association or incurred [in] on behalf of the association by its officers and executive committee.

Section 28. Section 621 of the act is repealed:

[Section 621. Delegates from Townships.--Each township shall send at least one township officer as a delegate to each annual meeting of said State association, who shall be selected by the commissioners of the township of which he is a commissioner or an officer.]

Section 29. The act is amended by adding a section to read:

Section 621.1. Authorization to Attend Annual Meetings and Educational Conferences.--(a) Township commissioners may attend each annual meeting and educational conference of the State

association of township commissioners. The board of commissioners shall, by motion, designate at least one township officer as a delegate to each annual meeting and educational conference. The delegate shall be a township commissioner or other township officer. The board of commissioners may, by motion, designate no more than two township officers, other than the township commissioners or the delegate, to attend each annual meeting and educational conference as nondelegates and authorize township employees to attend each annual meeting and educational conference.

(b) In addition to each annual meeting and educational conference as specified under subsection (a), the board of commissioners may authorize township officers and employees of the township to attend other conferences or educational training of the association.

Section 30. Section 622 of the act is amended to read:

Section 622. Expenses [of Delegates] Paid by Townships.--[Each] (a) **The board of commissioners shall, for each delegate and other officer or employee attending the annual meeting or other conference or educational training of the State association [shall be allowed] of township commissioners, pay expenses upon receipt of an itemized account of expenses, which shall be limited to the registration fee, mileage for use of personal vehicle or reimbursement of actual transportation expense going to and returning from [such] the meeting, conference or educational training plus all other actual expenses that the [township] board of commissioners may have agreed to pay. [Every delegate attending the annual meeting shall submit to the township commissioners an itemized account of expenses incurred thereat. The township]**

(b) **The board of commissioners may authorize township employees to be compensated at their regular employee rate during their attendance at the annual meeting or other conference or educational training. The board of [township] commissioners may authorize a commissioner [who is not employed by the township to receive total or partial reimbursement for lost wages or salary while attending the annual meeting provided that sufficient documentation of such wages or salary is presented to the board of township commissioners to justify the reimbursement. No delegate shall receive expenses for more than four days including the time employed in traveling thereto and therefrom, together with mileage going to and returning from the meeting. These expenses shall be paid by the respective townships.] to receive total or partial reimbursement for lost wages or salary while attending the annual meeting or other conference or educational training if sufficient documentation is presented to the board of commissioners to justify the reimbursement. The maximum time for which a delegate, township employee or commissioner shall be reimbursed for lost wages or salary while attending the annual meeting or other conference or educational training shall not be more than four days, including the time spent traveling to and from the event.**

Section 31. Sections 623 and 624 of the act are repealed:

[Section 623. Expenses of Annual Meeting.--The expenses of the annual meeting, including expenses of committees, printing, and stenographers, shall be paid by the respective townships joining in such State association.

Section 624. Conferences, Institutes and Schools.--The actual expenses for attending the conferences, institutes and schools of elected or appointed township officers and employees

may be paid by the township when authorized by the board of township commissioners and shall be limited to the registration fee, mileage for use of personal vehicle or reimbursement of actual transportation expense going to and returning from such meeting plus all other actual expenses that the township commissioners may have agreed to pay. Every delegate attending the annual meeting shall submit to the township commissioners an itemized account of expenses incurred at the annual meetings. The township commissioners may authorize township employes to be compensated at their regular employe rate during their attendance at the annual meeting.]

Section 32. Article VI of the act is amended by adding a subdivision to read:

(c.1) County Associations of Township Officers

Section 624.1. Formation of County Associations; Meetings.--County associations of township officers may be formed in the respective counties, or the township officers of two or more counties may form a joint county or regional association. The associations, when formed, shall hold annual, semiannual or quarterly conferences or educational training at the county seats of the respective counties, or some other suitable place within the Commonwealth, for the purpose of advancing the interests of the townships in the association and the inhabitants of the townships.

Section 624.2. Membership of Associations; Expenses of Members.--(a) The board of commissioners, newly elected township commissioners prior to officially taking office and other township officers designated by the board shall attend the conferences or educational training whenever possible. A township officer attending a conference or educational training shall receive a certificate, signed by the presiding officer and secretary or acting secretary of the association, attesting to the township officer's presence at the conference or educational training.

(b) The certificate shall authorize an officer to collect from the township treasurer expenses which shall be limited to the registration fee, mileage for use of personal vehicle or reimbursement of actual transportation expense going to and returning from a conference or educational training, plus all other actual expenses that the board of commissioners may have agreed to pay. Each officer attending a conference or educational training shall submit to the board of commissioners an itemized account of expenses incurred.

(c) The board of commissioners may authorize township employes to be compensated at their regular employe rate during their attendance at a conference or educational training. The board of commissioners may authorize a commissioner to receive total or partial reimbursement for lost wages or salary while attending the conference or educational training if sufficient documentation of the wages or salary is presented to the board of commissioners to justify the reimbursement.

Section 624.3. Officers of Association; Ex-Officio Membership.--(a) The officers of the association shall consist of a president and other officers as determined by the association's bylaws. All of the officers, except any secretary, shall be members of the association and shall hold office as determined by the association's bylaws or until their successors are chosen.

(b) Every township shall have one vote in a conference. A county association of townships may admit to membership of the association representatives of political subdivisions other than townships of the first class within the county, the judges

of the court of common pleas in the county and engineers or other personnel from the Department of Transportation of the Commonwealth. Representatives of political subdivisions other than townships of the first class within the county, the judges of the court of common pleas in the county and engineers or other personnel from the Department of Transportation shall not be entitled to vote at the conference or hold office in the association.

Section 33. Subdivision (d) heading and sections 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647 and 648 of the act are amended to read:

(d) Civil Service for Police and [Firemen] **Firefighters**

Section 625. Appointments of Police and [Firemen.--This subdivision (d) of this article] **Firefighters.--(a) This subdivision** shall not apply to any township having a police force of less than three members or to volunteer fire departments or companies employing their own [operators or to townships having less than three salaried operators of fire apparatus. The subdivision (d) of this article is subject, as heretofore, to the power of the township commissioners to determine compensation. Hereafter, each and every appointment to and promotion directly by the township shall be made only according to qualifications and fitness to be ascertained by examinations which shall be competitive, as hereinafter provided.] **firefighters or to townships having less than three salaried firefighters.**

(b) This subdivision shall be subject to the power of the board of commissioners to determine compensation.

(c) An appointment to and promotion in the township's police force or fire department paid directly by the township shall be made only according to qualifications and fitness to be ascertained by an examination. An examination for qualifications and fitness shall be competitive as provided under this subdivision.

(d) No [person shall hereafter] **individual** shall be suspended, removed or [reduced in rank] **demoted** as a paid employe in any police force or as a paid [operator of fire apparatus] **firefighter** of any township, except in accordance with the provisions of this subdivision.

(e) **Nothing in this subdivision shall apply to retirement or be construed to prevent a township from adopting a compulsory retirement age for the township's employes or any class of employes or to prevent the township from retiring the township employes automatically when they attain the compulsory retirement age.**

Section 626. Civil Service Commission Created; Appointments; Vacancies.--[There is hereby created in each township where a police force or paid fire apparatus operators as hereinbefore provided are being maintained, a civil service commission, hereinafter referred to as the commission. The commission shall consist of three commissioners who shall be qualified electors of the township and shall be appointed by the township commissioners initially to serve for the terms of two, four and six years, and as terms thereafter expire shall be appointed for terms of six years.

Any vacancy occurring in any commission for any reason whatsoever shall be filled for the unexpired term within the period of thirty days after such vacancy occurs.

Each member of the commission created by this subdivision, before entering upon the discharge of the duties of his office, shall take an oath or affirmation to support the Constitution

of the United States and of the Commonwealth of Pennsylvania and to perform his official duties with fidelity.

The township] **(a) Subject to section 625(a), a civil service commission is established in each township where a police force or paid firefighters force is maintained.**

(b) The commission shall consist of three civil service commissioners who shall be qualified electors of the township and shall be appointed by the board of commissioners initially to serve for the terms of two, four and six years. Upon the expiration of the term of a civil service commissioner, the successor shall be appointed for a term of six years.

(c) A vacancy occurring in the commission for any reason shall be filled by the board of commissioners for the remainder of the unexpired term no later than 30 days after the vacancy occurs.

(d) Before entering upon the discharge of the duties of office, a civil service commissioner shall take an oath or affirmation of office in accordance with 53 Pa.C.S. § 1141 (relating to form of oaths of office).

(e) The board of commissioners may appoint no more than three qualified electors of the township to serve as alternate members of the commission. The term of office of the alternate members shall be six years. [When] If seated pursuant to section 628, an alternate shall be entitled to participate in all proceedings and discussions of the commission to the same and full extent as provided by law for commission members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this act and as otherwise provided by law. Alternates shall hold no other office in the township. [Any] An alternate may participate in any proceeding or discussion of the commission but shall not be entitled to vote as a member of the commission unless designated as a voting alternate member pursuant to section 628.

(f) The civil service commissioners shall receive no compensation.

Section 627. Offices Incompatible With Civil Service Commissioner.--No **civil service** commissioner shall at the same time hold an elective or appointed office under the United States government, the Commonwealth of Pennsylvania, or any political subdivision of the Commonwealth, except that one member of the commission may be a member of the board of [township] commissioners.

Section 628. Organization of Commission; Quorum.--[The commission first] **(a) The first commission** appointed shall organize within ten days of its appointment and shall elect one of its members as the [chairman] **chairperson** and one as the secretary. The commission shall thereafter meet and organize [on] **within 30 days of** the first Monday of each even-numbered year. Each **civil service** commissioner shall be notified in writing of each and every meeting.

(b) Three members of the commission shall constitute a quorum. If, by reason of absence or disqualification of a member, a quorum is not reached, the [chairman] chairperson shall designate as many alternate members of the commission to sit on the commission as may be needed to provide a quorum.

(c) [Any] An alternate member of the commission shall continue to serve on the commission in all proceedings involving the matter or case for which the alternate was initially designated until the commission has made a final determination of the matter or case. Designation of an alternate member pursuant to this section shall be made on a case-by-case basis

in rotation according to declining seniority among all alternates.[No action of the commission shall be valid unless it shall have the concurrence of at least two members.]

(d) An action by the commission shall only be valid if the commission has the concurrence of a majority of the quorum.

Section 629. Clerks and Supplies; **Solicitor.**--The township shall [furnish] **provide** to the commission, on its requisition, [such] clerical assistance [as] **that** may be necessary for the work of the commission. The township shall provide a suitable and convenient room for the use of the commission. The commission shall order from the township the necessary stationery, postage, printing or supplies[, and the elected and appointed officials of every such township shall aid the commission in all proper ways in carrying out the provisions of this subdivision.]. **The commission may appoint a solicitor. The township shall pay for the solicitor's services to the commission. The township may place a reasonable limit on the amount of compensation authorized each year for the services of the solicitor. The elected and appointed officials of the township shall aid the commission in carrying out the provisions of this subdivision.**

Section 630. Rules and Regulations.--**(a)** The commission shall have power to prescribe, amend and enforce rules and regulations for carrying into effect the provisions of this subdivision and shall be governed [thereby. Before any such rules and regulations are in force, the same shall first be approved by the township commissioners. When such rules and regulations have been so approved they shall not be annulled, amended or added to without the approval of the township commissioners. All rules and regulations and modifications thereof shall be printed for public distribution at the expense of the township.] **by the commission's rules and regulations. The board of commissioners may not promulgate rules and regulations, or amendments to them, for carrying into effect the provisions of this subdivision. The board of commissioners may make suggestions regarding proposed rules and regulations or amendments to the rules and regulations to members of the commission for their consideration. Regardless of whether the board of commissioners makes suggestions regarding proposed rules and regulations or amendments to the rules and regulations, rules and regulations or amendments shall be approved by the board of commissioners before the effective date of the rules and regulations or amendments. When the rules and regulations or amendments have been approved by the board of commissioners, the rules and regulations or amendments shall not be abrogated, amended or added to without the approval of the board of commissioners.**

(b) The rules and regulations of the civil service commission shall reflect any minimum qualifications for police officers and paid firefighters pertaining to age, educational background, years of experience and areas of desired special expertise or certifications adopted by resolution of the board of commissioners.

(c) All rules and regulations or amendments to the rules and regulations shall be made available for public distribution or open to public inspection in accordance with the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

Section 631. Minutes and Records.--The commission shall keep minutes of its proceedings and records of examinations and other official actions. All recommendations of applicants for

appointment received by the commission shall be kept and preserved for a period of five years, and all [such] records and all written causes of removal filed with the commission, **except as otherwise provided in section 645**, shall be subject to reasonable regulation and open to public inspection **in accordance with the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.**

Section 632. Investigations.--The commission [shall have power to make investigations concerning all matters touching the administration and enforcement of the civil service provisions of this article and rules and regulations adopted thereunder. The chairman of the commission is hereby given power to administer oaths.] **may conduct investigations concerning all matters regarding the administration and enforcement of this subdivision and rules and regulations promulgated under this subdivision. The chairperson of the commission may administer oaths and affirmations in relation to the investigations.**

Section 633. Subpoenas.--(a) The commission [shall have power to] **may** issue subpoenas over the signature of the [chairman] **chairperson** to require the attendance of witnesses and the production of records and papers pertaining to any investigation or inquiry. The fees of [such] witnesses for attendance and travel shall be the same as for witnesses appearing in the courts and shall be paid from appropriations for the incidental expenses of the commission.

(b) All officers in public service and employees shall attend and testify [when] **if** required to do so by the commission.

[If any person shall refuse or neglect to obey any subpoena issued by the commission he shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine not to exceed one hundred dollars (\$100), and in default of the payment of such fine and costs shall be imprisoned not to exceed thirty days.]

If any person shall refuse or neglect to obey any subpoena issued by the commission, it may apply by petition to the court of common pleas of the county for its subpoena requiring the attendance of such persons before the commission or the court, there to testify and to produce any records and papers necessary, and in default thereof shall be held in contempt of court.]

(c) **If an individual refuses or neglects to obey a subpoena issued by the commission, the individual shall, upon conviction, be sentenced to pay a fine of no less than \$250 and no more than \$500. If the individual is in default of the payment of the fine under this subsection, the individual shall be imprisoned for a period not to exceed 30 days.**

(d) **If an individual refuses or neglects to obey a subpoena issued by the commission, the commission may petition the court of common pleas of the county to order the individual to appear before the commission or the court to testify and produce records and papers as the commission deems necessary. If the individual refuses to comply with the court's order, the individual shall be held in contempt of court.**

Section 634. Annual Report.--The commission shall make an annual report to the [township] **board of** commissioners containing a brief summary of its work during the year, which shall be available for public inspection **in accordance with the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.**

Section 635. General Provisions Relating to Examinations.--(a) The commission shall make rules and

regulations to be approved as provided in section 630 [hereof], providing for the examination of applicants for positions in the police force and as paid [operators of fire apparatus] **firefighters** and for promotions, which rules and regulations shall prescribe the minimum qualifications of all applicants to be examined and the passing grades. All examinations for positions or promotions shall be practical in character and shall relate to [such] matters and include [such] inquiries as will fairly test the merit and fitness of the [persons] **individuals** examined to discharge the duties of the employment sought by them. All examinations shall be open to all applicants who have the minimum qualifications required by the rules and regulations. Each applicant for examination for an original position shall:

(1) be subject to the regulations adopted by the commission;
(2) either before or after [being admitted to the regular examination held by the commission, be required to submit to] **the written examination**, submit to a physical fitness or agility examination that is job-related and consistent with business necessity;

(3) if made a conditional offer of employment, be given a physical and psychological medical examination in accordance with section 643 [of this act]; and

(4) be subject to a background investigation. Background investigations may be restricted to those candidates on an eligibility list or those to be certified to the [township] **board of** commissioners for appointment in accordance with section 638 [of this act].

(a.1) [Each] **An** applicant for promotion shall be subject to the regulations adopted by the commission and to examination and selection in accordance with section 642 [of this act. Physical fitness or agility examinations that are]. **A physical fitness or agility examination that is** job related and consistent with business necessity and physical and psychological medical examinations may, but need not, be required for promotions.

(b) Public notice of the time and place of every examination, together with the information as to the kind of position [or place] to be filled, shall be given by publication once in a newspaper of general circulation [in the township or in a newspaper circulating generally in the township] at least two weeks prior to each examination, and a copy of the notice shall be prominently posted in the office of the commission or other public place.

(c) The commission shall post in its office the [eligible] **eligibility** list containing the names and grades of those who have passed the examination.

Section 636. Application for Examination.--[Each person desiring to apply for examination shall file with the commission a formal application in which the applicant shall state under oath or affirmation, (a) his full name and residence or post office address, (b) his citizenship, place and date of birth, (c) his condition of health and physical capacity for public service, (d) his business or employment and his residence for the past five years, and (e) such other information as may be] **An individual who desires to apply for examination must file with the commission a formal application in which the applicant shall provide under oath or affirmation information** required by the commission's rules and regulations showing the applicant's qualifications for the position for which [he] **the applicant** is being examined.

Section 637. Rejection of Applicant; Hearing.--(a) The commission may refuse to examine or, if examined, may refuse to certify after examination as eligible, any applicant who:

(1) is found to lack any of the minimum qualifications for examination prescribed in the rules and regulations adopted for the position or employment for which [he has applied, or who is physically unfit for the performance of the duties of the position to which he seeks employment, or who is illegally using a controlled substance, as defined in section 102 of the Controlled Substances Act (Public Law 91-513, 21 U.S.C. § 802), or who has been guilty of any crime involving moral turpitude or of infamous or notoriously disgraceful conduct, or who has been dismissed from public service for delinquency or misconduct in office, or who is affiliated with any group whose politics or activities are subversive to the form of government set forth in the Constitution and laws of the United States and Pennsylvania.

(b) If any applicant or person is aggrieved by refusal of the commission to examine or certify the applicant as eligible after examination, the commission shall, at the request of the applicant, within ten (10) days appoint a time and place for a public hearing, with or without counsel, at which time the commission shall take testimony and review its refusal to provide examination or certification. The decision of the commission shall be final.] **the applicant has applied;**

(2) is physically unfit for the performance of the duties of the position or employment for which the applicant has applied;

(3) is illegally using a controlled substance as defined in the Controlled Substances Act (Public Law 91-513, 21 U.S.C. § 802);

(4) has been found guilty of any crime involving moral turpitude or of infamous or notoriously disgraceful conduct;

(5) has been dismissed from public service for delinquency or misconduct in office; or

(6) is affiliated with any group which have policies or engage in activities that are subversive to the form of government established in Federal or State law.

(b) If an applicant is aggrieved by the commission's refusal to certify the applicant as eligible after an examination or an individual is aggrieved by the commission's refusal to examine the individual, the commission shall, at the request of the applicant or individual aggrieved, set a date, time and place for a public hearing within 10 days after the receipt of the request for a public hearing. At the public hearing, the applicant or individual aggrieved may appear with or without counsel and the commission shall take testimony and review the commission's refusal to provide the examination or certification. The deliberations of the commission regarding the matter, including interim rulings on evidentiary or procedural issues, may be held in the nature of a closed executive session. The commission's disposition of the matter shall constitute official action which shall occur at a public meeting held pursuant to 65 Pa.C.S. Ch. 7 (relating to open meetings) and the commission's decision on the matter shall be final.

Section 638. Eligibility List and Manner of Filling Appointments.--(a) At the completion of the testing process, including a physical agility or other [examinations, with the exception of any background investigations to be conducted after the establishment of an eligibility list and physical and

psychological medical examinations pursuant to section 643 of this act,] **examination, with the exception of a background investigation to be conducted after the establishment of an eligibility list and physical and psychological medical examination under section 643,** the commission shall rank the candidates who have satisfied the minimum requirements for appointment on an eligibility list. The eligibility list shall contain the names of individuals eligible for appointment listed from highest to lowest based on their scores on the examinations administered by the commission and any points for which the applicant was entitled by virtue of 51 Pa.C.S. Ch. 71 (relating to veterans' preference). The eligibility list will be valid for one year from the date the commission formally adopts the eligibility list. Prior to expiration of the one-year period, the commission may extend the validity of the eligibility list for up to an additional twelve (12) months by a majority vote of the commission at a duly authorized commission meeting. In the absence of a lawful extension by the commission, the list shall expire.

[(b) Every position or employment in the police force or as paid operators of fire apparatus except that of chief of police or chief of the fire department or equivalent shall be filled only in the following manner: the township commissioners shall notify the commission of any vacancy which is to be filled and shall request the certification of an eligibility list. The commission shall certify for each existing vacancy from the eligibility list the names of the three persons who have received the highest average. The township commissioners shall make a conditional appointment from the three names certified based solely on the merits and fitness of the candidates, unless the township commissioners make objections to the commission regarding one or more of the certified persons for any of the reasons stated in section 637 of this subdivision. Should such objections be sustained by the commission, as provided in section 637, or if the conditional appointee is determined to be unqualified in accordance with the procedures set forth in section 643 of this act, the commission shall strike the name of the person from the eligibility list and certify the next highest name for each name stricken from the eligibility list. As each subsequent vacancy occurs in the same or another position, precisely the same procedure shall be followed.]

(b) Except as provided under subsection (c), an original position or employment in the police force or as a paid firefighter, except for the chief of police or chief of the fire department or an equivalent official, shall be filled only in the following manner:

(1) The board of commissioners shall notify the commission of a vacancy which is to be filled and shall request the certification of an eligibility list .

(2) For each vacancy, the commission shall certify three individuals from the eligibility list, or a fewer number of individuals if three individuals are not available, who have received the highest average for the vacancy.

(3) The board of commissioners shall make a conditional appointment from the certified individuals by the commission based solely on the merits and fitness of the certified individuals, unless the board of commissioners objects to the commission regarding one or more of the certified individuals for a cause specified under section 637.

(4) If any objections are sustained by the commission under paragraph (3), or if the conditional appointee is

determined to be unqualified in accordance with the procedures set forth under section 643, the commission shall strike the name of the individual from the eligibility list and certify the next highest individual from names stricken from the eligibility list .

(b.1) The procedure under subsection (b) shall be used to fill each subsequent vacancy that occurs in the same or another position.

(c) A vacancy in an existing position in the police force or as a paid [operator of fire apparatus] **firefighter** which occurs as a result of retirement, resignation, disability or death may be filled by the [township] **board of** commissioners by the reappointment or reinstatement of a former employe of the police force or fire department who had previously complied with [the provisions of] this section. No examination, other than a physical examination as directed by the [Civil Service Commission] **civil service commission**, shall be required in a case of reappointment or reinstatement to the force or department with which the employe previously served, except at the discretion of the [township] **board of** commissioners or as otherwise required by law.

(d) In the case of a vacancy in the office of chief of police or chief of the fire department or equivalent official, the [township commissioners may nominate a person to the commission. It shall thereupon become the duty of the commission to subject the person to a non-competitive examination and if the person shall be certified by the commission as qualified he may then be appointed to the position and thereafter shall be subject to all the provisions of this subdivision.] **board of commissioners may nominate an individual to the commission. The commission shall subject the nominee to a noncompetitive examination. If the nominee is certified by the commission as qualified, the nominee may be appointed to the position and shall be subject to the provisions of this subdivision.**

Section 639. Age; Applicant's Residence.--[No person shall be eligible to apply for examination unless he is more than eighteen years of age at the date of application. The commissioners may, at their option, accept applications from non-residents of the township and may, by ordinance, require non-resident policemen and firemen to become residents of the township after appointment to such positions.] **No individual shall be eligible to apply for examination unless the individual is at least 18 years of age at the date of application. The board of commissioners may accept applications from nonresidents of the township and may require nonresident police officers and nonresident paid firefighters to become residents of the township after appointment to the positions. The rules and regulations of the civil service commission shall reflect the residency requirements of the board of commissioners or a collective bargaining agreement or award.**

Section 640. [Probation Period.--All original appointments to any position in the police force or as paid operators of fire apparatus] **Probationary Period.--(a) An original appointment to a position in the police force or as a paid firefighter shall be for a probationary period of not less than six months and not more than one year, but during the probationary period an appointee may be dismissed only for a cause specified in section 637 [of this act] or because of incapacity for duty due to the use of alcohol or drugs. [If at the close of a probationary period the conduct or fitness of the probationer has not been satisfactory to the township commissioners, the**

probationer shall be notified in writing that he will not receive a permanent appointment, and the appointment shall cease. If the probationer is not notified or dismissed in accordance with this section, his retention shall be equivalent to a permanent appointment.]

(b) If, at the close of a probationary period, the conduct or fitness of the probationer has not been satisfactory to the board of commissioners, the probationer shall be notified in writing that the probationer will not receive a permanent appointment and the appointment shall cease. If the probationer is not notified or dismissed in accordance with this section, the probationer's retention shall be equivalent to a permanent appointment.

(c) The decision of a township to suspend or discharge a probationer shall be final and shall not be subject to the hearing provisions under section 645. The decision of a township to suspend or discharge a probationer shall be rendered in accordance with 65 Pa.C.S. Ch. 7 (relating to open meetings).

Section 641. Provisional Appointments.--[Whenever there are urgent reasons for the filling of a vacancy in any position in the police force and there are no names on the eligible list for such appointment, the township commissioners may nominate a person to the commission for non-competitive examination and if such nominee shall be certified by the commission as qualified after such non-competitive examination he may be appointed provisionally to fill such vacancy. It shall thereupon become the duty of the commission within three weeks to hold a competitive examination and certify a list of eligibles and a regular appointment shall then be made from the name or names submitted by the commission: Provided, however, That nothing herein contained shall prevent the appointment without examination of persons temporarily as police officers in cases of riot or other emergency or of operators of fire apparatus in emergency cases.] (a) If there are urgent reasons for the filling of a vacancy in a position in the police force and there are no names on the eligibility list for the appointment, the board of commissioners may nominate an individual to the commission for a noncompetitive examination. If the nominee is certified by the commission as qualified after the noncompetitive examination, the nominee may be provisionally appointed to fill the vacancy.

(b) Within 90 days of the provisional appointment under subsection (a), the commission shall hold a competitive examination, certify an eligibility list and make a regular appointment to the position in accordance with section 638 from the names submitted by the commission. Nothing in this section shall be construed to prevent the appointment without an examination of individuals temporarily as police officers in cases of riot or other emergencies or firefighters in emergency cases.

Section 642. Promotions.--[Promotions in the police force or fire department shall be based on merits to be ascertained by examinations to be prescribed by the commission. All questions, relative to promotions shall be practical in character and such as will fairly test the merit and fitness of persons seeking promotion. The township] (a) A promotion shall be based on merit to be ascertained by an examination to be prescribed by the commission. All questions relative to a promotion shall be practical in character and fairly test the merit and fitness of individuals seeking promotion.

(b) **The board of** commissioners shall notify the commission of a vacancy on the police force or fire department which is to be filled by promotion and shall request the certification of an eligibility list.

(c) The commission shall certify for each vacancy the names of [the three persons] **three individuals** on the eligibility list who have received the highest average in the last promotion examination held within a period of two years preceding the date of the request for the eligibility list. If three names are not available, the commission shall certify the names remaining on the eligibility list. The [township] **board of** commissioners shall make an appointment from the names certified, based solely on the merits and fitness of the candidate, unless the [township] **board of** commissioners make objections to the commission regarding any [person] **individual** on the eligibility list for any reason provided under section 637.

[The township commissioners shall have power to]

(d) **The board of commissioners may** determine in each instance whether an increase in salary [shall constitute] **constitutes** a promotion.

Section 643. Physical and Psychological Medical Examinations.--(a) An applicant selected from the eligibility list shall receive a conditional offer of employment. The offer of employment shall be conditioned upon the conditional employee undergoing a physical and psychological medical examination and a determination that the conditional employee is capable of performing all the essential functions of the position. Physical medical examinations shall be **conducted** under the direction of a physician or other qualified medical professional. Psychological medical examinations shall be **conducted** under the direction of a psychiatrist or psychologist.

(b) The physician [or], other qualified medical professional [and the], psychiatrist or psychologist shall be appointed by the [township] **board of** commissioners and shall render an opinion as to whether the conditional appointee has a physical or mental condition which calls into question the [person's] **individual's** ability to perform all of the essential functions of the position for which the [person] **individual** was conditionally appointed.

(c) If the opinion rendered by the physician, other qualified medical professional, psychiatrist or psychologist calls into question the conditional appointee's ability to perform all essential functions of a position, [a person] **an individual** designated by the [township] **board of** commissioners shall meet with the conditional appointee for the purpose of having one or more interactive discussions on whether the conditional appointee can, with or without reasonable accommodation, perform all the essential functions of the position.

(d) If, at the conclusion of the interactive discussion **conducted** under subsection (c), the [township] **board of** commissioners determine that the conditional appointee is not qualified, the [township] **board of** commissioners shall give written notice to the conditional appointee and the [Civil Service Commission] **commission**.

(e) Nothing in this [act] **subdivision** shall be construed to authorize physical or psychological medical examinations prior to conditional appointment.

(f) As used in this section, the following [definitions shall apply] **words and phrases shall have the meanings given**

to them in this subsection unless the context clearly indicates otherwise:

"Medical examination" shall mean any examination, procedure, inquiry or test designed to obtain information about medical history or a physical or mental condition which might disqualify an applicant if it would prevent the applicant from performing, with or without a reasonable accommodation, all of the essential functions of the position.

["Physician" shall have the meaning given to it in 1 Pa.C.S. § 1991 (relating to definitions).]

"Qualified medical professional" shall mean an individual, in collaboration with or under the supervision or direction of a physician, as may be required by law, who is licensed:

(1) as a physician assistant pursuant to the act of December 20, 1985 (P.L.457, No.112), known as the "Medical Practice Act of 1985," or the act of October 5, 1978 (P.L.1109, No.261), known as the "Osteopathic Medical Practice Act"; or

(2) as a certified registered nurse practitioner pursuant to the act of May 22, 1951 (P.L.317, No.69), known as "The Professional Nursing Law."

Section 644. Removals.--(a) [No person] **An individual** employed in [any] **a** police or fire force of [any] **a** township [shall] **may not** be suspended **without pay**, removed or [reduced in rank] **demoted** except for the following reasons: (1) physical or mental disability affecting his ability to continue in service, in which cases the person shall receive an honorable discharge from service; (2) neglect or violation of any official duty; (3) violation of any law of this Commonwealth which provides that such violation constitutes a misdemeanor or felony; (4) inefficiency, neglect, intemperance, disobedience of orders, or conduct unbecoming an officer; (5) intoxication while on duty; (6) engaging or participating in conducting of any political or election campaign otherwise than to exercise his own right of suffrage, except that this clause shall only apply to a police officer while on duty or in uniform or while using any township property. A police officer may also be suspended, removed or reduced in rank for engaging or participating in the conduct of any political or election campaign for an incompatible office pursuant to section 1401. A person so employed shall not be removed for religious, racial or political reasons. A written statement of any charges made against any individual so employed shall be furnished to such individual within five days after the same are filed with the commission.]

(1) **Physical or mental disability affecting the individual's ability to continue in service, in which case the individual shall receive an honorable discharge from service.**

(2) **Neglect or violation of any official duty.**

(3) **Violation of any law of this Commonwealth, if the violation constitutes a misdemeanor or felony.**

(4) **Inefficiency, neglect, intemperance, disobedience of orders or conduct unbecoming an officer.**

(5) **Intoxication while on duty.**

(6) **Engaging or participating in the conduct of a political or election campaign otherwise than to exercise the individual's own right of suffrage, except that this clause shall only apply to a police officer while on duty or in uniform or while using township property.**

(7) **Engaging or participating in the conduct of a political or election campaign for an incompatible office under section 1401.**

(a.1) An individual employed by a police or fire force may not be removed for religious, racial or political reasons.

(a.2) A written statement of charges made against an individual employed shall be furnished to the individual within five days after the same statement of charges are filed with the commission. The individual shall have 10 days from the date of receiving the notice to submit a written request for a hearing to the commission under section 645.

(b) If, for reasons of economy or other reasons, it shall be deemed necessary by [any] a township to reduce the number of paid employes of the police or fire force, [then such] the township shall furlough the [person or persons, including probationers,] individual, including a probationer, last appointed to the respective force. [Such] The removal shall be accomplished by furloughing in numerical order commencing with the [person] individual last appointed until [such] the reduction shall have been accomplished. [In the event the said] If the police or fire force shall again be increased, the employes furloughed shall be reinstated in the order of their seniority in the respective service. [The provisions of this paragraph as to reductions in force shall not apply to any chief of police.] This subsection, as to reductions in force, is not applicable to a chief of police or fire chief.

Section 645. Hearings on Dismissals and [Reduction.--If the person] Demotions.--(a) An individual suspended, removed or [reduced in rank shall demand a hearing by the commission, the demand shall be made to the commission. Such person] demoted may make written answers to [any] charges filed against [him] the individual not later than the day [fixed for hearing. The commission shall grant him] scheduled for the hearing. The commission shall grant the individual a hearing which shall be held within a period of ten days from the filing of written charges [in writing], unless continued by the commission for cause at the request of the [township] board of commissioners or the accused. The failure of the commission to hold a hearing within ten days from the filing of the written charges shall not result in the dismissal of the charges filed.

(b) At [any such hearing, the person] a hearing, the individual against whom the charges are made may be present in person and by counsel. The [township] board of commissioners, or the chief of police or fire chief, as applicable, when the [township] board of commissioners [are] is not in session, may suspend [any such person] the individual without pay pending the determination of the charges against [him] the individual, but [in the event] if the commission fails to uphold the charges, [then] the [person] individual sought to be suspended, removed or demoted shall be reinstated with full pay for the period during which [he] the individual was suspended, removed or demoted, and no charges shall be officially recorded against [his] the individual's record.

A stenographic record of all testimony taken at [such] the hearings shall be filed with and preserved by the commission, which record shall be sealed and not be available for public inspection [in the event] if the charges are dismissed.

[In the event the commission shall sustain the charges and order the suspension, removal or reduction in rank, the person suspended, removed or reduced in rank]

(c) All parties shall have immediate right of appeal to the court of common pleas of the county, and the case shall there be determined as the court deems proper. No order of suspension

made by the commission shall be for a longer period than one year. [Such] **The** appeal shall be taken within [sixty] **30** days from the date of entry by the commission of its final order and shall be by petition. Upon [such] **the** appeal being taken and docketed, the court of common pleas shall [fix] **schedule** a day for a hearing and shall proceed to hear the appeal on the original record and [such] additional proof or testimony as the parties concerned may desire to offer in evidence. The decision of the court affirming or reversing the decision of the commission shall be final and the employee shall be suspended, discharged, demoted or reinstated in accordance with the order of the court.

[The township commissioners and the person]

(d) The board of commissioners and the individual sought to be suspended, removed or demoted shall at all times have the right to employ counsel before the commission and upon appeal to the court of common pleas. **Unless the board of commissioners or the individual sought to be suspended, removed or demoted requests that the proceedings before the commission be open to the public, the proceedings before the commission under this section shall be held in the nature of a closed executive session that shall not be open to the public. The request shall be presented to the commission before the civil service hearing commences. The deliberations of the commission, including interim rulings on evidentiary or procedural issues, may be held in private and shall not be subject to a request for being open to the public by the board of commissioners or the individual sought to be suspended, removed or demoted. The commission's disposition of the disciplinary action shall constitute official action which shall occur at a public meeting held under 65 Pa.C.S. Ch. 7 (relating to open meetings).**

(e) In any case in which a police officer or firefighter who is a member of a bargaining unit is subject to suspension, discharge or discipline, the police officer or firefighter shall have the option of challenging the suspension, discharge or discipline imposed by using the procedures provided in this section or by a proceeding in grievance arbitration. A choice to proceed either by the procedures provided for in this section or by grievance arbitration shall foreclose the opportunity to proceed in the alternative method.

Section 646. Present Employees Exempted.--All appointments in the police or fire forces of townships, including the chief of police or equivalent official, [upon the effective date of this act] **prior to the creation of a commission**, shall continue to hold their positions and shall not be required to take any examination under the provisions of this act except [such as] **that which** may be required for promotion[: Provided, however, That this]. **This** section shall not be construed to apply to [persons] **individuals** employed temporarily in emergency cases.

Section 647. Discrimination [on Account of Political or Religious Affiliations.--No question in any form of application for examination or in any examination shall be so framed as to elicit information concerning the political or religious opinions of any applicant nor shall inquiry be made concerning such opinion or affiliations and all disclosures thereof shall be discountenanced.] **Prohibited.--(a) No question in a form of application for examination or in an examination or inquiry shall be so framed as to elicit information from an applicant in violation of Federal or State antidiscrimination laws, such as the Civil Rights Act of 1964 (Public Law 88-352, 78**

Stat. 241) or the act of October 27, 1955 (P.L.744, No.222), known as the **Pennsylvania Human Relations Act**. All disclosures by an applicant of information protected by antidiscrimination laws shall be ignored.

(b) No discrimination shall be exercised, threatened or promised by [any] a person against or in favor of [any] an applicant or employe [because of political or religious opinions or affiliations or race,] **in violation of Federal or State antidiscrimination laws, such as the Civil Rights Act of 1964 or the Pennsylvania Human Relations Act**, and no offer or promise of reward, favor or benefit, directly or indirectly, shall be made to or received by [any person] **an individual** for [any] **an** act done or duty omitted or to be done under this subdivision [of this article].

Section 648. Penalty.--[Any township commissioner who by his vote causes to be appointed any person to the police force or as a fire apparatus operator contrary to the provisions of this subdivision, or any township commissioner or member of the civil service commission who wilfully refuses to comply with or conform to the provisions of this subdivision, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one hundred dollars (\$100) or suffer imprisonment not exceeding three months, or both.] **A township commissioner who, by vote, appoints an individual to the police force or as a firefighter contrary to the provisions of this subdivision, or a township commissioner or member of the commission who willfully refuses to comply with or conform to the provisions of this subdivision, commits a misdemeanor and, upon conviction, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500) or to imprisonment not exceeding ninety days, or both.**

Section 34. Section 649 of the act is repealed:

[Section 649. Salaries of Civil Service Commission.--The civil service commissioners of townships shall receive no compensation.]

Section 35. Sections 650, 701, 702, 703, 704, 801-A, 802-A, 803-A, 805-A, 806-A, 801-B, 901, 901.1, 902 and 903 of the act are amended to read:

Section 650. Police Force and [Fire Apparatus Operators] **Firefighters** Defined.--(a) Police force as used in this subdivision shall mean a police force organized and operating as prescribed by law, the members of which devote their normal working hours to police duty or duty in connection with the bureau, agencies and services connected with police protection work and who are paid a stated salary or compensation for [such] **the** work by the township.

[Fire apparatus operators as used in this subdivision shall mean any person who operates fire apparatus and devotes his normal working hours to operating any piece of fire apparatus or other services connected with fire protection work and who is paid a stated salary or compensation for such work done by the township.]

(b) **Firefighter** as used in this subdivision shall mean an individual who operates fire apparatus and devotes the individual's normal working hours to operating a piece of fire apparatus or other services connected with fire protection work and who is paid a stated salary or compensation for the work done by the township.

Section 701. Organization; Failure to Organize.--[The township] (a) **The board of** commissioners shall organize on the first Monday of January of each even-numbered year. If the first

Monday is a legal holiday the meeting shall be held the [first day following. They shall assemble for such purpose at their place of meeting at a time convenient to the governing body. Until otherwise designated by ordinance, the place of meeting shall be the oldest polling place in the township.

The] **following day. The board of commissioners shall assemble for the organization meeting at their place of meeting at a time convenient to the governing body.**

(b) **At the organization meeting, the board shall [organize by the election of one of their number as president and one as a] elect one member as president and one as vice-president, who, as long as they continue to be commissioners, shall hold office until their successors are elected and qualified. The president, or, in [his] the president's absence, the vice-president, shall preside at all meetings of the board, and perform [such] other duties as are specified in this act or which may be prescribed by ordinance.**

If a majority of [the commissioners shall not attend at] **the board of commissioners do not attend** the organization meeting, those present may adjourn the meeting from day to day until a majority attend.

(c) If the [township commissioners of any township shall fail] **board of commissioners of a township fails** to organize within ten days from the time prescribed by this section, the court of [quarter sessions] **common pleas**, upon the petition of **at least** ten registered electors, verified by the affidavit of one of the petitioners, shall issue a rule upon the delinquent commissioners to show cause why their seats should not be declared vacant. The rule shall be returnable not less than five days from the time of its issue, and after hearing, the court may declare the seats of [any delinquent vacant, and appoint others in their stead] **the members of the board responsible for the failure to organize vacant, and shall appoint others in their place** to hold office for the respective unexpired terms.

[The meeting under this section may be considered as a regular monthly meeting for the transaction of such business as comes before it. The first order of business at this meeting shall be organization of the board. Any action taken or business transacted other than organization of the commissioners as a board at any organization meeting held prior to the effective date of this amending act, which is invalid for the reason that the action was taken or business transacted at an organization meeting, is hereby validated and confirmed.]

(d) **The organization meeting under this section may be considered a regular monthly meeting for the transaction of business that may come before the board of commissioners. The first order of business at this meeting shall be organization of the board. The board of commissioners may, at the organization meeting, appoint other officers as may be provided for by law or ordinance, or as may be deemed necessary for the conduct of affairs of the township.**

Section 702. Monthly Meetings, Quorum, Voting.--(a) The board of [township] commissioners shall meet at least once a month, at [such time and such place as may be] **a time and place designated by ordinance.**

(b) A majority of the members of the board of commissioners shall constitute a quorum. **Except as provided in subsection (b.1)(1)(i), only members of the board of commissioners physically present at a meeting place within the township shall be counted in establishing a quorum.**

(b.1) Telecommunication.--

(1) The board of commissioners may, pursuant to an established telecommunications policy and as provided in paragraph (2), provide for the participation of members of the board in township meetings by means of telecommunication devices, such as telephones or computer terminals, which permit, at a minimum, audio communication between locations, if the following apply:

(i) A majority of the members of the board is physically present at the advertised meeting place within the township and a quorum is established at the convening or reconvening of the meeting. If, after the convening or reconvening of a meeting, a member of the board has been disqualified from voting as a matter of law, but is still physically present, members of the board participating by telecommunication device in accordance with this section shall be counted to maintain a quorum.

(ii) The telecommunication device used permits the member or members of the board not physically present at the meeting to:

(A) speak to and hear the comments and votes, if any, of the members of the board who are physically present, as well as other members of the board who may not be physically present and are also using a telecommunication device to participate in the meeting; and

(B) speak to and hear the comments of the public who are physically present at the meeting.

(iii) The telecommunication device used permits the members of the board and the members of the public who are physically present at the meeting to speak to and hear the comments and the vote, if any, of the member or members of the board who are not physically present at the meeting.

(2) Any changes to the board of commissioner's established telecommunications policy shall become effective no sooner than thirty days following the vote to change the policy.

(3) Nothing in this subsection shall be construed to limit the protections and prohibitions contained in any law or regulation relating to the rights of the disabled.

(c) A member of the board shall not be disqualified from voting on any issue before the board solely because the member had previously expressed an opinion on the issue in either an official or unofficial capacity.

Section 703. Compensation.--[Each township commissioner may receive a salary, established by ordinance, of not more than one thousand eight hundred seventy-five dollars per year in townships having a population of less than five thousand, not more than two thousand five hundred dollars per year in townships having a population of five thousand or more but less than ten thousand, not more than three thousand two hundred fifty dollars per year in townships having a population of ten thousand or more but less than fifteen thousand, not more than four thousand one hundred twenty-five dollars per year in townships having a population of fifteen thousand or more but less than twenty-five thousand, not more than four thousand three hundred seventy-five dollars per year in townships having a population of twenty-five thousand or more but less than thirty-five thousand, and not more than five thousand dollars per year in townships having a population of thirty-five thousand or more. Such salaries shall be payable monthly or

quarterly for the duties imposed by the provisions of this act. Benefits provided to the commissioners under section 1502(LXIII) shall not be considered pay, salary or compensation; but payment for all or a part of the premiums or charges for the benefits shall be in accordance with section 1502(LXIII).] **(a) Each township commissioner may receive a salary, established by ordinance, as follows:**

(1) In townships with a population of less than 5,000, a maximum of \$3,145 per year.

(2) In townships with a population of 5,000 or more but less than 10,000, a maximum of \$4,190 per year.

(3) In townships with a population of 10,000 or more but less than 15,000, a maximum of \$5,450 per year.

(4) In townships with a population of 15,000 or more but less than 25,000, a maximum of \$6,915 per year.

(5) In townships with a population of 25,000 or more but less than 35,000, a maximum of \$7,335 per year.

(6) In townships with a population of 35,000 or more but less than 45,000, a maximum of \$8,385 per year.

(7) In townships with a population of 45,000 or more, a maximum of \$210 per year per 1,000 residents or fraction of 1,000.

The salaries shall be payable monthly or quarterly for the duties imposed by this act. Benefits provided to the commissioners under section 1502.39 shall not be considered pay, salary or compensation, but payment for all or a part of the premiums or charges for the benefits shall be in accordance with section 1502.39.

(a.1) Notwithstanding subsection (a), the board of commissioners may provide for a member of the board of commissioners to receive compensation on a per-meeting basis based on attendance of board members. Total annual compensation may not exceed the amounts specified in subsection (a). Compensation shall only be payable for duly advertised public meetings in which a member of the board of commissioners participated. If the board of commissioners has provided that board members shall receive compensation on a per-meeting basis, the board of commissioners may provide for the forfeiture of up to one-twelfth (1/12) of the annual compensation of a board member or impose another appropriate penalty for each unexcused absence from a regularly scheduled meeting.

(b) The population shall be determined by the latest available official census figures[, except that no]. **No township shall be required to reduce the salary of a commissioner as a result of a decrease in population [or when an increase in salary is authorized pursuant to this section, the increase may be applied to the amount of the salary of the commissioner at the time such an increase is enacted by the board of commissioners.]. Any change in salary, compensation or emoluments of the elected office shall become effective at the beginning of the next term of the township commissioner.**

Section 704. Reports to Auditors.--[The township commissioners shall annually, on or before the first day of February, furnish to the township auditors such accurate information concerning the construction, reconstruction, maintenance and repair of the streets and the purchase of equipment and machinery and road mileage as may be required to enable the auditors to make the annual township report hereinafter prescribed.] **The board of commissioners shall annually, on or before the first day of February, furnish to the township auditors information concerning the construction, reconstruction, maintenance and repair of streets or other**

matters that may be required by a department of the Commonwealth to be included in the annual township report.

Section 801-A. Township treasurer.

(a) Appointment.--The board of [township] commissioners shall appoint a township treasurer, who may be the elected tax collector or an employee of the township, to serve at the pleasure of the board of [township] commissioners. **The township treasurer shall not be a member of the board of commissioners.**

(b) Compensation.--The board of [township] commissioners shall determine the compensation of the township treasurer. **Notwithstanding section 34 of the act of May 25, 1945 (P.L.1050, No.394), known as the "Local Tax Collection Law," a township treasurer who is the elected tax collector of the township may receive a salary, compensation or emoluments of office for the treasurer's work.**

(c) Deputy.--[When the township treasurer is unable to perform the duties of office or fails to appoint a deputy treasurer, the board of township commissioners may appoint a deputy treasurer to serve until the treasurer is again able to perform the duties of his office. The deputy treasurer shall be bonded for the same amount as the township treasurer when acting in the capacity of township treasurer. The board of township commissioners shall determine the compensation of the deputy treasurer.]

(1) **The township treasurer shall, within 60 days of the treasurer's appointment, nominate to the board of commissioners a person to be appointed by the board as the deputy treasurer. The board may, subject to the nominated person meeting the bonding qualifications in paragraph (3), appoint the nominated person as the deputy treasurer.**

(2) **The deputy treasurer shall have the rights and powers and shall perform the duties of the township treasurer if the township treasurer is unable to perform the duties of office due to sickness, absence or inability to act. If the township treasurer is unable to perform the duties of office and has failed to nominate a person for appointment as the deputy treasurer, the board of commissioners may appoint a deputy treasurer. The deputy treasurer shall serve until the township treasurer is again able to perform the duties of the office.**

(3) **The deputy treasurer shall be bonded for the same amount, and in the same manner pursuant to section 802-A, as the township treasurer when acting in the capacity of township treasurer. The board of commissioners shall determine the compensation of the deputy treasurer.**

Section 802-A. Treasurer's and deputy treasurer's bond.

(a) **Requirements for bond.**--The township treasurer shall, before entering upon the duties of office, give a fidelity bond to the [Commonwealth] **township** in an amount [prescribed] **established** by ordinance or resolution and at least equal to 50% of the amount of township funds estimated by the board of [township] commissioners to be available to the township [treasurers] **treasurer** at any time during the current year. The bond shall be [subscribed] **provided** by a surety company or companies duly authorized to do business in this Commonwealth. The bond given by the treasurer shall be conditioned on the faithful performance of the duties as stated in section 803-A. The treasurer shall not, in any event, be required to give bond or bonds aggregating an amount in excess of the taxes to be paid over to [him] **the treasurer** by the tax collector. **The**

bonding requirements of this section shall also apply to the deputy treasurer.

(b) Insurance in lieu of bond.--In lieu of the bond required for the faithful performance by the township treasurer or deputy treasurer of official duties other than those of tax collector, the board of commissioners may purchase insurance as provided in section 602(b).

Section 803-A. Treasurer's duties.

The township treasurer shall:

(1) Receive all [moneys] **money** due the township and promptly deposit [them] **the money** in a designated depository in the name of the township.

(2) Keep distinct and accurate accounts of all sums received from taxes and other sources, which accounts shall be open to the inspection of the board of commissioners, township auditor or controller.

(3) Annually [state] **submit** the accounts [with the books and vouchers for audit by the township auditors or controller.] **to the township auditors or controller for audit.**

(4) Pay out all [moneys] **money** of the township only on [orders] **direction by the board of commissioners, upon an order** signed by the president or vice president and attested by the secretary or assistant secretary of the board and designating the appropriation out of which the [orders shall be paid. The signature of the president or vice president may be by facsimile signature.] **order shall be paid. The order shall not be executed unless there is money available in the treasury. The following apply:**

(i) **Nothing in this act shall be construed to preclude the use of electronic signatures and transactions to the extent authorized by the act of December 16, 1999 (P.L.971, No.69), known as the "Electronic Transactions Act," or any other law.**

(ii) When a treasurer pays out [moneys] **money** except upon orders or pays [moneys] **money** in excess of the appropriation, [he] **the treasurer** shall receive no credit in the settlement of [his] **the treasurer's** accounts for those amounts, nor shall [he] **the treasurer** have any claim or right of action against the township.

(5) Preserve the account books, papers, documents and other [things held in right of his] **records of the office** and turn them over to the successor in office.

(6) Pay over to the successor any balance in money remaining in [his hands] **the treasurer's accounts** or charged against [him] **the treasurer** in the settlement of [his] **the treasurer's** accounts.

Section 805-A. Use of special funds; penalty.

When [any moneys are] **money is** collected for [any] **a** special purpose, [no] **a** township treasurer or township commissioner may **not** apply [those moneys] **that money** to any purpose other than that for which [they were] **it was** collected. Every misapplication shall be a misdemeanor of the third degree, and, in addition to the fine or penalty which may be imposed upon conviction, the defendant shall be required to pay restitution in the amount of [moneys] **money** improperly spent.

Section 806-A. Depositories of township funds.

The following shall apply:

(1) The board of [township] commissioners shall designate by resolution a depository or depositories for township funds. [Any funds] **Funds** deposited with [any] **a**

banking institution of this Commonwealth shall be insured with the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund or their successor agencies, to the extent that accounts are so insured. The designation is valid for a period of one year or until another depository or other depositories are designated by similar action of the board of [township] commissioners.

(2) The depository or depositories shall be banks, banking institutions or trust companies located in this Commonwealth.

(3) The depository or depositories shall not be required to furnish bond or collateral security to cover the amount of any deposit to the extent that the same is insured [with the Federal Deposit Insurance Corporation] **as provided in paragraph (1).**

(4) The township treasurer or deputy treasurer shall, upon the designation of the depository or depositories by the board of [township] commissioners, immediately transfer [thereto] **to the depository or depositories** the township funds and after that make deposits solely in the depository or depositories in the name of the township.

(5) [No township treasurer or deputy treasurer complying with the provisions of this section, nor his surety or sureties, shall be chargeable with losses] **The township treasurer or deputy treasurer, acting in accordance with law, shall not be liable for the loss** of township funds caused solely by the [failure] **insolvency** or negligence of the depository or depositories.

[(6) The depository or depositories shall furnish a bond to secure payment of deposits of township funds and any interest to the township, with a proper warrant to confess judgment in favor of the township, secured by a surety company or individual sureties to be approved by the board of commissioners, or deposit obligations of the United States, or the Commonwealth of Pennsylvania or any political subdivision thereof, to secure the payment of township deposits and any interest thereon. Such surety bonds shall be in a sum, to be fixed by ordinance or resolution, at least equal to the probable greatest amount of such deposit at any one time. The market value of deposit bonds shall be, at all times, at least equal to 120% of the amount of township funds to be secured. Such deposit bonds shall be accompanied by proper assignments or powers of attorney to transfer the same. In the event of the failure of the depository to pay to the township the full amount of such deposit and interest thereon, bonds and the proceeds of sale thereof shall belong to the township until it shall receive therefrom the full amount of such deposits and interest thereon, and the township shall have a prior standing as respects such bonds and be in all respects preferred to any and all claims except such as have heretofore been preferred by law.]

(6) The following apply:

(i) The designated depositories shall, upon receipt of notice of their selection as a depository of township funds, collateralize deposits of public funds in accordance with the act of August 6, 1971 (P.L.281, No.72), entitled, "An act standardizing the procedures for pledges of assets to secure deposits of public funds with banking institutions pursuant to other laws; establishing a standard rule for the types, amounts and valuations of assets eligible to be used as collateral

for deposits of public funds; permitting assets to be pledged against deposits on a pooled basis; and authorizing the appointment of custodians to act as pledgees of assets," which authorizes financial institutions to pledge collateral in an account in the name of the township or utilize a letter of credit from the Federal Home Loan Bank, to secure public deposits in excess of Federal Deposit Insurance Corporation insurance limits. The depository shall provide a monthly report within 15 days after the end of each month to the board of commissioners in accordance with the reporting requirements in the act of August 6, 1971 (P.L.281, No.72), including the composition of the collateral and related market value.

(ii) Townships may elect to require that depositories must pledge collateral in an account in the name of the township to collateralize deposits above the Federal Deposit Insurance Corporation limit. These accounts may be custodied with the depository's trust department or at a third-party financial institution. The arrangement with the depository may be governed by a written agreement, approved by the board of directors or loan committee of the depository, with approval reflected in the minutes of the board or committee, which are kept continuously as an official record of the depository, and include the following if collateral is pledged instead of a Federal Home Loan Bank Letter of Credit:

(A) Collateral shall be marked to market no less frequently than weekly.

(B) Collateral shall be in investments as prescribed in the investment program provided by the board of investment or board of commissioners.

(C) If the financial institution serves as the custodian, the pledged collateral shall be held in a separate account established under the act of August 6, 1971 (P.L.281, No.72), in the depository's trust department.

(D) The market value of the pledged collateral shall be at least 102% of the township's deposits in excess of federally insured limits.

(E) A monthly report shall be provided as specified in subparagraph (i).

Section 801-B. Powers and duties of tax collector.

(a) Collection of taxes required.--The township tax collector shall collect all county, institution district, township, school and other taxes levied within [such] the townships by authorities authorized to levy taxes.

(b) Collection of taxes permitted.--

(1) The tax collector may also be designated in the tax-levying ordinance or resolution or be employed by the tax-levying authority to collect taxes levied under the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act.

(2) No such ordinance or resolution may authorize the collection of income taxes in a manner other than as provided in Chapter 5 of The Local Tax Enabling Act.

(c) Other powers and duties.--In addition to the powers, duties and responsibilities under this act, the tax collector shall exercise all the powers and perform all the duties and be subject to all the obligations and responsibilities for the

collection of taxes as are conferred upon tax collectors by law.

Section 901. [Election of Secretary; Salary.--The board of commissioners in townships shall elect a secretary, who must not be a member of the board. He shall act as secretary of the board, shall be the official keeper of the minutes, and shall perform such other duties as are prescribed by ordinance or resolution of the board. He shall provide suitable books, the cost of which shall be paid out of the township funds, wherein he shall enter all matters of which he is required to keep a record. His salary shall be fixed by ordinance or resolution.]

Appointment of Secretary and Salary.--The board of commissioners shall appoint a secretary to serve at the pleasure of the board and who shall not be a member of the board. The secretary shall act as secretary of the board. The secretary's salary shall be fixed by ordinance or resolution.

Section 901.1. Assistant Secretary.--[Every board of township commissioners may, by resolution, appoint an assistant secretary who shall, in the absence or disability of the secretary, perform the duties and exercise the powers of the secretary. The compensation of such an assistant secretary shall be determined by the board of township commissioners and he shall give bond in such an amount as required by the said board of commissioners. The assistant secretary may be appointed from the membership of the board of township commissioners but shall not be any other officer thereof and when so appointed, shall not receive compensation for such services and shall be bonded.]

The board of commissioners may, by resolution, appoint an assistant secretary. The assistant secretary shall assist the secretary in the performance of the secretary's duties and, in the absence or disability of the secretary, perform the duties and exercise the powers of the secretary. The compensation of an assistant secretary shall be determined by the board of commissioners, and the assistant secretary shall be required to give bond in an amount as required by the board of commissioners. The assistant secretary may be appointed from the membership of the board of commissioners but shall not be any other officer of the board. If a member of the board of commissioners is appointed as the assistant secretary, the appointed member shall not receive compensation for the services and shall be bonded.

Section 902. Duties[;] and Penalty.--(a) The secretary of a township shall [keep a record of the appropriations made by the township commissioners and the amounts chargeable thereto. He shall furnish to any person, so requesting, a statement showing the amount available for future charges against any appropriated fund. Any secretary who shall knowingly and wilfully furnish an incorrect statement shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than three hundred dollars and in default of the payment of such fine and costs of prosecution shall be imprisoned for thirty days.]:

(1) **Record the proceedings of the board of commissioners.**

(2) **Preserve the minutes and other records and documents of the township and turn them over to the successor in office.**

(3) **Record appropriations made by the board of commissioners and the amounts charged to each appropriation.**

(4) **Perform other duties as required by law or the board of commissioners.**

(b) The township shall furnish the secretary with the necessary equipment and supplies as are necessary for the conduct of the office, which shall be and remain the property of the township.

Section 903. Records Open to Inspection.--The [minute book] **minutes** and other records and documents of every township shall be open [to the inspection of any taxpayer thereof, his, her, or its agent, upon demand therefor at any time during business hours.] **in accordance with the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.**

Section 36. Article X of the act is amended by adding a subarticle heading to read:

ARTICLE X

AUDITORS

(a) **Elected Auditors**

Section 36.1. Section 1001 of the act is amended to read:

Section 1001. Meetings; General Duties[; Compensation.--].--

(a) The **township** auditors [of townships] shall meet annually, on the day following the day which is fixed by this act for the organization of the township commissioners[, and shall audit,]. **The auditors shall organize by the election of a chair and secretary. Two auditors shall constitute a quorum.**

(b) **The auditors shall:**

(1) **Audit**, settle, and adjust the accounts of the township commissioners, township treasurer, tax collector, secretary, and other officers and persons receiving and disbursing or authorizing the disbursement of the moneys of the township during the preceding fiscal year. [The auditors shall make an audit of]

(2) **Audit** the dockets, transcripts, and other official records of the offices of the [justice of the peace] **magisterial district judge** of the township to determine the amounts of fines and costs paid or due to the township. [All justices of the peace] **A magisterial district judge of the township** shall open and make available to the auditors their dockets, transcripts, records, and all other official books or papers for the purpose of the audit[: Provided, That in any case where a justice of the peace]. **If a magisterial district judge** charges a fine contrary to ordinances, or to any act which makes [such] **the** fine payable to the township, the [said] auditors have the power to surcharge [such justices of the peace in any amount or amounts] **the magisterial district judge in the amount** undercharged [as set forth in said ordinances or act. Two auditors shall constitute a quorum. Each auditor shall receive twenty dollars (\$20) per diem for each day necessarily employed in the duties of his office, to be paid out of funds of the township. A day shall consist of not less than five hours in the aggregate. In completing their audit, the auditors shall not be employed more than the following number of days: In townships having a population of less than three thousand, twenty days; in townships having a population of three thousand and more but less than ten thousand, thirty days; and in townships having a population of ten thousand and more, forty days].

(3) **As directed by the board of commissioners, audit and report to the board of commissioners on the accounts of every officer of the township, upon the death, resignation, removal or expiration of the term of the officer.**

(c) Unless otherwise agreed to by the auditors and the person being audited, the audit shall be conducted at the place the records of the person are normally kept.

Section 36.2. The act is amended by adding a section to read:

Section 1001.1. Compensation.--(a) Subject to the limitations set forth in subsection (b), each auditor shall receive twenty dollars (\$20) per diem, to be paid by the township, for each day necessarily employed in the discharge of the auditor's duties. A day shall consist of not less than five hours in the aggregate.

(b) A township auditor shall not be entitled to receive compensation for more than the following number of days:

(1) In townships with a population of less than three thousand, a maximum of twenty days.

(2) In townships with a population of three thousand or more but less than ten thousand, a maximum of thirty days.

(3) In townships with a population of ten thousand or more, a maximum of forty days.

Section 36.3. Section 1002 of the act is amended to read:

Section 1002. [Subpoenas; Power to Administer Oaths; Penalty.--] **Subpoenas, oaths and perjury.--(a)** The auditors of each township may [issue]:

(1) **Issue** subpoenas to obtain the attendance of:

(i) the officers and persons whose accounts [they] **the auditors** are required to [adjust, their executors and administrators, and of] **adjust;**

(ii) **executors and administrators of an office under subparagraph (i); and**

(iii) any persons whom it may be necessary to examine as [witnesses, and to compel their attendance by attachment, in like manner as any court of common pleas may in cases pending before them, and may also compel the production of all books, vouchers, and papers relative to such accounts. Such subpoena and attachment shall be issued by a justice of the peace and be served and executed by a constable or any township auditor.

The auditors of each township] **a witness.**

(2) **Compel the production of documents, including financial records, relative to township accounts. If any person refuses or neglects to appear, to produce documents or to testify, the auditors shall petition the court of common pleas of the county to issue a subpoena to the person and to require the person to produce documents or to appear and to testify before the court. The court shall issue the subpoena if it deems the documents or testimony relevant to the issue.**

(b) **The auditors** may administer oaths and affirmations to all persons brought or appearing before them, whether accountants, witnesses, or otherwise. [All persons guilty of] **A person** swearing or affirming falsely [on such] **upon** examination [shall be] **is** guilty of perjury.

Section 36.4. Section 1003 of the act, amended October 24, 2018 (P.L.878, No.136), is amended to read:

Section 1003. [Surcharges; Auditors' Report; Publication of Financial Statements.--] **Completion, Filing and Publication of Auditor's Report and Financial Statement.--(a)** The auditors shall complete [their] **the annual** audit, settlement, and adjustment [within as short a time as possible, and shall file copies thereof with the secretary of the township, the clerk of the court or the prothonotary, as may be provided by local rules of court, the Department of Community Affairs and the Department of Highways not later than ninety days after the close of the fiscal year. Any officer or person whose act or neglect has contributed to the financial loss of the township shall be surcharged by the auditors with the amount of such

loss. They] **as soon as possible after the end of the fiscal year.**

(b) **The auditors** shall, within ten days after the completion of [their report] **the report under subsection (c),** publish, by advertisement in at least one newspaper of general circulation [published in the township, or if no newspaper is published therein, then in one newspaper circulating generally in the township] **in accordance with the provisions of section 110,** concise financial information prepared or approved by the auditors and consistent with the audited financial statements for total assets, total liabilities and total net position at the end of the fiscal year and total revenue, total expenses and changes in total net position for that fiscal year and a reference to a place within the township where copies of the financial statements and accompanying auditors' report may be examined. If the full financial statements and accompanying auditors' report are not published, copies shall be supplied to the publishing newspaper when the request for publication is submitted.

(c) The **annual** auditors' report and **annual** financial statement shall be [made on uniform forms] **presented on a uniform form** prepared and furnished[,] as provided in section 1701a [of this act].

(d) The auditors' report and financial statement shall be signed by all of the auditors and the auditors' report shall be duly verified by the oath of one of the auditors. [Any auditor refusing or wilfully neglecting to file an auditors' report shall, upon conviction thereof, in a summary proceeding be sentenced to pay a fine of five dollars for each day's delay beyond the time fixed herein for the filing of such report and costs. All fines recovered shall be for the use of the Commonwealth.] **A secretary of the auditors shall file a copy of the report with the secretary of the township, the clerk of the court or the prothonotary, as may be provided by local rules of court, the Department of Community and Economic Development and the Department of Transportation not later than ninety days after the close of the fiscal year. Any secretary of the auditors refusing or wilfully neglecting to file the report commits a summary offense. If the failure to file the report within the period specified is due to the failure of any or all of the auditors to prepare the statement upon which the report is to be based, the auditor commits a summary offense.**

Section 36.5. Sections 1004, 1005 and 1006 of the act are amended to read:

Section 1004. Canceling Orders.--The auditors shall cancel all orders and vouchers [presented to them, which they] **that the auditors find have been paid[,] by writing the word "audited" on the face [thereof] of the orders or vouchers.**

Section 1005. Penalty for Failure to Perform Duty.--Any auditor [neglecting or refusing to comply with the preceding provisions of this article shall pay a penalty of one hundred dollars, to be recovered by suit, instituted in the name of the township, upon the complaint of any taxpayer, in the same manner as debts of like amount are recoverable. Any penalty recovered shall be paid into the treasury of the township.] **who fails to comply with the provisions of this subdivision commits a summary offense.**

Section 1006. [Employment and Compensation of Attorney.--] **Attorney to Auditors.--(a)** The auditors[, in case of] **may employ an attorney if a disagreement [with] occurs between the**

auditors and any official or board of officials whose accounts [they] **the auditors** are required to audit[, may employ an attorney. Such]. **The** attorney shall not be employed until reasonable effort to reach an agreement has been made, and only after notice of [their intention so to do] **the auditors' intention to hire the attorney** has been given to [said] **the** official or board of officials. [The compensation for such attorney shall be fixed by the auditors, and shall not exceed thirty dollars, unless an appeal is taken to the courts, in which case the court shall fix the additional compensation for the attorney. The compensation for said attorney shall be paid out of the general fund, by a warrant drawn by the auditors upon the township treasurer.]

(b) **The auditors, with the agreement of the board of commissioners, shall determine the compensation to be paid to the attorney. If the auditors and board of commissioners cannot agree on the compensation, upon petition of the auditors, the court of common pleas shall establish the compensation for the attorney employed by the auditors. The compensation for the attorney shall be paid out of the township general fund.**

Section 36.6. The act is amended by adding a section to read:

Section 1006.1. Surcharge by Auditors.--(a) The amount of a balance or shortage or of an expenditure of a kind or made in a manner prohibited or not authorized by statute that causes a financial loss to the township shall be a surcharge against an officer or person responsible for the balance or shortage, or who by vote, act or neglect has permitted or approved the expenditure.

(b) **The following shall apply:**

(1) **An elected or appointed officer of a township or person may not be surcharged for an act, error or omission in excess of the actual financial loss sustained by the township.**

(2) **A surcharge shall take into consideration as the surcharge's basis the results of the act, error or omission and the results had the procedure been strictly in accordance with law. The surcharge imposed shall be limited to the difference between the costs actually incurred by the township and the costs that would have been incurred had legal means and authorized procedures been employed.**

(3) **Paragraph (1) shall not apply to a case involving fraud or collusion on the part of officers nor to any penalty enuring to the benefit of or payable to the Commonwealth.**

Notwithstanding this section, the procedures in the act of May 25, 1945 (P.L.1050, No.394), known as the "Local Tax Collection Law," shall apply to balances and shortages in the tax accounts of the tax collector.

(4) **An elected or appointed officer of a township may not be surcharged if the official acted in good faith reliance on a written, nonconfidential opinion of the solicitor of the township or on an opinion of the solicitor of the township publicly stated at an open meeting of the township and recorded in the official minutes of the meeting. This paragraph shall not apply if a solicitor's opinion has been rendered under duress or if the parties seeking and rendering the solicitor's opinion have colluded to purposefully commit a violation of law. As used in this paragraph, the term "solicitor" shall include a special counsel appointed by the township for a specific matter.**

(c) **In any matter involving a financial transaction, an officer knowingly and wilfully acting contrary to law commits**

a misdemeanor and, upon conviction, may be sentenced to pay a fine not exceeding one hundred dollars.

Section 36.7. Sections 1007, 1008, 1009, 1010 and 1012 of the act are amended to read:

Section 1007. Balances Due to Be Entered as Judgments.--Any balance, in any report of the auditors, against any officer of the township shall constitute a surcharge against such officer as fully as if expressly stated in [said] **the** report to be a surcharge. [Unless an appeal is taken as hereinafter provided, the auditors shall direct the clerk of the court of quarter sessions to certify the amount of every such balance or surcharge to the court of common pleas and the prothonotary shall enter the same as a judgment against such officer and in favor of the township.] **The amount of a balance and of any express surcharge shall, if no appeal is taken or after an appeal has been finally determined in favor of the township, be entered by the prothonotary as a judgment against the officer. The clerk of the court of common pleas shall certify the amount of every balance or surcharge contained in a report from which no appeal has been taken within the time provided under this subarticle to the court of common pleas for entry by the prothonotary as a judgment.**

Section 1008. Collection of Surcharges.--[The auditors or any] **Any auditor**, registered elector or taxpayer of the township may enforce the collection of a judgment entered for a surcharge for the benefit of the township, by any appropriate action or execution, upon filing in the court of common pleas a bond, with one or more sureties (in the case of a registered elector or taxpayer), conditioned to indemnify the township from all costs [which may accrue in] **of** the proceedings undertaken by [such] **the** registered elector or taxpayer, subject, however, to all rights of appeal from the report of the auditors granted by this [article] **subarticle.**

Section 1009. Appeals from Report.--The township, or any registered elector or taxpayer [thereof] **of the township** on its behalf, or any officer or person whose account is settled or audited by the township auditors, may appeal from [any] **the** settlement or audit to the court of common pleas within forty-five days [after the settlement has been filed in the court of quarter sessions] **from the date of the filing of the auditors' report with the clerk of the court of common pleas.**

Section 1010. Appeal Bond.--No appeal by a registered elector or taxpayer or officer shall be allowed unless the appellant [shall enter into a recognizance to prosecute the same with effect,] **secures a bond with sufficient surety to prosecute the appeal and to pay all costs [accruing thereon] of appeal in case, if the appellant [be] is a registered elector or taxpayer, [he shall fail] the appellant fails to obtain a final decision more favorable to the township than that awarded by the auditors, or in case the appellant [be] is an accounting officer, [he shall fail] the appellant fails to obtain a final decision more favorable to the officer than that awarded by the auditors.**

Section 1012. [Consolidation of Appeals.--When] **Procedure on Appeals.--(a) In any proceeding upon an appeal from a report of the auditors, the accounts of the officer or the person in question may be investigated de novo, and the burden shall be upon each officer or person whose accounts are involved in the appeal of establishing the right to credits claimed by the officer or person, but the opposing party in the appeal may use any facts, figures or findings of the**

report of the auditors as prima facie evidence against any officer or person.

(b) If more than one appeal from the report of the auditors is taken, [whether by the township, an officer or officers thereof, or by a registered elector or taxpayer,] the court may on its own motion and shall, upon petition of any **interested** party [interested], direct [that] the several appeals be consolidated.

Section 36.8. Sections 1013, 1014 and 1015 of the act are repealed:

[Section 1013. Testimony and Argument.--Any person interested may order the appeal upon the argument list, and evidence may be taken by deposition.

Section 1014. Framed Issues.--Whenever any matter of fact is in dispute, the court of common pleas is authorized to frame an issue for the trial thereof.

Section 1015. Prima Facie Evidence.--The accounts of the officer in question may be investigated de novo. The figures and facts found and stated by the auditors in their report of audit shall be taken as prima facie correct, as against any such officer, and the burden shall be upon each officer whose accounts are in question to establish the validity of the credits which he claims.]

Section 36.9. Sections 1016 and 1017 of the act are amended to read:

Section 1016. [Judgment] **Findings of Facts and Law, Judgment and Appeals.**--After hearing, the court shall file its findings of fact and law and enter judgment [in accordance therewith] **accordingly**, and the judgment [so] entered may be enforced **by the prevailing party** by any appropriate proceedings [by any auditor, officer, registered elector, or taxpayer of the township]. **An appeal from the court's ruling may be taken in accordance with law.**

Section 1017. Cost.--In all cases of appeal from the report or audit of the township auditors to the court of common pleas, the costs shall [abide the event of the suit as in other cases] **be determined by the court.**

Section 36.10. Section 1018 of the act is repealed:

[Section 1018. Appeals.--Any person interested may except to the rulings of the court.]

Section 36.11. Section 1019 of the act is amended to read:

Section 1019. [Counsel Fees.--When an appeal is taken from the township auditor's report or settlement of the accounts of any public officer, in accordance with the laws relating thereto, and such appeal results favorably to the appellants in such a manner that money is recovered for any township, the court hearing such appeal shall make an order to pay a counsel fee.] **Attorney Fees.--(a) Upon final determination of an appeal taken under section 1009 from any report, audit or settlement of the account of any township officer, attorney fees shall be awarded as follows:**

(1) If, in the opinion of the court, the final determination is more favorable to the township officer involved than that awarded by the auditors, the township shall pay reasonable attorney fees or, under paragraph (3), a portion of reasonable attorney fees incurred by the officer in connection with the surcharge proceeding.

(2) If, in the opinion of the court, the final determination is more favorable to the township than that awarded by the auditors in the case of an appeal taken by the township or a taxpayer, the township officer who is the subject of the surcharge proceeding shall pay reasonable attorney fees or,

under paragraph (3), a portion of reasonable attorney fees incurred by the township, elector or taxpayer in connection with the surcharge proceeding.

(3) If, in the opinion of the court, the final determination is in part more favorable to the township and in part more favorable to the township officer involved in the surcharge proceeding than that awarded by the auditors, the court may order:

(i) the township to pay a portion of reasonable attorney fees incurred by the officer in connection with the surcharge proceeding; or

(ii) the township officer who is the subject of the surcharge proceeding to pay a portion of reasonable attorney fees incurred by the township or taxpayer in connection with the surcharge proceeding.

(b) The attorney fees in cases of appeals involving accounts other than those of township officers shall be allocated in the court's discretion.

Section 37. Article X is amended by adding a subarticle to read:

(b) Appointed Independent Auditor

Section 1050. Appointment of independent auditor.

If an ordinance has been enacted for the appointment of an independent auditor in lieu of elected auditors under section 503(a)(3), the board of commissioners shall appoint an independent auditor by resolution and the provisions of this subarticle shall apply. The independent auditor shall be a certified public accountant or a firm of certified public accountants.

Section 1051. Audits.

(a) Annual audit.--The independent auditor shall conduct an annual audit of the finances of the township, as presented in the annual audit and financial report, which shall include each account in which the township is concerned and the accounts of township officers, departments and offices which collect, receive and disburse public money or are authorized with the management, control or custody of public money on which the independent auditor is required to report under this subarticle. Nothing under this subarticle shall prohibit the board of commissioners from requiring the independent auditor to conduct a more complete or comprehensive audit than is required under this subarticle.

(b) Interim audits.--The following shall apply:

(1) The board of commissioners may require advisory interim reports from the independent auditor.

(2) The board of commissioners may direct the independent auditor to audit the accounts of a township officer upon the death, resignation, removal or expiration of the term of the officer.

(c) Standards.--An annual or interim audit shall consist of an examination in accordance with United States generally accepted auditing standards. Errors or irregularities detected in the course of an audit shall be communicated in accordance with the standards under this subsection.

(d) Definition.--As used in this subarticle, the term "annual audit and financial report" means the report that is presented on the uniform form as provided in section 1052(d).
Section 1052. Completion, filing and publication of annual audit and financial report.

(a) Completion.--The independent auditor shall complete the annual audit as soon as practical after the end of the fiscal year as directed by the board of commissioners.

(b) Filing.--A copy of the audited annual audit and financial report shall be filed with the following:

(1) The secretary of the township, in accordance with applicable rules and regulations of the township.

(2) The clerk of the court or the prothonotary, as may be provided by local rules of court.

(3) The Department of Community and Economic Development, in accordance with the department's rules and regulations.

(c) Publication.--Notice that the audited annual audit and financial report is available for public inspection shall be published by the township secretary once in at least one newspaper of general circulation in accordance with section 110. Public inspection shall be in accordance with the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law. A copy, which may be in electronic format, of the complete annual audit and financial report, including the accompanying independent auditor's report, shall be supplied to the publishing newspaper when the request for publication is submitted. Nothing in this section shall preclude the township from providing its audited annual audit and financial report on the township's website.

(d) Presentation.--The annual audit report and annual financial statements shall be presented on a uniform form prepared and furnished as provided in section 1701a.

(e) Appeal.--Nothing in this subarticle shall prohibit a registered elector or taxpayer from appealing an annual audit and financial report of the independent auditor in accordance with and subject to the procedures in sections 1009, 1010, 1012, 1016, 1017 and 1019 if the registered elector or taxpayer believes a surcharge as described in section 1006.1 should exist against an officer or person. The appeal shall be initiated within 45 days of the filing specified in subsection (b).

Section 37.1. Sections 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109 and 1110 of the act are amended to read:

Section 1101. Oath and Bond of Controller.--(a) The township controller, [where such] **if the** office has been created, shall, before entering upon the duties of [his] office, take [and subscribe] the **required** oath [prescribed by this act for township officers, and] **or affirmation of office under 53 Pa.C.S. § 1141 (relating to form of oaths of office).**

(b) Pursuant to section 602, the controller shall give bond to the township, with a surety company or other company authorized by law to act as surety, to be approved by the board of commissioners, in [the sum of twenty thousand dollars] **a sum as the board of commissioners may direct by ordinance,** conditioned for the faithful discharge of [his] **the controller's** duties[, and]. **The amount of the bond shall be sufficient** to adequately protect the township from any illegal or unfaithful action by the controller. The cost of [such] **the** bond shall be paid by the township.

[The township controller may, at the instance of a taxpayer, and by rule upon him for that purpose, be compelled to justify his bond as to the amount thereof before the court of common pleas.]

(c) In lieu of the bond required for the faithful performance by the township controller of official duties, the board of commissioners may purchase insurance as provided in section 602(b).

Section 1102. Salary of Controller.--The annual salary of the controller shall be fixed by ordinance, passed at least thirty days before [his election. His salary shall not exceed

five thousand dollars.] **the controller's election. Any change in salary, compensation or emoluments of the elected office shall become effective at the beginning of the next term of the controller.**

Section 1103. General Powers and Duties of Controller[; May Require Attendance of Witnesses; Penalty].--**(a)** The township controller shall [superintend] **manage** the fiscal affairs of the township. [He] **The controller** shall examine, audit, and settle all accounts [whatsoever] in which the township is concerned, either as debtor or creditor, [where] **if** provisions for the settlement [thereof] are made by law[, and where no such]. **If no** provisions, or an insufficient provision, has been made, [he] **the controller** shall examine [such] **the** accounts and report to the board of commissioners the [facts relating thereto, with his opinion thereon] **relevant facts and opinions on the accounts.**

(b) In the examination, audit and settlement of accounts the controller shall have all of the powers and perform all of the duties vested in and imposed on the auditors by this act. [He] **In the authentication of any account or claim or demand against the township, the controller shall have the same power and authority as the elected township auditors to obtain the attendance of parties and witnesses and the production of documents and to administer oaths and affirmations. An individual guilty of swearing or affirming falsely before the controller commits perjury. The controller** shall make and file an annual report of [his] **the** audit and make and publish the annual financial statement in the same form and manner and at the same time as [in this act] **is** required of the [auditors] **elected township auditors by this act.**

(c) The township controller shall:

(1) have supervision and control of the accounts of all departments, bureaus, and officers of the township, authorized to collect, receive, or disburse the public [moneys] **money**, or who are charged with the management or custody [thereof. He shall] **of the accounts;**

(2) audit their respective accounts and may at any time require from any of them a statement in writing of any [moneys] **money** or property of the township in their [hands] **possession** or under their control, showing the amount of cash on hand and the amount deposited in banks and banking institutions, together with the names of [such] **the** institutions[. He shall];

(3) have power to examine every [such] account of a township officer in any bank or banking institution to verify the accuracy of the statement of [such] **the** township, department, bureau, or officer, and it shall be the duty of every [such] bank and banking institution, **and** its officers and agents, to furnish full information to the controller in relation to [such] **the** account. No banker or banking institution, its officers or agents, shall be subject to prosecution under other laws of this Commonwealth for disclosing any such information with respect to [any such] **an** account[. He shall,];

(4) immediately upon the discovery of any default, irregularity or delinquency, report the same to the board of commissioners[. He shall also]; **and**

(5) audit and report upon the account of [any such] **an** officer upon the death, resignation, removal, or expiration of the term of the [said] officer.

[In the making of any audit or settlement, and in the authentication of any account or claim or demand against the township, the controller of any township shall have the same

power and authority to obtain the attendance before him of parties and witnesses, and the production of books and papers, and to administer oaths and affirmations, as are given by law to township auditors. All persons guilty of swearing or affirming falsely before him shall be liable to the penalty for perjury.]

Section 1104. [Controller to Countersign] **Countersigned Warrants.**--The township controller shall countersign all warrants upon the township treasurer, **with** the form [thereof] **of the warrant** to be prescribed by the board of commissioners, but no warrant shall be countersigned unless there is sufficient unencumbered money in the respective appropriation item to pay the same. Whenever a warrant on the treasurer shall be presented to the controller to be countersigned, the person presenting the [same] **warrant** shall, if the controller [require] **requires**, produce evidence[.] **that:**

[1. That] **(1)** the amount expressed in the warrant is due to the person in whose favor it is drawn[.]; **and**

[2. That] **(2)** the supplies or services for payment of which the warrant is drawn have been furnished or performed according to law and the terms of the contract.

Section 1105. [Controller to Prevent Appropriation Over Drafts] **Prevention of Appropriation Overdrafts.**--The township controller shall not permit any appropriation made by the board of [township] commissioners to be overdrawn. [Whenever] **If** an appropriation is exhausted, the object of which is not complete, [he] **the commissioner** shall immediately report the fact to the board of commissioners, and accompany [such] **the** report with a statement of the [moneys] **money** which [have] **has** been drawn on [such] **the** appropriation and the particular purpose for which [they are] **it was** drawn.

Section 1106. Amount of Contracts to Be Charged Against Appropriations.--**(a)** Every contract involving appropriation of money shall designate the item of appropriation on which it is founded, and the estimated amount of the expenditure [thereunder] **which** shall be charged against [such] **the** item and [so] certified by the township controller on the contract, before it shall take effect as a contract[, and the payment]. **Payment** required by [such] **the** contract shall be made from the fund **for which the contract is** appropriated [therefor].

(b) If the controller [shall certify any] **certifies a** contract in excess of the appropriation made [therefor], the township shall not be liable for [such] **the** excess, but the controller and [his] **the controller's** sureties shall be liable for the [same] **excess amount**, which may be recovered in an action at law by the **aggrieved** contracting party [aggrieved. It shall be the duty of the].

(c) **The** controller [to] **shall** certify contracts for the [payments] **payment** of which sufficient appropriations have been made.

Section 1107. Management and Improvement of Township Finances.--The township controller shall, as often as [he] **the controller** may deem expedient or the board of commissioners shall direct, suggest plans to the board of commissioners for the management and improvement of the township finances.

Section 1108. [Books] **Financial Records** to Be Kept by Controller.--The township controller shall [keep a regular set of books, in which shall be opened and kept] **maintain financial records and maintain** as many accounts, under appropriate titles, as may be necessary to show separately and distinctly all the estates and property [whatsoever], real and personal, vested

in the township, all trusts in the care of the [same] **township**, all debts due and owing the township, all receipts and expenditures of the various departments of the township government, and all appropriations made by the board of commissioners and the sums under the same, respectively.

Section 1109. Appeals from Controller's Report[; Bond; Procedure on Appeal].--Appeals may be taken from the settlement and audit of the controller as shown in the controller's report to the court of common pleas of the county, by the same persons, in the same manner, within the same time, subject to the same conditions and procedure, and with like effect in every respect as [in this act] provided **in this act** in the cases of appeals from the settlement and audit of the auditors as shown in their report.

Section 1110. Controller to Retain [Books, Documents, Et Cetera,] **Financial Records**, Pending Appeals.--Every township controller shall retain [in his] possession, during the forty-five days' period elapsing between the date of filing [his] **the** report and the expiration of the time for filing the appeal [therefrom, all books, documents, vouchers, checks and other papers which have been procured before him in the course of his audit of the accounts of township officers, and, if any appeal shall be taken, shall continue to hold the same for production in the proceeding to determine the appeal.] **from the report, all financial records and other papers that were submitted to the controller for audit of the accounts of township officers. If an appeal is taken, the controller shall continue to hold the financial records and papers for production in the proceeding to determine the appeal.**

Section 38. Section 1201 of the act is amended to read:

Section 1201. [Election; Vacancies.--The board of commissioners at the commencement of the fiscal year in any even-numbered year, or as soon thereafter as practicable, may elect, by a vote of a majority of the members, one person learned in the law, who shall be styled the township solicitor, and who shall serve for the term of two years, and until his successor qualifies. The compensation of the solicitor shall be fixed by the board of commissioners. Vacancies in the office of township solicitor shall be filled by the board of commissioners for the unexpired term.] **Township Solicitor.--The board of commissioners may appoint and determine the compensation of a township solicitor and, as needed, special counsel. The township solicitor or special counsel must be licensed to practice law in this Commonwealth and may be an individual or a law firm, partnership, association or professional corporation. The township solicitor or special counsel shall serve at the pleasure of the board of commissioners.**

Section 39. Section 1202 of the act is repealed:

[Section 1202. Bond.--The township solicitor shall, if the board of commissioners so requires, give a bond to the township, with a surety company or other company authorized by law to act as surety, to be approved by the board of commissioners, in such sum as it shall by ordinance or resolution direct, conditioned for the faithful performance of his duty.]

Section 40. Sections 1203, 1204 and 1301 of the act are amended to read:

Section 1203. [Solicitor to have Control of Law Matters.--The law matters of the township shall be under the superintendence, direction and control of the township solicitor. No official or official body of the township, except

as herein otherwise provided, shall employ an additional counsel without the assent or ratification of the board of commissioners.] **Control of Legal Matters.--**

(a) Except where the board of commissioners has appointed special counsel for a specific matter, the township solicitor shall advise on the legal matters of the township.

(b) No department or officer of the township, except as otherwise provided by law, shall employ or retain an additional counsel without the consent or ratification of the board of commissioners.

Section 1204. Duties of Solicitor.--The township solicitor [shall prepare such bonds, obligations, contracts, leases, conveyances, and assurances to which the township, or any department thereof, may be a party, as may be directed by ordinance or resolution; he shall commence and prosecute all actions brought by the township for or on account of any of the estates, rights, trusts, privileges, claims, or demands, as well as defend all actions or suits against the township, or any officer thereof, wherein or whereby any of the estates, rights, privileges, trusts, ordinances, or accounts of the township may be brought in question before any court in the Commonwealth; and shall do every professional act incident to the office which he may be authorized or required to do by the board of commissioners or by any ordinance or resolution. He shall, whenever required, furnish the board of commissioners, and the committees thereof, with his opinion in writing upon any question of law which may be submitted by any of them in their official capacities.] **or special counsel, as applicable, shall:**

(1) Prepare or approve, if directed or requested to do so by the board of commissioners, bonds, obligations, contracts, leases, conveyances, ordinances and assurances to which the township, or any department of the township, may be a party.

(2) Commence and prosecute all actions brought by the township for or on account of any of the estates, rights, trusts, privileges, claims or demands of the township and defend the township or any township officer against all actions or suits brought against the township or township officer in which any of the estates, rights, privileges, trusts, ordinances or accounts of the township may be brought in question before a court in this Commonwealth.

(3) Furnish the board of commissioners and the township committees, upon request, with an opinion in writing upon a question of law, which may be submitted by any of them in their official capacities.

(4) Perform every other professional act incident to the office which the township solicitor or special counsel may be authorized or required to perform by the board of commissioners or by any ordinance or resolution.

Section 1301. [Election of Township Engineer; Term; Filling of Vacancies.--The board of commissioners at the commencement of the fiscal year in any even-numbered year, or as soon thereafter as may be practicable, may elect, by a vote of a majority of the members, one person as township engineer, who shall be a registered civil engineer. He shall serve for a term of two years, and until his successor qualifies. The board of commissioners shall fix the compensation of the engineer. Vacancies in the office of township engineer shall be filled by the board of commissioners for the unexpired term.] **Township Engineer.--**

(a) The board of commissioners may appoint and determine the compensation of a township engineer who must be a registered

professional engineer. The township engineer serves at the pleasure of the board of commissioners.

(b) As used in this article, the term "engineer" means one or more registered professional engineers or a firm of registered professional engineers.

Section 41. Section 1302 of the act is repealed:

[Section 1302. Bond.--The township engineer shall, if the board of commissioners so requires, give a bond to the township, with a surety company or other company authorized by law to act as surety, to be approved by the board of commissioners, in such sum as it shall by ordinance or resolution direct, conditioned for the faithful performance of his duty.]

Section 42. Sections 1303, 1304, 1305 and 1306 of the act are amended to read:

Section 1303. Control of Engineering Matters.--[The township engineer shall have the superintendence, direction and control of the engineering matters of the township. No department or officer of the township shall employ or retain any additional engineer, except with the consent and ratification of the board of commissioners.]

(a) Except where the board of commissioners has appointed an engineer for a specific matter, the township engineer shall direct and control the engineering matters of the township.

(b) No department or officer of the township, except as otherwise provided by law, may employ or retain an additional engineer without the consent or ratification of the board of commissioners.

Section 1304. Duties; Preparation of Plans.--The township engineer shall perform [such duties as the board of commissioners shall prescribe as to the construction, reconstruction, maintenance, and repair of all streets, bridges, culverts, and other engineering work. He shall prepare plans, specifications, and estimates of all such work undertaken by such township, and shall, whenever required, furnish the board of commissioners, and the committees thereof, with reports, information, or estimates on any township engineering work or on questions submitted by any of them in their official capacity.] **duties and provide reports as the board of commissioners may direct for the construction, reconstruction, maintenance and repair of streets, bridges, culverts and other engineering work. The township engineer may prepare plans, specifications and estimates of the work undertaken by the township and shall furnish the board of commissioners and the committees of the township with reports, information or estimates on any township engineering work or on questions submitted by the board of commissioners.**

Section 1305. Certificate of Commencement and of Completion of Municipal Improvements.--

(a) The township engineer shall[, immediately after the completion of any municipal improvement, the cost of which, in whole or in part, is to be paid by the owner of the abutting property, make certificate in which he shall state the day or time on which the particular improvement was completed, and shall file the same with the township secretary, who shall enter the said day or time of completion of the work in a book to be kept by him for said purpose. The said day or time mentioned in said certificate shall be conclusive on all parties as to the time the said work was completed. The time of completion of the work, referred to in this section and in other parts of this act, shall be taken to mean the time of the completion of the whole contract for the improvement. He shall also furnish to the township secretary a certificate showing the time at

which any such particular improvement was commenced, and such certificate shall be conclusive evidence of the time when the said improvement was begun. An entry of such date shall be made by said secretary in the book aforesaid.] **certify to the township secretary the date of commencement and date of completion of all municipal improvements, the cost of which, in whole or in part, is to be paid by the owners of the abutting property. The certification shall be made a part of the permanent records of the township. The certified date of commencement and certified date of completion shall be conclusive on all parties.**

(b) As used in this section, the phrase "certified date of completion" means the date of the completion of the whole contract for the improvement.

Section 1306. Surveys.--The township engineer shall have the charge and direction of all surveys and regulations authorized by any act of Assembly or ordinance of [such] **the township.**

Section 43. Subdivision (b) of Article XIII is repealed:

[(b) Real Estate Registry

Section 1310. Provisions for Registration of Real Estate.--For the purpose of procuring accurate information in reference to the ownership of all real estate, the board of township commissioners may provide, by ordinance for the registry thereof in the manner following.

Section 1311. Preparation of Books, Plans and Maps.--The township engineer of any township in which such registry shall be established shall cause to be made all such necessary books, maps and plans as will show the situation and dimensions of each property therein, which books, maps or plans shall be so prepared as to show the house number, if any, the name of the owner or owners thereof, with blank spaces for the owner of each lot, with provision for the names of future owners, and dates of future transfer of title. For such purpose, the township engineer shall have free access, without charge, to any of the public records wherein the necessary information may be obtainable therefor. He may also cause search to be made in any other place for any muniments or evidence of title, not reported to him as hereinafter provided, and requisite for the completion of such books, maps or plans.

Section 1312. Preservation of Records.--The said books, maps and plans shall be carefully preserved in the office of the engineer of said township; and shall be so kept, by additions from time to time, or otherwise, as to show the ownership of every lot or piece of real estate, or subdivision thereof, within the township limits, with the successive transfers of title, from the date of the commencement of such plans; but nothing therein or in this article shall invalidate any municipal or tax claim by reason of the fact that the same is not assessed or levied against the registered owner.

Section 1313. Certified Copies of Entries Admissible as Evidence.--Certified copies, under the hand of the said engineer, of any of the entries in said books, or upon said maps or plans shall be received in evidence in the same manner as the books, maps and plans themselves might be admissible for such purposes; and may be also furnished to any person desiring the same for such fee or compensation, for the use of the township, as may be fixed by ordinance.

Section 1314. Duties Imposed on Owners of Real Estate When Registry Established; Penalty.--All owners of unregistered real estate within the township limits, within one month from the date of the approval of the ordinance establishing such

registry, and every subsequent purchaser, and every devisee or person acquiring title by partition, or otherwise, to any real estate therein, within one month after acquiring such title, shall furnish to the said engineer, at his office, descriptions of their respective properties, upon blanks furnished by the township, and, at the same time, present their conveyance to be stamped by said engineer, without charge, as evidence of the registration thereof. Any person or persons neglecting or refusing to comply with the provisions of this section, for a period of thirty days after public notice of the requirements thereof, shall be liable to a penalty of five dollars, to be recovered, with costs of suit, in the name and for the use of the township, as penalties for the violation of township ordinances are recoverable: Provided, however, That such registration may, within said thirty day period, be also effected by the Recorder of Deeds of the county in accordance with existing law.

Section 1315. Registry of Properties; Duty of County Officers.--The sheriffs of the respective counties in which such townships are situated shall present for registry the deeds of all properties within the township limits sold by them at judicial sales, whether by execution or in partition or otherwise; and the prothonotaries and recorders of deeds of such counties shall not admit for record any deeds of any property in such township, bearing a date subsequent to the approval of an ordinance providing for the establishment of such registry, unless the same shall first have been duly stamped, as hereinbefore provided.

Section 1316. Conservation District.--The board of commissioners may make appropriations to the conservation district, as defined in the act of May 15, 1945 (P.L.547, No.217), known as the "Conservation District Law," in which the township is located.]

Section 44. The act is amended by adding articles to read:

**ARTICLE XIII-A
TOWNSHIP MANAGER**

Section 1301-A. Township manager.

(a) Authorization.--The board of commissioners may create by ordinance the office of township manager and, in like manner, abolish the office. While the office exists, the board of commissioners may appoint one individual, a partnership, a limited partnership, an association or a professional corporation as the township manager.

(b) Nature of office.--The township manager shall serve at the pleasure of the board of commissioners, subject to contractual rights that may arise under an employment agreement or professional services agreement that may be entered in accordance with section 1302-A.

Section 1302-A. Powers and duties; agreement.

(a) General rule.--The powers and duties of the township manager shall be regulated by ordinance. The board of commissioners may delegate, subject to recall, any of their nonlegislative and nonjudicial powers and duties to the township manager.

(b) Scope of agreement and validity.--

(1) The board of commissioners may enter into an employment agreement or professional services agreement with the township manager that specifies the terms and conditions of the appointment.

(2) The agreement may remain in effect for a specified period terminating no later than the date of the board of

commissioners' organizational meeting following the next municipal election.

(3) An agreement with a township manager executed on or after a municipal election but before the first meeting in January the year after the municipal election shall be void.

(4) An agreement entered into under this section may specify conditions under which a township manager who is an individual would be entitled to severance compensation, or, in the case of a partnership, limited partnership, association or a professional corporation, payments for the termination of the appointment. In no event may the agreement guarantee retention or employment through the term of the agreement or confer upon the township manager a legal remedy based on specific performance.

(c) Status as public official.--The township manager, if an individual, and, in the case of a partnership, limited partnership, association or a professional corporation appointed as the township manager, all officers and those employees directly providing services as required or authorized by the agreement, shall be considered a public official for purposes of the provisions of 65 Pa.C.S. § 1103 (relating to restricted activities).

Section 1303-A. Bond.

(a) General rule.--The township manager shall, if required by the board of commissioners, give a bond to the township, with a surety company or other company authorized by law to act as surety, to be approved by the board of commissioners, in such sum as the board of commissioners, by ordinance or resolution, directs, conditioned for the faithful performance of the township manager's duties.

(b) Insurance in lieu of bond.--In lieu of the bond required for the faithful performance by the township manager of official duties, the board of commissioners may purchase insurance as provided in section 602(b).

Section 1304-A. Incompatibility.

(a) General rule.--No township manager may be eligible to hold the office of township commissioner.

(b) Applicability.--In the case of a partnership, limited partnership, association or a professional corporation appointed as the township manager, the restriction in subsection (a) applies to all officers and employees who directly provide services as required or authorized by the agreement.

ARTICLE XIII-B

VETERANS' AFFAIRS

(a) Pennsylvania National Guard

Section 1301-B. Eminent domain for National Guard purposes.

(a) General rule.--Except as provided in subsection (b), the board of commissioners may take, by the right of eminent domain for the purpose of appropriating to the township for the use of the Pennsylvania National Guard, public lands, easements and public property in the township's possession or control and used or held by the township for any other purpose notwithstanding any limitation of the use by the township whether by donation, dedication, appropriation, statute or otherwise.

(b) Limitation.--Eminent domain may not be exercised as to a street, highway or wharf.

Section 1302-B. Land for armory purposes.

(a) General rule.--Except as provided in subsection (b), the board of commissioners may acquire, by purchase, gift or eminent domain, land for the use of the Pennsylvania National

Guard, to be conveyed to the Commonwealth in order to assist the State Armory Board in the erection of armories.

(b) Limitation.--The power conferred by subsection (a) may not be exercised to take church property or other actual place of regularly stated religious worship, graveyard, cemetery or a dwelling house or the curtilage of any of them in the actual occupancy of the owner.

Section 1303-B. Assistance to armories.

(a) Appropriation or conveyance.--The board of commissioners may appropriate money or convey land, either independently or in conjunction with any other municipality, to the Commonwealth for the following purposes:

(1) To assist the State Armory Board in the erection of armories for the use of the Pennsylvania National Guard.

(2) To furnish reasonable utilities free of cost to the Commonwealth for use in an armory of the Pennsylvania National Guard.

(b) Authority.--The board of commissioners may do all things necessary to accomplish the purposes specified in this section.

Section 1304-B. Support of Pennsylvania National Guard units.

(a) Annual appropriation.--The board of commissioners may appropriate annually a sum not to exceed \$1,500 for the support, maintenance, discipline and training of a unit of the Pennsylvania National Guard. If the units are organized as a battalion, regiment or similar organization, the total amount due may be paid to the commanding officer of the battalion, regiment or similar organization.

(b) Condition.--Money appropriated under this section shall be paid by warrant drawn to the order of the commanding officer of the unit conditioned upon certification by the Adjutant General of the Commonwealth to the township that the unit has satisfactorily passed the annual inspection provided by law.

(c) Use of funds.--Money appropriated under this section shall be used and expended solely and exclusively for the support, maintenance, discipline and training of the company, battalion, regiment or similar organization.

(d) Accounting required.--

(1) The commanding officer shall account, by proper vouchers to the township each year, for the expenditure of money appropriated under this section.

(2) No appropriation may be made for any subsequent year until the expenditure of the previous year is duly and satisfactorily accounted for.

(3) The accounts of the expenditures shall be subject to the inspection of the Department of Military and Veterans Affairs and shall be audited by the Auditor General in accordance with law.

(b) Support of Veterans' Organizations and Memorials

Section 1311-B. Appropriations to veterans' home associations.

The board of commissioners may make an annual appropriation not to exceed \$300 for the support of any Veterans' Home Association that provides a home or meeting facility within the township for the use of United States war veterans, and which is not maintained in whole or in part by the United States or any governmental agency other than the township.

Section 1312-B. Memorial Day or Veterans' Day appropriations.

The board of commissioners may appropriate money for the expenses of services for Memorial Day, Veterans' Day or a similar day provided for by Federal or State law.

Section 1313-B. Care of memorials.

(a) Maintenance and repair.--The board of commissioners may maintain and keep in good order and repair, at the expense of

the township, a soldiers' monument, gun or carriage or similar memorial if the memorial is not in the charge or care of an individual, body or organization and the memorial was not erected by the Federal Government, the Commonwealth or the commissioners of the county or by the direction or authority of any other state.

(b) Donations.--The board of commissioners may receive money from an individual or organization and may expend the money for the benefit of memorials.

Section 1314-B. Purchase of burial grounds for deceased service persons.

The board of commissioners may appropriate money and purchase plots of ground in a cemetery or burial ground for the interment of deceased service persons:

(1) Who die within the township or die beyond the township limits but had a legal residence within the township at the time of death.

(2) Whose bodies are entitled to be buried by the county under the provisions of existing law.

Section 45. Section 1401 of the act is amended to read:

Section 1401. Appointment, Compensation and Training of [Policemen.--The board of township commissioners shall,] **Police Officers.--(a) The board of commissioners may**, subject to the civil service provisions of this act, appoint and fix the number, rank and compensation of the members of the township police force. [No policeman shall at the same time hold any public office other than constable, health officer or school board member of a school district situated within a county of the second class. A policeman, whether contracted or otherwise employed by a school district, who holds the public office of school director shall not be permitted to serve as a school police officer, as provided for in section 778 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949. The]

(b) Subject to the requirements of 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental cooperation), the board of commissioners may provide for police services as follows:

(1) by municipal police officers under a contract;

(2) through the purchase of police services; or

(3) by joining or developing a consolidated regional police service.

(c) The board of commissioners may remove, suspend or demote a police officer:

(1) in accordance with the act of June 15, 1951 (P.L.586, No.144), entitled "An act regulating the suspension, removal, furloughing and reinstatement of police officers in boroughs and townships of the first class having police forces of less than three members, and in townships of the second class"; or

(2) subject to subdivision (d) of Article VI.

(d) The following shall apply:

(1) No police officer shall at the same time hold any public office other than constable, health officer or school director of a school district situated within a county of the second class.

(2) A police officer who holds the office of school director in a school district situated within a county of the second class pursuant to paragraph (1), whether contracted or otherwise employed by the school district, shall not be permitted to serve as a school police officer, as provided for in section 1302-C of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949.

(e) No police officer may participate in a political or election campaign while on duty or in uniform or while using township property other than to exercise the officer's right of suffrage.

(f) Except as provided in section 630, the board of commissioners shall [prescribe all necessary] **promulgate** rules and regulations for the organization of the police force. [The board may assign the chief of police or any other member of the force to undergo a course of training at any training school for policemen, established and made available by the State or Federal Government, and may provide for the payment by the township of his expenses while in attendance in such training school.]

(g) The board of commissioners may assign the chief of police or any other member of the police force to attend training classes offered by the Federal Government, State or county government, and may pay a member's expenses while attending the training classes.

Section 46. The act is amended by adding a section to read:

Section 1401.1. Special Fire Police.--The president of the board of commissioners may confirm any member of a volunteer fire company nominated to serve as special fire police under 35 Pa.C.S. Ch. 74 Subch. D (relating to special fire police). The president of the board of commissioners may swear in or affirm special fire police officers.

Section 47. Sections 1402, 1403, 1404 and 1405 of the act are amended to read:

Section 1402. Chief of Police and Other Officers.--The board of commissioners may designate the superintendent or the chief of police and other officers[,] who shall serve until their successors are duly designated and qualified.

Section 1403. Powers of [Policemen.--Policemen shall be ex-officio constables of the township and may, without warrant and on view, arrest and commit for hearing any and all persons guilty of a breach of the peace, vagrancy, riotous, or disorderly conduct or drunkenness, or who may be engaged in the commission of any unlawful act tending to imperil the personal security or endanger the property of the citizens, or violating any of the ordinances of the township for the violation of which a fine or penalty is imposed.] **Police Officers.--A township police officer shall have those powers and duties as are granted to police officers under the laws of this Commonwealth, the rules of the Supreme Court or the ordinances of the township, for the violation of which a fine or penalty may be imposed.**

Section 1404. Service of Process; Fees.--[Policemen shall have authority to serve and execute all criminal process for the violation of the township ordinances, which may be issued by any justice of the peace of the township, and shall charge the same fees and costs as pertain by law to constables for similar services, but such fees and costs shall be paid to the township treasurer for the use of the township.] **Police officers may serve and execute criminal process or processes issued for the violation of township ordinances and shall charge the same fees and costs as pertain by law to constables of the township for similar services, but the fees and costs shall be paid to the township treasurer for the use of the township.**

Section 1405. Supervision of Police.--The chief of police and [policemen shall obey the orders of the board of township commissioners or such other person or committee as may be designated by ordinance or resolution of the board for such purposes.] **police officers shall obey the orders of the board of commissioners or any other person or committee as**

designated by ordinance or resolution of the board for that purpose.

Section 48. Section 1406 of the act is repealed:

[Section 1406. Keepers to Receive Prisoners.--The keepers of jails, lockups, and station-houses shall receive all persons arrested by policemen for the commission of any offense against the laws of the Commonwealth or the ordinances of the township.]

Section 49. Sections 1407, 1408, 1409 and 1409.1 of the act are amended to read:

Section 1407. Badge.--[The police,] **Township police officers**, when on duty, shall wear a badge or shield with the words "Township Police" and the name of the township inscribed [thereon] **on the badge or shield.**

Section 1408. [Not to Receive Fees.--Townships employing policemen shall pay to all such policemen a fixed or stipulated salary. It shall not be lawful for any such policemen to charge or accept any fee or other compensation, in addition to his salary, for any service rendered or performed by him of any kind or nature whatsoever pertaining to his office or duties as a policeman, except public rewards and the expenses incurred in the discharge of his duties.] **Compensation.--**

(a) **A township that employs police officers shall pay to all the police officers a fixed or stipulated salary.**

(b) **No police officer may charge or accept a fee or other compensation in addition to the salary paid by the township for a service rendered or performed by the police officer, except public rewards and the expenses incurred in the discharge of the police officer's duties.**

Section 1409. [Establishment of Police Pension Fund; Management.--Townships] **Police Pension Fund.--**

(a) **If a police force of less than three full-time members is maintained, the township shall, unless there is a private organization or association constituting and managing an existing pension fund for the members of the police force in [any such] the township, by ordinance, establish a police pension fund to be maintained by member contributions of an equal percentage charge against each member of the police force[, which,]. The member contributions**, except to the extent that subsection (c) of section 607 of the act of December 18, 1984 (P.L.1005, No.205), known as the "Municipal Pension Plan Funding Standard and Recovery Act," applies, shall not exceed annually four [per centum] **percent** of the pay of [such] **the** member. [All pension funds established under the provisions of this section shall be under the direction of the township commissioners or such committee as they may designate, and shall be applied, under such regulations as the commissioners may by ordinance prescribe, for the benefit of such members of the police force as shall receive honorable discharge therefrom by reason of age or disability and the families of such as may be injured or killed in the service. Any allowances made to those who are retired by reason of disability or age shall be in conformity with a uniform scale.]

(b) **In lieu of establishing a pension fund in accordance with subsection (a), the township may, by ordinance, provide investment or insurance instruments for the purpose of the payment of pensions or annuities to the members of the police force who receive honorable discharge by reason of age or disability and the families of police officers injured or killed in service.**

(c) (1) **All pension funds or investment or insurance instruments established under this section shall be under the direction of the board of commissioners, or a committee as the**

board of commissioners may designate, and shall be applied under regulations as the board of commissioners may, by ordinance, prescribe for the benefit of the members of the police force who receive honorable discharge by reason of age or disability and the families of police officers injured or killed in the service.

(2) The board of commissioners shall appoint by resolution a chief administrative officer who shall have the primary responsibility for the execution of the administrative affairs of the pension plan, subject to the direction of the board of commissioners.

(3) An allowance made to an individual who retires by reason of disability or age shall be in conformity with a uniform scale.

(d) The ordinance establishing the police pension fund may prescribe a minimum period of continuous service of not less than 20 years and an age limit after which members of the police force may be retired from active duty and may be entitled to benefits of the fund.

(e) Payments made on account of police pensions shall not be a charge on any fund in the treasury of the township or under the control of the township, except the police pension fund.

(f) A township that establishes a police pension fund under this section shall make contributions to the police pension fund in an amount sufficient to meet the minimum obligation of the municipality with respect to the pension plan under the "Municipal Pension Plan Funding Standard and Recovery Act."

(g) A township may take, by gift, grant, devise or bequest, any money or property, real, personal or mixed, in trust for the benefit of the police pension fund. The care, management, investment and disposal of the trust funds or property, real, personal or mixed, shall be vested in the officers as the board of commissioners shall direct by ordinance and shall be governed by the officers, subject to any directions not inconsistent with the ordinance as the donors of the funds and property may prescribe.

(h) (1) The basis of the apportionment of the pension benefit shall be determined by the rate of monthly pay of the member at the date of death, honorable discharge or retirement, and shall not exceed in any year one-half the annual pay of the member, computed at the member's monthly rate.

(2) No person who participates in the police pension fund and becomes entitled to receive a benefit from the fund may be deprived of the person's right to an equal and proportionate share of the fund upon the basis upon which the person first became entitled to the benefit.

(i) (Reserved).

(j) The act of May 29, 1956 (1955 P.L.1804, No.600), referred to as the Municipal Police Pension Law, or the act of February 1, 1974 (P.L.34, No.15), known as the Pennsylvania Municipal Retirement Law, shall govern any township police pension fund not established under the provisions of this section.

Section 1409.1. Private Police Pension Funds; Optional Transfers.--(a) [Where] **If** there is a private organization or association constituting and managing an existing pension fund for the members of the police force in any township, [such] **the** township shall establish a police pension fund [under the provisions of this act if the membership of such] **for the purpose of paying pensions to the members of the police force if the membership of the** organization or association, by a two-thirds vote, elects to transfer its funds with all its

assets and liabilities into a township police pension fund as required to be established by this act.

(b) [Whenever such a private organization or association managing an existing police pension fund for the members of the police force in any township elects, by a two-thirds vote, to transfer its funds into the pension fund required to be established by this act, all the assets and liabilities of such existing fund shall be so transferred. Such transfer] **The transfer under subsection (a)** may be made by the transfer of securities. After [such] **the** transfer, the township police pension fund shall assume the liability of continuing the payment of pensions to members of the police force retired prior to [such] **the** transfer in accordance with the laws and regulations under which [such] **the** members were retired.

Section 50. Sections 1410, 1411, 1412, 1413, 1414 and 1415 of the act are repealed:

[Section 1410. Minimum Service for Retirement.--The ordinance establishing the police pension fund may prescribe a minimum period of continuous service, not less than twenty years, and an age limit after which members of the force may be retired from active duty and may be entitled to benefits of such fund. Policemen so retired shall be subject to service as police reserves until unfitted for such service by reason of age or disability, when they may be finally discharged.

Section 1411. Retirement Allowance.--The basis of the apportionment of the pension shall be determined by the rate of monthly pay of the member at the date of death, honorable discharge, or retirement, and shall not in any case exceed in any year one-half the annual pay of such member, computed at such monthly rate.

Section 1412. General Funds of Township not Liable.--Payments made for retirement allowances shall be a charge on no other fund in the treasury of the township or under its control other than the police pension fund.

Section 1413. Township Appropriations; Gifts; Management.--Any township shall make contributions to the police pension fund in an amount sufficient to meet the minimum obligation of the municipality with respect to the pension plan pursuant to the act of December 18, 1984 (P.L.1005, No.205), known as the "Municipal Pension Plan Funding Standard and Recovery Act," and may take, by gift, grant, devise or bequest, any money or property, real, personal or mixed, in trust for the benefit of such police pension fund. The care, management, investment, and disposal of such trust funds or property shall be vested in such officers as the township commissioners shall, by ordinance, direct, and shall be governed by such officers, subject to any directions not inconsistent therewith, as the donors of such funds and property may prescribe. Any township may also make contributions to any incorporated police pension fund extending retirement benefits to police officers of the township, subject to such conditions as the township commissioners may impose and in conformance with any applicable provisions of the "Municipal Pension Plan Funding Standard and Recovery Act."

Section 1414. Reasons for Denying Retirement Allowance.--No person participating in such police pension fund established by ordinance, and becoming entitled to receive a benefit therefrom, shall be deprived of his rights except for failing to comply with some general regulation relating to the management of such fund, which may be made by ordinance, and which provides that a failure to comply therewith shall

terminate the right to participate in the pension fund, after such notice and hearing as it shall prescribe.

Section 1415. Annuity Contracts in Lieu of Police Pension Fund.--Townships may provide annuity contracts for the purpose of paying pensions or annuities to the members of the police force who receive honorable discharge therefrom by reason of age or disability and the families of such as may be injured or killed in service.]

Section 51. Section 1416 of the act is amended to read:

Section 1416. School Crossing Guards.--[(a) The board of township commissioners, by resolution, may appoint school crossing guards who shall be in uniform and be authorized only in the management of traffic and pedestrians. Such school crossing guards shall serve at the pleasure of the board of township commissioners, except as provided in subsection (b), and shall not come within the civil service provisions of this act, nor shall they be eligible to join any township pension fund. Their compensation shall be fixed by the board of township commissioners and they shall be paid by the board of township commissioners, or jointly by the board of township commissioners and the board of school directors in a ratio to be determined by the two boards. If the board of township commissioners and board of school directors are unable to determine the ratio of compensation of the school crossing guards to be paid by each board, each such board shall pay one-half of the compensation of such school crossing guards who shall have the duty of controlling and directing traffic at or near schools.

(b) The board of township commissioners may approve an ordinance allowing a board of school directors to assume hiring and oversight of school crossing guards. Before the board of township commissioners may approve such an ordinance, the board of directors of the school district shall approve a resolution requesting the authority to assume the hiring and oversight of school crossing guards. The ordinance shall outline how the police department will provide any necessary training and assistance of the school crossing guards while on duty. Such school crossing guards will be authorized only in the management of traffic and pedestrians in and around areas identified by the police department and the school district superintendent or his or her designees. The school crossing guards shall not come within the civil service provision of this act, nor shall they fall under the bargaining unit of the school district nor be considered an employee as defined under section 1101-A of the act of March 10, 1949 (P.L.30, No.14), known as the "Public School Code of 1949," or a school employee as defined under 24 Pa.C.S. § 8102 (relating to definitions) or under any plans hereafter effective. Once the ordinance receives approval by the board of township commissioners, the school district shall assume the cost of compensation, including fixing such compensation, if any, of the school crossing guards. Auxiliary policemen, appointed as prescribed by general law, may be hired by the school district to serve as school crossing guards. The board of school directors shall notify the board of township commissioners of those hired to serve as school crossing guards and request that the necessary training or assistance be provided as outlined by the ordinance.] **(a) (1) The board of commissioners, by resolution, may appoint school crossing guards who shall be authorized only to manage traffic and pedestrians at or near schools while the school crossing guards are in uniform.**

(2) School crossing guards shall serve at the pleasure of the board of commissioners, except as provided in subsection

(b), shall not be subject to the civil service provisions of this act and shall not be eligible to join any township pension fund.

(3) The compensation of the school crossing guards, if any, shall be fixed by the board of commissioners and shall be paid by the board of commissioners, or jointly by the board of commissioners and the board of school directors, in a ratio to be determined by the boards. If the board of commissioners and board of school directors are unable to determine the ratio of compensation of the school crossing guards to be paid by each board, each board shall pay one-half of the compensation of the school crossing guards.

(b) (1) The board of commissioners may adopt a resolution allowing a board of school directors to assume hiring and oversight of school crossing guards. Before the board of commissioners adopts the resolution, the board of directors of the school district must adopt a resolution requesting authority from the board of commissioners to assume the hiring and oversight of school crossing guards.

(2) The resolution adopted by the board of commissioners shall outline the manner in which the police department will provide necessary training and assistance of the school crossing guards while on duty.

(3) The school crossing guards shall be authorized only to manage traffic and pedestrians in and around areas identified by the police department and the school district superintendent or the superintendent's designees.

(4) The school crossing guards shall not:

(i) Be subject to the civil service provisions of this act.

(ii) Be considered part of the bargaining unit of the school district.

(iii) Be considered an employee as defined under section 1101-A of the act of March 10, 1949 (P.L.30, No.14), known as the "Public School Code of 1949," or a school employee as defined under 24 Pa.C.S. § 8102 (relating to definitions) or an employee under any township or school district pension or benefit plan.

(5) After the resolution is adopted by the board of commissioners, the school district shall assume the cost of compensation, including fixing compensation, if any, of the school crossing guards.

(6) Notwithstanding any other provision of law, auxiliary police officers appointed as prescribed by law may be hired by the school district to serve as school crossing guards.

(7) The board of school directors shall notify the board of commissioners of the individuals hired to serve as school crossing guards and request that the necessary training or assistance be provided as specified in the resolution adopted by the board of commissioners.

Section 52. Section 1501 of the act, amended October 24, 2018 (P.L.921, No.151), is amended to read:

Section 1501. Suits; Property.--Townships of the first class [may--

I. Sue and be sued.

II. Purchase, acquire by gift, or otherwise, hold, lease, let and convey, by sale or lease, such real and personal property as shall be deemed to be to the best interest of the township: Provided, That no real estate owned by the township shall be sold for a consideration in excess of one thousand five hundred dollars except to the highest bidder after due notice by advertisement for bids or advertisement of a public auction in one newspaper of general circulation in the township. Such advertisement shall be published once not less than ten

days prior to the date fixed for the opening of bids or public auction, and such date for opening bids or public auction shall be announced in such advertisement. The award of contracts shall be made only by public announcement at a regular or special meeting of the board of township commissioners or at the public auction. All bids shall be accepted on the condition that payment of the purchase price in full shall be made within sixty days of the acceptance of bids.

The board of township commissioners shall have the authority to reject all bids if such bids are deemed to be less than the fair market value of the real property. In the case of a public auction, the board of township commissioners may establish a minimum bid based on the fair market value of the real property.

Except as otherwise hereinafter provided in the case of personal property of an estimated fair market value of less than two thousand dollars, no township personal property shall be disposed of, by sale or otherwise, except upon approval of the board of township commissioners, by ordinance or resolution. In cases where the board of township commissioners shall approve a sale of such property, it shall estimate the fair market value of the entire lot to be disposed of. If the board of township commissioners shall estimate the fair market value to be two thousand dollars or more, the entire lot shall be advertised for sale once, in at least one newspaper of general circulation in the township, not less than ten days prior to the date fixed for the opening of bids or public auction, and such date of opening of bids or public auction shall be announced in such advertisement, and sale of the property so advertised shall be made to the best responsible bidder. A public auction of personal property may be conducted by means of an online or electronic auction sale. During an electronic auction sale, bids shall be accepted electronically at the time and in the manner designated in the advertisement. During the electronic auction, each bidder shall have the capability to view the bidder's bid rank or the high bid price. Bidders may increase their bid prices during the electronic auction. The record of the electronic auction shall be accessible for public inspection. The purchase price shall be paid by the high bidder immediately or at a reasonable time after the conclusion of the electronic auction as determined by the board of township commissioners. In the event that shipping costs are incurred, they shall be paid by the high bidder. A township that has complied with the advertising requirements of this clause may provide additional public notice of the sale by bids or public auction in any manner deemed appropriate by the board of township commissioners. The advertisement for electronic auction sales authorized in this clause shall include the Internet address or means of accessing the electronic auction and the date, time and duration of the electronic auction. The board of township commissioners may reject any bids received if the bids are believed to be less than the fair market value of the property. The board of township commissioners shall, by resolution, adopt a procedure for the sale of surplus personal property, either individual items or lots of items, of an estimated fair market value of less than two thousand dollars and the approval of the board of township commissioners shall not be required for any individual sale that shall be made in conformity to such procedure.

The provisions of this clause shall not be mandatory where township property is to be traded in or exchanged for new township property.

The provisions of this clause shall not prohibit the sale or exchange of township property to public utilities.

The provisions of this clause requiring advertising for bids or sale at public auction and sale to the highest bidder shall not apply where township real or personal property is to be sold to a county, city, borough, town, township, institution district, school district, volunteer fire company, volunteer ambulance service or volunteer rescue squad located within the township, or authority as defined in 53 Pa.C.S. § 5602 (relating to definitions), or to a nonprofit corporation engaged in community industrial, commercial or affordable housing development or reuse or where real property is to be sold to a person for his exclusive use in an industrial development program or where real property is to be sold to a nonprofit corporation organized as a public library, or where real property is to be sold to a nonprofit medical service corporation as authorized by clause LXXII of section 1502, or where real property is to be sold to a nonprofit housing corporation as authorized by clause LXXIII of section 1502. When real property is to be sold to a nonprofit corporation organized as a public library or to a nonprofit medical service corporation or to a nonprofit housing corporation the board of township commissioners may elect to accept such nominal consideration for such sale as it shall deem appropriate. Real property sold pursuant to this clause to a volunteer fire company, volunteer ambulance service or volunteer rescue squad, nonprofit medical service corporation or to a nonprofit housing corporation shall be subject to the condition that when the property is not used for the purposes of the company, service, squad or the corporation the property shall revert to the township.

Any officer who sells and each officer who votes in favor of selling any township property, either real or personal, without the provisions of this section having been complied with, shall be subject to surcharge in the amount of any loss sustained by the township by reason of such sale.

The exemption granted by this clause to nonprofit corporations engaged in community, industrial, commercial or affordable housing development or reuse shall not apply to property owned and operated by the township or subcontracted or operated on the behalf of the township in order to conduct existing governmental functions.] **may:**

- (1) Sue and be sued.**
- (2) Have and use a corporate seal and alter the seal.**
- (3) Purchase, exchange, acquire by gift or otherwise, hold, lease, let and convey, by sale or lease, real and personal property deemed to be to the best interest of the township subject to the restrictions, limitations or exceptions as set forth in this act.**

Section 53. The act is amended by adding sections to read:

Section 1501.1. Real Property.--(a) No real estate owned by the township may be sold for a consideration in excess of six thousand dollars except to the highest bidder after due notice by advertisement for bids or advertisement of a public auction.

(b) The advertisement shall be published once in one newspaper of general circulation not less than ten days prior to the date scheduled for the opening of bids or public auction. The date for opening bids or public auction shall be announced in the advertisement.

(c) The award of contracts shall be made only by public announcement at a regular or special meeting of the board of

commissioners or at the public auction. A bid shall be accepted on the condition that payment of the purchase price in full shall be made within sixty days of the acceptance of a bid unless otherwise specified in the bid advertisement. If no compliant bids are received after advertisement, the applicable procedures in the act of October 27, 1979 (P.L.241, No.78), entitled "An act authorizing political subdivisions, municipality authorities and transportation authorities to enter into contracts for the purchase of goods and the sale of real and personal property where no bids are received," shall be followed.

(d) The board of commissioners shall have the authority to reject all bids if the bids are deemed to be less than the fair market value of the real property. In the case of a public auction, the board of commissioners may establish a minimum bid based on the fair market value of the real property.

(e) Real estate owned by a township may be sold for a consideration of six thousand dollars or less without advertisement or competitive bidding only after the board of commissioners estimates the value of the property upon receipt of an appraisal by a qualified real estate appraiser. Prior to selling real estate valued at six thousand dollars or less without advertisement or competitive bidding, the board of commissioners shall make a public announcement of the board's intention to sell the real estate at a regular or special meeting of the board at least thirty days prior to the sale.

(f) (1) Notwithstanding this section, the board of commissioners shall have the authority to exchange real property for real property of equal or greater value without complying with this section if the property being acquired by the township is to be used for municipal purposes. Municipal purposes as used in this subsection include a subsequent sale or lease of the property to any of the entities listed in section 1501.3.

(2) A conveyance of real property acquired in an exchange to an entity listed in section 1501.3 may contain a clause under which the lands and buildings will revert to the township if they are no longer being used for the purposes of the entity.

(3) If the board of commissioners chooses to exercise its power of real property exchange under this section, it shall be by resolution adopted by the board of commissioners. Notice of the resolution, including a description of the properties to be exchanged, shall be published once in one newspaper of general circulation not more than sixty days nor fewer than seven days prior to adoption.

(4) Participation in a real property exchange may not prohibit the application of the requirements of the act of October 4, 1978 (P.L.851, No.166), known as the Flood Plain Management Act.

Section 1501.2. Personal Property.--(a) Except as provided in subsection (d), no township personal property may be disposed of, by sale or otherwise, except upon approval of the board of commissioners. In cases when the board of commissioners approves a sale of the property, the board of commissioners shall estimate the fair market value of the entire lot to be disposed of. If the board of commissioners estimates the fair market value to be two thousand dollars or more, the entire lot shall be advertised for sale once, in at least one newspaper of general circulation, not less than ten days prior to the date fixed for the opening of bids or public auction. The date of opening of bids or public auction shall be announced in the advertisement, and sale of the property advertised shall be made to the highest bidder.

(b) A public auction of personal property may be conducted by means of an online or electronic auction sale. During an electronic auction sale, bids shall be accepted electronically at the time and in the manner designated in the advertisement. During the electronic auction, each bidder shall have the capability to view the bidder's bid rank or the high bid price. A bidder may increase his bid price during the electronic auction. The record of the electronic auction shall be accessible for public inspection. The purchase price shall be paid by the highest bidder immediately or at a reasonable time after the conclusion of the electronic auction as determined by the board of commissioners. In the event that shipping costs are incurred, they shall be paid by the highest bidder. A township that has complied with the advertising requirements of this section may provide additional public notice of the sale by bids or public auction in any manner deemed appropriate by the board of commissioners. The advertisement for electronic auction sales authorized in this section shall include the Internet address or means of accessing the electronic auction and the date, time and duration of the electronic auction.

(c) The board of commissioners may reject any bids received if the bids are believed to be less than the fair market value of the property. If no compliant bids are received after advertisement, the applicable procedures in the act of October 27, 1979 (P.L.241, No.78), entitled "An act authorizing political subdivisions, municipality authorities and transportation authorities to enter into contracts for the purchase of goods and the sale of real and personal property where no bids are received," shall be followed.

(d) The board of commissioners shall, by resolution, adopt a procedure for the sale of surplus personal property, either individual items or lots of items, of an estimated fair market value of less than two thousand dollars. The approval of the board of commissioners shall not be required for an individual sale that shall be made in conformity to the procedure.

(e) The provisions of this section shall not be mandatory where township personal property is to be traded in or exchanged for new or used personal property being acquired by the township, except that the trade or exchange shall be by resolution.

Section 1501.3. Exceptions.--(a) Nothing under this article requiring advertising for bids or sale at public auction and sale to the highest bidder shall apply if township real or personal property is to be sold to any of the following:

(1) A county, city, borough, town, township, institution district, school district, volunteer fire company, volunteer ambulance service or volunteer rescue squad located within the township.

(2) A council of government, consortium, cooperative or other similar entity created under 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental cooperation).

(3) An authority as defined in 53 Pa.C.S. § 5602 (relating to definitions) or an authority or industrial and commercial development authority as defined under section 3 of the act of August 23, 1967 (P.L.251, No.102), known as the Economic Development Financing Law.

(4) A nonprofit corporation engaged in community, industrial, commercial or affordable housing development or reuse.

(5) A person for the person's exclusive use in an industrial development program.

(6) A nonprofit corporation organized as a public library.

(7) A nonprofit medical service corporation as authorized by section 1502.46.

(8) A nonprofit housing corporation as authorized under section 1502.47.

(b) If real property is to be sold to a nonprofit corporation organized as a public library or to a nonprofit medical service corporation or to a nonprofit housing corporation, the board of commissioners may elect to accept nominal consideration for the sale as the board deems appropriate.

(c) Real property sold under this section to a volunteer fire company, volunteer ambulance service or volunteer rescue squad, nonprofit medical service corporation or to a nonprofit housing corporation shall be subject to the condition that when the property is not used for the purposes of the company, service, squad or corporation the property shall revert to the township.

Section 1501.4. Surcharge from Sale or Lease.--A commissioner who votes in favor of or knowingly participates in the sale or lease of township real or personal property in violation of this article is subject to a surcharge to the extent of any loss or injury to the township as a result of the sale or lease.

Section 1501.5. General Powers.--The board of commissioners may make and adopt any ordinances, bylaws, rules and regulations not inconsistent with or restrained by the Constitution and laws of this Commonwealth as may be expedient or necessary for the proper management, care and control of the township and its finances, and the maintenance of peace, good government and welfare of the township and its trade, commerce and manufactures.

Section 54. Section 1502 of the act, amended July 2, 2019 (P.L.349, No.50), 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, resolution pertaining to a tax levy, 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 and all township resolutions pertaining to tax levies 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 or resolution. The entry of the township ordinance or resolution 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.

II. Fines for Violation of Ordinances. To prescribe fines and penalties, not exceeding one thousand dollars for a violation of a building, housing, property maintenance, health, fire or public safety code or ordinance and for water, air and noise pollution violations, and not exceeding six hundred dollars for a violation of any other township ordinance, which fines and penalties may be collected by suit brought in the name of the township before any justice of the peace, in like

manner as debts of like amount may be sued for by existing laws, and to remit such fines and penalties.

III. Officers, Positions and Departments. To create any office, position or department which may be deemed necessary for the good government and interests of the township; and to fix the compensation of persons appointed thereto.

IV. Township Manager. To create, by ordinance, the office of township manager, and in like manner to abolish the same. The township manager shall serve at the pleasure of the board of commissioners, subject to contractual rights that may arise under an employment agreement that may be entered in accordance with this clause.

The powers and duties of the township manager shall be regulated by ordinance. The board of commissioners may enter into an employment agreement with the township manager. The employment agreement may set forth the terms and conditions of employment, and the agreement may provide that it shall remain in effect for a specified period terminating no later than two years after the effective date of the agreement or the date of the board of commissioners' organizational meeting following the next municipal election, whichever shall first occur. An employment agreement entered into pursuant to this clause may specify conditions under which a township manager would be entitled to severance compensation, but in no event shall an employment agreement guarantee employment through the term of the agreement or confer upon the township manager any legal remedy based on specific performance. The commissioners may delegate, subject to recall, any of their respective non-legislative and non-judicial powers and duties to the township manager. He shall, if required by the township commissioners, give a bond to the township, with a surety company or other company authorized by law to act as surety, to be approved by the commissioners, in such sum as it shall, by ordinance or resolution, direct, conditioned for the faithful performance of his duties.

V. Police Force. To establish, equip, and maintain a police force, and to define the duties of the same.

VI. Lockups and Commitments. To provide for the erection or purchase of lockups in the township for the detention and confinement of vagrants and persons arrested by the police officers until the persons so arrested can be taken before a justice of the peace for hearing; but no person shall be detained therein for a longer time than twenty-four hours (Sunday excepted) except upon order of a justice of the peace, legally authorized, who may commit any such person for further hearing.

VII. Committing Magistrate. To designate, from time to time, one of the justices of the peace to sit at the police station or town hall as a committing magistrate.

VIII. Vagrants. To arrest and confine, and to set to work on the streets or elsewhere, all vagrants found in the township.

IX. Disorderly Practices. To define and prohibit disorderly practices within the limits of the township.

X. Public Safety. To take all needful means for securing the safety of persons or property within the township.

XI. Road Implements. To purchase tools, implements, machinery, timber, and materials necessary for the making, paving, and repairing of streets and sidewalks, and other public work; to employ sufficient number of laborers to make and repair the same; and to lease or lend such tools, implements, and machinery to other townships, boroughs, or cities.

XII. Lights. To establish lights along the streets and highways, wherever deemed expedient. No such lights shall be established upon State highways until a permit has first been obtained from the State Department of Highways, or upon county highways until a permit has first been obtained from the county commissioners.

XIII. Lighting Assessments. On the petition of the owners of a majority of the lineal feet frontage along any street or highway, or portion thereof, in any village within the township, to enter into contracts with electric, gas, or other lighting companies to light and illuminate the streets, highways, and other public places in said village with electric light, gas light, or other illuminant.

The township commissioners shall annually assess, or cause to be assessed, the cost and expense of the maintenance of said lights by an equal assessment on all property benefited by such lighting in proportion to the number of feet the same fronts on the street, or highway, or portion thereof to be lighted. The board of township commissioners may provide for an equitable reduction from the frontage of lots, at intersections, or where, from the peculiar or pointed shape of lots, an assessment of the full frontage would be inequitable. No such assessment shall be made against any farm land, but vacant lots between built-up sections, whether tilled or untilled, shall not be deemed to be farm lands: Provided, however, That the assessment per front foot against vacant lots shall be only twenty-five per centum (25%) of the assessment per foot front against property with improvements thereon. All such assessments for street lighting shall be filed with the township tax collector, who shall give thirty days' written or printed notice that the assessments are due and payable, stating the due date to each party assessed, either by service on the owner of the property, or by mailing such notice to the owner at his last known post office address. The township tax collector shall be entitled to the same commission for the collection of such assessments as he is entitled to by law for the collection of the township tax. If the assessments, or any of them remain unpaid, on the first Monday of May of the succeeding year they shall be placed in the hands of the township solicitor for collection. The solicitor shall collect the same, together with five per centum (5%) as attorney's commission, and interest from the date such assessments were due, by a municipal claim filed against the property of the delinquent owner in like manner as municipal claims are by law filed and collected. Where an owner has two or more lots against which there is an assessment for the same year, all such lots shall be embraced in one claim. All assessments, when collected, shall be paid over to the township treasurer, who shall receive and shall keep all such assessments collected for lighting the streets and highways in a separate account and pay out the same only upon orders signed by the president or vice president of the township commissioners, attested by the secretary or assistant secretary. The treasurer shall make a report to the auditor or controller of the township annually.

Ornamental Standards for Street Lighting. On the petition of the owners of seventy-five per cent of the lineal feet frontage along any street or highway or portion thereof in any village within the township to provide for the furnishing and installation of ornamental standards for street lighting with fittings and underground wiring therefor along such street or highway or the portion thereof affected, and to enter into contracts with electric, gas or other lighting companies to

furnish and install such standards with the fittings and wiring therefor.

The board of township commissioners shall assess or cause to be assessed the cost and expense of the furnishing and installation of said standards, fittings and underground wiring by an equal assessment on all property benefited by the furnishing and installation of such standards, fittings and underground wiring in proportion to the number of feet the same fronts on the street or highway or portion thereof to be lighted. The township commissioners may provide for an equitable reduction from the frontage of lots at intersections, or where from the peculiar or pointed shape of lots an assessment of the full frontage would be inequitable. No such assessment shall be made against any farm land, but vacant lots between built-up sections, whether tilled or untilled, shall not be deemed to be farm lands. All such assessments for the cost of furnishing and installation of such standards, fittings and underground wiring shall be filed with the township tax collector, who shall give thirty days written or printed notice that the assessments are due and payable, stating the due date to each party assessed, either by service on the owner of the property or by mailing such notice to the owner at his last known post office address. The township tax collector shall be entitled to the same commission for the collection of such assessments as he is entitled to by law for the collection of the township tax. If the assessments or any of them remain unpaid at the expiration of a period not exceeding ninety days, the exact time to be fixed by the board of township commissioners, they shall be placed in the hands of the township solicitor for collection. The solicitor shall collect the same together with five per centum (5%) as attorney's commission and interest from the date such assessments were due by a municipal claim filed against the property of the delinquent owner in like manner as municipal claims are by law filed and collected. Where an owner has two or more lots against which there is an assessment all such lots may be embraced in one claim. All assessments when collected shall be paid over to the township treasurer who shall receive and shall keep all such assessments collected in a separate account and pay out the same only upon orders signed by the president or vice president of the township commissioners, attested by the secretary or assistant secretary. The treasurer shall make a report to the auditor or controller of the township annually until all of such assessments are paid in full.

XIV. Water Supplies. To enter into contracts with any person or corporation to supply water for fire protection and other purposes for a period not exceeding twenty years. No such contract shall be exclusive as against the right of any other water company, nor interfere with the right of such township to erect, maintain, and operate its own waterworks.

XV. Fire and Water Districts; Bond Issues and Taxes. To create, by ordinance, fire and water districts in any portion or portions of townships when, in their opinion, the same is necessary for the safety and convenience of the inhabitants of said township; to issue bonds restricted to the districts so created, for the purpose of procuring and maintaining the necessary supply of water to said district; and to levy such special tax restricted to said district as may be necessary to redeem any bonds so issued. To pay the cost or part of the cost of such water supply or water lines, the township commissioners may charge for any such water supply or water lines by an assessment of a special water or fire tax on all surface

properties or real estate located in the water or fire district, which tax shall be based on the assessment for county purposes as established for general taxation. Such tax may be levied for a single year or for a term of years as the township commissioners may determine, but in the case of fire districts shall not exceed two mills per annum, and shall be collected in the same manner as other taxes. In lieu of the foregoing provisions, or in order to defray part of the cost of such water supply or water lines, in all cases where said township shall have established a water system and shall construct main water lines in said township, the board of township commissioners may charge the cost of construction of any municipal water lines or lateral lines, upon any streets or highways adjacent to main lines, or such portion of the cost of construction as the board may deem proper, upon the properties benefited or accommodated thereby. The ordinance, providing for such charge, shall be adopted by the board within six months from date of the final completion of such system of water lines. Said charges shall be assessed and collected in the manner provided in this act for the assessment and collection of charges for the construction of sewers.

XVI. Fire Regulations. To make regulations within the township or within such limits, as may be deemed proper, relative to the cause and management of fires and the prevention thereof; to purchase or contribute to the purchase of fire engines and fire apparatus for the use of the township, and to appropriate money to fire companies for the operation and maintenance thereof and for the construction, repair and maintenance of fire company houses; to ordain rules and regulations for the government of such fire companies and their officers, and to regulate the method to be followed in the extinguishment of fires.

XVII. Fire Houses. To provide and maintain suitable places for the housing of engines, hose carts, and other apparatus for the extinguishment of fire.

XVIII. Building and Housing Regulations. To prohibit or regulate the erection of wooden buildings and housing in certain parts of the township and make regulations for the construction of new buildings and housing and the alteration and repair of old ones, and to require that before the work begins municipal approval of the plans and specifications therefor be secured; to classify buildings and housing or parts of buildings and housing according to the use to be made of them; to specify the mode of construction of such different classes of buildings and housing; and to require that before any use or occupancy be changed from any classification to a different classification, as to which more stringent regulations are prescribed under the provisions of any ordinance relating thereto, municipal approval of the plans and specifications therefor be secured.

XIX. Building and Housing Sanitation Regulations. In addition to other remedies provided by law, and in order to promote the public health, safety, morals, and the general welfare, to enact and enforce suitable ordinances to govern and regulate the construction, alteration, repairs, occupation, maintenance, sanitation, lighting, ventilation, water supply, toilet facilities, drainage, use, and inspection of all buildings and housing, or parts of buildings and housing, constructed, erected, altered, designed or used, in whole or in part, for human habitation or occupancy, and of the sanitation and inspection of land appurtenant thereto in accordance with Article XXXI-A.

XX. Building and Housing Inspectors.

XXI. Building Lines. To establish, by ordinance, and maintain uniform building lines upon any or all public streets or highways of the township.

XXII. Numbering Buildings. To provide for and regulate the naming of streets and highways; and to require and regulate the numbering of buildings.

XXIII. Insurance. To make contracts with any fire insurance company, association or exchange, including mutual companies duly authorized by law to transact insurance business in the Commonwealth, insuring any building or property of the township; to make contracts with any insurance company insuring any public liability of the township; to appropriate such amount as may be necessary to secure insurance or compensation for volunteer firemen of companies duly recognized by the township by motion or resolution, killed or injured while going to or returning or attending fires; to make contracts of insurance with any insurance company, association or exchange authorized to transact business in this Commonwealth insuring township employes or any class or classes thereof under a policy or policies of insurance covering workmen's compensation, life, health or accident insurance, and to contract with any such company granting annuities or pensions for the pensioning of such employes, and to agree to pay part or all of the premiums or charges for carrying such contracts, and to appropriate moneys from the township treasury for such purposes.

XXIV. Markets, Market Houses and Peddling. To regulate markets and peddling, whether for individual use or for resale; to provide and enforce regulations for markets and market houses, whether for individual use or for sale or resale; and to acquire and own ground for and to erect, establish, and maintain market houses and market places, for which latter purposes, parts of any streets, highways or sidewalks may be temporarily used as specified by the township commissioners; to contract with any person, firm, or corporation for the erection, maintenance, and regulation of market houses and market places, on such terms and conditions and in such manner as the board of commissioners may prescribe; to provide for the payment of the cost and expense of providing markets and market houses, either in whole or in part, from township funds; and to levy and collect a license tax from every person who may be authorized to occupy any portion of said market houses or places.

XXV. Milk Inspection. To provide for the inspection of milk and milk products; and to make regulations concerning the character and kind of milk and milk products which may be sold.

XXVI. Nuisances. To prohibit and remove any obstruction or nuisance in the streets and highways of the township; to make regulations respecting pigpens, slaughter houses, manure pits, drains, dumps, cesspools, and similar conditions, to prohibit and remove any noxious or offensive manufacture, art or business, or dangerous structure, or weeds, or any other nuisance whatsoever, on public or private grounds, prejudicial to the public health or safety, or to require the removal of the same by the owner or occupier of such grounds; in default of which, the township may cause the same to be done and collect the cost thereof, together with a penalty of ten per centum of such cost, in the manner provided by law for the collection of municipal claims or by action of assumpsit without the filing of a claim, or may seek relief by bill in equity.

XXVII. Ashes, Garbage, Rubbish and Refuse Materials. To make regulations relative to the accumulation of manure, compost and the like; to prohibit accumulation of ashes, garbage,

rubbish and other refuse materials upon private properties including the imposition and collection of reasonable fees and charges for the collection, removal and disposal thereof, and to prescribe fines and penalties for the violation of such regulations; to collect, remove and dispose of or to provide, by contract or otherwise, for the collection, removal and disposal by incineration, land fill or other methods of ashes, garbage, rubbish and other refuse materials; and to prescribe penalties for the enforcement thereof. Any such contract may be made for a period not exceeding three years: Provided, That this limitation shall not apply to contracts entered into with any other political subdivision or with any municipality authority. To acquire any real property and to erect, maintain, improve, operate and lease, either as lessor or lessee, facilities for incineration, land fill or other methods of disposal, either within or without the limits of the township, including equipment, either separately or jointly, with any other political subdivision or with any municipality authority in order to provide for the destruction, collection, removal and disposal of ashes, garbage, rubbish and other refuse materials; and to provide for the payment of the cost and expense thereof, either in whole or part, out of the funds of the township and to acquire and to maintain lands and places for the dumping of ashes, garbage, rubbish and other refuse material. To fix, alter, charge and collect rates, and other charges for the collection, removal and disposal of ashes, garbage, rubbish and other refuse materials and the costs of including the payment of any indebtedness incurred for the construction, purchase, improvement, repair, maintenance and operation of any facilities therefor, and the amount due under any contract with any other political subdivision or with any municipality authority furnishing any of such services or facilities. To incur indebtedness and issue bonds for the costs of the construction, purchase, improvement and repair of any facilities for the collection, removal and disposal of ashes, garbage, rubbish and other refuse materials, including equipment to be used in connection therewith. To make appropriations to any other political subdivision or any municipality authority out of its general funds or out of any other available funds, including the proceeds of bonds of the township for the construction, purchase, improvement, repair, maintenance and operation of any facilities for the collection, removal and disposal of ashes, garbage, rubbish and other refuse materials. In the event that any such bonds were issued for such purposes, pursuant to a vote of the electors, any appropriation of such proceeds as above set forth shall not be deemed such a change of purpose from that for which such bonds were issued as shall require the question to be again submitted to a vote of the electors under any existing law. Any such funds appropriated as herein authorized, which represent the proceeds of any bonds heretofore or hereafter issued by the township for the above purposes, shall be used by such other political subdivision or municipality authority for or toward the purpose or purposes for which such bonds were issued.

XXVIII. Inflammable and Explosive Articles. To prohibit the manufacture, sale or storage of inflammable and explosive articles; to prescribe the quantities of inflammable and explosive articles that may be kept in any place; and to prescribe such other safeguards as may be deemed necessary.

XXIX. Smoke Regulations. To regulate the emission of smoke from chimneys, smokestacks and other sources, except locomotive smokestacks.

XXX. Animals. To prohibit or regulate the running at large of dogs and in the enforcement of such regulations to direct the killing of dogs or their seizure and detention, including reasonable charges therefor, or to provide for their sale for the benefit of the township; to prohibit and regulate the running at large of other animals and to authorize their seizure and detention, including reasonable charges therefor, and to provide for their sale for the benefit of the township.

XXXI. Amusements. To regulate, license, and fix the time of opening and closing of, or to prohibit, theatrical exhibitions, amusements and dances at which an admission or other fee is charged; to regulate, license and fix the time of opening and closing poolrooms, billiard-rooms, shooting galleries, skating rinks and bowling alleys; and to license, regulate or prohibit circuses.

XXXII. Party Walls and Fence Regulations. To make regulations respecting foundations, party walls and partition fences; and to prescribe reasonable fees for the services of its officers and agents in the adjustment of party walls, partition fences and the like, and to enforce payment of the same.

XXXIII. Watering Troughs. To erect watering troughs along the streets or highways and to keep the same in repair.

XXXIV. Ambulances and Rescue and Life Saving Services. To acquire and to operate and maintain motor vehicles for the purposes of conveying sick and injured persons of such township and the vicinity to and from hospitals, and, for such purposes, to appropriate and expend moneys of the township or to appropriate money annually towards ambulance and rescue and life saving service, and to enter into contracts relating thereto. All appropriations of money heretofore made and contracts heretofore entered into by any township for such service are hereby validated and confirmed.

XXXV. Display of Flags. To display the flag of the United States, of the Commonwealth of Pennsylvania, the official POW/MIA flag and the flag of any county, city, borough, or township on the public buildings or grounds or any property of the township.

XXXVI. Memorial Day Appropriations. To appropriate moneys for the expenses of Memorial Day services.

XXXVII. Care of Memorials. To maintain and keep in good order and repair at the expense of the township, and it shall be their duty so to do, any soldiers' monument, gun, or carriage, or other similar memorial, when there is not in existence any person, body or organization to care for and maintain the same, and when such memorials were not erected by the government of the United States, the Commonwealth of Pennsylvania, any other state, or by the commissioners of any county; and to receive from persons or organizations funds for such purposes.

XXXVIII. Soldiers' Cemeteries. To purchase plots of ground in any cemetery or burial ground for the interment of such deceased service persons who shall hereafter die within such township, or shall die beyond such township and shall have a legal residence within such township at the time of their death, and whose bodies are entitled to be buried by the county under the provisions of existing laws. Such plots of ground shall be paid for out of the treasury of such township.

XXXIX. Appropriations to Civic Associations. To annually appropriate a sum, not exceeding two hundred dollars, for the support of any voluntary association composed of electors of the several townships within such county, or any of them, which

association is formed for the study and investigation of the welfare, economics, management and government of townships, and for the protection and safeguarding of the rights and franchises of townships, and for the purpose of recommending legislation beneficial to townships, or any one or more of such purposes.

XL. Armory Buildings. To appropriate money or convey land, either independently or in connection with any county, city, town, borough, or township, to the Commonwealth of Pennsylvania for the purpose of assisting the Armory Board of the Commonwealth in the erection of armories for the use of the National Guard, and to furnish water, light, or fuel, free of cost to the Commonwealth, for use in any armory, and to do all things necessary to accomplish the purposes of this clause.

XLI. Land for Armories. To take by right of eminent domain, for the purpose of appropriating to themselves, for the use of the National Guard of Pennsylvania, such public land, easements, and public property as may be in their possession or control, and used or held by them for any other purpose. Such right, however, shall not be exercised as to any street or highway or wharf, but all other public easements and property may be appropriated and used for the purpose herein provided, any limitation of the use thereof by the township, either by donation, dedication, appropriation, statute, or otherwise, to the contrary notwithstanding.

XLII. Land for Armory Purposes. To acquire, by purchase or by gift or by the right of eminent domain, any land for the use of the National Guard of Pennsylvania, and to convey such lands so acquired to the Commonwealth of Pennsylvania to assist the Armory Board in the erection of armories. The proceedings for the condemnation of lands under the provisions of this act, and for the assessment of damages for property taken, injured or destroyed, shall be taken in the same manner as is now provided by this act for the condemnation of lands. The power conferred by this clause shall not be exercised to take any church property, graveyard, cemetery, or any dwelling house, or the curtilage of the same, in the actual occupancy of the owner.

XLIII. Junk Dealers, Pawnbrokers, Auctions. To regulate and license junk dealers, pawnbrokers, hucksters, peddlers, vendors, and public auctions and auctioneers and to regulate and license the establishment and maintenance of junk yards, salvage yards and other places used and maintained for the collection, storage and disposal of used and second-hand goods and materials.

XLIV. Health and Cleanliness Regulations. To make such regulations as may be deemed necessary for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the township and the inhabitants thereof.

XLV. Comfort and Waiting Stations and Drinking Fountains. To acquire property for the purposes of providing, maintaining, and operating thereon comfort and waiting stations and drinking fountains; and to construct and maintain such stations and fountains on any of the streets or highways of the township.

XLVI. Support of National Guard Units. To appropriate annually a sum not exceeding seven hundred and fifty dollars for the support and maintenance, discipline and training of any dismounted company or similar unit of the National Guard, and a sum not to exceed fifteen hundred dollars for the support and maintenance of any mounted or motorized troop or similar unit of the National Guard. Where such units are organized as a battalion, regiment or similar organization, the total amount due may be paid to the commanding officer of the battalion, regiment or similar organization. Any moneys so appropriated shall be paid by warrant drawn to the order of the commanding

officer of such company, battalion, regiment or similar organization, only when it shall be certified to the township, by the Adjutant General of the State, that the said company or companies have satisfactorily passed the annual inspection provided by law. The moneys so appropriated shall be used and expended solely and exclusively for the support and maintenance, discipline and training of the said company, battalion, regiment, or similar organization; and the commanding officer shall account, by the proper vouchers to the said township each year, for the expenditure of the money so appropriated, and no appropriation shall be made for any subsequent year until the expenditure of the previous year is duly and satisfactorily accounted for.

The accounts of such expenditures shall be subject to the inspection of the Department of Military Affairs, and shall be audited by the Auditor General, in the manner provided by law, for the audit of accounts of State moneys.

XLVII. Hospital Appropriations. For townships having a population of two thousand inhabitants and upwards, to appropriate moneys for the support of any incorporated hospital which is engaged in charitable work, and extends treatment and medical attention to the residents of such townships; but no such appropriation shall exceed, in any year, the cost of free service extended to residents of the township which is in excess of any amount paid by the Commonwealth towards such free service, and in no case more than the sum of one thousand dollars (\$1000).

XLVII.I. Appropriations to Veterans' Home Associations. To annually appropriate a sum not exceeding three hundred dollars for the support of any Veterans' Home Association which provides a home or club-house within the township, for the use of United States War Veterans, and which is not maintained in whole or in part by the United States or any governmental agency other than the township.

XLVII.II. Appropriations for Community Nursing Services. To appropriate money annually towards any nonprofit associations or corporations which provide community nursing services for the control of communicable disease, the immunization of children, the operation of child health centers (Well-Baby Clinics), instructive visits to parents of new babies beginning in the prenatal period and family health guidance, including nutrition, detection and correction of defects, all of which relate to the responsibilities of local boards of health.

XLIX. Parking and Parking Lots. To regulate parking, to provide parking accommodations so as to promote the convenience and protection of the public and to establish or designate, at the discretion of the commissioners, areas exclusively reserved for parking by handicapped individuals; to erect parking meters and to regulate parking meter charges and to post signs regulating parking in areas established or designated for handicapped parking. To acquire by gift or purchase, or the right of eminent domain, lands for use as parking lots, and to plan, design, locate, hold, construct, improve, maintain, operate, own or lease, either in the capacity of lessor or lessee and install facilities and equipment, including parking meters, on any such land to be devoted to the parking of vehicles of any kind, which in the judgment of the board of township commissioners, may be necessary and desirable for the purpose of establishing and maintaining such parking lots and to regulate the use thereof. Whenever any lands shall be acquired by any township for parking lots, they may be operated by such townships as parking lots for parking vehicles only,

but not for the sale or distribution of any commodity, or when so provided by ordinance or resolution, they may be let to and for private operation as parking lots on such terms and conditions as may be prescribed.

XLIX.I. Appropriations for Certain Streets. To appropriate money annually for improvements to any street as defined in section 102, located wholly or partially within the township, whether township owned or not, which has been adversely affected by parking availability as determined by the commissioners.

L. Airports. To acquire by lease or purchase or by exercising the power of eminent domain, in the manner provided in article nineteen of this act, any land lying either within or without the limits of the township, which in the judgment of the board of township commissioners, may be necessary and desirable for the purpose of establishing and maintaining municipal airdromes, aviation landing fields and airport facilities. The title acquired by the township exercising the power of condemnation shall be a title in fee simple. Any township having acquired land for such purposes may establish, equip, condition, operate and maintain the same as a municipal airport, airdrome, landing field, or intermediate landing field, and may lease the same or any part thereof, to any individual or corporation desiring to use the same for aviation purposes, and may enter into a contract in the form of a lease providing for the use of said land, or any part thereof, by the Government of the United States for the use by said Government of said land for aviation purposes upon nominal rental or without consideration.

Any township may acquire, by lease or purchase, land for aviation purposes as hereinbefore provided jointly with any county, city, borough, township, or political subdivision or municipality authority of this Commonwealth, and is hereby authorized and empowered to operate and maintain said airport, airdrome, landing field, or intermediate landing field jointly with any county, city, borough, township, or other political subdivision or municipality authority of this Commonwealth upon such terms and conditions, as may be agreed upon between the proper authorities of the county, city, borough, township, or other political subdivision of this Commonwealth.

LI. Purchase and Planting of Trees. To accept, purchase and plant or contribute to the purchase and planting of shade trees and shrubs along the streets, highways and sidewalks of the township, and to expend township moneys for such purpose.

LII. General Powers. To make and adopt all such ordinances, by-laws, rules and regulations not inconsistent with or restrained by the Constitution and laws of this Commonwealth as may be deemed expedient or necessary for the proper management, care and control of the township and its finances, and the maintenance of peace, good government and welfare of the township and its trade, commerce and manufactures.

LIII. Joint Municipal Agreements. To enter into agreements with other political subdivisions in accordance with existing laws in making joint purchases of materials, supplies or equipment, and in performing governmental powers, duties and functions, and in carrying into effect provisions of law relating to said subjects which are common to such political subdivisions.

LIV. Joint Contracts for Police and Fire Protection. To enter into contracts with the proper authorities of near or adjacent cities, boroughs and townships either for mutual aid or assistance in police and fire protection, or for the furnishing to or receiving from such cities, boroughs or

townships aid and assistance in police and fire protection, and to make appropriations therefor: Provided, That in connection with such contracts it shall not be necessary to receive bids or require bonds as required for other contracts under existing law.

LV. Widening and Deepening Water-Courses. After a permit has been secured from the Water and Power Resources Board, to widen and deepen water-courses running through the township and to erect such dykes, retaining walls and embankments along the same as shall be necessary to prevent water from overflowing the banks thereof. For such purposes, townships may enter upon and condemn such property as may be necessary. Townships may enter upon land lying near such water-courses and secure such material as may be necessary in connection with such work. Damages for property taken, injured or destroyed as the result of such work shall be fixed and determined in the manner provided in article nineteen of this act. Townships may appropriate moneys for the purposes of carrying into effect the provisions of this clause.

LVI. Regulation of Charges. To make and regulate charges for the use of facilities of the township.

LVII. Street, Sewer, Sidewalk, Etc., Regulations. To regulate the streets, sewers, public squares, common grounds, sidewalks, curbs, gutters, culverts and drains, and the heights, grades, widths, slopes and construction thereof, and to grant rights therein for the installation of public utilities in said streets.

LVIII. Creation of Capital Reserve Fund for Anticipated Capital Expenditures. To create and maintain a separate capital reserve fund for any anticipated legal capital expenditures, which fund shall be designated for a specific purpose or purposes at the time of its creation. The money in the fund shall be used, from time to time, for the construction, purchase or replacement of or addition to municipal buildings, equipment, machinery, motor vehicles or other capital assets of the township as specified at the time of the creation of the fund and for no other purpose: Provided, That it may be used for capital expenditure other than the purpose or purposes specified at the time it was created, if the commissioners by a four-fifths vote shall declare that the original purpose or purposes have become impracticable, inadvisable or impossible, or that conditions have arisen in the township which make other capital expenditures more urgent than those for which the fund was created.

The township commissioners may appropriate moneys from the general township funds to be paid into the capital reserve fund, or place in the fund any moneys received from the sale, lease or other disposition of any township property or from any other source unless received or acquired for a particular purpose. The fund shall be controlled, invested, reinvested and administered and the moneys therein and income from such moneys expended for the specific purpose or purposes for which the fund is created in such manner as may be determined by the township commissioners. The money in the fund, when invested, shall be invested in securities designated by law as legal investments for sinking funds of municipalities.

LIX. Appropriations for Handling, Storage and Distribution of Surplus Foods. The board of township commissioners of any township may appropriate from township funds moneys for the handling, storage and distribution of surplus foods obtained either through a local, State or Federal agency.

All appropriations of moneys heretofore made by the board of township commissioners of any township for the handling, storage and distribution of surplus foods obtained either through a local, State or Federal agency are hereby validated.

LX. Appropriations for Industrial Promotions. To make appropriations to an industrial development agency.

LXI. Non-Debt Revenue Bonds. To issue non-debt revenue bonds pursuant to provisions of the act of June 25, 1941 (P.L.159), known as the "Municipal Borrowing Law," to provide sufficient moneys for and towards the acquisition, construction, extension or improvement of municipal facilities, including water systems or facilities, sewers, sewer systems and sewage disposal systems or facilities, systems for the treatment or disposal of garbage and refuse, aeronautical facilities including but not limited to airports, terminals and hangars, and park and recreational facilities, and parking lots to be secured solely by the pledge of the whole or part of the rent, toll or charge for the use or services of such facilities.

Included in the cost of the issue may be any costs and expenses incident to constructing and financing the facilities and selling and distributing the bonds.

LXII. Appropriating Money for Historical Properties. To appropriate moneys to nonprofit associations or corporations organized for the purpose of acquiring and maintaining historical properties. Such appropriations shall only be used by the association or corporation for the acquisition, restoration and maintenance of the historical properties.

LXIII. Insurance. To expend out of the general township fund such amount as may be necessary to secure workmen's compensation insurance for its employes, including volunteer firemen of companies duly recognized by the township by motion or resolution killed or injured while going to, returning from or attending fires, or while performing any other duties authorized by the township; to make contracts of insurance with any fire insurance company, duly authorized by law to transact business in the Commonwealth of Pennsylvania, on any building or property owned by such township, to make contracts with any insurance company, so authorized, insuring any public liability of the township, and to make contracts of insurance with any insurance company, or nonprofit hospitalization corporation, or nonprofit medical service corporation, authorized to transact business within the Commonwealth, insuring its employes or commissioners, or any class or classes thereof, or their dependents, under a policy or policies of group insurance covering life, health, hospitalization, medical and surgical service, or accident insurance, and may contract with any such company, granting annuities or pensions, for the pensioning of such employes, or any class or classes thereof, and for such purposes, may agree to pay part or all of the premiums or charges for carrying such contracts, premiums, or charges, or portions thereof. The commissioners are hereby authorized, enabled and permitted to deduct from the employe's or commissioner's pay, salary or compensation such part of the premium or charge, as is payable by the employe or commissioner, and as may be so authorized by the employe or commissioner in writing. Such insurance shall be uniformly applicable to those covered and shall not give eligibility preference to, or improperly discriminate in favor of, commissioners. As used in this clause, the terms "employe" and "employes" exclude independent contractors and all township engineers and solicitors. Any life, health, hospitalization, medical service or accident insurance coverage contract entered into by a

township between January 1, 1959, and December 31, 1984, that includes or provides coverage for commissioners shall not be void or unlawful solely because of such inclusion of commissioners; nor shall any penalty, assessment, surcharge or disciplinary action of any kind occur as a result of such participation by such commissioners; and insurance benefits payable to insureds or their beneficiaries arising out of or on account of deaths, injuries, accidents or illnesses occurring prior to the effective date of this amendatory act shall remain the property of the insureds or their beneficiaries.

Any pension or annuity contract entered into by a township between January 1, 1959, and December 31, 1984, that includes or provides for benefits for commissioners at township expense shall not be void or unlawful solely because of such inclusion of such commissioners; nor shall any penalty, assessment, surcharge or disciplinary action of any kind occur as a result of such participation by commissioners: Provided, however, That anyone entitled to benefit coverage under a pension paid for, in whole or in part, by any township without lawful authority shall deliver, surrender and assign to the township all benefits paid thereunder after December 31, 1984.

Where any official personally contributed toward such a pension plan or a purchase of such an annuity, he shall be refunded his total contributions thereto, plus any interest accumulated thereon, less any amount already paid to him under the annuity or pension plan, when the annuity or pension benefits are delivered, surrendered or assigned to the township, or when the annuity becomes the property of the township by operation of this section. In lieu of a refund of total contributions plus accumulated interest, an official who personally contributed toward the pension plan or toward the purchase of the annuity may elect to purchase from the township its interest in that pension plan or annuity program. The election option shall be exercised within sixty (60) days of the effective date of this act. The value of the interest of the township in the pension plan or annuity program with respect to the official shall be determined by the actuary who prepared the 1983 municipal pension report for the township pension plan or annuity program pursuant to the act of December 6, 1972 (P.L.1383, No.293), entitled "An act requiring municipal pension systems to have an actuarial investigation of the fund made by an actuary who shall report his findings to the Department of Community Affairs," using the same applicable actuarial assumptions as used in that report or, if no actuary was retained for the 1983 report or no 1983 report was filed, by an actuary retained for the purpose of valuing the township interest. The cost of the actuarial valuation of the township interest and any future administrative costs of the pension plan or the annuity program attributable to the official shall be payable by the official in a manner to be established by agreement with the township auditors.

No elected or appointed township official included in a township-paid pension or annuity plan entered into prior to December 31, 1984, shall be subject to any penalty, assessment, surcharge or disciplinary action of any kind as a result of said participation. Any residual interest, value, refund of premium or benefits payable on or after December 31, 1984, arising out of the township-paid interest of the elected or appointed township officials shall become the exclusive property of the township.

LXIV. Appropriations for Urban Common Carrier Mass Transportation. To appropriate funds for urban common carrier

mass transportation purposes from current revenues and to make annual contributions to county departments of transportation or to urban common carrier mass transportation authorities to assist the departments or the authorities to meet costs of operation, maintenance, capital improvements, and debt service, and to enter into long-term agreements providing for the payment of the said contributions.

LXV. Appropriating Money to Assist Political Subdivisions and Municipality Authorities for Airports. To appropriate moneys to assist any city, borough, town, township or other political subdivision or municipality airport authority to acquire, establish, operate and maintain any and all air navigation facilities lying either within or without the limits of such township.

LXVI. Open Burning. To regulate, including the prohibition of the open burning of combustible material.

LXVII. Community Development. To undertake community development programs, including but not limited to urban renewal, public housing, model cities programs and neighborhood development projects.

LXIX. Appropriations for Observances and Celebrations. To appropriate annually an amount for the observance of holidays, centennials or other anniversaries or for township celebrations or civic projects or programs.

LXX. Building Hospitals. To appropriate not exceeding one dollar (\$1) per township resident per year toward the maintenance and/or support of any medical center or hospital building and further appropriate from such funds toward the purchase and/or erection of medical or hospital facilities. Where the total cost of such purchase or erection exceeds one hundred thousand dollars (\$100,000), it will necessitate approval by the appropriate health planning agency. The number of residents shall be determined from the latest decennial Federal census.

LXXI. Appropriations to Tourist Promotion Agencies. To appropriate annually, such amount of money but not in excess of ten cents (10¢) for each resident of the township, as determined by the latest official census, which may be deemed necessary, to any "tourist promotion agency," as defined in the act of April 28, 1961 (P.L.111, No.50), known as the "Tourist Promotion Law," to assist such agencies in carrying out tourist promotional activities.

LXXII. Sale of Real Property to Nonprofit Medical Service Corporation. To sell township-owned real property to a nonprofit medical service corporation for its exclusive use as a site for a medical service facility.

LXXIII. Sale of Real Property to Nonprofit Housing Corporation. To sell township-owned real property to a nonprofit housing corporation for its exclusive use for housing for the elderly.

LXXIV. Appropriations to Nonprofit Art Corporations. To appropriate annually, such amount of money, which the board of commissioners deems necessary but not exceeding an amount equal to one mill of the real estate tax to any nonprofit art corporation for the conduct of its artistic and cultural activities. For the purposes of this section nonprofit art corporation shall mean a local arts council, commission or coordinating agency, or any other nonprofit corporation engaged in the production or display of works of art, including the visual, written or performing arts. Artistic and cultural activities shall include the display or production of theater, music, dance, painting, architecture, sculpture, arts and

crafts, photography, film, graphic arts and design and creative writing.

LXXV. Appropriations for Neighborhood Crime Watch Programs. To appropriate annually, solely at the discretion of the board, an amount toward a neighborhood crime watch program. Notwithstanding any other provision of law, no township or official thereof shall become subject to contractual, tort or other liability as a result of having made an appropriation pursuant to this clause.

LXXVI. Appropriation for Support of Drug and Alcohol Abuse Programs. To appropriate annually, out of the general funds to the township, a sum not to exceed five thousand dollars (\$5000) to be divided in such amounts as the commissioners deem proper to be used for education and the development of programs within the community dealing with drug and alcohol abuse. Such funds also may be contributed to existing programs available to the township's residents in adjacent communities or in the county where the township is situate at the discretion of the township commissioners.

LXXVII. Assessment of Tapping Fees. To enact, amend and repeal ordinances charging certain enumerated fees to property owners who desire to or are required to connect to any water or sewer system owned or operated by the township or who desire to increase their usages of such systems, including connection fees, customer facility fees and tapping fees, in accordance with the conditions and restrictions provided in clause (t) of subsection B of section 4 of the act of May 2, 1945 (P.L.382, No.164), known as the "Municipality Authorities Act of 1945." No township may charge any tapping, connection or other similar fee as a condition of connection to a township-owned sewer or water system unless the fee is calculated as provided in the applicable provisions of the "Municipality Authorities Act of 1945."

LXXVIII. Appropriations to Watershed Associations. To appropriate money to nonprofit watershed associations for watersheds serving the township. Such appropriations may not be used to undertake litigation against any municipal corporation or to seek redress against any individual landowner.

LXXIX. Emergency Services. (a) The township shall be responsible for ensuring that fire and emergency medical services are provided within the township by the means and to the extent determined by the township, including the appropriate financial and administrative assistance for these services.

(b) The township shall consult with fire and emergency medical services providers to discuss the emergency services needs of the township.

(c) The township shall require any emergency services organizations receiving township funds to provide to the township an annual itemized listing of all expenditures of these funds before the township may consider budgeting additional funding to the organization.] **Specific Powers.--The corporate power of a township of the first class shall be vested in a board of commissioners. In the exercise of any specific powers involving the enactment of an ordinance, passage of a resolution or the making of any regulation, restriction or prohibition, the township may provide for enforcement and penalties for violations. The specific powers of the township shall include the powers provided under this article.**

Section 55. The act is amended by adding sections to read:

Section 1502.1. Officers, Positions and Departments.--(a)
The board of commissioners may create any office, position or department which the board may deem necessary for the good of

government and interests of the township and may fix the compensation of appointed individuals.

(b) The board of commissioners may provide for and regulate the manner of hiring and discharging employes and the fixing of salaries or compensation, consistent with applicable Federal and State law.

Section 1502.2. Police Force.--The board of commissioners may establish, equip, maintain and define the duties of a police force.

Section 1502.3. Lockup facilities.--The board of commissioners may provide for lockup facilities in the township for the temporary detention and confinement of individuals.

Section 1502.4. Rewards.--The board of commissioners may offer rewards for information leading to the arrest and conviction of an individual guilty of a crime within the township.

Section 1502.5. Disorderly Conduct.--The board of commissioners may, by ordinance, prohibit disorderly conduct within the limits of the township and provide for the imposition of penalties for the conduct in accordance with this act. If an ordinance is enacted, it shall define disorderly conduct in a manner substantially similar to the provisions of 18 Pa.C.S. § 5503 (relating to disorderly conduct).

Section 1502.6. Public Safety.--The board of commissioners may take all necessary means to secure the safety of persons or property within the township.

Section 1502.7. Fire Protection.--The board of commissioners may:

(1) Appropriate money for the use of the township or to fire companies providing fire protection to the township for the purchase, operation and maintenance of fire engines and fire apparatus and for the construction, repair and maintenance of fire stations.

(2) Contract with or make grants to near or adjacent municipal corporations or volunteer fire companies for fire protection in the township.

(3) By ordinance or resolution, make rules and regulations for the government of fire companies providing fire protection to the township and their officers.

Section 1502.8. Building and Housing Regulations.--In addition to other remedies provided by law, the board of commissioners may enact and enforce suitable ordinances relating to building and housing regulations in accordance with Article XXXI-A.

Section 1502.9. Numbering Buildings.--The board of commissioners may, by ordinance, require and regulate the numbering of buildings and lots.

Section 1502.10. Regulation of Business.--To provide for the prohibition, licensing and regulation of business, a board of commissioners may:

(1) In addition to licensing in accordance with Article XXIX, prohibit, license and regulate by ordinance the following:

(i) The carrying on of any manufacture, art or business which may be noxious or offensive and prejudicial to the public health or safety of the inhabitants.

(ii) The establishment and maintenance of junk yards, salvage yards and other places used and maintained for the collection, storage and disposal of used or second-hand goods and materials.

(iii) With respect to marketplaces:

(A) regulate markets whether for individual use or for resale;

- (B) purchase and own ground;
- (C) erect, establish and maintain marketplaces for which parts of a street or sidewalk may be temporarily used;
- (D) contract with a person for the erection, maintenance and regulation of marketplaces, on terms and conditions and in a manner as the board of commissioners may prescribe;
- (E) provide and enforce suitable regulations respecting marketplaces;
- (F) provide for the payment of the cost or expense of marketplaces, either in whole or in part, out of the funds of the township; and
- (G) levy and collect a suitable license fee from each person who may be authorized by the board of commissioners to occupy any portion of a marketplace or any portion of a street or sidewalk for temporary market purposes.

(2) Notwithstanding paragraph (1), prohibit, license and regulate businesses unless prohibited by law.

(3) Issue licenses under the act of July 31, 1963 (P.L.410, No.217), entitled "An act regulating and licensing all sales at retail when such sales are advertised as 'Closing Out Sale,' 'Fire, Smoke or Water Damage Sale,' or 'Defunct Business Sale,' with exceptions; requiring filing of inventory and bond; and providing for appeals and penalties."

Section 1502.11. Nuisances and Dangerous Structures.--(a)

A board of commissioners may prohibit and remove any nuisance or dangerous structure on public or private grounds, including, but not limited to weeds, accumulations of municipal waste, the storage of abandoned or junked automobiles and obstructions or nuisances in the streets of the township.

(b) The board of commissioners may:

(1) require the removal of any nuisance or dangerous structure by the owner or occupier of the grounds; or

(2) in default of the removal by the owner or occupier of grounds under paragraph (1), remove the nuisance or dangerous structure itself and collect the cost of removal, together with a penalty of 10% of the cost, in the manner provided by law for the collection of municipal claims, or by action of assumpsit without the filing of a claim, or the township may seek relief by bill in equity.

Section 1502.12. Municipal Waste.--(a) A board of commissioners, in the manner authorized by the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act, and the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, may prohibit accumulations of municipal waste on public and private property, including the imposition and collection of reasonable fees and charges for the collection, removal and disposal of the municipal waste. As used in this act, "municipal waste" shall have the same meaning as given to the term in the Municipal Waste Planning, Recycling and Waste Reduction Act.

(b) (1) The board of commissioners may collect and remove, by contract or otherwise, municipal waste and recyclable materials and prescribe penalties for the enforcement of the collection and removal.

(2) A contract with refuse haulers may be made for an initial period not exceeding five years with optional renewal periods of up to five years.

(3) Paragraph (2) shall not apply to a contract with any other political subdivision or with any municipality authority.

(c) (1) The board of commissioners may dispose of, by contract or otherwise, municipal waste.

(2) A contract with the owner of a private facility for the disposal or incineration of municipal waste may be made for a period not to exceed 20 years.

(3) Paragraph (2) shall not apply to a contract with any other political subdivision or with any municipality authority.

(d) The board of commissioners may:

(1) Acquire any real property and erect, maintain, improve, operate and lease, either as lessor or lessee, facilities for incineration, landfill or other methods of disposal, either inside or outside the limits of the township, including equipment, either separately or jointly, with any other political subdivision or with any municipality authority in order to provide for the:

(i) collection, removal, disposal and destruction of municipal waste;

(ii) collection and storage of recyclable materials; or

(iii) composting of leaf and yard waste.

(2) Provide for the payment of the cost, either in whole or part, out of the funds of the township.

(3) Acquire land for landfill purposes and may maintain lands and places for the dumping of municipal waste.

(e) The board of commissioners may establish, alter, charge and collect rates and other charges for the:

(1) collection, removal and disposal of municipal waste and recyclable materials;

(2) cost of including the payment of any indebtedness incurred for the construction, purchase, improvement, repair, maintenance and operation of any facilities for collection, removal and disposal; and

(3) amount due under a contract with any other political subdivision or with any municipal authority furnishing the services or facilities.

(f) The board of commissioners may make appropriations to any other political subdivision or any municipality authority out of the township's general funds, or out of any other available funds, for the construction, purchase, improvement, repair, maintenance and operation of a facility for the collection, removal, disposal or marketing of municipal waste, recyclable materials or composted leaf and yard waste.

(g) A township shall not be subject to requirements otherwise imposed by law for the sale of personal property owned by the township when selling recyclable materials or materials separated, collected, recovered or created by recycling, as provided in the act of April 9, 1992 (P.L.70, No.21) entitled "An act excluding the sale of recyclable material from political subdivision personal property sale restrictions relating to advertising and bidding."

Section 1502.13. Fireworks and Inflammable Articles.--In conformity with Federal and State laws and regulations, the board of commissioners may provide for fireworks and inflammable articles as follows:

(1) Regulate and prohibit, by ordinance, the manufacture of fireworks or inflammable or dangerous articles.

(2) Grant permits for display fireworks and adopt rules and regulations governing the displays.

(3) Adopt, by ordinance, rules and regulations relating to the storage of inflammable articles.

(4) Impose, by ordinance, other safeguards concerning fireworks and inflammable articles as may be necessary for the health, safety and welfare of the public.

Section 1502.14. Smoke Regulations.--The board of commissioners may regulate the emission of smoke from chimneys,

smokestacks and other sources, except locomotive smokestacks, to the extent that the regulation is not otherwise prohibited by applicable Federal or State law.

Section 1502.15. Prohibition of Fire-Producing Devices and Smoking.--The board of commissioners may prohibit and regulate the smoking or carrying of lighted cigarettes, cigars, pipes or matches and the use of matches or fire-producing devices. An ordinance enacted or regulation or resolution adopted under this section shall not regulate smoking in a manner that conflicts with the act of June 13, 2008 (P.L.182, No.27), known as the Clean Indoor Air Act.

Section 1502.16. Animals.--The board of commissioners may prohibit or regulate, by ordinance, the following:

(1) The running at large of dogs and direct the seizure, detention or euthanization of dogs running at large, including reasonable associated charges, and provide for the sale of the dogs for the benefit of the township.

(2) The running at large of other animals and authorize their seizure and detention, including reasonable associated charges, and provide for sale of the animals for the benefit of the township.

Section 1502.17. Regulation of Foundations, Party Walls and Partition Fences.--(a) Subject to the provisions of and regulations adopted pursuant to the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, and other applicable law, the board of commissioners may provide regulations for foundations, party walls and partition fences.

(b) The board of commissioners may prescribe and enforce reasonable fees for the services of its officers and agents in the adjustment of party walls, partition fences and similar items.

Section 1502.18. Ambulances and Rescue and Lifesaving Services.--The board of commissioners may:

(1) Acquire, operate and maintain motor vehicles for the purposes of transporting sick and injured individuals to and from hospitals.

(2) Appropriate funds toward ambulance and rescue and lifesaving services.

(3) Enter into contracts relating to rescue and lifesaving services.

Section 1502.19. Display of Flags.--The board of commissioners may display the flag of the United States, the Commonwealth, the official POW/MIA flag or the flag of any county or municipal corporation in this Commonwealth on any public building or grounds of the township.

Section 1502.20. Health and Cleanliness Regulations.--The board of commissioners may make regulations as necessary for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the township and its inhabitants.

Section 1502.21. Public Facilities.--The board of commissioners may acquire property for the purposes of providing, maintaining and operating public facilities, such as comfort and waiting stations, drinking fountains and watering troughs.

Section 1502.22. Hospital Appropriations.--The board of commissioners may, in townships having a population of two thousand inhabitants or more, appropriate money for the support of any incorporated hospital that is engaged in charitable work and extends treatment and medical attention to the residents of the township.

Section 1502.23. Community Nursing Services.--The board of commissioners may appropriate money annually to any nonprofit associations or corporations that provide for:

- (1) community nursing services for the elderly and other needy persons;
- (2) the control of communicable disease;
- (3) the immunization of children;
- (4) the operation of child health centers; or
- (5) instructive visits to parents of new babies beginning in the prenatal period and family health guidance, including nutrition, detection and correction of defects.

Section 1502.24. Parking and Parking Lots.--(a) The board of commissioners may:

- (1) regulate parking and parking lots and provide parking accommodations to promote the convenience and protection of the public;
- (2) establish or designate, at the board's discretion, areas exclusively reserved for parking by handicapped individuals and post signs regulating the areas;
- (3) erect parking meters and regulate parking meter charges;
- (4) acquire by gift, purchase, lease or eminent domain, lands that the board may deem necessary or desirable for the purpose of establishing and maintaining parking lots; and
- (5) plan, design, locate, hold, construct, improve, maintain, operate, own or lease, either in the capacity of lessor or lessee, and install facilities and equipment on any land to be devoted to the parking of vehicles.

(b) Consistent with 75 Pa.C.S. (relating to vehicles), the right to regulate the use of the lots shall include the right to impose fines and fees for violation of any law or ordinance regulating parking.

(c) Nothing in this section may be construed to limit statutory and regulatory protections and prohibitions relating to the rights of disabled individuals.

Section 1502.25. Appropriations for Certain Streets.--The board of commissioners may appropriate money annually for improvements to any street, as defined in section 102, located wholly or partially within the township which has been adversely affected by parking availability as determined by the board.

Section 1502.26. Airports.--(a) A township is authorized and empowered to acquire by grant, lease, purchase or condemnation proceedings, subject to the limitations in 26 Pa.C.S. § 206 (relating to extraterritorial takings), any land lying either within or without the limits of the township which, in the judgment of the board of commissioners, may be necessary and desirable for the purpose of establishing and maintaining a municipal airport, landing field, intermediate landing field, aviation easement or other airport facility.

(b) A township acquiring land under this section is authorized to establish, equip, condition, operate and maintain the land as a municipal airport, landing field, intermediate landing field, aviation easement or other airport facility and may lease the land, or any part, to any individual or corporation desiring to use the land for aviation purposes. A township may enter into a contract in the form of a lease providing for the use of the land, or any part, by the Federal Government for the Federal Government's use of the land for aviation purposes upon nominal rental or without consideration.

(c) In accordance with this section, a township may acquire land jointly with another municipality for aviation purposes and may jointly operate and maintain a municipal airport, landing field, intermediate landing field, aviation easement

or other airport facility on the jointly acquired land in accordance with 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental cooperation).

Section 1502.27. Appropriations for Airports.--The board of commissioners may appropriate funds to assist a municipality or municipal airport authority to acquire, establish, operate and maintain air navigation facilities lying either within or without the limits of the township.

Section 1502.28. Purchase and Planting of Trees.--The board of commissioners may accept, purchase and plant, or contribute to the purchase and planting of, shade trees and shrubs along the streets, highways and sidewalks of the township and have the care, custody and control of shade trees pursuant to Article XXX.

Section 1502.29. Intergovernmental Cooperation.--The board of commissioners may enter into agreements under 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental cooperation) with the following:

(1) Other political subdivisions, in accordance with existing laws, to:

(i) make joint purchases of materials, supplies or equipment; and

(ii) perform governmental powers, duties and functions.

(2) The proper authorities of municipal corporations, regional police or fire forces or other public safety or governmental entities created by two or more municipal corporations under 53 Pa.C.S. Ch. 23 Subch. A, for:

(i) mutual aid or assistance in police and fire protection or any other public safety services or for the furnishing to or receiving from the municipal corporations or governmental entities police and fire protection or any other public safety service; and

(ii) making appropriations for public safety services.

(3) In connection with an agreement under paragraph (2) for police or fire protection or any other public safety service, the township shall not be required to advertise for bids or receive bonds as required for contracts under existing law. When an agreement has been entered into, the police, firefighters, fire police or any other public safety services of the employing municipal corporation or governmental entity shall have the powers and authority conferred by law on police, firefighters, fire police or any other public safety services in the territory of the municipal corporation which has contracted to secure the service.

Section 1502.30. Widening and Deepening of Watercourses.--(a) After permits have been secured from all applicable agencies, the board of commissioners or an agent or employe of the board may widen and deepen a watercourse running through the township and erect dykes, retaining walls and embankments along the watercourse as necessary to prevent water from overflowing the watercourse's banks.

(b) For the purposes under subsection (a), a township may enter and condemn property as may be necessary. A township may enter land lying near the watercourse and secure materials as may be necessary in connection with the work. Damages for property taken, injured or destroyed as the result of the work shall be fixed and determined as provided under 26 Pa.C.S. (relating to eminent domain). Townships may appropriate money to effectuate the provisions of this section.

Section 1502.31. Regulation of Charges.--The board of commissioners may make and regulate charges for the use of township facilities.

Section 1502.32. Street, Sewer, Sidewalk, Etc., Regulations.--(a) The board of commissioners may:

(1) regulate the streets, sewers, public squares, common grounds, sidewalks, curbs, gutters, culverts and drains within a township;

(2) regulate the heights, grades, widths, slopes and construction of any item listed under paragraph (1); and

(3) grant rights for the installation and maintenance of public utilities in the streets, including pipes, wires, fibers, cables or any other utility or service medium.

(b) The power granted under subsection (a) shall be exercised in compliance with Federal and State law and shall be subject to the power of the Pennsylvania Public Utility Commission under 66 Pa.C.S. Pt. I (relating to public utility code) to regulate the business, facilities and service of public utilities, including determining the location and installation of utility facilities.

Section 1502.33. Capital Reserve Fund.--The board of commissioners may create and maintain a separate capital reserve fund for anticipated legal capital expenditures and the following shall apply:

(1) The fund shall be designated for a specific purpose or purposes when created.

(2) The money in the fund shall be used for the construction, purchase or replacement of or addition to municipal buildings, equipment, machinery, motor vehicles or other capital assets of the township as specified at the time of the creation of the fund and for no other purpose unless the commissioners by a four-fifths vote declare that the original purpose or purposes have become impracticable, inadvisable or impossible, or that conditions in the township make other capital expenditures more urgent than those for which the fund was created.

(3) The board of commissioners may appropriate money from the general township fund to be paid into the capital reserve fund, or place in the fund any money received from the sale, lease or other disposition of any township property or from any other source unless received or acquired for a particular purpose.

(4) The fund shall be controlled, invested, reinvested and administered and the money and any income derived from it expended for any of the purposes for which the fund is created in a manner determined by the board of commissioners.

(5) The money in the fund, when invested, shall be invested in securities designated by 53 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and borrowing) as legal investments for sinking funds of municipalities.

Section 1502.34. Operating Reserve Fund.--(a) The board of commissioners may create and maintain a separate operating reserve fund in order to:

(1) minimize future revenue shortfalls and deficits;

(2) provide greater continuity and predictability in the funding of vital government services;

(3) minimize the need to increase taxes to balance the budget in times of fiscal distress; and

(4) provide the capacity to undertake long-range financial planning and to develop fiscal resources to meet long-term needs.

(b) The board of commissioners may annually make appropriations from the general township fund to the operating reserve fund, but no appropriation may be made to the operating reserve fund if the effect of the appropriation would cause the

fund to exceed 25% of the estimated revenues of the township's general fund in the current fiscal year.

(c) The board of commissioners may, at any time by resolution, make appropriations from the operating reserve fund for the following purposes only:

(1) meet emergencies involving the health, safety and welfare of the residents of the township;

(2) counterbalance potential budget deficits resulting from shortfalls in anticipated revenues or program receipts from any source;

(3) counterbalance potential budget deficits resulting from increases in anticipated costs for goods or services; or

(4) provide anticipated operating expenditures related either to the planned growth of existing projects or programs or to establish new projects or programs if, for a project or program, appropriations have been made and allocated to a separate restricted account established within the operating reserve fund.

(d) The operating reserve fund shall be invested, reinvested and administered in a manner consistent with the provisions of section 1705.1.

Section 1502.35. Surplus Foods.--The board of commissioners may make an appropriation for the handling, storage and distribution of surplus foods obtained through a Federal, State or local agency.

Section 1502.36. Industrial Promotions.--The board of commissioners may make appropriations to an industrial development agency.

Section 1502.37. Nondebt Revenue Bonds.--(a) The board of commissioners may issue nondebt revenue bonds pursuant to provisions of 53 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and borrowing) to provide sufficient money for and toward the acquisition, construction, reconstruction, extension or improvement of:

(1) municipal facilities, including water systems or facilities;

(2) sewers, sewer systems and sewage disposal systems or facilities;

(3) systems for the treatment or disposal of garbage and refuse;

(4) aeronautical facilities, including, but not limited to, airports, terminals and hangars; and

(5) park and recreational facilities, including parking lots.

(b) Any nondebt revenue bonds issued under subsection (a) shall be secured solely by the pledge of the whole or part of the rent, toll or charge for the use or services of the facilities.

(c) Included in the cost of the issue may be any costs and expenses incident to constructing and financing the facilities and selling and distributing the bonds.

Section 1502.38. Historical Properties.--The board of commissioners may appropriate money to nonprofit associations or corporations organized for the purpose of acquiring and maintaining historical properties. The appropriations shall only be used by the association or corporation for the acquisition, restoration and maintenance of the historical properties.

Section 1502.39. Insurance.--(a) The board of commissioners may secure insurance or compensation in accordance with Article VI of the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, for:

(1) volunteer firefighters of companies duly recognized by the township, by motion or resolution, killed or injured while going to, returning from or attending fires, or while performing any other duties authorized by the township; and

(2) township employes, as defined in section 601 of the Workers' Compensation Act.

(b) The board of commissioners may enter into contracts for insurance with any insurance company, association or exchange, authorized by law to transact business in this Commonwealth, to insure any building or property owned or leased by the township.

(c) The board of commissioners may enter into contracts for insurance with any insurance company, association or exchange authorized by law to transact business in this Commonwealth to insure any public liability of the township.

(d) (1) The board of commissioners may enter into contracts for insurance with any insurance company, nonprofit hospitalization corporation, nonprofit medical service corporation, association or exchange authorized by law to transact business in this Commonwealth to insure its employes or commissioners, or any class or classes of the employes or commissioners or dependents of the employes or commissioners, under a policy or policies of group insurance covering life, health, hospitalization, medical and surgical service, or accident insurance.

(2) Any life, health, hospitalization, medical service or accident insurance coverage contract entered into by a township between January 1, 1959, and December 31, 1984, that includes or provides coverage for commissioners shall not be void or unlawful solely because the inclusion of commissioners was subsequently found to be without lawful authority. No penalty, assessment, surcharge, forfeiture or disciplinary action of any kind may occur as a result of participation by those commissioners. Insurance benefits payable to insureds or their beneficiaries arising out of or on account of deaths, injuries, accidents or illnesses occurring before November 29, 1985, remain the property of the insureds or beneficiaries of the insureds.

(e) (1) The board of commissioners may contract with any insurance company, granting annuities or pensions for the pensioning of employes or any class or classes of employes and pay part or all of the premiums or charges for carrying the contracts.

(2) Any pension or annuity contract entered into by a township between January 1, 1959, and December 31, 1984, that includes or provides for benefits for commissioners at township expense shall not be void or unlawful solely because the inclusion of commissioners was subsequently found to be without lawful authority. No penalty, assessment, surcharge or disciplinary action of any kind may occur as a result of participation by those commissioners provided that anyone entitled to benefit coverage under a pension paid for, in whole or in part, by a township without lawful authority shall deliver, surrender and assign to the township all benefits paid under the contract after December 31, 1984.

(3) If any official personally contributed toward a pension plan or a purchase of an annuity under paragraph (2), the official shall be refunded the official's total contributions, plus any accumulated interest, less any amount already paid to the official under the annuity or pension plan, when the annuity or pension benefits are delivered, surrendered or assigned to the township, or when the annuity becomes the property of the

township by operation of this section. In lieu of a refund of total contributions plus accumulated interest, an official who personally contributed toward the pension plan or toward the purchase of the annuity may elect to purchase from the township the township's interest in that pension plan or annuity program. The election option shall be exercised within sixty days of November 29, 1985. The value of the interest of the township in the pension plan or annuity program with respect to the official shall be determined by the actuary who prepared the 1983 municipal pension report for the township pension plan or annuity program pursuant to the act of December 6, 1972 (P.L.1383, No.293), entitled "An act requiring municipal pension systems to have an actuarial investigation of the fund made by an actuary who shall report his findings to the Department of Community Affairs," using the same applicable actuarial assumptions as used in that report or, if no actuary was retained for the 1983 report or no 1983 report was filed, by an actuary retained for the purpose of valuing the township interest. The cost of the actuarial valuation of the township interest and any future administrative costs of the pension plan or the annuity program attributable to the official shall be payable by the official in a manner to be established by agreement with the township auditors.

(4) No elected or appointed township official included in a township-paid pension or annuity plan entered into prior to December 31, 1984, shall be subject to any penalty, assessment, surcharge or disciplinary action of any kind as a result of the participation. Any residual interest, value, refund of premium or benefits payable on or after December 31, 1984, arising out of the township-paid interest of the elected or appointed township officials shall become the exclusive property of the township.

(f) The board of commissioners may appropriate money from the general township fund for the purposes of this section.

(g) Nothing in this section shall affect any contract, right or coverage of insurance vested or existing on the effective date of this subsection. Contract, as used in this section, includes an annuity contract if the option to renew continues to provide the same rights to the annuitant that existed on the effective date of this subsection.

(h) The commissioners are hereby authorized, enabled and permitted to deduct from the employee's or commissioner's pay, salary or compensation the part of the premium or charge, as is payable by the employee or commissioner, and as may be authorized by the employee or commissioner in writing. The insurance shall be uniformly applicable to each employee or commissioner covered and shall not give eligibility preference to, or improperly discriminate in favor of, commissioners. As used in this section, the terms "employee" and "employees" exclude independent contractors and all township engineers and solicitors.

Section 1502.40. Appropriations for Urban Common Carrier Mass Transportation.--The board of commissioners may:

(1) appropriate funds for urban common carrier mass transportation purposes from current revenues;

(2) make annual contributions to county departments of transportation or urban common carrier mass transportation authorities to assist the departments or the authorities to meet the costs of operation, maintenance, capital improvements and debt service; and

(3) enter into long-term agreements providing for the payment of the contributions.

Section 1502.41. Open Burning.--The board of commissioners may regulate open burning, including the prohibition of the open burning of combustible material.

Section 1502.42. Community Development.--The board of commissioners may undertake community development programs, including, but not limited to, urban renewal, public housing, model cities programs and neighborhood development projects.

Section 1502.43. Observances and Celebrations.--The board of commissioners may appropriate funds annually for the observance of holidays, centennials or other anniversaries or for township celebrations or civic projects or programs.

Section 1502.44. Building Hospitals.--The board of commissioners may appropriate funds toward the purchase, erection, maintenance or support of any medical center or hospital building facilities. Approval by the appropriate health planning agency is required if the total cost of the purchase or erection exceeds \$100,000.

Section 1502.45. Tourist Promotion Agencies.--The board of commissioners may appropriate funds annually to any tourist promotion agency to assist the agencies in carrying out tourist promotional activities. "Tourist promotion agency" shall have the same meaning given to it under section 2 of the act of July 4, 2008 (P.L.621, No.50), known as the Tourism Promotion Act.

Section 1502.46. Sale of Real or Personal Property to Nonprofit Medical Service Corporation.--The board of commissioners may sell to a nonprofit medical service corporation any township-owned:

(1) real property for its exclusive use as a site for a medical service facility; and

(2) personal property for its use at the medical service facility.

Section 1502.47. Sale of Real or Personal Property to Nonprofit Housing Corporation.--The board of commissioners may sell to a nonprofit housing corporation any township-owned:

(1) real property for its exclusive use for housing for the elderly; and

(2) personal property for its use at the nonprofit housing corporation.

Section 1502.48. Nonprofit Art Corporations.--(a) The board of commissioners may appropriate funds annually, of an amount not more than equal to one mill of the real estate tax, to any nonprofit art corporation for the conduct of the corporation's artistic and cultural activities.

(b) As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Artistic and cultural activities." The term shall include the display or production of theater, music, dance, painting, architecture, sculpture, arts and crafts, photography, film, graphic arts and design and creative writing.

"Nonprofit art corporation." A local arts council, commission or coordinating agency or any other nonprofit corporation engaged in the production or display of works of art, including the visual, written or performing arts.

Section 1502.49. Neighborhood Crime Watch Programs.--The board of commissioners may appropriate annually an amount toward a neighborhood crime watch program. Notwithstanding any other provision of law, no township or official of a township shall become subject to contractual, tort or other liability as a result of having made an appropriation pursuant to this section.

Section 1502.50. Drug and Alcohol Abuse Programs.--The board of commissioners may appropriate annually, out of the general funds of the township, a sum to be divided in amounts as the

commissioners may determine and to be used for education and development of programs within the community dealing with drug and alcohol abuse. The funds may also be contributed to existing programs available to the township's residents in adjacent communities or in the county where the township is situate at the discretion of the board of commissioners.

Section 1502.51. Watershed Associations.--The board of commissioners may make appropriations to nonprofit watershed associations for watersheds serving the township. Appropriations may not be used to undertake litigation against any municipality or to seek redress against any individual landowner.

Section 1502.52. Emergency Services.--(a) The township shall be responsible for ensuring that fire and emergency medical services are provided within the township by the means and to the extent determined by the township, including the appropriate financial and administrative assistance for these services.

(b) The township shall consult with fire and emergency medical services providers to discuss the emergency services needs of the township.

(c) The township shall require each emergency services organization receiving township funds to provide to the township an annual itemized listing of all expenditures of these funds before the township may consider budgeting additional funding to the organization.

Section 1502.53. Mines and Quarries.--(a) The owner, operator or superintendent of each mine, colliery or quarry located wholly or partially within the limits of the township shall furnish maps, plans and drawings of workings, excavations and surface support to the township as the board of commissioners may require, and the following shall apply:

(1) In the case of a coal mine or colliery, the map or plan shall exhibit the workings or excavations in every seam of coal on a separate sheet and the tunnels and passages connecting with the workings or excavations.

(2) The map or plan under paragraph (1) shall show:

(i) in degrees the general inclination of the strata, with any material deflection in the strata in the workings or excavations, and shall also show the tidal elevations of the bottom of every shaft, slope, tunnel and gangway and of any other point in the mine or on the surface where the elevation shall be deemed necessary by the township;

(ii) the number of the last survey on the gangways or the most advanced workings.

(3) Each owner, operator or superintendent of a mine, colliery or quarry shall update, at least once every three months, the pertinent maps, plans and drawings to reflect any extensions made in any mine, colliery or quarry during the three preceding months, except those made within thirty days immediately preceding the time of placing the extensions upon the map or drawing.

(4) A township engineer, assistant or other person authorized by the board of commissioners may enter and survey any mine, colliery or quarry within the limits of the township, at all reasonable times, but not so as to impede or obstruct the workings of the mine, colliery or quarry.

(5) The owner, operator or superintendent of the mine, colliery or quarry shall furnish the means necessary for the entry, survey and exit.

(b) (Reserved).

Section 1502.54. Conservation District.--The board of commissioners may make appropriations to a conservation

district, as the term is defined under section 3 of the act of May 15, 1945 (P.L.547, No.217), known as the Conservation District Law, in which the township is located.

Section 1502.55. Electricity.--The board of commissioners may manufacture and sell electricity and regulate its use and prices pursuant to Article XXVII-A.

Section 1502.56. Storm Water.--A township may, by ordinance, after obtaining any required permit from the Department of Environmental Protection or other Federal or State entity, acquire, operate and maintain areas for the infiltration, detention or retention of storm water and for other methods of storm water management authorized by the Department of Environmental Protection.

Section 56. Section 1503 of the act is amended to read:

Section 1503. [Typewritten, Printed, Photostated and Microfilmed Records Valid; Recording or Transcribing Records.] **Typewritten, printed, photocopied, microfilmed and electronically or digitally stored records valid and recording or transcribing records.--(a)** All township records required to be recorded or transcribed shall be deemed valid if typewritten, printed, [photostated or microfilmed, and where recording] **photocopied, microfilmed or electronically or digitally stored** or retained by any other process that accurately reproduces the original and forms a durable medium for recording, storing and reproducing in accordance with the act of May 9, 1949 (P.L.908, No.250), entitled "An act relating to public records of political subdivisions other than cities and counties of the first class; authorizing the recording and copying of documents, plats, papers and instruments of writing by digital, photostatic, photographic, microfilm or other process, and the admissibility thereof and enlargements thereof in evidence; providing for the storage of duplicates and sale of microfilm and digital copies of official records and for the destruction of other records deemed valueless; and providing for the services of the Pennsylvania Historical and Museum Commission to political subdivisions."

(b) If recording or transcribing in a specified book of record is required, including minutes of the proceedings of the board of commissioners, [such records may] **the records shall** be recorded or transcribed **as follows:**

(1) in a mechanical post binder book capable of being permanently sealed with consecutively numbered pages with a security code printed [thereon] **on it** and a permanent locking device with the township seal being impressed upon each page[,]; or

(2) in a bound book with pages being consecutively numbered by transcribing directly upon the pages of [such] **the** book of record or [may be attached thereto to such book of record by stapling or by glue or any other adhesive substance or material, and all records heretofore recorded or transcribed in any manner authorized by this section are validated. When any record shall be recorded or transcribed after the effective date of this amendment by attaching such record or a copy thereof to the book of record as hereinabove provided,] **by permanently attaching the records or copies to the book of record with the township seal [shall be] being** impressed upon each page to which [such] **the** record is attached, **with** each impression [thereof] covering both a portion of the attached record and a portion of the page of the book of record to which [such] **the** record is attached.

(c) All records previously recorded or transcribed in any manner authorized by this act at the time the records were recorded or transcribed are validated.

Section 57. The act is amended by adding an article to read:

ARTICLE XV-A

REAL ESTATE REGISTRY

Section 1501-A. Real Estate Registry.

(a) General rule.--For the purpose of procuring accurate information on the ownership of all real estate, the board of commissioners may provide, by ordinance, for a real estate registry in a manner not inconsistent with the act of October 9, 2008 (P.L.1400, No.110), known as the Uniform Municipal Deed Registration Act.

(b) Registry.--The board of commissioners shall designate a person to have charge of the registry who shall cause to be made and shall carefully preserve all necessary books, maps and plans as may show the location and ownership of every lot, piece of real estate and subdivision of real estate. For purposes of establishing or maintaining the registry, the person in charge of the registry shall have access to public records without charge.

(c) Validity of certain claims.--Information contained within a real estate registry shall not affect the validity of any municipal claim or tax claim of the township.

(d) Additional information as may be required.--Nothing in this section shall prohibit a township from requiring owners to provide information relevant to the enforcement of any township ordinance in accordance with law.

Section 58. Subdivision (a) heading of Article XVI of the act is repealed:

[(a) Boards of Health]

Section 59. Sections 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610 and 1611 of the act are amended to read:

Section 1601. Appointment of Boards of Health and Health Officers.--[The administration of the health laws in townships shall be enforced by a board of health, or by a health officer or officers, as the case may be, appointed by the township commissioners.

Where township commissioners elect to appoint a health officer or officers, the said health officer or officers shall have the same powers and duties, and exercise the same authority, as is prescribed for boards of health in townships. All health officers, whether appointed by boards of health or township commissioners, shall have had some] (a) **The board of commissioners may, by ordinance, establish a board of health or the office of health officer to administer and enforce the health ordinances and related ordinances of the township. A health officer must, whether appointed by the board of commissioners or by the board of health, have experience or training in public health work [in accordance with rules and regulations established by the advisory health board of the] and must, within six months of taking the oath of office, be certified for the office of health officer by the State Department of Health. [Such health officers shall not enter upon the performance of their duties until they are certified so to do by the State Department of Health.]**

(b) **Expenses incurred by the board of health or a health officer shall be paid by the township.**

(c) **A township may, by ordinance, dissolve a board of health or the office of health officer and decide to become subject to the jurisdiction of a county department of health or joint county department of health under the act of August 24, 1951**

(P.L.1304, No.315), known as the Local Health Administration Law.

Section 1602. Members of Board; Terms; Secretary.--[Where the township commissioners decide to appoint a board of health, said board shall be composed of five members--at least one of whom shall be a reputable physician of not less than two years' experience in the practice of his profession, if one resides within the township. The members of the board shall be appointed by the township commissioners. At the first appointment, one member shall be appointed to serve for one year; one, for two years; one, for three years; one, for four years; and one, for five years; and thereafter one member shall, in like manner, be appointed each year, to serve for five years.] **(a) A board of health appointed by the board of commissioners shall be composed of three or five members, at the discretion of the board, and the following shall apply:**

(1) At least one of the board members shall be a reputable professional health care provider of not less than two years' experience in the practice of the respective profession.

(2) If no professional health care provider can be identified to serve on the board, the board of commissioners may appoint an individual at a public meeting who has experience in, or is knowledgeable of, public health issues.

(b) At the first appointment for a board:

(1) With three members:

(i) one member shall be appointed to serve for one year;

(ii) one member shall be appointed to serve for two years; and

(iii) one member shall be appointed to serve for three years.

(2) With five members:

(i) one member shall be appointed to serve for one year;

(ii) one member shall be appointed to serve for two years;

(iii) one member shall be appointed to serve for three years;

(iv) one member shall be appointed to serve for four years; and

(v) one member shall be appointed to serve for five years.

(3) Subsequent terms for board members shall be staggered, and, for a three-member board, a subsequent term shall be three years, and, for a five-member board, a subsequent term shall be five years.

(c) The members of the board of health shall serve without compensation, but if any member of the board shall be elected to the office of secretary, [he] the member shall be entitled to receive a salary[,] fixed by the board for that office.

(d) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Professional health care provider." An individual who is licensed, certified or registered to practice or operate in the health care field under the laws of this Commonwealth. The term shall include the following:

(1) A physician.

(2) A dentist.

(3) A podiatrist.

(4) A chiropractor.

(5) An optometrist.

(6) A psychologist.

(7) A pharmacist.

(8) A registered or practical nurse.

(9) A physical therapist.

- (10) A physician's assistant.
- (11) A paramedic.
- (12) An administrator of any hospital, nursing or convalescent home or other health care facility.
- (13) A veterinarian.

Section 1603. Organization of Board; Salary of Secretary; Bonds; Fees and Penalties; Power to Administer Oaths.--(a) The members of the board shall [severally, take and subscribe to the oath prescribed for township officers; and] **each take the oath or affirmation prescribed for township officers.**

(b) The board shall annually organize by electing a president from among the members of the board, a secretary, who may or may not be a member of the board, and a health officer, who shall not be a member of the board. The secretary and the health officer shall receive [such salary as may be] **salaries** fixed by the board and ratified by the board of commissioners [of the township], and shall serve for a period of one year or until [such time thereafter as their successors may be] **a successor is** elected and qualified. [They, if required by the board of commissioners, shall, severally, give bond to the township, in such sums as may be fixed by ordinance, for the faithful discharge of their duties, and shall also take and subscribe to the oath required of members of the board.]

(c) The board of commissioners may require the secretary and health officer to furnish a bond to the township, in an amount fixed by ordinance, for the faithful discharge of the secretary's or health officer's duties and shall also take and subscribe to the oath or affirmation required of members of the board.

(d) All fees [which shall be] collected or received by the board, or by any officer [thereof in his] **in the officer's** official capacity, shall be paid over into the township treasury monthly, together with all penalties which shall be recovered for the violation of any regulation of the board. The president and secretary shall have full power to administer oaths or affirmations in any proceeding or investigation [touching] **regarding** the regulations of the board, but shall not be entitled to receive any fee [therefor] **for the administration of oaths and affirmations.**

Section 1604. Duties of Secretary.--The secretary of the board [shall keep the minutes of its proceedings; shall keep accurate accounts of the expenditures of the board, shall transmit all bills to the board of township commissioners for payment in the same manner as other bills of the township are paid; shall draw all requisitions for the payment of moneys on account of the board of health and present the same to the president of the board for his approval; shall render statements of the expenditures to the board at each stated meeting or as frequently as the board may require; shall prepare, under the directions of the board, the annual report to the township commissioners, together with the estimate of appropriation needed for the ensuing year. He shall report to the State Department of Health at the end of each week, and for the fraction of each week occurring at the end of each month, the cases of communicable disease reported to the board of health, on the form provided for that purpose by the State Department of Health; shall also make an annual report to the State Department of Health; and shall make such other reports and perform such other duties as the board of health may require.] **has the following duties:**

(1) Maintain, under 53 Pa.C.S. Ch. 13 Subch. F (relating to records), the minutes of the proceedings of the board and keep accurate accounts of the expenditures of the board.

(2) Transmit all bills to the board of commissioners for payment in the same manner as other bills of the township are paid.

(3) Draw requisitions for the payment of money on account of the board of health and present the requisitions to the president of the board for the president's approval.

(4) Render statements of the expenditures to the board at each stated meeting or as frequently as the board requires.

(5) Prepare, under the direction of the board, the annual report to the board of commissioners and the estimate of appropriation needed for the ensuing year.

(6) Report to the State Department of Health at statutory or regulatory required intervals the cases of communicable disease reported to the board of health on the form provided by the State Department of Health and make an annual report to the State Department of Health.

(7) Perform other duties as may be required by the board of health.

Section 1605. **Powers and Duties of Health Officer.**--[It shall be the duty of the health officer to attend all stated and special meetings of the board of health, and at all times be ready and available for the prompt performance of his official duties. He shall placard and quarantine all premises upon which cases of communicable disease exist, which have been reported to the board of health or of which he or the board of health may have knowledge, which are required by law or by regulation of the State Department of Health to be placarded and quarantined; and shall disinfect such premises upon the expiration of the quarantine period and the recovery of the last person therein suffering from such disease. He shall serve written notice on teachers and persons in charge of public, parochial, Sunday, and other schools, requiring the exclusion from school of children who are suffering from or who reside in the same premises with other persons who are suffering from communicable diseases; shall make sanitary inspections; shall execute the orders of the board of health; and shall, in the performance of his duties, have the power and authority of a township police officer.] (a) **A health officer may issue a citation for the violation of a health ordinance or related law.**

(b) **A health officer has the following duties:**

(1) **Administer and enforce the health ordinances of the township and related laws.**

(2) **Perform the duties as are vested in local health officers by statute or regulation.**

(3) **Make sanitary inspections.**

(4) **Execute the orders of the board of health.**

(5) **Attend all regular and special meetings of the board of health.**

Section 1606. **Powers and Duties of Board of Health.**--[The board of health shall have the power, and it shall be its duty, to enforce the laws of the Commonwealth, the regulations of the State Department of Health, and any ordinances of the township relating to health work, and to make and enforce such additional rules and regulations to prevent the introduction and spread of infectious or contagious diseases, by the regulation of intercourse with infected places, by the separation of infected persons and persons who shall have been exposed to any infectious or contagious disease, and by abating and removing

all nuisances which it shall deem prejudicial to the public health, to mark infected houses or places, to prescribe rules for the construction and maintenance of house drains, wash pipes, soil pipes and cesspools, and make all such other rules and regulations as it shall deem necessary for the preservation of the public health, and such other powers relating to health work as may be delegated by the township commissioners. The board shall also have power, with the consent of the township commissioners, in case of a prevalence or apprehended prevalence of any contagious or infectious diseases in its township, to establish one or more emergency hospitals, and to make provisions and regulations for the maintenance and management of the same.

The board shall also have the power to make, enforce, and cause to be published, all necessary rules and regulations not inconsistent with law for carrying into effect the powers and functions with which it is invested by law, and the power and authority relating to the public health conferred on townships. Such rules and regulations, when approved by the township commissioners, and when advertised in the same manner as other ordinances, shall have the force of ordinances of the township. All penalties or punishments prescribed for the violation thereof, as well as the expenses actually and necessarily incurred in carrying such rules and regulations into effect, shall be recoverable, for the use of the township, in the same manner as penalties for violation of the ordinances of the township, and subject to the like limitations as to the amount thereof.] **(a) A board of health has the following powers:**

(1) Recommend to the board of commissioners rules and regulations necessary for the preservation of the public health and for carrying into effect the functions of the board.

(2) Appoint a health officer.

(3) Abate and remove nuisances the board of health deems detrimental to the public health.

(4) Mark infected premises.

(b) A board of health has the duty to enforce all of the following related to the promotion of public health and prevention of the introduction and spread of infectious or contagious disease:

(1) A statute.

(2) A regulation of the State Department of Health.

(3) An ordinance of the township.

Section 1607. Entry of Premises.--[The board of health shall have the power, as a body or by committee, as well as the health officer, together with their assistants, subordinates, and workmen, under and by order of the said board, to enter at any time upon any premises in the township upon which there is suspected to be any infectious or contagious disease, or nuisance detrimental to the public health, for the purpose of examining and abating the same, and for any other purpose arising in connection with or in the performance of their duties.] **(a) A member of the board of health, a health officer, an employee of a board or a health officer or an agent of a board or a health officer may, upon order of the board or upon order of a health officer if there is no board, enter a premises in the township where an infectious or contagious disease or a nuisance detrimental to the public health is suspected and examine and abate the disease or nuisance.**

(b) If entry to the premises under subsection (a) is prevented, the board of health or health officer may obtain an administrative search warrant from a magisterial district judge

with jurisdiction over the premises upon a showing of any of the following:

(1) Reasonable standards and an administrative plan for conducting inspections.

(2) The condition of the premises or general area and the passage of time since the last inspection.

(3) Probable cause of a violation of a law specified in section 1606(b).

Section 1608. [Inspections.--The board of health may inspect house drains, waste and soil pipes, cesspools, waterclosets, slaughterhouses, hogpens, stables, stable yards, and any conditions or places whatsoever, in the township, which may constitute a nuisance or a menace to public health. Whenever any condition or place in the township is found by it to be a nuisance or a menace to the health of the people of the township, it shall issue a written order of abatement, directed to the owner, or agent of the owner of the premises, or to the occupant thereof, stating that the conditions specified therein constitute a nuisance or a menace to health, and ordering an abatement thereof within such time as may be specified by it in such order. In case such order of abatement is not obeyed within the time specified therein, it shall thereupon issue a further written order to the health officer, directing him to remove or abate the same, which order shall be executed by him and his subordinates and workmen, and the expense thereof shall be recoverable from the owner of the premises upon or from which the nuisance or menace to health is abated or removed, in the same manner as debts of like character are now collected by law; or the said board of health may proceed to enforce such other remedy or inflict such penalty as may, by ordinance of the township, be provided.] **Abatement of Nuisances.--(a) If the board of health, or health officer if there is no board, finds a condition or premises to be a nuisance to the health of the residents of the township, it shall issue a written order of abatement directed to the owner, agent of the owner or the occupant of the premises. The order, which shall be a public record, shall state that the conditions specified in the order constitute a nuisance and order an abatement of the nuisance within a specified reasonable time.**

(b) Upon noncompliance of the order under subsection (a), the board shall issue a written order to the health officer directing removal or abatement of the nuisance. An order shall be executed by the health officer or an agent of the health officer. The expense of the execution of the order shall be recoverable as a nuisance claim from the owner of the premises with a ten percent penalty.

(c) In lieu of or in addition to the procedure under subsections (a) and (b), the board of commissioners may seek relief from a nuisance or threatened nuisance by an action at law or in equity. The board of commissioners may seek guidance of the board or the health officer in determining the nature of the relief requested.

Section 1609. [Budget; Appropriations.--It shall be the duty of the board of health or appointed health officer or officers to submit annually, to the township commissioners, before the commencement of the fiscal year, an estimate of the probable expenditures of the board during the ensuing year; and the township commissioners shall then proceed to make such appropriations as may be deemed necessary. The board of health, health officer or officers, shall, at the close of each fiscal year, submit a report, in writing, to the township commissioners, of its appropriation and expenditures for the

preceding year, together with such other information on subjects relative to the sanitary conditions or requirements of the township as may be necessary.] **Expenditures.--(a) The board of health or the health officer shall submit to the board of commissioners, before commencement of the township's fiscal year, an estimate of the probable expenditures of the board of health or the health officer during the ensuing fiscal year.**

(b) The board of commissioners shall make appropriations based on the estimate as deemed necessary.

(c) The board of health or the health officer shall, each January, submit a report to the board of commissioners on the appropriation and expenditures for the preceding fiscal year and information on subjects relative to the sanitary conditions or requirements of the township.

Section 1610. Cooperation in Health Work.--[Any township may cooperate with the county, or with any city, borough, township or school district, as well as with the State Department of Health, in the administration and enforcement of health laws.] **A township may cooperate with any political subdivision and with the State Department of Health in the administration and enforcement of health laws.**

Section 1611. Powers of [Secretary] **State Department of Health.--[Whenever, in the opinion of the Secretary of Health of the Commonwealth, conditions found by him to exist in any township shall constitute a menace to the lives and health of people living outside the boundaries of such township, or if it be known to him that any township is without an existing or efficient board of health, or health officer or officers, the Secretary of Health may enter, and take full charge of, and administer the health laws, regulations, and ordinances in such township, and may continue in charge thereof until he shall decide that a competent and efficient board of health, or health officer or officers, has been appointed and qualified for such township, and is ready, able and willing to assume and carry into effect the duties imposed upon it by law.] (a) Nothing in this act may be construed to limit the powers and duties of the State Department of Health, including the powers and duties under Article XXI of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929."**

(b) (1) The expenses of the State Department of Health for which the township is liable shall be paid by the township where the expenses have been incurred.

(2) If expenses under paragraph (1) are unpaid for a period of more than three months after a statement of the expenses has been rendered to the township and demand for payment is made, the Secretary of Health shall, with the approval of the Governor, institute an action against the township for the collection of the expenses. The reasonableness of the expenditures made by the secretary shall be submitted to the jury for its determination.

(3) Upon payment, the State Department of Health shall return the money to the State Treasurer, who shall credit the amount to the appropriation made to the State Department of Health.

Section 60. Sections 1612, 1613 and 1614 and Subdivision (b) of Article XVI of the act are repealed:

[Section 1612. Expenses Incurred by Board or Secretary of Health.--All expenses incurred by any local board of health, its officers or employes, in the performance of the duties imposed upon it by law, and all expenses incurred by the Secretary of Health in accordance with the provisions of the preceding section, shall be paid by the township wherein such

duties are performed, in the same manner as other expenses of such township are paid.

Section 1613. Suits by State Secretary of Health to Recover Expenses.--Whenever expenses incurred by the State Secretary of Health or his agents, in the administration of health laws in any township, in accordance with the provisions of this act, shall remain unpaid by said township for a period of more than three months after a statement of such expense has been rendered by him to such township, and demand for payment by him made, he shall, with the approval of the Governor, institute, in the name of the Commonwealth as plaintiff, an action of assumpsit against such township for the collection of such expense from the township, in the same manner as debts of like amount are collected by law: Provided, however, That upon the trial of any such action of assumpsit, the reasonableness of the expenditures made by the Secretary of Health shall be submitted to the jury for its determination.

Section 1614. Payment of Expenses Recovered Into State Treasury.--All expenses incurred by the State Secretary of Health in the administration of health laws in any township, when paid to him by such township, or when collected by him, shall be returned by him to the State Treasurer, who shall credit the amount so received to the appropriation made to the Department of Health.

(b) Vacation of Streets Declared Nuisances
by Board of Health

Section 1620. Petitions to Vacate Nuisances.--Whenever the board of health shall declare as a nuisance any public street or part thereof, any two or more owners of property adjacent or abutting upon the same may present their petition, verified by oath or affirmation, to the court of quarter sessions, setting forth the facts regarding such nuisance and praying that said street may be vacated. Such petition shall be accompanied by a certificate of the board of health, setting forth that they have declared such street to be a public nuisance.

Section 1621. Jury of View.--The court shall thereupon appoint a jury of view of three persons of the county. The jury, being sworn or affirmed to faithfully perform its duties, shall give notice to all parties likely to be affected by the proceedings, of the time and place of the first meeting, in such manner as the court shall direct.

Section 1622. Hearings and Report.--After the first meeting, the jury shall proceed to view the premises, hear all parties interested and their witnesses, and shall prepare a report of their finding and recommendations as to whether or not such street, or part thereof, should be vacated; and in such report shall award damages and assess benefits to the property affected.

Section 1623. Notice of Filing Report.--The jury shall give notice, in writing, to all parties affected by their report, at least ten days before the same is filed in court. The notice shall state the time and place where such report will be open to inspection.

Section 1624. Exceptions to Report.--Any person aggrieved by such report may file exceptions thereto with the jury; whereupon the jury shall reconsider their report with the exceptions and change the same as justice may require. The report as finally prepared shall be filed in court.

Section 1625. Appeals from Report.--Any person affected by the report shall have the right of an appeal to the court of common pleas, within thirty days after the report is filed, and

the procedure on such appeal shall be the same as in actions of trespass.

Section 1626. Confirmation of Report.--At the end of the period allowed for an appeal, the report shall be absolutely confirmed by the court as to such awards or assessments from which no appeals have been taken.

Section 1627. When Vacation Proceedings not to Be Had.--No street, or part thereof, shall be vacated in any case where the vacating deprives any lot abutting thereon of the sole means of ingress or egress, otherwise than to or from the front line thereof; nor where it was created by grant or contract and not theretofore accepted by the public.]

Section 61. Sections 1701, 1701.1, 1701a and 1702 of the act are amended to read:

Section 1701. Fiscal Year; Annual Budget; Regulation of Appropriations.--(a) The fiscal year in townships of the first class shall [commence on the first day of January of each year] **begin on January 1 and end on December 31.**

(b) The board of [township] commissioners shall [each year, at least thirty days prior to the adoption of the annual budget, begin preparation of a proposed budget for all funds showing an estimate of the several amounts of money which will be required for the several specific purposes of township government and expenses for the ensuing fiscal year, and by ordinance appropriate, out of the revenues available for the year, the specific sums required as shown by the budget as finally adopted. At the option of the township commissioners, such budget may be prepared and adopted prior to the first Monday of January of the fiscal year to which such budget shall apply. Whenever the township commissioners shall exercise such option, the first reading of the budget shall take place in November and the budget shall be finally adopted in the month of December prior to the fiscal year to which such budget shall apply. Said budget shall reflect as nearly as possible the estimated revenues and expenditures of the township for the year for which the budget is prepared. It shall be unlawful to prepare and advertise notice of a proposed budget when the same is knowingly inaccurate. Where, upon any revision of the budget, it appears that the estimated expenditures in the adopted budget will be increased more than ten percent in the aggregate, or more than twenty-five percent in any individual item, over the proposed budget, it shall be presumed that the tentative budget was inaccurate, and such budget may not be legally adopted with any such increases therein unless the same is again advertised once, as in the case of the proposed budget, and an opportunity afforded to taxpayers to examine the same and protest such increases. The tax levied by the township commissioners shall be fixed at such figure within the limit allowed by law, as with all other sources of revenue will meet and cover said appropriations. The total appropriation shall not exceed the revenues available for the fiscal year. If the funds available from taxation and other sources shall be estimated to be in excess of the requirements of the ensuing fiscal year, an appropriation may be made for the payment of township orders or indebtedness of the previous years. A budget adopted in the December prior to the fiscal year to which the budget applies may be amended.

Final action shall not be taken on the proposed budget until after at least ten days public notice. The proposed budget shall be published or otherwise made available for public inspection at least twenty days prior to the date set for the adoption of the budget. The township commissioners after making such

revisions and changes therein, as appear advisable, shall adopt the budget not later than the thirty-first day of December.

(c) The township commissioners may at any time by resolution make supplemental appropriations for any lawful purpose from any funds on hand or estimated to be received within the fiscal year and not appropriated to any other purpose, including the proceeds of any borrowing now or hereafter authorized by law.] **annually prepare a proposed budget for all funds for the ensuing fiscal year. The proposed budget shall reflect as nearly as possible the estimated revenues and expenditures of the township for the year for which the budget is prepared.**

(b.1) Notice that the proposed budget is available for inspection and copying shall be published by the township in a newspaper of general circulation in accordance with the provisions of section 110. The proposed budget shall be kept on file with the township secretary and be made available for public inspection and copying by the township secretary for a period of twenty days. The notice shall state the date fixed by the board of commissioners for adoption of the proposed budget and notice shall be published at least twenty days prior to the time fixed by the board of commissioners for adoption of the proposed budget. A township shall not prepare and advertise notice of a proposed budget when it is knowingly inaccurate.

(b.2) After the proposed budget has been available for public inspection for at least twenty days, the board of commissioners shall, after making revisions as appropriate, adopt the final budget not later than December 31.

(b.3) Upon any revision of the proposed budget, if the estimated revenues or expenses in the budget will be increased more than ten percent in the aggregate, or more than twenty-five percent on any individual item, over the proposed budget, it shall be presumed that the tentative budget was inaccurate, and the proposed budget may not be legally adopted with the increases unless the proposed budget is again advertised once, at least ten days before adoption, and an opportunity given to taxpayers to examine the amended proposed budget.

(b.4) The tax levied by the board of commissioners shall be fixed within the limit allowed by law that together with other sources of revenue will meet and cover appropriations. The total appropriation shall not exceed the revenues estimated as available for the fiscal year. If the funds available from taxation and other sources shall be estimated to be in excess of the requirements of the ensuing fiscal year, an appropriation may be made for the payment of township orders or indebtedness of the previous years. A budget adopted in the December prior to the fiscal year to which the budget applies may be amended.

(c) The board of commissioners may at any time by resolution make supplemental appropriations for any lawful purpose from any funds on hand or estimated to be received within the fiscal year and not appropriated to any other purpose, including the proceeds of any borrowing as authorized by law. Supplemental appropriations may be made whether or not an appropriation for that purpose was included in the original budget as adopted.

(d) The [township] board of commissioners [shall have power to authorize the transfer within the same fund of any unencumbered balance, or any portion thereof, from one spending agency to another, but such action shall be taken only during the last nine months of the fiscal year. However, when a transfer of over five percent of an appropriation item is made within a fund, or when a transfer of over five percent of the total appropriation to a fund is made from said fund to another

fund, an affirmative vote of two-thirds of the township commissioners shall be required.] **may, by resolution, transfer unencumbered money from one township account to another, but no money may be transferred from the fund allocated for the payment of debts or from any fund raised by a special tax levy or assessment for a particular purpose. Transfers may not be made during the first three months of the fiscal year. No funds shall be paid out of the township treasury except upon appropriation made according to law.**

Section 1701.1. Amending Budget; Notice.--**(a)** During the month of January next, following any municipal election, the **board of** commissioners [of any township] may amend the budget and **the** levy and tax rate to conform with its amended budget. A period of ten days' public inspection at the office of township secretary of the proposed amended budget after notice by the township secretary to that effect is published once in a newspaper **of general circulation**, as provided in section 110 [of this act], shall intervene between the proposed amended budget and [the] **its** adoption [thereof. Any amended budget must be adopted by the township]. **An amended budget must be adopted by the board of** commissioners on or before the fifteenth day of February.

[No such] **(b)** No proposed amended budget shall be revised upward in excess of ten percent in the aggregate [thereof, or as, to an individual item] **or** in excess of twenty-five percent of the amount of [such] **an** individual item in the proposed amended budget.

Section 1701a. [Committee to Prepare Uniform Forms.--Uniform forms for the annual reports of township auditors and controllers to the Department of Community and Economic Development, as required in sections 1003 and 1103 of this act, shall be prepared by a committee consisting of four representatives from the Pennsylvania State Association of Township Commissioners and the Secretary of Community and Economic Development, or his agent who shall be a person trained in the field of municipal finance.

Such representatives shall be appointed by the president of said organization within sixty days after the effective date of this act.] **Uniform Financial Report and Forms.--(a)** The uniform forms for the annual financial report required to be made by the township auditors or controller to the Department of Community and Economic Development shall be prepared by a committee consisting of four representatives from the Pennsylvania State Association of Township Commissioners and the Secretary of Community and Economic Development, or the secretary's agent or designee who shall be a person trained in the field of municipal finance.

(b) The representatives of townships shall be appointed by the president of the Pennsylvania State Association of Township Commissioners. The representatives shall be chosen from among the finance officers or other officers of townships who have knowledge of fiscal procedures. As far as possible, [such] the representatives shall be chosen to represent townships in the various population groups within the range of townships of the first class. The president of [said] **the** organization shall supply to the Department of Community and Economic Development the names and addresses of [such] **the** representatives immediately upon their appointment.

[Said representatives shall serve without compensation, but they shall be reimbursed by the Commonwealth for all] **(c)** The representatives shall serve without compensation but shall be

reimbursed by the Commonwealth for the necessary expenses incurred in attending meetings of the committee. The committee shall meet at the call of the Secretary of Community and Economic Development, or [his agent] **the secretary's agent or designee**, who shall serve as [chairman] **chairperson** of the committee.

(d) It shall be the duty of the Secretary of Community and Economic Development, or [his agent, to see to it that the forms required by this act are prepared in cooperation with said committee. In the event that said committee should for any reason fail to furnish such cooperation, the Secretary of Community and Economic Development, or his agent, shall complete the preparation of the forms. After their preparation, he shall issue said forms and distribute them annually, as needed, to the proper officers of each township.] **the secretary's agent or designee, to ensure that the forms required by this act are prepared in cooperation with the committee. In the event that the committee should for any reason fail to cooperate, the Secretary of Community and Economic Development, or the secretary's agent or designee, shall prepare the forms. After the forms are prepared, the Secretary of Community and Economic Development, or the secretary's agent or designee, shall issue the forms and distribute them annually, as needed, to the designated officers of each township.**

Section 1702. Appropriations Not to Be Exceeded; Changes in Appropriations.--[No work shall be hired to be done, no materials purchased, no contracts made, and no orders issued for the payment of any moneys, by the authorities of any township, in any amount which will cause the sums appropriated to specific purposes to be exceeded. No change in the purpose of the appropriations shall be made unless by an ordinance, which shall set out the reasons for and character of such change. If any work shall be done for or materials furnished to any township contrary to the provisions of this section, the township commissioners are hereby prohibited from authorizing payment therefor as a moral obligation or otherwise, unless ordered or directed so to do by the court of common pleas or the court of quarter sessions of the county in which such township is situate.] **The township may not hire employees, purchase materials, execute contracts or issue orders for the payment of any money if it would result in the total expenditure of money for a specific purpose to exceed the amount appropriated for that purpose.**

Section 62. Sections 1703, 1704 and 1705 of the act are repealed:

[Section 1703. Certain Contracts Invalid.--No contracts, hirings, or purchases made, or orders or warrants issued, not provided for by an appropriation by the township commissioners as is required by law, or which would cause any appropriation to be exceeded, shall be valid.

Section 1704. Power to Create Indebtedness; Sinking Fund; Temporary Indebtedness.--The board of township commissioners may, by ordinance, borrow money and issue evidences of indebtedness therefor to the extent, and in the manner, in which municipal districts are now authorized to incur or increase the same, for the purpose of permanent improvements, but the total indebtedness so created shall not exceed five per centum of the county valuation of the property within the township without the assent of the electors of the township; or, by resolution of the board of township commissioners, they may authorize payment for permanent improvements or for other contracted

obligations of the township by the issuance of certificates of indebtedness, payable on a certain date, not exceeding one year from the date of issue: Provided, That the total indebtedness so created by the township commissioners, together with other indebtedness created by them, does not exceed five per centum of the county valuation of the property within the township, without the assent of the electors thereof. The rate of interest on such indebtedness shall not exceed six per centum per annum. In authorizing the issue of obligations or securities for such loans, the township commissioners shall provide that moneys subsequently derived from assessments upon parties benefited by such improvements shall be deposited in the sinking fund for the payment of the principal and interest of said obligations or securities.

Whenever the township funds have been exhausted, the township commissioners may make temporary loans, on the credit of the township, in anticipation of taxes to be collected for the current fiscal year, and issue a certificate of indebtedness therefor. All such loans shall be repaid from the first moneys available from taxes in anticipation of which the same were made.

Section 1705. Sinking Fund; Regulations and Investments.--It shall be the duty of the board of commissioners to cause accounts of the sinking fund and other accounts relating to the indebtedness of the township to be kept, and to see to the proper application and superintend the investment of moneys therein in accordance with law. The commissioners shall meet as often as may be necessary, and keep a record of the proceedings. The board of commissioners may (i) make investment of township sinking funds as authorized by the act of July 12, 1972 (P.L.781, No.185), known as the "Local Government Unit Debt Act"; and (ii) liquidate any such investment, in whole or in part, by disposing of securities or withdrawing funds on deposit. Any action taken to make or to liquidate any investment shall be made by the officers designated by action of the commissioners. The income derived from such investments or on any bank balances credited to the sinking fund shall be credited and applied only to the sinking fund.]

Section 63. Sections 1705.1, 1706 and 1708 of the act are amended to read:

Section 1705.1. Investment of Township Funds.--(a) The board of commissioners shall have power to provide for the investment of [moneys] **money**, in the general township fund or in special funds.

(a.1) The board of commissioners shall have power to invest township sinking funds as authorized by 53 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and borrowing).

(b) The [township] **board of** commissioners shall invest township funds consistent with sound business practice.

(c) The **board of** commissioners shall provide for an investment program subject to restrictions contained in this act and in any other applicable statute and any rules and regulations adopted by the board of commissioners.

(d) Authorized types of investments for township funds [shall be:], **in addition to those authorized under the act of July 25, 1973 (P.L.217, No.53), entitled "An act authorizing cities of the first class and second class to invest all funds received and deposited with the city treasurer in certain commercial paper under certain terms and conditions; and providing for investment of public corporation or municipal authority funds," are:**

(i) United States Treasury bills.

(ii) Short-term obligations of the United States Government or its agencies or instrumentalities.

(iii) Deposits in savings accounts or time deposits, other than certificates of deposit, or share accounts of institutions insured by the Federal Deposit Insurance Corporation [or the Federal Savings and Loan Insurance Corporation] or the National Credit Union Share Insurance Fund [or the Pennsylvania Deposit Insurance Corporation or the Pennsylvania Savings Association Insurance Corporation to the extent that such accounts] **to the extent that the accounts** are so insured, and, for any amounts above the insured maximum, provided that approved collateral as provided by law therefore shall be pledged by the depository. **Such deposits are differentiated from savings or demand deposits as authorized by the act of July 25, 1973 (P.L.217, No.53).**

(iv) Obligations of the United States of America or any of its agencies or instrumentalities backed by the full faith and credit of the United States of America, the Commonwealth of Pennsylvania or any of its agencies or instrumentalities backed by the full faith and credit of the Commonwealth, or of any political subdivision of the Commonwealth of Pennsylvania or any of its agencies or instrumentalities backed by the full faith and credit of the political subdivision.

(v) Shares of an investment company registered under the Investment Company Act of 1940 (**54 Stat. 789, 15 U.S.C. § 80a-1 et seq.**), whose shares are registered under the Securities Act of 1933 (**48 Stat. 74, 15 U.S.C. § 77a et seq.**), provided that the only investments of that company are in the authorized investments for township funds listed in (i) through (iv)[.], **and both of the following conditions are met:**

(A) **The investment company is managed in accordance with 17 CFR 270.2a-7 (relating to money market funds).**

(B) **The investment company is rated in the highest category by a nationally recognized rating agency.**

(vi) Certificates of deposit purchased from institutions insured by the Federal Deposit Insurance Corporation [or the Federal Savings and Loan Insurance Corporation] or the National Credit Union Share Insurance Fund [or the Pennsylvania Deposit Insurance Corporation or the Pennsylvania Savings Association Insurance Corporation to the extent that such accounts are so insured. However, for any amounts above the insured maximum, such certificates of deposit shall be collateralized by a pledge or assignment of assets of the institution, and such collateral may include loans (including interest in pools of loans) secured by first mortgage liens on real property.] **to the extent that the accounts are so insured, and, for any amounts above the insured maximum, provided that approved collateral as provided by law therefore shall be pledged by the depository.**

Certificates of deposit purchased from commercial banks shall be limited to an amount equal to twenty percent of a bank's total capital and surplus. Certificates of deposit purchased from savings and loan associations or savings banks shall be limited to an amount equal to twenty percent of an institution's assets minus liabilities.

(vii) Any investment authorized by 20 Pa.C.S. Ch. 73 (relating to [fiduciaries] **municipalities** investments) shall be an authorized investment for any pension or retirement fund.

(e) In making investments of township funds, the board of commissioners shall have authority[:

(i) To permit assets pledged as collateral under subsection (d)(iii), to be pooled in accordance with the act of August 6, 1971 (P.L.281, No.72), relating to pledges of assets to secure deposits of public funds.

(ii) To combine moneys] to:

(i) **Permit assets pledged as collateral under subsection (d) (iii), to be pooled in accordance with the act of August 6, 1971 (P.L.281, No.72), entitled "An act s tandardizing the procedures for pledges of assets to secure deposits of public funds with banking institutions pursuant to other laws; establishing a standard rule for the types, amounts and valuations of assets eligible to be used as collateral for deposits of public funds; permitting assets to be pledged against deposits on a pooled basis; and authorizing the appointment of custodians to act as pledgees of assets."**

(ii) **Combine money** from more than one fund under township control for the purchase of a single investment, [provided that] **if** each of the funds combined for the purpose shall be accounted for separately in all respects and that the earnings from the investment are separately and individually computed and recorded[,] and credited to the accounts from which the investment was purchased.

(iii) [To join] **Join** with one or more other political subdivisions and municipal authorities in accordance with [the act of July 12, 1972 (P.L.762, No.180), entitled "An act relating to intergovernmental cooperation," in the purchase of a single investment, provided that the requirements of subclause (ii) on separate accounting of individual funds and separate computation, recording and crediting of the earnings therefrom are adhered to.] **53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental cooperation) in the purchase of a single investment, provided that the requirements of subclause (ii) are adhered to.**

Section 1706. Indebtedness and Orders of Previous Years.--No orders or indebtedness of any previous years shall be paid out of the funds of any fiscal year, unless the funds available from taxation and other sources shall be estimated to be in excess of requirements for the current fiscal year[, in which case]. **If the available funds are in excess of the current fiscal year requirements,** an appropriation may be made for [such] **this** purpose to the extent of [such] **the** excess, or unless, after the close of the fiscal year, it shall be ascertained that the funds appropriated and available therefor are in excess of the amount required, in which case [such] **the** surplus may be applied to [such] **the** former orders of indebtedness.

Section 1708. Disbursements to Pay Indebtedness.--All disbursements in discharge of township indebtedness duly incurred shall be made by the township treasurer or [his] **the treasurer's** deputy, by virtue of warrants or orders drawn on [him] **the treasurer** by the order of the board of [township] commissioners, signed by the president or vice president and attested to by the secretary or assistant secretary of the board. The board shall prescribe, by ordinance, the manner in which bills for township indebtedness shall be approved for payment.

Section 63.1. Section 1709 of the act, amended July 2, 2019 (P.L.349, No.50), is amended to read:

Section 1709. Tax Levies.--(a) The board of [township] commissioners may levy taxes by resolution for taxes levied at the same rate as or a rate lower than the previous fiscal year, and by ordinance if the tax rate increases from the previous fiscal year, upon all property and upon all occupations within the township made taxable for township purposes, as ascertained by the valuation for county purposes made by the assessors of

the several counties of this Commonwealth for the year for which the township taxes are levied, for the purposes and at the rate hereinafter specified: Provided, however, That such valuation shall be subject to correction by the county commissioners of the several counties, and to appeal by the taxable persons in accordance with existing laws.

One.] commissioners may levy taxes by resolution for taxes levied at the same rate as or a rate lower than the previous fiscal year, and by ordinance if the tax rate increases from the previous fiscal year, upon all property and upon all occupations within the township made taxable for township purposes and subject to valuation and assessment by the county assessment office, for the following purposes and at the following rates:

(1) An annual tax for general township purposes, not exceeding thirty mills, unless the board of [township] commissioners by majority action shall, upon due cause shown by resolution, petition the court of [quarter sessions, in which case the court may order a rate of not more than five mills additional to be levied: Further provided, That if, at the hearing before the court of quarter sessions upon said petition, of which notice shall be given as the court may direct, which hearing shall be held not less than ten nor more than fifteen days after said petition shall be presented, the owners of real estate having assessed valuation of fifty per centum of the total assessed valuation of real estate in said township shall, by petition, object to the making of an order for any additional tax levy, the court shall thereupon deny the prayer of said petition.] **common pleas for the right to levy additional millage for general revenue purposes. The court, after public notice as it may direct and after hearing, may order a greater rate than thirty mills but not exceeding five additional mills to be levied.**

[Two.] (2) (i) An annual tax not exceeding three mills for the purpose of:

(A) building and maintaining suitable places for the housing of fire apparatus;

(B) purchasing, maintaining and operating fire apparatus;

(C) making of appropriations to fire companies [within or without] **located inside or outside** the township;

(D) contracting with adjacent municipalities or volunteer fire companies therein for fire protection;

(E) the training of fire personnel and payments to fire training schools and centers;

(F) the purchase of land upon which to erect a fire house; and

(G) the erection and maintenance of a fire house or fire training school and center.

(ii) The township may appropriate up to one-half, but not to exceed one mill, of the revenue generated from a tax under this clause for the purpose of paying salaries, benefits or other compensation of fire suppression employees of the township or a fire company serving the township.

(iii) If an annual tax for the purposes specified in this clause is proposed to be set at a level higher than three mills the question shall be submitted to the voters of the township, and the county board of elections shall frame the question in accordance with the election laws of the Commonwealth for submission to the voters of the township.

[Three.] (3) An annual tax, not exceeding one-tenth of one mill, for the purpose of caring for trees planted under the

supervision of the [shade-tree] **shade tree** commission, and for the purpose of publishing notices of meetings to consider the planting, removing, or changing of trees. In lieu of the tax provided for in this clause, the [township] **board of commissioners** may, by specific appropriation, provide for the maintenance of [such trees] **shade trees by appropriation** from the general funds of the township.

[Four.] **(4)** An annual tax so long as necessary, for the purpose of procuring a lot and/or erecting a building thereon for a [townhouse] **municipal building**, and for the payment of indebtedness incurred in connection therewith.

[Five.] **(5)** An annual tax sufficient to pay interest and principal on any indebtedness incurred pursuant to [the act of July 12, 1972 (P.L.781, No.185), known as the "Local Government Unit Debt Act,"] **53 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and borrowing)** or any prior or subsequent act governing the incurrence of indebtedness of the township.

[Six. The commissioners of the township shall have the power to levy and collect annually on the valuation assessed for general township purposes as now is or may be provided by law, an additional]

(6) An annual tax not exceeding one-half (1/2) mill to provide for pensions, retirement, or the purchase of annuity contracts for township employes. This tax shall be kept in a separate fund and used only for the purposes [herein] provided **in this clause.**

[Seven.] **(7)** (i) An annual tax not exceeding one-half mill for the purpose of supporting ambulance, rescue and other emergency services serving the township, except as provided in subsection (c).

(ii) The township may appropriate up to one-half of the revenue generated from a tax under this clause for the purpose of paying salaries, benefits or other compensation of employes of an ambulance, rescue or other emergency service serving the township.

(8) An annual tax not exceeding five mills to create and maintain a revolving fund to be used in making permanent street, sidewalk, water supply or sewer improvements before the collection of all or part of the cost from property owners as otherwise authorized by this act. A revolving fund may also be used for the deposit of funds raised through the issuance of general obligation bonds of the township for the making of permanent street, sidewalk, water supply or sewer improvements. When all or part of the cost of the construction of any permanent street, sidewalk, water supply or sewer improvement is paid from the revolving fund and is later assessed and collected from property owners as otherwise authorized by this act, the collections shall be applied to the credit of the revolving fund to the extent of the withdrawal from the revolving fund for that purpose.

(9) An annual tax sufficient for the purpose of constructing, maintaining and operating parks, recreation areas, facilities and programs or for paying the township's share of a joint action with one or more political subdivisions, in accordance with section 3013.

(b) This section does not include the levy of any taxes upon particular districts, or parts of any township, for particular purposes, nor special levies otherwise provided for in this act.

(c) The tax for supporting ambulance and rescue squads serving the township shall not exceed the rate specified in [clause seven of subsection (a)] **subsection (a) (7)** except when

the question is submitted to the voters of the township in the form of a referendum which will appear on the ballot in accordance with the election laws of the Commonwealth, in which case the rate shall not exceed three mills. The county board of elections shall frame the question to be submitted to the voters of the township in accordance with the election laws of the Commonwealth.

Section 64. Section 1709.1 of the act is amended to read:

Section 1709.1. Additions and Revisions to Duplicates.--[When there is any construction of a building or buildings not otherwise exempt as a dwelling after January first of any year and the building is not included in the tax duplicate of the township, the authority responsible for assessments in the township shall, upon the request of the board of township commissioners, inspect and reassess, subject to the right of appeal and adjustment by the law under which assessments are made,] **If in any township there is any construction of a building or buildings not otherwise exempt as a dwelling after January first of any year and the building is not included in the tax duplicate of the township, the county assessment office shall, upon the request of the board of commissioners, direct the assessor in the county assessment office to inspect and reassess, subject to the right of appeal and adjustment by statute,** all taxable property in the township to which major improvements have been made after January first of any year and to give notice of the reassessments within ten days to the authority responsible for assessments, the township and the property owner. The **real** property shall be added to the duplicate and [is] **shall be** taxable for township purposes at the reassessed valuation for that proportionate part of the fiscal year of the township remaining after the property was improved. Any improvement made during the month shall be computed as having been made on the first day of the month. A certified copy of the additions or revisions to the duplicate shall be furnished by the board of township commissioners to the township tax collector, together with the board's warrant for collection of the same, and within ten days the township tax collector shall notify the owner of the property of the taxes due the township.

[When an assessment is made for a portion of a year, the assessment shall be added to the duplicate of the following or succeeding year unless the value of the improvements has already been included in that duplicate.]

Section 64.1. Section 1710 of the act, amended July 2, 2019 (P.L.349, No.50), is amended to read:

Section 1710. Tax Rates to Be Expressed in Dollars and Cents.--Whenever the **board of** commissioners [of any township] shall, by ordinance or resolution, fix the rate of taxation for any year at a mill rate, [such] **the** ordinance or resolution shall also include a statement expressing the rate of taxation in dollars and cents on each one hundred dollars of assessed valuation of taxable property.

Section 65. Sections 1711, 1712 and 1801 of the act are amended to read:

Section 1711. Special Levies to Pay Indebtedness.--[In addition to the levies hereinbefore provided for, when it is shown to the court that the debts due by any township exceed the amount which the township commissioners may collect in any year by taxation, the court, after ascertaining the amount of indebtedness of any such township, may, by a writ of mandamus, direct the township commissioners, by special taxation, to collect an amount sufficient to pay the same. If the amount of

such indebtedness is so large as to render it unadvisable to collect the same in any one year, taking into consideration other necessary taxation, the court may direct the same to be levied and collected by annual instalments, and may order such special taxes to be levied and collected during such successive years as may be required for payment of the same.] **In addition to the levies provided for in section 1709, when it is shown to the court that the debts due by any township exceed the amount which the board of commissioners may collect in any year by taxation, the court, after ascertaining the amount of indebtedness of the township, may, in an action of mandamus, direct the board of commissioners, by special taxation, to collect an amount sufficient to pay the debts. If the amount of the indebtedness is so large as to render it unadvisable to collect the entire amount in any one year, taking into consideration other necessary taxation, the court may direct the special taxes to be levied and collected during successive years as may be required for payment of the debt.**

Section 1712. Delivery of Duplicates.--The board of [township] commissioners shall within thirty days after adoption of the budget or within thirty days after receipt of the assessment roll from the county, whichever is later, deliver a duplicate of the assessment of township taxes to the township tax collector, together with the board's warrant for collection of the taxes.

Section 1801. Power to Make Contracts.--[Townships] **(a) A township may make contracts for lawful purposes and for the [purpose] purposes of carrying into execution the provisions of this act and the laws of the Commonwealth.**

(b) Except as otherwise specifically provided in this act, all contracts and purchases must be made with and from the lowest responsible bidder. For purposes of this article, the lowest responsible bidder need not be the bidder submitting the lowest dollar amount bid. A township may also consider the quality of goods or services supplied, ease of repair, compatibility with other township equipment or services, responsiveness, past performance of the bidder and any other reasonable factors specified in the advertisement for bids.

(c) A township may permit the electronic submission of bids and may receive bids electronically for competitive bid purchases and contracts pursuant to 62 Pa.C.S. Ch. 46 (relating to electronic bidding by local government units).

Section 66. Section 1802 of the act, amended October 24, 2018 (P.L.886, No.141), is amended to read:

Section 1802. [General Regulations Concerning Contracts.--(a) All contracts or purchases made by any township, involving the expenditure of over the base amount of eighteen thousand five hundred dollars, subject to adjustment under subsection (a.2), except those hereinafter mentioned, shall not be made except with and from the lowest responsible bidder, shall be in writing, and shall be made only after notice by the secretary, published, in one newspaper of general circulation, published or circulating in the county in which the township is situated, at least two times at intervals of not less than three days where daily newspapers of general circulation are employed for such publication, or in case weekly newspapers are employed then the notice shall be published once a week for two successive weeks. The first advertisement shall be published not more than forty-five days and the second advertisement not less than ten days prior to the date fixed for the opening of bids. Advertisements for contracts or purchases shall also be

posted in a conspicuous place within the township.

Advertisements] **Regulation of Contracts.--(a) All contracts or purchases in excess of the base amount of eighteen thousand five hundred dollars, subject to adjustment under subsection (a.2), except those mentioned in this section and except as provided by the act of October 27, 1979 (P.L.241, No.78), entitled "An act authorizing political subdivisions, municipality authorities and transportation authorities to enter into contracts for the purchase of goods and the sale of real and personal property where no bids are received," shall be in writing, and shall be made only after notice by the secretary, published once in one newspaper of general circulation, published or circulating in the county in which the township is situated. The advertisement shall be published not less than ten days prior to the date fixed for the opening of bids and shall also be posted in a conspicuous place within the township. The advertisement for contracts or purchases shall contain the date, time and location for opening of bids and shall state the amount of the performance bond determined under subsection (c). The advertisement shall also contain full plans and specifications, or refer to the places where copies thereof can be obtained.** All plans and specifications shall be on file [at least] **not less than** ten days in advance of opening bids. The amount of the contract shall in all cases, whether of straight sale price, conditional sale, [bailment] lease, **lease purchase** or otherwise, be the entire amount which the township pays to the successful bidder or [his] **the bidder's** assigns in order to obtain the services or property, or both, and shall not be construed to mean only the amount [which] **that** is paid to acquire title or to receive any other particular benefit or benefits of the whole bargain.

(a.1) Written or telephonic price quotations from at least three qualified and responsible contractors shall be requested for all contracts in excess of the base amount of ten thousand dollars, subject to adjustment under subsection (a.2) but less than the amount requiring advertisement and competitive bidding or, in lieu of price quotations, a memorandum shall be kept on file showing that fewer than three qualified contractors exist in the market area within which it is practicable to obtain quotations. A written record of telephonic price quotations shall be made and shall contain at least the date of the quotation, the name of the contractor and the contractor's representative, the construction, reconstruction, repair, maintenance or work [which] **that** was the subject of the quotation and the price. Written price quotations, written records of telephonic price quotations and memoranda shall be retained for a period of three years. **Written price quotations as used throughout this section include electronic mail.**

(a.2) Adjustments to the base amounts specified under [subsection (a)] **subsections (a) and (a.1)** shall be made as follows:

(1) The Department of Labor and Industry shall determine the percentage change in the Consumer Price Index for All Urban Consumers: All Items (CPI-U) for the United States City Average as published by the United States Department of Labor, Bureau of Labor Statistics, for the twelve-month period ending September 30, 2012, and for each successive twelve-month period [thereafter].

(2) If the department determines that there is no positive percentage change, then no adjustment to the base amounts shall

occur for the relevant time period provided for in this subsection.

(3) (i) If the department determines that there is a positive percentage change in the first year that the determination is made under [clause] **paragraph (1)**, the positive percentage change shall be multiplied by each base amount, and the products shall be added to the base amounts, respectively, and the sums shall be preliminary adjusted amounts.

(ii) The preliminary adjusted amounts shall be rounded to the nearest one hundred dollars, to determine the final adjusted base amounts for purposes of [subsection (a)] **subsections (a) and (a.1)**.

(4) In each successive year in which there is a positive percentage change in the CPI-U for the United States City Average, the positive percentage change shall be multiplied by the most recent preliminary adjusted amounts, and the products shall be added to the preliminary adjusted amount of the prior year to calculate the preliminary adjusted amounts for the current year. The sums [thereof] shall be rounded to the nearest one hundred dollars to determine the new final adjusted base amounts for purposes of [subsection (a)] **subsections (a) and (a.1)**.

(5) The determinations and adjustments required under this subsection shall be made in the period between October 1 and November 15 of [the year following the effective date of this subsection and annually between October 1 and November 15 of each year thereafter.] **each year**.

(6) The final adjusted base amounts and new final adjusted base amounts obtained under [clauses] **paragraphs (3) and (4)** shall become effective January 1 for the calendar year following the year in which the determination required under [clause] **paragraph (1)** is made.

(7) The department shall [publish notice] **transmit notice to the Legislative Reference Bureau for publication** in the Pennsylvania Bulletin prior to January 1 of each calendar year of the annual percentage change determined under [clause] **paragraph (1)** and the unadjusted or final adjusted base amounts determined under [clauses] **paragraphs (3) and (4)** at which competitive bidding is required under subsection (a) **and written or telephone price quotations are required under subsection (a.1), respectively**, for the calendar year beginning the first day of January after publication of the notice. The notice shall include a written and illustrative explanation of the calculations performed by the department in establishing the unadjusted or final adjusted base amounts under this subsection for the ensuing calendar year.

(8) The annual increase in the preliminary adjusted base amounts obtained under [clauses] **paragraphs (3) and (4)** shall not exceed three [per centum] **percent**.

(b) (1) [In every instance in which any contract for any public work, construction, materials, supplies, or other matters or things for any township shall be awarded upon competitive bids, it shall be the duty of the authorities authorizing the same to award said contract to the lowest responsible bidder. Any published notice for bids shall contain full plans and specifications, or refer to the places where copies thereof can be obtained, and give the time and place of a public meeting of a committee, appointed by the township commissioners or an open meeting of the township commissioners, at which committee or commissioners meeting, bids shall be publicly opened and read, and if it is an open meeting of the township

commissioners, the contract may be awarded. If, through lack of a quorum or other reason, no meeting shall be held at such time and place, notice of the same kind shall be repeated once at least six days before the meeting of the subsequent time and place fixed, and the foregoing provisions as to bids shall apply. The same course shall be pursued until a meeting of a committee or the commissioners shall actually be held for receiving and opening bids.

(2) Notwithstanding clause (1), the board of township commissioners may direct that a committee of the board, a member of the board or a member of the township staff receive, open and review bids during normal business hours and forward the information to the board of township commissioners for subsequent award at a public meeting. Bidders shall be notified and other interested parties, upon request, shall be notified of the date, time and location of the opening of bids and may be present when the bids are opened.

(3) (i) **If advertisement and bidding are required, the advertisement shall specify the date, time and place bids will be received and the date, time and place for the opening of bids.**

(ii) **At the board of commissioners' request, the bids advertised for must be accompanied by cash, money order, a certified or cashier's good faith check or other irrevocable letter of credit drawn upon a bank authorized to do business in this Commonwealth or by a bond with corporate surety in the amount as the board of commissioners determine, and, when requested, no bid may be considered unless so accompanied.**

(iii) **Bids received pursuant to an advertisement shall be opened publicly by the board of commissioners or the board's agent or employees. The amount of each bid and any other relevant information as may be specified by the board, together with the name of each bidder, shall be disclosed and recorded, and the record shall be open to public inspection and copying.**

(iv) **At a public meeting of the board of commissioners, the board shall either award the contract or reject all bids.**

(2) Any contract [made] **executed** in violation of the provisions of this section shall be void. [But nothing contained] **Nothing** in this section shall prevent the making of contracts for governmental services for a period exceeding one year, but any contract [so made shall be executory] **shall be executed** only for the amounts agreed to be paid for [such services to be rendered in succeeding fiscal years: Provided, That if, prior to the letting of any contract, taxpayers of the township, whose property valuation as assessed for taxable purposes within the township shall amount to sixty per centum or over of the total property valuation as assessed for taxable purposes within the township, shall sign and file, with the township secretary of the board, a written protest against such contemplated contract, then such contract shall not be let.

(4) Every contract for the construction, reconstruction, repair, improvement or maintenance of public works shall contain a provision that any steel products used or supplied in the performance of the contract or any subcontracts thereunder shall be from steel made in the United States. The provisions of this act shall be construed in a manner consistent with the act of March 3, 1978 (P.L.6, No.3), known as the "Steel Products Procurement Act." **the services to be rendered in succeeding fiscal years.**

(c) The successful bidder, when advertising is required [herein], shall be required to furnish bond **or irrevocable letter of credit or other security** with suitable reasonable

requirements guaranteeing the performance of the contract, with sufficient surety, in an amount as determined by the [township] **board of** commissioners which shall be not less than ten [per centum] **percent** nor more than one hundred [per centum] **percent** of the amount of the liability under the contract within twenty days after the contract has been awarded, unless the [township] **board of** commissioners shall prescribe a shorter period of not less than ten days. Upon failure to furnish [such bond within such time] **the security within the prescribed time**, the previous award shall be void. Deliveries, accomplishment and guarantees may be required in all cases of expenditures including exceptions herein.

(d) The contracts or purchases made by the **board of** commissioners which shall not require advertising, bidding or price quotations, as [hereinbefore provided,] **provided in this article**, are as follows:

(1) Those for maintenance, repairs or replacements for water, [electric light] **electricity**, or other public works of the township, provided they do not constitute new additions, extensions or enlargements of existing facilities and equipment but [a bond] **security** may be required by the **board of** commissioners as in other cases of work done.

(2) Those made for improvements, repairs and maintenance of any kind made or provided by [any] **a** township through its own employes[: Provided, however, That all materials used for street improvement, maintenance, and/or construction in excess of the base amount of ten thousand dollars be subject to the relevant price quotation or advertising requirements as contained herein and to adjustment under subsection (a.2).] **if the materials used for street improvement or construction in excess of the amount specified or adjusted under subsection (a.1) are subject to the relevant price quotation or advertising requirements contained in this section.**

(3) Those where particular types, models or pieces of new equipment, articles, apparatus, appliances, **computer software**, vehicles or parts thereof are desired by the **board of** commissioners which are patented [and manufactured products.] **or copyrighted products or are needed to ensure compatibility with existing systems, facilities or equipment.**

(3.1) Those for used personal property, such as equipment, articles, apparatus, appliances, vehicles or parts thereof being purchased from a public utility, municipal corporation, county, school district, [municipality] **municipal** authority, council of government, volunteer fire company, volunteer ambulance service, volunteer rescue squad or Federal or State Government.

(4) Those involving [any policies of insurance or surety company bonds; those made for public utility service under tariffs on file with the Pennsylvania Public Utility Commission; those made with another political subdivision or a county; the Commonwealth of Pennsylvania; the Federal Government; any agency of the Commonwealth or the Federal Government or any municipal authority, including the sale, leasing or loan of any supplies or materials by the Commonwealth or Federal Government or their agencies. But the price thereof shall not be in excess of that fixed by the Commonwealth, the Federal Government or their agencies.] **a policy of insurance or a surety bond.**

(4.1) **Those made for public utility service and electricity, natural gas or telecommunications services.**

(4.2) **Those made with another political subdivision or a county, or council of governments, consortium, cooperative or other similar entity created under 53 Pa.C.S. Ch. 23 Subch. A**

(relating to intergovernmental cooperation) or the Federal Government, the Commonwealth, any agency of the Federal Government or the Commonwealth or any municipal authority, including the sale, leasing or loan of any supplies or materials by the Federal Government or the Commonwealth or their agencies. The price may not be in excess of that fixed by the Federal Government or the Commonwealth, or their agencies.

(5) Those involving personal or professional services.

(6) Those made for materials and supplies or equipment rental under emergency conditions under 35 Pa.C.S. Pt. V (relating to emergency management services).

(7) Those involving equipment rental with operators if more than fifty percent of the total labor personnel hours required for the completion of the contract is supplied by the township through its own employees.

(8) Those for the purchase of repair parts or materials for use in existing township equipment or facilities if the item or material to be purchased is the sole item of its kind on the market or is manufactured as a replacement for the original item or equipment being repaired.

(9) Those for emergency maintenance, repairs or replacements for water, electricity or public works of the township, if they do not constitute new additions, extensions or enlargements of existing facilities and equipment, but security may be required by the board of commissioners, as in other cases of work done. The actual emergency and the nature of the procurement shall be stated in a resolution by the board of commissioners and adopted at the next public meeting.

(10) Those for the mitigation of a real or potential emergency involving a clear and present danger to the health, safety and welfare of the residents of the township. For those contracts or purchases made in cases of emergencies, the actual emergency and the nature of the procurement shall be stated in a resolution by the board of commissioners and adopted at the next public meeting.

Nothing in this subsection prohibits the board of commissioners from engaging in advertising, bidding or price quotations if the board of commissioners determines that the advertising, bidding or price quotations are in the public interest.

(e) [Every contract for the construction, reconstruction, alteration, repair, improvement or maintenance of public works shall comply with the provisions of the act of March 3, 1978 (P.L.6, No.3), known as the "Steel Products Procurement Act."] The board of commissioners shall award contracts subject to the requirements of and may exercise any powers granted by the following acts to the extent applicable:

(1) The act of August 15, 1961 (P.L.987, No.442), known as the "Pennsylvania Prevailing Wage Act."

(2) The act of December 20, 1967 (P.L.869, No.385), known as the "Public Works Contractors' Bond Law of 1967."

(3) The act of January 17, 1968 (P.L.11, No.5), known as "The Minimum Wage Act of 1968."

(4) The act of January 23, 1974 (P.L.9, No.4), referred to as the Public Contract Bid Withdrawal Law.

(5) The act of March 3, 1978 (P.L.6, No.3), known as the "Steel Products Procurement Act."

(6) The act of February 17, 1994 (P.L.73, No.7), known as the "Contractor and Subcontractor Payment Act."

(7) 62 Pa.C.S. Pt. II (relating to general procurement provisions).

(f) No person, consultant, firm or corporation contracting with a township for purposes of rendering personal or professional services to the township shall share with any township officer or employee, and no township officer or employee shall accept, any portion of the compensation or fees paid by the township for the contracted services provided to the township except under the following terms or conditions:

(1) Full disclosure of all relevant information regarding the sharing of the compensation or fees shall be made to the board of commissioners.

(2) The board of commissioners must approve the sharing of any fee or compensation for personal or professional services prior to the performance of [said] **the** services.

(3) No fee or compensation for personal or professional services may be shared except for work actually performed.

(4) No shared fee or compensation for personal or professional services may be paid at a rate in excess of that commensurate for similar personal or professional services.

Section 66.1. Sections 1802.1, 1804, 1804.1, 1805 and 1806 of the act are amended to read:

Section 1802.1. Evasion of Advertising Requirements.--(a)

(1) No commissioner or commissioners shall evade the provisions of section [one thousand eight hundred two] **1802** as to advertising for bids[,] by purchasing or contracting for services and personal properties piecemeal for the purpose of obtaining prices under eighteen thousand five hundred dollars, subject to adjustment under section 1802(a.2), upon transactions, which transactions should, in the exercise of reasonable discretion and prudence, be conducted as one transaction amounting to more than eighteen thousand five hundred dollars, subject to adjustment under section 1802(a.2). [This provision]

(2) **This subsection** is intended to make unlawful the evading of advertising requirements by making a series of purchases or contracts, each for less than the advertising requirement price, or by making several simultaneous purchases or contracts, each below [said] **the** price, when in either case, the transactions involved should have been made as one transaction for one price.

(3) Any commissioners who [so] vote in violation of this [provision, and who] **subsection and** know that the transaction upon which they so vote is or [ought to] **should** be a part of a larger transaction[, and that it] **and** is being divided in order to evade the requirements as to advertising for bids, shall be jointly and severally subject to surcharge for ten [per centum] **percent** of the full amount of the contract or purchase. [Whenever it shall appear]

(4) **If it appears** that a commissioner may have voted in violation of this section, but the purchase or contract on which [he so] **the commissioner** voted was not approved by the board of commissioners, this section shall [be inapplicable] **not apply**.

(b) Any commissioner who votes to unlawfully evade the provisions of section [one thousand eight hundred two] **1802** and who knows that the transaction upon which [he so] **the member** votes is or [ought to] **should** be a part of a larger transaction and [that it] is being divided in order to evade the requirements as to advertising for bids commits a misdemeanor of the third degree for each contract entered into as a direct result of that vote. [This penalty shall be in addition to any surcharge which may be assessed pursuant to subsection (a).]

The penalty under this subsection shall be in addition to a surcharge that may be assessed under subsection (a).

Section 1804. Bonds for Protection of Labor and [Materialmen.--It shall be the duty of every township to require any person, copartnership, association, or corporation, entering into a contract with such township for the construction, erection, installation, completion, alteration, repair of or addition to any public work or improvement of any kind whatsoever, where the amount of such contract is in excess of one thousand five hundred dollars (\$1,500), before commencing work under such contract, to execute and deliver to such township, in addition to any other bond which may now or hereafter be required by law to be given in connection with such contract, an additional bond for the use of any and every person, copartnership, association, or corporation interested, in a sum not less than fifty per centum (50%) and not more than one hundred per centum (100%) of the contract price, as such township may prescribe, having as surety thereon one or more surety companies legally authorized to do business in this Commonwealth, conditioned for the prompt payment of all material furnished and labor supplied or performed in the prosecution of the work, whether or not the said material or labor enter in and become component parts of the work or improvement contemplated. Such additional bond shall be deposited with and held by the township for the use of any party interested therein. Every such additional bond shall provide that every person, copartnership, association, or corporation, who, whether as sub-contractor or otherwise, has furnished material or supplied or performed labor in the prosecution of the work as above provided, and who has not been paid therefor, may sue in assumpsit on said additional bond, in the name of the township, for his, their, or its use and prosecute the same to final judgment for such sum or sums as may be justly due him, them, or it, and have execution thereon: Provided, however, That the township shall not be liable for the payment of any costs or expense of any suit.] **Materials.--Before a contract exceeding ten thousand dollars is awarded to a prime contractor or construction manager for the construction, erection, installation, completion, alteration, repair of or addition to a public work or improvement of any kind, the contractor shall furnish to the township a payment bond for the protection of claimants supplying labor or materials to the prime contractor to whom the contract is awarded, at no less than one hundred percent of the contract amount, conditioned for the prompt payment of the materials furnished or labor supplied or performed in the prosecution of the contract under the act of December 20, 1967 (P.L.869, No.385), known as the "Public Works Contractors' Bond Law of 1967." The bond requirement is in addition to any other bond requirement required by law to be given in connection with the contract.**

Section 1804.1. Purchase Contracts for Petroleum Products; Fire Company, Etc., Participation.--The board of commissioners of each township shall have power to permit, subject to [such] terms and conditions as it may, and as [hereinafter] specifically provided, shall, prescribe [any] **a** paid or volunteer fire company, paid or volunteer rescue company and paid or volunteer ambulance company in the township to participate in purchase contracts for petroleum products entered into by the township. [Any such] **A** company desiring to participate in [such] purchase contracts shall file with the township secretary a request [that it be authorized] **to**

authorize it to participate in contracts for the purchase of petroleum products of the township and agreeing that it will be bound by [such] **the** terms and conditions as the township may, and as [hereinafter] specifically provided, shall, prescribe and that it will be responsible for payment directly to the vendor under each purchase contract. Among [such] **the** terms and conditions, the township shall prescribe that all prices shall be F.O.B. destination.

Section 1805. Separate Specifications for Branches of Work.--In the preparation of specifications for the erection or alteration of any public building, when the entire cost of [such] **the** work exceeds the base amount of eighteen thousand five hundred dollars (**\$18,500**), subject to annual adjustment under section 1802(a.2), the architect, engineer, or person preparing [such] **the** specifications shall prepare separate specifications for the plumbing, heating, ventilating, and electrical work, and the township shall receive separate bids upon each of [such] **the** branches of work, and award the contract for the same to the lowest responsible bidder **for each of the branches.**

Section 1806. [Workmen's Compensation Insurance.--All contracts executed by any township, which involve the construction or doing of any work involving the employment of labor, shall contain a provision that the contractor shall accept, in so far as the work covered by any such contract is concerned, the provisions of the Workmen's Compensation Act of one thousand nine hundred and fifteen, and any supplements or amendments thereto, and that the said contractor will insure his liability thereunder, or file with the township, with which the contract is made, a certificate of exemption from insurance from the Bureau of Workmen's Compensation of the Department of Labor and Industry.

Every officer of any township who shall sign, on behalf of the township, any contract, requiring in its performance the employment of labor, shall require, before the said contract shall be signed, proof that the said contractor with whom the contract is made shall have accepted the Workmen's Compensation Act of one thousand nine hundred and fifteen, and any supplements or amendments thereto, and proof that the said contractor has insured his liability thereunder in accordance with the terms of the said act, or that the said contractor has had issued to him a certificate of exemption from insurance by the Bureau of Workmen's Compensation of the Department of Labor and Industry.

In any contract executed in violation of the provisions of this act, the township, which is a party thereto, shall be regarded as the employer and liable to pay compensation to any person entitled to compensation, under the laws of the Commonwealth, as the result of employment pursuant to such contract.] **Workers' Compensation Insurance.--(a) A contract executed by a township or an officer of a township, which involves the construction or doing of work involving the employment of labor, shall contain a provision that the contractor shall accept, insofar as the work covered by the contract is concerned, the provisions of the act of June 2, 1915 (P.L.736, No.338), known as the "Workers' Compensation Act," and any supplements or amendments to the act, and that the contractor will insure the contractor's liability under the act and will file with the township with which the contract is made a certificate of exemption from insurance from the Bureau of Workers' Compensation of the Department of Labor and**

Industry. The certificate of exemption from insurance may be issued on the basis of either individual self-insurance or group self-insurance. Additionally, a contractor shall file with the township with which the contract is made any applications to be excepted by the provisions of the "Workers' Compensation Act" in respect to certain employees on religious grounds if the applications have been accepted by the Department of Labor and Industry.

(b) A contract executed in violation of subsection (a) is void.

Section 67. Sections 1807 and 1808 of the act are repealed:

[Section 1807. Engineers and Architects Not to Be Interested in Contracts.--It shall be unlawful for any architect or engineer in the employ of a township, and engaged in the preparation of plans, specifications, or estimates, or for any officer or employe of the township, directly or indirectly, to bid on any public work at any letting of such work in such township.

It shall be unlawful for the officers of a township, charged with the duty of letting any public work, to award a contract to any such architect, engineer, officer, or employe in the employ of the township.

It shall be unlawful for any architect, engineer, officer, or employe, in the employ of any township, to be in any wise interested in any contract for public work in such township, or to receive any remuneration or gratuity from any person interested in such contract except under the terms and conditions as provided in section 1802(f).

Any person or persons violating these provisions, or any one of them, shall forfeit his office, and shall be guilty of a misdemeanor, and, on conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars, or to undergo imprisonment of not less than six months, or both, in the discretion of the court.

Section 1808. Minimum Wages under Contracts.--(a) The specifications upon which contracts are entered into by any township for the construction, alteration or repair of any public work or improvement may, at the option of any such township, contain the minimum wage or wages which may be paid by the contractor or his subcontractors for the work performed by laborers and mechanics employed on such public work or improvement, and such laborers and mechanics shall in such cases be paid not less than such minimum wage or wages.

(b) Every contract for the construction, alteration or repair of any public work or improvement founded on specifications containing any such stipulation for minimum wage or wages shall stipulate a penalty of an amount equal to twice the difference between the minimum wage contained in said specifications and the wage actually paid to each laborer or mechanic for each day during which he has been employed at a wage less than that prescribed in said specifications.

(c) Every officer or person designated as an inspector of or having supervision over the work to be performed under any such contract in order to aid in enforcing the fulfillment thereof shall, upon observation or investigation, report to the commissioners of the township all violations of minimum wage stipulations, together with the name of each laborer or mechanic who has been paid a wage less than that prescribed by the specifications and the day or days of such violation.

(d) All such penalties shall be withheld and deducted for the use of the township from any moneys due the contractor by the officer or person whose duty it shall be to authorize the

payment of moneys due such contractor, whether the violation of the minimum wage stipulation of the specifications was by the contractor or by any of his subcontractors: Provided, That if any such contractor or subcontractor subsequently pays to all laborers and mechanics the balance of the amounts stipulated in such contract, the township shall pay to the contractor the amounts so withheld as penalties.]

Section 68. Section 1811 of the act is amended to read:

Section 1811. [Penalty for Personal Interest in Contracts.--Except as otherwise provided in this act, no township official, either elected or appointed, who knows or who by the exercise of reasonable diligence could know, shall be interested to any appreciable degree, either directly or indirectly, in any contract for the sale or furnishing of any supplies or materials for the use of the township or for any work to be done for such township involving the expenditure by the township of more than three hundred dollars in any year, but this limitation shall not apply to cases where such officer or appointee of the township is an employe of the person, firm or corporation to which the money is to be paid in a capacity with no possible influence on the transaction and in which he cannot be possibly benefited thereby, either financially or otherwise. But in the case of a commissioner, if he knows that he is within the exception just mentioned, he shall so inform the commissioners and shall refrain from voting on the expenditure or any ordinance relating thereto and shall in no manner participate therein. Any official or appointee who shall knowingly violate the provisions of this section shall be subject to surcharge to the extent of the damage shown to be thereby sustained by the township, to ouster from office, and shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars.] **Personal Interest in Contracts and Purchases.--Elected and appointed township officials and township employees are restricted from an interest in township contracts and purchases to the extent provided in 65 Pa.C.S. Ch. 11 (relating to ethics standards and financial disclosure).**

Section 69. Subdivision (a) heading of Article XIX of the act is repealed:

[(a) General Provisions Relating to Eminent Domain]

Section 70. Sections 1901 and 1902 of the act are amended to read:

Section 1901. Exercise of Eminent Domain.--[In the laying out, opening, widening, extending, vacating, grading or changing the grades or lines of streets or highways, the construction of bridges and the piers and abutments therefor, the construction of slopes, embankments and sewers, including storm water drains, the erection and extension of waterworks, wharves and docks, public buildings, public works, lands and places for the disposal of ashes and other refuse materials, garbage treatment works and libraries, the establishing of parks, playgrounds and recreation places, the changing of watercourses, and for all other purposes authorized by this act, a township of the first class may enter upon, appropriate, injure or destroy private lands, property and material.] **(a) A township may acquire property by eminent domain, including entering upon, appropriating, taking, using and occupying private lands and property for any of the following public purposes:**

(1) The laying out, opening, widening, extending, vacating, grading or changing the grades or lines of streets or highways.

(2) The construction of bridges and the piers and abutments for bridges.

(3) The construction of slopes, embankments and storm water sewers and storm water facilities, the changing of watercourses, and the construction of sanitary sewer mains, drains or treatment works.

(4) The erection and extension of water systems, wharves and docks, public buildings, public works or land for a public works related function, municipal waste processing and disposal facilities, including municipal waste landfills, libraries, and the establishing of parks, playgrounds and recreation places.

(5) For all other purposes authorized by this act.

(b) Eminent domain proceedings shall be subject to and conform with the provisions of 26 Pa.C.S. (relating to eminent domain).

Section 1902. Restrictions As to Certain Property.--(a) In addition to the restrictions made by other provisions of this act in particular cases **or by any other provision of law**, no township shall exercise the right of eminent domain [as against land now occupied by any building which was used during the Colonial or Revolutionary period as a place of Assembly by the Council of the Colony of Pennsylvania, the Supreme Executive Council of the Commonwealth of Pennsylvania, or the Congress of the United States; or as against the land occupied by any fort, redoubt, or blockhouse, erected during the Colonial or Revolutionary period, or any building used as headquarters by the Commander-in-Chief of the Continental Army; or as against the site of any building, fort, redoubt, blockhouse, or headquarters which are preserved for their historic associations and not for private profit. The Colonial and Revolutionary period shall be taken as ended on the third day of September, one thousand seven hundred and eighty-three.] **against:**

(1) land now occupied by any building that was used during the Colonial or Revolutionary period as a place of Assembly by the Council of the Colony of Pennsylvania, the Supreme Executive Council of the Commonwealth of Pennsylvania, or the Congress of the United States;

(2) the land occupied by any fort, redoubt, or blockhouse erected during the Colonial or Revolutionary period or any building used as headquarters by the Commander-in-Chief of the Continental Army; or

(3) the site of any building, fort, redoubt, blockhouse, or headquarters that is preserved for the site's historic associations and not for private profit.

(b) For the purposes of subsection (a), the Colonial and Revolutionary period shall be deemed to have ended on September 3, 1783.

Section 71. The act is amended by adding a section to read:

Section 1902.1. Declaration of Intention.--A township shall declare its intention to acquire, enter upon, take, use and appropriate any private property or land for any of the purposes authorized by this act by ordinance or resolution.

Section 72. Sections 1906 and 1917 of the act are amended to read:

Section 1906. Value of Land or Property Not to Be Assessed as Benefits; Exceptions.--In [all cases of] the appropriation of land or property for public use, other than for streets, it shall not be lawful to assess any portion of the damage done to or value of the **appropriated** land or property [so appropriated] against the other property adjoining or in the vicinity of the **appropriated** land or property [so appropriated].

Section 1917. Title Acquired.--[In all cases where land or property is acquired in eminent domain proceedings other than for street or highway purposes, or is acquired by gift, purchase or otherwise, the title obtained by the township shall be in fee simple: Provided, That in particular instances a different title may by agreement be acquired.] **Except as otherwise provided by law, if land or other real or personal property is acquired by a township in eminent domain proceedings other than for street or highway or easement purposes, or is acquired by gift, purchase or otherwise, the title obtained by the township shall be in fee simple absolute or like absolute ownership unless the parties agree otherwise in writing and the agreement expressly appears in a recorded deed affecting any real property acquired by the township or in the notice of condemnation.**

Section 73. Subdivision (b) of Article XIX and Subdivision (a) heading of Article XX of the act are repealed:

[(b) Procedure for the Exercise of Eminent Domain and for the Assessment of Damages and Benefits

Section 1924. Assessment of Damages and Benefits.--The damages may be paid in whole or in part by the township, or may be assessed in whole or in part upon the land or property benefited. In the latter case, the viewers, having first determined the damages apart from the benefits, shall assess the total cost of the improvement, or so much thereof as may be just and reasonable, upon the lands or properties peculiarly benefited, including in the assessment all parties for which damages have been allowed, and shall report the same to the court. The total assessments for benefits shall not exceed the total damages awarded or agreed upon.

Section 1925. Assessment Awards.--In proceedings to assess damages and benefits, if the land or property is both benefited and damaged by such improvements, the excess of damages over benefits, or the excess of benefits over damages, or nothing in case the benefits and damages are equal, shall be awarded to or assessed against the several owners of the land or property affected thereby.

Section 1952. Assessments to Bear Interest.--All assessments for benefits, costs, and expenses shall bear interest at six per centum per annum from the expiration of thirty days after they shall have been finally ascertained, and shall be payable to the treasurer of the township.

(a) Plans of Streets and Highways]

Section 74. The act is amended by adding sections to read:

Section 2002. Definitions.--The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Improving a street" or "improvement." The term includes work on a street or portion thereof done or proposed to be done in order to open the street if the street has not previously been opened or, if previously opened, to make the street more usable or more suitable for use by the traveling public or safer for use. The term includes, but is not limited to, grading, paving and curbing. The term shall not include maintenance or repaving.

"Laying out." The term includes the plotting of:

(1) An unopened street or portion of the street on a township plan or official map adopted in accordance with the act of July 31, 1968 (P.L.805, No.247), known as the "Pennsylvania Municipalities Planning Code," on a subdivision or land development plan or by the enactment of an ordinance adopted in accordance with this article.

(2) An unopened street in a case where any of the lines of the street are proposed to be revised or in a case where the street was never previously laid out although the street may have been opened and used.

"Opened streets." The term includes the streets within the township used as public passageways.

"Opening a street." The term includes the construction and grading of a street or portion thereof and the act of physically taking possession of an area or laid-out street for the purpose of making the same usable to the traveling public.

"Portion." The term includes a portion either of the width or length of a street. Opening a portion of a street may mean extending or widening a street, and vacating a portion of a street may mean closing or narrowing a street.

"Street." The term includes a street, road, lane, alley, court or public square, either for or intended for public use and shall include the cartway, sidewalk, gutter, curb or the right-of-way area, whether or not the street, or any portion of the street, is owned in fee by others than the township. Streets are of two classes, opened and unopened.

"Unopened streets." The term includes the streets within the township neither used as a public passageway nor accepted or maintained, but plotted in one of the following:

(1) a township plan or official map adopted in accordance with the Pennsylvania Municipalities Planning Code;

(2) an ordinance laying out the street in accordance with this article;

(3) a subdivision or land development plan; or

(4) an individual deed.

Section 2003. Township Street Plan.--(a) A township that has not maintained an accurate plan of township streets adopted in accordance with this article prior to the effective date of this section may only adopt a plan of streets under the act of July 31, 1968 (P.L.805, No.247), known as the "Pennsylvania Municipalities Planning Code."

(b) If a township maintains a plan of streets adopted prior to the effective date of this section, or maintains an official map containing opened and unopened streets, a street laid out in accordance with this article by ordinance or by final approval of a subdivision or land development plan must be deemed an amendment to the plan. Notwithstanding any other provision of law, a deemed amendment as provided in this section and a subsequent placement of the street on a plan may not be subject to public notice or public hearing if the street has been laid out in accordance with the requirements of this article.

(c) The maintenance of a plan of streets or official map shall not be required in order for a township to lay out streets in accordance with sections 2005 and 2007.

Section 2004. Certain Streets Declared Public Streets.--(a)

Every street which has been used for public travel and maintained and kept in repair continuously by the township for a period of at least twenty-one years, pursuant to authorization by the board of commissioners, is a public street having a right-of-way of not less than twenty-four feet, even though there is no public record of the laying out or dedication for public use of the street.

(b) In any proceeding pursuant to this section, any relevant oral or documentary evidence of public travel or maintenance and repairs by the township shall, if presented, be considered, including, but not limited to:

(1) Maps or surveys which are either generated by any governmental unit or are created pursuant to any judicial proceeding of the courts of this Commonwealth.

(2) Evidence concerning the distribution of government funds to the township pursuant to the act of June 1, 1956 (1955 P.L.1944, No.655), referred to as the Liquid Fuels Tax Municipal Allocation Law.

(3) Approved subdivision plans, deeds or other documents containing a designation of the street as either a township street or otherwise.

(4) Evidence that the street is an extension from a public street or public cul-de-sac or a throughway between other municipal or State streets or provides the only access to a municipal boundary line.

(5) Court orders, decisions, findings of fact or other matters of judicial record relating to public or private rights in the street.

(c) For purposes of this section:

(1) The frequency of use of a street may be considered relevant in any proceeding pursuant to this section, but, in the absence of additional findings on the purpose of such use, shall not alone be sufficient to establish that the street has been used for public travel.

(2) The condition or sufficiency of the street surface for public travel may be considered relevant in any proceeding pursuant to this section, but, absent additional findings of actual public maintenance and repair, shall not alone be sufficient to establish maintenance and repair by the township.

(d) Nothing in this section shall be construed as affecting the weight or persuasiveness of any evidence presented in accordance with subsection (b) or the relevance of any evidence presented except as otherwise provided in this section.

(e) In any proceeding in which this section is relied upon to allege the existence of a public street, the proponent of the public status of the street shall present evidence first, and the burden shall then shift to the opponent to present evidence to refute the public status of the street.

Section 75. Subdivision (b) heading of Article XX is repealed:

[(b) Laying Out, Opening, Widening, Straightening,
Vacating and Relaying Streets, Highways,
Et Cetera; Repairs and Detours]

Section 76. Sections 2005, 2006 and 2007 of the act are amended to read:

Section 2005. Power to Lay Out, Open, [Widen, Vacate, Et Cetera.--(a) The board of township commissioners may enact, ordain, survey, lay out, open, widen, straighten, vacate, and relay all streets, and parts thereof, which are wholly within the township, upon the petition of a majority in interest of the owners of property or properties through whose land such street passes, or upon whose land it abuts, or without petition of the owners of abutting property if, in the judgment of the board of commissioners, it is necessary for the public convenience; and the authority to open, widen and straighten highways with the approval of the Secretary of Transportation. Such power shall include authority to vacate in whole or in part streets laid out by the Commonwealth where the same have remained unopened for a period of thirty years; and also the authority to lay out and open a street which will be a continuation or extension of a street already open by an adjacent city, borough, or township.

(b) For the purposes of subsection (a) "street" shall mean and include any street as defined by section 102, either for or intended for public use and shall include the cartway, sidewalk, gutter or the right-of-way area, whether or not such street, or any part thereof, is owned in fee by others than the township.] **Vacate and Alter Streets.--**With regard to any street or portion of a street within township limits, a township may, with or without petition of abutting property owners, do any of the following:

(1) Lay out, open, widen, straighten, alter, extend, relocate and improve.

(2) Establish or reestablish the grades.

(3) Keep in order and repair and in safe passable condition.

(4) Vacate and discontinue when deemed expedient for the public good.

(5) With the approval of the Department of Transportation, vacate highways laid out by the Commonwealth within the township limits which have remained unopened for thirty years.

Section 2006. [Burial Grounds, Et Cetera, Saved]

Prohibition.--No street shall be laid out and opened through any burial ground or cemetery, nor through any grounds occupied by a building used as a place for public worship, or as a public or parochial school or educational or charitable institution or seminary, unless the consent of the owner [or corporation or person controlling] of the premises is first secured.

Section 2007. [Notice of Hearing.--The board of commissioners shall give ten days' notice to the property owners affected thereby of the time and place when and where all parties interested may meet and be heard. Witnesses may be summoned and examined by the board of commissioners and by the parties interested at such meeting or any adjournment thereof.]

Procedures for Laying Out, Opening, Changing, Improving or Vacating Streets.--(a) Before the enactment of any ordinance for the laying out, opening, widening, straightening, extending, altering, improving, relocating or vacating of any street or highway or portion of any street or highway, the board of commissioners shall give ten days' written notice to the owners of property adjacent to the street or highway or portions of the street or highway affected thereby of the time and place set for a hearing on the proposed matter. Witnesses may be summoned and examined by the board of commissioners and by the parties interested at the hearing.

(b) After the hearing and a consideration of the matter under subsection (a), if the board of commissioners votes in favor of exercising the power so conferred, the board shall make written report, together with a draft or survey of the street or highway, which shall include:

(1) the width of the street or highway;

(2) the improvements along the street or highway; and

(3) the names of the owners of property which the street or highway shall pass through or abut.

(c) The report and draft shall be filed in the recorder of deeds office of the county.

(d) Any resident or property owner affected by the report may, within thirty days after the filing of the report of the board of commissioners, upon entering in the court sufficient surety to indemnify the board of commissioners for all costs incurred in the proceedings, file exceptions to the report, together with a petition for a review.

(e) The following shall apply after the expiration of the term allowed for filing exceptions or upon an order of the court upon disposition of any exceptions:

(1) If the board of commissioners desires to lay out, open, widen, straighten, alter, extend, improve, relocate or vacate the street or highway or portion thereof, the board of commissioners shall enact an ordinance for the same.

(2) The court of common pleas, on application by petition by the board of commissioners or any person interested, shall appoint three viewers from the county board of viewers to assess the damages and benefits occasioned by the proceeding unless the damages and benefits are otherwise agreed upon.

Section 77. Sections 2008, 2009, 2010 and 2011 of the act are repealed:

[Section 2008. Draft; Report.--After such hearing and a consideration of the matter, should the board of commissioners, or a majority thereof, decide in favor of exercising the power so conferred, they shall make written report, together with a draft or survey of the street or highway, fixing the width thereof and noting the improvements along the line thereof, and the names of the owners of property through which the same shall pass or whereon it shall abut. Such report and draft shall be filed in the office of the clerk of the court of quarter sessions.

Section 2009. Exceptions to Report.--Any citizen or freeholder of the township may, within thirty days after the filing of the report of the board of commissioners, upon entering in the court sufficient surety to indemnify the board for all costs incurred in the proceedings, file exceptions to the report, together with a petition for a review.

Section 2010. Appointment of Viewers.--Upon favorable action on such matter by the board of commissioners, and after the expiration of the term allowed for filing exceptions, or upon the order of the court upon the disposition of any exceptions, if in either case the compensation for the damages or benefits accruing therefrom have not been agreed upon, the court of common pleas, or any law judge thereof in vacation, on application by petition by the board of commissioners or any person interested, shall appoint three viewers, from the county board of viewers, to assess the damages and benefits occasioned by the proceeding in the manner provided by this act for such proceedings.

Section 2011. Notices to Be Posted Along Improvement.--After the passage or approval of any ordinance by the board of commissioners, for the opening, widening, straightening, extending, or vacating any street or highway, notice shall, within ten days thereafter, be given by handbills posted in conspicuous places along the line of the proposed improvement. Such notice shall state the fact of the passage or approval of the ordinance, and the date of the passage or approval.]

Section 78. The act is amended by adding sections to read:

Section 2011.1. Petition for Opening, Etc.--(a) A petition may be presented to the board of commissioners for the opening, widening, straightening, extending, altering, improving, relocating, vacating or establishing or reestablishing the grade of any street.

(b) A petition made pursuant to this section must be:

(1) Signed by a majority, in number and interest, of the owners of property abutting on the line of the proposed improvement or vacation as fixed at the time of presentation of the petition.

(2) Verified by affidavit of one or more of the petitioners.

(3) Accompanied by payment of reasonable and necessary fees established by resolution in a form acceptable to the township. Fees may include those reasonable and necessary costs and expenses anticipated to be incurred by the township in responding to the petition, such as advertising, engineering, hearing, legal and similar costs.

(c) The majority in interest of owners of undivided interests in any piece of property shall be deemed as one person for the purposes of the petition.

Section 2011.2. Notice of Petition.--(a) After a petition has been presented in accordance with section 2011.1 and the board of commissioners has determined the adequacy of the petition, but before final enactment of any ordinance enacted pursuant to the petition, notice shall be published once in a newspaper of general circulation pursuant to section 110, and handbills shall be posted in conspicuous places along the line of the proposed improvement.

(b) The notice and handbills shall include the following:

(1) Statement that the petition for the improvement was signed by a majority, in interest and number, of the owners of property abutting the line of the proposed improvement.

(2) Any person interested may provide comments at a public hearing to be held at a date, time and place as stated in the published notice and handbills.

(c) If, after a hearing, the board of commissioners determines to proceed with the consideration of an ordinance pursuant to the petition, it shall publish notice of the proposed ordinance and incorporate reference to any maps or drawing in accordance with Article XXXIII-A.

Section 79. Sections 2012, 2013 and 2014 of the act are amended to read:

Section 2012. Width of [Public Roads.--The width of a street in townships shall not be less than thirty-three feet or more than one hundred and twenty feet, unless, in any particular case, the township commissioners shall determine that a street of lesser width will be sufficient for public use and travel; but in no case shall any public street be less than twenty-four feet in width: Provided, That the limits of width shall not be construed to include the width required for necessary slopes in cuts or fills, when the limits of the street and the extra width required for such slopes exceed the limits of width herein specified.] **Public Streets.--(a) The width of a street in townships shall not be less than twenty-four feet nor more than one hundred and twenty feet. The minimum required width shall be in addition to any width required for necessary slopes in cuts or fills.**

(b) The width of an alley shall be subject to the discretion of the board of commissioners.

Section 2013. Opening and Repairing [Roads.--Streets laid out by lawful authority in townships shall, as soon as may be] **Streets.--(a) Laid out public streets in townships shall, as soon as practicable, be effectually opened and constantly kept in repair. All streets shall, at all seasons, be kept reasonably clear of all impediments to easy and convenient traveling, at the expense of the township.**

[Whenever proceedings have been heretofore or may hereafter be begun for the opening and laying out of any street in any township, such street shall be physically opened upon the ground for use by the public within the period of five years next after the completion of such proceedings, and if not so opened, then such proceedings shall be deemed to be void and of no effect, and the land proposed to be taken shall revert to the owners

of the land, as in the case of the vacation of a street, free of any easement or right of the public to use the same.]

(b) When proceedings have been initiated under this act for the opening and laying out of any public street in any township, the street shall be physically opened for use by the public within a period of five years after the completion of the proceedings. If the street is not opened or if no proceedings have been commenced to compel the opening in five years, then the proceedings are void and the land proposed to be taken shall revert to the owners of the land free of any easement or right of the public to use the land.

Section 2014. [Detours.--Except in the case of emergencies wherein the safety of the public would be endangered, no street in any township shall be closed to vehicular traffic, except upon order of the township commissioners, nor for a longer period than is necessary for the purpose for which such order is issued: Provided, however, That no street shall be closed to vehicular traffic when the same has been designated as a detour by the State Department of Highways, unless the written consent of the Department of Highways has first been obtained, or unless the township commissioners shall, by resolution duly recorded on their minutes, declare such closing necessary for the protection of the public safety.

When any street shall be closed, as hereinbefore provided, it shall be the duty of the township commissioners authorizing the closing to immediately designate or lay out a detour, on which they shall erect or cause to be erected and maintained while such detour is in use, legible direction signs at each public road intersection throughout its entire length. During the period when such detour is in use, it shall be the duty of the township commissioners to maintain such detour in safe and passable condition, except in the case of State or county highways. It shall also be the duty of the authorities maintaining the detour to immediately remove all detour signs when the street originally closed is opened for traffic. Except in the case of State or county highways, the commissioners shall, as soon as possible, repair the street designated as a detour, and place same in a condition at least equal to its condition when designated as a detour. Whenever necessary in the creation of a detour, as aforesaid, the township commissioners responsible for laying out the detour] **Street Closings and Detours.--(a) The following shall apply to the closing of a street to vehicular traffic:**

(1) No street shall be closed to vehicular traffic, except upon order of the board of commissioners or, in cases of emergency, when immediate action is necessary to protect public safety, by order of the police, an authorized fire official or other authorized public employee.

(2) A street may not remain closed for a longer period than is necessary for the purpose for which the order to close was issued.

(3) Except in cases of emergency, when immediate action is necessary to protect public safety, no street shall be closed to vehicular traffic when the street has been designated as a detour by the Department of Transportation, unless the Secretary of Transportation has provided written consent or the board of commissioners has, by resolution duly recorded on its minutes, declared the closing necessary for the safety of the public.

(4) When any street which forms a part or section of a State highway or has been designated as a detour by the Department of Transportation is closed to vehicular traffic, the township shall at once notify the Department of Transportation of the

creation of a detour under this section. The Department of Transportation shall be notified immediately after the detour is removed.

(5) When any street is to be closed, it shall be the duty of the board of commissioners or official authorizing the closing to immediately designate or lay out a detour.

(6) While the detour is in use, legible signs shall be erected and maintained at reasonable intervals indicating the proper direction and the detour shall be maintained in a safe and passable condition, except in the case of State or county highways.

(7) When the street that had been closed is opened for traffic, all detour signs shall be removed.

(8) Except in the case of State or county highways, the board of commissioners shall, as soon as possible, repair the street designated as a detour and place the street in a condition at least equal to its condition when designated as a detour.

(b) The board of commissioners may enter into agreement with the owners of private lands, covering the acquisition of right of way privileges **for a detour** over private property for the period when the street shall be closed to traffic. **If the parties cannot reach an agreement, the township may proceed with the construction of the detour with the owner of the property taken for the detour entitled to seek damages, if any, in the same manner as damages are now ascertained for the opening of streets in the township.**

(c) In the exercise of the rights conferred by this section[, the township commissioners responsible are hereby] **relating to detours, the board of commissioners is** empowered to pay for the necessary maintenance, subsequent repair, and land rental out of [such funds as are] **the money** available for the construction and maintenance of [the streets in their charge.

Any person who shall wilfully remove, deface, destroy, or disregard any barricade, light, danger sign, detour sign, or warning of any other character whatsoever, erected or placed under authority of this section, or who shall drive on, over or across any street which has been properly closed, shall upon conviction thereof in a summary proceeding before a justice of the peace, be sentenced to pay a fine of not more than one hundred dollars, and the costs of prosecution, and, in default of the payment thereof, shall be imprisoned one day for each dollar of fine and costs unpaid: Provided, however, That persons who have no outlet due to the closing of a street may drive on, over or across such street, with the consent in writing of, and subject to such conditions as may be prescribed by, the township commissioners responsible for the closing, or their agents or contractors, without being subject to the penalties imposed by this section.

In addition to the penalties herein provided, the township commissioners responsible for the maintenance of a street which has been closed to vehicular traffic, or their agents or contractors, may, in an action at law, recover damages from any person or persons who have damaged a street by driving on, over or across the same when it is closed to vehicular traffic in accordance with the provisions of this act.

All fines and moneys collected under the provisions of this section shall be paid by the officer receiving the same to the treasurer of the township in which the offense was committed.

The commissioners of any township may temporarily close any street when, in their opinion, excessive or unusual conditions

have rendered such street unfit or unsafe for travel, and immediate repair, because of the time of year or other conditions, is impracticable. The street or portion thereof so closed shall be properly marked at its extremities, and a means of passage for the customary users of such road shall, whenever possible, be provided.

Anyone using such street or portion thereof after the same has been properly closed and marked, without a permit from the commissioners, shall be subject to a penalty of not more than one hundred dollars, to be recovered in a summary proceeding. The penalties so recovered shall be payable to the treasurer of the township wherein the offense was committed.] **township streets.**

(d) **Any person who willfully removes, defaces, destroys or disregards any barricade, light, danger sign, detour sign, or warning of any other type legally erected or placed or who drives on, over or across any street which has been closed by proper authority commits a summary offense punishable upon conviction in accordance with section 3321-A.**

(e) **A person who has no outlet due to the closing of a street may drive on, over or across the street, subject to reasonable conditions as may be prescribed by the township without being subject to the penalties imposed by this section.**

(f) **In addition to the penalties provided in subsection (d), the township or the township's agents or contractors may, in an action at law, recover damages, including costs of labor, materials and prosecution from any person who damages a street when it is closed to vehicular traffic.**

(g) **All money collected under the provisions of this section shall be paid over to the township treasurer.**

(h) **The board of commissioners may temporarily close any street when it determines that excessive or unusual conditions have rendered the street unfit or unsafe for travel, and immediate repair, because of the time of year or other conditions, is impracticable. The street or portion of the street closed shall be properly marked at the street's extremities and a means of passage for the customary users of the street shall, whenever possible, be provided.**

Section 80. Section 2015 of the act is repealed:

[Section 2015. Laying out Roads under the General Road Law.--All roads partly within townships of the first class, where one of the termini of such roads is without the township, shall be laid out, widened, changed, or vacated only by the courts of quarter sessions, as heretofore, in the manner provided by the general road law and the amendments, additions, and supplements thereto. But no such road shall be opened, changed, widened, altered, or vacated unless and until the board of commissioners of the township shall have passed a resolution consenting and approving thereto, and shall have filed, with the clerk of said court, a copy of such resolution, duly certified by the township secretary. All damages and benefits occasioned by such laying out and the subsequent opening thereof, or by any such widening, changing, or vacation, shall be assessed, collected, and paid in the manner provided by the general road law and the amendments, additions, and supplements thereto: Provided, That all damages occasioned by such laying out, and the opening thereof, or by the widening, changing, or vacating of all roads within townships of the first class shall be assessed, collected, and paid by such townships of the first class.]

Section 81. The act is amended by adding a section to read:

Section 2016. Street Connecting with Street of Another Municipal Corporation.--(a) All streets partly within a township of the first class shall be laid out, opened, widened, straightened, altered, extended, vacated, improved, relocated or have grades established or reestablished pursuant to this article to the extent the street or portion of the street is within the township.

(b) (1) The procedures applicable to any portion of the street outside the township shall be pursuant to the code applicable to the classification of the other municipal corporation with which the street is shared.

(2) Notwithstanding paragraph (1), no action may be taken under this article that would result in the change of location or grade or the vacation of a street or portion of the street that connects with a street of another municipal corporation without approval of the court of common pleas of the county in which the other municipal corporation is located, unless the municipal corporation first files with the township secretary the municipal corporation's approval of the proposed action.

Section 82. Subdivision (c) heading of Article XX and section 2019 are repealed:

[(c) Dedicated Streets and Drainage Facilities

Section 2019. Scope of Subdivision.--The provisions of this subdivision (c) of this article shall only apply in case a township shall fail to adopt and enforce land subdivision regulations as provided in Article XXX-A of this act and to situations not covered by such regulations.]

Section 83. Section 2020 of the act is amended to read:

Section 2020. [Plans of Dedicated Streets.--The commissioners of any township may accept in the name of the township any land dedicated by deed to the township to be used in any manner for road purposes. No person shall construct, open, or dedicate any street, or any drainage facilities in connection therewith, for public use or travel in any township, without first submitting plans thereof to the township commissioners for their approval. Such plans shall be prepared in duplicate in accordance with such rules and regulations as may be prescribed by the commissioners, and shall show the profiles of such streets, the course, structure, and capacity of any drainage facilities, and the method of drainage of the adjacent or contiguous territory, and also any other or further details, that may be required under the rules and regulations adopted by the township commissioners. Before acting upon any such plans, the commissioners may, in their discretion, arrange for a public hearing, after giving such notice as they may deem desirable in each case. The township commissioners are authorized to alter such plans, or order the same to be altered, and to specify any changes or modifications of any kind which they, in their discretion, may deem necessary with respect thereto, and may make their approval of such plans subject to any such alterations, changes or modifications, but no plans shall be approved until there is a solicitor's report as to municipal liens. Any plans when so approved shall be signed, in duplicate, on behalf of the township by such officer as the commissioners may designate, and an approved duplicate copy shall be filed in the township engineer's office or other proper office, where the same shall be available to public inspection. No street, or any drainage facilities in connection therewith, shall be opened, constructed, or dedicated for public use or travel, except in strict accordance with plans so approved by the commissioners, or with further plans subsequently approved by them in the same manner, nor until such plan, and the

approval thereof, has been recorded as hereinafter provided.]
Acceptance of Land for Street Purposes.--(a) The board of commissioners may, by ordinance or resolution, accept in the name of the township any land dedicated by deed to the township to be used in any manner for street purposes.

(b) No person shall construct, open, or dedicate any street or any drainage facilities in connection with the street for public use or travel in any township without first submitting plans to the board of commissioners for their approval. The plans shall be prepared in accordance with rules and regulations as may be prescribed by the commissioners and shall show the profiles of the streets, the course, structure, and capacity of any drainage facilities and the method of drainage of the adjacent or contiguous territory and any other details required under the rules and regulations adopted by the board of commissioners.

(c) The act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, shall apply to the construction, security requirements and dedication of streets and connected drainage facilities if the streets proposed to be constructed are part of a plan required by an ordinance adopted under the Pennsylvania Municipalities Planning Code.

(d) (1) Before acting upon plans not subject to review under subsection (c), the board of commissioners may, in the board's discretion, arrange for a public hearing, after giving notice as they may deem desirable in each case. The board of commissioners may alter the plans and specify changes or modifications of any kind and may make its approval of the plans subject to alterations, changes or modifications. Plans, when so approved, shall be signed on behalf of the township by an officer as the commissioners may designate, and an approved copy shall be filed in the township engineer's office or other proper office, where the same shall be available to public inspection.

(2) No street or any drainage facilities in connection with the street shall be opened, constructed, or dedicated for public use or travel except in compliance with plans approved by the board of commissioners and until the approved plan is recorded as required in this article.

(e) If the board of commissioners refuses to approve any plans submitted to the board under this section, any person aggrieved by the action of the board of commissioners may within thirty days after the action appeal from the action by petition to the court of common pleas and the court shall hear the matter de novo. The following shall apply:

(1) After a hearing, the court may enter a decree affirming, reversing or modifying the action of the board of commissioners as may appear just.

(2) The court shall designate the manner in which notices of the hearing of any appeal shall be given to all parties interested.

(3) The decision of the court shall be final.

(4) A plan approved by the action of the board of commissioners or by the court on appeal shall be recorded by the person applying for approval in the office of the recorder of deeds of the county.

(f) If any street or any drainage facilities in connection with a street is opened, constructed or dedicated for public use or travel, except in compliance with plans approved and recorded, neither the board of commissioners nor any public authority shall be required to place, construct or operate any

sewer, drain, water pipe or other facilities or do any work of any kind in or upon the street. Neither the board of commissioners nor any other public authority shall have any responsibility of any kind with respect to the street or drainage facilities even if the street or drainage facilities are in use by the public, unless the street or drainage facilities is accepted by ordinance or by deed of dedication. Nothing in this act shall prevent the laying of trunk sewers, drains or water or gas mains if required by engineering necessity for the accommodation of other territory.

(g) If a person opens a street or drainage facility in connection with the street without submitting and obtaining approval of plans as provided in this section, and if the board of commissioners shall have no information that the street or drainage facility is intended for public use or travel, the board of commissioners may, in their discretion, file with the recorder of deeds of the county a certificate containing a description of the land served by the street or drainage facility in connection with the street. The board of commissioners shall include a statement that, as the board of commissioners have not approved the plans, neither the board of commissioners nor any other public authority shall have any responsibility to furnish any facilities or services with respect to the land or have any responsibility of any kind with respect to the street or drainage facility. The owner of the land shall be designated and indexed as grantor in the records of the office of the recorder of deeds, and the township shall be designated and indexed as grantee. It shall not be necessary for the certificate to be executed by any party other than the board of commissioners filing the same.

(h) The following shall apply:

(1) Nothing in this section shall be deemed to prevent the board of commissioners from enforcing the provisions of this act in which any street or any drainage facility in connection with the street is intended for public use or travel.

(2) If a township fails to file a certificate under subsection (g), nothing in this section shall be interpreted to create a deemed approval of the plans nor create any responsibility of the township with respect to the land, street or drainage facility.

(i) Any person who constructs, opens or dedicates any street or drainage facilities for public use or travel in any township without having first complied with the provisions of this section and of any ordinances or resolutions of the board of commissioners commits a misdemeanor of the third degree and is subject to suit for all costs and damages incurred by the township or property owners in the course of correcting substantive violations of State or municipal law or regulations resulting from or arising out of the unlawfully constructed street or facility. All money recovered shall be paid to the township treasurer.

(j) No approval of plans by the board of commissioners shall obligate or require the township to construct, reconstruct, maintain, repair or grade the streets.

Section 84. Sections 2021, 2022, 2023, 2024 and 2025 of the act are repealed:

[Section 2021. Appeals where Commissioners Refuse Approval.--In any case where the township commissioners shall refuse to approve any plans submitted to them in accordance with this act, any person aggrieved by the action of the commissioners may, within thirty days after such action, appeal therefrom by petition to the court of quarter sessions of the

county, which court shall hear the matter de novo, and, after hearing, may enter a decree affirming, reversing, or modifying the action of the commissioners as may appear just in the premises. The court shall designate the manner in which notices of the hearing of any such appeal shall be given to all parties interested. The decision of the court shall be final.

The action of the township commissioners, or of the court on appeal, in approving any such plans, and an approved duplicate copy of such plans, shall be recorded by the person applying for such approval in the office of the recorder of deeds of the county.

Section 2022. No Responsibility on Township Where Plans Not Approved.--If any street, or any drainage facilities in connection therewith, shall be opened, constructed, or dedicated for public use or travel, except in strict accordance with plans approved, and recorded as herein provided, neither the township commissioners nor any public authorities shall place, construct, or operate any sewer, drain, water pipe, or other facilities, or do any work of any kind, in or upon such street; and neither the township commissioners, nor any other public authorities, shall have any responsibility of any kind with respect to any such street, or drainage facilities, notwithstanding any use of the same by the public, unless such street, or drainage facilities, is accepted by ordinance, or by deed of dedication: Provided, however, That nothing herein contained shall prevent the laying of trunk sewers, drains, water or gas mains, if required by engineering necessity for the accommodation of other territory. If any person shall open any street, or any drainage facility, in connection therewith, without submitting and obtaining approval of plans, as approved in section two thousand twenty of this act, and if the township commissioners shall have no information that such street, or drainage facility, in connection therewith, shall be intended for public use, or travel, the township commissioners may, in their discretion, file with the recorder of deeds of the county, a certificate containing a description of the land served by such street, or drainage facility, in connection therewith and a statement that, as the township commissioners have not approved such plans, neither the township commissioners nor any other public authority shall have any responsibility to furnish any facilities, or services, with respect to such land; or any responsibility of any kind with respect to such street, or drainage facility, in connection therewith. The owner of such land shall be designated and indexed as grantor in the records of the office of the recorder of deeds, and the township shall be designated and indexed as grantee therein. It shall not be necessary for such certificate to be executed by any other party than the township commissioners filing the same. Nothing herein contained shall be deemed to prevent the township commissioners from enforcing the provisions of this act in any case in which any such street, or any drainage facility, in connection therewith, is intended for public use, or travel.

Section 2023. Entry of Lands.--The township commissioners and their representatives and workmen may enter upon any land and property, and maintain marks and monuments, so far as the commissioners deem necessary in carrying out their powers and duties of this subdivision.

Section 2024. Penalty.--Any person, copartnership, or corporation who or which shall construct, open, or dedicate any street, or any drainage facilities in connection therewith, for public use or travel in any township, without having first complied with the provisions of this subdivision, and of any

ordinances or resolutions of the township commissioners adopted pursuant hereto, shall be guilty of a misdemeanor, and, upon conviction thereof, such person or the members of such copartnership or the officers of such corporation responsible for such violation shall be sentenced to suffer imprisonment not exceeding two years, or pay a fine not exceeding one thousand dollars, or both, in the discretion of the court.

Section 2025. Powers of State and Counties Preserved.--Nothing contained in this subdivision shall be held to restrict or limit the State Department of Highways or any county in the exercise of any of its duties, powers, and functions under the provisions of any act of Assembly now in force or hereafter to be enacted.]

Section 85. The act is amended by adding sections to read:

Section 2025.1. Powers of State and Counties

Preserved.--Nothing contained in this article shall be held to restrict or limit the Department of Transportation or any county in the exercise of any of its duties, powers and functions under the provisions of any State law.

Section 2026. Exclusive Nature of Provisions.--No street may be dedicated, accepted, acquired, laid out, opened or vacated by a township except under this article.

Section 2027. Failure of Board of Commissioners to Hold Hearing.--If, after the filing of a petition under this article, the board of commissioners fails to hold a required hearing, an aggrieved party may file a mandamus action in the court of common pleas requesting that a hearing be held.

Section 2028. Entry on Land to Maintain Marks and Monuments.--The board of commissioners and the board of commissioners' agents and employees may enter upon any land or property to maintain marks and monuments as the board of commissioners deems necessary in carrying out the board of commissioners' powers and duties under this article.

Section 2029. Bike Paths.--The board of commissioners may provide for the construction and maintenance of bike paths for the protection or convenience of the traveling public.

Section 86. Subdivision (d) heading of Article XX of the act is repealed:

[(d) Relocation, Alteration, and Vacation of
Streets in or near State Parks]

Section 86.1. Section 2030 of the act is amended to read:

Section 2030. [Agreements to Relocate, Alter, and Vacate] Streets in or near [State] **Public** Parks.--[Whenever a public road or highway within a park or public ground, title to which park or public grounds is vested in the State of Pennsylvania, is laid out, located, relocated, altered, or vacated in such manner that a street, approaching, leading into, or contiguous to such park or public grounds, shall become either useless, inconvenient or burdensome, such street, approaching, leading into, or contiguous to such park or public grounds, may be altered, relocated, or vacated, by the township commissioners charged with the duty of maintaining such streets, in whole or in part for the purpose of making it convenient and suitable as an approach to the roads and highways within said park or public grounds, upon the consent and agreement of: (a) The commissioners or officials charged with the care and management of said park or public grounds; (b) the township commissioners charged with the duty of maintaining said street, approaching, leading into, or contiguous to said park or public grounds; and (c) the property owners owning the majority of the frontage of land abutting upon the relocated portion of the street approaching, leading into, or contiguous to said park or public

grounds.] (a) The board of commissioners may contract with the Commonwealth, a county or a municipal corporation owning and operating parks inside the township to establish, relocate, alter or vacate public streets inside or contiguous to those parks. The board of commissioners shall take no action with respect to the public streets without the written consent and agreement of the Commonwealth, county or municipal corporation owning and operating the parks. Any street when altered or relocated under this section shall be maintained and repaired the same as other township streets.

(b) The agreement shall be adopted by ordinance and within thirty days the street shall be a public street of the township.

(c) The owner of any land through which any public street may be located or relocated may apply by petition to the court of common pleas, setting forth the injury that has been sustained by reason of the relocation of the public street. The proceedings relative to the assessment and payment of damages of the landowner shall be pursuant to 26 Pa.C.S. (relating to eminent domain).

Section 86.2. Sections 2031, 2032 and 2033, Subdivision (e) and Subdivision (f) heading of Article XX of the act are repealed:

[Section 2031. Agreement to Be Filed in Court; Effect of Filing.--The filing of the consent and agreement of commissioners or officials charged with the care and management of such park or public grounds, the township commissioners charged with the maintenance of said streets, and of the property owners, provided for in the preceding section, in the court of quarter sessions of the county or counties in which the altered, relocated, or vacated street is situate, shall have the same force and effect as the filing and the approval and absolute confirmation by the court of quarter sessions of a report of viewers appointed in accordance with the general road law, and shall have the same force and effect as though said viewers had laid out, located, relocated, altered, or vacated such street in accordance with the agreement filed as aforesaid, and the report of said viewers had been filed, approved, and absolutely confirmed by the court.

The filing of said agreement in the court of quarter sessions shall be conclusive as to the question of the necessity for the laying out, location, relocation, alteration, or vacation of said streets, as contained in the said agreement, and that the portion or portions of said street abandoned or vacated was useless, inconvenient, and burdensome.

Section 2032. Altered and Relocated Streets Declared Township Streets.--Such street, when altered or relocated, shall be maintained and repaired in the same manner as other township streets are maintained and repaired.

Section 2033. Assessment of Damages.--The owner of any land through which any street may be so relocated may apply, by petition, to the court of quarter sessions of the proper county, setting forth the injury which has been sustained by reason of the relocation of the said street, and the proceedings relative to the assessment and payment of damages of said land owner shall be in accordance with the provisions of this act for proceedings for the assessment of damages and benefits.

(e) Elimination of Curves

Section 2035. Any township may acquire, by purchase or by the right of eminent domain, such property and lands situate along or adjacent to any township street or highway as, in the opinion of the commissioners of such township, may be necessary to eliminate dangerous curves and widen narrow streets or

highways for the better protection and safety to the traveling public.

Upon any such purchase or condemnation, the township commissioners may, from time to time, abate or remove, or cause to be abated or removed, any such dangerous curve or curves, or widen such narrow street or highway, to the extent of the property and land so acquired.

The proceedings for the condemnation of such property and lands under the provisions of this section, and for the assessment of damages for property or land taken, injured or destroyed, shall be taken in the same manner as is provided by this act for the condemnation of lands by townships.

(f) Acquisition of Unobstructed Views at Curves
and Intersections]

Section 87. Section 2040 of the act is amended to read:

Section 2040. [Any township may acquire, by purchase or by the right of eminent domain, a free and unobstructed view down and across such lands located at or near the intersection of any two streets or highways, or a street or highway and a railroad or railway, or at any curve in any street or highway, as may be necessary to assure a free and unobstructed view in all directions at such crossings, and to so prevent the use of such lands for any purpose or in any manner which may interfere with or obstruct the vision of persons traveling upon any such street or highway.

Upon any such condemnation, the township commissioners, having had such view condemned, may from time to time, abate or remove, or cause to be abated or removed, any obstruction to such view over and across such lands.

The proceedings for the condemnation of such view over and across such lands and for the assessment of damages for property taken, injured or destroyed, shall be taken in the same manner as is provided in this act for the condemnation of land by townships.

Upon the condemnation of a view, the owner of such lands may make every such use thereof as will not interfere with a free and unobstructed view at such dangerous crossing or curve, and, unless specially provided for in such condemnation proceedings, such condemnation shall not be construed to prevent the owner thereof from using such land for pasture or the growing of grass, oats, wheat, or other crops which will not obstruct the vision more than wheat.] **Elimination of Curves and Acquisition of Views.--**

--(a) Any township may, singly or jointly with another municipality, acquire, by purchase or by the right of eminent domain, lands or easements along or adjacent to any township street that may be necessary to eliminate dangerous curves, widen streets or provide a free and unobstructed view down and across lands located at or near the intersection of any two streets or highways, or a street or highway and a railroad or railway or at a curve in any street or highway, for the better protection and safety to the traveling public.

(b) After condemnation, the township may abate or remove, or cause to be abated or removed, any obstruction to the view over and across the lands.

(c) The proceedings for the condemnation of lands and for the assessment of damages for property, or portions of property, taken, injured or destroyed, agreed to be paid by the township if the taking is jointly with another municipality, shall be taken in the manner provided under the law governing eminent domain.

(d) Upon the purchase or condemnation of lands or easements for a free and unobstructed view, the owner of the lands may

make every use of the lands as will not interfere with a free and unobstructed view at the dangerous crossing or curve.

Section 88. Subdivision (g) heading of Article XX of the act is repealed:

[(g) Changing or Altering Streets by Agreement
with Property Owners]

Section 89. Section 2045 of the act is amended to read:

Section 2045. Improving or Vacating Streets by Agreement.--[Whenever the commissioners of any township deem it advisable to construct, change, widen, relocate or alter any part of any street under their supervision, and can agree with the property owners affected by such change as to damages, they may, upon payment of damages agreed upon, change, widen, relocate, or alter such part of such street as contemplated in such agreement without the formality of a view.

No such improvement of any part of any street shall be made, the costs and expenses of which to such township, including damages, shall exceed one thousand dollars. A petition setting forth the facts, accompanied by a map or draft of such proposed improvement, shall be presented to the court of quarter sessions for approval before such actual improvement is made; whereupon the new location, approved by the court, shall be taken to be the street and the old location shall be vacated.] **(a) When the board of commissioners constructs, changes, widens, relocates, vacates or alters any portion of any public street under their supervision, and can agree with the property owners affected by the change as to damages, the board of commissioners may, upon payment of damages agreed upon, construct, change, widen, relocate, vacate or alter the portion of the street as contemplated in the agreement without the formality of a view.**

(b) A copy of the agreement setting forth the facts regarding the construction, change, widening, relocation, vacation or alteration, accompanied by a map or draft of the street agreed to be constructed, changed, widened, relocated, vacated or altered, shall be presented and recorded in the office of the recorder of deeds or similar office in home rule counties after which the new location is the public street or the old location is vacated.

(c) Nothing contained in this section shall be construed to prohibit a township from paying for curbs, gutters, sidewalks, retaining walls and incidental work necessitated by such construction, change, alteration, relocation, vacation or widening in cases where the necessary land [necessary therefor] is dedicated to the township for public use.

Section 90. Subdivision (h) heading of Article XX of the act is repealed:

[(h) Grading, Draining, Curbing, Paving,
Macadamizing Streets or Highways on Petition,
and Assessment of Benefits by Viewers]

Section 91. Section 2050 of the act is amended to read:

Section 2050. Proceedings [on Petition.--Upon the petition of a majority of property owners in interest or number, abutting on the line of any proposed improvement, to be verified by the affidavit of at least one of the petitioners, a majority in interest of owners of undivided interests in any piece of property to be treated as one person, a township may grade, curb, pave, or macadamize, or otherwise improve, any street or highway, or part thereof, or which may be, in whole or in part, boundaries thereof, and provide for the necessary drainage thereof; and may also provide for the improvement of any street or highway, and any sections or parts thereof, in length, in

the space between the curb, gutter, or actual carriageway line and the property line, either by an original work or improvement thereon, or by a change, repair, renewal, or alteration in the said street or highway, curb, parking spaces, or shade trees, or by changing, altering, renewing, replanting, pruning, or otherwise improving the same, in any or all of said particulars. The majority in interest or number required for such petitions shall be fixed as of the date of such petition.] **With or Without Petition.--Townships may improve streets, portions of streets or a particular width or additional widths of streets, with or without the assistance or contribution of the Federal Government, the Commonwealth, the county or a corporation occupying the thoroughfare, and may assess and collect the following from the owners of real estate abutting on the improvement in accordance with Article XXV-A:**

(1) The whole cost of improvement.

(2) The whole cost of improvement not aided or contributed to by the Federal Government, the Commonwealth, the county or a corporation.

(3) Any part of the cost.

Section 92. Sections 2051, 2052, 2053, 2054, 2055 and 2056 and Subdivisions (i) and (j) of Article XX of the act are repealed:

[Section 2051. Grading Restrictions.--In grading a street, it shall be unlawful to raise the street above the ordinary grade when a drain or culvert is constructed under such street, or where a street is constructed over such drain or culvert.

Section 2052. Notice.--After the passage of any ordinance for the grading, curbing, paving, or macadamizing, or otherwise improving any street or highway, notice shall be given, within ten days thereafter, by handbills posted in conspicuous places along the line of the proposed improvement.

Section 2053. Contents of Notice.--The notice shall state the fact and the date of the passage of such ordinance, that the petition for the improvement was signed by a majority in interest and number of owners of property abutting on the line of the proposed improvement, and that any person interested, denying the fact that said petition was so signed, may appeal to the court of common pleas of the county within thirty days from the passage of the ordinance.

Section 2054. Appeals from Ordinance.--Any person interested may, within thirty days from the passage of such ordinance, present a petition to the court of common pleas of the county, setting forth the facts; whereupon the court shall determine whether such improvement was petitioned for by the requisite majority. If the court shall find that it was not so petitioned for, it shall quash the ordinance, but if it shall find that it was so petitioned for, it shall approve the same. If no appeal shall be taken, or if the court, on appeal, shall approve the ordinance, the township may proceed with the improvement, and thereafter all parties shall be estopped from denying the fact that such petition was properly signed.

Section 2055. Assessment of Damages and Benefits by Viewers.--On petition, viewers shall be appointed, as provided in this act, who shall assess the damages, costs, and expenses of such grading, curbing, paving, or macadamizing, or parking, shade tree planting, or changing or altering, renewing, replanting, pruning, or improving, including the expenses for necessary drainage, upon the property benefited, according to benefits, if sufficient can be found, but if not, the deficiency, when ascertained, shall be paid by the township.

The proceedings of the viewers and the proceedings on their report shall be as provided in this act for such proceedings.

Section 2056. Assessments to Bear Interest; Collection.--All such assessments for benefits if not paid within thirty days shall bear interest as provided by this act in such cases, and, if any such assessment remains unpaid, it shall be the duty of the township solicitor to collect the same with interest, by action of assumpsit, or by a lien to be filed and collected in the manner provided by law for the filing and collection of municipal claims. When an owner has two or more lots against which there is an assessment for the same improvement, all of such lots may be embraced in one claim.

(i) Grading, Draining, Curbing, Paving or
Macadamizing Streets or Highways, and Collection
of Cost by Foot Front Rule

Section 2060. Proceedings With or Without
Petition.--Townships, with petition or without petition, may grade, curb, gutter, pave, macadamize, or otherwise improve, streets or highways, or parts thereof, or a particular width or additional widths thereof, with or without the assistance or contribution of the State, county, or a corporation occupying the thoroughfare, and may assess and collect the whole cost thereof, or the whole cost not thus aided or contributed, or any part thereof, from the owners of real estate abutting on the improvement, by an equal assessment on the foot front, including the expense of the necessary drainage. The board of commissioners may make equitable adjustments for corner lots, or lots of irregular shape, where an assessment for full frontage would be unjust. Property not otherwise assessable shall become assessable by the petition of the owner or the owner's representative. In all cases where the whole width of the street is being paved without State or county aid, and more than two-thirds of the total cost is proposed to be assessed on abutters, the township shall, for this purpose, be considered as owner of non-assessable property, of street intersection, and of the deducted frontage on equitable adjustments. On petition of owners representing two-thirds of the number of feet of assessable properties abutting on the proposed improvement, the total cost of the improvement, or a lesser amount if the township desires, may be assessed on the assessable properties abutting, without any deduction for non-assessable property, or street intersection, or for the equitable adjustments aforesaid: Provided, That the petition states that the total cost may be assessed on the abutters.

Section 2061. Grading Restrictions.--In grading a street, it shall be unlawful to raise the street above the ordinary grade when a drain or culvert is constructed under such street, or where a street is constructed over such drain or culvert.

Section 2062. Notice of Assessments.--The secretary of the township shall cause thirty days' notice of the assessment to be given to each party assessed, either by service on the owner or his agent, or left on the assessed premises.

Section 2063. Collection of Assessments.--If any assessment shall remain unpaid at the expiration of the notice, it shall be the duty of the township solicitor to collect the same, with interest from thirty days after the completion of the improvement, by action of assumpsit, or by a lien to be filed and collected in the same manner as municipal claims. When an owner has two or more lots against which there is an assessment of the same improvement, all of such lots may be embraced in one claim.

(j) Road Material, Ditches, Drains and Watercourses

Section 2065. Power to Enter Lands.--When material cannot be conveniently obtained by contract at reasonable prices, the commissioners of townships may enter upon any land or enclosure within their township, lying near the street or highway, and dig, gather, and carry upon the street or highway any stones, sand, or gravel which they think necessary to make, maintain, or repair the street or highway. In exercising such right they shall do no unnecessary damage to the owners of the land, and shall repair any breaches of fences which they make.

Section 2066. Viewers to Fix Damages.--Whenever the commissioners and the owners of any such materials cannot agree upon the price to be paid therefor, the value of such materials shall be assessed by viewers to be appointed and to make report as provided in this act in the case of eminent domain proceedings.

Section 2067. Ditches, Drains, and Watercourses; Approval of Plans.--No person shall stop, fill up, confine, pave or otherwise interfere with any drain, ditch, watercourse, or drainage facilities, in a township, without first submitting suitable plans thereof to the township commissioners for their approval. Such plans shall be prepared in accordance with such rules and regulations as may be prescribed by the commissioners, and shall show the exact nature of the work to be performed. Before acting upon any such plan, the commissioners may, in their discretion, arrange for a public hearing, after giving such notice as they may deem desirable in each case. The commissioners are authorized to alter such plans, and to specify any changes or modifications of any kind which they, in their discretion, may deem necessary with respect thereto, and may make their approval of such plans subject to any alterations, changes or modifications. Any plans, when so approved, shall be signed on behalf of the township by such officer as the commissioners may designate, and shall be filed in the township offices where the same shall be available for public inspection. No drain, ditch, watercourse, or drainage facilities, shall be constructed, altered, stopped, filled up, confined, paved, or otherwise interfered with, except in strict accordance with plans so approved by the commissioners, or with further plans subsequently approved by them in the same manner. No township shall have any responsibility with respect to conditions arising as a result of the failure on the part of any person to comply with the requirements of this act.

The township commissioners may enter upon any lands or enclosures and cut, open, maintain, and repair such drains or ditches through the same as, in their judgment, are necessary to carry the water from the streets or highways.

Any person who shall stop, fill up, or confine, pave, or otherwise interfere with any such drain or ditch, watercourse, or drainage facilities, or shall divert or change the course thereof, without the approval of the commissioners as herein provided, shall upon conviction thereof, in a summary proceeding, be sentenced to pay a fine not exceeding twenty-five dollars for each offense, and in default of the payment of such fine and costs shall be sentenced to imprisonment of not more than ten days.

Nothing contained in this section shall be held to restrict or limit the State Department of Highways or any county in the exercise of any of its powers and duties under the provisions of any law of this Commonwealth, nor to obviate the necessity of securing the consent of the Water and Power Resources Board where required by existing law.]

Section 93. The act is amended by adding a section to read:

Section 2068. Power to Open Drains and Ditches.--(a) The board of commissioners or its agents and employees may enter any lands or enclosures and cut, open, maintain and repair drains or ditches through the property when necessary to carry the water from the streets.

(b) Any person who damages or diverts any drain or ditch without the authority of the board of commissioners commits a summary offense and is liable for the cost of restoring the drain or ditch. All money recovered under this subsection shall be paid to the township treasurer.

Section 94. Subdivision (k) heading of Article XX of the act is repealed:

[(k) Trees, Shrubbery, and Obstructions within Limits of Streets or Highways]

Section 95. Section 2070 of the act is amended to read:

Section 2070. Trees and Shrubbery Within Right-of-Way.--(a)

In order to provide for easy and convenient traveling upon the public streets or highways, the [township] **board of** commissioners may cut, alter or remove any trees, shrubbery, underbrush, refuse or obstructions within the legal width of any public street or highway, or any [part] **portion** thereof. [All logs, cordwood, or other forms of wood, derived from the destruction or removal of any trees growing along such streets or highways, shall become the property of the abutting owners, provided that such abutting owners shall, within ten days after notice from the township, remove such logs, cordwood, or other forms of wood from the legal width of the street or highway. In the event of their failure to do so, they shall forfeit all interest therein, and the same may be disposed of as the township commissioners deem proper.]

(b) All logs, cordwood, branch wood or other forms of wood derived from the destruction or removal of any trees growing along streets or highways shall be surrendered to and remain the property of the abutting owners, provided that the abutting owners shall, within ten days after notice from the township, remove the logs, cordwood, branch wood or other forms of wood from the legal width of the street or highway. In the event of the abutting owners' failure to do so, they shall forfeit all interest therein, and the same may be disposed of as the board of commissioners deems proper.

Section 96. Subdivision (l) heading of Article XX of the act is repealed:

[(l) Protection of Streets or Highways from Snowdrifts]

Section 97. Section 2078 of the act is amended to read:

Section 2078. [Whenever any streets or highways, in townships, are so located as to render them liable, on account of high wind during the winter season, to be so filled with snow as to make them impassable, and, in the judgment of the commissioners, such drifts of snow can be avoided by the removal of any fence erected along either side of such street or highway and replacing the same by a fence constructed of posts, wire, and boards or rail combined, such commissioners may agree with the owners of such fences upon a plan for the erection of a fence constructed of posts, wire, and board or rail combined. The township may pay the owners of such fences a sum not to exceed the first cost of the wire used in the construction of such fences. The wire used in the construction of such fences shall be without barbs. This section shall not apply to any stone wall, hedge, or ornamental fence.]

Any township which is responsible for the maintenance of any street shall have authority to enter upon private property adjacent to such street and place thereon a snow fence, at any

point as may be deemed necessary to within a limit of one hundred (100) feet from the right of way line of such street, in order to eliminate snow drifting on the traveled portion of the street.

No such snow fence authorized shall be placed prior to November first, nor shall the same remain in place after April first of the succeeding year, unless the written consent of the owner of the adjacent property is obtained agreeing to an extension of time for the removal of said snow fence.

If the township shall not be able to enter into an agreement with the owner of the adjacent property occupied by such snow fence as to the amount of damages sustained as a result of said fence being placed and removed, the owner may petition the court of common pleas of the county for the appointment of viewers to ascertain the amount of damage incurred in such case, in the manner provided in this act for eminent domain proceedings. Such damages, if any, when ascertained, shall be paid by the township. Any funds available for the construction and maintenance of streets shall be available for the payment of such damages.] **Protection of Streets or Highways from**

Snowdrifts.--(a) A township may enter upon private property adjacent to any public street or highway and place thereon a snow fence to within a limit of one hundred (100) feet from the right of way line of the public street or highway in order to eliminate snow drifting on the traveled portion of the street.

(b) A snow fence may not be placed before the first day of November or remain in place after the first day of April of the succeeding year unless the written consent of the owner of the adjacent property is obtained agreeing to an extension of time for the removal of the snow fence.

(c) If the board of commissioners and the owner of the property upon which a snow fence is placed and removed under this section cannot agree to the amount of compensation, if any, to be paid to the owner for placing the fence, including the amount of damages, if any, to be paid for injury to the property resulting from placing and removing the fence, the owner may petition the court of common pleas of the county for the appointment of viewers to ascertain the amount of damage incurred in the manner provided in this act for eminent domain proceedings. Damages, if any, when ascertained, shall be paid by the township from the general township fund.

Section 98. Subdivision (m) heading of Article XX and section 2080 of the act are repealed:

[(m) Guideposts and Index Boards

Section 2080. Duty to Erect.--The commissioners of the township shall erect posts at the intersection of all streets or highways, and at one of the angles where any street or highway crosses another street or highway, and shall firmly fix thereon boards or metal signs with index hands pointing to the direction of such street or highway, but if a tree, trolley pole, telephone pole, telegraph pole or building is so erected that it can be used in place of a post, and permission has been secured from the owner thereof, such tree, pole, or building may be used in place of a post. On such boards and signs shall be inscribed, in large and legible characters, the name of the town, village, or place to which such streets or highways lead, and the distance thereto computed in miles. Where any street intersects or crosses a State highway, application for a permit shall be made by the commissioners to the State Department of Highways for the erecting of such signs.]

Section 99. The act is amended by adding sections to read:

Section 2080.1. Naming of Streets.--The board of commissioners may provide for and regulate the naming of streets and highways. When the naming of a street or highway will affect signing maintained by the Department of Transportation, the board of commissioners shall notify the department.

Section 2080.2. Street Lighting, Ornamental Lighting and Traffic Control Signals and Devices.--The board of commissioners may provide street lights and ornamental lighting and make regulations for the protection of lighting. The board may assess the costs of street lighting and ornamental lighting in accordance with Article XXV-A. The board may provide for the erection, maintenance and operation of traffic control signals and devices in accordance with 75 Pa.C.S. (relating to vehicles).

Section 100. Section 2081 of the act is amended to read:

Section 2081. [Penalty for Destroying.--It shall be unlawful for any person to wilfully destroy, remove, injure, or deface any guidepost or sign or index board legally erected upon or near any street, highway or bridge by the authorities of any township, or legally erected with the consent of the authorities having jurisdiction over such street, highway or bridge, by any club, association, or other organized body, for the direction, guidance or safety of travelers. It shall also be unlawful for any person to wilfully destroy, remove, injure or deface any temporary traffic-control device legally erected for the purpose of enhancing traffic or worker safety in a construction or maintenance work zone, including, but not limited to, cones, batons, barrels, barricades, signs, sign trucks, arrow boards or other devices specified in a traffic safety plan approved by the township or the Department of Transportation. Any person violating any of the provisions of this section shall, upon conviction in a summary proceeding, be sentenced to pay a fine of not less than two hundred dollars nor more than five hundred dollars for the first offense, and a mandatory fine of five hundred dollars for the second or any subsequent offense, with all costs of prosecution, together with the value of such sign so destroyed, removed, or defaced, and in default of such payment shall be sentenced to imprisonment of not more than ten days. Fines and moneys so collected shall be paid to the township treasurer.]

Penalty for Destroying Signs.--(a) It shall be unlawful for any person to wilfully destroy, remove, injure, or deface any sign legally erected upon or near any public street, highway or bridge by the board of commissioners, or legally erected with the consent of the board of commissioners over any public street, highway or bridge, by any club, association, or other organized body, for the direction, guidance or safety of travelers. It shall also be unlawful for any person to wilfully destroy, remove, injure or deface any temporary traffic-control device legally erected to enhance traffic or worker safety in a construction or maintenance work zone, including, but not limited to, cones, batons, barrels, barricades, signs, sign trucks, arrow boards or other devices specified in a traffic safety plan approved by the township or the Department of Transportation.

(b) Any person who violates this section commits a summary offense punishable upon conviction in accordance with section 3321-A, which may include the costs of labor, materials and prosecution. Money collected shall be paid to the township treasurer.

Section 101. Subdivision (n) heading of Article XX of the act is repealed:

[(n) Streets Crossing Railroad; Special Uses of Streets]

Section 102. Sections 2083 and 2084 of the act are amended to read:

Section 2083. Railroad Crossings.--[Every township constructing a street across a railroad shall construct the same above or below the grade thereof, unless permitted by the Public Utility Commission to construct the same at grade.

Any such crossing of a railroad by a street, or any vacation of any street crossing a railroad, shall be constructed only in the manner prescribed by and under the jurisdiction of the Public Utility Commission. In such cases compensation for damages to the owners of adjacent property, taken, injured or destroyed, shall be ascertained, fixed, and paid in the manner prescribed in the Public Utility Law.] **(a) Every township constructing a street across a railroad shall construct the same above or below the grade of the railroad, unless permitted by the Pennsylvania Public Utility Commission to construct the street at grade.**

(b) Any new construction of a street crossing a railroad or any vacation of any street crossing a railroad shall be constructed or vacated only in the manner consistent with the rules and regulations and under the jurisdiction of the Pennsylvania Public Utility Commission.

(c) Compensation for damages to the owners of adjacent property taken, injured or destroyed by the construction of a street crossing a railroad or any vacation of any street crossing a railroad shall be ascertained, fixed and paid under 66 Pa.C.S. Pt. I (relating to public utility code).

Section 2084. Street Permits.--No railroad or street railway shall [hereafter] be constructed upon any township street, nor shall any railroad or street railway crossings, [nor any] **driveway connections**, gas pipe, water pipe, electric conduits, or other piping be laid upon or in, nor shall any telephone, telegraph or electric light or power poles, or any coal tipples or any other obstructions **or facilities of nonpublic utility communication providers** be erected upon or in, any portion of a township street, except under [such] conditions, restrictions and regulations, and subject to the payment of [such] fees for permits as may be prescribed and required by the board of [township] commissioners, not exceeding the reasonable cost of issuing the permit and expense of inspecting the work authorized by [such] **the** permit upon completion thereof. All fees [so] collected for permits shall be paid into the township treasury.

Section 103. Subdivision (o) heading of Article XX of the act is repealed:

[**(o) County-aid in the Improvement of Township Streets**]

Section 104. Section 2086 of the act is amended to read:

Section 2086. **County Aid in the Improvement of Township Streets.--(a)** Whenever the owners of the majority of the assessed valuation of real property within any township desire any principal street within the township to be improved and maintained at the joint expense of the county and township, they may petition the **board of** commissioners of the township for [said] **the** improvement and require [them] **the board of commissioners** to make application to the county commissioners for [such] **the** improvement and maintenance in accordance with the provisions of existing law.

[In all cases where the township] **(b) If the board of** commissioners refuse to act upon, or unduly delay action on, any petition for the improvement and maintenance of any street, any citizen taxpayer of the township or county may, by petition, present the facts of the matter to the court of [quarter

sessions] **common pleas**, requesting the court to order such action thereon as the case may require. If after due hearing had before [said] **the** court it shall appear that the truth of the matters alleged in the petition are sustained, the court shall make an order directing the [township] **board of** commissioners to forthwith act upon [said] **the** application or applications, and that the [said] application or petition for the improvement be forthwith forwarded to the county commissioners.

Section 105. Subdivisions (p) and (q) of Article XX of the act are repealed:

[(p) Penal Provisions

Section 2088. If any person working upon any street in any township, or if any one in company with such person, shall ask money or reward, or by any means whatever shall extort or endeavor to extort any money, intoxicating drink, or other thing, from any person traveling upon or near such street, the person so offending shall for every such offense forfeit and pay a sum not exceeding five dollars.

If any township commissioner shall connive with any person so asking, demanding, or contriving to extort money, intoxicating drink, or any other thing from any person traveling as aforesaid, such commissioner shall, for every such offense, forfeit and pay a sum not exceeding ten dollars.

If any person shall stop or obstruct any street or highway in any township, or shall commit any nuisance thereon by felling trees, making fences, turning the road, or in any other way, and shall not, on notice given by the township commissioners, forthwith remove the obstruction or nuisance and repair the damage done to such street or highway, such person shall, for every such offense, forfeit and pay a sum not more than twenty-five dollars. Nothing in this section shall debar an indictment for any such nuisance, as in case of misdemeanor at common law.

All penalties provided for in this section shall be recovered by summary proceeding for the use of the township.

(q) Opening, Making, Amending, and Repairing Streets
and Bridges by Contracts with Taxpayers

Section 2090. Taxpayers' Rights.--Any taxpayers of any township may acquire the right to furnish all the materials and labor necessary for opening, making and repairing the streets and bridges of such township, in the manner and under the conditions set forth in this subdivision of this act.

Section 2091. Petition to Court.--To acquire such right, any such taxpayer shall, before the beginning of the township fiscal year, present to the court of quarter sessions a petition setting forth that he is the owner of property assessed and taxed in such township, the approximate number of miles of streets in such township, and the ability of the petitioner to lay out, open, make, and repair the streets and bridges of such township wholly at his own expense, for the ensuing township fiscal year or fiscal period, and to pay the other expenses of such township as hereinafter provided, without any right against or claim upon such township for or by reason of the materials, labor, or money so furnished.

Section 2092. Bond of Petitioner.--The petitioner shall, with the petition, present a bond to the township, in the sum of ten thousand dollars or in a sum equal to five hundred dollars for each mile of public street in the township, whichever shall be greater, with one or more sufficient sureties to be approved by the court, conditioned for the faithful performance by said petitioner of his duty, and to save the

township harmless from any loss or claim by reason of failure so to perform said duty.

Section 2093. Notice to Commissioners and Auditors.--Notice of the intention of presenting the petition and bond, and of the time when said petition and bond will be presented to the court, shall be given to the commissioners and auditor or controller of the township at least ten days before the same are presented.

Section 2094. Contracts; Stipulations.--When the petition, bond, and proof of the notice required in the preceding section are presented to the court, the same shall be ordered filed; and the court being satisfied of the good faith of the petitioner, and the sufficiency of the petition, bond, and notice, shall order and direct the commissioners, on behalf of the township, to enter into a contract with the petitioner. In such contract, the petitioner shall bind himself:

First. To open, make, and repair the streets and bridges of the township for the ensuing fiscal year or fiscal period in a lawful and workmanlike manner, wholly at the expense of the petitioner, and without creating thereby any claim upon or right against the township for or by reason of the materials, labor, or money for persons employed.

Second. To indemnify and save harmless the township from all claim, damage, cost, or expense of whatever kind, for or by reason of any act or omission of said petitioner whereby any claim, suit, or other demand may be set up or recovered against the township.

Third. To pay, within sixty days from the beginning of the fiscal year to the following officers of such township, the following sums, to be received by said officers in full for all demands against such township for their respective services as such officers of the township for the fiscal years for which the said contract is made, which shall be in lieu of the compensation otherwise in this act provided for such officers, namely: To each township secretary, the sum of fifty dollars; to the auditor or controller of such township, the sum of twenty-five dollars; to an attorney, to be elected by such commissioners as counsel for the township, the sum of fifty dollars; to each commissioner, the sum of one hundred dollars.

Section 2095. No Street Tax to Be Levied.--In consideration of the obligations set out in the preceding section to be assumed and performed by the petitioner, the commissioners, on behalf of such township, shall stipulate that the township will not assess, levy, or collect any tax for street purposes during the fiscal year for which such contract is made.

Section 2096. Inspection.--The commissioners shall view and inspect the making and repairing of the streets in such townships, at least once during every month, and satisfy themselves that the petitioner has fully complied with his contract, before final settlement and expiration of contract. If, at any time, the commissioners shall see that any portion of the streets need repair, they shall notify the petitioner to repair the same. In case said petitioner fails to repair said street within five days after notice, the commissioners are empowered to purchase such materials and employ such men as may be necessary to repair such street, and charge the same to the petitioner.]

Section 106. The act is amended by adding sections to read:

Section 2097. Boundary Streets.--(a) When any street, other than a State or county road, is created or located along, on or over boundaries between a township and any other municipal corporation, the creation, location, construction, maintenance

and repair of the street shall be the joint responsibility of the township and the municipal corporation with which the common boundary is shared.

(b) The board of commissioners may make agreements with the governing body of the municipal corporation with which the common boundary is shared to provide for the apportionment of the cost of construction, maintenance and repair of boundary streets.

(c) If an amicable agreement on the proportionate share of costs of construction, maintenance and repair of boundary streets cannot be executed, the board of commissioners or the governing body of the other municipal corporation involved may petition the court of common pleas of the county for a determination of the rights and responsibilities of the respective municipal corporations involved.

(d) The court, after hearing of which notice shall be given to all parties interested as the court may direct, shall make an order directing the manner of the opening and maintenance and the division of the costs between the township and the other municipal corporation.

Section 2098. Streets, the Center Line of Which is the Boundary Between a Township and Another Municipal Corporation.--(a) A township may enter into a contract with a municipal corporation to provide for the grading, curbing, draining, and paving of any street that constitutes the dividing line between the township and the municipal corporation.

(b) The alterations and improvements shall be made under the supervision of the township or municipal corporation, or by contract let by the township or the municipal corporation, as may be provided for in the contract between the township and the municipal corporation.

Section 2099. Streets Having More Than Half of Their Width Within Township.--(a) If any street, more than one-half the width of which is within the limits of the township, shall divide the township from any other municipal corporation, the street may be improved by the township in the same manner as if the street were entirely located within the limits of the township.

(b) The property, within or outside the township, that abuts the street and benefits from the improvements may, for a depth of one hundred fifty feet plus one-half the width of the street measured from its center line, be assessed for any and all municipal improvements to or on the street in the same manner as the property would be assessed under the provisions of this article if it were entirely located within the limits of the township.

Section 2099.1. Assessment for Improvements on Property Outside Limits Where Street Entirely Within Township.--Whenever any street, entirely within the limits of any township, shall divide the township from any other municipal corporation, the property on the side of the street, within or outside the township, that abuts the street and benefits from the improvement may, for a depth of one hundred fifty feet from its center line, be assessed for any and all municipal improvements to or on the streets on which the property abuts in the same manner as the property would be assessed under the provisions of this act if it were entirely located within the limits of the township.

Section 107. Article XXI of the act is repealed:

[ARTICLE XXI

BOUNDARY ROADS AND STREETS

(a) Opening, Repairing and Improving Streets

on Division Line of Townships

Section 2101. Roads or streets laid out on a line which divides a township of the first class and another township shall be opened, made, kept clear and in repair at the joint and equal charge of such townships. Any township necessarily incurring more than its due proportion of such charge may recover the excess so incurred from the other township.

When any public road or street is laid out on the line of two townships, if the commissioners or supervisors of either township neglect or refuse to join with the commissioners or supervisors of the other township in opening or repairing such road or street, the commissioners or supervisors of the other township shall open, and repair the road or street, and are authorized to collect a just portion of the cost of the opening and repairing of such road or street from the township so neglecting or refusing to join such opening or repairing. The commissioners or supervisors so neglecting or refusing shall be liable to a penalty of not exceeding fifty dollars, to be recovered in a summary proceeding. All such penalties when recovered shall be paid into the township road fund.

(b) Maintenance of Streets between Township
and Cities or Boroughs

Section 2105. Whenever any street is on the boundary line between any township and any city or borough, such street shall be maintained jointly by the city or borough and the township. For the purpose of maintaining any such street, the authorities of any such township are hereby directed to enter into agreements, with such city or borough, providing the manner in which the same shall be maintained, and providing for the division of the cost of maintenance between the city or borough and township. If any such city or borough and township shall fail or refuse to enter into any such contract, or if the city or borough and township cannot agree, any taxpayer or the township commissioners of the township may present a petition to the court of quarter sessions of the county, setting forth the facts, and the court, after hearing, of which such notice shall be given to all parties interested as the court may direct, shall make an order directing the manner of such maintenance and the division of the cost of maintenance between the city or borough and the township. The action of the court shall be final.

(c) Street, the Centre Line of which is the Dividing
Line between Townships and Boroughs or
Cities in the Same County

Section 2110. Whenever the centre line of any street constitutes the dividing line between a township and any city or borough located in the same county, the commissioners of the township may, jointly with the county, enter into a contract with the city or borough providing for the grading, curbing, and macadamizing or paving of such street.

Such alteration or improvement shall be constructed, and subsequent repairs shall be made, under the supervision of the proper authorities of the city or borough, in compliance with the laws governing the construction of such alterations or improvements in such city or borough, and with plans and specifications to be agreed upon in writing between the commissioners of the township and the city or borough and the commissioners of the county.

The cost of any alteration or improvement shall be borne one-half by the city or borough and one-half by the county and township in equal portions.

The cost of repairs shall be borne one-half by the city or borough and one-half by the township, or by the county and township in equal portions, or such other proportions as are agreed upon in the joint contract of the township with the county.

(d) Street, the Centre Line of which is the
Dividing Line between Townships and Cities
in an Adjacent County

Section 2115. Whenever the centre line of any street constitutes a dividing line between a township and a city located in an adjacent county, it shall be lawful for the township commissioners to enter into a contract, with the county in which it is located and with the city, providing for the grading, curbing, macadamizing, or paving of the roadway of said street, the cost thereof to be borne one-half by the city, and one-half by the township and the county in which such township shall be situated in equal portions.

The said alteration or improvement shall be constructed, and subsequent repairs shall be made, under the supervision of the proper authorities of the said city, in compliance with existing laws governing such construction or improvement of such city, and in further compliance with plans and specifications to be agreed upon in writing between such city and the commissioners of the county and the township commissioners of the said township. The cost of repairs shall be borne one-half by the city and one-half by the township, or by the county and township in equal portions, or such other proportions as may be agreed upon by the county and township.

In all cases in which it shall be found impossible to enter into such contract or agreement as is provided for in this section, or where either the city or the township or the county in which such township is situated shall refuse to enter into such contract or agreement, it shall be lawful for the township to present its petition to the court of common pleas of either county, setting forth the facts and circumstances, including the condition of the street from which the necessity or desirability for the grading, curbing, macadamizing, or paving of the roadway appears, and the estimated cost thereof, and that the terms of the said contract as provided for in this section cannot be agreed upon by the said city and the county or township, or either or any of them, or that either such city or the county or township, or any or either of them, refuses to enter into such contract. Such petition may pray that such court may, after hearing all the parties concerned, make its order or decree defining the nature and character of the improvement reasonably necessary or desirable to be made to the roadway, and requiring the parties hereinabove specified to enter into a contract or contracts for the making and constructing of the same as herein provided for. A copy of the said petition, duly certified, shall be served upon the city or the county and township concerned, other than the petitioner, with notice of such day as may be fixed by the court for the hearing. Thereupon either or both of the parties served with such notice shall be entitled, on or before such date, to file in the said court its answer to the said petition, setting forth its version of the facts or such other matters in relation thereto as may be deemed necessary or proper by it. The said court, upon the date so fixed or at such other time as it may appoint, shall hear the evidence of the parties, or it may refer the matter to a master, who shall hear the testimony of the parties and report his findings, in the same manner and under the same procedure as provided by the rules in equity in similar

cases, to the said court, which may reject, confirm, or modify the same, and may make its decree or order directing the making of such alterations or improvements to the roadway as may be deemed reasonably necessary or desirable and providing for the sharing of the cost of such improvements, one-half by the city, and one-half by the county and township in equal portions. The said order or decree may further provide that the repairs to such alterations and improvements subsequently required shall be borne one-half by the city and one-half by the county or township in equal portions, or such other proportions as between the county and the township as such court may find to be legal and proper; and thereupon the said grading, curbing, macadamizing, or paving of the roadway of such street shall proceed in accordance with the decree or order of the said court in the same manner as if the contract or agreement provided for in this section had been entered into and duly executed.

(e) Improvement of Street where more than
One-Half of Width is in Township; Assessment of
Property outside Limits

Section 2120. Whenever any street or road, more than one-half the width of which is within the limits of any township, shall divide the said township from any other municipality or township located within the same county, such street or road may be improved by the township within which the greater width is located in the same manner as if the said street or road were entirely located within the limits of said township.

The property abutting on the side of said street or road which is located outside the limits of the township making such improvements shall, for a depth of one hundred and fifty feet, plus one-half the width of said street or road from its centre line, be assessed for any and all municipal improvements to or on the said street or road in the same manner as such property would be assessed under this act if it were entirely located within the limits of such township.

(f) Assessment of Property outside Limits of
Township for Street Improvements

Section 2125. Whenever any street shall divide such township from any other municipality or township located in the same county, the property on the side of the street outside the line of such township shall, for a depth of one hundred and fifty feet, be assessed for municipal improvements on such street on which property shall abut. Such assessment shall be made in the same manner and in the same proceeding as is used for the assessment of property within such township for such improvement.

(g) Grading, Curbing, Paving, Macadamizing
Boundary Street or Highway, Et Cetera

Section 2130. Townships may enter into agreements with adjoining boroughs for the grading, paving and curbing, or macadamizing of streets or highways which may be boundaries between such townships and boroughs; and may provide in such contract that the damages, costs, and expenses of such improvement shall be divided between such townships and boroughs in proportions agreed upon.

In grading, paving and curbing, or macadamizing any such street or highway, townships shall exercise such power only upon petition of a majority of the property owners in interest and number abutting the line of the proposed improvement within the township limits, to be verified by the affidavit of one of the petitioners; a majority in interest of owners of undivided

interest in any piece of property to be treated as one person asking that such improvement be made.

The portion of the damages, costs, and expenses agreed to be paid by any township shall be ascertained, and the benefits incident thereto shall be assessed and collected, in the manner provided in this act for the assessment of damages and benefits by viewers.]

Section 108. Article XXII heading of the act is amended to read:

ARTICLE XXII
BRIDGES [AND VIADUCTS]

Section 109. Subdivision (a) heading of Article XXII of the act is repealed:

[(a) As Part of Street]

Section 110. Section 2201 of the act is amended to read:

Section 2201. [Whenever, in the opening, grading, or improving of any street in any township, it is necessary to erect or construct any bridge and the piers, abutments and approaches therefor, the same may be erected and constructed by the township as part of such street. In any such erection or construction, the township may take, use, and occupy private property. All damages shall be awarded and benefits assessed as part of the proceeding to open, grade, or improve the street of which the bridge is a part.] **Construction and Acquisition of Bridges.--(a) Any township may erect and construct, or acquire by purchase, condemnation or otherwise, any bridge and the piers, abutments and approaches for the bridge, to be used and thereafter improved and maintained as a street whether the bridge is wholly or partly within the township limits.**

(b) The proceedings for laying out and opening a bridge shall be the same as provided by this act for the laying out and opening of streets, and the bridge or portion of the bridge may thereafter be vacated under the same procedure as provided in this act for the relocation or vacation of streets or portions of streets.

(c) Nothing in this article shall affect the powers or duties of the Pennsylvania Public Utility Commission to the extent otherwise provided by law.

(d) Bridges over railroads shall not obstruct the railroad over which it is built. Nothing in this section shall release railroad or other companies or the Commonwealth from the requirements of existing laws.

(e) As used in this article, the term "bridge" shall mean a structure built to span and provide passage over a valley, street, railroad track, private property, gully, river, creek, stream or any other body of water or physical obstacle and shall include viaducts constructed from a series of spans or arches.

Section 111. Subdivision (b) heading of Article XXII and section 2205 of the act are repealed:

[(b) Over Railroads]

Section 2205. Power to Construct.--Townships may build or purchase existing bridges or viaducts over railroads, rivers, creeks, streams and private property, or over railroads and any of them, or over railroads only, whether the bridges or viaducts are wholly or partly within the township limits, for the purpose of uniting two or more streets or a street and a road or a highway or separate portions of the same street. Such bridges and viaducts must in all cases cross railroads. Such bridges and viaducts and the approaches thereto shall be constructed, and the damages in connection therewith paid, as provided by the Pennsylvania Public Utility Law.]

Section 112. Section 2206 of the act is amended to read:

Section 2206. Maintenance.--[Such viaduct or bridge shall be maintained as a township structure, and the township is authorized to contract with any party interested, except the county, for the maintenance of the same.] **(a) A bridge shall be maintained as a township structure, and the township may contract with any party interested, except the county, for the maintenance of the bridge.**

(b) Whenever a bridge, or part thereof, has been built by the county, or the whole or part of the money necessary to build it has been furnished by the county, and the bridge has not been entered on record as a county bridge, the bridge shall be maintained, kept in repair, and rebuilt, when necessary, by the township or municipal corporation in which, or on the boundary line of which it is located, without rendering the county liable for the same.

Section 113. Subdivision (c) and Subdivision (d) heading of Article XXII of the act are repealed:

[(c) Over Marshy or Swampy Grounds, Creeks,
Rivulets, Gullies, Canals and Railroads

Section 2210. Power to Make and Maintain.--The commissioners of townships, in making and repairing the streets, shall make and maintain within their township sufficient bridges over all small creeks, rivulets, deep gullies, canals, and railroads, where the same is necessary for the ease and safety of travelers.

Such bridges over canals or railroads shall not obstruct the railroad or canal over which it is built. Nothing in this section shall release railroad or other companies or the Commonwealth from the requirements of existing laws.

Section 2211. Damages.--In the construction and maintenance of such bridges, all damages shall be awarded and benefits assessed as part of the proceeding to lay out, open, make, or repair the road of which the bridge is a part.

(d) Over Streams, Railroads and Canals
on Township Boundaries]

Section 114. Section 2220 of the act is amended to read:

Section 2220. [Bridges on Division Line of Townships.--Where a small creek or a railroad or canal, over which a bridge is necessary, is on the boundary line of two townships, the bridge shall be built and maintained at the joint and equal expense of the townships, by their respective commissioners or supervisors, in the manner directed by this act in the case of streets or roads which may be the division line of townships.]

Boundary Bridges.--(a) If a bridge crosses the boundary line of a township and another municipal corporation, the township may enter into an intergovernmental cooperation agreement in accordance with 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental cooperation) with the municipal corporation for the construction and maintenance of the bridge and for apportionment of the costs.

(b) If an amicable agreement on the proportionate share of costs of construction, maintenance and repair of boundary bridges cannot be executed, the board of commissioners or the governing body of the other municipal corporation involved may petition the court of common pleas of the county or counties for a determination of the rights and responsibilities of the respective municipal corporations involved.

Section 115. Sections 2221 and 2222 and Subdivision (e) of Article XXII of the act are repealed:

[Section 2221. Bridges between Townships and Municipalities.--Whenever a creek, railroad, or canal, over

which a bridge is necessary, is on the division line of a township and a municipality, the township shall unite with such municipality in the construction and maintenance of such bridge and pay an equal share of the expenses incident thereto.

Section 2222. Bridges over Railroad or Canal.--If a bridge is built over such boundary railroad or canal by virtue of the provisions of the preceding section of this act, such bridge shall not obstruct the railroad or canal over which it is built. Nothing in said section shall release railroad or other companies or the Commonwealth from the requirements of existing laws.

(e) Maintenance, Repair, and Rebuilding
of Bridges Built by County

Section 2225. Whenever a bridge, or part thereof, has been built by the county, or the whole or part of the money necessary to build it has been furnished by the county, and the bridge has not been entered on record as a county bridge, such bridge shall be maintained, kept in repair, and rebuilt, when necessary, by the township or townships in which, or on the boundary line of which, it is located, without rendering the county liable for the same.]

Section 116. Sections 2301, 2302, 2303 and 2304 of the act are amended to read:

Section 2301. Power to Lay Out[, Ordain and Establish Grades.--Townships may lay out, ordain and establish sidewalks along any street, including State highways and county roads, and may establish grades for such sidewalks, which grades may be separate and apart from the grade established for the street or highway, and, for this purpose, any township may acquire land by purchase, gift, or by the right of eminent domain.] **and Establish Grades.--Townships may, by ordinance, lay out and establish sidewalks, curbs, gutters and surface water drains along any street and, with the consent of the Secretary of Transportation, along any State highway, and with the consent of the county commissioners, along any county road. Townships may establish grades for the sidewalks, which grades may be separate and apart from the grade established for the street or highway. For the purposes of this section, any township may acquire land by purchase, gift, or by the right of eminent domain.**

Section 2302. Width.--The width of any sidewalk shall be fixed by the [township] **board of** commissioners either by ordinance or resolution.

Section 2303. Paving and Curbing Sidewalks.--[Townships may, upon such notice as may be provided by ordinance, require owners of property abutting on any street, including State highways and county roads, to construct, pave, curb, repave and recurb the sidewalks along such property with such materials, at such grades and under such regulations as may be prescribed by ordinance, and upon failure of such owners to comply with such notice, or without notice to the property owners as above provided, the townships shall in either case have power to cause the same to be done by the township, and to levy and collect the cost thereof from such owners of property abutting such sidewalk. All reconstruction, repaving and recurbing may be provided for in the ordinance providing for the original construction, paving and curbing, without the necessity for adopting a new ordinance providing for such reconstruction, repaving and recurbing.

The cost of any such grading, paving, curbing, repaving and recurbing shall be a lien upon the premises from the time of the commencement of the work, which date shall be fixed by the

township engineer and shall be filed with the township secretary. Any such lien may be collected by action in assumpsit or by lien filed in the manner provided by law for the filing and collection of municipal claims.

The cost of any such paving, curbing, repaving and recurbing may, in any case, be borne in whole or in part by the township.

No sidewalks shall be established and constructed upon any State highway without the consent of the State Department of Highways, or upon any county road without the consent of the county commissioners.] **(a) Townships may, upon notice as provided by ordinance, require owners of property abutting on any street, including State highways and county roads, to construct, grade, pave, curb, repave and recurb the sidewalks along the property under regulations and specifications prescribed by ordinance. All reconstruction, repaving and recurbing may be provided for in the ordinance providing for the original construction, paving and curbing, without the necessity for adopting a new ordinance providing for the reconstruction, repaving and recurbing.**

(b) Upon the failure of any property owner to comply with the notice under subsection (a), a township may cause the construction, grading, paving, curbing, repaving and recurbing to be done by the township itself, or by contract, and to levy and collect the cost of the work from the property owner abutting the sidewalk.

(c) The cost of any work incurred by the township pursuant to subsection (b) may be levied against and collected from the owner who failed to complete the work pursuant to notice to do so, together with a penalty of ten percent of the costs and all charges and expenses. The costs, penalties, charges and expenses provided for shall be a lien upon the property for which the notice to do the work was given. The lien shall exist from the time of the commencement of the work, which date shall be fixed by the township engineer and certified to the township secretary in accordance with section 1305. Any lien may be collected by action in assumpsit or by lien filed in the manner provided by law for the filing and collection of municipal claims or the cost of any construction, grading, paving, curbing, repaving and recurbing may be borne in whole or in part by the township. If the township pays in part, the remaining cost shall be collected as provided by this section.

(d) The following shall apply:

(1) Each notice shall be served upon the owner of the premises to which the notice refers, if the owner is a resident of the township. If the owner is not a resident, the notice may be served upon the agent or tenant of the owner or upon the occupant of the premises. If the owner has no agent or tenant or there is no occupier of the premises, service shall be by notice posted upon the premises.

(2) The notice required by this section shall specify a period of time of not less than sixty days for the owner to complete the specified work. If the work has not been completed after the specified time has elapsed, the owner shall be deemed to have failed to comply.

Section 2304. Repair of Sidewalks.--[The owner of the abutting property shall keep the sidewalk, together with any portion of his property paved and used as a sidewalk or public walk, immediately in front of his property, in good order and repair, and, at all times, free and clear of all obstruction to safe and convenient passage, and free of any merchandise placed there for display, if the removal thereof is ordered by the township commissioners. If the owner of any property

neglects to perform the duty so required of him, the township commissioners may serve written notice upon him requiring him to do what is necessary. If such property owner fails to comply with the requirements of such notice within thirty days from the date of its service, the township commissioners may make the necessary repairs or remove any obstruction. The cost of the same, together with a penalty of ten per centum, shall be paid by the delinquent property owner, and may be collected by action of assumpsit, or the township commissioners may file a municipal lien against the property. The notice provided for in this section may be served on the property owner by leaving the same at his place of residence, or if he has no residence in the township, then by posting the same on the premises and mailing a copy thereof to the owner at his last known address.]

(a) An abutting property owner shall keep the sidewalk, together with any portion of the property paved and used as a sidewalk or public walk immediately in front of the property, in good order and repair, and, at all times, free and clear of all obstruction to safe and convenient passage.

(b) If the property owner neglects to perform the duty imposed in subsection (a), the board of commissioners may serve written notice upon the property owner pursuant to section 2303(d)(1) to do what is necessary. If the property owner fails to comply with the requirements of the notice within thirty days from the date of its service, the township may make the necessary repairs or remove any obstruction. The cost of the same, together with a penalty of ten percent, shall be paid by the delinquent property owner, and may be collected by action of assumpsit, or the township may file a municipal lien against the property.

Section 117. The act is amended by adding a section to read:

Section 2305. Emergency Repairs.--(a) A township may make emergency repairs to sidewalks, within its corporate limits, if an officer or designated individual representing the department or committee in charge of repairs to sidewalks upon inspection determines that a substantial and immediate danger exists to public health, safety and welfare.

(b) The officer or individual shall prepare a written report of those conditions which shall be conclusive evidence of the existence of the emergency justifying the repair.

(c) This section is intended to provide an additional remedy for townships in connection with emergency repairs of sidewalks.

(d) The following shall apply:

(1) A copy of the written report shall be served upon the abutting property owner, along with a notice to make emergency repairs to the sidewalk within forty-eight hours of service of the notice and report.

(2) The notice and copy of the report shall be served pursuant to section 2303(d)(1).

(3) The report shall expressly state that emergency repairs are required.

(4) If the owner fails to make the emergency repairs within the prescribed time, the township may make the emergency repairs to the sidewalk.

(e) Upon the completion of any emergency repairs, the cost of the repairs shall be a charge against the owner of the abutting property and shall be a lien, until paid, upon the abutting property, provided that a claim is filed for the lien in accordance with the law providing for the filing and collection of municipal claims.

(f) The amount of the claim against the owner of the abutting property may also be collected from the owner by an action in assumpsit.

Section 118. Article XXIV heading of the act is amended to read:

ARTICLE XXIV
SANITARY SEWERS AND DRAINS

Section 119. Sections 2401 and 2401.1 of the act are amended to read:

Section 2401. Power to Establish and Construct Sewers and Drains; Require Connections; Sewer Rentals.--[Townships may establish and construct a system of sanitary sewers and drainage, locating the same, as far as practicable, in the center of the street or on either side of the cartway or of the curb lines thereof in any street and may be for the service and use of properties on both sides of the street or on only one side of the street in which they are laid, as seems advisable to the commissioners. The township commissioners may permit, and, where necessary for the public health by ordinance, require any owner of property benefited, improved or accommodated by sanitary sewers, to make connections with such sewer or drainage in such manner as the commissioners may order for the purpose of discharge of such drainage or waste matter as the commissioners may specify. The township commissioners may by penalties enforce any regulation they may ordain with reference to any sanitary sewer or drainage connections. All connections required shall be uniform. All persons so connecting may be required to pay, in addition to the cost of making such connections, a monthly or annual rate prescribed by ordinance. Such monthly or annual rate shall constitute a lien, until paid, against the property so connecting with such system, and the amount thereof may be recovered by due process of law. All water utilities supplying water to users within the boundaries of any township shall, at the request of the township commissioners, furnish to the township, on or before the fifteenth day of the month following the month during which bills are issued, a list of all water meter readings and flat-rate water bills and the basis for each flat-rate water charge, so that the data may be used in calculating a monthly or annual rate. The township is authorized and empowered to pay to such utilities, reasonable amounts for necessary clerical and other expenses incurred in the preparation of such lists.] **(a) Townships may establish and construct a system of sanitary sewers and drainage, locating the system, as far as practicable, in the right-of-way of the street in any street and may be for the service and use of properties on both sides of the street or on only one side of the street in which they are laid, as seems advisable to the township commissioners.**

(b) The board of commissioners may, in accordance with section 2401.1(a), permit, and, if necessary for the public health by ordinance, require any owner of property benefited, improved or accommodated by sanitary sewers, to make connections with the sanitary sewer system in the manner specified by the board of commissioners. All connections required shall be uniform.

(c) The board of commissioners may, by ordinance, make regulations relating to the use and maintenance of the sanitary sewer system and treatment works. Violations of the ordinance may be enforced by penalties. The regulations may do all of the following:

(1) Specify materials and substances which may or may not enter the public sewer or sewer system.

(2) Require that certain types or classes of waste be subjected to treatment or to grinding or other reduction in size before entering into the sewer.

(3) Restrict the quantity of waste material that may enter a sanitary sewer from any premises within any time interval.

(d) (1) Each person whose property is connected to a sanitary sewer system shall pay a monthly, quarterly, semiannual or annual rate to the township, in addition to the cost of making connections to the sanitary sewer system.

(2) The initial imposition of the rate under paragraph (1) shall be established by ordinance. Any subsequent rate adjustments may be by resolution provided that the ordinance establishing the rate allows for future rate adjustments by resolution adopted at a public meeting. This paragraph shall not be construed to invalidate or void any rate imposed or adjusted prior to the effective date of this paragraph.

(3) The rate under this subsection shall constitute a lien, until paid, against the property connected to the sanitary sewer system, and the amount thereof may be recovered by due process of law through an action in assumpsit in the name of the township against the owner of the property charged or by a lien filed in the nature of a municipal lien.

(e) All water utilities supplying water to users within the boundaries of any township shall, at the request of the board of commissioners, furnish to the township, on or before the fifteenth day of the month following the month during which bills are issued, a list of all water meter readings and flat-rate water bills and the basis for each flat-rate water charge, so that the data may be used in calculating sewer rates. The township may reimburse utilities reasonable amounts for necessary clerical and other expenses incurred in the preparation of the lists.

(f) The term "sanitary sewer," as used in this article, shall mean and include a sewer used for receiving and collecting sewage matter and liquid waste from the inside of buildings and structures, and, in those townships where there shall be what is known as "combined sewers," receiving, in addition to such sewage and liquid waste from the inside of buildings and structures, storm, roof or surface drainage or any of them, the term "sanitary sewer," as used in this article, shall include such combined sewers.

(g) Nothing in this section shall be construed to repeal or modify any of the provisions of [the Public Utility Law.]

66 Pa.C.S. (relating to public utilities).

(h) If required by other law, a township shall obtain the consent and permit of the Department of Environmental Protection or other Federal, State or county entity, including the Pennsylvania Turnpike Commission, for the laying out and construction of a sanitary sewer and treatment works.

Section 2401.1. [Sewer and Drainage Systems; Constructed by any Municipality Authority; Connection by Owners; Enforcement.--Whenever a sewer or drainage system is established or constructed by any municipality authority within a township, the township commissioners shall be empowered by ordinance to compel all owners of property abutting on, or adjoining any street or highway, in which such sewer or drainage system is located, to make connection with such sewer or drainage system in such manner as they may order for the purpose of discharge of such drainage or waste as they may specify. The township commissioners may by ordinance impose penalties to enforce any regulation or order they may ordain with reference to any sewer or drainage connections.] **Required Connection and Fees.--(a)**

A township may, by ordinance, require a property owner to connect with and use a sanitary sewer system established or constructed by the township, joint sanitary sewer board or a municipal authority serving the township if the property abuts on or adjoins any street or highway along which the sewer system is located or whose principal building is within one hundred fifty feet from the sanitary sewer.

(b) (1) If an owner of property abutting on or adjoining or whose principal building is within one hundred fifty feet from the sanitary sewer fails to connect with and use the sanitary sewer under subsection (a) for a period of sixty days after notice to do so has been served by the board of commissioners, either by personal service or by registered mail, the board of commissioners or their agents may enter the property and construct the connection.

(2) The board of commissioners shall send an itemized bill of the cost of construction under paragraph (1) to the owner of the property to which connection has been made, which shall be payable immediately.

(3) If the owner fails to pay the bill under paragraph (2), the board of commissioners shall file a municipal lien for the cost of the construction. The township may also by ordinance impose penalties to enforce regulations or orders in regards to sewer connections.

(c) As a condition of connection to a sanitary sewer collection, treatment or disposal facility, owned or operated by a township, a township may impose and charge the following to property owners who desire or are required to connect to the sanitary sewer system or who desire to increase their usages of the system:

(1) A connection fee.

(2) A customer facilities fee.

(3) A tapping fee.

(4) Similar fees, as enumerated and defined by 53 Pa.C.S. § 5607(d)(24) (relating to purposes and powers).

Section 120. The act is amended by adding a section to read:

Section 2401.2. Notice of Contemplated Construction.--No sanitary sewer system shall be constructed under this article unless an ordinance of the board of commissioners authorizing the construction is published once in a newspaper of general circulation pursuant to section 110.

Section 121. Sections 2402 and 2403 of the act are amended to read:

Section 2402. Location of **Sanitary Sewers on Private Property.--**Where it is reasonably impracticable, in the judgment of the [commissioners, in any part of such system, to carry such sewers or drains along the lines of public streets or highways, the commissioners may locate and construct so much of the same as is necessary through private lands and may acquire the necessary land or right of way for such purpose by gift, purchase, or by the exercise of the right of eminent domain.] **board of commissioners, in any part of the sanitary sewer system, to carry sanitary sewers along the lines of public streets or highways, the board of commissioners may locate and construct so much of the sanitary sewers as is necessary through private lands and may acquire the necessary land or right of way for this purpose by gift, purchase or by the exercise of the right of eminent domain.**

Section 2403. Treatment Works and Facilities [Therefor].--[The commissioners shall make the necessary provisions for the disposition of the sewage and drainage within, or for carrying the same beyond, the limits of the

township; and, to this end, they are hereby authorized to enter into contracts with other municipalities, and other corporations or persons, to purchase, acquire, enter upon, take, appropriate, occupy, and use such lands, rights, and interests therein, within the corporate limits of other townships or boroughs, as shall be necessary for the proper location, construction, maintenance, use and operation of sewer mains, drains, or treatment works, including such lands, rights, and interests therein as shall be necessary for future additions to and enlargements of such sewage or drainage facilities, and as may be necessary to carry out the plans and specifications upon which a permit has been issued by the Secretary of Health, in accordance with law.] **The board of commissioners may acquire by eminent domain or enter into contracts with other municipal corporations, corporations or persons for the acquisition of lands or facilities for the location, construction, maintenance, use and operation of sanitary sewer systems and treatment facilities. Acquisitions may be made for the purpose of future additions to and enlargements of existing systems. The acquired land may be located either inside or outside the boundaries of the township. Any extension shall be in conformity with 26 Pa.C.S. § 206 (relating to extraterritorial takings) and any other applicable requirement of 26 Pa.C.S. (relating to eminent domain).**

Section 122. Sections 2404 and 2405 of the act are repealed:

[Section 2404. Entry on Lands to Mark Sewer Routes; Damages.--In the event of inability to agree with the owners, either for the land necessary for so much of the line of sewers and drains as are not located upon public roads, streets or highways, or for so much land as is required for the disposition of the sewage or drainage, the commissioners may enter upon said land and mark thereon the route and width necessary for the construction of the line of sewers or drains, or the boundaries of so much land as is necessary for the disposition of such sewage or drainage, and occupy the said land for such purposes. For all damage done or suffered, or which accrues to the owner or owners of such land, by reason of the taking of the same, the funds of the township raised by taxation shall be pledged and deemed as security. Such damages shall be determined by viewers in the manner provided in this act for eminent domain proceedings.]

Section 2405. Enforcement of Judgment for Damages.--The damages as awarded when the report of viewers is finally confirmed shall be entered as a judgment, and, if the same is not paid within thirty days after the entry thereof, execution to enforce the collection thereof may be issued, as in other cases of judgment against townships.]

Section 123. Sections 2406, 2407 and 2408 of the act are amended to read:

Section 2406. Cost of Construction[; How Paid.--] **and Payment.--**The cost of construction of any system of sanitary sewers or drains, constructed by the authority of this subdivision of this [act] **article**, may be charged upon the properties benefited, improved or accommodated thereby to the extent of [such] **the** benefits, or may be paid for wholly or partially by general taxation. Any amount not legally chargeable upon properties benefited, improved or accommodated shall be paid out of the general township fund.

Section 2407. Sewer Districts.--[Whenever a sewer system is constructed by a township for the accommodation of a certain portion only of the township, the commissioners of such township

may constitute the territory accommodated into a sewer district or divide it into several sewer districts. In every such case of division into several districts, the commissioners shall make an estimate of the proportion of the cost of the sewer system which should equitably be charged on each of said districts, and declare and establish such apportionment by ordinance. No district shall be charged with more than its due proportion of the cost of the main sewers, pumping stations, treatment works, et cetera, used jointly by more than one district. The aggregate amount charged on property in any such district shall not exceed the amount of such estimate. Where the whole of the township is accommodated by the system, it may also be treated as a single district or divided into districts, and be subject to the foregoing provisions.] **(a) When a sanitary sewer system is constructed by a township for the accommodation of a certain portion of the township, the board of commissioners may designate the territory accommodated into a sewer district or divide the portion into several sewer districts.**

(b) The board of commissioners shall estimate the proportion of the cost of the sanitary sewer system to be charged on each of the districts and declare and establish the apportionment by resolution and the following shall apply:

(1) No district shall be charged more than the district's due proportion of the cost of a sanitary sewer system, or any part of the system, used jointly by more than one district.

(2) The aggregate amount charged on a property in any district shall not exceed the amount of the estimate.

(3) Where the whole of the township is accommodated by the sanitary sewer system, the township may be treated as a single district or divided into districts, and be subject to the provisions of this section.

Section 2408. [Manner of Assessment.--The charge for any such sewer system construction in any township shall be assessed upon the properties benefited, improved or accommodated in either of the following methods:

(a) By an assessment, pursuant to township ordinance, against each lot or piece of land benefited, improved or accommodated by the sewer system according to the foot-front rule, allowing such reduction in the case of corner properties and unusually shaped properties or those properties benefited, improved or accommodated by more than one sanitary sewer as the ordinance may specify; the ordinance may provide for equitable assessments or adjustments when special conditions exist where an assessment for the full frontage would be unjust. The secretary of the township shall cause thirty days' notice of the assessment to be given to each party assessed, either by service on the owner or his agent, or left on the assessed premises. However, when the lot or piece of land is on a corner it shall be assessed for its entire frontage abutting on any sewer except when such property is a vacant lot or contains only a single family dwelling in which case it shall be assessed along the shorter frontage and assessed along the longer frontage abutting on a sewer, commencing at a point no closer to the corner than one hundred twenty-five feet. When a township shall have determined to assess properties in proportion to frontage, any property benefited, improved or accommodated by the sanitary sewer which shall not be lawfully subject to such manner of assessment or as to which such manner of assessment shall not reasonably measure the benefit to such property, shall be assessed by the township in accordance with the method herein provided in subsection (b) of this section 2408, but each such

benefited, improved or accommodated property shall be assessed with not less than the whole amount of the benefit accruing to it and legally assessable.

(b) By an assessment against the several properties benefited, improved or accommodated by the sanitary sewer to the extent of such benefits. The amount of the charge on each property shall be ascertained as provided in this act for the assessment of benefits.

When a township is divided into sewer districts, the assessment in each district may be by different methods.]

Assessments.--Assessments, whether based according to benefits conferred or by the front foot basis, and assessment awards, if any, shall be calculated pursuant to Article XXV-A.

Section 124. Sections 2409, 2410 and 2411 of the act are repealed:

[Section 2409. Procedure for Assessment of Benefits.--In all cases where the township commissioners shall select the method provided by subdivision (b) of the foregoing section, they shall petition the court of common pleas for appointment of viewers to assess benefits. In all cases where they shall neglect for a period of three months after the completion of the sewer system to either ordain assessments by frontage or present a petition for appointment of viewers, taxpayers of the township, whose property valuation as assessed for taxable purposes within the township shall amount to fifty per centum of the total property valuation as assessed for taxable purposes within the township, may present a petition to the court of common pleas of the proper county for the appointment of viewers to assess benefits; and in all cases where such taxpayers shall, within three months of the adoption of any ordinance levying an assessment under the method provided by subsection (a) of said section, by petition state to said court that such assessment insufficiently represents the benefits accruing to abutting properties, they may include in such petition a prayer for the appointment of viewers to assess benefits. In either case the said court shall thereupon appoint three disinterested persons from the county board of viewers, neither of whom shall be a resident of that portion of the township which is accommodated by the sewer in question, and the viewers so appointed shall proceed as provided in this act for proceedings for the assessment of damages and benefits by viewers. The aggregate of the assessments in any sewer district shall not exceed the amount charged in such district for its share of the cost of the sewer system construction, unless the same shall, by petition of taxpayers, whose property valuation as aforesaid shall amount to fifty per centum of the total property valuation as assessed for taxable purposes within the township, presented within three months after the adoption of an ordinance providing for an assessment by frontage, be stated to insufficiently represent the amount of benefits to such properties, in which case the proceedings by taxpayers authorized above shall be applicable. Upon the filing of such a petition, by taxpayers as aforesaid, for appointment of viewers, any assessment made by the commissioners and any proceedings thereunder shall be null and void.

Section 2410. Lien for Assessments; Costs of Proceedings.--After the amount of the assessment charged upon the several properties has been established, either by ordinance making assessments according to frontage or by confirmation of any report of viewers in whole or in part, it shall be the duty of the township commissioners to file municipal liens for the assessments covered by such ordinance or confirmation within

the time and in the manner provided by law; the same to be subject in all respects to the general law providing for the filing and recovery of municipal liens. The amounts of all assessments shall be payable to the township treasurer for the use of the township. The commissioners shall also make out bills for the amounts charged against each property, which shall be forthwith sent to all property owners residing in the township, and mailed to all such owners residing elsewhere whose address is known. The costs of publication of notices in proceedings before viewers shall be paid by the township, upon presentation of bills approved by the court.

Section 2411. Assessment of Property Outside Limits of Townships for Sewers.--Whenever any sewer is located in any street or highway dividing such township from any other municipality or township located in the same county, the property on the side of the street or highway outside the line of such township, for a depth of one hundred fifty feet, shall be assessed for sewers on such street or highway on which property shall abut. Such assessment shall be made in the same manner and in the same proceeding as is used for the assessment of property within the township for such sewers.]

Section 125. Sections 2415, 2420, 2425 and 2430 of the act are amended to read:

Section 2415. [(a) Any township in which any person, firm, or corporation, or other township or municipal corporation is maintaining sewers and culverts with the necessary inlet and appliances for surface and under surface and sewage drainage, or in which any person or persons are maintaining a community sewage collection or disposal system as herein defined, may become the owner of such sewers, culverts, inlet, and appliances, or the owner of such community sewage collection or disposal system, by paying therefor not more than the actual value of the same at the time of the taking by the township, or by gift from the owner or owners thereof.

(b) In case the commissioners of the township cannot agree with the owners of such sewers or sewage collection or disposal system as to the price to be paid therefor, the commissioners may enter upon and take possession of such sewers, culverts, inlets and appliances or of such sewage collection or disposal system. For all damage done or suffered, or which accrues to the owner or owners of the sewer or sewage collection or disposal system by reason of the taking of the same, the funds of the township, raised by taxation, shall be pledged and deemed as security, such damages to be determined by viewers in the manner provided by this act for eminent domain proceedings. If any sewer, sewer system or sewage collection or disposal system is acquired by purchase under the provisions of this section, the cost of such acquisition may be distributed or assessed in the same manner as provided by this act in cases where a sewer or drainage system is constructed by the township.

(c) For the purposes of this section, a community sewage collection or disposal system is all or part of a device or devices, installed on any privately or publicly owned parcel of land, intended to treat or dispose of the sewage or equivalent volume of domestic sewage from two or more residences, buildings or occupied parcels of land, or any system of piping used in collection and conveyance of sewage or private or public property.

(d) After a community sewage collection or disposal system has been acquired under the provisions of this section by the township, the commissioners shall have the power to enlarge such system, if they deem it advisable. In such cases, the cost

and expenses of such enlargement may be distributed or assessed in the same manner as if the enlargement was a regular sewer constructed by the township under other provisions of this act.

(e) Whenever a community sewage collection or disposal system is or shall have been established or constructed within a township by a private owner or owners, and the township commissioners are thereafter empowered, by ordinance, to acquire the ownership of the sewage disposal system so established, or when any such system has been enlarged by the township, such acquisition and ownership shall be subject to the following provisions of this subsection:

(1) When the person or persons having established or constructed a community sewage collection or disposal system, or when more than one-half the number of the owners of properties which are connected with, have a right to use and are using a community collection or disposal system, enter into an agreement with the township for the acquisition of the system by the township, such agreement shall be considered a valid agreement by the owners of the sewage collection or disposal system and a transfer of ownership to the township.

(2) The township shall operate and maintain any sewage collection or disposal system acquired and any enlargement or addition thereto for the use of persons having acquired from the township or from the former owner or owners the right to use the system, and for the use of other owners of property accessible thereto up to the capacity of the sewage collection or disposal system.] **Power to Acquire Community Sewage**

Collection or Disposal Systems.--(a) A township may, by ordinance, acquire ownership of a community sewage collection or disposal system by purchase, the exercise of eminent domain pursuant to 26 Pa.C.S. (relating to eminent domain) or by gift from the owner or owners.

(b) In eminent domain proceedings, the viewers shall assess the costs and expenses of the community sewage collection or disposal system acquired by the township upon the property or properties benefited according to benefits. Any deficiency that is not assessed upon the benefited property or properties shall be paid by the township.

(c) After a community sewage collection or disposal system has been acquired under this section by the township, the board of commissioners shall have the power to enlarge the system if they deem it advisable. The cost and expenses of the enlargement may be distributed or assessed in the same manner as if the enlargement was a regular sewer constructed by the township under other provisions of this act.

(d) If a community sewage collection or disposal system is established or constructed within a township by a private owner or owners, and the board of commissioners are empowered by ordinance to acquire the ownership of the sewage disposal system, or when the system has been enlarged by the township, the acquisition and ownership shall be subject to the following provisions:

(1) An agreement shall be considered a valid agreement by the owners of the sewage collection or disposal system and shall be a transfer of ownership to the township when any of the following enter into an agreement with the township for the acquisition of the system by the township:

(i) The person or persons having established or constructed a community sewage collection or disposal system.

(ii) More than one-half of the number of owners of properties which are connected with, have a right to use and are using a community sewage collection or disposal system.

(2) The township shall operate and maintain any community sewage collection or disposal system acquired or enlargement or addition to a system for the use of the following:

(i) Persons having acquired from the township or from the former owner or owners the right to use the system.

(ii) Other owners of property accessible to the system up to the capacity of the community sewage collection or disposal system.

(3) All persons whose property connects with the community sewage collection or disposal system acquired or constructed by the township shall pay to the township treasurer, a monthly, quarterly, [semi-annual] **semiannual** or annual charge prescribed by a resolution of the **board of** commissioners. The amount of the charges shall not be in excess of the estimated amount necessary to maintain and operate the system and to establish a reserve fund sufficient for its future replacement.

(4) All sewer rentals or charges imposed by the **board of** commissioners against properties connected with a community sewage collection or disposal system under [the provisions of] this section shall constitute liens against the properties and may be collected in the same manner as other sewer charges.

(5) All [moneys] **money** received from the sewer charges shall be deposited as a special reserve fund[,] and shall be used only for the payment of the cost of operating and maintaining the **community** sewage collection or disposal system and the replacement [thereof], if necessary and economically desirable. If, at any time after the acquisition or enlargement of the **community** sewage system, a regular sewer system is made available by the township for connection with the properties using the community sewage collection or disposal system, the owners of [such] **the** properties shall be subject to the other provisions of this act relating to sewers, and all money at that time in the reserve fund which was received from charges for the use of that particular **community** sewage collection or disposal system[,] and which is over and above the amount expended for the operation and maintenance of that particular sewage collection or disposal system[,] shall be used towards the payment of any sewer assessments charged against [such] **the** properties under other sections of this act.

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

"Community sewage collection or disposal system." All or part of a device or devices installed on any privately or publicly owned parcel of land intended to treat or dispose of the sewage or equivalent volume of domestic sewage from two or more residences, buildings or occupied parcels of land, or any system of piping used in collection and conveyance of sewage on private or public property.

(f) Nothing in this section may be construed to supersede the requirements of the act of January 24, 1966 (1965 P.L.1535, No.537), known as the "Pennsylvania Sewage Facilities Act."

Section 2420. [In any case where, under the authority of section two thousand four hundred and one of this act, a system of sewage and drainage covering any township in whole or in part shall have been approved and authorized by ordinance, the commissioners may enter into a contract with any responsible individual or individuals or corporation for the construction of such system of sewage or drainage at the expense of such individual or individuals or corporation. He, they, or it shall be entitled, under such contract, to exercise all the powers of the township in the construction, maintenance, and operation

of such system of sewage or drainage, with the right to collect such charges in connection therewith as the commissioners prescribe, in as full manner as the same might have been collected by the township or the commissioners. In such contract the commissioners shall reserve to the township the right at any time, after a prescribed time, to itself take possession of such system of sewage and drainage, and its appurtenances, at a price and upon terms to be fixed in the contract.]

Contracts for Sewer and Drainage Systems.--(a) In a case where, under the authority of section 2401, a system of sewage and drainage covering a township in whole or in part shall have been approved and authorized by ordinance, the board of commissioners may enter into a contract with any responsible individual or corporation for the construction of a system of sewage or drainage at the expense of the individual or corporation and the following shall apply:

(1) The individual or corporation shall be entitled under the contract to exercise all the powers of the township in the construction, maintenance and operation of the system of sewage or drainage, with the right to collect fees connected to the construction, maintenance and operation as the board of commissioners prescribes, in as full manner as the fees might have been collected by the township or the commissioners.

(2) In the contract the board of commissioners shall reserve to the township the right at any time, after a prescribed time, to take possession of the system of sewage and drainage, and the system's appurtenances, at a price and upon terms to be fixed in the contract.

(b) Nothing in this section shall be construed to repeal or modify any of [the provisions of the Pennsylvania Public Utility Law] **66 Pa.C.S. (relating to public utilities).**

Section 2425. Cost of Construction.--Townships may construct **sanitary** sewers and drains in any street or highway, or through or on or over private property. The costs, damages, and expenses of the construction of any [such] **sanitary** sewers or drains may be paid for wholly or partially by general taxation, or may be assessed upon the properties accommodated or benefited [in either of the following methods:

(a) By an assessment, pursuant to township ordinance, of each lot or piece of land in proportion to its frontage abutting on the sewer, allowing such reduction in the case of properties abutting on more than one sewer as the ordinance may specify. No assessment by frontage shall be made on properties of such a character as not to be lawfully subject to such manner of assessment, and each abutting property shall be assessed with not less than its proportion, aforesaid, of the entire cost and expense of such construction.

(b) By an assessment upon the several properties abutting on the sewer in proportion to benefits. The amount of the charge on which property shall be ascertained and the rights of taxpayers conferred in connection therewith as provided in this act for the assessment of damages and benefits by viewers.]
pursuant to Article XXV-A.

Section 2430. [Consent Necessary.--Townships may construct sewers and drains in and under any county or State highway within the township boundaries. In case of the construction of sewers upon county highways, the consent of the county commissioners of the county shall first be obtained; and in case of the construction of sewers upon any State highway, the consent of the State Department of Highways shall first be obtained.] **State and County Highways and Consent Required.--**(a)

A township may construct a sanitary sewer and drain in or under any State or county highway within the township boundaries.

(b) (1) For the construction of a sanitary sewer in or under a county highway, the consent of the county commissioners of the county shall be obtained.

(2) For the construction of a sanitary sewer in or under a State highway, the consent of the Department of Transportation shall be obtained.

Section 126. Section 2431 of the act is repealed:

[Section 2431. Assessment of Cost.--Whenever sewers have been or shall be laid or constructed by any township in and under such highways, such township may ascertain, levy, and collect the costs and expenses of the construction thereof from the abutting property holders by viewers, in accordance with provisions of this act relating to the assessment of damages and benefits by viewers.]

Section 127. Subdivision (f) heading of Article XXIV and section 2435 of the act are amended to read:

(f) Connecting with [Sewer of Adjoining Municipality] **Adjoining Sewer**

Section 2435. [Connection by Agreement or Petition; Appointment of Viewers.--Whenever any township shall desire to connect with the existing sewer of any adjacent municipality, the two municipalities so joining may enter into an agreement for such purposes, or if no agreement has been reached between such township and the adjacent municipality, then such township shall proceed in the following manner:

An application shall be made by the board of commissioners to the court of quarter sessions, setting forth the desire of the township to connect with the sewer of the municipality. If the court shall be of the opinion that such connection can be made without impairing the usefulness of the existing sewer, it shall appoint three viewers, who shall view the premises, and investigate the facts of the case, and shall, in the manner provided by this act for such proceedings, assess the proportionate part of the expense of building the original sewer upon the petitioning township, and shall fix the proportion of the expense for repairs which the municipality and such township shall thereafter bear and determine all other questions which are likely to arise in connection therewith.] **Connection by**

Agreement or Petition and Appointment of Viewers.--(a) If a township desires to connect with the existing sanitary sewer of an adjacent municipal corporation or municipal authority for either sewage collection or treatment purposes, the entities may enter into an agreement for this purpose. If no agreement has been reached between the township and the adjacent municipal corporation or municipal authority, the township shall proceed as provided under subsection (b).

(b) An application shall be made by the board of commissioners to the court of common pleas of the county where the proposed connection is to be located, setting forth the desire of the township to connect with the existing sanitary sewer of the municipal corporation or municipal authority. If the court determines that the connection can be made without impairing the usefulness of the existing sanitary sewer, it shall appoint three viewers who shall:

(1) View the premises and investigate the facts of the case.

(2) Assess the proportionate part of the expense of building the original sanitary sewer upon the petitioning township.

(3) Fix the proportion of the expense for repairs which the municipal corporation or municipal authority and the township shall thereafter bear.

(4) Determine all other questions which are likely to arise in connection with the sanitary sewer.

(c) The viewers shall report the results of their investigation under subsection (b) to the court, and the court shall confirm the report within thirty days of the report's submission unless exceptions are filed. Any interested party may appeal the disposition of filed exceptions.

Section 128. Section 2436 of the act is repealed:

[Section 2436. Notice of Contemplated Construction; Protests by Property Owners.--No sewer, system of sewers, or drains shall be constructed under the provisions of this subdivision, unless a resolution of the board of commissioners authorizing the same shall be published in a newspaper of general circulation published in the county in which the township is situated once a week for three successive weeks. If within twenty days after the last publication, or at any time during the period of publication sixty per centum of the total property owners within the township, or the affected sewer district, if such district has been constituted, shall sign, and file in the office of the prothonotary of the court of common pleas of the county in which the township is located, a written protest against the construction of such sewer, sewer system, or drain, then the construction authorized by such resolution shall not be undertaken or proceeded with.]

Section 129. Subdivision (g) heading of Article XXIV and section 2440 of the act are amended to read:

(g) Joint **Sanitary** Sewers and Drains

Section 2440. Building Joint Sewers.--[(a) Townships may jointly with cities, boroughs or other townships build and construct sewers, including trunk-line sewers or drains and sewage treatment works, and may connect into such system existing sewers, and may assess their respective portions of the cost thereof, or so much thereof as may be legally assessable, upon property benefited by the improvement as is provided in the case of townships by sections two thousand four hundred eight, two thousand four hundred nine, and two thousand four hundred ten of this act. Any portion of the cost of such an improvement not assessed or not assessable shall be paid by the respective townships, cities, and boroughs joining as may be agreed upon.

(b) The townships, cities, and boroughs joining or contemplating joining in any such improvement, in order to facilitate the building of the same and securing preliminary surveys and estimates, may by ordinance provide for the appointment of a joint sewer board composed of one representative from each of the townships, cities, and boroughs joining which shall act generally as the advisory and administrative agency in the construction of such improvement, and its subsequent operation and maintenance. The members of such board shall serve for terms of six years each from the dates of their respective appointments, and until their successors are appointed. The board shall organize by the election of a chairman, secretary, and treasurer. The several townships, cities, and boroughs, may in the ordinances creating the board, authorize the board to appoint an engineer, a solicitor, and such other assistants as are deemed necessary; and agree to the share of the compensation of such persons each township, city, and borough is to pay. The members of the board shall receive such compensation for attending meetings of the

board as shall be fixed in the budget, prepared by the board for submission to, and adoption by, the several townships, cities, and boroughs, as hereinafter provided, and the budget item providing for the compensation to members for attending meetings shall not exceed a total of two hundred and fifty dollars (\$250) per year, and no member shall be paid unless he actually attends, and the fee for each such attendance shall be stipulated, and the members, in addition thereto, shall be entitled to actual expenses to be paid by the respective townships, cities, and boroughs which such members represent.

(c) The board shall have power to adopt rules and regulations to govern its proceedings, and shall prepare and suggest any practical measures and plans by means of which the joint improvement may be carried to successful completion; and plan the future development of the system, so as to conform to a general plan. It shall have power to prepare a joint agreement or agreements for submission to and adoption by the several townships, cities, and boroughs defining the advisory and administrative powers of the board; setting forth the consents of the several townships, cities, and boroughs to the proposed improvement; the manner in which preliminary and final plans, specifications, and estimates for the proposed improvement shall be prepared and adopted; how proposals for bids shall be advertised, and contracts let; the manner in which the costs of the improvement and other incidental and preliminary expenses in connection therewith, and the future cost of operation and maintenance shall be equitably shared, apportioned, and paid; and all such other matters including the preparation and submission of annual and other budgets, as may be deemed necessary or required by law, to carry the proposed improvement to completion and to assure future maintenance and operation thereof. But nothing herein contained shall authorize the board to make any improvement or expend any public moneys which has not first been authorized by all of the townships, cities, and boroughs proceeding with the improvement.

(d) In any case where it shall be necessary to acquire, appropriate, injure, or destroy private property, lands, property, or material to build any such joint sewer improvement, and the same cannot be acquired by purchase or gift, the right of eminent domain shall vest in the township, city, or borough where such property is located. In any case where it shall be necessary to acquire, injure, or destroy property in any territory not within the limits of any of the townships, cities, or boroughs joining in the improvement; then the right of eminent domain shall be vested in any township, city, or borough adjacent to such territory where such property is located. Damages for any property taken, injured, or destroyed shall be assessed as provided by the general laws relating to the townships, cities, and boroughs exercising the right of eminent domain; and shall be paid by the several townships, cities, and boroughs joining in the same proportion as other costs of the improvement.

(e) Each of the townships joining in any such improvement shall have power to incur or increase its indebtedness, not exceeding the constitutional limits, for the purpose of paying its share or portion of the cost of such improvement in the manner now provided by law for the incurring of indebtedness.]

(a) Pursuant to 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental cooperation), a township may contract with another municipal corporation providing for the joint construction or maintenance of sanitary sewer systems and for

joint construction onto existing sanitary sewer systems, and the following shall apply:

(1) The agreement shall provide for the apportionment of costs among the municipal corporations.

(2) The board of commissioners may assess the township's respective portion of the costs, as may be legally assessable, upon property benefited by the facilities pursuant to Article XXV-A.

(3) Any portion of the cost not assessed or assessable shall be paid by the respective municipal corporations under the agreement.

(4) In addition to or in lieu of contracting with other municipal corporations, townships may contract with municipal authorities for the purposes of this section.

(b) (1) The municipal corporations joining or contemplating joining in any improvement, in order to facilitate the building of the sanitary sewer system and in securing preliminary surveys and estimates, may by ordinance provide for the appointment of a joint sanitary sewer board composed of one representative from each of the municipal corporations joining. The board shall act as the advisory and administrative agency in the construction of the improvement and its subsequent operation and maintenance.

(2) Members of the joint sanitary sewer board established under paragraph (1) shall serve for terms of six years each, from the date of the member's appointment until the member's successor is appointed. The joint sanitary sewer board shall organize by the election of a chairperson, secretary, and treasurer.

(3) The municipal corporations may, in the ordinances creating the joint sanitary sewer board, authorize the board to appoint an engineer, a solicitor and other assistants as deemed necessary and agree to the share of the compensation of those persons each municipal corporation is to pay.

(4) The members of the joint sanitary sewer board shall receive compensation for attending board meetings as established in the budget that is prepared by the joint sanitary sewer board and submitted to and adopted by the municipal corporations. The members shall be entitled to actual expenses to be paid by the respective municipal corporations the members represent.

(c) (1) A joint sanitary sewer board may adopt rules and regulations consistent with the requirements of this article to govern its proceedings and shall prepare and suggest any practical measures and plans by means of which the joint improvement may be carried to successful completion and plan the future development of the system, so as to conform to a general plan.

(2) The joint sanitary sewer board may prepare a joint agreement or agreements for submission to and adoption by the municipal corporations defining the advisory and administrative powers of the joint sanitary sewer board and setting forth the following:

(i) consent of the municipal corporations to the proposed improvement;

(ii) the manner in which preliminary and final plans, specifications and estimates for the proposed improvement shall be prepared and adopted;

(iii) how proposals for bids shall be advertised and contracts awarded;

(iv) the manner in which the costs of the improvement and other incidental and preliminary expenses in connection with

the improvement and the future cost of operation and maintenance shall be equitably shared, apportioned and paid; and

(v) all other matters, including the preparation and submission of annual and other budgets, as may be deemed necessary or required by law to complete the proposed improvement and to assure future maintenance and operation thereof.

(3) The joint sanitary sewer board may not make any improvement or expend any public money which has not first been authorized by all of the municipal corporations proceeding with the improvement.

(d) (1) When it is necessary to acquire, appropriate, injure or destroy private property to build a joint sanitary sewer system or improvement and the property cannot be acquired by purchase or gift, the right of eminent domain shall vest in the municipal corporation where the property is located.

(2) When it is necessary to acquire, injure or destroy property in any territory not within the limits of any of the municipal corporations joining in the improvement, the right of eminent domain shall be vested in a municipal corporation adjacent to the territory where the property is located subject to 26 Pa.C.S. § 206 (relating to extraterritorial takings).

(3) Damages for any property taken, injured or destroyed shall be assessed as provided by the laws relating to the municipal corporation exercising the right of eminent domain and shall be paid by the municipal corporations joining in the same proportion as other costs of the improvement.

(e) Each township joining in an improvement shall have power to incur or increase the township's indebtedness, not exceeding constitutional limits, for the purpose of paying the township's share or portion of the cost of the improvement in the manner now provided by law for the incurring of indebtedness.

Section 130. Section 2441 and Subdivision (h) heading of Article XXIV of the act are repealed:

[Section 2441. State Permit.--No such sewer or sewage treatment plant shall be constructed until plans and specifications have been submitted to the Sanitary Water Board and approved in accordance with existing laws.

(h) Non-debt Revenue Sewer Bonds]

Section 131. (Reserved).

Section 132. Article XXV of the act is repealed:

[ARTICLE XXV

COLLECTION BY INSTALMENT OF THE COST OF
STREET, CURB, SIDEWALK AND SEWER IMPROVEMENTS

Section 2501. Ordinances for Instalment Payments.--When any township shall authorize the grading, sub-grading, or the permanent paving and improvement of any streets, or parts thereof, or the construction of curbs, sidewalks, or sewers, and the entire cost, or any part thereof, shall be assessed against the properties abutting on such improvement, whether by the foot front rule or according to benefits, the board of commissioners may provide in the ordinance that the assessment or any of them may be paid in semiannual or annual instalments, and it may also provide that sewer assessments may be paid in twelve monthly or in quarterly instalments. Such instalments shall bear interests, at a rate not exceeding six per centum, to be fixed by the board of commissioners in the ordinance, commencing at such time as may be fixed by ordinance.

Section 2502. Issue of Bonds.--In order to provide for the payment of the cost and expenses of such improvement, the board of commissioners may, from time to time, issue bonds, in sums equal to the amount of assessments. The bonds shall bear the

name of the street to be improved, or the curbs, sidewalks, or sewer to be constructed.

Section 2503. Sale of Bonds; Interest.--The bonds shall bear interest at a rate not exceeding six per centum per annum, payable semiannually or annually, as the ordinance shall direct; and shall be negotiated at not less than par, and the proceeds thereof applied solely to the payment of such improvement.

Section 2504. Entry of Liens.--Liens to secure the assessments, or any part thereof, remaining due shall be entered in the prothonotary's office of the county, in the same form and collected in the same manner as municipal claims are filed and collected: Provided, however, That when any person has accepted the monthly or quarterly payment plan for any sewer assessment, as herein provided, no lien shall be filed for such assessment, except upon a default in payment, as provided in section two thousand five hundred six, as herein amended.

Section 2505. Assessments, Where Payable.--Such assessments shall be payable at the office of the township treasurer, or such other place as the ordinance shall provide, in semiannual or annual instalments, and in the case of sewer assessments in monthly or quarterly instalments, with interest at the rate provided from the date from which interest is computed on the amount of the assessments. The moneys so received by the township shall be applied to the payment of such bonds and interest thereon exclusively.

Section 2506. Default in Payment of Instalment.--In case of default in the payment of any semiannual or annual instalment and interest for a period of sixty days after the same shall become due, the entire assessment and accrued interest shall become due, and the township solicitor shall proceed to collect the same under the general laws relating to the collection of municipal claims.

In case of default in the payment of any monthly or quarterly instalment, and interest of a sewer assessment for a period of thirty days after the same shall become due, a lien shall be filed for the balance due on such assessment and interest accrued thereon. In no case shall a township lose its right to file a lien for any sewer assessment by reason of its failure to file the same within the time fixed by general law relating to the filing of municipal liens for any sewer assessment which is being paid under the instalment plan herein provided, and if any lien is filed after the time fixed by said general law for the filing thereof because of default in the payment of any instalment, such delayed filing is hereby validated, and the lien of such assessment claim so filed shall be in full force and effect from the time of such filing.

Section 2507. Payments in Full; Subdivisions of Property.--Any owner of property against whom any such assessment has been made may pay the same in full, at any time, with interest thereon to the next semiannual or annual payment, and such payment shall discharge the lien. If any owner shall subdivide any property after the lien attaches, he may, in like manner, discharge the same upon any subdivided portion thereof by paying the amount for which such part would be liable.]

Section 133. The act is amended by adding an article to read:

ARTICLE XXV-A

ASSESSMENTS FOR PUBLIC IMPROVEMENTS

Section 2501-A. Definitions.

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

"Front foot." The term includes, but is not limited to, front linear foot, lot, parcel, dwelling unit or square foot.

"Public improvement." The term includes, but is not limited to, the following:

(1) The building, paving, grading, rebuilding, repaving and regrading of streets, sidewalks, curbs and gutters.

(2) The creation, extension and renovation of water treatment, transmission, distribution and disposal systems.

(3) The creation, extension and renovation of sewage collection, transmission, distribution, treatment and disposal systems.

(4) The creation, extension and renovation of storm, surface and subsurface drainage systems.

(5) The construction, reconstruction and repair of wharves and docks.

(6) The installation, maintenance or operation of lighting that services the streets, sidewalks and other public places within the township.

(7) The planting, transplanting, removal and protection of shade trees.

Section 2502-A. Authority to assess.

(a) Authority.--Unless otherwise provided for in this article, a township is authorized to assess all or any portion of the costs of a public improvement against any properties that are benefited by the public improvement.

(b) Payment of costs.--Unless otherwise provided in this article, in addition to the authority to assess the cost of public improvements against properties benefited either on the front foot method or benefit conferred method of assessment, a township may pay for the cost of public improvements, in whole or in part, from the township general fund or from a special township fund dedicated to that purpose.

(c) Indebtedness.--If a township incurs indebtedness pursuant to 53 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and borrowing) for the purposes of funding the cost and expense of making public improvements for which assessments are made in accordance with this article, payments made on the assessments must be applied to pay the debt service for the indebtedness incurred for funding the cost and expense of making the public improvements.

(d) Assessment outside of township.--Property benefited, improved or accommodated that is located outside the limits of the township that constructed the public improvement may, if located no more than 150 feet from the public improvement, be assessed for the cost of the public improvement in the same manner as the property would be assessed under the laws of this Commonwealth if it were entirely located within the limits of the township.

Section 2503-A. Method of assessment.

(a) Ordinance.--If the board of commissioners elects to exercise the power to make assessments for a given public improvement as authorized in section 2502-A, the board of commissioners shall, by ordinance and in conformity with this article, establish the method and procedure pursuant to which assessments shall be made.

(b) Allocation of costs and expenses.--The following shall apply:

(1) The board of commissioners may, by ordinance, make the assessment by any means that results in fairly allocating all or a portion of the costs and expenses of the public improvement among all properties benefited by the improvement in reasonable proportion to the benefits conferred upon each

property. The methods that may be used to make assessments in accordance with this subsection may include, but are not limited to:

- (i) An equal assessment per front foot.
- (ii) An assessment made by benefits conferred.

(2) Only one assessment method may be used in allocating the costs for a particular public improvement unless a township is divided into districts for sanitary sewer or water, in which case the assessment in each district may be by different methods so long as the same assessment method is used within a particular district.

(c) Front foot method.--If the front foot method is used:

(1) The cost to be collected shall be divided by the total number of linear feet of street frontage of all properties benefited.

(2) The assessment against each property shall be that portion of the cost which is determined by multiplying the dividend under paragraph (1) by the number of linear feet for street frontage of that property.

(3) In the case of corner or irregularly shaped lots or where special conditions exist, the board of commissioners shall have the power and its duty shall be to provide for an equitable adjustment, as necessary, to prevent an unjust or excessive assessment.

(4) If the front foot method is used but is comprised of other than linear feet, such as lots, parcels, dwelling units or square feet, the formula in paragraphs (1) and (2) shall be adapted to comport with the unit of lots, parcels, dwelling units or square feet as applicable.

(d) Assessment of benefits conferred method.--In lieu of the front foot method, the board of commissioners may elect to have the benefits of public improvements assessed, in whole or in part, upon property benefited, improved or accommodated by assessing an equal assessment on the properties benefited, improved or accommodated in proportion to the total cost of construction of the improvement. The amount of the charge on each property shall be determined by the board of commissioners.

(e) Certificate of assessment.--The board of commissioners shall issue a certificate of assessment when either assessing on the front foot method or on the basis of benefits conferred upon property benefited, improved or accommodated, duly certified under the seal of the township and attested by the president of the board of commissioners and secretary. The certificate of assessment shall state the method of assessment used. The certificate of assessment shall be prima facie evidence in any suit for recovery of the same of the correctness and validity of the assessment.

Section 2504-A. Petition for viewers by board of commissioners.

The board of commissioners may petition the court of common pleas for the appointment of viewers to assess the total cost of an improvement as set forth in this article. The viewers shall assess the total cost of the improvement, or so much of the cost as may be just and reasonable, upon the lands or properties peculiarly benefited.

Section 2505-A. Petition for viewers by taxpayers.

(a) Petition.--Taxpayers of the township whose property is being assessed for benefits for a public improvement may present a petition to the court of common pleas stating that the assessment insufficiently represents the benefits accruing to abutting, benefited or accommodated properties. The petition may include a request for the appointment of viewers to assess benefits if at least 50% of the taxpayers whose parcels are

abutting, benefited or accommodated by the public improvement in question join the petition or if taxpayers whose property valuation as assessed for taxable purposes within the township amounts to at least 50% of the total property valuation of the properties being assessed for the public improvement join the petition. The petition must be presented within 90 days of the issuance of the certificate of assessment.

(b) Viewers.--The court shall appoint three disinterested viewers, none of whom shall be a resident of that portion of the township that is benefited or accommodated by the public improvement in question. The viewers shall proceed under this article and 26 Pa.C.S. (relating to eminent domain) for the assessment of damages and benefits by viewers. Upon the filing of the petition by taxpayers for the appointment of viewers, any assessment made by the board of commissioners and any proceedings shall be stayed pending the disposition of the petition by the court.

Section 2506-A. Notice of assessment.

(a) Personal notice.--After the amounts to be assessed against the properties to be benefited by the public improvement have been calculated pursuant to the method and procedures as prescribed by ordinance, the township shall give personal notice of the assessment to the owner of each property that is being assessed. The notice shall also state that the owner has 30 days from receipt of the notice to appeal the assessment. If a certificate is required to be filed with the board of commissioners relating to the public improvement as otherwise provided in this act, a copy of the certificate shall accompany the notice.

(b) Assessment effective.--An assessment made pursuant to this article shall become effective 30 days after personal notice is given by any of the following means:

- (1) Personal service on the owner or the owner's agent.
- (2) Certified mail, addressee only, return receipt requested, to the owner at the owner's last known address.
- (3) Posting notice at or upon the property after reasonable attempts to give personal notice pursuant to paragraphs (1) and (2) have failed.

Section 2507-A. Benefits and damages.

In any proceeding in which damages to property are being sought as a result of a public improvement for which an assessment of benefits has been made, the excess of damages over benefits, the excess of benefits over damages or nothing in case the benefits and damages are equal, shall be awarded to or assessed against the owner of land and property affected by the public improvement. Damages shall be calculated pursuant to 26 Pa.C.S. (relating to eminent domain).

Section 2508-A. Payment of assessments in installments.

(a) Authorization.--An ordinance providing for a public improvement, the expense of which is to be defrayed by an assessment against properties benefited by the public improvement, may authorize payment of the assessment in installments. The ordinance shall:

- (1) Set a time when the installment payments shall commence.
- (2) Specify the length of time over which the installments may be extended. The period during which installments may be paid shall not exceed the lesser of 10 years or the number of years equal to the period of maturity of the bonds issued to fund the public improvement.
- (3) Specify whether payments are to be made by equal annual or more frequent installments.

(b) Interest rate.--The ordinance shall set forth the rate of interest for the installments, which shall not be more than 6% per year unless a bond is issued for the improvement, in which case the maximum interest rate on the installment payments shall be in accordance with section 9 of the act of May 16, 1923 (P.L.207, No.153), referred to as the Municipal Claim and Tax Lien Law.

(c) Written agreement.--The township shall enter into a written installment agreement with each property owner that will pay the assessment in installments, subject to the requirements of the ordinance pertaining to the agreements and this article.

(d) Installments not paid.--If any of the installments remain unpaid for 60 days after the installments have become due and payable:

(1) The entire unpaid assessment, plus unpaid accrued interest and any costs, shall be due and payable.

(2) The township may proceed to collect the installments by filing a lien in the same manner as municipal claims are filed under the Municipal Claim and Tax Lien Law or by instituting a civil action.

(e) Advance payments.--A property owner upon whom an assessment has been made may pay all or as many of the installments before they are due, with interest and costs to the due date of the next installment.
Section 2509-A. Collection of assessments.

(a) Authority.--The board of commissioners shall have the power to authorize the township treasurer or other township official to collect assessments.

(b) Procedure.--The following shall apply to the collection of assessments:

(1) A township may collect an assessment that remains unpaid for 60 days after personal notice was given pursuant to section 2506-A unless an installment agreement has been entered into pursuant to section 2508-A.

(2) An assessment made under this article may be collected in the same manner as municipal claims under the act of May 16, 1923 (P.L.207, No.153), referred to as the Municipal Claim and Tax Lien Law, or by instituting a civil action against the owner of the benefited property.

(3) Interest on an unpaid assessment shall begin to accrue from the time of completion of the improvement at a rate not to exceed 6% per year unless a bond is issued for the improvement, in which case the maximum interest rate shall be pursuant to section 9 of the Municipal Claim and Tax Lien Law.

(4) If a property owner has two or more lots against which there is an assessment for the same improvement, all of the lots may be embraced in one claim.

(5) Assessments, whether paid one time or by installments, shall be payable at the office of the township treasurer or any other place designated by ordinance.

Section 134. Article XXVI of the act is repealed:

[ARTICLE XXVI

REVOLVING FUND FOR STREET AND
SEWER IMPROVEMENTS

Section 2601. Special Tax; Bond Issue.--The several townships are hereby empowered to levy and collect annually a tax upon all property, taxable for township purposes, not to exceed five mills on the dollar in any one year, for the purpose of creating and maintaining a revolving fund, to be used by such township in making permanent street, sidewalk, water lines,

or sewer improvements, and to pay contract prices for permanent street, sidewalk, water lines, or sewer improvements, prior to the collection of the cost and expense, or any part thereof, from the property owners adjoining or abutting thereon by such townships under existing laws. Any such revolving fund may also be begun by funds raised by the issuance of bonds of the township, in the manner provided by law, for the making of permanent street, sidewalk, water lines, and sewer improvements.

Section 2602. Repayments into Revolving Fund.--When the cost and expense, or any part thereof, of the construction of any permanent street, sidewalk, or sewer improvement, which has been made under existing laws, and which has been aided in its construction from the said revolving fund hereby provided for, shall have been assessed and collected from the owners of the property adjoining or abutting upon such improvement, it shall be applied to the credit of the said revolving fund, to the extent of the withdrawal therefrom for such purpose.]

Section 135. Article XXVII heading and section 2701 of the act are amended to read:

ARTICLE XXVII
WATER SUPPLY [AND WATERWORKS]

Section 2701. [Contract with Water Companies and Municipality; Development of Own Water Supply.--Townships may contract with any adjoining municipality, owning a waterworks system, or with a private company, for a supply of water for public and private uses to be delivered into the lines of the township at or near or within the boundaries thereof.

This section does not prohibit a contract between a township and a municipality, or a private company, for the supply of water in territory being supplied by any other private company. A township shall have full power by contract to develop an independent supply of water at any time, and it is not required to purchase such water supply as the township shall need from either an adjoining municipality or private company.] **Contracts for Water Supply; Development of Own Water Supply.--(a)**

Townships may contract with any adjoining municipal corporation owning a water system, or with a municipal authority or a private company, for a supply of water for public and private uses to be delivered into the lines of the township at or near or within the boundaries of the township.

(b) This section does not prohibit a contract between a township and a municipal corporation, or a private company, for the supply of water in territory being supplied by any other private company.

(c) A township may construct, maintain and operate its own water system and shall have full power by contract to develop an independent supply of water at any time, and it is not required to purchase a water supply needed by the township from either an adjoining municipal corporation or from a private company.

Section 136. The act is amended by adding sections to read:

Section 2701.1. Public Utility Law Saved.--Nothing contained in this article shall be construed to repeal or to supersede any of the provisions of 66 Pa.C.S. (relating to public utilities).

Section 2701.2. Rates.--(a) For water supplied by the township, the board of commissioners shall fix the rates charged to users of water or to owners whose properties are connected to the water system. The board of commissioners shall provide for the collection of the water rates. The rates shall be in addition to the cost of making any connections under section 2707. In the case of users outside the township, the fixing of

rates shall be subject to, and in accordance with, applicable law and the rules and regulations of the Pennsylvania Public Utility Commission.

(b) The initial imposition of the rate imposed under subsection (a) shall be established by ordinance. Any subsequent rate adjustments may be by resolution provided that the ordinance establishing the rate allows for future rate adjustments by resolution adopted at a public meeting. This subsection shall not be construed to invalidate or void any rate imposed or adjusted prior to the effective date of this section.

Section 137. Sections 2702, 2703 and 2704 of the act are amended to read:

Section 2702. [State Permit.--A township making such contract may, by ordinance, provide and regulate and protect a system of distribution of the water, after a certified copy of the plans and surveys for such system, with a description of the sources from which it is proposed to derive the supply, are filed with the Department of Health and Water Power Resources Board, and written permits for the construction of such system obtained in accordance with existing law.] **Distribution System; State Permit.--A township entering into a contract for the supply of water may, by ordinance, provide, regulate and protect a system of water distribution after filing a certified copy of the plans and surveys for the system, with a description of the sources from which it is proposed to derive the supply, with the Department of Environmental Protection and, if required by law, other Federal or State entities, and written permits for the construction of the system are issued in accordance with existing law.**

Section 2703. Occupation of Highways.--(a) In providing for, regulating, [and] protecting and extending its system of distribution of water, [the] a township may occupy streets, roads or highways, and may take, injure or destroy private property **as provided in this article**. No highway under the jurisdiction of the [State Department of Highways] **Department of Transportation** shall be occupied until a permit [therefor] has been obtained from the [State Department of Highways.] **Department of Transportation.**

(b) Property belonging to or used as a cemetery [or], a place of public worship, or any public or parochial school, or other educational or charitable institution or seminary, shall not be taken, injured or destroyed by virtue of this section.

Section 2704. Property Damages[, Bond by Township].--If the compensation and damages arising from [such] **the** taking, injury or destruction of private property cannot be agreed upon, the township [may tender its bond as security to the party claiming or entitled to any damages, or to the attorney or agent of any absent person, or to the agent or other officer of a corporation, or to the guardian or committee of any person under legal incapacity. The condition of the bond shall be that the township shall pay or cause to be paid such amount of damages as the party shall be entitled to receive after the same shall have been agreed upon or assessed in the manner provided in the following sections of this article.

In case the party or parties claiming damages refuse or do not accept the security so tendered, the township shall give the party, his or their agent, attorney, guardian, or committee, at least ten days' written notice of the time when the same will be presented to the court of common pleas for approval.

Thereafter the township may present its bond to the court, and when approved, the bond shall be filed in court for the benefit of those interested. Recovery may be had thereon for the amount of damages finally determined, if the same is not paid or cannot be collected by execution on the judgment in the issue formed to try the question. Upon the approval of such security, the township may enter into possession.] **shall proceed pursuant to 26 Pa.C.S. (relating to eminent domain).**

Section 138. Section 2705 of the act is repealed:

[Section 2705. Appointment of Viewers.--In case the compensation for damages accruing from such taking, injury or destruction has not been agreed upon by parties in interest, the court of common pleas, or any law judge thereof in vacation, on application thereto by the township or any person interested in the property, shall appoint three members of the board of viewers of the county who shall assess the damages, as provided in this act for eminent domain proceedings.]

Section 139. Sections 2706 and 2707 of the act are amended to read:

Section 2706. [Water Districts; Application of Taxpayers.--Whenever the taxpayers of any section of a township whose property valuation, as assessed for taxable purposes within such section, shall amount to fifty percent of the total property valuation, as assessed for taxable purposes within such section, shall, by petition, so request, the commissioners of such township shall constitute such section into a water district or divide it into several water districts. In every such case of division into several districts, the commissioners shall determine the proportion of the cost of the water system which should equitably be charged on each of said districts and declare and establish such apportionment by resolution. No district shall be charged with more than its due proportion of the cost of the main pipe lines used jointly by more than one district.] **Water Districts.--The board of commissioners may designate, define and create one or more water districts within the township, and the board of commissioners shall determine the proportion of the cost of the water system which shall be equitably charged on each district and declare and establish the apportionment by resolution. No district shall be charged with more than its due proportion of the cost of the main pipe lines, pumping stations or other parts of the water system used jointly by more than one district.**

Section 2707. [Connection to Water Supply System.--The commissioners may require that abutting property owners of a water supply system connect with and use the same except those industries and farms who have their own supply of water for uses other than human consumption. In case any owner of property except those previously excepted abutting such water system shall neglect or refuse to connect with and use said system for a period of ninety days after notice to do so has been served upon him by the commissioners, either by personal service or registered mail, said commissioners or their agents, may enter upon such property and construct such connection. In such case the commissioners shall forthwith, upon completion of the work, send an itemized bill of the cost of construction of such connection to the owner of the property to which connection has been made, which bill shall be payable forthwith, or the commissioners may authorize the payment of the cost of construction of connections in equal monthly installments; said installments shall bear interest at a rate not to exceed seven per centum per annum.] **Connection to Water System.--(a) The board of commissioners may, by ordinance, require that a**

property owner connect with and use a water system of the township or municipal authority or a joint water system in either of the following cases:

(1) Except as provided in subsection (b), if the nearest property line is located within one hundred fifty feet of a water system or any part or extension of the system.

(2) If the property has no supply of water which is safe for human consumption.

(b) With respect to water supplied for human consumption, a property owner who, after the effective date of this subsection, is subject to mandatory connection pursuant to subsection (a)(1), shall not be required to connect to the water system pursuant to that subsection if all of the following conditions exist:

(1) The water system or part or extension of the system that is within one hundred fifty feet of the nearest property line was in existence on the effective date of this subsection.

(2) The property has its own supply of water which is safe for human consumption.

(3) Prior to the effective date of this subsection, the property owner was not required to connect to the existing system.

(c) Those industries and farms which have their own supply of water for uses other than human consumption through installed and operating wells existing prior to the effective date of this subsection may continue to use their preexisting wells for that purpose but are required to use the water system of the township or municipal authority to provide water for human consumption.

(d) A township may require any owner of property to install and maintain a backflow prevention device based on the degree of potential hazard of the connected property in accordance with other applicable law.

(e) A township may assess penalties for the violation of ordinances pertaining to water connections or backflow prevention devices.

(f) (1) A township may, by ordinance, impose and charge certain fees to property owners who desire or are required to connect to the water system owned or operated by the township, a municipal authority or a joint water board or who desire to increase their usage of the water system.

(2) The fees in paragraph (1) may be a connection fee, a customer facilities fee, a tapping fee and other similar fees as enumerated and calculated under 53 Pa.C.S. § 5607(d)(24) (relating to purposes and powers).

(3) The tapping fee may include a reimbursement part as provided in 53 Pa.C.S. § 5607(d)(24)(i)(C)(IV) to be refunded to the private person or corporation who paid for the construction of the water system or any part or extension thereof.

(g) (1) If any property owner required under subsection (a) to connect with and use the system fails to do so within ninety days after notice to do so has been served by the board of commissioners, either by personal service or registered mail, the board of commissioners or their agents may enter the property and construct the connection.

(2) The board of commissioners shall send an itemized bill of the cost of construction of the connection to the owner of the property to which connection has been made, which bill is payable immediately, or the board of commissioners may authorize the payment of the cost of construction of connections in equal

monthly installments and the installments shall bear interest at a rate not to exceed six percent.

Section 140. Section 2708 of the act is repealed:

[Section 2708. Connection to Water Supply System of Municipality Authorities.--Whenever a water supply system is or shall have been established or constructed by a municipality authority within a township of the first class, the township commissioners shall be empowered by ordinance, to compel all owners of property abutting thereto to make connection therewith. The commissioners may, by ordinance, impose penalties to enforce any regulation or order they may ordain with reference to any water connections. In case any owner, other than those excepted in section 2707 of this act, of property shall neglect or refuse to connect with said water system for a period of ninety days after notice to do so has been served upon him by the commissioners, either by personal service or by registered mail, the commissioners or their agents may enter upon such property and construct such connection. In such case, the commissioners shall forthwith, upon completion of the work, send an itemized bill of the cost of the construction of such connection to the owner of the property to which connection has been made, which bill shall be payable forthwith, or the commissioners may authorize the payment of the cost of construction of connections in equal monthly installments, to bear interest at a rate not exceeding seven per centum per annum.]

Section 141. Sections 2709 and 2709.1 of the act are amended to read:

Section 2709. Cost of Connection; Where Payable.--The cost of construction of connections shall be payable **immediately** at the office designated by the [township] **board of commissioners, or if authorized by the board of commissioners,** in monthly installments, with interest from the date of completion of the construction of the connection.

Section 2709.1. Default in Payment of Installment.--In case of default in the payment of any installment and interest for a period of sixty days after the same [shall] **has** become due, the entire cost of construction of the connection and accrued interest shall become due[; and, the township solicitor shall proceed to collect the same under the general laws relating to the collection of municipal claims.] **and the township may collect the unpaid cost of construction of the connection and accrued interest from the owner by a municipal claim or in an action of assumpsit.**

Section 142. Section 2709.2 of the act is repealed:

[Section 2709.2. Entry of Liens.--In case of neglect or refusal by the owner of such property to pay said bill or in case of installment payment, it shall be the duty of the township commissioners to file municipal liens for said construction within six months of the date of completion of the construction of such connection, the same to be subject in all respects to the general law providing for the filing and recovery of municipal liens.]

Section 143. Subdivision (b) heading of Article XXVII and sections 2710, 2711, 2712, 2701-A, 2702-A, 2703-A, 2704-A, 2705-A, 2801, 2802, 2803, 2804, 2805, 2806, 2901, 2910, 2911, 2912, 3001, 3009, 3010, 3011, 3012, 3013, 3014, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027 and 3027.1 of the act are amended to read:

(b) [Construction, Acquisition and Maintenance of Waterworks in Connection with Municipalities] **Joint Water System**

Section 2710. [Joint Maintenance of Works with Municipality.--Any township may unite with a city, borough or township in the construction or acquisition and maintenance of works for the supply of water.] **Joint Construction, Acquisition or Maintenance.--Any township may join with one or more municipal corporations in the construction or acquisition and maintenance of a water system.**

Section 2711. [State Permits.--The construction of such waterworks shall be commenced only after plans for such waterworks have been filed with Department of Health and Water and Power Resources Board and permits issued in accordance with law.] **Permits.--The construction of a water system shall be commenced only after plans for the water system have been filed with the Department of Environmental Protection and, if required by law, other Federal or State entities and permits issued in accordance with law.**

Section 2712. [Commission of Waterworks.--Whenever any township unites with a municipality in the construction or acquisition and maintenance of waterworks, the commissioners of such township, after the passage of an ordinance or resolution to that effect, may join with the councils of such other municipality and apply to the court of common pleas for the appointment of a commission of waterworks. Such commission shall be composed of citizens of each of the municipalities and townships so uniting.] **Joint Commission.--(a) The municipal corporations joining in the construction or acquisition and maintenance of a water system may, by ordinance, provide for the appointment of a joint commission of a water system in order to facilitate the construction, operation and maintenance of the water system and to secure preliminary surveys and estimates.**

(b) The joint commission shall act generally as the advisory and administrative agency in the construction of the improvement and its subsequent operation and maintenance.

(c) The joint commission shall be composed of one representative, or alternatively an equal number of representatives, from each of the joining municipal corporations. The members of the joint commission shall serve for terms of six years each from the dates of their respective appointments and until their successors are appointed.

(d) The joint commission shall organize by the election of a chairperson, secretary and treasurer. The secretary and treasurer may be the same person.

(e) The municipal corporations may, in the ordinances creating the joint commission, authorize the joint commission to appoint an engineer, a solicitor and other assistants as are deemed necessary, and agree to share the compensation costs for members who attend its meetings as shall be fixed in the budget prepared by the joint commission and submitted to and adopted by the joining municipal corporations. In addition to the agreed upon compensation that a member receives for each attendance at a meeting, members shall be entitled to actual expenses to be paid by the respective municipal corporations that the members represent.

Section 2701-A. Manufacture and Sale of Electricity.--Any township may manufacture electricity by means of a hydroelectric generating facility owned or operated by the township for the use of the inhabitants of [such] **the** township. Any township owning or operating a hydroelectric generating facility may make contracts for the sale of electricity to persons engaged in the business of the manufacture or sale of electricity.

Section 2702-A. [May Regulate] **Regulation of Use and Prices.**--Any township furnishing electricity pursuant to this article may regulate the use of [said] electricity in dwellings, business places and other places in [such] **the** township and the rate to be charged for the [same] **electricity**.

Section 2703-A. Sale of Hydroelectric Generating Facilities.--[By ordinance, a township may sell all or part of its hydroelectric generating facilities to a purchaser for such sale price as the parties may agree upon, and thereafter for all purposes that price shall be deemed to be the purchaser's original cost less accrued depreciation of the plant at the date of purchase.] **A township may sell, by ordinance, all or part of its hydroelectric generating facilities to a purchaser for the sale price as the parties may agree upon.**

Section 2704-A. Construction or Purchase of Hydroelectric Generating Facilities.--Any township may construct or purchase facilities [for the purpose of manufacturing electricity by hydroelectric generation. Any township may purchase a hydroelectric generating facility at such price as may be agreed upon by the township and the person, copartnership or a majority of the stockholders of a corporation that owns such facilities.] **to manufacture electricity by hydroelectric generation. Any township may purchase a hydroelectric generating facility at the price agreed upon by the township and the person, partnership or a majority of the stockholders of a corporation that owns the facilities.**

Section 2705-A. Submission to Electors.--Before any township [shall construct or purchase] **constructs or purchases** a hydroelectric generating facility, the question of the increase of the debt of the township shall first be submitted to the qualified voters of the township in the manner provided by law for the increase of indebtedness of municipal corporations.

Section 2801. [Town Hall.--The commissioners of townships may procure a suitable lot of ground, and erect a suitable building thereon for a townhouse in which to hold elections, store road machinery, hold meetings of township officers, and for other township uses. For the purpose of procuring a lot of ground and erecting a town hall, the commissioners may borrow money at a rate of interest not exceeding six per centum and issue bonds therefor.] **Township Buildings.--The board of commissioners may procure by purchase, gift, exchange or the exercise of eminent domain a lot or lots of ground located within the township, and erect or use buildings thereon for township purposes.**

Section 2802. [Unloading and Warehouses.--The commissioners may purchase or lease land adjacent to the tracks or right of way of any railroad or street railway, within or without the limits of such township, and erect thereon suitable unloaders, warehouses, or other buildings as may be necessary for unloading, handling, and storing road materials and supplies.] **Garages and Warehouses.--The board of commissioners may purchase or lease land inside or outside the limits of the township, and erect garages, warehouses or other buildings as may be necessary for handling and storing equipment, materials and supplies.**

Section 2803. Appropriation of Property.--[Townships may enter upon and appropriate private property and also land heretofore granted or dedicated to public or other use within the limits of such township, and which is no longer used for the purpose for which the same was granted or dedicated, for the erection thereon of a town hall, fire house, lockup, and

such other public buildings as are necessary for public purposes.

No land or property used for any cemetery, burying ground, public or parochial school, educational or charitable institution, seminary, or place of public worship shall be taken or appropriated by virtue of any power contained in the preceding paragraph.] **(a) Townships may enter upon and appropriate private property and also land previously granted or dedicated to public or other use within the limits of the township, and which is no longer used for the purpose for which the same was granted or dedicated, for the erection thereon of a municipal building, fire house, lockup, and other public buildings as are necessary for public purposes.**

(b) Notwithstanding subsection (a), no land or property used for any cemetery, burying ground, public or parochial school, educational or charitable institution, seminary, or place of public worship shall be taken or appropriated.

Section 2804. Ordinance of Commissioners.--Whenever the [commissioners desire to acquire, enter upon, take, use, and appropriate private property or lands for public buildings, they shall declare such intention by an ordinance duly enacted.]

board of commissioners desires to acquire, enter upon, take, use, and appropriate private property or lands for public buildings, they shall declare their intention by ordinance.

Section 2805. Assessment of Damages.--The compensation and damages arising from [such taking, using, and appropriating of private property for such purposes shall be considered, ascertained, determined, awarded, and paid in the manner provided in this act for eminent domain proceedings.] **taking, using and appropriating of private or public property for township purposes shall be pursuant to 26 Pa.C.S. (relating to eminent domain).**

Section 2806. Use of Public Lands Acquired for other Purposes.--Whenever the [commissioners desire to take any lands heretofore granted or dedicated to a use or purpose for which they are no longer used, they shall pass an ordinance declaring such intention, and shall thereupon petition the court of common pleas for leave to file the bond of such township for the purpose of securing any person or persons who may be injured by the taking of such lands. The court shall thereupon direct notice to be given by publication in at least two newspapers of the county. If no exceptions are filed to the bond on or before the day fixed in the notice, the court shall approve the same. The court may increase the amount of the bond, and hear and determine all exceptions that are filed against the approval thereof. Upon the approval of such bond, the commissioners may enter upon and take such lands for the purposes of erecting public buildings. The bond, which shall be in the name of the Commonwealth, for the use of any person or persons who are entitled to damages by reason of the taking of the lands, shall remain on file for their use and benefit. In case the compensation for damages accruing from any such appropriation has not been agreed upon by the parties in interest, the same may be assessed by viewers in accordance with the provisions of this act for the assessment of damages in eminent domain proceedings.] **board of commissioners desires to take any public lands previously granted or dedicated to a use or purpose for which they are no longer used, the board of commissioners shall pass an ordinance declaring its intention, and shall petition the court of common pleas for leave to file the bond of the township to secure any person or persons who may be entitled**

to compensation for the taking. The court shall direct notice to be given by publication in at least one newspaper of general circulation pursuant to section 110. If no exceptions are filed to the bond on or before the day fixed in the notice, the court shall approve the same. The court may increase the amount of the bond, shall hear and determine all exceptions that are filed against the petition and the sufficiency of the bond and may grant or deny the request of the petition. Upon the granting of the petition and the approval of the bond, the board of commissioners may enter upon and take the lands for the purposes of erecting public buildings. The bond, which shall be in the name of the Commonwealth for the use of any person or persons who are entitled to damages by reason of the taking of the lands, shall remain on file for their use and benefit.

Section 2901. [Every township shall have power, by ordinance, to regulate and license each and every transient retail business, within such township, for the sale of goods, wares or merchandise, and to prohibit the commencement or doing of any such business until or unless the license required by such ordinance has been procured from the proper authorities by the person, firm, or corporation desiring to commence such transient retail business; and to enforce such ordinances by penalties, not exceeding three hundred dollars or by other appropriate means. The amount of any such license shall not exceed two hundred dollars for each month or fractional part thereof, during which any such sale is continued.

Nothing contained in this section shall be construed to apply to (1) farmers selling their own produce, or (2) to the sale of goods, wares, and merchandise, donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose, or (3) to any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk and milk products.] **Licensing Transient Retail Business.--(a) A township may, by ordinance, regulate and license transient retail merchants engaged in any transient retail business within the township. The ordinance may prohibit the commencement or doing of any transient retail business until or unless the license required by the ordinance has been obtained from the township by the person, firm or corporation desiring to commence the transient retail business. The ordinance may be enforced by penalties, not exceeding three hundred dollars, for a violation of its provisions and may provide for other means of enforcement.**

(b) The board of commissioners may establish license fees for businesses regulated under this section. The license fees shall bear a reasonable relationship to the cost of administering the ordinance and regulating, inspecting and supervising each business.

(c) Nothing contained in this section shall be construed to apply to any of the following:

- (1) farmers selling their own produce;**
- (2) any person selling personal property, donated by the owners, if the proceeds of the sale are to be applied to a charitable or philanthropic purpose; or**
- (3) any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk and milk products.**

Section 2910. [Agents for Licensed Dealers not to be Licensed.--It shall be unlawful for any township to levy any license fee or mercantile tax upon any persons taking orders

for merchandise, by sample, from dealers or merchants for individuals or companies who pay a license or mercantile tax at their chief places of business. Nothing in this section shall authorize any person to sell by retail to other than dealers or merchants.] **Persons Taking Orders by Samples.--A township may not impose, levy or collect a license fee or mercantile tax upon a person that takes, by sample, from a dealer or merchant an order for merchandise on behalf of an individual or company that pays a license fee or mercantile tax at the individual's or company's chief place of business. Nothing in this section shall authorize a person to sell by retail to a person other than a dealer or merchant without payment of a license or permit fee.**

Section 2911. [Insurance Agents and Brokers not to be Licensed.--It shall be unlawful for any township to impose or collect any license fee upon insurance companies, or their agents, or insurance brokers, authorized to transact business under the Insurance Laws of this Commonwealth.] **Insurance Business.--A township may not impose or collect a license fee upon an insurance company, including an agent, or an insurance broker, authorized to transact business under the act of May 17, 1921 (P.L.682, No.284), known as "The Insurance Company Law of 1921."**

Section 2912. License Fees on Residents not to Exceed those on Nonresidents.--[It shall be unlawful for any township to impose by ordinance, or exact or collect under the provisions of any ordinance heretofore or hereafter enacted, any license tax or fee upon or from any manufacturer, or the agent, representative, or employe of any manufacturer, who is a resident of the Commonwealth, for soliciting orders for or for selling any goods, merchandise, or wares manufactured within this Commonwealth that is not or cannot legally be imposed upon or enacted or collected from any manufacturer or dealer, or the agent, representative, or employe of any manufacturer, who is a nonresident of the Commonwealth, for soliciting orders for or for selling any goods, merchandise, or wares manufactured without the Commonwealth.] **A township may not enact an ordinance imposing a license fee upon a manufacturer, including an agent, representative, or employe of any manufacturer, who is a resident of the Commonwealth and solicits orders for or sells personal property manufactured within this Commonwealth if the township could not legally impose the same license fee upon a manufacturer, including an agent, representative or employee, that is a nonresident of the Commonwealth and solicits orders for or sells personal property manufactured outside this Commonwealth.**

Section 3001. Acquisition of Lands and Buildings.--(a) Townships may, separately or jointly, by ordinance dedicate and set apart lands not dedicated to other public uses or purposes, and may enter upon, appropriate, and acquire[,] by gift, devise, purchase, lease or otherwise, private property[,] for the purpose of making, enlarging, and maintaining public parks, recreation areas and facilities.

[Townships may construct and equip new facilities upon such lands and may levy and collect such taxes or special taxes as may be necessary to pay for the same and make appropriations for the construction, improvement, maintenance, care, regulation and government of the same. All the costs and expenses relative to any such property required by two or more townships jointly shall be paid by the respective townships in such proportions as may be agreed upon by the commissioners thereof.]

Townships may likewise acquire private property within the limits of another township, borough or city for the purpose designated in this section, if the other township, borough or city shall by ordinance signify its consent thereto.]

(b) Townships may construct and equip new facilities upon such lands and may levy and collect general taxes, or special taxes pursuant to section 1709(a)(9), as necessary to pay for the same and may make appropriations for the construction, improvement, maintenance, care, regulation and government of the same.

(c) No township, acting individually or jointly, may acquire private property within the limits of another municipal corporation for the purposes designated in this section without the consent of the governing body of the municipal corporation in which the property is located.

Section 3009. Creation of Recreation Board.--**(a)** Townships may improve, maintain, and regulate public parks, recreation areas, and facilities and conduct recreation programs.

[The authority to supervise, maintain and regulate parks, recreation areas and facilities may be vested in any existing body or board or in a park board or recreation board, as the township commissioners may determine. The township commissioners may equip, operate and maintain the parks, recreation areas and facilities as authorized by this act and shall for the purpose of carrying out the provisions of this act, employ play leaders, recreation directors, supervisors, superintendents, or any other officers or employees as they deem proper.

If the township commissioners shall determine that the power to equip, operate and maintain parks, recreation areas and facilities shall be placed in a recreation board, such board shall possess all the powers and be subject to all the responsibilities of the commissioners under this article. In such case, the recreation board shall exercise its powers and duties in establishing standards, qualifications and salary schedules, to be approved by the commissioners, for all classifications of recreation employees. Whenever boroughs, cities, counties, townships, school districts, or any of them, wish to develop a cooperative plan of recreation service with a township, the recreation board shall have the power to adjust the personnel, standards, qualifications and salary schedules as established, to be approved by the commissioners, to meet the terms of a joint operation agreed upon.]

(b) The authority to supervise, maintain and regulate parks, recreation areas and facilities may be vested in any existing body or board or in a park board or recreation board, as the board of commissioners may determine. The board of commissioners may equip, operate and maintain the parks, recreation areas and facilities as authorized by this act and shall, for the purpose of carrying out the provisions of this act, employ any officers or employees as they deem proper.

(c) If the board of commissioners determines that the power to equip, operate and maintain parks, recreation areas and facilities shall be exercised by a recreation board, the board of commissioners may, by ordinance, establish in the township a recreation board which shall possess those powers and duties as may be delegated to it by ordinance.

Section 3010. Composition of Park or Recreation Boards.--[Park or recreation boards, when established, shall consist of five or seven persons, and when established in a township having a school board, two of the members shall be members or appointees of the school board. The other members of such boards shall be appointed by the commissioners of such

township. The members of the board shall serve for terms of five years or until their successors are appointed, except that the members of such board first appointed shall be appointed for such terms that the terms of not more than two members shall expire annually thereafter. Members of such board shall serve without pay. All persons so appointed shall serve their full terms unless they shall voluntarily resign or be removed by the township commissioners for malfeasance or nonfeasance of duty. Vacancies in such board, occurring otherwise than by expiration of term, shall be filled for the unexpired term, in the same manner as original appointments.] **(a) Park or recreation boards, when established, shall consist of five or seven persons who are residents of or property owners in the township and shall be appointed by the board of commissioners.**

(b) The members of the park or recreation board shall serve for terms of five years or until their successors are appointed, except that the members of the board first appointed shall be appointed for staggered terms so that the terms of no more than two members shall expire annually thereafter.

(c) Members of the board shall serve without pay.

(d) All persons appointed to the board shall serve their full terms unless they shall voluntarily resign or be removed by the board of commissioners for malfeasance or nonfeasance of duty. Vacancies in the board, occurring other than by expiration of term, shall be filled for the unexpired term, in the same manner as original appointments.

Section 3011. Organization of Park or Recreation Boards; [Powers and Duties Delegated to the Board by the Commissioners.-- The members of a park board or recreation board, established pursuant to this article, shall elect their own chairman and secretary and select all other necessary officers, to serve for a period of one year, and may employ such persons as may be needed as authorized by this article. Such board shall have power to adopt rules and regulations for the conduct of all business within their jurisdiction. Its jurisdiction shall include the right to select, employ and discharge all recreation personnel used to carry out the provisions of this article. It shall be the duty of the recreation board and its executive to submit an annual report to the township commissioners, including an analysis of the community recreation areas, facilities and leadership, with particular reference to the extent and adequacy of the program and its effectiveness in view of the public expenditure involved and the public needs to be met.] **Delegated Powers and Duties.-- The members of a park board or recreation board established pursuant to this article shall elect their own chairperson and secretary and select all other necessary officers to serve for a period of one year. The park or recreation board may, if delegated, select, employ or discharge persons as may be needed as authorized by this article. The board shall have power to adopt rules and regulations for the conduct of all business within its jurisdiction unless otherwise provided by the ordinance establishing the board. The board shall submit an annual report to the board of commissioners, including an analysis of the community recreation areas, facilities and leadership, with particular reference to the extent and adequacy of the program and its effectiveness in view of the public expenditure involved and the public needs to be met.**

Section 3012. Maintenance and Tax Levy.--[All expenses incurred in the maintenance and operation of such parks, recreation areas and facilities, established as herein provided,

shall be payable from the treasury of such township or borough, city, county or school district, as may be provided for by the agreement of the corporate authorities. The township commissioners of such township may annually appropriate and cause to be raised by taxation an amount necessary for the purpose of maintaining and operating the parks, recreation areas and facilities and programs. The township commissioners may cause to be raised by special taxation such tax, for the purpose of maintaining and operating the parks, recreation areas and facilities and the programs thereon.] **(a) All expenses incurred in the maintenance and operation of parks, recreation areas and facilities established under this article shall be payable from the treasury of the township or from the treasury of the applicable political subdivisions pursuant to an intergovernmental cooperation agreement.**

(b) The board of commissioners may annually appropriate and raise by general or special taxation an amount necessary for the purpose of maintaining and operating the parks, recreation areas and facilities and programs.

Section 3013. Joint Ownership and Maintenance.--[Townships may, jointly with cities, counties, boroughs, other townships of either class, or any combination or number of such units, acquire property for, operate and maintain, any parks, public recreation areas and facilities. Any school district may join with the township in equipping, operating and maintaining parks, public recreation areas and facilities and may appropriate money therefor.] **(a) Any township may join or create, with one or more municipalities, a joint recreation board in accordance with 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental cooperation). The joint recreation board may acquire property for and operate and maintain any parks, public recreation areas and facilities. Any school district may join with the township in equipping, operating and maintaining parks, public recreation areas and facilities and may appropriate money therefor.**

(b) All the costs and expenses of the joint recreation board, including those relative to property jointly acquired, shall be paid for by the respective municipalities as specified in the intergovernmental cooperation agreement.

Section 3014. Issue of Bonds.--The township may incur indebtedness and may issue general obligation bonds for the purpose of acquiring lands or buildings for parks and recreation areas and the equipment thereof **in accordance with 53 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and borrowing).**

Section 3020. Right of Establishment.--Townships may [by ordinance establish a commission to be known as the Shade Tree Commission but in townships where the township commissioners shall not elect to create by ordinance a Shade Tree Commission, the township commissioners may exercise all the rights and perform the duties and obligations imposed by this article upon the Shade Tree Commission.], **by ordinance, establish a shade tree commission. In townships where the township commissioners shall not elect to create by ordinance a shade tree commission, the board of commissioners may exercise all the rights and perform the duties and obligations imposed by this article upon the shade tree commission.**

Section 3021. [Personnel of Commission; Appointment; Terms; Vacancies.--Except as otherwise provided in this section, the commission shall be composed of three residents of the township who shall be appointed by the township commissioners and shall serve without compensation.

The township commissioners may, by ordinance, provide that the commission be composed of five members who shall be residents of the township, shall be appointed by the township commissioners and shall serve without compensation.

Whenever a shade tree commission of three members is established by any township, the township commissioners shall appoint--one member for a term of three years, one for a term of four years, and one for a term of five years.

Whenever a shade tree commission of five members is established by any township, the township commissioners shall appoint members to staggered terms so that one term expires every year.

On the expiration of the term of any shade tree commissioner, a successor shall be appointed by the township commissioners, to serve for a term of five years.

Vacancies in the office of shade tree commissioner shall be filled by the township commissioners for the unexpired term.]

Appointment; Terms; Vacancies.--(a) A shade tree commission shall be composed of three or five residents of the township who shall be appointed by the board of commissioners and shall serve without compensation.

(b) If a shade tree commission of three members is established by any township, the board of commissioners shall appoint one member for a term of three years, one for a term of four years, and one for a term of five years. If a shade tree commission of five members is established by any township, the board of commissioners shall appoint members to staggered terms so that one term expires every year. On the expiration of the term of any shade tree commissioner, a successor shall be appointed by the board of commissioners to serve for a term of five years.

(c) Vacancies in the office of shade tree commissioner shall be filled by the board of commissioners for the unexpired term.

Section 3022. Powers may be Vested in Park Commission.--[Whenever, in any township, there exists a commission for the care of public parks, the township commissioners may, by ordinance, confer on the park commission all the powers and all the duties prescribed by this article for the shade tree commission.] **If in any township there exists a commission for the care of public parks, the board of commissioners may, by ordinance, confer on the park commission all the powers and all the duties prescribed by this article for the shade tree commission.**

Section 3023. General Powers of [Commission.--The commission shall have exclusive custody and control of the shade trees in the township, and is authorized to plant, remove, maintain, and protect shade trees on the public streets and highways in the township.] **Shade Tree Commission.--Except as provided in section 2070, the shade tree commission shall have exclusive custody and control of the shade trees in the township, and is authorized to plant, remove, maintain and protect shade trees on the public streets and highways in the township.**

Section 3024. Hiring of Employees; [Legislative Power of Commission.--The commission may, with the approval of the township commissioners, employ and pay such superintendents, engineers, foresters, tree wardens, or other assistants, as the proper performance of the duties devolving upon it shall require, and may make, publish and enforce regulations for the care and protection of the shade trees of the township. No such regulation shall be in force until it has been approved by the township commissioners, and until it has been published at least twice in not more than two newspapers of general circulation

in the township, and if no newspapers are published in the township, then in such newspapers circulating in the township.] **Regulations.--The shade tree commission may, with the approval of the board of commissioners, select, employ and discharge and pay persons to perform the duties and directions of the shade tree commission and make, publish and enforce regulations for the care and protection of the shade trees of the township. No regulations shall be in force until approved by the board of commissioners and until published at least once in a newspaper of general circulation in accordance with the provisions of section 110.**

Section 3025. Report of [Commission.--The shade tree commission shall annually report in full, to the township commissioners, its transactions and expenses for the last fiscal year of the township. The park commission may incorporate such transactions and expenses in its regular report to the township commissioners.] **Shade Tree Commission.--The shade tree commission shall annually report in full to the board of commissioners its transactions and expenses for the preceding fiscal year of the township. The park commission may incorporate the transactions and expenses in its regular report to the board of commissioners.**

Section 3026. Notice of [Commission's Activities; Planting or Removal of Shade Trees.--Whenever any shade tree commission or park commission proposes to plant, transplant, or remove shade trees on any street or highway, notice of the time and place of meeting, at which such work is to be considered, shall be given in not more than two newspapers of general circulation in the township, and if no newspapers are published in the township, then in such newspapers circulating in the township, once a week for two weeks, immediately preceding the time of the meeting. The notice shall specify in detail the streets or highways, or portions thereof, upon which trees are proposed to be so planted, replanted, or removed.] **Work.--If a shade tree commission proposes to plant, transplant or remove shade trees on any street or highway, notice of the time and place of the meeting at which the work is to be considered shall be given once in one newspaper of general circulation immediately preceding the time of the meeting. The notice shall specify in detail the streets or highways, or portions thereof, upon which trees are proposed to be planted, transplanted or removed.**

Section 3027. [Landholders Liability for Costs.--The cost of planting, transplanting, or removing any shade trees in the streets or highways of the township, of the necessary and suitable guards, curbing, or grading for the protection thereof, and of the replacing of any pavement or sidewalk necessarily disturbed in the execution of such work, shall be paid by the owner of the real estate in front of whose property the work is done.

The amount each owner is to pay shall be ascertained and certified by the commission to the township commissioners and to the township treasurer.] **Payment by Owners; Assessment.--(a)**

The cost of planting, transplanting or removing any shade trees in the streets or highways of the township, of the necessary and suitable guards, curbing or grading for protection of the shade trees and of the replacing of any pavement or sidewalk necessarily disturbed in the execution of the work shall be paid by the owner of the real estate abutting the location of the work.

(b) In the event that the township undertakes the work described in this section, costs shall be assessed in accordance with Article XXV-A and if the benefit conferred method of assessment is used, the benefit conferred shall be no greater than actual costs.

Section 3027.1. Removal of Diseased [Trees.--The commission may, upon such notice as may be provided by ordinance, require owners of property to cut and remove trees afflicted with the Dutch elm or other disease which threatens to injure or destroy shade trees in the township, under regulations prescribed by ordinance. Upon failure of any such owner to comply with such notice, the township may cause the work to be done by the township and levy and collect the cost thereof from the owner of the property. The cost of such work shall be a lien upon the premises from the time of the commencement of the work, which date shall be fixed by the township engineer and shall be filed with the township secretary. Any such lien may be collected by action in assumpsit or by lien filed in the manner provided by law for the filing and collection of municipal claims.] **or Dangerous Trees.--The shade tree commission may, by regulation and upon notice provided by ordinance, require owners of property to cut and remove trees afflicted with any disease which threatens to injure or destroy shade trees in the township. Upon failure of any owner to comply with the notice, the township may cause the work to be done by the township and assess and collect the cost against the owner of the property in accordance with section 3027.**

Section 144. Section 3028 of the act is repealed:

[Section 3028. Assessments Liens.--Upon the filing of the certificate with the township commissioners, the township secretary shall cause thirty days' written notice to be given to the persons against whose property an assessment has been made. The notice shall state the amount of the assessment and the time and place of payment, and shall be accompanied by a copy of the certificate.

The amount assessed against the real estate shall be a lien from the time of the filing of the certificate with the township commissioners, and, if not paid within the time designated in the notice, a claim may be filed and collected by the township in the same manner as municipal claims are filed and collected.]

Section 145. Sections 3029 and 3030 of the act are amended to read:

Section 3029. Maintenance by Township; Funds For.--[The cost and expenses of caring for such trees after having been planted, and the expense of publishing the notice hereuntofore provided, shall be paid by the township.

The needed amount shall each year be certified by the shade tree commissioners to the township commissioners, and shall be drawn against as required by the commission, in the same manner as money appropriated for township purposes.

The township commissioners, instead of levying the tax authorized under the general tax levying powers of this act, may provide for the expense of caring for trees already planted and of publishing the notice, by appropriations equal to the amount certified to be required by the shade tree commission.]

(a) The cost and expenses of caring for shade trees after planting, and the expense of publishing the notice required by this article shall be paid by the township.

(b) The shade tree commission shall annually certify the amount needed under this article to the board of commissioners.

(c) Instead of levying the tax authorized under the general tax levying powers of this act, the board of commissioners may

provide for the expenses of caring for trees previously planted and publishing the notice, by appropriations equal to the amount certified to be required by the shade tree commission.

Section 3030. Penalties.--[The commission, to the extent as may be provided by ordinance of the township, may assess penalties for the violation of its regulations, and of this article so far as it relates to shade trees. Any penalty so assessed shall be a lien upon the real estate of the offender, and may be collected as municipal claims are collected.] **(a)**

As provided by ordinance of the township, the shade tree commission may assess penalties for the violation of its regulations and this article relating to shade trees. Any penalty assessed shall be a lien upon the real estate of the offender and may be collected as a municipal claim.

(b) All penalties or assessments imposed under this article shall be paid to the township treasurer to be kept in a separate fund and utilized only for the purposes authorized by this article.

Section 146. Section 3031 of the act is repealed:

[Section 3031. Disposition of Penalties.--All penalties or assessments imposed under this article shall be paid to the township treasurer, to be placed to the credit of the shade tree commission, subject to be drawn upon by the commission for the purposes of the preceding sections.]

Section 147. Section 3040 of the act is amended to read:

Section 3040. Right of Acquisition of Forest Lands.--[Townships may acquire, by purchase, gift, or lease, and hold tracts of land covered with forest or tree growth, or suitable for the growth of trees, and administer the same under the direction of the Department of Forests and Waters, in accordance with the practices and principles of scientific forestry, for the benefit of the township. Such tracts may be of any size suitable for the purpose, and may be located within or without the township limits.] **A township may acquire by purchase, gift or lease tracts of land covered with forest or tree growth or suitable for the growth of trees for the benefit of the township, and administer the tracts in accordance with the practices and principles of scientific forestry. The tracts may be of any size suitable for the purpose and may be located within or without the township limits.**

Section 148. Section 3041 of the act is repealed:

[Section 3041. Approval of Department of Forests and Waters.--Before the passage of any ordinance for the acquisition of land to be used as township forests, the township commissioners shall submit to the Department of Forests and Waters, and secure its approval of, the area and location of such land.]

Section 149. Sections 3042, 3043, 3044, 3045, 3046, 3047 and 3048 of the act are amended to read:

Section 3042. Ordinance and Notice.--[Whenever the township commissioners deem it expedient to acquire any lands for forests, they shall so declare in an ordinance, wherein shall be set forth all facts and conditions relating to the proposed action.] **If the board of commissioners deems it expedient to acquire land for forests, it shall enact an ordinance setting forth the facts and conditions relating to the proposed action.**

Section 3043. Appropriation for Acquisition.--[All money necessary for the purchase of such tracts shall be appropriated in the same manner as appropriations for township purposes, and such funds may be provided from the current revenue or by the

proceeds of a sale of general obligation bonds in accordance with existing law.] **Money necessary for the purchase of the tracts shall be appropriated in the same manner as appropriations for township purposes. Money may be provided from the current revenue or by the proceeds of a sale of general obligation bonds.**

Section 3044. [Rules and Regulations.--Upon the acquisition of any forests or lands suitable for forests, the township commissioners shall notify the Department of Forests and Waters, which shall make such rules for the government and proper administration of the same as may be deemed necessary; and the commissioners shall publish such rules, declare the uses of the forest in accordance with the intent of this subdivision, and make such provision for its administration, maintenance, protection, and development as shall be necessary or expedient. The rules governing the administration of such forests shall have for their main purpose the producing of a continuing township revenue by the sale of forest products.] **Regulations.--Upon the acquisition of any forests or lands suitable for forests, the board of commissioners may promulgate regulations governing the proper administration of the acquired forestry as necessary to produce continuing township revenue by the sale of forest products. The regulations may provide for the administration, maintenance, protection and development of the forests or lands suitable for forests as necessary or expedient.**

Section 3045. Appropriation for [Maintenance.--All moneys necessary to be expended for the administration, maintenance, protection, and development of such forests shall be appropriated and applied as is now done for township purposes. All revenue and emoluments arising from such forests shall be paid into the township treasury, to be used for general township purposes.] **Maintenance; Revenue.--Money necessary for the administration, maintenance, protection and development of forests shall be appropriated and applied for township purposes. The revenue and the return on the revenue arising from the forests shall be paid into the township treasury to be used for general township purposes.**

Section 3046. Use of Township Forests.--Township forests may be used by the public as general outing or recreation grounds[, subject to the rules of the Department of Forests and Waters governing their administration as municipal forests, and rules adopted by the township commissioners not inconsistent with law or regulations of the department.] **subject to the regulations under section 3044.**

Section 3047. Ordinance of Sale.--[Whenever the township commissioners deem it expedient to sell or lease any forest, or part thereof, or products therefrom, they shall so declare in an ordinance, wherein shall be set forth all the facts and conditions relating to the proposed action. No ordinance for the sale or lease of a municipal forest, or part thereof, shall be effective in legalizing such sale or lease until it has been approved by a majority vote of the people at the next ensuing general, municipal or primary election.] **(a) If the board of commissioners deem it expedient to sell or lease a township forest, a part of a township forest or a product from a township forest, the board shall enact an ordinance setting forth the facts and conditions relating to the proposed action.**

(b) To enact an ordinance under this section, the board shall comply with the advertising and bidding requirements of section 1501.1.

Section 3048. Appropriation of [Moneys to Forestry Organizations.--The commissioners of any township may appropriate moneys from their respective treasuries to any forest protection association, cooperating in forest work with the State Department of Forests and Waters, or to be expended in direct cooperation with said Department of Forests and Waters in forest work.] **Money to Forestry Organizations.--The board of commissioners may appropriate money from the township treasury to a forest protection association cooperating in forest work with the Department of Conservation and Natural Resources or to be expended in direct cooperation with the Department of Conservation and Natural Resources in forest work.**

Section 150. Article XXX-A heading and Article XXXI heading of the act are repealed:

[ARTICLE XXX-A
LAND SUBDIVISION
ARTICLE XXXI
ZONING]

Section 151. Sections 3103-A, 3105-A and 3106-A of the act are amended to read:

Section 3103-A. Changes in Uniform Construction Code.

The [township] **board of** commissioners may propose and enact an ordinance to equal or exceed the minimum requirements of the Uniform Construction Code in accordance with and subject to the requirements of section 503 of the Pennsylvania Construction Code Act. An ordinance exceeding the provisions of the Uniform Construction Code shall be required to meet the standards provided in section 503(j)(2) of the Pennsylvania Construction Code Act.

Section 3105-A. Property maintenance code.

(a) Property maintenance code.--Notwithstanding the primacy of the Uniform Construction Code, the [township] **board of** commissioners may enact a property maintenance ordinance, and they may incorporate a standard or nationally recognized property maintenance code, or a variation or change or part of the code, published and printed in book form, without incorporating the text of the code in the ordinance, or the **board of** commissioners may enact a standard or nationally recognized property maintenance code or a change or variation or part, as the ordinance. In either event, the ordinance, or a change or variation or part, need not be advertised after passage, but notice of its consideration, in reasonable detail, shall be published as will give adequate notice of its contents and a reference to the place or places within the township where copies of the proposed property maintenance code may be examined or obtained. The notice required by this subsection shall be published once in one newspaper of general circulation at least one week and not more than three weeks prior to the presentation of the proposed property maintenance code to the **board of** commissioners. No fewer than three copies of the ordinance adopted by the **board of** commissioners shall be made available for public inspection and use during business hours or be made available to an interested party at the cost of the copies or may be furnished or lent without charge. A property maintenance code adopted by reference need not be recorded in or attached to the ordinance book but shall be deemed to have been legally recorded if the ordinance by which the code was adopted by reference shall have been recorded, with an accompanying notation stating where the full text of the code shall have been filed. The ordinance may provide for reasonable property fines and penalties for violations of the ordinance. The procedure under this section relating to the adoption of the

ordinance may likewise be utilized in amending, supplementing or repealing a provision of the ordinance.

(b) Property maintenance inspectors.--The [township] **board of** commissioners may appoint property maintenance inspectors who shall have the right to enter upon and inspect any premises, subject to constitutional standards, at reasonable hours and in a reasonable manner for the administration and enforcement of the township's property maintenance code or ordinance incorporating a standard or nationally recognized property maintenance code. A fee payable to property maintenance inspectors under the ordinance shall be promptly paid by them to the township treasurer for the use of the township.

(c) Legal actions.--In addition to the penalties provided by the property maintenance ordinance, the township may institute appropriate actions or proceedings at law or in equity to prevent or restrain property maintenance violations.

(d) Construction.--The powers of a township as provided in this section shall be in addition to, but not limited to, the powers provided in the act of November 26, 2008 (P.L.1672, No.135), known as the Abandoned and Blighted Property Conservatorship Act, 53 Pa.C.S. Ch. 61 (relating to neighborhood blight reclamation and revitalization) and 68 Pa.C.S. Ch. 21 (relating to land banks).

Section 3106-A. Reserved powers.

If, as a result of legislative action or final order of court for which the time for appeal has expired and no appeal has been taken or from which there is no pending appeal, the Uniform Construction Code or a replacement code is no longer applicable in townships, the [township] **board of** commissioners may:

(1) Enact and enforce ordinances to govern and regulate the construction, reconstruction, alteration, extension, repair, conversion, maintenance, occupation, sanitation, ventilation, heating, egress, lighting, electrical wiring, water supply, toilet facilities, drainage, plumbing, fire prevention, fireproofing, including prescribing limitations wherein only buildings of noncombustible material and fireproofed roofs are used in construction, erection or substantial reconstruction, use and inspection of all buildings and housing or parts of buildings and housing and the roofs, walls and foundations of buildings and housing, and all facilities and services in or about the buildings or housing constructed, erected, altered, designed or used, in whole or in part, for use or occupancy, and the sanitation and inspection of land appurtenant to the buildings or housing. The codes may be combined or separately enacted or combined with the property maintenance code. The [township] **board of** commissioners may adopt, amend or incorporate by reference a standard or nationally recognized code or a variation or change or part of the code as its ordinance in the manner provided in section 3105-A. The ordinance may provide for reasonable fines and penalties for violations of the ordinance.

(2) Require that, before work of construction, reconstruction, alteration, extension, repair or conversion of a building has begun, approval of the plans and specifications be secured.

(3) Appoint building inspectors, housing inspectors, property maintenance inspectors, fire prevention inspectors, electrical inspectors and plumbing inspectors and fix their compensation. The inspectors shall have the right to enter upon, subject to constitutional standards, and inspect a premises at reasonable hours and in a reasonable manner, for

the administration and enforcement of the township's adopted codes or ordinances incorporating standard or nationally recognized codes. A fee payable to inspectors under the ordinances shall be paid by them to the township treasurer for the use of the township as promptly as may be.

(4) In addition to the penalties provided by ordinances, institute appropriate actions or proceedings at law or in equity to prevent or restrain the unlawful construction, reconstruction, alteration, extension, repair, conversion, maintenance, use or occupation of property located within the township, to restrain, correct or abate the violation and to prevent the use or occupancy of the building, housing or structure.

Section 152. Article XXXII heading and Article XXXIII of the act are repealed:

[ARTICLE XXXII
TOWNSHIP PLANNING COMMISSION
ARTICLE XXXIII
ENFORCEMENT OF ORDINANCES

Section 3301. Proceedings for Violation of Township Ordinances.--All proceedings for the violation of township ordinances, and for the collection of fines and penalties, may be commenced by warrant or by summons, at the discretion of the justice of the peace before whom the proceeding is begun. No warrant shall be issued except upon complaint, on oath or affirmation, specifying the ordinance for the violation is issued. All proceedings shall be served and executed within the State by any policeman or constable of the township. Persons arrested for violation of a township ordinance shall be entitled to give bail for their appearance as provided for summary proceedings. Except where otherwise provided by law, warrants shall be returnable with the right of appeal from any final judgment as provided for summary proceedings,

Section 3302. Arrests on View; Complaints.--When any person is arrested on view, a complaint on oath or affirmation shall be immediately made, and proceedings as if a warrant is issued.

Section 3304. Incarceration of Violators of Township Ordinances; Collection of Fines and Penalties.--Any person arrested for the violation of a township ordinance may be committed to the township lockup pending a hearing or trial. In case there is no suitable lockup or place in which to detain prisoners, the person arrested may be committed to the county jail or workhouse. No person shall be committed, pending a hearing, for a longer period than twenty-four hours except where Sunday intervenes. Upon judgment against any person by summary conviction or by proceedings by summons, on default of the payment of the fine or penalty imposed by said judgment and the costs, the defendant may be sentenced and committed to the township lockup for a period not exceeding five days, or to the county jail or workhouse for a period not exceeding thirty days. No fine or penalty shall exceed three hundred dollars for any single violation of any ordinance. In case the defendant has goods or property of any kind whatsoever, out of which said judgment and costs can be collected by execution, capias, or other process, the plaintiff in the action may elect to proceed to collect the said judgment by the proceedings.

Section 3305. Township's Liability for Costs of Prisoners to County.--When a prisoner is committed to any county jail or workhouse, either for the nonpayment of a fine or penalty imposed for the violation of any ordinance of a township, or while awaiting a hearing upon any charge for the violation of any ordinance of a township, the costs of proceedings and the

expenses of maintaining such prisoner during his confinement, shall be paid by the township whose ordinances were alleged to have been violated or to which any such fines or penalties are payable. The county shall not be liable for any maintenance or to any officer or persons for any costs.]

Section 153. The act is amended by adding an article to read:

**ARTICLE XXXIII-A
ORDINANCES**

(a) General Provisions

Section 3301-A. Ordinances and resolutions.

(a) General rule.--The board of commissioners shall enact ordinances in accordance with this article and the laws of this Commonwealth in which the powers of the township shall be exercised as deemed beneficial to the township and to provide for the enforcement of the powers of the township. The board of commissioners may amend, repeal or revise existing ordinances by the enactment of subsequent ordinances.

(b) Ordinances.--Every legislative act of the board of commissioners shall be by ordinance. Legislative acts shall include, but not be limited to:

(1) Legislation doing any of the following:

(i) Exercising the police power of the township.

(ii) Regulating land use, development and subdivision.

(iii) Imposing building, plumbing, electrical, property maintenance, housing and similar standards.

(iv) Regulating the conduct of a person or entity within the township and imposing penalties for violation of the regulated conduct.

(2) Imposing assessments on benefited property for public improvements in accordance with Article XXV-A.

(3) Increasing the rate of taxation from the previous fiscal year.

(c) Resolutions.--The board of commissioners shall adopt resolutions in accordance with this article and the laws of this Commonwealth. Resolutions may be adopted for any purpose, including, but not limited to, the following:

(1) Ceremonial or congratulatory expressions of the good will of the board of commissioners.

(2) Statements of public policy of the board of commissioners.

(3) Approval of formal agreements of the township, except for agreements arising under an established purchasing system of the township.

(4) Approval, if required, of administrative rules, regulations and bylaws arising under State statutes or township ordinances.

(5) Levying taxes at the same rate as or a rate lower than the previous fiscal year.

Section 3302-A. Publication.

(a) Requirements.--Except as provided under this article or other law, the board of commissioners shall publish every proposed ordinance once in one newspaper of general circulation at least seven days and not more than 60 days prior to enactment. Publication of any proposed ordinance shall include all of the following:

(1) The full text or the subject matter and a brief summary prepared by the township solicitor setting forth all the provisions in reasonable detail.

(2) A reference to the township office or other place where township records are kept where copies of the proposed ordinance may be examined.

(b) Summary.--If the full text is not included in the publication of the proposed ordinance, the following shall apply:

(1) The newspaper in which the proposed ordinance is published shall, upon request, be furnished a copy of the full text without charge.

(2) The following shall apply:

(i) In addition to copies of the full text of the proposed ordinance retained where township records are kept in accordance with subsection (a), an attested copy of the full text shall be filed within 30 days after enactment in the county law library or other county office designated by the county commissioners.

(ii) The county commissioners may impose a fee not greater than the actual costs of storing the proposed ordinance.

(iii) 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. No fee pursuant to clause (ii) shall be imposed for storing an electronic copy of an ordinance.

(iv) Upon request by the township, the county shall notify the township of the method by which electronic copies may be submitted.

(v) The county may store the ordinance electronically if the public is able to access the electronically stored township ordinances during regular business hours at the office or at a remote location.

(vi) The township shall retain a printed copy of the email and ordinance as transmitted.

(3) The date of the filing with the county under paragraph (2) shall not affect the effective date of the ordinance and shall not be deemed a defect in the process of the enactment of the ordinance.

(c) Notice of amendments.--If substantial amendments are made in the proposed ordinance, before voting upon enactment, the board of commissioners shall within at least ten days before enactment readvertise in one newspaper of general circulation the subject matter and a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments. A copy of the full text of the amended proposed ordinance shall be retained where township records are kept.

(d) Maps.--When maps, plans or drawings of any kind are adopted as part of an ordinance, instead of publishing them as part of the proposed ordinance, the board of commissioners may refer in publishing the proposed ordinance to the place where the maps, plans or drawings are on file and may be examined. Section 3303-A. Recording and proof.

(a) Recording.--All township ordinances and all township resolutions pertaining to tax levies shall, within thirty days after enactment, be recorded by the township secretary in an ordinance book. A failure to record within the time provided shall not be deemed a defect in the process of enactment of the ordinance or resolution pertaining to a tax levy. The ordinance book shall be open to the inspection of citizens during normal business hours.

(b) Proof.--All ordinances may be proved by the certificate of the township secretary under the corporate seal. If an ordinance is printed or published in book or pamphlet form by the authority of the township, the ordinance shall be accepted as evidence without further proof. The entry of the township ordinance in the ordinance book shall be sufficient without the signature of the president of the board of commissioners or other person.

(c) Prior ordinances.--The text of a township ordinance or a portion of an ordinance which was attached to the ordinance book before July 31, 1963, shall be considered in force as if the ordinances or portions of ordinances had been recorded directly upon the pages of the ordinance book if all other requirements of this act applicable to the enactment, approval, advertising and recording of the ordinances or portions of ordinances were complied with within the time limits prescribed under this act.

Section 3304-A. Codification of ordinances.

(a) Consolidation, codification and revision.--The board of commissioners may prepare or have prepared a consolidation, codification or revision of the general body of township ordinances or the ordinances on a particular subject. The board of commissioners may enact the consolidation, codification or revision as an ordinance of the township except the required advertised notice of the proposed enactment of the consolidation, codification or revision shall specify its general nature and shall include a listing of its table of contents. The procedure 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 the advertisement giving notice of the proposed enactment shall list, in lieu of a table of contents, the titles only of each of the ordinances in the complete group or body of ordinances.

(b) Enactment.--For a consolidation, codification or revision under subsection (a), the ordinance shall be introduced by the board of commissioners at least 30 days before its final enactment and, at least 15 days before final enactment, notice of the introduction of the ordinance shall be given by advertisement in a newspaper of general circulation.

(c) Subsequent notice.--When any consolidation, codification or revision under subsection (a) has been enacted as an ordinance, it shall not be necessary to advertise the entire text, but it shall be sufficient to publish a notice stating that the consolidation, codification or revision, which had previously been given, was finally enacted.

Section 3305-A. Appeals from ordinances.

Complaint as to the legality of any ordinance or resolution shall be made to the court of common pleas pursuant to 42 Pa.C.S. § 5571.1 (relating to appeals from ordinances, resolutions, maps, etc.). In cases of ordinances laying out streets over private lands, the court shall have jurisdiction to review the propriety as well as the legality of the ordinance.

Section 3306-A. Standard or nationally recognized codes.

(a) Authority to enact.--In the same manner as other ordinances, and except as otherwise provided in this article or the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, the board of commissioners may enact, by reference to a standard or nationally recognized

code, all or a portion of the standard or nationally recognized code as an ordinance of the township. 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 enacted. Three copies of the proposed standard or nationally recognized code, portion of the code or amendment to the code shall be filed with the secretary of the township at least 10 days before the board of commissioners considers the proposed ordinance. Upon enactment, a copy shall be kept with the ordinance book and available for public use, inspection, examination and copying.

(b) Time frame.--

(1) Except as otherwise provided by the Pennsylvania Construction Code Act and regulations adopted pursuant to the act, an ordinance adopting, by reference, a standard or nationally recognized code shall be enacted within 60 days after it is filed with the secretary of the township and shall encompass the provisions of the code effective as of the code date stated in the ordinance.

(2) A 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.

(3) An ordinance which incorporates standard or nationally recognized code amendments by reference shall become effective after the same procedure and in the same manner as is specified in this section for original adoption of the code.

(c) Technical regulations or code.--An ordinance that incorporates, by reference, standard technical regulations or code shall be subject to the provisions of the Pennsylvania Construction Code Act, if applicable.

(b) Enforcement

Section 3321-A. Fines and penalties.

(a) Prescription.--

(1) A township ordinance shall prescribe fines and penalties for violation.

(i) A civil penalty may not exceed \$600 per violation.

(ii) The board of commissioners may prescribe a criminal fine not to exceed \$1,000 per violation and may prescribe imprisonment to the extent allowed by law for the punishment of a summary offense.

(2) An ordinance under this subsection may provide that a separate violation under paragraph (1)(i) or (ii) shall arise for:

(i) each day of violation; and

(ii) each applicable section of the ordinance.

(3) An ordinance may provide for assessment of court costs and reasonable attorney fees incurred by the township in the enforcement proceedings.

(4) The board of commissioners may delegate the initial determination of ordinance violation and the service of notice of violation to a qualified officer or agent.

(b) Enforcement at law.--Unless otherwise provided by statute, a township ordinance shall set forth the method of its enforcement in accordance with the following:

(1) Except as provided in paragraph (2), if the penalty is not paid, the township shall initiate a civil action for collection in accordance with the Pennsylvania Rules of Civil

Procedure. A township shall be exempt from the payment of costs in an action under this paragraph.

(2) For an ordinance regulating building, housing, property maintenance, health, fire, public safety, parking, solicitation, curfew, water or air or noise pollution, enforcement shall be by a criminal action in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The municipal solicitor may assume charge of the prosecution without the consent of the district attorney as required under Pa.R.Crim.P. No. 454 (relating to trial in summary cases). Violations of the property maintenance code or ordinance may also be enforced under section 3105-A(c).

(3) Except for an ordinance subject to paragraph (2), an ordinance enacted prior to the effective date of this section shall be deemed automatically amended so that it shall be enforced under paragraph (1).

(4) If a civil claim under this subsection, exclusive of interest, costs or fees, exceeds the monetary jurisdiction of a magisterial district judge under 42 Pa.C.S. § 1515(a) (relating to jurisdiction and venue), the township may:

(i) bring the action in a court of common pleas;

or

(ii) make a waiver under 42 Pa.C.S. § 1515(a)(3).

(c) Enforcement in equity.--In addition to or in lieu of enforcement under subsection (b), a township may enforce an ordinance in equity in a court of common pleas of the county where the township is situate.

(d) Payment.--Money collected under subsection (b) shall be paid to the township treasurer.

Section 3322-A. Commitment pending trial.

An individual arrested for the violation of a township ordinance may, pending hearing or trial, be committed to the township lockup, or if there is no suitable township lockup, a county correctional facility.

Section 3323-A. Township's liability for costs of prisoners to county.

If a prisoner is committed to a county correctional facility under section 3322-A, the expenses of maintaining the prisoner during confinement shall be paid by the township and the county shall not be liable for the maintenance.

Section 154. Sections 3406 and 3501 of the act are amended to read:

Section 3406. [Recovery of Municipal Claims by Suit.--In addition to the remedies provided by law for the filing of liens for the collection of municipal claims, townships may proceed for the recovery and collection of municipal claims by action of assumpsit against the person or persons who were the owner or owners of the property at the time of the completion of the improvement, notwithstanding the fact that there was a failure on the part of any such township, or its agents, to enter any such municipal claim as a lien against the property assessed for the improvement, and for the recovery of which the action of assumpsit was brought. Any such action in assumpsit shall be commenced within three years after the completion of the improvement from which said claim arises.] **Collection of Municipal Claims.--(a)** In addition to the remedies provided by law for the filing of liens for the collection of municipal claims, including, but not limited to, water rates, sewer rates and the removal of nuisances, townships may proceed for the recovery and collection of municipal claims by action of assumpsit against the person or persons who were the owner or

owners of the property at the time of the completion of the improvement or at the time the water or sewer rates or the cost of the removal of nuisances first became payable, notwithstanding the fact that there was a failure on the part of the township or its agents to enter the municipal claim as a lien against the property assessed for the improvement or for the furnishing of water or sewer services and for the removal of nuisances, and for the recovery of which the action of assumpsit was brought.

(b) The action in assumpsit shall be commenced either within six years after the completion of the improvement from which the claim arises or within six years after the applicable rates or the cost of abating a nuisance first became payable.

Section 3501. **Repeals.**--(a) Nothing contained in this amendment, revision and reenactment shall be construed to revive any act or part of an act heretofore repealed.

(b) The following additional acts and parts of acts are hereby repealed as respectively indicated:

(1) The act, approved the twenty-second day of June, one thousand nine hundred thirty-one (Pamphlet Laws 844), entitled, as amended, "An act authorizing the Commonwealth of Pennsylvania, or any department or division thereof, and counties, cities, boroughs, incorporated towns, townships, school districts, vocational school districts, and institution districts to make contracts of life, health, hospitalization, medical services, and accident policies for the benefit of employes thereof, and contracts for pensions for such employes; and providing for the payment of the cost thereof," so far as it relates to townships of the first class.

(2) The act, approved the twenty-second day of June, one thousand nine hundred thirty-one (Pamphlet Laws 845), entitled "An act authorizing the publication of advertisements for bids for public works, supplies or equipment in certain publications and journals devoted to information about construction work," so far as it relates to townships of the first class.

(3) The act, approved the first day of May, one thousand nine hundred thirty-five (Pamphlet Laws 124), entitled "An act authorizing the insurance of deposits of funds, of this Commonwealth and of the political subdivisions thereof, with the Federal Deposit Insurance Corporation or other similar agency; and prohibiting requiring further security for amounts so insured," so far as it relates to townships of the first class.

(4) The act, approved the eighteenth day of July, one thousand nine hundred thirty-five (Pamphlet Laws 1173), entitled "An act to prohibit discrimination on account of race, creed or color in employment under contracts for public buildings or public works," so far as it relates to townships of the first class.

(5) The act, approved the sixteenth day of March, one thousand nine hundred thirty-seven (Pamphlet Laws 98), entitled "An act authorizing political subdivisions to stipulate in specifications, upon which contracts for the construction, alteration or repairs of any public work or improvement are entered into, the minimum wages to be paid to laborers and mechanics, and providing for the stipulation of penalties in such contracts where such minimum wage stipulations are violated, and for the recovery of such penalties, and their return in certain cases," so far as it relates to townships of the first class.

(6) The act, approved the fifth day of June, one thousand nine hundred forty-one (Pamphlet Laws 84), entitled "An act providing for and regulating the appointment, promotion and reduction in rank, suspension and removal of paid members of the police force in boroughs, incorporated towns and townships of the first class maintaining a police force of not less than three members; creating a civil service commission in each borough, incorporated town and township of the first class; defining the duties of such civil service commission; imposing certain duties and expense on boroughs, incorporated towns and townships of the first class; imposing penalties, and repealing inconsistent laws," so far as it relates to townships of the first class.

(7) The act, approved the first day of June, one thousand nine hundred forty-five (Pamphlet Laws 1232), entitled "An act providing for and regulating the appointment, promotion and reduction in rank, suspension and removal of paid operators of fire apparatus in boroughs, incorporated towns and townships of the first class; creating a civil service commission in each borough, incorporated town and township of the first class; defining the duties of such civil service commission; imposing certain duties and expenses on boroughs, incorporated towns and townships of the first class; imposing penalties; and repealing inconsistent laws," so far as it relates to townships of the first class.

(8) The act of April 9, 1931 (P.L.22, No.20), entitled "An act to validate and confirm tax levies made for general township purposes, in excess of ten mills, by boards of township commissioners of townships of the first class, when such excess was for the purpose of the payment of interest on indebtedness and sinking fund charges," absolutely.

(9) The act of July 2, 1937 (P.L.2803, No.588), entitled "An act providing a method of annexation of townships of the first class, and parts thereof, to cities and boroughs, and regulating the proceedings pertaining thereto," absolutely.

(10) The act of July 18, 1935 (P.L.1172, No.381), entitled "An act requiring tax collectors of townships of the first class to secure from banks, banking institutions or trust companies a bond to secure payment of deposits of all township tax money deposited therein by such tax collector, secured by a surety company authorized to transact business within the Commonwealth of Pennsylvania, or a depository agreement secured by the deposit of bonds or interest bearing securities of the United States, the Commonwealth of Pennsylvania, or any city, borough, township or school district in the Commonwealth of Pennsylvania," absolutely.

(c) All other acts and parts of acts inconsistent with, supplied by, or appertaining to the subject matter covered by this act are repealed. It is the intention that this act shall furnish a complete and exclusive system for the government and regulation of townships of the first class, except as to the several matters enumerated in section 103 of this act.

(d) This act shall not repeal or modify any of the provisions of the following:

(1) 66 Pa.C.S. Pt. I (relating to Public Utility Code).

(2) A law, the enforcement of which is vested in the Department of Health.

(3) A law, the enforcement of which is vested in the Department of Environmental Protection.

(4) A law, the enforcement of which is vested in the Department of Conservation and Natural Resources.

Section 155. Section 3502 of the act is repealed:

[Section 3502. All other acts and parts of acts inconsistent with, supplied by, or appertaining to the subject matter covered by this act are repealed. It is the intention that this act shall furnish a complete and exclusive system for the government and regulation of townships of the first class, except as to the several matters enumerated in section 103 of this act. This act shall not repeal or modify any of the provisions of the Public Utility Law, nor any law, the enforcement of which is vested in the Department of Health or the Sanitary Water Board, or the provisions of any law, the enforcement of which is vested in the Department of Forests and Waters or the Water and Power Resources Board.]

Section 156. This act shall take effect in 60 days.

APPROVED--The 29th day of October, A.D. 2020.

TOM WOLF