

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 2073 Session of  
2019INTRODUCED BY MOUL, JAMES, EVERETT, FREEMAN AND SAPPEY,  
NOVEMBER 20, 2019

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, NOVEMBER 20, 2019

## AN ACT

1 Amending the act of June 24, 1931 (P.L.1206, No.331), entitled  
2 "An act concerning townships of the first class; amending,  
3 revising, consolidating, and changing the law relating  
4 thereto," in preliminary provisions, further providing for  
5 definitions, for excluded provisions, for construction of act  
6 generally, for construction of references, for how act  
7 applies and for saving clauses where class of townships  
8 changed, repealing provisions relating to exception as to  
9 taxation and further providing for legal advertising; in  
10 classification and creation of townships of the first class,  
11 further providing for article heading and for provisions  
12 relating to classification, repealing provisions relating to  
13 enrollment to ascertain population, providing for creation of  
14 townships of the first class from townships of the second  
15 class, repealing provisions relating to proclamations by  
16 county commissioners, to submission of question to voters, to  
17 returns of election and effect thereof, to ascertainment of  
18 population and to submission of question to voters and  
19 returns of election and effect thereof, providing for  
20 reestablishment of townships of the second class, further  
21 providing for subdivision heading, providing for  
22 consolidation or merger, further providing for officers for  
23 new townships, repealing provisions relating to election of  
24 commissioners in new townships and to election of tax  
25 collector in new townships, further providing for certificate  
26 of creation of township and providing for change of name of  
27 township of first class; repealing provisions relating to  
28 change of name of township of first class; in townships lines  
29 and boundaries, further providing for stream boundaries, for  
30 establishment of boundaries, for petition to court and  
31 commissioners' report, for exceptions and procedure, for  
32 monuments, for compensation and expenses of commissioners and  
33 cost and for adjustment of indebtedness; in wards, further  
34 providing for creation, division and redivision of wards,



1 providing for petition of electors, repealing provisions  
2 relating to filing and confirmation of report and exceptions,  
3 providing for county board of elections, repealing provisions  
4 relating to compensation of commissioners, to election  
5 districts and to numbering of wards, further providing for  
6 schedule for election of commissioners in townships first  
7 divided into wards and for schedule of election of  
8 commissioners in newly created wards and providing for  
9 Pennsylvania Election Code; in election of officers and  
10 vacancies in office, further providing for eligibility, for  
11 hold until successors qualified and for elected officers  
12 enumerated, repealing provisions relating to commissioners,  
13 to tax collector, to assessors, to auditors and to controller  
14 and further providing for vacancies in general; in general  
15 provisions relating to township officers, further providing  
16 for oath, for bonds, for compensation, for removal of  
17 township officers and appointees and for annuities in lieu of  
18 joining pension or retirement system, repealing provisions  
19 relating to county associations of township officers, further  
20 providing for formation of State association authorized,  
21 repealing provisions relating to delegates from townships,  
22 providing for authorization to attend annual meetings and  
23 educational conferences, further providing for expenses of  
24 delegates paid by townships, repealing provisions relating to  
25 expenses of annual meeting and to conferences, institutes and  
26 schools, providing for provisions relating to county  
27 associations of township officers, further providing for  
28 subdivision heading, for appointments of police and firemen,  
29 for civil service commission created, appointments and  
30 vacancies, for offices incompatible with civil service  
31 commissioner, for organization of commission and quorum, for  
32 clerks and supplies, for rules and regulations, for minutes  
33 and records, for investigations, for subpoenas, for annual  
34 report, for general provisions relating to examinations, for  
35 application for examination, for rejection of applicant and  
36 hearing, for eligibility list and manner of filling  
37 appointments, for age and applicant's residence, for  
38 probation period, for provisional appointments, for  
39 promotions, for physical and psychological medical  
40 examinations, for removals, for hearings on dismissals and  
41 reduction, for present employees exempted, for discrimination  
42 on account of political or religious affiliations and for  
43 penalty, repealing provisions relating to salaries of civil  
44 service commission and further providing for police force and  
45 fire apparatus operators defined; in township commissioners,  
46 further providing for organization and failure to organize,  
47 for monthly meetings, quorum and voting, for compensation and  
48 for reports to auditors; in appointed township treasurer,  
49 further providing for township treasurer, for treasurer's  
50 bond, for treasurer's duties, for use of special funds and  
51 penalty and for depositories of township funds; in tax  
52 collector, further providing for powers and duties of tax  
53 collector; in township secretary, further providing for  
54 election of secretary and salary, for assistant secretary,  
55 for duties and penalty and for records open to inspection; in  
56 auditors, providing for subarticle heading, further providing  
57 for meetings, general duties and compensation, providing for  
58 compensation, further providing for subpoenas, power to  
59 administer oaths and penalty, for surcharges, auditors'  
60 report and publication of financial statements, for canceling



1 orders, for penalty for failure to perform duty and for  
2 employment and compensation of attorney, providing for  
3 surcharge by auditors, further providing for balances due to  
4 be entered as judgments, for collection of surcharges, for  
5 appeals from report, for appeal bond and for consolidation of  
6 appeals, repealing provisions relating to testimony and  
7 argument, to framed issues and to prima facie evidence,  
8 further providing for judgment and for cost, repealing  
9 provisions relating to appeals, further providing for counsel  
10 fees and providing for provisions relating to appointed  
11 independent auditor; in controller, further providing for  
12 oath and bond of controller, for salary of controller, for  
13 general powers and duties of controller, may require  
14 attendance of witnesses and penalty, for controller to  
15 countersign warrants, for controller to prevent appropriation  
16 over drafts, for amount of contracts to be charged against  
17 appropriations, for management and improvement of township  
18 finances, for books to be kept by controller, for appeals  
19 from controller's report, bond and procedure on appeal and  
20 for controller to retain books, documents, et cetera and  
21 pending appeals; in township solicitor, further providing for  
22 election and vacancies, repealing provisions relating to bond  
23 and further providing for solicitor to have control of law  
24 matters and for duties of solicitor; in township engineer,  
25 further providing for election of township engineer, term and  
26 filling of vacancies, repealing provisions relating to bond,  
27 further providing for control of engineering matters, for  
28 duties and preparation of plans, for certificate of  
29 commencement and of completion of municipal improvements and  
30 for surveys and repealing provisions relating to real estate  
31 registry; providing for township manager; providing for  
32 veterans' affairs; in police, further providing for  
33 appointment, compensation and training of policemen,  
34 providing for special fire police, further providing for  
35 chief of police and other officers, for powers of policemen,  
36 for service of process and fees and for supervision of  
37 police, repealing provisions relating to keepers to receive  
38 prisoners, further providing for badge, for not to receive  
39 fees, for establishment of police pension fund and management  
40 and for private police pension funds and optional transfers,  
41 repealing provisions relating to minimum service for  
42 retirement, to retirement allowance, to general funds of  
43 township not liable, to township appropriations, gifts and  
44 management, to reasons for denying retirement allowance and  
45 to annuity contracts in lieu of police pension fund and  
46 further providing for school crossing guards; in corporate  
47 powers, further providing for suits and property, providing  
48 for real property, for personal property, for exceptions, for  
49 surcharge from sale or lease and for general powers, further  
50 providing for corporate powers of a township, providing for  
51 officers, positions and departments, for police force, for  
52 lockup facilities, for rewards, for disorderly conduct, for  
53 public safety, for fire protection, for building and housing  
54 regulations, for numbering buildings, for regulation of  
55 business, for nuisances and dangerous structures, for  
56 municipal waste, for fireworks and inflammable articles, for  
57 smoke regulations, for prohibition of fire producing devices  
58 and smoking, for animals, for regulation of foundations,  
59 party walls and partition fences, for ambulances and rescue  
60 and lifesaving services, for display of flags, for health and



1 cleanliness regulations, for public facilities, for hospital  
2 appropriations, for community nursing services, for parking  
3 and parking lots, for appropriations for certain streets, for  
4 airports, for appropriations for airports, for purchase and  
5 planting of trees, for intergovernmental cooperation, for  
6 widening and deepening of watercourses, for regulation of  
7 charges, for street, sewer, sidewalk, etc. and regulations,  
8 for capital reserve fund, for operating reserve fund, for  
9 surplus foods, for industrial promotions, for nondebt revenue  
10 bonds, for historical properties, for insurance, for  
11 appropriations for urban common carrier mass transportation,  
12 for open burning, for community development, for observances  
13 and celebrations, for building hospitals, for tourist  
14 promotion agencies, for sale of real or personal property to  
15 nonprofit medical service corporation, for sale of real or  
16 personal property to nonprofit housing corporation, for  
17 nonprofit art corporations, for neighborhood crime watch  
18 programs, for drug and alcohol abuse programs, for watershed  
19 associations, for emergency services, for mines and quarries,  
20 for conservation district, for electricity and for storm  
21 water and further providing for typewritten, printed,  
22 photostated and microfilmed records valid and recording or  
23 transcribing records; providing for real estate registry; in  
24 public health, repealing a subarticle heading, further  
25 providing for appointment of boards of health and health  
26 officers, for members of board, terms and secretary, for  
27 organization of board, salary of secretary, bonds, fees and  
28 penalties and power to administer oaths, for duties of  
29 secretary, for duties of health officer, for powers of board  
30 of health, for entry of premises, for inspections, for budget  
31 and appropriations, for cooperation in health work and for  
32 powers of Secretary of Health and repealing provisions  
33 relating to expenses incurred by board or Secretary of  
34 Health, to suits by State Secretary of Health to recover  
35 expenses, to payment of expenses recovered into State  
36 Treasury and provisions relating to vacation of streets  
37 declared nuisances by board of health; in finance and  
38 taxation, further providing for fiscal year, annual budget  
39 and regulation of appropriations, for amending budget and  
40 notice, for committee to prepare uniform forms and for  
41 appropriations not to be exceeded and changes in  
42 appropriations, repealing provisions relating to certain  
43 contracts invalid, to power to create indebtedness, sinking  
44 fund and temporary indebtedness and to sinking fund and  
45 regulations and investments and further providing for  
46 investment of township funds, for indebtedness and orders of  
47 previous years, for disbursements to pay indebtedness, for  
48 tax levies, for additions and revisions to duplicates, for  
49 tax rates to be expressed in dollars and cents, for special  
50 levies to pay indebtedness and for delivery of duplicates; in  
51 contracts, further providing for power to make contracts, for  
52 general regulations concerning contracts, for evasion of  
53 advertising requirements, for bonds for protection of labor  
54 and materialmen, for purchase contracts for petroleum  
55 products, fire company, etc. and participation, for separate  
56 specifications for branches of work and for workmen's  
57 compensation insurance, repealing provisions relating to  
58 engineers and architects not to be interested in contracts  
59 and to minimum wages under contracts and further providing  
60 for penalty for personal interest in contracts; in eminent



1 domain, assessment of damages and benefits, repealing  
2 subdivision heading, further providing for exercise of  
3 eminent domain and for restrictions as to certain property,  
4 providing for declaration of intention, further providing for  
5 value of land or property not to be assessed as benefits and  
6 exceptions and for title acquired and repealing provisions  
7 relating to procedure for the exercise of eminent domain and  
8 for the assessment of damages and benefits; in streets and  
9 highways, repealing subdivision heading, providing for  
10 definitions, for township street plan and for certain streets  
11 declared public streets, repealing subdivision heading,  
12 further providing for power to lay out, open, widen, vacate,  
13 et cetera, for burial grounds, et cetera, saved and for  
14 notice of hearing, repealing provisions relating to draft and  
15 report, to exceptions to report, to appointment of viewers  
16 and to notices to be posted along improvement, providing for  
17 petition for opening, etc. and for notice of petition,  
18 further providing for width of public roads, for opening and  
19 repairing roads and for detours, repealing provisions  
20 relating to laying out roads under the general road law,  
21 providing for street connecting with street of another  
22 municipal corporation, repealing subdivision heading and  
23 provisions relating to scope of subdivision, further  
24 providing for plans of dedicated streets, repealing  
25 provisions relating to appeals where commissioners refuse  
26 approval, to no responsibility on township where plans not  
27 approved, to entry of lands, to penalty and to powers of  
28 State and counties preserved, providing for powers of State  
29 and counties preserved, for exclusive nature of provisions,  
30 for failure of board of commissioners to hold hearing, for  
31 entry on land to maintain marks and monuments and for bike  
32 paths, repealing subdivision heading, further providing for  
33 agreements to relocate, alter and vacate streets in or near  
34 State parks, repealing provisions relating to agreement to be  
35 filed in court and effect of filing, to altered and relocated  
36 streets declared township streets, to assessment of damages  
37 and to elimination of curves and repealing subdivision  
38 headings, further providing for improving or vacating streets  
39 by agreement, repealing subdivision heading, further  
40 providing for proceedings on petition, repealing provisions  
41 relating to grading restrictions, to notice, to contents of  
42 notice, to appeals from ordinance, to assessment of damages  
43 and benefits by viewers, to assessments to bear interest and  
44 collection, to grading, draining, curbing, paving or  
45 macadamizing streets or highways and collection of cost by  
46 foot front rule and to road material, ditches, drains and  
47 watercourses, providing for power to open drains and ditches,  
48 repealing a subdivision heading, further providing for  
49 provisions relating to trees, shrubbery and obstructions  
50 within limits of streets or highways, repealing a subdivision  
51 heading, further providing for provisions relating to  
52 protection of streets and highways from snowdrifts, repealing  
53 a subdivision heading and provisions relating to duty to  
54 erect, providing for naming of streets and for street  
55 lighting, ornamental lighting and traffic control signals and  
56 devices, further providing for penalty for destroying,  
57 repealing a subdivision heading, further providing for  
58 railroad crossings and for street permits, repealing a  
59 subdivision heading, further providing for provisions  
60 relating to county aid in the improvement of township





1 streets, repealing provisions relating to penal provisions  
2 and to opening, making, amending and repairing streets and  
3 bridges by contracts with taxpayers and providing for  
4 boundary streets, for streets, the center line of which is  
5 the boundary between a township and another municipal  
6 corporation, for streets having more than half of their width  
7 within township and for assessment for improvements on  
8 property outside limits where street entirely within  
9 township; repealing provisions relating to boundary roads and  
10 streets; in bridges and viaducts, further providing for  
11 article heading, repealing subdivision heading, further  
12 providing for provisions relating to bridges and viaducts as  
13 part of street, repealing a subdivision heading and  
14 provisions relating to power to construct, further providing  
15 for maintenance, repealing provisions relating to bridges and  
16 viaducts over marshy or swampy grounds, creeks, rivulets,  
17 gullies, canals and railroads and a subdivision heading,  
18 further providing for bridges on division line of townships  
19 and repealing provisions relating to bridges between  
20 townships and municipalities, to bridges over railroad or  
21 canal and to maintenance, repair and rebuilding of bridges  
22 built by county; in sidewalks, further providing for power to  
23 lay out, ordain and establish grades, for width, for paving  
24 and curbing sidewalks and for repair of sidewalks and  
25 providing for emergency repairs; in sewers and drains,  
26 further providing for article heading, for power to establish  
27 and construct sewers and drains, require connections and  
28 sewer rentals and for sewer and drainage systems, constructed  
29 by any municipality authority, connection by owners and  
30 enforcement, providing for notice of contemplated  
31 construction, further providing for location of sewers on  
32 private property and for treatment works and facilities  
33 therefor, repealing provisions relating to entry on lands to  
34 mark sewer routes and damages and to enforcement of judgment  
35 for damages, further providing for cost of construction and  
36 how paid, for sewer districts and for manner of assessment,  
37 repealing provisions relating to procedure for assessment of  
38 benefits, to lien for assessments and costs of proceedings  
39 and to assessment of property outside limits of townships for  
40 sewers, further providing for provisions relating to  
41 acquisition of sewer system from private interests and  
42 distribution of costs, to contracts with individuals or  
43 corporations for construction and maintenance of sewer and  
44 drainage systems, to sewers and drains in streets or highways  
45 or over private property and assessment of cost of  
46 construction according to benefits and for consent necessary,  
47 repealing provisions relating to assessment of cost, further  
48 providing for subdivision heading and for connection by  
49 agreement or petition and appointment of viewers, repealing  
50 provisions relating to notice of contemplated construction  
51 and protests by property owners, further providing for  
52 subdivision heading and for building joint sewers, repealing  
53 provisions relating to State permit and a subdivision  
54 heading; repealing provisions relating to collection by  
55 installment of the cost of street, curb, sidewalk and sewer  
56 improvements; providing for assessments for public  
57 improvements; providing for assessments, for public  
58 improvements; repealing provisions relating to revolving fund  
59 for street and sewer improvements; in water supply and  
60 waterworks, further providing for article heading and for



1 contract with water companies and municipality and  
2 development of own water supply, providing for public utility  
3 law saved and for rates, further providing for State permit,  
4 for occupation of highways and for property damages and bond  
5 by township, repealing provisions relating to appointment of  
6 viewers, further providing for water districts and  
7 application of taxpayers and for connection to water supply  
8 system, repealing provisions relating to connection to water  
9 supply system of municipality authorities, further providing  
10 for cost of connection and where payable and for default in  
11 payment of installment, repealing provisions relating to  
12 entry of liens and further providing for subdivision heading,  
13 for joint maintenance of works with municipality, for State  
14 permits and for commission of waterworks; in manufacture and  
15 sale of electricity, further providing for manufacture and  
16 sale of electricity, for may regulate use and prices, for  
17 sale of hydroelectric generating facilities, for construction  
18 or purchase of hydroelectric generating facilities and for  
19 submission to electors; in public buildings, further  
20 providing for town hall, for unloading and warehouses, for  
21 appropriation of property, for ordinance of commissioners,  
22 for assessment of damages and for use of public lands  
23 acquired for other purposes; in licenses and licenses fees,  
24 further providing for provisions relating to transient retail  
25 merchants, for agents for licensed dealers not to be  
26 licensed, for insurance agents and brokers not to be licensed  
27 and for license fees on residents not to exceed those on  
28 nonresidents; in parks, recreation centers, shade trees and  
29 forests, further providing for acquisition of lands and  
30 buildings, for creation of recreation board, for composition  
31 of park or recreation boards, for organization of park or  
32 recreation boards and powers and duties delegated to the  
33 board by the commissioners, for maintenance and tax levy, for  
34 joint ownership and maintenance, for issue of bonds, for  
35 right of establishment, for personnel of commission,  
36 appointment, terms and vacancies, for powers may be vested in  
37 park commission, for general powers of commission, for hiring  
38 of employees and legislative power of commission, for report  
39 of commission, for notice of commission's activities and  
40 planting or removal of shade trees, for landholders liability  
41 for costs and for removal of diseased trees, repealing  
42 provisions relating to assessments liens, further providing  
43 for maintenance by township and funds for and for penalties,  
44 repealing provisions relating to disposition of penalties,  
45 further providing for right of acquisition of forest lands,  
46 repealing provisions relating to approval of Department of  
47 Forests and Waters and further providing for ordinance and  
48 notice, for appropriation for acquisition, for rules and  
49 regulations, for appropriation for maintenance, for use of  
50 township forests, for ordinance of sale and for appropriation  
51 of money to forestry organizations; in land subdivision,  
52 repealing article heading; in zoning, repealing article  
53 heading; in Uniform Construction Code, Property Maintenance  
54 Code and reserved powers, further providing for changes in  
55 Uniform Construction Code, for property maintenance code and  
56 for reserved powers; in township planning commission,  
57 repealing article heading; repealing provisions relating to  
58 enforcement of ordinances; providing for ordinances; in  
59 actions by and against townships, further providing for  
60 recovery of municipal claims by suit; and, in repeals,



1 further providing for provisions relating to repeals and  
2 repealing provisions relating to inconsistent repeals.

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

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

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

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

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

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

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

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

20 "Individual." A natural person.

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

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

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

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





1 Municipalities Planning Code."

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

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

8 "Township." A township of the first class.

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

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

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

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

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

21 (d) Public schools and school districts;

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

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

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

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

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

29 (i) [Free non-sectarian libraries;] Any of the provisions of  
30 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.



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

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

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

22 Section 2. Section 109 of the act is repealed:

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

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

29 Section 110. Legal Advertising.--(a) Whenever, under the  
30 provisions of this act, notice is required to be published in



1 one [newspaper, such] or more newspapers, the publication shall  
2 be made in a newspaper of general circulation, as defined [by  
3 the Newspaper Advertising Act, approved May sixteenth, one  
4 thousand nine hundred and twenty-nine (Pamphlet Laws, one  
5 thousand seven hundred eighty-four)] in 45 Pa.C.S. § 101  
6 (relating to definitions), printed in the township, if there is  
7 such a newspaper, and, if not, then in a newspaper circulating  
8 generally in [such] the township. [If such notice is required to  
9 be published in more than one newspaper, it shall be published  
10 in at least one newspaper of general circulation, defined as  
11 aforesaid, printed, if there be such a newspaper, or circulating  
12 generally as above provided in the township. When such]

13 (b) Unless dispensed with by special order of court, if the  
14 notice relates to any proceeding or matter in any court, or the  
15 holding of an election for the increase of indebtedness, or the  
16 issue and sale of bonds to be paid by taxation, [such] the  
17 notice shall also, in counties of the second, third, fourth and  
18 fifth classes, be published in the legal newspaper of the  
19 county, if any, designated by the rules of court [of the proper  
20 county for the publication of legal notices and advertisements,  
21 unless such publication be dispensed with by special order of  
22 court: Provided, however, That ordinances,]. Ordinances,  
23 auditors' statements, summaries of auditors' statements,  
24 advertisements inviting proposals for public contracts and for  
25 bids for materials and supplies, or lists of delinquent  
26 taxpayers, shall be published only in newspapers of general  
27 circulation[, defined as aforesaid].

## 28 ARTICLE II

### 29 CLASSIFICATION [AND CREATION OF TOWNSHIPS 30 OF THE FIRST CLASS], CREATION, REESTABLISHMENT



1                    AND CHANGE OF NAME OF TOWNSHIPS

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

19            Section 4. Section 205 of the act is repealed:

20            [Section 205. Enrollment to Ascertain Population.--At any  
21 time not less than one year before the time fixed for taking a  
22 decennial census of the United States, whenever the owners of  
23 twenty-five per centum of the assessed valuation of the real  
24 estate of any township of the second class shall present their  
25 petition to the court of quarter sessions, averring that the  
26 population of the township is at least three hundred inhabitants  
27 to the square mile, and shall give such security as the court  
28 may prescribe for the payment of all costs and expenses which  
29 may be incurred in any procedure had upon said petition, the  
30 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.



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

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

17     (4) The election officers shall compute the votes cast at  
18 the election and certify the votes to the county board of  
19 elections. The county board of elections shall compute the votes  
20 cast and certify the result to the county commissioners, the  
21 board of supervisors of the township of the second class and the  
22 clerk of the court of common pleas. If a majority of the votes  
23 cast at the election are in favor of becoming a township of the  
24 first class, the government of the township of the first class  
25 shall be organized and become effective on the first Monday of  
26 January after the election. When the township of the first class  
27 is organized and becomes effective, the terms of the officers of  
28 the township of the second class shall cease and the officers  
29 appointed by the court for the township under section 225 shall  
30 take office. If a majority of the votes cast at the election are



1 in favor of remaining a township of the second class, no further  
2 proceedings may be initiated for a period of two years from the  
3 date of the election.

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

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

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

29 Section 208. Returns of Election and Effect Thereof.--The  
30 election officers shall compute the votes cast at the election



1 provided for in the preceding section and make return thereof to  
2 the clerk of the court of quarter sessions, who shall tabulate  
3 the same and certify the result thereof to the county  
4 commissioners and the township supervisors of such township. If  
5 a majority of the votes cast at any such election shall be in  
6 favor of becoming a township of the first class, the government  
7 of the township of the first class shall be organized and become  
8 operative on the first Monday of January next succeeding such  
9 election, at which time the terms of the officers of the  
10 township of the second class shall cease and terminate. If a  
11 majority of the votes cast at any such election shall be in  
12 favor of remaining a township of the second class, no further  
13 proceedings shall be had for a period of two years, after which  
14 period the supervisors, by unanimous action, may, or, upon  
15 petition of ten per centum of the registered voters of the  
16 township, shall, through the County Board of Elections, resubmit  
17 the question to the electors of the township in the manner  
18 hereinbefore provided.

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

30 The said commissioner shall make an enrollment of the



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

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

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





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

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

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

28 Section 209.1. Reestablishment of Townships of the Second  
29 Class.--A township of the first class may, no sooner than five  
30 years after becoming a township of the first class, be



1 reestablished as a township of the second class as provided in  
2 the act of May 1, 1933 (P.L.103, No.69), known as "The Second  
3 Class Township Code."

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

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

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

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

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

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

30 (b) At the first municipal election following the creation



1 of a township as provided in section 205.1, if the township has  
2 not been divided into wards, five township commissioners shall  
3 be elected at large. Three of the commissioners shall be elected  
4 for terms of four years each, and two for terms of two years  
5 each, from the first Monday of January next following the  
6 election. The ballots at the election shall designate the term  
7 for which each commissioner is elected. Their successors shall  
8 be elected for terms of four years in accordance with this act.  
9 If the township has been divided into wards, the township  
10 commissioners shall be elected as provided in section 407.

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

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

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

29 Section 227. Election of Tax Collector in New Townships.--At  
30 the municipal election, the qualified electors of a new township



1 shall elect a tax collector for a two or four year term so that  
2 the term shall expire at the same time as the terms of tax  
3 collectors of other townships of the first class under the  
4 provisions of this act. Thereafter the term of tax collector of  
5 said township shall be four years from the first Monday of  
6 January next following his election.]

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

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

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

22 (f) Change of Name of Township of First Class

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

28 (b) If the court determines that the petition or resolution  
29 for change of name of the township is in proper form and  
30 properly executed, the original petition or resolution shall be



1 filed with the clerk of the court. A copy of the petition or  
2 resolution and order of the court shall be filed with the county  
3 board of elections which shall frame the question to be  
4 submitted to the electors at the next general or municipal  
5 election which occurs at least 60 days after the court order.

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

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

16 [ARTICLE II.I

17 CHANGE OF NAME OF TOWNSHIP OF FIRST CLASS

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

28 Section 2.202. Filing and Advertisement of Petition.--Upon  
29 determination by the court that the petition for change of name  
30 of the township is in proper form and properly executed, and the





1 entry of the court order thereon, the original petition shall be  
2 filed with the clerk of the court and a copy of the petition and  
3 order of the court shall be filed with the county board of  
4 elections which shall frame the proper question to be submitted  
5 to the electors at the election ordered by the court. Notice of  
6 the election shall be given in at least one newspaper of general  
7 circulation of the proper county once a week for four  
8 consecutive weeks, which shall set forth the time of the  
9 election and the purpose thereof. The publication of the notice  
10 shall be made on behalf of the petitioners in such form as the  
11 court shall approve.

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

21 Section 15. Sections 301, 302, 303, 304, 305, 306, 307 and  
22 401 of the act are amended to read:

23 Section 301. Stream Boundaries.--[Whenever any township is  
24 bounded by the nearest margin of any navigable stream, and the  
25 opposite township, borough, or city, as the case may be,] If a  
26 township is bounded by the nearest margin of a navigable stream  
27 and an opposite municipal corporation is also bounded by the  
28 nearest margin of the same stream, the middle of [such] the  
29 stream shall be the boundary between [such] the township and the  
30 opposite [township, borough or city. Nothing contained in this



1 ~~section shall be construed to repeal any local or special law~~  
2 ~~providing to the contrary.] municipal corporation. This section~~  
3 ~~shall not repeal any local or special law.~~

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

17 Section 303. ~~[Petition to Court; Commissioners']~~ Boundary  
18 Commissioners; Report.--Upon application by petition, in  
19 accordance with section 302, the court shall appoint three  
20 impartial citizens as boundary commissioners, one of whom shall  
21 be a registered professional surveyor or registered professional  
22 engineer~~[, to inquire into the prayer of the petition. After~~  
23 ~~having given notice to parties interested]~~. After giving notice  
24 to interested parties and upon publication of the petition, as  
25 directed by the court, the boundary commissioners shall hold a  
26 hearing and view the disputed lines or boundaries~~;~~ ~~and they, or~~  
27 ~~any two of them,]~~. Prior to the hearing, the boundary  
28 commissioners shall have a registered professional surveyor, not  
29 appointed by the court as a boundary commissioner, survey the  
30 disputed boundary line. The survey shall be reviewed by the



1 boundary commissioners or a registered professional surveyor. A  
2 majority of the boundary commissioners shall prepare a report[,  
3 together with their opinion of the same, and accompany it with]  
4 accompanied by a plot or draft of the lines and boundaries  
5 proposed to be [altered or] ascertained and established if [the  
6 same] they cannot be fully designated by natural lines or  
7 boundaries. Upon the filing of [any such] the report, the same  
8 shall be confirmed [nisi and] subject to exceptions filed under  
9 section 304, and the court may, by its order, direct publication  
10 of the report and require [such notice to be given by the  
11 petitioners to the parties interested, as it deems proper.]  
12 notice to be given by the petitioners to the interested parties  
13 as the court deems proper.

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



1 exceptions. Notice of the hearing shall be given as the court  
2 may direct. After hearing, the court may sustain the exceptions,  
3 dismiss the exceptions and confirm the report or refer the  
4 report back to the same or new boundary commissioners with  
5 authority to make another report. If no exceptions are filed  
6 within thirty days after the filing of the report, the court  
7 shall confirm the report absolutely. If a report is confirmed  
8 absolutely, the court shall enter a decree ascertaining and  
9 establishing the lines and boundaries as shown in the report.  
10 The court shall direct publication of the decree establishing  
11 the lines and boundaries.

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

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

30       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.



1       (5) Alter the lines of two or more adjoining wards.

2       (6) Cause the lines or boundaries of wards to be  
3 ascertained or established.

4       (7) Abolish all wards.

5       (b) The following shall apply:

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

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

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

30       (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





1 to costs and expenses of contest).

2 Section 17. Section 403 of the act is repealed:

3 [Section 403. Filing and Confirmation of Report;  
4 Exceptions.--When the report is presented, the court shall  
5 confirm the report nisi, which confirmation shall become  
6 absolute unless exceptions thereto are filed within thirty days  
7 after such confirmation nisi. The court may grant a review if,  
8 in its opinion, a better adjudication may thereby be secured. If  
9 no exceptions are filed, the court may confirm the report, or  
10 make such other order as by it shall be deemed proper. If  
11 exceptions are filed, the court shall fix a time for hearing,  
12 and thereafter shall enter such decree as by it shall be deemed  
13 just and proper. From the final decree as entered by the court  
14 of quarter sessions, there shall be no appeal.]

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

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

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

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

29 Section 405. Election Districts.--The court of quarter  
30 sessions may, from time to time, divide any such ward into two



1 or more election districts so as to suit the conveniences of the  
2 electors thereof.

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

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

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

15 At the first municipal election occurring at least [ninety]  
16 90 days after [such] the the division into wards, there shall be  
17 elected, by the registered electors of each ward of the  
18 township, one township commissioner, who shall reside in the  
19 ward for which [he] the commissioner is elected. At [such] the  
20 election, the township commissioners elected in even-numbered  
21 wards shall be elected for terms of two years each, and those in  
22 odd-numbered wards for terms of four years each, or vice versa,  
23 as the case may be, in order that the expiration of [such] the  
24 terms will harmonize with the expiration of terms of township  
25 commissioners elected for [such] the even or odd numbered wards  
26 under the provisions of this act. Thereafter, successors to  
27 [such] the commissioners shall be elected for terms of four  
28 years each at the municipal election immediately preceding the  
29 expiration of the terms of ward commissioners.

30 If the number of wards into which the township has been



1 divided is less than five, then, at the municipal election  
2 preceding the expiration of the terms of any commissioner or  
3 commissioners [theretofore] elected at large, if [such] the  
4 expiration of terms will leave the township with less than five  
5 township commissioners, there shall be elected at large a  
6 sufficient number of township commissioners so that the total  
7 number of commissioners elected by wards and at large in the  
8 township shall thereafter be five. If one township commissioner  
9 is elected at large [at such election, he], the commissioner  
10 shall be elected for a term of four years. If two township  
11 commissioners are elected at large [at such election], one shall  
12 be elected for a term of two years, and one for a term of four  
13 years. If three township commissioners are elected at large [at  
14 such election], two shall be elected for terms of four years  
15 each, and one for a term of two years. Successors to [such] the  
16 township commissioners elected at large [at such election] shall  
17 be elected for terms of four years each.

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

21 Section 408. Schedule of Election of Commissioners in Newly  
22 Created Wards.--[Whenever] If a new ward is created in a  
23 township previously divided into wards[, a new ward is created,]  
24 and the number of wards [thereafter in such] in the township,  
25 including the new ward, is less than five, then, at the next  
26 municipal election [next] following the expiration of the term  
27 of the commissioner or commissioners elected at large whose  
28 terms shall first expire after [such creation] the creation of  
29 the new ward, there shall be elected, by the registered electors  
30 of [such] the new ward, one township commissioner, who shall



1 reside in the ward for which [he] the commissioner is elected,  
2 for a term of two or four years, so that the expiration of [his]  
3 the commissioner's term will harmonize with the expiration of  
4 terms of commissioners for [such] the even or odd numbered wards  
5 under the provisions of this act. Successors to [such] the  
6 township commissioners shall be elected for terms of four years.  
7 The number of commissioners thereafter elected at large in [any  
8 such] the township shall be the difference between the number of  
9 wards and five, and a sufficient number of commissioners shall  
10 be elected at large at each municipal election preceding the  
11 expiration of terms of commissioners at large so that the total  
12 number of commissioners in the township will at all times be  
13 five.

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

28 If the number of wards in [such] the township, including the  
29 new ward, [shall] will be more than five, the court of [quarter  
30 sessions] common pleas shall appoint a township commissioner for



1 [such] the new ward, who shall hold office until the first  
2 Monday in January succeeding the first municipal election at  
3 which township commissioners are elected in [such] the even or  
4 odd the numbered wards under the provisions of this act, at  
5 which election, and every four years thereafter, a township  
6 commissioner, who shall reside in the ward, shall be elected by  
7 the qualified electors of [said] the ward for a term of four  
8 years.

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

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

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

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

21 Section 501. Eligibility.--(a) Only a registered elector of  
22 a township may be eligible to an elective office in the  
23 township. Before being sworn into office, each elected township  
24 officer, or, except as provided under section 530, each  
25 appointed township officer in case of a vacancy in an elective  
26 office, shall present a signed affidavit to the township  
27 secretary stating that the officer resides in the township, or  
28 within the ward in the case of a ward office, from which elected  
29 or appointed and has resided in the township or ward  
30 continuously for at least one year immediately prior to the



1 officer's election or appointment. In the case of a newly  
2 created ward in existence for less than one year at the time of  
3 a township officer's election or appointment, the affidavit  
4 shall state that the officer has resided within the township  
5 continuously for at least one year immediately prior to the  
6 officer's election or appointment and within the ward from the  
7 date of the ward's creation continuously until the officer's  
8 election or appointment.

9 (b) If an individual elected to office, or appointed to an  
10 elective office, fails to give the required bond, take the  
11 required oath or provide a signed affidavit, a vacancy is  
12 created in the office for which the individual was elected or  
13 appointed and the vacancy shall be filled as provided in section  
14 530.

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

17 Section 502. [Hold Until Successors Qualified.--Officers of  
18 townships other than township commissioners shall hold their  
19 offices until their successors are elected and qualified, but  
20 such service shall not continue longer than the first Monday of  
21 January succeeding the next municipal election at which election  
22 a successor shall be elected for the unexpired term.] Term of  
23 Office.--Except if a vacancy in office occurs pursuant to  
24 section 530, officers shall hold office for the term for which  
25 the individual was elected. Officers shall not serve longer than  
26 the first Monday of January succeeding the municipal election at  
27 which a successor was elected.

28 Section 503. Elected Officers [Enumerated].--(a) The  
29 electors of each township shall elect [(a) at least five  
30 township commissioners, (b) one township tax collector and (c)



1 except as otherwise hereinafter provided, three elected auditors  
2 or one appointed auditor, or one controller where such office  
3 has been established. Elected township officers shall be  
4 registered electors of the township.]:

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

7 (i) In townships divided into wards but having less  
8 than five wards, the number of commissioners shall be  
9 five. One commissioner shall be elected from each ward,  
10 and the remaining number of commissioners, to which the  
11 township is entitled, shall be elected at large. In  
12 townships having five or more wards, one commissioner  
13 shall be elected from each ward. Township commissioners  
14 shall be elected at municipal elections, preceding the  
15 expiration of the terms of commissioners then in office,  
16 for terms of four years each. Commissioners from odd-  
17 numbered wards shall be elected at alternate municipal  
18 elections than the municipal elections at which  
19 commissioners from even-numbered wards are elected.  
20 Elections at large shall be held at the municipal  
21 election preceding the expiration of the term of any  
22 commissioner elected at large.

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

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





1 apply:

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

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

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

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

29 (ii) The board of commissioners may provide by  
30 ordinance for the appointment of an independent auditor,



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

9 (iii) The board of commissioners shall have the  
10 right at any time to repeal the ordinance providing for  
11 the appointed independent auditor, whereupon three  
12 auditors shall be elected at the next municipal election  
13 following the repeal of the ordinance, to whom the  
14 following shall apply:

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

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

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

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

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

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



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

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

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

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

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

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

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

29           (b) The terms of each elected officer under this section  
30 shall begin the first Monday of January next succeeding the



1 individual's election.

2 Section 23. (Reserved).

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

5 [(b) Commissioners

6 Section 504. Number and Election of Commissioners in  
7 Townships Having Wards.--In townships having less than five  
8 wards, the number of commissioners shall be five. One such  
9 commissioner shall be elected from each ward, and the remaining  
10 number of commissioners, to which the township is entitled,  
11 shall be elected at large. In townships having five or more  
12 wards, one commissioner shall be elected from each ward.  
13 Commissioners shall reside in the ward from which elected, and  
14 shall have resided in said ward continuously for at least one  
15 year before their election. Township commissioners shall be  
16 elected at municipal elections, preceding the expiration of the  
17 terms of commissioners then in office, for terms of four years  
18 each, from the first Monday of January succeeding their  
19 election. At the election in the year one thousand nine hundred  
20 and fifty-one, the commissioners from odd-numbered wards shall  
21 be elected, and at the election in the year one thousand nine  
22 hundred and fifty-three, those from even-numbered wards shall be  
23 elected. Elections at large shall be held at the municipal  
24 election preceding the expiration of the term of any  
25 commissioner elected at large.

26 Section 505. Number and Election of Commissioners in  
27 Townships Not Divided into Wards.--In townships not divided into  
28 wards, the number of township commissioners shall be five, who  
29 shall be elected at large by the voters of the township. At each  
30 municipal election, two or three township commissioners, as the



1 case may be, shall be elected for terms of four years each, from  
2 the first Monday of January next succeeding, to take the place  
3 of the commissioners whose terms then expire. Commissioners  
4 shall reside in the township from which elected and shall have  
5 resided in that township continuously for at least one year  
6 before their election.

7 (c) Tax Collector

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

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

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

22 (d) Assessors

23 (e) Auditors

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

29 Any township may, instead of electing three auditors as above  
30 provided or one controller as hereinafter provided, provide, by



1 ordinance, for the audit of its accounts by an independent  
2 auditor who shall be a certified public accountant, registered  
3 in Pennsylvania, a firm of certified public accountants so  
4 registered, or a competent public accountant, or a competent  
5 firm of public accountants. Where such an ordinance has been so  
6 adopted, an independent auditor shall be appointed, annually, by  
7 resolution before the close of the fiscal year, to make an  
8 independent examination of all the accounts and accounting  
9 records of the township for the fiscal year then closing. Said  
10 appointment shall be made at least thirty days prior to the  
11 close of the fiscal year. Such independent auditor shall have  
12 and possess all the powers and perform all the duties provided  
13 in this act for elected auditors. The compensation of any such  
14 type of appointed auditor shall be fixed by the board of  
15 commissioners. When an independent auditor is appointed as  
16 herein provided, the office of elected auditor is hereby  
17 abolished.

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

30 (f) Controller



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

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

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

27 Section 25. Sections 530, 601, 602, 603, 604 and 605 of the  
28 act are amended to read:

29 Section 530. Vacancies in General.--(a) If a vacancy occurs  
30 in the office of township commissioner, auditor, controller, or





1 tax collector by death, resignation, removal provided in section  
2 604, termination of residency from the township or ward in the  
3 case of a ward office, or by failure to take the required oath,  
4 give required bond or provide the affidavit required under  
5 section 501, or otherwise, the board of [township] commissioners  
6 shall fill the vacancy within thirty (30) days by appointing by  
7 resolution a registered elector of the township or ward in the  
8 case of a ward office, in which the vacancy occurs. If a person  
9 other than an individual is appointed to fill a vacancy in the  
10 office of tax collector under section 503(a)(2)(ii), the person  
11 shall not be required to file the affidavit required under  
12 section 501. An individual appointed as a tax collector under  
13 section 4.2 or 4.4 of the act of May 25, 1945 (P.L.1050,  
14 No.394), known as the Local Tax Collection Law, shall not be  
15 required to file an affidavit required under section 501.

16 (a.1) The following shall apply:

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

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

28 (b) If the board of [township] commissioners of any township  
29 shall refuse, fail, or neglect, or be unable for any reason  
30 whatsoever, to fill a vacancy within thirty (30) days after the



1 vacancy occurs, then the vacancy board shall fill the vacancy  
2 within fifteen (15) additional days by appointing a registered  
3 elector of the township or ward in which the vacancy occurs. The  
4 vacancy board shall consist of the board of commissioners and  
5 one registered elector of the township, who shall be appointed  
6 by the board of [township] commissioners at the board's first  
7 meeting each calendar year or as soon thereafter as practical.  
8 The registered elector shall act as chairperson of the vacancy  
9 board and shall serve as the chairperson until the chairperson's  
10 successor is appointed.

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

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

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

29 Section 601. Oath.--Every person elected or appointed to any  
30 township office in any township shall, before entering upon the



1 duties of [his] office, take and subscribe an oath or  
2 affirmation of office under 53 Pa.C.S. § 1141 (relating to form  
3 of oaths of office), before [some person having authority to  
4 administer oaths, to support the Constitution of the United  
5 States and of this Commonwealth, and to perform the duties of  
6 his office with fidelity. A copy of such] any judge or  
7 magisterial district judge of the county or a notary public. A  
8 copy of the oath or affirmation shall, within ten days  
9 thereafter, be filed with the township secretary.

10 Section 602. Bonds.--[When any officer or employe of any  
11 township is required to give bond for the faithful performance  
12 of his] (a) Except as provided for in subsection (b), when any  
13 officer or employe of any township is required by law or action  
14 of the board of commissioners to give bond for the faithful  
15 performance of the officer's or employe's duties, the bond shall  
16 be with a surety company or other company authorized by law to  
17 act as surety [and the]. The township shall pay the premium on  
18 the bond, except that the premium on the bond of the township  
19 tax collector shall be paid by the respective taxing districts,  
20 as provided by the act of May 25, 1945 (P.L.1050, No.394), known  
21 as the "Local Tax Collection Law."

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

28 Section 603. Compensation.--(a) Elected officers of  
29 townships other than tax collector shall receive [such] a  
30 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,



1 [provide as compensation] to employees of not less than ten years  
2 of satisfactory service and who are not less than sixty years of  
3 age upon termination of active employment with the township a  
4 proportion of the compensation last paid to them but not in  
5 excess of [fifty per centum thereof, as fixed in said ordinance  
6 or amendment thereto.] 50% of the compensation.

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

17 (c) Nothing in this section shall be construed to preclude  
18 any employee of the township from joining any pension system or  
19 municipal retirement system that the township may establish or  
20 adopt. [The intent and purpose of this section is to permit  
21 townships, without levying any special tax or exceeding the  
22 existing tax limitation for general revenue purposes, to pay to  
23 their employees who are too old to advantageously join any  
24 pensioning or retirement system a reasonable annuity in lieu of  
25 joining a pension or retirement system, and who are not and  
26 cannot now be socially protected by any Federal social security  
27 system.]

28 (d) Upon the effective date of this subsection, a township  
29 may not provide for an annuity in lieu of employees joining a  
30 pension or retirement system. Nothing in this subsection shall



1 be construed to affect the rights of any current or retired  
2 employees or appointees of a township entitled to payments  
3 granted in accordance with any annuity entered into prior to the  
4 effective date of this subsection.

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

7 [(b) County Associations of Township Officers

8 Section 610. Formation of County Associations; Meetings.--

9 County associations of township officers may be formed in the  
10 respective counties, or the township officers of two or more  
11 counties may form a joint county association. Such associations,  
12 when formed, shall hold annual conventions, or may hold  
13 semiannual or quarterly conventions, conferences, institutes, or  
14 schools at the county seats of the respective counties, or some  
15 other suitable place within the Commonwealth, for the purpose of  
16 considering and discussing questions and subjects pertaining to  
17 the best methods for the construction, improvement, and  
18 maintenance of the public highways and bridges, and the  
19 administration of township governments.

20 Section 611. Membership of Associations; Expenses of  
21 Members.--The township commissioners and other officers of the  
22 township designated by the township commissioners shall attend  
23 such conventions, conferences, institutes or schools whenever  
24 possible. Each township officer attending such convention,  
25 conference, institute or school shall receive a certificate,  
26 signed by the presiding officer and secretary or acting  
27 secretary of the association, attesting his presence at the  
28 convention, conference, institute, or school. Such certificate  
29 shall entitle him to collect from the township treasurer  
30 expenses which shall be limited to the registration fee, mileage



1 for use of personal vehicle or reimbursement of actual  
2 transportation expense going to and returning from such meeting  
3 plus all other actual expenses that the township commissioners  
4 may have agreed to pay. Every delegate attending the annual  
5 meeting shall submit to the township commissioners an itemized  
6 account of expenses incurred thereat. The township commissioners  
7 may authorize township employees to be compensated at their  
8 regular employe rate during their attendance at the annual  
9 meeting. The board of township commissioners may authorize a  
10 commissioner who is not employed by the township to receive  
11 total or partial reimbursement for lost wages or salary while  
12 attending the annual meeting provided that sufficient  
13 documentation of such wages or salary is presented to the board  
14 of township commissioners to justify the reimbursement. The  
15 expenses of holding any such convention shall be paid pro rata  
16 by the townships joining therein.

17 Section 612. Officers of Association; Ex-Officio  
18 Membership.--The officers of the association shall consist of a  
19 president, two vice-presidents, a secretary, and a treasurer;  
20 all of whom, except the secretary, shall be members of the  
21 association, and shall hold office for one year or until their  
22 successors are chosen. If desirable, the secretary may be a  
23 person not a regular member of the association, and may be paid  
24 for his service such compensation, not exceeding twenty-five  
25 dollars per annum, as the other officers may determine. Every  
26 township shall have one vote in the convention. The mayor of any  
27 city, the burgess of any borough, or their duly appointed  
28 representative, the county commissioners, and the judges of the  
29 court in the county, the township engineer of the State Highway  
30 Department, the assistant engineers of the division of township





1 highways, and the superintendent of State highways in charge of  
2 such county, shall be eligible to membership, but shall not be  
3 entitled to vote nor to hold office.]

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

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

11 Association of Township Commissioners.--(a) The formation of a  
12 State association of township commissioners is authorized.

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

23 (c) The association, at its annual meeting and educational  
24 conference, by majority vote of all the voting delegates [there  
25 represented] attending, shall have power to adopt and amend  
26 bylaws to govern the association [which]. The bylaws shall  
27 govern the qualifications of delegates, election of officers,  
28 their designation, qualifications and duties, payment of dues  
29 and other organizational details. The association shall function  
30 under these bylaws for advancing the interest of and betterment



1 of township government in townships of the first class.

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

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

11 Section 28. Section 621 of the act is repealed:

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

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

18 Section 621.1. Authorization to Attend Annual Meetings and  
19 Educational Conferences.--(a) Township commissioners may attend  
20 each annual meeting and educational conference of the State  
21 association of township commissioners. The board of  
22 commissioners shall, by motion, designate at least one township  
23 officer as a delegate to each annual meeting and educational  
24 conference. The delegate shall be a township commissioner or  
25 other township officer. The board of commissioners, may, by  
26 motion, designate no more than two township officers, other than  
27 the townships commissioners or the delegate, to attend each  
28 annual meeting and educational conference as nondelegates and  
29 authorize township employees to attend each annual meeting and  
30 educational conference.



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

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

7     Section 622. Expenses [of Delegates] Paid by Townships.--

8     [Each] (a) The board of commissioners shall, for each delegate  
9     and other officer or employe attending the annual meeting or  
10    other conference or educational training of the State  
11    association [shall be allowed] of township commissioners, pay  
12    expenses upon receipt of an itemized account of expenses, which  
13    shall be limited to the registration fee, mileage for use of  
14    personal vehicle or reimbursement of actual transportation  
15    expense going to and returning from [such] the meeting,  
16    conference or educational training plus all other actual  
17    expenses that the [township] board of commissioners may have  
18    agreed to pay. [Every delegate attending the annual meeting  
19    shall submit to the township commissioners an itemized account  
20    of expenses incurred thereat. The township]

21    (b) The board of commissioners may authorize township  
22    employes to be compensated at their regular employe rate during  
23    their attendance at the annual meeting or other conference or  
24    educational training. The board of [township] commissioners may  
25    authorize a commissioner [who is not employed by the township to  
26    receive total or partial reimbursement for lost wages or salary  
27    while attending the annual meeting provided that sufficient  
28    documentation of such wages or salary is presented to the board  
29    of township commissioners to justify the reimbursement. No  
30    delegate shall receive expenses for more than four days



1 including the time employed in traveling thereto and therefrom,  
2 together with mileage going to and returning from the meeting.  
3 These expenses shall be paid by the respective townships.] to  
4 receive total or partial reimbursement for lost wages or salary  
5 while attending the annual meeting or other conference or  
6 educational training if sufficient documentation is presented to  
7 the board of commissioners to justify the reimbursement. The  
8 maximum time for which a delegate, township employe or  
9 commissioner shall be reimbursed for lost wages or salary while  
10 attending the annual meeting or other conference or educational  
11 training shall not be more than four days, including the time  
12 spent traveling to and from the event.

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

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

18 Section 624. Conferences, Institutes and Schools.--The  
19 actual expenses for attending the conferences, institutes and  
20 schools of elected or appointed township officers and employes  
21 may be paid by the township when authorized by the board of  
22 township commissioners and shall be limited to the registration  
23 fee, mileage for use of personal vehicle or reimbursement of  
24 actual transportation expense going to and returning from such  
25 meeting plus all other actual expenses that the township  
26 commissioners may have agreed to pay. Every delegate attending  
27 the annual meeting shall submit to the township commissioners an  
28 itemized account of expenses incurred at the annual meetings.  
29 The township commissioners may authorize township employes to be  
30 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



1 agreed to pay. Each officer attending a conference or  
2 educational training shall submit to the board of commissioners  
3 an itemized account of expenses incurred.

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

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

19 (b) Every township shall have one vote in a conference. A  
20 county association of townships may admit to membership of the  
21 association representatives of political subdivisions other than  
22 townships of the first class within the county, the judges of  
23 the court of common pleas in the county and engineers or other  
24 personnel from the Department of Transportation of the  
25 Commonwealth. Representatives of political subdivisions other  
26 than townships of the first class within the county, the judges  
27 of the court of common pleas in the county and engineers or  
28 other personnel from the Department of Transportation shall not  
29 be entitled to vote at the conference or hold office in the  
30 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



1 apparatus] firefighter of any township, except in accordance  
2 with the provisions of this subdivision.

3 (e) Nothing in this subdivision shall apply to retirement or  
4 be construed to prevent a township from adopting a compulsory  
5 retirement age for the township's employees or any class of  
6 employees or to prevent the township from retiring the township  
7 employees automatically when they attain the compulsory  
8 retirement age.

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

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

22 Each member of the commission created by this subdivision,  
23 before entering upon the discharge of the duties of his office,  
24 shall take an oath or affirmation to support the Constitution of  
25 the United States and of the Commonwealth of Pennsylvania and to  
26 perform his official duties with fidelity.

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

30 (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.



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

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

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

21 (c) [Any] An alternate member of the commission shall  
22 continue to serve on the commission in all proceedings involving  
23 the matter or case for which the alternate was initially  
24 designated until the commission has made a final determination  
25 of the matter or case. Designation of an alternate member  
26 pursuant to this section shall be made on a case-by-case basis  
27 in rotation according to declining seniority among all  
28 alternates.

29 [No action of the commission shall be valid unless it shall  
30 have the concurrence of at least two members.]



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

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

19 Section 630. Rules and Regulations.--(a) The commission  
20 shall have power to prescribe, amend and enforce rules and  
21 regulations for carrying into effect the provisions of this  
22 subdivision and shall be governed [thereby. Before any such  
23 rules and regulations are in force, the same shall first be  
24 approved by the township commissioners. When such rules and  
25 regulations have been so approved they shall not be annulled,  
26 amended or added to without the approval of the township  
27 commissioners. All rules and regulations and modifications  
28 thereof shall be printed for public distribution at the expense  
29 of the township.] by the commission's rules and regulations. The  
30 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



1 as otherwise provided in section 645, shall be subject to  
2 reasonable regulation and open to public inspection in  
3 accordance with the act of February 14, 2008 (P.L.6, No.3),  
4 known as the Right-to-Know Law.

5 Section 632. Investigations.--The commission [shall have  
6 power to make investigations concerning all matters touching the  
7 administration and enforcement of the civil service provisions  
8 of this article and rules and regulations adopted thereunder.

9 The chairman of the commission is hereby given power to  
10 administer oaths.] may conduct investigations concerning all  
11 matters regarding the administration and enforcement of this  
12 subdivision and rules and regulations promulgated under this  
13 subdivision. The chairperson of the commission may administer  
14 oaths and affirmations in relation to the investigations.

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

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

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

30 If any person shall refuse or neglect to obey any subpoena



1 issued by the commission, it may apply by petition to the court  
2 of common pleas of the county for its subpoena requiring the  
3 attendance of such persons before the commission or the court,  
4 there to testify and to produce any records and papers  
5 necessary, and in default thereof shall be held in contempt of  
6 court.]

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

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

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

26 Section 635. General Provisions Relating to Examinations.--

27 (a) The commission shall make rules and regulations to be  
28 approved as provided in section 630 [hereof], providing for the  
29 examination of applicants for positions in the police force and  
30 as paid [operators of fire apparatus] firefighters and for



1 promotions, which rules and regulations shall prescribe the  
2 minimum qualifications of all applicants to be examined and the  
3 passing grades. All examinations for positions or promotions  
4 shall be practical in character and shall relate to [such]  
5 matters and include [such] inquiries as will fairly test the  
6 merit and fitness of the [persons] individuals examined to  
7 discharge the duties of the employment sought by them. All  
8 examinations shall be open to all applicants who have the  
9 minimum qualifications required by the rules and regulations.  
10 Each applicant for examination for an original position shall:  
11 (1) be subject to the regulations adopted by the commission;  
12 (2) either before or after [being admitted to the regular  
13 examination held by the commission, be required to submit to]  
14 the written examination, submit to a physical fitness or agility  
15 examination that is job-related and consistent with business  
16 necessity;  
17 (3) if made a conditional offer of employment, be given a  
18 physical and psychological medical examination in accordance  
19 with section 643 [of this act]; and  
20 (4) be subject to a background investigation. Background  
21 investigations may be restricted to those candidates on an  
22 eligibility list or those to be certified to the [township]  
23 board of commissioners for appointment in accordance with  
24 section 638 [of this act].  
25 (a.1) [Each] An applicant for promotion shall be subject to  
26 the regulations adopted by the commission and to examination and  
27 selection in accordance with section 642 [of this act. Physical  
28 fitness or agility examinations that are]. A physical fitness or  
29 agility examination that is job related and consistent with  
30 business necessity and physical and psychological medical



1 examinations may, but need not, be required for promotions.

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

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

13 Section 636. Application for Examination.--[Each person  
14 desiring to apply for examination shall file with the commission  
15 a formal application in which the applicant shall state under  
16 oath or affirmation, (a) his full name and residence or post  
17 office address, (b) his citizenship, place and date of birth,  
18 (c) his condition of health and physical capacity for public  
19 service, (d) his business or employment and his residence for  
20 the past five years, and (e) such other information as may be]

21 An individual who desires to apply for examination must file  
22 with the commission a formal application in which the applicant  
23 shall provide under oath or affirmation information required by  
24 the commission's rules and regulations showing the applicant's  
25 qualifications for the position for which [he] the applicant is  
26 being examined.

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

30 (1) is found to lack any of the minimum qualifications for





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

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

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

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

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

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

30 (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



1 appointment on an eligibility list. The eligibility list shall  
2 contain the names of individuals eligible for appointment listed  
3 from highest to lowest based on their scores on the examinations  
4 administered by the commission and any points for which the  
5 applicant was entitled by virtue of 51 Pa.C.S. Ch. 71 (relating  
6 to veterans' preference). The eligibility list will be valid for  
7 one year from the date the commission formally adopts the  
8 eligibility list. Prior to expiration of the one-year period,  
9 the commission may extend the validity of the eligibility list  
10 for up to an additional twelve (12) months by a majority vote of  
11 the commission at a duly authorized commission meeting. In the  
12 absence of a lawful extension by the commission, the list shall  
13 expire.

14 [(b) Every position or employment in the police force or as  
15 paid operators of fire apparatus except that of chief of police  
16 or chief of the fire department or equivalent shall be filled  
17 only in the following manner: the township commissioners shall  
18 notify the commission of any vacancy which is to be filled and  
19 shall request the certification of an eligibility list. The  
20 commission shall certify for each existing vacancy from the  
21 eligibility list the names of the three persons who have  
22 received the highest average. The township commissioners shall  
23 make a conditional appointment from the three names certified  
24 based solely on the merits and fitness of the candidates, unless  
25 the township commissioners make objections to the commission  
26 regarding one or more of the certified persons for any of the  
27 reasons stated in section 637 of this subdivision. Should such  
28 objections be sustained by the commission, as provided in  
29 section 637, or if the conditional appointee is determined to be  
30 unqualified in accordance with the procedures set forth in



1 section 643 of this act, the commission shall strike the name of  
2 the person from the eligibility list and certify the next  
3 highest name for each name stricken from the eligibility list.  
4 As each subsequent vacancy occurs in the same or another  
5 position, precisely the same procedure shall be followed.]

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

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

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

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

24 (4) If any objections are sustained by the commission  
25 under paragraph (3), or if the conditional appointee is  
26 determined to be unqualified in accordance with the  
27 procedures set forth under section 643, the commission shall  
28 strike the name of the individual from the eligibility list  
29 and certify the next highest individual from names stricken  
30 from the eligibility list.



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

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

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

30 Section 639. Age; Applicant's Residence.--[No person shall



1 be eligible to apply for examination unless he is more than  
2 eighteen years of age at the date of application. The  
3 commissioners may, at their option, accept applications from  
4 non-residents of the township and may, by ordinance, require  
5 non-resident policemen and firemen to become residents of the  
6 township after appointment to such positions.] No individual  
7 shall be eligible to apply for examination unless the individual  
8 is at least 18 years of age at the date of application. The  
9 board of commissioners may accept applications from nonresidents  
10 of the township and may require nonresident police officers and  
11 nonresident paid firefighters to become residents of the  
12 township after appointment to the positions. The rules and  
13 regulations of the civil service commission shall reflect the  
14 residency requirements of the board of commissioners or a  
15 collective bargaining agreement or award.

16 Section 640. [Probation Period.--All original appointments  
17 to any position in the police force or as paid operators of fire  
18 apparatus] Probationary Period.--(a) An original appointment to  
19 a position in the police force or as a paid firefighter shall be  
20 for a probationary period of not less than six months and not  
21 more than one year, but during the probationary period an  
22 appointee may be dismissed only for a cause specified in section  
23 637 [of this act] or because of incapacity for duty due to the  
24 use of alcohol or drugs. [If at the close of a probationary  
25 period the conduct or fitness of the probationer has not been  
26 satisfactory to the township commissioners, the probationer  
27 shall be notified in writing that he will not receive a  
28 permanent appointment, and the appointment shall cease. If the  
29 probationer is not notified or dismissed in accordance with this  
30 section, his retention shall be equivalent to a permanent



1 appointment.]

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

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

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



1 filling of a vacancy in a position in the police force and there  
2 are no names on the eligibility list for the appointment, the  
3 board of commissioners may nominate an individual to the  
4 commission for a noncompetitive examination. If the nominee is  
5 certified by the commission as qualified after the  
6 noncompetitive examination, the nominee may be provisionally  
7 appointed to fill the vacancy.

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

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

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





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

13       [The township commissioners shall have power to]

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

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

28       (b) The physician [or], other qualified medical professional  
29 [and the], psychiatrist or psychologist shall be appointed by  
30 the [township] board of commissioners and shall render an



1 opinion as to whether the conditional appointee has a physical  
2 or mental condition which calls into question the [person's]  
3 individual's ability to perform all of the essential functions  
4 of the position for which the [person] individual was  
5 conditionally appointed.

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

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

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

25 (f) As used in this section, the following [definitions  
26 shall apply] words and phrases shall have the meanings given to  
27 them in this subsection unless the context clearly indicates  
28 otherwise:

29 "Medical examination" shall mean any examination, procedure,  
30 inquiry or test designed to obtain information about medical



1 history or a physical or mental condition which might disqualify  
2 an applicant if it would prevent the applicant from performing,  
3 with or without a reasonable accommodation, all of the essential  
4 functions of the position.

5 ["Physician" shall have the meaning given to it in 1 Pa.C.S.  
6 § 1991 (relating to definitions).]

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

10 (1) as a physician assistant pursuant to the act of December  
11 20, 1985 (P.L.457, No.112), known as the "Medical Practice Act  
12 of 1985," or the act of October 5, 1978 (P.L.1109, No.261),  
13 known as the "Osteopathic Medical Practice Act"; or

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

17 Section 644. Removals.--(a) [No person] An individual  
18 employed in [any] a police or fire force of [any] a township  
19 [shall] may not be suspended without pay, removed or [reduced in  
20 rank] demoted except for the following reasons: [(1) physical or  
21 mental disability affecting his ability to continue in service,  
22 in which cases the person shall receive an honorable discharge  
23 from service; (2) neglect or violation of any official duty; (3)  
24 violation of any law of this Commonwealth which provides that  
25 such violation constitutes a misdemeanor or felony; (4)  
26 inefficiency, neglect, intemperance, disobedience of orders, or  
27 conduct unbecoming an officer; (5) intoxication while on duty;  
28 (6) engaging or participating in conducting of any political or  
29 election campaign otherwise than to exercise his own right of  
30 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



1 cause at the request of the [township] board of commissioners or  
2 the accused. The failure of the commission to hold a hearing  
3 within ten days from the filing of the written charges shall not  
4 result in the dismissal of the charges filed.

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

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

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

25 (c) All parties shall have immediate right of appeal to the  
26 court of common pleas of the county, and the case shall there be  
27 determined as the court deems proper. No order of suspension  
28 made by the commission shall be for a longer period than one  
29 year. [Such] The appeal shall be taken within [sixty] 30 days  
30 from the date of entry by the commission of its final order and



1 shall be by petition. Upon [such] the appeal being taken and  
2 docketed, the court of common pleas shall [fix] schedule a day  
3 for a hearing and shall proceed to hear the appeal on the  
4 original record and [such] additional proof or testimony as the  
5 parties concerned may desire to offer in evidence. The decision  
6 of the court affirming or reversing the decision of the  
7 commission shall be final and the employee shall be suspended,  
8 discharged, demoted or reinstated in accordance with the order  
9 of the court.

10 [The township commissioners and the person]

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

29 (e) In any case in which a police officer or firefighter who  
30 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





1 shall be ignored.

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

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

29     Section 34. Section 649 of the act is repealed:

30     **[Section 649. Salaries of Civil Service Commission.--The**



1 civil service commissioners of townships shall receive no  
2 compensation.]

3 Section 35. Sections 650, 701, 702, 703, 704, 801-A, 802-A,  
4 803-A, 805-A, 806-A, 801-B, 901, 901.1, 902 and 903 of the act  
5 are amended to read:

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

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

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

26 Section 701. Organization; Failure to Organize.--[The  
27 township] (a) The board of commissioners shall organize on the  
28 first Monday of January of each even-numbered year. If the first  
29 Monday is a legal holiday the meeting shall be held the [first  
30 day following. They shall assemble for such purpose at their



1 place of meeting at a time convenient to the governing body.

2 Until otherwise designated by ordinance, the place of meeting  
3 shall be the oldest polling place in the township.

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

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

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

20 (c) If the [township commissioners of any township shall  
21 fail] board of commissioners of a township fails to organize  
22 within ten days from the time prescribed by this section, the  
23 court of [quarter sessions] common pleas, upon the petition of  
24 at least ten registered electors, verified by the affidavit of  
25 one of the petitioners, shall issue a rule upon the delinquent  
26 commissioners to show cause why their seats should not be  
27 declared vacant. The rule shall be returnable not less than five  
28 days from the time of its issue, and after hearing, the court  
29 may declare the seats of [any delinquent vacant, and appoint  
30 others in their stead] the members of the board responsible for



1 the failure to organize vacant, and shall appoint others in  
2 their place to hold office for the respective unexpired terms.

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

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

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

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

29 (b.1) Telecommunication.--

30 (1) The board of commissioners may, pursuant to an



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

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

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

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

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

27 (iii) The telecommunication device used permits the  
28 members of the board and the members of the public who  
29 are physically present at the meeting to speak to and  
30 hear the comments and the vote, if any, of the member or



1 members of the board who are not physically present at  
2 the meeting.

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

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

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

14 Section 703. Compensation.--[Each township commissioner may  
15 receive a salary, established by ordinance, of not more than one  
16 thousand eight hundred seventy-five dollars per year in  
17 townships having a population of less than five thousand, not  
18 more than two thousand five hundred dollars per year in  
19 townships having a population of five thousand or more but less  
20 than ten thousand, not more than three thousand two hundred  
21 fifty dollars per year in townships having a population of ten  
22 thousand or more but less than fifteen thousand, not more than  
23 four thousand one hundred twenty-five dollars per year in  
24 townships having a population of fifteen thousand or more but  
25 less than twenty-five thousand, not more than four thousand  
26 three hundred seventy-five dollars per year in townships having  
27 a population of twenty-five thousand or more but less than  
28 thirty-five thousand, and not more than five thousand dollars  
29 per year in townships having a population of thirty-five  
30 thousand or more. Such salaries shall be payable monthly or



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

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

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

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

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

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

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

20       (7) In townships with a population of 45,000 or more, a  
21       maximum of \$210 per year per 1,000 residents or fraction of  
22       1,000.

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

29       (a.1) Notwithstanding subsection (a), the board of  
30 commissioners may provide for a member of the board of



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

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

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





1 township auditors information concerning the construction,  
2 reconstruction, maintenance and repair of streets or other  
3 matters that may be required by a department of the Commonwealth  
4 to be included in the annual township report.

5 Section 801-A. Township treasurer.

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

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

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

27 (1) The township treasurer shall, within 60 days of the  
28 treasurer's appointment, nominate to the board of  
29 commissioners a person to be appointed by the board as the  
30 deputy treasurer. The board may, subject to the nominated



1 person meeting the bonding qualifications in paragraph (3),  
2 appoint the nominated person as the deputy treasurer.

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

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

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

19 (a) Requirements for bond.--The township treasurer shall,  
20 before entering upon the duties of office, give a fidelity bond  
21 to the [Commonwealth] township in an amount [prescribed]  
22 established by ordinance or resolution and at least equal to 50%  
23 of the amount of township funds estimated by the board of  
24 [township] commissioners to be available to the township  
25 [treasurers] treasurer at any time during the current year. The  
26 bond shall be [subscribed] provided by a surety company or  
27 companies duly authorized to do business in this Commonwealth.  
28 The bond given by the treasurer shall be conditioned on the  
29 faithful performance of the duties as stated in section 803-A.  
30 The treasurer shall not, in any event, be required to give bond



1 or bonds aggregating an amount in excess of the taxes to be paid  
2 over to [him] the treasurer by the tax collector. The bonding  
3 requirements of this section shall also apply to the deputy  
4 treasurer.

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

10 Section 803-A. Treasurer's duties.

11 The township treasurer shall:

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

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

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

23 (4) Pay out all [moneys] money of the township only on  
24 [orders] direction by the board of commissioners, upon an  
25 order signed by the president or vice president and attested  
26 by the secretary or assistant secretary of the board and  
27 designating the appropriation out of which the [orders shall  
28 be paid. The signature of the president or vice president may  
29 be by facsimile signature.] order shall be paid. The order  
30 shall not be executed unless there is money available in the



1 treasury. The following apply:

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

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

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

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

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

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

29 Section 806-A. Depositories of township funds.

30 The following shall apply:



1           (1) The board of [township] commissioners shall  
2 designate by resolution a depository or depositories for  
3 township funds. [Any funds] Funds deposited with [any] a  
4 banking institution of this Commonwealth shall be insured  
5 with the Federal Deposit Insurance Corporation or the  
6 National Credit Union Share Insurance Fund or their successor  
7 agencies, to the extent that accounts are so insured. The  
8 designation is valid for a period of one year or until  
9 another depository or other depositories are designated by  
10 similar action of the board of [township] commissioners.

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

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

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

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



1 depository or depositories.

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

25 (6) The following apply:

26 (i) The designated depositories shall, upon receipt  
27 of notice of their selection as a depository of township  
28 funds, collateralize deposits of public funds in  
29 accordance with the act of August 6, 1971 (P.L.281,  
30 No.72), entitled, "An act standardizing the procedures



1 for pledges of assets to secure deposits of public funds  
2 with banking institutions pursuant to other laws;  
3 establishing a standard rule for the types, amounts and  
4 valuations of assets eligible to be used as collateral  
5 for deposits of public funds; permitting assets to be  
6 pledged against deposits on a pooled basis; and  
7 authorizing the appointment of custodians to act as  
8 pledgees of assets," which authorizes financial  
9 institutions to pledge collateral in an account in the  
10 name of the township or utilize a letter of credit from  
11 the Federal Home Loan Bank, to secure public deposits in  
12 excess of Federal Deposit Insurance Corporation insurance  
13 limits. The depository shall provide a monthly report  
14 within 15 days after the end of each month to the board  
15 of commissioners in accordance with the reporting  
16 requirements in the act of August 6, 1971 (P.L.281,  
17 No.72), including the composition of the collateral and  
18 related market value.

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



1       a Federal Home Loan Bank Letter of Credit:

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

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

7               (C) If the financial institution serves as the  
8               custodian, the pledged collateral shall be held in a  
9               separate account established under the act of August  
10              6, 1971 (P.L.281, No.72), in the depository's trust  
11              department.

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

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

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

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

22       (b) Collection of taxes permitted.--

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

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





1 (c) Other powers and duties.--In addition to the powers,  
2 duties and responsibilities under this act, the tax collector  
3 shall exercise all the powers and perform all the duties and be  
4 subject to all the obligations and responsibilities for the  
5 collection of taxes as are conferred upon tax collectors by law.

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

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

20 Section 901.1. Assistant Secretary.--[Every board of  
21 township commissioners may, by resolution, appoint an assistant  
22 secretary who shall, in the absence or disability of the  
23 secretary, perform the duties and exercise the powers of the  
24 secretary. The compensation of such an assistant secretary shall  
25 be determined by the board of township commissioners and he  
26 shall give bond in such an amount as required by the said board  
27 of commissioners. The assistant secretary may be appointed from  
28 the membership of the board of township commissioners but shall  
29 not be any other officer thereof and when so appointed, shall  
30 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



1 during the preceding fiscal year. [The auditors shall make an  
2 audit of]

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

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



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

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

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

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

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

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

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

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

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

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

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

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

30 (iii) any persons whom it may be necessary to examine as



1 [witnesses, and to compel their attendance by attachment, in  
2 like manner as any court of common pleas may in cases pending  
3 before them, and may also compel the production of all books,  
4 vouchers, and papers relative to such accounts. Such subpoena  
5 and attachment shall be issued by a justice of the peace and be  
6 served and executed by a constable or any township auditor.

7 The auditors of each township] a witness.

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

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

21 Section 36.4. Section 1003 of the act, amended October 24,  
22 2018 (P.L.878, No.136), is amended to read:

23 Section 1003. [Surcharges; Auditors' Report; Publication of  
24 Financial Statements.--] Completion, Filing and Publication of  
25 Auditor's Report and Financial Statement.--(a) The auditors  
26 shall complete [their] the annual audit, settlement, and  
27 adjustment [within as short a time as possible, and shall file  
28 copies thereof with the secretary of the township, the clerk of  
29 the court or the prothonotary, as may be provided by local rules  
30 of court, the Department of Community Affairs and the Department



1 of Highways not later than ninety days after the close of the  
2 fiscal year. Any officer or person whose act or neglect has  
3 contributed to the financial loss of the township shall be  
4 surcharged by the auditors with the amount of such loss. They]  
5 as soon as possible after the end of the fiscal year.

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

23 (c) The annual auditors' report and annual financial  
24 statement shall be [made on uniform forms] presented on a  
25 uniform form prepared and furnished[, ] as provided in section  
26 1701a [of this act].

27 (d) The auditors' report and financial statement shall be  
28 signed by all of the auditors and the auditors' report shall be  
29 duly verified by the oath of one of the auditors. [Any auditor  
30 refusing or wilfully neglecting to file an auditors' report



1 shall, upon conviction thereof, in a summary proceeding be  
2 sentenced to pay a fine of five dollars for each day's delay  
3 beyond the time fixed herein for the filing of such report and  
4 costs. All fines recovered shall be for the use of the  
5 Commonwealth.] A secretary of the auditors shall file a copy of  
6 the report with the secretary of the township, the clerk of the  
7 court or the prothonotary, as may be provided by local rules of  
8 court, the Department of Community and Economic Development and  
9 the Department of Transportation not later than ninety days  
10 after the close of the fiscal year. Any secretary of the  
11 auditors refusing or wilfully neglecting to file the report  
12 commits a summary offense. If the failure to file the report  
13 within the period specified is due to the failure of any or all  
14 of the auditors to prepare the statement upon which the report  
15 is to be based, the auditor commits a summary offense.

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

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

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





1       Section 1006.   [Employment and Compensation of Attorney.--]  
2   Attorney to Auditors.--(a)   The auditors[, in case of] may  
3   employ an attorney if a disagreement [with] occurs between the  
4   auditors and any official or board of officials whose accounts  
5   [they] the auditors are required to audit[, may employ an  
6   attorney. Such]. The attorney shall not be employed until  
7   reasonable effort to reach an agreement has been made, and only  
8   after notice of [their intention so to do] the auditors'  
9   intention to hire the attorney has been given to [said] the  
10   official or board of officials. [The compensation for such  
11   attorney shall be fixed by the auditors, and shall not exceed  
12   thirty dollars, unless an appeal is taken to the courts, in  
13   which case the court shall fix the additional compensation for  
14   the attorney. The compensation for said attorney shall be paid  
15   out of the general fund, by a warrant drawn by the auditors upon  
16   the township treasurer.]

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

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

26       Section 1006.1.   Surcharge by Auditors.--(a)   The amount of a  
27   balance or shortage or of an expenditure of a kind or made in a  
28   manner prohibited or not authorized by statute that causes a  
29   financial loss to the township shall be a surcharge against an  
30   officer or person responsible for the balance or shortage, or



1 who by vote, act or neglect has permitted or approved the  
2 expenditure.

3 (b) The following shall apply:

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

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

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

17 Notwithstanding this section, the procedures in the act of May  
18 25, 1945 (P.L.1050, No.394), known as the "Local Tax Collection  
19 Law," shall apply to balances and shortages in the tax accounts  
20 of the tax collector.

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



1 counsel appointed by the township for a specific matter.

2 (c) In any matter involving a financial transaction, an  
3 officer knowingly and wilfully acting contrary to law commits a  
4 misdemeanor and, upon conviction, may be sentenced to pay a fine  
5 not exceeding one hundred dollars.

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

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

26 Section 1008. Collection of Surcharges.--[The auditors or  
27 any] Any auditor, registered elector or taxpayer of the township  
28 may enforce the collection of a judgment entered for a surcharge  
29 for the benefit of the township, by any appropriate action or  
30 execution, upon filing in the court of common pleas a bond, with



1 one or more sureties (in the case of a registered elector or  
2 taxpayer), conditioned to indemnify the township from all costs  
3 [which may accrue in] of the proceedings undertaken by [such]  
4 the registered elector or taxpayer, subject, however, to all  
5 rights of appeal from the report of the auditors granted by this  
6 [article] subarticle.

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

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

27 Section 1012. [Consolidation of Appeals.--When] Procedure on  
28 Appeals.--(a) In any proceeding upon an appeal from a report of  
29 the auditors, the accounts of the officer or the person in  
30 question may be investigated de novo, and the burden shall be



1 upon each officer or person whose accounts are involved in the  
2 appeal of establishing the right to credits claimed by the  
3 officer or person, but the opposing party in the appeal may use  
4 any facts, figures or findings of the report of the auditors as  
5 prima facie evidence against any officer or person.

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

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

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

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

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

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

29 Section 1016. [Judgment] Findings of Facts and Law, Judgment  
30 and Appeals.--After hearing, the court shall file its findings



1 of fact and law and enter judgment [in accordance therewith]  
2 accordingly, and the judgment [so] entered may be enforced by  
3 the prevailing party by any appropriate proceedings [by any  
4 auditor, officer, registered elector, or taxpayer of the  
5 township]. An appeal from the court's ruling may be taken in  
6 accordance with law.

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

11 Section 36.10. Section 1018 of the act is repealed:

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

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

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

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



1     (2) If, in the opinion of the court, the final determination  
2 is more favorable to the township than that awarded by the  
3 auditors in the case of an appeal taken by the township or a  
4 taxpayer, the township officer who is the subject of the  
5 surcharge proceeding shall pay reasonable attorney fees or,  
6 under paragraph (3), a portion of reasonable attorney fees  
7 incurred by the township, elector or taxpayer in connection with  
8 the surcharge proceeding.

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

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

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

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

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

26             (b) Appointed Independent Auditor  
27 Section 1050. Appointment of independent auditor.

28     If an ordinance has been enacted for the appointment of an  
29 independent auditor in lieu of elected auditors under section  
30 503(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 the 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



1 financial statements shall be presented on a uniform form  
2 prepared and furnished as provided in section 1701a.

3 (e) Appeal.--Nothing in this subarticle shall prohibit a  
4 registered elector or taxpayer from appealing an annual audit  
5 and financial report of the independent auditor in accordance  
6 with and subject to the procedures in sections 1009, 1010, 1012,  
7 1016, 1017 and 1019 if the registered elector or taxpayer  
8 believes a surcharge as described in section 1006.1 should exist  
9 against an officer or person. The appeal shall be initiated  
10 within 45 days of the filing specified in section 1052(b).

11 Section 37.1. Sections 1101, 1102, 1103, 1104, 1105, 1106,  
12 1107, 1108, 1109 and 1110 of the act are amended to read:

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

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

29 [The township controller may, at the instance of a taxpayer,  
30 and by rule upon him for that purpose, be compelled to justify



1 his bond as to the amount thereof before the court of common  
2 pleas.]

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

7 Section 1102. Salary of Controller.--The annual salary of  
8 the controller shall be fixed by ordinance, passed at least  
9 thirty days before [his election. His salary shall not exceed  
10 five thousand dollars.] the controller's election. Any change in  
11 salary, compensation or emoluments of the elected office shall  
12 become effective at the beginning of the next term of the  
13 controller.

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

25 (b) In the examination, audit and settlement of accounts the  
26 controller shall have all of the powers and perform all of the  
27 duties vested in and imposed on the auditors by this act. [He]  
28 In the authentication of any account or claim or demand against  
29 the township, the controller shall have the same power and  
30 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,];



1     (4) immediately upon the discovery of any default,  
2 irregularity or delinquency, report the same to the board of  
3 commissioners[. He shall also]; and  
4     (5) audit and report upon the account of [any such] an  
5 officer upon the death, resignation, removal, or expiration of  
6 the term of the [said] officer.

7     [In the making of any audit or settlement, and in the  
8 authentication of any account or claim or demand against the  
9 township, the controller of any township shall have the same  
10 power and authority to obtain the attendance before him of  
11 parties and witnesses, and the production of books and papers,  
12 and to administer oaths and affirmations, as are given by law to  
13 township auditors. All persons guilty of swearing or affirming  
14 falsely before him shall be liable to the penalty for perjury.]

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

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

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

30     Section 1105. [Controller to Prevent Appropriation Over



1 ~~Drafts]~~ Prevention of Appropriation Overdrafts.--The township  
2 controller shall not permit any appropriation made by the board  
3 of ~~[township]~~ commissioners to be overdrawn. ~~[Whenever]~~ If an  
4 appropriation is exhausted, the object of which is not complete,  
5 ~~[he]~~ the commissioner shall immediately report the fact to the  
6 board of commissioners, and accompany ~~[such]~~ the report with a  
7 statement of the ~~[moneys]~~ money which ~~[have]~~ has been drawn on  
8 ~~[such]~~ the appropriation and the particular purpose for which  
9 ~~[they are]~~ it was drawn.

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

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

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

29 Section 1107. Management and Improvement of Township  
30 Finances.--The township controller shall, as often as ~~[he]~~ the



1 controller may deem expedient or the board of commissioners  
2 shall direct, suggest plans to the board of commissioners for  
3 the management and improvement of the township finances.

4 Section 1108. [Books] Financial Records to Be Kept by  
5 Controller.--The township controller shall [keep a regular set  
6 of books, in which shall be opened and kept] maintain financial  
7 records and maintain as many accounts, under appropriate titles,  
8 as may be necessary to show separately and distinctly all the  
9 estates and property [whatsoever], real and personal, vested in  
10 the township, all trusts in the care of the [same] township, all  
11 debts due and owing the township, all receipts and expenditures  
12 of the various departments of the township government, and all  
13 appropriations made by the board of commissioners and the sums  
14 under the same, respectively.

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

24 Section 1110. Controller to Retain [Books, Documents, Et  
25 Cetera,] Financial Records, Pending Appeals.--Every township  
26 controller shall retain [in his] possession, during the forty-  
27 five days' period elapsing between the date of filing [his] the  
28 report and the expiration of the time for filing the appeal  
29 [therefrom, all books, documents, vouchers, checks and other  
30 papers which have been procured before him in the course of his



1 audit of the accounts of township officers, and, if any appeal  
2 shall be taken, shall continue to hold the same for production  
3 in the proceeding to determine the appeal.] from the report, all  
4 financial records and other papers that were submitted to the  
5 controller for audit of the accounts of township officers. If an  
6 appeal is taken, the controller shall continue to hold the  
7 financial records and papers for production in the proceeding to  
8 determine the appeal.

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

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

27 Section 39. Section 1202 of the act is repealed:

28 [~~Section 1202. Bond.--The township solicitor shall, if the~~  
29 ~~board of commissioners so requires, give a bond to the township,~~  
30 ~~with a surety company or other company authorized by law to act~~





1 as surety, to be approved by the board of commissioners, in such  
2 sum as it shall by ordinance or resolution direct, conditioned  
3 for the faithful performance of his duty.]

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

6 Section 1203. [Solicitor to have Control of Law Matters.--  
7 The law matters of the township shall be under the  
8 superintendence, direction and control of the township  
9 solicitor. No official or official body of the township, except  
10 as herein otherwise provided, shall employ an additional counsel  
11 without the assent or ratification of the board of  
12 commissioners.] Control of Legal Matters.--

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

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

20 Section 1204. Duties of Solicitor.--The township solicitor  
21 [shall prepare such bonds, obligations, contracts, leases,  
22 conveyances, and assurances to which the township, or any  
23 department thereof, may be a party, as may be directed by  
24 ordinance or resolution; he shall commence and prosecute all  
25 actions brought by the township for or on account of any of the  
26 estates, rights, trusts, privileges, claims, or demands, as well  
27 as defend all actions or suits against the township, or any  
28 officer thereof, wherein or whereby any of the estates, rights,  
29 privileges, trusts, ordinances, or accounts of the township may  
30 be brought in question before any court in the Commonwealth; and



1 shall do every professional act incident to the office which he  
2 may be authorized or required to do by the board of  
3 commissioners or by any ordinance or resolution. He shall,  
4 whenever required, furnish the board of commissioners, and the  
5 committees thereof, with his opinion in writing upon any  
6 question of law which may be submitted by any of them in their  
7 official capacities.] or special counsel, as applicable, shall:

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

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

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

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

28 Section 1301. [Election of Township Engineer; Term; Filling  
29 of Vacancies.--The board of commissioners at the commencement of  
30 the fiscal year in any even-numbered year, or as soon thereafter



1 as may be practicable, may elect, by a vote of a majority of the  
2 members, one person as township engineer, who shall be a  
3 registered civil engineer. He shall serve for a term of two  
4 years, and until his successor qualifies. The board of  
5 commissioners shall fix the compensation of the engineer.  
6 Vacancies in the office of township engineer shall be filled by  
7 the board of commissioners for the unexpired term.] Township  
8 Engineer.--

9 (a) The board of commissioners may appoint and determine the  
10 compensation of a township engineer who must be a registered  
11 professional engineer. The township engineer serves at the  
12 pleasure of the board of commissioners.

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

16 Section 41. Section 1302 of the act is repealed:

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

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

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



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

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

8     Section 1304. Duties; Preparation of Plans.--The township  
9 engineer shall perform [such duties as the board of  
10 commissioners shall prescribe as to the construction,  
11 reconstruction, maintenance, and repair of all streets, bridges,  
12 culverts, and other engineering work. He shall prepare plans,  
13 specifications, and estimates of all such work undertaken by  
14 such township, and shall, whenever required, furnish the board  
15 of commissioners, and the committees thereof, with reports,  
16 information, or estimates on any township engineering work or on  
17 questions submitted by any of them in their official capacity.]  
18 duties and provide reports as the board of commissioners may  
19 direct for the construction, reconstruction, maintenance and  
20 repair of streets, bridges, culverts and other engineering work.  
21 The township engineer may prepare plans, specifications and  
22 estimates of the work undertaken by the township and shall  
23 furnish the board of commissioners, and the committees of the  
24 township, with reports, information or estimates on any township  
25 engineering work or on questions submitted by the board of  
26 commissioners.

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

29     (a) The township engineer shall[, immediately after the  
30 completion of any municipal improvement, the cost of which, in



1 whole or in part, is to be paid by the owner of the abutting  
2 property, make certificate in which he shall state the day or  
3 time on which the particular improvement was completed, and  
4 shall file the same with the township secretary, who shall enter  
5 the said day or time of completion of the work in a book to be  
6 kept by him for said purpose. The said day or time mentioned in  
7 said certificate shall be conclusive on all parties as to the  
8 time the said work was completed. The time of completion of the  
9 work, referred to in this section and in other parts of this  
10 act, shall be taken to mean the time of the completion of the  
11 whole contract for the improvement. He shall also furnish to the  
12 township secretary a certificate showing the time at which any  
13 such particular improvement was commenced, and such certificate  
14 shall be conclusive evidence of the time when the said  
15 improvement was begun. An entry of such date shall be made by  
16 said secretary in the book aforesaid.] certify to the township  
17 secretary the date of commencement and date of completion of all  
18 municipal improvements, the cost of which, in whole or in part,  
19 is to be paid by the owners of the abutting property. The  
20 certification shall be made a part of the permanent records of  
21 the township. The certified date of commencement and certified  
22 date of completion shall be conclusive on all parties.

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

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

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

30 [(b) Real Estate Registry



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

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

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



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

9 Section 1314. Duties Imposed on Owners of Real Estate When  
10 Registry Established; Penalty.--All owners of unregistered real  
11 estate within the township limits, within one month from the  
12 date of the approval of the ordinance establishing such  
13 registry, and every subsequent purchaser, and every devisee or  
14 person acquiring title by partition, or otherwise, to any real  
15 estate therein, within one month after acquiring such title,  
16 shall furnish to the said engineer, at his office, descriptions  
17 of their respective properties, upon blanks furnished by the  
18 township, and, at the same time, present their conveyance to be  
19 stamped by said engineer, without charge, as evidence of the  
20 registration thereof. Any person or persons neglecting or  
21 refusing to comply with the provisions of this section, for a  
22 period of thirty days after public notice of the requirements  
23 thereof, shall be liable to a penalty of five dollars, to be  
24 recovered, with costs of suit, in the name and for the use of  
25 the township, as penalties for the violation of township  
26 ordinances are recoverable: Provided, however, That such  
27 registration may, within said thirty day period, be also  
28 effected by the Recorder of Deeds of the county in accordance  
29 with existing law.

30 Section 1315. Registry of Properties; Duty of County



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

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

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

17 ARTICLE XIII-A

18 TOWNSHIP MANAGER

19 Section 1301-A. Township manager.

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

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





1 Section 1302-A. Power and duties; agreement.

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

7 (b) Scope of agreement and validity.--

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

12 (2) The agreement may remain in effect for a specified  
13 period terminating no later than the date of the board of  
14 commissioners' organizational meeting following the next  
15 municipal election.

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

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

28 (c) Status as public official.--The township manager, if an  
29 individual, and, in the case of a partnership, limited  
30 partnership, association or a professional corporation appointed



1 as the township manager, all officers and those employees  
2 directly providing services as required or authorized by the  
3 agreement, shall be considered a public official for purposes of  
4 the provisions of 65 Pa.C.S. § 1103 (relating to restricted  
5 activities).

6 Section 1303-A. Bond.

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

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

18 Section 1304-A. Incompatibility.

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

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

26 ARTICLE XIII-B

27 VETERANS' AFFAIRS

28 (a) Pennsylvania National Guard

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

30 (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.



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

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

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

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

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

20 (d) Accounting required.--

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

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

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



1 (b) Support of Veterans' Organizations and Memorials

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

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

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

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

13 Section 1313-B. Care of memorials.

14 (a) Maintenance and repair.--The board of commissioners may  
15 maintain and keep in good order and repair, at the expense of  
16 the township, a soldiers' monument, gun or carriage or similar  
17 memorial if the memorial is not in the charge or care of an  
18 individual, body or organization and the memorial was not  
19 erected by the Federal Government, the Commonwealth or the  
20 commissioners of the county or by the direction or authority of  
21 any other state.

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

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

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

30 (1) Who die within the township or die beyond the



1 township limits but had a legal residence within the township  
2 at the time of death.

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

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

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

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

23 (1) by municipal police officers under a contract;  
24 (2) through the purchase of police services; or  
25 (3) by joining or developing a consolidated regional police  
26 service.

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

29 (1) in accordance with the act of June 15, 1951 (P.L.586,  
30 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 Article VI, subdivision (d).

~~(d) No police officer may at the same time hold a public office.~~

(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



1 school.]

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

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

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

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

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

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





1 rules of the Supreme Court or the ordinances of the township,  
2 for the violation of which a fine or penalty may be imposed.

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

10 serve and execute criminal process or processes issued for the  
11 violation of township ordinances and shall charge the same fees  
12 and costs as pertain by law to constables of the township for  
13 similar services, but the fees and costs shall be paid to the  
14 township treasurer for the use of the township.

15 Section 1405. Supervision of Police.--The chief of police  
16 and [policemen shall obey the orders of the board of township  
17 commissioners or such other person or committee as may be  
18 designated by ordinance or resolution of the board for such  
19 purposes.] police officers shall obey the orders of the board of  
20 commissioners or any other person or committee as designated by  
21 ordinance or resolution of the board for that purpose.

22 Section 48. Section 1406 of the act is repealed:

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

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

29 Section 1407. Badge.--[The police,] Township police  
30 officers, when on duty, shall wear a badge or shield with the



1 words "Township Police" and the name of the township inscribed  
2 [thereon] on the badge or shield.

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

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

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

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

20 (a) If a police force of less than three full-time members  
21 is maintained, the township shall, unless there is a private  
22 organization or association constituting and managing an  
23 existing pension fund for the members of the police force in  
24 [any such] the township, by ordinance, establish a police  
25 pension fund to be maintained by member contributions of an  
26 equal percentage charge against each member of the police  
27 force[, which,]. The member contributions, except to the extent  
28 that subsection (c) of section 607 of the act of December 18,  
29 1984 (P.L.1005, No.205), known as the "Municipal Pension Plan  
30 Funding Standard and Recovery Act," applies, shall not exceed



1 annually four [per centum] percent of the pay of [such] the  
2 member. [All pension funds established under the provisions of  
3 this section shall be under the direction of the township  
4 commissioners or such committee as they may designate, and shall  
5 be applied, under such regulations as the commissioners may by  
6 ordinance prescribe, for the benefit of such members of the  
7 police force as shall receive honorable discharge therefrom by  
8 reason of age or disability and the families of such as may be  
9 injured or killed in the service. Any allowances made to those  
10 who are retired by reason of disability or age shall be in  
11 conformity with a uniform scale.]

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

19 (c) (1) All pension funds or investment or insurance  
20 instruments established under this section shall be under the  
21 direction of the board of commissioners, or a committee as the  
22 board of commissioners may designate, and shall be applied under  
23 regulations as the board of commissioners may, by ordinance,  
24 prescribe for the benefit of the members of the police force who  
25 receive honorable discharge by reason of age or disability and  
26 the families of police officers injured or killed in the  
27 service.

28 (2) The board of commissioners shall appoint by resolution a  
29 chief administrative officer who shall have the primary  
30 responsibility for the execution of the administrative affairs



1 of the pension plan, subject to the direction of the board of  
2 commissioners.

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

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

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

14 (f) A township that establishes a police pension fund under  
15 this section shall make contributions to the police pension fund  
16 in an amount sufficient to meet the minimum obligation of the  
17 municipality with respect to the pension plan under the act of  
18 December 18, 1984 (P.L.1005, No.205), known as the "Municipal  
19 Pension Plan Funding Standard and Recovery Act."

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

29 (h) (1) The basis of the apportionment of the pension  
30 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.

(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



1 municipality with respect to the pension plan pursuant to the  
2 act of December 18, 1984 (P.L.1005, No.205), known as the  
3 "Municipal Pension Plan Funding Standard and Recovery Act," and  
4 may take, by gift, grant, devise or bequest, any money or  
5 property, real, personal or mixed, in trust for the benefit of  
6 such police pension fund. The care, management, investment, and  
7 disposal of such trust funds or property shall be vested in such  
8 officers as the township commissioners shall, by ordinance,  
9 direct, and shall be governed by such officers, subject to any  
10 directions not inconsistent therewith, as the donors of such  
11 funds and property may prescribe. Any township may also make  
12 contributions to any incorporated police pension fund extending  
13 retirement benefits to police officers of the township, subject  
14 to such conditions as the township commissioners may impose and  
15 in conformance with any applicable provisions of the "Municipal  
16 Pension Plan Funding Standard and Recovery Act."

17 Section 1414. Reasons for Denying Retirement Allowance.--No  
18 person participating in such police pension fund established by  
19 ordinance, and becoming entitled to receive a benefit therefrom,  
20 shall be deprived of his rights except for failing to comply  
21 with some general regulation relating to the management of such  
22 fund, which may be made by ordinance, and which provides that a  
23 failure to comply therewith shall terminate the right to  
24 participate in the pension fund, after such notice and hearing  
25 as it shall prescribe.

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



1 killed in service.]

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

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

21 (b) The board of township commissioners may approve an  
22 ordinance allowing a board of school directors to assume hiring  
23 and oversight of school crossing guards. Before the board of  
24 township commissioners may approve such an ordinance, the board  
25 of directors of the school district shall approve a resolution  
26 requesting the authority to assume the hiring and oversight of  
27 school crossing guards. The ordinance shall outline how the  
28 police department will provide any necessary training and  
29 assistance of the school crossing guards while on duty. Such  
30 school crossing guards will be authorized only in the management





1 of traffic and pedestrians in and around areas identified by the  
2 police department and the school district superintendent or his  
3 or her designees. The school crossing guards shall not come  
4 within the civil service provision of this act, nor shall they  
5 fall under the bargaining unit of the school district nor be  
6 considered an employe as defined under section 1101-A of the act  
7 of March 10, 1949 (P.L.30, No.14), known as the "Public School  
8 Code of 1949," or a school employe as defined under 24 Pa.C.S. §  
9 8102 (relating to definitions) or under any plans hereafter  
10 effective. Once the ordinance receives approval by the board of  
11 township commissioners, the school district shall assume the  
12 cost of compensation, including fixing such compensation, if  
13 any, of the school crossing guards. Auxiliary policemen,  
14 appointed as prescribed by general law, may be hired by the  
15 school district to serve as school crossing guards. The board of  
16 school directors shall notify the board of township  
17 commissioners of those hired to serve as school crossing guards  
18 and request that the necessary training or assistance be  
19 provided as outlined by the ordinance.] (a) (1) The board of  
20 commissioners, by resolution, may appoint school crossing guards  
21 who shall be authorized only to manage traffic and pedestrians  
22 at or near schools while the school crossing guards are in  
23 uniform.

24 (2) School crossing guards shall serve at the pleasure of  
25 the board of commissioners, except as provided in subsection  
26 (b), shall not be subject to the civil service provisions of  
27 this act and shall not be eligible to join any township pension  
28 fund.

29 (3) The compensation of the school crossing guards, if any,  
30 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 provision of this act.

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

(iii) Be considered an employe 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 employe as defined under 24 Pa.C.S. § 8102 (relating to definitions) or an employe



1 under any township or school district pension or benefit plan.

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

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

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

14 Section 52. Section 1501 of the act, amended October 24,  
15 2018 (P.L.921, No.151), is amended to read:

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

18 I. Sue and be sued.

19 II. Purchase, acquire by gift, or otherwise, hold, lease,  
20 let and convey, by sale or lease, such real and personal  
21 property as shall be deemed to be to the best interest of the  
22 township: Provided, That no real estate owned by the township  
23 shall be sold for a consideration in excess of one thousand five  
24 hundred dollars except to the highest bidder after due notice by  
25 advertisement for bids or advertisement of a public auction in  
26 one newspaper of general circulation in the township. Such  
27 advertisement shall be published once not less than ten days  
28 prior to the date fixed for the opening of bids or public  
29 auction, and such date for opening bids or public auction shall  
30 be announced in such advertisement. The award of contracts shall



1 be made only by public announcement at a regular or special  
2 meeting of the board of township commissioners or at the public  
3 auction. All bids shall be accepted on the condition that  
4 payment of the purchase price in full shall be made within sixty  
5 days of the acceptance of bids.

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

11 Except as otherwise hereinafter provided in the case of  
12 personal property of an estimated fair market value of less than  
13 two thousand dollars, no township personal property shall be  
14 disposed of, by sale or otherwise, except upon approval of the  
15 board of township commissioners, by ordinance or resolution. In  
16 cases where the board of township commissioners shall approve a  
17 sale of such property, it shall estimate the fair market value  
18 of the entire lot to be disposed of. If the board of township  
19 commissioners shall estimate the fair market value to be two  
20 thousand dollars or more, the entire lot shall be advertised for  
21 sale once, in at least one newspaper of general circulation in  
22 the township, not less than ten days prior to the date fixed for  
23 the opening of bids or public auction, and such date of opening  
24 of bids or public auction shall be announced in such  
25 advertisement, and sale of the property so advertised shall be  
26 made to the best responsible bidder. A public auction of  
27 personal property may be conducted by means of an online or  
28 electronic auction sale. During an electronic auction sale, bids  
29 shall be accepted electronically at the time and in the manner  
30 designated in the advertisement. During the electronic auction,



1 each bidder shall have the capability to view the bidder's bid  
2 rank or the high bid price. Bidders may increase their bid  
3 prices during the electronic auction. The record of the  
4 electronic auction shall be accessible for public inspection.  
5 The purchase price shall be paid by the high bidder immediately  
6 or at a reasonable time after the conclusion of the electronic  
7 auction as determined by the board of township commissioners. In  
8 the event that shipping costs are incurred, they shall be paid  
9 by the high bidder. A township that has complied with the  
10 advertising requirements of this clause may provide additional  
11 public notice of the sale by bids or public auction in any  
12 manner deemed appropriate by the board of township  
13 commissioners. The advertisement for electronic auction sales  
14 authorized in this clause shall include the Internet address or  
15 means of accessing the electronic auction and the date, time and  
16 duration of the electronic auction. The board of township  
17 commissioners may reject any bids received if the bids are  
18 believed to be less than the fair market value of the property.  
19 The board of township commissioners shall, by resolution, adopt  
20 a procedure for the sale of surplus personal property, either  
21 individual items or lots of items, of an estimated fair market  
22 value of less than two thousand dollars and the approval of the  
23 board of township commissioners shall not be required for any  
24 individual sale that shall be made in conformity to such  
25 procedure.

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

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



1 The provisions of this clause requiring advertising for bids  
2 or sale at public auction and sale to the highest bidder shall  
3 not apply where township real or personal property is to be sold  
4 to a county, city, borough, town, township, institution  
5 district, school district, volunteer fire company, volunteer  
6 ambulance service or volunteer rescue squad located within the  
7 township, or authority as defined in 53 Pa.C.S. § 5602 (relating  
8 to definitions), or to a nonprofit corporation engaged in  
9 community industrial, commercial or affordable housing  
10 development or reuse or where real property is to be sold to a  
11 person for his exclusive use in an industrial development  
12 program or where real property is to be sold to a nonprofit  
13 corporation organized as a public library, or where real  
14 property is to be sold to a nonprofit medical service  
15 corporation as authorized by clause LXXII of section 1502, or  
16 where real property is to be sold to a nonprofit housing  
17 corporation as authorized by clause LXXIII of section 1502. When  
18 real property is to be sold to a nonprofit corporation organized  
19 as a public library or to a nonprofit medical service  
20 corporation or to a nonprofit housing corporation the board of  
21 township commissioners may elect to accept such nominal  
22 consideration for such sale as it shall deem appropriate. Real  
23 property sold pursuant to this clause to a volunteer fire  
24 company, volunteer ambulance service or volunteer rescue squad,  
25 nonprofit medical service corporation or to a nonprofit housing  
26 corporation shall be subject to the condition that when the  
27 property is not used for the purposes of the company, service,  
28 squad or the corporation the property shall revert to the  
29 township.

30 Any officer who sells and each officer who votes in favor of



1 selling any township property, either real or personal, without  
2 the provisions of this section having been complied with, shall  
3 be subject to surcharge in the amount of any loss sustained by  
4 the township by reason of such sale.

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

11 (1) Sue and be sued.

12 (2) Have and use a corporate seal and alter the seal.

13 (3) Purchase, exchange, acquire by gift, or otherwise, hold,  
14 lease, let and convey, by sale or lease, real and personal  
15 property deemed to be to the best interest of the township  
16 subject to the restrictions, limitations or exceptions as set  
17 forth in this act.

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

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

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

28 (c) The award of contracts shall be made only by public  
29 announcement at a regular or special meeting of the board of  
30 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





1 in this subsection include a subsequent sale or lease of the  
2 property to any of the entities listed in section 1501.3.

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

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

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

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



1 to the highest bidder.

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

22 (c) The board of commissioners may reject any bids received  
23 if the bids are believed to be less than the fair market value  
24 of the property. If no compliant bids are received after  
25 advertisement, the applicable procedures in the act of October  
26 27, 1979 (P.L.241, No.78), entitled "An act authorizing  
27 political subdivisions, municipality authorities and  
28 transportation authorities to enter into contracts for the  
29 purchase of goods and the sale of real and personal property  
30 where no bids are received," shall be followed.



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

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

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

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

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

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

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



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

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

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

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

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

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

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

27     Section 1501.5. General Powers.--The board of commissioners  
28 may make and adopt any ordinances, bylaws, rules and regulations  
29 not inconsistent with or restrained by the Constitution and laws  
30 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



1 the county, to permit receipt by the office storing municipal  
2 ordinances. Upon request by the township, the county shall  
3 notify the township of the method by which electronic copies may  
4 be submitted. The county may store the ordinance electronically,  
5 provided that the public is able to access the electronically  
6 stored township ordinances during regular business hours at the  
7 office or at a remote location. The township shall retain a  
8 printed copy of the e-mail and ordinance as transmitted. The  
9 date of such filing shall not affect the effective date of the  
10 ordinance, the validity of the process of the enactment or  
11 adoption of the ordinance. In the event substantial amendments  
12 are made in the proposed ordinance or resolution, upon  
13 enactment, the board shall within ten days readvertise in one  
14 newspaper of general circulation in the township, a brief  
15 summary setting forth all the provisions in reasonable detail  
16 together with a summary of the amendments. In any case in which  
17 maps, plans or drawings of any kind are adopted as part of an  
18 ordinance, the commissioners may, instead of publishing the same  
19 as part of the ordinance, refer, in publishing the ordinance, to  
20 the place where such maps, plans or drawings are on file and may  
21 be examined. No ordinance, resolution pertaining to a tax levy,  
22 or resolution of a legislative character in the nature of an  
23 ordinance, shall be considered in force until the same is  
24 recorded in the ordinance book of the township. All township  
25 ordinances and all township resolutions pertaining to tax levies  
26 shall, within one month after their passage, be recorded by the  
27 township secretary in a book provided for that purpose, which  
28 shall be at all times open to the inspection of citizens. A  
29 failure to record within the time provided shall not be deemed a  
30 defect in the process of the enactment or adoption of such



1 ordinance or resolution. The entry of the township ordinance or  
2 resolution in the ordinance book by the secretary shall be  
3 sufficient without the signature of the president of the board  
4 of commissioners or other person. Any and all township  
5 ordinances or portions thereof, the text of which prior to the  
6 effective date of this amendment shall have been attached to the  
7 ordinance book, shall be considered in force just as if such  
8 ordinances or portions thereof had been recorded directly upon  
9 the pages of such ordinance book: Provided, That all other  
10 requirements of this act applicable to the enactment, approval,  
11 advertising and recording of such ordinances or portions thereof  
12 were complied with within the time limit prescribed by this act.

13 (b) Whenever any township shall have caused to be prepared a  
14 consolidation, codification or revision of the general body of  
15 township ordinances, or the ordinances on a particular subject,  
16 the board of township commissioners may adopt such  
17 consolidation, codification or revision as an ordinance of the  
18 township, in the same manner that is now prescribed by law for  
19 the adoption of township ordinances, except as hereinafter  
20 provided.

21 Any such consolidation, codification or revision of township  
22 ordinances to be enacted as a single ordinance shall be  
23 introduced in the board of township commissioners at least  
24 thirty days before its final enactment, and at least fifteen  
25 days before its final enactment, notice of the introduction of  
26 any consolidation, codification or revision, specifying its  
27 general nature and listing its table of contents, shall be given  
28 by advertisement in a newspaper of general circulation in said  
29 township.

30 When any such consolidation, codification or revision has



1 been enacted as an ordinance, it shall not be necessary to  
2 advertise the entire text thereof, but it shall be sufficient in  
3 any such case, to publish a notice stating that such  
4 consolidation, codification or revision, notice of the  
5 introduction of which had previously been given, was finally  
6 enacted.

7 The procedure set forth in this section for the  
8 consolidation, codification or revision of township ordinances  
9 as a single ordinance may also be followed in enacting a  
10 complete group or body of ordinances, repealing or amending  
11 existing ordinances as may be necessary, in the course of  
12 preparing a consolidation, codification or revision of the  
13 township ordinances, except that in such case the advertisement  
14 giving notice of the introduction shall list, in lieu of a table  
15 of contents, the titles only of each of the ordinances in such  
16 complete group or body of ordinances, and the notice following  
17 enactment shall simply state that such group or body of  
18 ordinances was passed finally.

19 (c) Complaint as to the legality of any ordinance or  
20 resolution may be made to the court. In cases of the laying out  
21 of streets over private property the court shall have  
22 jurisdiction to review the propriety as well as the legality of  
23 the ordinance.

24 (d) Any ordinance may be adopted by reference to a standard  
25 or nationally recognized code, or to parts thereof, determined  
26 by the board, or the provisions of the ordinance may be supplied  
27 by reference to a typed or printed code, prepared under the  
28 direction of or accepted by the board, or the provisions may  
29 consist of a standard or nationally recognized code, or parts  
30 thereof, and also further provisions typed or printed as





1 aforesaid: Provided, however, That no portion of any code which  
2 limits the work to be performed to any type of construction  
3 contractor, or labor or mechanic classification shall be  
4 adopted.

5 Publication of such code, or amendments thereto, in full  
6 shall not be required, but it shall be sufficient compliance  
7 with this act, in such publication as is required, to set forth  
8 briefly the substance of such proposed code and to give notice  
9 of the place where such code is on file and may be examined. Not  
10 less than three copies of such code, portion, or amendment which  
11 is incorporated or adopted by reference, shall be filed with the  
12 secretary of the township at least ten days before the board  
13 considers the proposed ordinance and upon enactment kept with  
14 the ordinance book, and available for public use, inspection and  
15 examination.

16 Any ordinance adopted by reference to any code shall be  
17 enacted within sixty days after it is filed with the secretary  
18 of the township and, in the case of a standard or nationally  
19 recognized code, shall encompass the provisions of the code  
20 effective as of the code date stated in the ordinance.

21 Any township that has adopted any standard or nationally  
22 recognized code by reference may adopt subsequent ordinances  
23 which incorporate by reference any subsequent changes thereof,  
24 properly identified as to date and source, as may be adopted by  
25 the agency or association which promulgated the code.

26 Any ordinances which incorporate code amendments by reference  
27 shall become effective after the same procedure and in the same  
28 manner as is herein specified for original adoption of any such  
29 code.

30 II. Fines for Violation of Ordinances. To prescribe fines



1 and penalties, not exceeding one thousand dollars for a  
2 violation of a building, housing, property maintenance, health,  
3 fire or public safety code or ordinance and for water, air and  
4 noise pollution violations, and not exceeding six hundred  
5 dollars for a violation of any other township ordinance, which  
6 fines and penalties may be collected by suit brought in the name  
7 of the township before any justice of the peace, in like manner  
8 as debts of like amount may be sued for by existing laws, and to  
9 remit such fines and penalties.

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

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

20 The powers and duties of the township manager shall be  
21 regulated by ordinance. The board of commissioners may enter  
22 into an employment agreement with the township manager. The  
23 employment agreement may set forth the terms and conditions of  
24 employment, and the agreement may provide that it shall remain  
25 in effect for a specified period terminating no later than two  
26 years after the effective date of the agreement or the date of  
27 the board of commissioners' organizational meeting following the  
28 next municipal election, whichever shall first occur. An  
29 employment agreement entered into pursuant to this clause may  
30 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.



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

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

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

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

22 The township commissioners shall annually assess, or cause to  
23 be assessed, the cost and expense of the maintenance of said  
24 lights by an equal assessment on all property benefited by such  
25 lighting in proportion to the number of feet the same fronts on  
26 the street, or highway, or portion thereof to be lighted. The  
27 board of township commissioners may provide for an equitable  
28 reduction from the frontage of lots, at intersections, or where,  
29 from the peculiar or pointed shape of lots, an assessment of the  
30 full frontage would be inequitable. No such assessment shall be



1 made against any farm land, but vacant lots between built-up  
2 sections, whether tilled or untilled, shall not be deemed to be  
3 farm lands: Provided, however, That the assessment per front  
4 foot against vacant lots shall be only twenty-five per centum  
5 (25%) of the assessment per foot front against property with  
6 improvements thereon. All such assessments for street lighting  
7 shall be filed with the township tax collector, who shall give  
8 thirty days' written or printed notice that the assessments are  
9 due and payable, stating the due date to each party assessed,  
10 either by service on the owner of the property, or by mailing  
11 such notice to the owner at his last known post office address.  
12 The township tax collector shall be entitled to the same  
13 commission for the collection of such assessments as he is  
14 entitled to by law for the collection of the township tax. If  
15 the assessments, or any of them remain unpaid, on the first  
16 Monday of May of the succeeding year they shall be placed in the  
17 hands of the township solicitor for collection. The solicitor  
18 shall collect the same, together with five per centum (5%) as  
19 attorney's commission, and interest from the date such  
20 assessments were due, by a municipal claim filed against the  
21 property of the delinquent owner in like manner as municipal  
22 claims are by law filed and collected. Where an owner has two or  
23 more lots against which there is an assessment for the same  
24 year, all such lots shall be embraced in one claim. All  
25 assessments, when collected, shall be paid over to the township  
26 treasurer, who shall receive and shall keep all such assessments  
27 collected for lighting the streets and highways in a separate  
28 account and pay out the same only upon orders signed by the  
29 president or vice president of the township commissioners,  
30 attested by the secretary or assistant secretary. The treasurer



1 shall make a report to the auditor or controller of the township  
2 annually.

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

13 The board of township commissioners shall assess or cause to  
14 be assessed the cost and expense of the furnishing and  
15 installation of said standards, fittings and underground wiring  
16 by an equal assessment on all property benefited by the  
17 furnishing and installation of such standards, fittings and  
18 underground wiring in proportion to the number of feet the same  
19 fronts on the street or highway or portion thereof to be  
20 lighted. The township commissioners may provide for an equitable  
21 reduction from the frontage of lots at intersections, or where  
22 from the peculiar or pointed shape of lots an assessment of the  
23 full frontage would be inequitable. No such assessment shall be  
24 made against any farm land, but vacant lots between built-up  
25 sections, whether tilled or untilled, shall not be deemed to be  
26 farm lands. All such assessments for the cost of furnishing and  
27 installation of such standards, fittings and underground wiring  
28 shall be filed with the township tax collector, who shall give  
29 thirty days written or printed notice that the assessments are  
30 due and payable, stating the due date to each party assessed,



1 either by service on the owner of the property or by mailing  
2 such notice to the owner at his last known post office address.  
3 The township tax collector shall be entitled to the same  
4 commission for the collection of such assessments as he is  
5 entitled to by law for the collection of the township tax. If  
6 the assessments or any of them remain unpaid at the expiration  
7 of a period not exceeding ninety days, the exact time to be  
8 fixed by the board of township commissioners, they shall be  
9 placed in the hands of the township solicitor for collection.  
10 The solicitor shall collect the same together with five per  
11 centum (5%) as attorney's commission and interest from the date  
12 such assessments were due by a municipal claim filed against the  
13 property of the delinquent owner in like manner as municipal  
14 claims are by law filed and collected. Where an owner has two or  
15 more lots against which there is an assessment all such lots may  
16 be embraced in one claim. All assessments when collected shall  
17 be paid over to the township treasurer who shall receive and  
18 shall keep all such assessments collected in a separate account  
19 and pay out the same only upon orders signed by the president or  
20 vice president of the township commissioners, attested by the  
21 secretary or assistant secretary. The treasurer shall make a  
22 report to the auditor or controller of the township annually  
23 until all of such assessments are paid in full.

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

30 XV. Fire and Water Districts; Bond Issues and Taxes. To



1 create, by ordinance, fire and water districts in any portion or  
2 portions of townships when, in their opinion, the same is  
3 necessary for the safety and convenience of the inhabitants of  
4 said township; to issue bonds restricted to the districts so  
5 created, for the purpose of procuring and maintaining the  
6 necessary supply of water to said district; and to levy such  
7 special tax restricted to said district as may be necessary to  
8 redeem any bonds so issued. To pay the cost or part of the cost  
9 of such water supply or water lines, the township commissioners  
10 may charge for any such water supply or water lines by an  
11 assessment of a special water or fire tax on all surface  
12 properties or real estate located in the water or fire district,  
13 which tax shall be based on the assessment for county purposes  
14 as established for general taxation. Such tax may be levied for  
15 a single year or for a term of years as the township  
16 commissioners may determine, but in the case of fire districts  
17 shall not exceed two mills per annum, and shall be collected in  
18 the same manner as other taxes. In lieu of the foregoing  
19 provisions, or in order to defray part of the cost of such water  
20 supply or water lines, in all cases where said township shall  
21 have established a water system and shall construct main water  
22 lines in said township, the board of township commissioners may  
23 charge the cost of construction of any municipal water lines or  
24 lateral lines, upon any streets or highways adjacent to main  
25 lines, or such portion of the cost of construction as the board  
26 may deem proper, upon the properties benefited or accommodated  
27 thereby. The ordinance, providing for such charge, shall be  
28 adopted by the board within six months from date of the final  
29 completion of such system of water lines. Said charges shall be  
30 assessed and collected in the manner provided in this act for





1 the assessment and collection of charges for the construction of  
2 sewers.

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

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

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



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

13 XX. Building and Housing Inspectors.

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

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

20 XXIII. Insurance. To make contracts with any fire insurance  
21 company, association or exchange, including mutual companies  
22 duly authorized by law to transact insurance business in the  
23 Commonwealth, insuring any building or property of the township;  
24 to make contracts with any insurance company insuring any public  
25 liability of the township; to appropriate such amount as may be  
26 necessary to secure insurance or compensation for volunteer  
27 firemen of companies duly recognized by the township by motion  
28 or resolution, killed or injured while going to or returning or  
29 attending fires; to make contracts of insurance with any  
30 insurance company, association or exchange authorized to



1 transact business in this Commonwealth insuring township  
2 employes or any class or classes thereof under a policy or  
3 policies of insurance covering workmen's compensation, life,  
4 health or accident insurance, and to contract with any such  
5 company granting annuities or pensions for the pensioning of  
6 such employes, and to agree to pay part or all of the premiums  
7 or charges for carrying such contracts, and to appropriate  
8 moneys from the township treasury for such purposes.

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

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

28 XXVI. Nuisances. To prohibit and remove any obstruction or  
29 nuisance in the streets and highways of the township; to make  
30 regulations respecting pigpens, slaughter houses, manure pits,



1 drains, dumps, cesspools, and similar conditions, to prohibit  
2 and remove any noxious or offensive manufacture, art or  
3 business, or dangerous structure, or weeds, or any other  
4 nuisance whatsoever, on public or private grounds, prejudicial  
5 to the public health or safety, or to require the removal of the  
6 same by the owner or occupier of such grounds; in default of  
7 which, the township may cause the same to be done and collect  
8 the cost thereof, together with a penalty of ten per centum of  
9 such cost, in the manner provided by law for the collection of  
10 municipal claims or by action of assumpsit without the filing of  
11 a claim, or may seek relief by bill in equity.

12 XXVII. Ashes, Garbage, Rubbish and Refuse Materials. To make  
13 regulations relative to the accumulation of manure, compost and  
14 the like; to prohibit accumulation of ashes, garbage, rubbish  
15 and other refuse materials upon private properties including the  
16 imposition and collection of reasonable fees and charges for the  
17 collection, removal and disposal thereof, and to prescribe fines  
18 and penalties for the violation of such regulations; to collect,  
19 remove and dispose of or to provide, by contract or otherwise,  
20 for the collection, removal and disposal by incineration, land  
21 fill or other methods of ashes, garbage, rubbish and other  
22 refuse materials; and to prescribe penalties for the enforcement  
23 thereof. Any such contract may be made for a period not  
24 exceeding three years: Provided, That this limitation shall not  
25 apply to contracts entered into with any other political  
26 subdivision or with any municipality authority. To acquire any  
27 real property and to erect, maintain, improve, operate and  
28 lease, either as lessor or lessee, facilities for incineration,  
29 land fill or other methods of disposal, either within or without  
30 the limits of the township, including equipment, either



1 separately or jointly, with any other political subdivision or  
2 with any municipality authority in order to provide for the  
3 destruction, collection, removal and disposal of ashes, garbage,  
4 rubbish and other refuse materials; and to provide for the  
5 payment of the cost and expense thereof, either in whole or  
6 part, out of the funds of the township and to acquire and to  
7 maintain lands and places for the dumping of ashes, garbage,  
8 rubbish and other refuse material. To fix, alter, charge and  
9 collect rates, and other charges for the collection, removal and  
10 disposal of ashes, garbage, rubbish and other refuse materials  
11 and the costs of including the payment of any indebtedness  
12 incurred for the construction, purchase, improvement, repair,  
13 maintenance and operation of any facilities therefor, and the  
14 amount due under any contract with any other political  
15 subdivision or with any municipality authority furnishing any of  
16 such services or facilities. To incur indebtedness and issue  
17 bonds for the costs of the construction, purchase, improvement  
18 and repair of any facilities for the collection, removal and  
19 disposal of ashes, garbage, rubbish and other refuse materials,  
20 including equipment to be used in connection therewith. To make  
21 appropriations to any other political subdivision or any  
22 municipality authority out of its general funds or out of any  
23 other available funds, including the proceeds of bonds of the  
24 township for the construction, purchase, improvement, repair,  
25 maintenance and operation of any facilities for the collection,  
26 removal and disposal of ashes, garbage, rubbish and other refuse  
27 materials. In the event that any such bonds were issued for such  
28 purposes, pursuant to a vote of the electors, any appropriation  
29 of such proceeds as above set forth shall not be deemed such a  
30 change of purpose from that for which such bonds were issued as



1 shall require the question to be again submitted to a vote of  
2 the electors under any existing law. Any such funds appropriated  
3 as herein authorized, which represent the proceeds of any bonds  
4 heretofore or hereafter issued by the township for the above  
5 purposes, shall be used by such other political subdivision or  
6 municipality authority for or toward the purpose or purposes for  
7 which such bonds were issued.

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

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

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

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



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

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

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

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

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

25 XXXVII. Care of Memorials. To maintain and keep in good  
26 order and repair at the expense of the township, and it shall be  
27 their duty so to do, any soldiers' monument, gun, or carriage,  
28 or other similar memorial, when there is not in existence any  
29 person, body or organization to care for and maintain the same,  
30 and when such memorials were not erected by the government of



1 the United States, the Commonwealth of Pennsylvania, any other  
2 state, or by the commissioners of any county; and to receive  
3 from persons or organizations funds for such purposes.

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

12 XXXIX. Appropriations to Civic Associations. To annually  
13 appropriate a sum, not exceeding two hundred dollars, for the  
14 support of any voluntary association composed of electors of the  
15 several townships within such county, or any of them, which  
16 association is formed for the study and investigation of the  
17 welfare, economics, management and government of townships, and  
18 for the protection and safeguarding of the rights and franchises  
19 of townships, and for the purpose of recommending legislation  
20 beneficial to townships, or any one or more of such purposes.

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

29 XLI. Land for Armories. To take by right of eminent domain,  
30 for the purpose of appropriating to themselves, for the use of





1 the National Guard of Pennsylvania, such public land, easements,  
2 and public property as may be in their possession or control,  
3 and used or held by them for any other purpose. Such right,  
4 however, shall not be exercised as to any street or highway or  
5 wharf, but all other public easements and property may be  
6 appropriated and used for the purpose herein provided, any  
7 limitation of the use thereof by the township, either by  
8 donation, dedication, appropriation, statute, or otherwise, to  
9 the contrary notwithstanding.

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

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

28 XLIV. Health and Cleanliness Regulations. To make such  
29 regulations as may be deemed necessary for the health, safety,  
30 morals, general welfare, cleanliness, beauty, convenience and



1 comfort of the township and the inhabitants thereof.

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

7 XLVI. Support of National Guard Units. To appropriate  
8 annually a sum not exceeding seven hundred and fifty dollars for  
9 the support and maintenance, discipline and training of any  
10 dismounted company or similar unit of the National Guard, and a  
11 sum not to exceed fifteen hundred dollars for the support and  
12 maintenance of any mounted or motorized troop or similar unit of  
13 the National Guard. Where such units are organized as a  
14 battalion, regiment or similar organization, the total amount  
15 due may be paid to the commanding officer of the battalion,  
16 regiment or similar organization. Any moneys so appropriated  
17 shall be paid by warrant drawn to the order of the commanding  
18 officer of such company, battalion, regiment or similar  
19 organization, only when it shall be certified to the township,  
20 by the Adjutant General of the State, that the said company or  
21 companies have satisfactorily passed the annual inspection  
22 provided by law. The moneys so appropriated shall be used and  
23 expended solely and exclusively for the support and maintenance,  
24 discipline and training of the said company, battalion,  
25 regiment, or similar organization; and the commanding officer  
26 shall account, by the proper vouchers to the said township each  
27 year, for the expenditure of the money so appropriated, and no  
28 appropriation shall be made for any subsequent year until the  
29 expenditure of the previous year is duly and satisfactorily  
30 accounted for.



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

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

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

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



1       XLIX.   Parking and Parking Lots. To regulate parking, to  
2 provide parking accommodations so as to promote the convenience  
3 and protection of the public and to establish or designate, at  
4 the discretion of the commissioners, areas exclusively reserved  
5 for parking by handicapped individuals; to erect parking meters  
6 and to regulate parking meter charges and to post signs  
7 regulating parking in areas established or designated for  
8 handicapped parking. To acquire by gift or purchase, or the  
9 right of eminent domain, lands for use as parking lots, and to  
10 plan, design, locate, hold, construct, improve, maintain,  
11 operate, own or lease, either in the capacity of lessor or  
12 lessee and install facilities and equipment, including parking  
13 meters, on any such land to be devoted to the parking of  
14 vehicles of any kind, which in the judgment of the board of  
15 township commissioners, may be necessary and desirable for the  
16 purpose of establishing and maintaining such parking lots and to  
17 regulate the use thereof. Whenever any lands shall be acquired  
18 by any township for parking lots, they may be operated by such  
19 townships as parking lots for parking vehicles only, but not for  
20 the sale or distribution of any commodity, or when so provided  
21 by ordinance or resolution, they may be let to and for private  
22 operation as parking lots on such terms and conditions as may be  
23 prescribed.

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

29       L.   Airports. To acquire by lease or purchase or by  
30 exercising the power of eminent domain, in the manner provided



1 in article nineteen of this act, any land lying either within or  
2 without the limits of the township, which in the judgment of the  
3 board of township commissioners, may be necessary and desirable  
4 for the purpose of establishing and maintaining municipal  
5 airdromes, aviation landing fields and airport facilities. The  
6 title acquired by the township exercising the power of  
7 condemnation shall be a title in fee simple. Any township having  
8 acquired land for such purposes may establish, equip, condition,  
9 operate and maintain the same as a municipal airport, airdrome,  
10 landing field, or intermediate landing field, and may lease the  
11 same or any part thereof, to any individual or corporation  
12 desiring to use the same for aviation purposes, and may enter  
13 into a contract in the form of a lease providing for the use of  
14 said land, or any part thereof, by the Government of the United  
15 States for the use by said Government of said land for aviation  
16 purposes upon nominal rental or without consideration.

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

28 LI. Purchase and Planting of Trees. To accept, purchase and  
29 plant or contribute to the purchase and planting of shade trees  
30 and shrubs along the streets, highways and sidewalks of the



1 township, and to expend township moneys for such purpose.

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

9 LIII. Joint Municipal Agreements. To enter into agreements  
10 with other political subdivisions in accordance with existing  
11 laws in making joint purchases of materials, supplies or  
12 equipment, and in performing governmental powers, duties and  
13 functions, and in carrying into effect provisions of law  
14 relating to said subjects which are common to such political  
15 subdivisions.

16 LIV. Joint Contracts for Police and Fire Protection. To  
17 enter into contracts with the proper authorities of near or  
18 adjacent cities, boroughs and townships either for mutual aid or  
19 assistance in police and fire protection, or for the furnishing  
20 to or receiving from such cities, boroughs or townships aid and  
21 assistance in police and fire protection, and to make  
22 appropriations therefor: Provided, That in connection with such  
23 contracts it shall not be necessary to receive bids or require  
24 bonds as required for other contracts under existing law.

25 LV. Widening and Deepening Water-Courses. After a permit has  
26 been secured from the Water and Power Resources Board, to widen  
27 and deepen water-courses running through the township and to  
28 erect such dykes, retaining walls and embankments along the same  
29 as shall be necessary to prevent water from overflowing the  
30 banks thereof. For such purposes, townships may enter upon and



1 condemn such property as may be necessary. Townships may enter  
2 upon land lying near such water-courses and secure such material  
3 as may be necessary in connection with such work. Damages for  
4 property taken, injured or destroyed as the result of such work  
5 shall be fixed and determined in the manner provided in article  
6 nineteen of this act. Townships may appropriate moneys for the  
7 purposes of carrying into effect the provisions of this clause.

8 LVI. Regulation of Charges. To make and regulate charges for  
9 the use of facilities of the township.

10 LVII. Street, Sewer, Sidewalk, Etc., Regulations. To  
11 regulate the streets, sewers, public squares, common grounds,  
12 sidewalks, curbs, gutters, culverts and drains, and the heights,  
13 grades, widths, slopes and construction thereof, and to grant  
14 rights therein for the installation of public utilities in said  
15 streets.

16 LVIII. Creation of Capital Reserve Fund for Anticipated  
17 Capital Expenditures. To create and maintain a separate capital  
18 reserve fund for any anticipated legal capital expenditures,  
19 which fund shall be designated for a specific purpose or  
20 purposes at the time of its creation. The money in the fund  
21 shall be used, from time to time, for the construction, purchase  
22 or replacement of or addition to municipal buildings, equipment,  
23 machinery, motor vehicles or other capital assets of the  
24 township as specified at the time of the creation of the fund  
25 and for no other purpose: Provided, That it may be used for  
26 capital expenditure other than the purpose or purposes specified  
27 at the time it was created, if the commissioners by a four-  
28 fifths vote shall declare that the original purpose or purposes  
29 have become impracticable, inadvisable or impossible, or that  
30 conditions have arisen in the township which make other capital



1 expenditures more urgent than those for which the fund was  
2 created.

3 The township commissioners may appropriate moneys from the  
4 general township funds to be paid into the capital reserve fund,  
5 or place in the fund any moneys received from the sale, lease or  
6 other disposition of any township property or from any other  
7 source unless received or acquired for a particular purpose. The  
8 fund shall be controlled, invested, reinvested and administered  
9 and the moneys therein and income from such moneys expended for  
10 the specific purpose or purposes for which the fund is created  
11 in such manner as may be determined by the township  
12 commissioners. The money in the fund, when invested, shall be  
13 invested in securities designated by law as legal investments  
14 for sinking funds of municipalities.

15 LIX. Appropriations for Handling, Storage and Distribution  
16 of Surplus Foods. The board of township commissioners of any  
17 township may appropriate from township funds moneys for the  
18 handling, storage and distribution of surplus foods obtained  
19 either through a local, State or Federal agency.

20 All appropriations of moneys heretofore made by the board of  
21 township commissioners of any township for the handling, storage  
22 and distribution of surplus foods obtained either through a  
23 local, State or Federal agency are hereby validated.

24 LX. Appropriations for Industrial Promotions. To make  
25 appropriations to an industrial development agency.

26 LXI. Non-Debt Revenue Bonds. To issue non-debt revenue bonds  
27 pursuant to provisions of the act of June 25, 1941 (P.L.159),  
28 known as the "Municipal Borrowing Law," to provide sufficient  
29 moneys for and towards the acquisition, construction, extension  
30 or improvement of municipal facilities, including water systems





1 or facilities, sewers, sewer systems and sewage disposal systems  
2 or facilities, systems for the treatment or disposal of garbage  
3 and refuse, aeronautical facilities including but not limited to  
4 airports, terminals and hangars, and park and recreational  
5 facilities, and parking lots to be secured solely by the pledge  
6 of the whole or part of the rent, toll or charge for the use or  
7 services of such facilities.

8 Included in the cost of the issue may be any costs and  
9 expenses incident to constructing and financing the facilities  
10 and selling and distributing the bonds.

11 LXII. Appropriating Money for Historical Properties. To  
12 appropriate moneys to nonprofit associations or corporations  
13 organized for the purpose of acquiring and maintaining  
14 historical properties. Such appropriations shall only be used by  
15 the association or corporation for the acquisition, restoration  
16 and maintenance of the historical properties.

17 LXIII. Insurance. To expend out of the general township fund  
18 such amount as may be necessary to secure workmen's compensation  
19 insurance for its employes, including volunteer firemen of  
20 companies duly recognized by the township by motion or  
21 resolution killed or injured while going to, returning from or  
22 attending fires, or while performing any other duties authorized  
23 by the township; to make contracts of insurance with any fire  
24 insurance company, duly authorized by law to transact business  
25 in the Commonwealth of Pennsylvania, on any building or property  
26 owned by such township, to make contracts with any insurance  
27 company, so authorized, insuring any public liability of the  
28 township, and to make contracts of insurance with any insurance  
29 company, or nonprofit hospitalization corporation, or nonprofit  
30 medical service corporation, authorized to transact business



1 within the Commonwealth, insuring its employees or commissioners,  
2 or any class or classes thereof, or their dependents, under a  
3 policy or policies of group insurance covering life, health,  
4 hospitalization, medical and surgical service, or accident  
5 insurance, and may contract with any such company, granting  
6 annuities or pensions, for the pensioning of such employees, or  
7 any class or classes thereof, and for such purposes, may agree  
8 to pay part or all of the premiums or charges for carrying such  
9 contracts, premiums, or charges, or portions thereof. The  
10 commissioners are hereby authorized, enabled and permitted to  
11 deduct from the employee's or commissioner's pay, salary or  
12 compensation such part of the premium or charge, as is payable  
13 by the employee or commissioner, and as may be so authorized by  
14 the employee or commissioner in writing. Such insurance shall be  
15 uniformly applicable to those covered and shall not give  
16 eligibility preference to, or improperly discriminate in favor  
17 of, commissioners. As used in this clause, the terms "employee"  
18 and "employees" exclude independent contractors and all township  
19 engineers and solicitors. Any life, health, hospitalization,  
20 medical service or accident insurance coverage contract entered  
21 into by a township between January 1, 1959, and December 31,  
22 1984, that includes or provides coverage for commissioners shall  
23 not be void or unlawful solely because of such inclusion of  
24 commissioners; nor shall any penalty, assessment, surcharge or  
25 disciplinary action of any kind occur as a result of such  
26 participation by such commissioners; and insurance benefits  
27 payable to insureds or their beneficiaries arising out of or on  
28 account of deaths, injuries, accidents or illnesses occurring  
29 prior to the effective date of this amendatory act shall remain  
30 the property of the insureds or their beneficiaries.



1 Any pension or annuity contract entered into by a township  
2 between January 1, 1959, and December 31, 1984, that includes or  
3 provides for benefits for commissioners at township expense  
4 shall not be void or unlawful solely because of such inclusion  
5 of such commissioners; nor shall any penalty, assessment,  
6 surcharge or disciplinary action of any kind occur as a result  
7 of such participation by commissioners: Provided, however, That  
8 anyone entitled to benefit coverage under a pension paid for, in  
9 whole or in part, by any township without lawful authority shall  
10 deliver, surrender and assign to the township all benefits paid  
11 thereunder after December 31, 1984.

12 Where any official personally contributed toward such a  
13 pension plan or a purchase of such an annuity, he shall be  
14 refunded his total contributions thereto, plus any interest  
15 accumulated thereon, less any amount already paid to him under  
16 the annuity or pension plan, when the annuity or pension  
17 benefits are delivered, surrendered or assigned to the township,  
18 or when the annuity becomes the property of the township by  
19 operation of this section. In lieu of a refund of total  
20 contributions plus accumulated interest, an official who  
21 personally contributed toward the pension plan or toward the  
22 purchase of the annuity may elect to purchase from the township  
23 its interest in that pension plan or annuity program. The  
24 election option shall be exercised within sixty (60) days of the  
25 effective date of this act. The value of the interest of the  
26 township in the pension plan or annuity program with respect to  
27 the official shall be determined by the actuary who prepared the  
28 1983 municipal pension report for the township pension plan or  
29 annuity program pursuant to the act of December 6, 1972  
30 (P.L.1383, No.293), entitled "An act requiring municipal pension



1 systems to have an actuarial investigation of the fund made by  
2 an actuary who shall report his findings to the Department of  
3 Community Affairs," using the same applicable actuarial  
4 assumptions as used in that report or, if no actuary was  
5 retained for the 1983 report or no 1983 report was filed, by an  
6 actuary retained for the purpose of valuing the township  
7 interest. The cost of the actuarial valuation of the township  
8 interest and any future administrative costs of the pension plan  
9 or the annuity program attributable to the official shall be  
10 payable by the official in a manner to be established by  
11 agreement with the township auditors.

12 No elected or appointed township official included in a  
13 township-paid pension or annuity plan entered into prior to  
14 December 31, 1984, shall be subject to any penalty, assessment,  
15 surcharge or disciplinary action of any kind as a result of said  
16 participation. Any residual interest, value, refund of premium  
17 or benefits payable on or after December 31, 1984, arising out  
18 of the township-paid interest of the elected or appointed  
19 township officials shall become the exclusive property of the  
20 township.

21 LXIV. Appropriations for Urban Common Carrier Mass  
22 Transportation. To appropriate funds for urban common carrier  
23 mass transportation purposes from current revenues and to make  
24 annual contributions to county departments of transportation or  
25 to urban common carrier mass transportation authorities to  
26 assist the departments or the authorities to meet costs of  
27 operation, maintenance, capital improvements, and debt service,  
28 and to enter into long-term agreements providing for the payment  
29 of the said contributions.

30 LXV. Appropriating Money to Assist Political Subdivisions



1 and Municipality Authorities for Airports. To appropriate moneys  
2 to assist any city, borough, town, township or other political  
3 subdivision or municipality airport authority to acquire,  
4 establish, operate and maintain any and all air navigation  
5 facilities lying either within or without the limits of such  
6 township.

7 LXVI. Open Burning. To regulate, including the prohibition  
8 of the open burning of combustible material.

9 LXVII. Community Development. To undertake community  
10 development programs, including but not limited to urban  
11 renewal, public housing, model cities programs and neighborhood  
12 development projects.

13 LXIX. Appropriations for Observances and Celebrations. To  
14 appropriate annually an amount for the observance of holidays,  
15 centennials or other anniversaries or for township celebrations  
16 or civic projects or programs.

17 LXX. Building Hospitals. To appropriate not exceeding one  
18 dollar (\$1) per township resident per year toward the  
19 maintenance and/or support of any medical center or hospital  
20 building and further appropriate from such funds toward the  
21 purchase and/or erection of medical or hospital facilities.  
22 Where the total cost of such purchase or erection exceeds one  
23 hundred thousand dollars (\$100,000), it will necessitate  
24 approval by the appropriate health planning agency. The number  
25 of residents shall be determined from the latest decennial  
26 Federal census.

27 LXXI. Appropriations to Tourist Promotion Agencies. To  
28 appropriate annually, such amount of money but not in excess of  
29 ten cents (10¢) for each resident of the township, as determined  
30 by the latest official census, which may be deemed necessary, to



1 any "tourist promotion agency," as defined in the act of April  
2 28, 1961 (P.L.111, No.50), known as the "Tourist Promotion Law,"  
3 to assist such agencies in carrying out tourist promotional  
4 activities.

5 LXXII. Sale of Real Property to Nonprofit Medical Service  
6 Corporation. To sell township-owned real property to a nonprofit  
7 medical service corporation for its exclusive use as a site for  
8 a medical service facility.

9 LXXIII. Sale of Real Property to Nonprofit Housing  
10 Corporation. To sell township-owned real property to a nonprofit  
11 housing corporation for its exclusive use for housing for the  
12 elderly.

13 LXXIV. Appropriations to Nonprofit Art Corporations. To  
14 appropriate annually, such amount of money, which the board of  
15 commissioners deems necessary but not exceeding an amount equal  
16 to one mill of the real estate tax to any nonprofit art  
17 corporation for the conduct of its artistic and cultural  
18 activities. For the purposes of this section nonprofit art  
19 corporation shall mean a local arts council, commission or  
20 coordinating agency, or any other nonprofit corporation engaged  
21 in the production or display of works of art, including the  
22 visual, written or performing arts. Artistic and cultural  
23 activities shall include the display or production of theater,  
24 music, dance, painting, architecture, sculpture, arts and  
25 crafts, photography, film, graphic arts and design and creative  
26 writing.

27 LXXV. Appropriations for Neighborhood Crime Watch Programs.  
28 To appropriate annually, solely at the discretion of the board,  
29 an amount toward a neighborhood crime watch program.  
30 Notwithstanding any other provision of law, no township or



1 official thereof shall become subject to contractual, tort or  
2 other liability as a result of having made an appropriation  
3 pursuant to this clause.

4 LXXVI. Appropriation for Support of Drug and Alcohol Abuse  
5 Programs. To appropriate annually, out of the general funds to  
6 the township, a sum not to exceed five thousand dollars (\$5000)  
7 to be divided in such amounts as the commissioners deem proper  
8 to be used for education and the development of programs within  
9 the community dealing with drug and alcohol abuse. Such funds  
10 also may be contributed to existing programs available to the  
11 township's residents in adjacent communities or in the county  
12 where the township is situate at the discretion of the township  
13 commissioners.

14 LXXVII. Assessment of Tapping Fees. To enact, amend and  
15 repeal ordinances charging certain enumerated fees to property  
16 owners who desire to or are required to connect to any water or  
17 sewer system owned or operated by the township or who desire to  
18 increase their usages of such systems, including connection  
19 fees, customer facility fees and tapping fees, in accordance  
20 with the conditions and restrictions provided in clause (t) of  
21 subsection B of section 4 of the act of May 2, 1945 (P.L.382,  
22 No.164), known as the "Municipality Authorities Act of 1945." No  
23 township may charge any tapping, connection or other similar fee  
24 as a condition of connection to a township-owned sewer or water  
25 system unless the fee is calculated as provided in the  
26 applicable provisions of the "Municipality Authorities Act of  
27 1945."

28 LXXVIII. Appropriations to Watershed Associations. To  
29 appropriate money to nonprofit watershed associations for  
30 watersheds serving the township. Such appropriations may not be



1 used to undertake litigation against any municipal corporation  
2 or to seek redress against any individual landowner.

3 LXXIX. Emergency Services. (a) The township shall be  
4 responsible for ensuring that fire and emergency medical  
5 services are provided within the township by the means and to  
6 the extent determined by the township, including the appropriate  
7 financial and administrative assistance for these services.

8 (b) The township shall consult with fire and emergency  
9 medical services providers to discuss the emergency services  
10 needs of the township.

11 (c) The township shall require any emergency services  
12 organizations receiving township funds to provide to the  
13 township an annual itemized listing of all expenditures of these  
14 funds before the township may consider budgeting additional  
15 funding to the organization.] Specific Powers.--The corporate

16 power of a township of the first class shall be vested in a  
17 board of commissioners. In the exercise of any specific powers  
18 involving the enactment of an ordinance, passage of a resolution  
19 or the making of any regulation, restriction or prohibition, the  
20 township may provide for enforcement and penalties for  
21 violations. The specific powers of the township shall include  
22 the powers provided under this article.

23 Section 55. The act is amended by adding sections to read:

24 Section 1502.1. Officers, Positions and Departments.--(a)  
25 The board of commissioners may create any office, position or  
26 department which the board may deem necessary for the good of  
27 government and interests of the township and to fix the  
28 compensation of appointed individuals.

29 (b) The board of commissioners may provide for and regulate  
30 the manner of hiring and discharging employes and the fixing of





1 salaries or compensation, consistent with applicable Federal and  
2 State law.

3 Section 1502.2. Police Force.--The board of commissioners  
4 may establish, equip, maintain and define the duties of a police  
5 force.

6 Section 1502.3. Lockup facilities.--The board of  
7 commissioners may provide for lockup facilities in the township  
8 for the temporary detention and confinement of individuals.

9 Section 1502.4. Rewards.--The board of commissioners may  
10 offer rewards for information leading to the arrest and  
11 conviction of an individual guilty of a crime within the  
12 township.

13 Section 1502.5. Disorderly Conduct.--The board of  
14 commissioners may, by ordinance, prohibit disorderly conduct  
15 within the limits of the township and provide for the imposition  
16 of penalties for the conduct in accordance with this act. If an  
17 ordinance is enacted, it shall define disorderly conduct in a  
18 manner substantially similar to the provisions of 18 Pa.C.S. §  
19 5503 (relating to disorderly conduct).

20 Section 1502.6. Public Safety.--The board of commissioners  
21 may take all necessary means to secure the safety of persons or  
22 property within the township.

23 Section 1502.7. Fire Protection.--The board of commissioners  
24 may:

25 (1) Appropriate money for the use of the township or to fire  
26 companies providing fire protection to the township for the  
27 purchase, operation and maintenance of fire engines and fire  
28 apparatus and for the construction, repair and maintenance of  
29 fire stations.

30 (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



1     (2) in default of the removal by the owner or occupier of  
2 grounds under paragraph (1), remove the nuisance or dangerous  
3 structure itself and collect the cost of removal, together with  
4 a penalty of 10% of the cost, in the manner provided by law for  
5 the collection of municipal claims, or by action of assumpsit  
6 without the filing of a claim, or the township may seek relief  
7 by bill in equity.

8     Section 1502.12. Municipal Waste.--(a) A board of  
9 commissioners, in the manner authorized by the act of July 7,  
10 1980 (P.L.380, No.97), known as the Solid Waste Management Act,  
11 and the act of July 28, 1988 (P.L.556, No.101), known as the  
12 Municipal Waste Planning, Recycling and Waste Reduction Act, may  
13 prohibit accumulations of municipal waste on public and private  
14 property, including the imposition and collection of reasonable  
15 fees and charges for the collection, removal and disposal of the  
16 municipal waste. As used in this act, "municipal waste" shall  
17 have the same meaning as given to the term in the Municipal  
18 Waste Planning, Recycling and Waste Reduction Act.

19     (b) (1) The board of commissioners may collect and remove,  
20 by contract or otherwise, municipal waste and recyclable  
21 materials and prescribe penalties for the enforcement of the  
22 collection and removal.

23     (2) A contract with refuse haulers may be made for an  
24 initial period not exceeding five years with optional renewal  
25 periods of up to five years.

26     (3) Paragraph (2) shall not apply to a contract with any  
27 other political subdivision or with any municipality authority.

28     (c) (1) The board of commissioners may dispose of, by  
29 contract or otherwise, municipal waste.

30     (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; and

(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



1 services or facilities.

2 (f) The board of commissioners may make appropriations to  
3 any other political subdivision or any municipality authority  
4 out of the township's general funds, or out of any other  
5 available funds, for the construction, purchase, improvement,  
6 repair, maintenance and operation of a facility for the  
7 collection, removal, disposal or marketing of municipal waste,  
8 recyclable materials or composted leaf and yard waste.

9 (g) A township shall not be subject to requirements  
10 otherwise imposed by law for the sale of personal property owned  
11 by the township when selling recyclable materials or materials  
12 separated, collected, recovered or created by recycling, as  
13 provided in the act of April 9, 1992 (P.L.70, No.21) entitled  
14 "An act excluding the sale of recyclable material from political  
15 subdivision personal property sale restrictions relating to  
16 advertising and bidding."

17 Section 1502.13. Fireworks and Inflammable Articles.--In  
18 conformity with Federal and State laws and regulations, the  
19 board of commissioners may provide for fireworks and inflammable  
20 articles as follows:

21 (1) Regulate and prohibit, by ordinance, the manufacture of  
22 fireworks or inflammable or dangerous articles.

23 (2) Grant permits for display fireworks and adopt rules and  
24 regulations governing the displays.

25 (3) Adopt, by ordinance, rules and regulations relating to  
26 the storage of inflammable articles.

27 (4) Impose, by ordinance, other safeguards concerning  
28 fireworks and inflammable articles as may be necessary for the  
29 health, safety and welfare of the public.

30 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.





1 and extends treatment and medical attention to the residents of  
2 the township.

3 Section 1502.23. Community Nursing Services.--The board of  
4 commissioners may appropriate money annually to any nonprofit  
5 associations or corporations that provide for:

6 (1) community nursing services for the elderly and other  
7 needy persons;

8 (2) the control of communicable disease;

9 (3) the immunization of children;

10 (4) the operation of child health centers; or

11 (5) instructive visits to parents of new babies beginning in  
12 the prenatal period and family health guidance, including  
13 nutrition, detection and correction of defects.

14 Section 1502.24. Parking and Parking Lots.--(a) The board  
15 of commissioners may:

16 (1) regulate parking and parking lots and provide parking  
17 accommodations to promote the convenience and protection of the  
18 public;

19 (2) establish or designate, at the board's discretion, areas  
20 exclusively reserved for parking by handicapped individuals and  
21 post signs regulating the areas;

22 (3) erect parking meters and regulate parking meter charges;

23 (4) acquire by gift, purchase, lease or eminent domain,  
24 lands that the board may deem necessary or desirable for the  
25 purpose of establishing and maintaining parking lots;

26 (5) plan, design, locate, hold, construct, improve,  
27 maintain, operate, own or lease, either in the capacity of  
28 lessor or lessee, and install facilities and equipment on any  
29 land to be devoted to the parking of vehicles.

30 (b) Consistent with 75 Pa.C.S. (relating to vehicles), the



1 right to regulate the use of the lots shall include the right to  
2 impose fines and fees for violation of any law or ordinance  
3 regulating parking.

4 (c) Nothing in this section may be construed to limit  
5 statutory and regulatory protections and prohibitions relating  
6 to the rights of disabled individuals.

7 Section 1502.25. Appropriations for Certain Streets.--The  
8 board of commissioners may appropriate money annually for  
9 improvements to any street, as defined in section 102, located  
10 wholly or partially within the township which has been adversely  
11 affected by parking availability as determined by the board.

12 Section 1502.26. Airports.--(a) A township is authorized  
13 and empowered to acquire by grant, lease, purchase or  
14 condemnation proceedings, subject to the limitations in 26  
15 Pa.C.S. § 206 (relating to extraterritorial takings), any land  
16 lying either within or without the limits of the township which,  
17 in the judgment of the board of commissioners, may be necessary  
18 and desirable for the purpose of establishing and maintaining a  
19 municipal airport, landing field, intermediate landing field,  
20 aviation easement or other airport facility.

21 (b) A township acquiring land under this section is  
22 authorized to establish, equip, condition, operate and maintain  
23 the land as a municipal airport, landing field, intermediate  
24 landing field, aviation easement or other airport facility and  
25 may lease the land, or any part, to any individual or  
26 corporation desiring to use the land for aviation purposes. A  
27 township may enter into a contract in the form of a lease  
28 providing for the use of the land, or any part, by the Federal  
29 Government for the Federal government's use of the land for  
30 aviation purposes upon nominal rental or without consideration.



1 (c) In accordance with this section, a township may acquire  
2 land jointly with another municipality for aviation purposes and  
3 may jointly operate and maintain a municipal airport, landing  
4 field, intermediate landing field, aviation easement or other  
5 airport facility on the jointly acquired land in accordance with  
6 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental  
7 cooperation).

8 Section 1502.27. Appropriations for Airports.--The board of  
9 commissioners may appropriate funds to assist a municipality or  
10 municipal airport authority to acquire, establish, operate and  
11 maintain air navigation facilities lying either within or  
12 without the limits of the township.

13 Section 1502.28. Purchase and Planting of Trees.--The board  
14 of commissioners may accept, purchase and plant, or contribute  
15 to the purchase and planting of, shade trees and shrubs along  
16 the streets, highways and sidewalks of the township and have the  
17 care, custody and control of shade trees pursuant to Article  
18 XXX.

19 Section 1502.29. Intergovernmental Cooperation.--The board  
20 of commissioners may enter into agreements under 53 Pa.C.S. Ch.  
21 23 Subch. A (relating to intergovernmental cooperation) with the  
22 following:

23 (1) Other political subdivisions, in accordance with  
24 existing laws, to:

25 (i) make joint purchases of materials, supplies or  
26 equipment; and

27 (ii) perform governmental powers, duties and functions.

28 (2) The proper authorities of municipal corporations,  
29 regional police or fire forces or other public safety or  
30 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 paragraph (1), 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



1 shall be fixed and determined as provided under 26 Pa.C.S.  
2 (relating to eminent domain). Townships may appropriate money to  
3 effectuate the provisions of this section.

4 Section 1502.31. Regulation of Charges.--The board of  
5 commissioners may make and regulate charges for the use of  
6 township facilities.

7 Section 1502.32. Street, Sewer, Sidewalk, Etc.,  
8 Regulations.--(a) The board of commissioners may:

9 (1) regulate the streets, sewers, public squares, common  
10 grounds, sidewalks, curbs, gutters, culverts and drains within a  
11 township;

12 (2) regulate the heights, grades, widths, slopes and  
13 construction of any item listed under paragraph (1); and

14 (3) grant rights for the installation and maintenance of  
15 public utilities in the streets, including pipes, wires, fibers,  
16 cables or any other utility or service medium.

17 (b) The power granted under subsection (a) shall be  
18 exercised in compliance with Federal and State law and shall be  
19 subject to the power of the Pennsylvania Public Utility  
20 Commission under 66 Pa.C.S. Pt. I (relating to public utility  
21 code) to regulate the business, facilities and service of public  
22 utilities, including determining the location and installation  
23 of utility facilities.

24 Section 1502.33. Capital Reserve Fund.--The board of  
25 commissioners may create and maintain a separate capital reserve  
26 fund for anticipated legal capital expenditures and the  
27 following shall apply:

28 (1) The fund shall be designated for a specific purpose or  
29 purposes when created.

30 (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 funds 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,



1 under a policy or policies of group insurance covering life,  
2 health, hospitalization, medical and surgical service, or  
3 accident insurance.

4 (2) Any life, health, hospitalization, medical service or  
5 accident insurance coverage contract entered into by a township  
6 between January 1, 1959, and December 31, 1984, that includes or  
7 provides coverage for commissioners shall not be void or  
8 unlawful solely because the inclusion of commissioners was  
9 subsequently found to be without lawful authority. No penalty,  
10 assessment, surcharge, forfeiture or disciplinary action of any  
11 kind may occur as a result of participation by those  
12 commissioners. Insurance benefits payable to insureds or their  
13 beneficiaries arising out of or on account of deaths, injuries,  
14 accidents or illnesses occurring before November 29, 1985,  
15 remain the property of the insureds or beneficiaries of the  
16 insureds.

17 (e) (1) The board of commissioners may contract with any  
18 insurance company, granting annuities or pensions for the  
19 pensioning of employees or any class or classes of employees and  
20 pay part or all of the premiums or charges for carrying the  
21 contracts.

22 (2) Any pension or annuity contract entered into by a  
23 township between January 1, 1959, and December 31, 1984, that  
24 includes or provides for benefits for commissioners at township  
25 expense shall not be void or unlawful solely because the  
26 inclusion of commissioners was subsequently found to be without  
27 lawful authority. No penalty, assessment, surcharge or  
28 disciplinary action of any kind may occur as a result of  
29 participation by those commissioners provided that anyone  
30 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 employe's or commissioner's pay, salary or compensation the part of the premium or charge, as is payable by the employe or commissioner, and as may be authorized by the employe or commissioner in writing. The insurance shall be uniformly applicable to each employe or commissioner covered and shall not give eligibility preference to, or improperly discriminate in favor of, commissioners. As used in this section, the terms "employe" and "employes" 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.



1 "Nonprofit art corporation." A local arts council,  
2 commission or coordinating agency or any other nonprofit  
3 corporation engaged in the production or display of works of  
4 art, including the visual, written or performing arts.

5 Section 1502.49. Neighborhood Crime Watch Programs.--The  
6 board of commissioners may appropriate annually an amount toward  
7 a neighborhood crime watch program. Notwithstanding any other  
8 provision of law, no township or official of a township shall  
9 become subject to contractual, tort or other liability as a  
10 result of having made an appropriation pursuant to this section.

11 Section 1502.50. Drug and Alcohol Abuse Programs.--The board  
12 of commissioners may appropriate annually, out of the general  
13 funds of the township, a sum to be divided in amounts as the  
14 commissioners may determine and to be used for education and  
15 development of programs within the community dealing with drug  
16 and alcohol abuse. The funds may also be contributed to existing  
17 programs available to the township's residents in adjacent  
18 communities or in the county where the township is situate at  
19 the discretion of the board of commissioners.

20 Section 1502.51. Watershed Associations.--The board of  
21 commissioners may make appropriations to nonprofit watershed  
22 associations for watersheds serving the township. Appropriations  
23 may not be used to undertake litigation against any municipality  
24 or to seek redress against any individual landowner.

25 Section 1502.52. Emergency Services.--(a) The township  
26 shall be responsible for ensuring that fire and emergency  
27 medical services are provided within the township by the means  
28 and to the extent determined by the township, including the  
29 appropriate financial and administrative assistance for these  
30 services.



1     (b) The township shall consult with fire and emergency  
2 medical services providers to discuss the emergency services  
3 needs of the township.

4     (c) The township shall require each emergency services  
5 organization receiving township funds to provide to the township  
6 an annual itemized listing of all expenditures of these funds  
7 before the township may consider budgeting additional funding to  
8 the organization.

9     Section 1502.53. Mines and Quarries.--(a) The owner,  
10 operator or superintendent of each mine, colliery or quarry  
11 located wholly or partially within the limits of the township  
12 shall furnish maps, plans and drawings of workings, excavations  
13 and surface support to the township as the board of  
14 commissioners may require and the following shall apply:

15     (1) In the case of a coal mine or colliery, the map or plan  
16 shall exhibit the workings or excavations in every seam of coal  
17 on a separate sheet and the tunnels and passages connecting with  
18 the workings or excavations.

19     (2) The map or plan under paragraph (1) shall show:

20     (i) in degrees the general inclination of the strata, with  
21 any material deflection in the strata in the workings or  
22 excavations, and shall also show the tidal elevations of the  
23 bottom of every shaft, slope, tunnel and gangway and of any  
24 other point in the mine or on the surface where the elevation  
25 shall be deemed necessary by the township;

26     (ii) the number of the last survey on the gangways or the  
27 most advanced workings.

28     (3) Each owner, operator or superintendent of a mine,  
29 colliery or quarry shall update, at least once every three  
30 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.

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.]



1 Typewritten, printed, photocopied, microfilmed and  
2 electronically or digitally stored records valid and recording  
3 or transcribing records.--(a) All township records required to  
4 be recorded or transcribed shall be deemed valid if typewritten,  
5 printed, [photostated or microfilmed, and where recording]  
6 photocopied, microfilmed or electronically or digitally stored  
7 or retained by any other process that accurately reproduces the  
8 original and forms a durable medium for recording, storing and  
9 reproducing in accordance with the act of May 9, 1949 (P.L.908,  
10 No.250), entitled "An act relating to public records of  
11 political subdivisions other than cities and counties of the  
12 first class; authorizing the recording and copying of documents,  
13 plats, papers and instruments of writing by digital,  
14 photostatic, photographic, microfilm or other process, and the  
15 admissibility thereof and enlargements thereof in evidence;  
16 providing for the storage of duplicates and sale of microfilm  
17 and digital copies of official records and for the destruction  
18 of other records deemed valueless; and providing for the  
19 services of the Pennsylvania Historical and Museum Commission to  
20 political subdivisions."

21 (b) If recording or transcribing in a specified book of  
22 record is required, including minutes of the proceedings of the  
23 board of commissioners, [such records may] the records shall be  
24 recorded or transcribed as follows:

25 (1) in a mechanical post binder book capable of being  
26 permanently sealed with consecutively numbered pages with a  
27 security code printed [thereon] on it and a permanent locking  
28 device with the township seal being impressed upon each page[,];  
29 or

30 (2) in a bound book with pages being consecutively numbered



1 by transcribing directly upon the pages of [such] the book of  
2 record or [may be attached thereto to such book of record by  
3 stapling or by glue or any other adhesive substance or material,  
4 and all records heretofore recorded or transcribed in any manner  
5 authorized by this section are validated. When any record shall  
6 be recorded or transcribed after the effective date of this  
7 amendment by attaching such record or a copy thereof to the book  
8 of record as hereinabove provided,] by permanently attaching the  
9 records or copies to the book of record with the township seal  
10 [shall be] being impressed upon each page to which [such] the  
11 record is attached, with each impression [thereof] covering both  
12 a portion of the attached record and a portion of the page of  
13 the book of record to which [such] the record is attached.

14 (c) All records previously recorded or transcribed in any  
15 manner authorized by this act at the time the records were  
16 recorded or transcribed are validated.

17 Section 57. The act is amended by adding an article to read:

18 ARTICLE XV-A

19 REAL ESTATE REGISTRY

20 Section 1501-A. Real Estate Registry.

21 (a) General rule.--For the purpose of procuring accurate  
22 information on the ownership of all real estate, the board of  
23 commissioners may provide, by ordinance, for a real estate  
24 registry in a manner not inconsistent with the act of October 9,  
25 2008 (P.L.1400, No.110), known as the Uniform Municipal Deed  
26 Registration Act.

27 (b) Registry.--The board of commissioners shall designate a  
28 person to have charge of the registry who shall cause to be made  
29 and shall carefully preserve all necessary books, maps and plans  
30 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



1 health officer must, whether appointed by the board of  
2 commissioners or by the board of health, have experience or  
3 training in public health work [in accordance with rules and  
4 regulations established by the advisory health board of the] and  
5 must, within six months of taking the oath of office, be  
6 certified for the office of health officer by the State  
7 Department of Health. [Such health officers shall not enter upon  
8 the performance of their duties until they are certified so to  
9 do by the State Department of Health.]

10 (b) Expenses incurred by the board of health or a health  
11 officer shall be paid by the township.

12 (c) A township may, by ordinance, dissolve a board of health  
13 or the office of health officer and decide to become subject to  
14 the jurisdiction of a county department of health or joint  
15 county department of health under the act of August 24, 1951  
16 (P.L.1304, No.315), known as the Local Health Administration  
17 Law.

18 Section 1602. Members of Board; Terms; Secretary.--[Where  
19 the township commissioners decide to appoint a board of health,  
20 said board shall be composed of five members--at least one of  
21 whom shall be a reputable physician of not less than two years'  
22 experience in the practice of his profession, if one resides  
23 within the township. The members of the board shall be appointed  
24 by the township commissioners. At the first appointment, one  
25 member shall be appointed to serve for one year; one, for two  
26 years; one, for three years; one, for four years; and one, for  
27 five years; and thereafter one member shall, in like manner, be  
28 appointed each year, to serve for five years.] (a) A board of

29 health appointed by the board of commissioners shall be composed  
30 of three or five members, at the discretion of the board, and



1 the following shall apply:

2 (1) At least one of the board members shall be a reputable  
3 professional health care provider of not less than two years'  
4 experience in the practice of the respective profession.

5 (2) If no professional health care provider can be  
6 identified to serve on the board, the board of commissioners may  
7 appoint an individual at a public meeting who has experience in,  
8 or is knowledgeable of, public health issues.

9 (b) At the first appointment for a board:

10 (1) With three members:

11 (i) one member shall be appointed to serve for one year;

12 (ii) one member shall be appointed to serve for two years;

13 and

14 (iii) one member shall be appointed to serve for three  
15 years.

16 (2) With five members:

17 (i) one member shall be appointed to serve for one year;

18 (ii) one member shall be appointed to serve for two years;

19 (iii) one member shall be appointed to serve for three  
20 years;

21 (iv) one member shall be appointed to serve for four years;

22 and

23 (v) one member shall be appointed to serve for five years.

24 (3) Subsequent terms for board members shall be staggered,  
25 and, for a three-member board, a subsequent term shall be three  
26 years, and, for a five-member board, a subsequent term shall be  
27 five years.

28 (c) The members of the board of health shall serve without  
29 compensation, but if any member of the board shall be elected to  
30 the office of secretary, [he] the member shall be entitled to



1 receive a salary[, ] fixed by the board for that office.

2 (d) Definitions.--As used in this section, the following  
3 words and phrases shall have the meanings given to them in this  
4 subsection:

5 "Professional health care provider." An individual who is  
6 licensed, certified or registered to practice or operate in the  
7 health care field under the laws of this Commonwealth. The term  
8 shall include the following:

9 (1) A physician.

10 (2) A dentist.

11 (3) A podiatrist.

12 (4) A chiropractor.

13 (5) An optometrist.

14 (6) A psychologist.

15 (7) A pharmacist.

16 (8) A registered or practical nurse.

17 (9) A physical therapist.

18 (10) A physician's assistant.

19 (11) A paramedic.

20 (12) An administrator of any hospital, nursing or  
21 convalescent home or other health care facility.

22 (13) A veterinarian.

23 Section 1603. Organization of Board; Salary of Secretary;  
24 Bonds; Fees and Penalties; Power to Administer Oaths.--(a) The  
25 members of the board shall [severally, take and subscribe to the  
26 oath prescribed for township officers; and] each take the oath  
27 or affirmation prescribed for township officers.

28 (b) The board shall annually organize by electing a  
29 president from among the members of the board, a secretary, who  
30 may or may not be a member of the board, and a health officer,



1 who shall not be a member of the board. The secretary and the  
2 health officer shall receive [such salary as may be] salaries  
3 fixed by the board and ratified by the board of commissioners  
4 [of the township], and shall serve for a period of one year or  
5 until [such time thereafter as their successors may be] a  
6 successor is elected and qualified. [They, if required by the  
7 board of commissioners, shall, severally, give bond to the  
8 township, in such sums as may be fixed by ordinance, for the  
9 faithful discharge of their duties, and shall also take and  
10 subscribe to the oath required of members of the board.]

11 (c) The board of commissioners may require the secretary and  
12 health officer to furnish a bond to the township, in an amount  
13 fixed by ordinance, for the faithful discharge of the  
14 secretary's or health officer's duties and shall also take and  
15 subscribe to the oath or affirmation required of members of the  
16 board.

17 (d) All fees [which shall be] collected or received by the  
18 board, or by any officer [thereof in his] in the officer's  
19 official capacity, shall be paid over into the township treasury  
20 monthly, together with all penalties which shall be recovered  
21 for the violation of any regulation of the board. The president  
22 and secretary shall have full power to administer oaths or  
23 affirmations in any proceeding or investigation [touching]  
24 regarding the regulations of the board, but shall not be  
25 entitled to receive any fee [therefor] for the administration of  
26 oaths and affirmations.

27 Section 1604. Duties of Secretary.--The secretary of the  
28 board [shall keep the minutes of its proceedings; shall keep  
29 accurate accounts of the expenditures of the board, shall  
30 transmit all bills to the board of township commissioners for





1 payment in the same manner as other bills of the township are  
2 paid; shall draw all requisitions for the payment of moneys on  
3 account of the board of health and present the same to the  
4 president of the board for his approval; shall render statements  
5 of the expenditures to the board at each stated meeting or as  
6 frequently as the board may require; shall prepare, under the  
7 directions of the board, the annual report to the township  
8 commissioners, together with the estimate of appropriation  
9 needed for the ensuing year. He shall report to the State  
10 Department of Health at the end of each week, and for the  
11 fraction of each week occurring at the end of each month, the  
12 cases of communicable disease reported to the board of health,  
13 on the form provided for that purpose by the State Department of  
14 Health; shall also make an annual report to the State Department  
15 of Health; and shall make such other reports and perform such  
16 other duties as the board of health may require.] has the  
17 following duties:

18 (1) Maintain, under 53 Pa.C.S. Ch. 13 Subch. F (relating to  
19 records), the minutes of the proceedings of the board and keep  
20 accurate accounts of the expenditures of the board.

21 (2) Transmit all bills to the board of commissioners for  
22 payment in the same manner as other bills of the township are  
23 paid.

24 (3) Draw requisitions for the payment of money on account of  
25 the board of health and present the requisitions to the  
26 president of the board for the president's approval.

27 (4) Render statements of the expenditures to the board at  
28 each stated meeting or as frequently as the board requires.

29 (5) Prepare, under the direction of the board, the annual  
30 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     (1) Administer and enforce the health ordinances of the  
2     township and related laws.

3     (2) Perform the duties as are vested in local health  
4     officers by statute or regulation.

5     (3) Make sanitary inspections.

6     (4) Execute the orders of the board of health.

7     (5) Attend all regular and special meetings of the board of  
8     health.

9     Section 1606. Powers and Duties of Board of Health.--[The  
10    board of health shall have the power, and it shall be its duty,  
11    to enforce the laws of the Commonwealth, the regulations of the  
12    State Department of Health, and any ordinances of the township  
13    relating to health work, and to make and enforce such additional  
14    rules and regulations to prevent the introduction and spread of  
15    infectious or contagious diseases, by the regulation of  
16    intercourse with infected places, by the separation of infected  
17    persons and persons who shall have been exposed to any  
18    infectious or contagious disease, and by abating and removing  
19    all nuisances which it shall deem prejudicial to the public  
20    health, to mark infected houses or places, to prescribe rules  
21    for the construction and maintenance of house drains, wash  
22    pipes, soil pipes and cesspools, and make all such other rules  
23    and regulations as it shall deem necessary for the preservation  
24    of the public health, and such other powers relating to health  
25    work as may be delegated by the township commissioners. The  
26    board shall also have power, with the consent of the township  
27    commissioners, in case of a prevalence or apprehended prevalence  
28    of any contagious or infectious diseases in its township, to  
29    establish one or more emergency hospitals, and to make  
30    provisions and regulations for the maintenance and management of



1 the same.

2 The board shall also have the power to make, enforce, and  
3 cause to be published, all necessary rules and regulations not  
4 inconsistent with law for carrying into effect the powers and  
5 functions with which it is invested by law, and the power and  
6 authority relating to the public health conferred on townships.  
7 Such rules and regulations, when approved by the township  
8 commissioners, and when advertised in the same manner as other  
9 ordinances, shall have the force of ordinances of the township.

10 All penalties or punishments prescribed for the violation  
11 thereof, as well as the expenses actually and necessarily  
12 incurred in carrying such rules and regulations into effect,  
13 shall be recoverable, for the use of the township, in the same  
14 manner as penalties for violation of the ordinances of the  
15 township, and subject to the like limitations as to the amount  
16 thereof.] (a) A board of health has the following powers:

17 (1) Recommend to the board of commissioners rules and  
18 regulations necessary for the preservation of the public health  
19 and for carrying into effect the functions of the board.

20 (2) Appoint a health officer.

21 (3) Abate and remove nuisances the board of health deems  
22 detrimental to the public health.

23 (4) Mark infected premises.

24 (b) A board of health has the duty to enforce all of the  
25 following related to the promotion of public health and  
26 prevention of the introduction and spread of infectious or  
27 contagious disease:

28 (1) A statute.

29 (2) A regulation of the State Department of Health.

30 (3) An ordinance of the township.



1       Section 1607. Entry of Premises.--[The board of health shall  
2 have the power, as a body or by committee, as well as the health  
3 officer, together with their assistants, subordinates, and  
4 workmen, under and by order of the said board, to enter at any  
5 time upon any premises in the township upon which there is  
6 suspected to be any infectious or contagious disease, or  
7 nuisance detrimental to the public health, for the purpose of  
8 examining and abating the same, and for any other purpose  
9 arising in connection with or in the performance of their

10 duties.] (a) A member of the board of health, a health officer,  
11 an employee of a board or a health officer or an agent of a  
12 board or a health officer may, upon order of the board or upon  
13 order of a health officer if there is no board, enter a premises  
14 in the township where an infectious or contagious disease or a  
15 nuisance detrimental to the public health is suspected and  
16 examine and abate the disease or nuisance.

17       (b) If entry to the premises under subsection (a) is  
18 prevented, the board of health or health officer may obtain an  
19 administrative search warrant from a magisterial district judge  
20 with jurisdiction over the premises upon a showing of any of the  
21 following:

22       (1) Reasonable standards and an administrative plan for  
23 conducting inspections.

24       (2) The condition of the premises or general area and the  
25 passage of time since the last inspection.

26       (3) Probable cause of a violation of a law specified in  
27 section 1606(b).

28       Section 1608. [Inspections.--The board of health may inspect  
29 house drains, waste and soil pipes, cesspools, waterclosets,  
30 slaughterhouses, hogpens, stables, stable yards, and any



1 conditions or places whatsoever, in the township, which may  
2 constitute a nuisance or a menace to public health. Whenever any  
3 condition or place in the township is found by it to be a  
4 nuisance or a menace to the health of the people of the  
5 township, it shall issue a written order of abatement, directed  
6 to the owner, or agent of the owner of the premises, or to the  
7 occupant thereof, stating that the conditions specified therein  
8 constitute a nuisance or a menace to health, and ordering an  
9 abatement thereof within such time as may be specified by it in  
10 such order. In case such order of abatement is not obeyed within  
11 the time specified therein, it shall thereupon issue a further  
12 written order to the health officer, directing him to remove or  
13 abate the same, which order shall be executed by him and his  
14 subordinates and workmen, and the expense thereof shall be  
15 recoverable from the owner of the premises upon or from which  
16 the nuisance or menace to health is abated or removed, in the  
17 same manner as debts of like character are now collected by law;  
18 or the said board of health may proceed to enforce such other  
19 remedy or inflict such penalty as may, by ordinance of the  
20 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.



1 (c) The board of health or the health officer shall, each  
2 January, submit a report to the board of commissioners on the  
3 appropriation and expenditures for the preceding fiscal year and  
4 information on subjects relative to the sanitary conditions or  
5 requirements of the township.

6 Section 1610. Cooperation in Health Work.--[Any township may  
7 cooperate with the county, or with any city, borough, township  
8 or school district, as well as with the State Department of  
9 Health, in the administration and enforcement of health laws.] A  
10 township may cooperate with any political subdivision and with  
11 the State Department of Health in the administration and  
12 enforcement of health laws.

13 Section 1611. Powers of [Secretary] State Department of  
14 Health.--[Whenever, in the opinion of the Secretary of Health of  
15 the Commonwealth, conditions found by him to exist in any  
16 township shall constitute a menace to the lives and health of  
17 people living outside the boundaries of such township, or if it  
18 be known to him that any township is without an existing or  
19 efficient board of health, or health officer or officers, the  
20 Secretary of Health may enter, and take full charge of, and  
21 administer the health laws, regulations, and ordinances in such  
22 township, and may continue in charge thereof until he shall  
23 decide that a competent and efficient board of health, or health  
24 officer or officers, has been appointed and qualified for such  
25 township, and is ready, able and willing to assume and carry  
26 into effect the duties imposed upon it by law.] (a) Nothing in  
27 this act may be construed to limit the powers and duties of the  
28 State Department of Health, including the powers and duties  
29 under Article XXI of the act of April 9, 1929 (P.L.177, No.175),  
30 known as "The Administrative Code of 1929."





1     (b) (1) The expenses of the State Department of Health for  
2 which the township is liable shall be paid by the township where  
3 the expenses have been incurred.

4     (2) If expenses under paragraph (1) are unpaid for a period  
5 of more than three months after a statement of the expenses has  
6 been rendered to the township and demand for payment is made,  
7 the Secretary of Health shall, with the approval of the  
8 Governor, institute an action against the township for the  
9 collection of the expenses. The reasonableness of the  
10 expenditures made by the secretary shall be submitted to the  
11 jury for its determination.

12     (3) Upon payment, the State Department of Health shall  
13 return the money to the State Treasurer, who shall credit the  
14 amount to the appropriation made to the State Department of  
15 Health.

16     Section 60. Sections 1612, 1613 and 1614 and Subdivision (b)  
17 of Article XVI of the act are repealed:

18     [Section 1612. Expenses Incurred by Board or Secretary of  
19 Health.--All expenses incurred by any local board of health, its  
20 officers or employes, in the performance of the duties imposed  
21 upon it by law, and all expenses incurred by the Secretary of  
22 Health in accordance with the provisions of the preceding  
23 section, shall be paid by the township wherein such duties are  
24 performed, in the same manner as other expenses of such township  
25 are paid.]

26     [Section 1613. Suits by State Secretary of Health to Recover  
27 Expenses.--Whenever expenses incurred by the State Secretary of  
28 Health or his agents, in the administration of health laws in  
29 any township, in accordance with the provisions of this act,  
30 shall remain unpaid by said township for a period of more than



1 three months after a statement of such expense has been rendered  
2 by him to such township, and demand for payment by him made, he  
3 shall, with the approval of the Governor, institute, in the name  
4 of the Commonwealth as plaintiff, an action of assumpsit against  
5 such township for the collection of such expense from the  
6 township, in the same manner as debts of like amount are  
7 collected by law: Provided, however, That upon the trial of any  
8 such action of assumpsit, the reasonableness of the expenditures  
9 made by the Secretary of Health shall be submitted to the jury  
10 for its determination.

11 Section 1614. Payment of Expenses Recovered Into State  
12 Treasury.--All expenses incurred by the State Secretary of  
13 Health in the administration of health laws in any township,  
14 when paid to him by such township, or when collected by him,  
15 shall be returned by him to the State Treasurer, who shall  
16 credit the amount so received to the appropriation made to the  
17 Department of Health.

18 (b) Vacation of Streets Declared Nuisances  
19 by Board of Health

20 Section 1620. Petitions to Vacate Nuisances.--Whenever the  
21 board of health shall declare as a nuisance any public street or  
22 part thereof, any two or more owners of property adjacent or  
23 abutting upon the same may present their petition, verified by  
24 oath or affirmation, to the court of quarter sessions, setting  
25 forth the facts regarding such nuisance and praying that said  
26 street may be vacated. Such petition shall be accompanied by a  
27 certificate of the board of health, setting forth that they have  
28 declared such street to be a public nuisance.

29 Section 1621. Jury of View.--The court shall thereupon  
30 appoint a jury of view of three persons of the county. The jury,



1 being sworn or affirmed to faithfully perform its duties, shall  
2 give notice to all parties likely to be affected by the  
3 proceedings, of the time and place of the first meeting, in such  
4 manner as the court shall direct.

5 Section 1622. Hearings and Report.--After the first meeting,  
6 the jury shall proceed to view the premises, hear all parties  
7 interested and their witnesses, and shall prepare a report of  
8 their finding and recommendations as to whether or not such  
9 street, or part thereof, should be vacated; and in such report  
10 shall award damages and assess benefits to the property  
11 affected.

12 Section 1623. Notice of Filing Report.--The jury shall give  
13 notice, in writing, to all parties affected by their report, at  
14 least ten days before the same is filed in court. The notice  
15 shall state the time and place where such report will be open to  
16 inspection.

17 Section 1624. Exceptions to Report.--Any person aggrieved by  
18 such report may file exceptions thereto with the jury; whereupon  
19 the jury shall reconsider their report with the exceptions and  
20 change the same as justice may require. The report as finally  
21 prepared shall be filed in court.

22 Section 1625. Appeals from Report.--Any person affected by  
23 the report shall have the right of an appeal to the court of  
24 common pleas, within thirty days after the report is filed, and  
25 the procedure on such appeal shall be the same as in actions of  
26 trespass.

27 Section 1626. Confirmation of Report.--At the end of the  
28 period allowed for an appeal, the report shall be absolutely  
29 confirmed by the court as to such awards or assessments from  
30 which no appeals have been taken.



1 Section 1627. When Vacation Proceedings not to Be Had.--No  
2 street, or part thereof, shall be vacated in any case where the  
3 vacating deprives any lot abutting thereon of the sole means of  
4 ingress or egress, otherwise than to or from the front line  
5 thereof; nor where it was created by grant or contract and not  
6 theretofore accepted by the public.]

7 Section 61. Sections 1701, 1701.1, 1701a and 1702 of the act  
8 are amended to read:

9 Section 1701. Fiscal Year; Annual Budget; Regulation of  
10 Appropriations.--(a) The fiscal year in townships of the first  
11 class shall [commence on the first day of January of each year]  
12 begin on January 1 and end on December 31.

13 (b) The board of [township] commissioners shall [each year,  
14 at least thirty days prior to the adoption of the annual budget,  
15 begin preparation of a proposed budget for all funds showing an  
16 estimate of the several amounts of money which will be required  
17 for the several specific purposes of township government and  
18 expenses for the ensuing fiscal year, and by ordinance  
19 appropriate, out of the revenues available for the year, the  
20 specific sums required as shown by the budget as finally  
21 adopted.]

22 At the option of the township commissioners, such budget may  
23 be prepared and adopted prior to the first Monday of January of  
24 the fiscal year to which such budget shall apply. Whenever the  
25 township commissioners shall exercise such option, the first  
26 reading of the budget shall take place in November and the  
27 budget shall be finally adopted in the month of December prior  
28 to the fiscal year to which such budget shall apply. Said budget  
29 shall reflect as nearly as possible the estimated revenues and  
30 expenditures of the township for the year for which the budget



1 is prepared. It shall be unlawful to prepare and advertise  
2 notice of a proposed budget when the same is knowingly  
3 inaccurate. Where, upon any revision of the budget, it appears  
4 that the estimated expenditures in the adopted budget will be  
5 increased more than ten percent in the aggregate, or more than  
6 twenty-five percent in any individual item, over the proposed  
7 budget, it shall be presumed that the tentative budget was  
8 inaccurate, and such budget may not be legally adopted with any  
9 such increases therein unless the same is again advertised once,  
10 as in the case of the proposed budget, and an opportunity  
11 afforded to taxpayers to examine the same and protest such  
12 increases.

13 Final action shall not be taken on the proposed budget until  
14 after at least ten days public notice. The proposed budget shall  
15 be published or otherwise made available for public inspection  
16 at least twenty days prior to the date set for the adoption of  
17 the budget. The township commissioners after making such  
18 revisions and changes therein, as appear advisable, shall adopt  
19 the budget not later than the thirty-first day of December.

20 (c) The township commissioners may at any time by resolution  
21 make supplemental appropriations for any lawful purpose from any  
22 funds on hand or estimated to be received within the fiscal year  
23 and not appropriated to any other purpose, including the  
24 proceeds of any borrowing now or hereafter authorized by law.]  
25 annually prepare a proposed budget for all funds for the ensuing  
26 fiscal year. The proposed budget shall reflect as nearly as  
27 possible the estimated revenues and expenditures of the township  
28 for the year for which the budget is prepared.

29 (b.1) Notice that the proposed budget is available for  
30 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



1 may be made for the payment of township orders or indebtedness  
2 of the previous years. A budget adopted in the December prior to  
3 the fiscal year to which the budget applies may be amended.

4 (c) The board of commissioners may at any time by resolution  
5 make supplemental appropriations for any lawful purpose from any  
6 funds on hand or estimated to be received within the fiscal year  
7 and not appropriated to any other purpose, including the  
8 proceeds of any borrowing as authorized by law. Supplemental  
9 appropriations may be made whether or not an appropriation for  
10 that purpose was included in the original budget as adopted.

11 (d) The [township] board of commissioners [shall have power  
12 to authorize the transfer within the same fund of any  
13 unencumbered balance, or any portion thereof, from one spending  
14 agency to another, but such action shall be taken only during  
15 the last nine months of the fiscal year. However, when a  
16 transfer of over five percent of an appropriation item is made  
17 within a fund, or when a transfer of over five percent of the  
18 total appropriation to a fund is made from said fund to another  
19 fund, an affirmative vote of two-thirds of the township  
20 commissioners shall be required.] may, by resolution, transfer  
21 unencumbered money from one township account to another but no  
22 money may be transferred from the fund allocated for the payment  
23 of debts or from any fund raised by a special tax levy or  
24 assessment for a particular purpose. Transfers may not be made  
25 during the first three months of the fiscal year. No funds shall  
26 be paid out of the township treasury except upon appropriation  
27 made according to law.

28 Section 1701.1. Amending Budget; Notice.--(a) During the  
29 month of January next, following any municipal election, the  
30 board of commissioners [of any township] may amend the budget



1 and the levy and tax rate to conform with its amended budget. A  
2 period of ten days' public inspection at the office of township  
3 secretary of the proposed amended budget after notice by the  
4 township secretary to that effect is published once in a  
5 newspaper of general circulation, as provided in section 110 [~~of~~  
6 ~~this act~~], shall intervene between the proposed amended budget  
7 and [~~the~~] its adoption [~~thereof~~. Any amended budget must be  
8 ~~adopted by the township~~]. An amended budget must be adopted by  
9 the board of commissioners on or before the fifteenth day of  
10 February.

11 [~~No such~~] (b) No proposed amended budget shall be revised  
12 upward in excess of ten percent in the aggregate [~~thereof, or~~  
13 ~~as, to an individual item~~] or in excess of twenty-five percent  
14 of the amount of [~~such~~] an individual item in the proposed  
15 amended budget.

16 Section 1701a. [~~Committee to Prepare Uniform Forms.--Uniform~~  
17 ~~forms for the annual reports of township auditors and~~  
18 ~~controllers to the Department of Community and Economic~~  
19 ~~Development, as required in sections 1003 and 1103 of this act,~~  
20 ~~shall be prepared by a committee consisting of four~~  
21 ~~representatives from the Pennsylvania State Association of~~  
22 ~~Township Commissioners and the Secretary of Community and~~  
23 ~~Economic Development, or his agent who shall be a person trained~~  
24 ~~in the field of municipal finance. Such representatives shall be~~  
25 ~~appointed by the president of said organization within sixty~~  
26 ~~days after the effective date of this act.] Uniform Financial  
27 Report and Forms.--(a) The uniform forms for the annual  
28 financial report required to be made by the township auditors or  
29 controller to the Department of Community and Economic  
30 Development, shall be prepared by a committee consisting of four~~





1 representatives from the Pennsylvania State Association of  
2 Township Commissioners and the Secretary of Community and  
3 Economic Development, or the secretary's agent or designee who  
4 shall be a person trained in the field of municipal finance.

5 (b) The representatives of townships shall be appointed by  
6 the president of the Pennsylvania State Association of Township  
7 Commissioners. The representatives shall be chosen from among  
8 the finance officers or other officers of townships who have  
9 knowledge of fiscal procedures. As far as possible, [such] the  
10 representatives shall be chosen to represent townships in the  
11 various population groups within the range of townships of the  
12 first class. The president of [said] the organization shall  
13 supply to the Department of Community and Economic Development  
14 the names and addresses of [such] the representatives  
15 immediately upon their appointment.

16 [Said representatives shall serve without compensation, but  
17 they shall be reimbursed by the Commonwealth for all] (c) The  
18 representatives shall serve without compensation but shall be  
19 reimbursed by the Commonwealth for the necessary expenses  
20 incurred in attending meetings of the committee. The committee  
21 shall meet at the call of the Secretary of Community and  
22 Economic Development, or [his agent] the secretary's agent or  
23 designee, who shall serve as [chairman] chairperson of the  
24 committee.

25 (d) It shall be the duty of the Secretary of Community and  
26 Economic Development, or [his agent, to see to it that the forms  
27 required by this act are prepared in cooperation with said  
28 committee. In the event that said committee should for any  
29 reason fail to furnish such cooperation, the Secretary of  
30 Community and Economic Development, or his agent, shall complete



1 the preparation of the forms. After their preparation, he shall  
2 issue said forms and distribute them annually, as needed, to the  
3 proper officers of each township.] the secretary's agent or  
4 designee, to ensure that the forms required by this act are  
5 prepared in cooperation with the committee. In the event that  
6 the committee should for any reason fail to cooperate, the  
7 Secretary of Community and Economic Development, or the  
8 secretary's agent or designee, shall prepare the forms. After  
9 the forms are prepared, the Secretary of Community and Economic  
10 Development, or the secretary's agent or designee, shall issue  
11 the forms and distribute them annually, as needed, to the  
12 designated officers of each township.

13 Section 1702. Appropriations Not to Be Exceeded; Changes in  
14 Appropriations.--[No work shall be hired to be done, no  
15 materials purchased, no contracts made, and no orders issued for  
16 the payment of any moneys, by the authorities of any township,  
17 in any amount which will cause the sums appropriated to specific  
18 purposes to be exceeded. No change in the purpose of the  
19 appropriations shall be made unless by an ordinance, which shall  
20 set out the reasons for and character of such change. If any  
21 work shall be done for or materials furnished to any township  
22 contrary to the provisions of this section, the township  
23 commissioners are hereby prohibited from authorizing payment  
24 therefor as a moral obligation or otherwise, unless ordered or  
25 directed so to do by the court of common pleas or the court of  
26 quarter sessions of the county in which such township is  
27 situate.] The township may not hire employees, purchase  
28 materials, execute contracts or issue orders for the payment of  
29 any money if it would result in the total expenditure of money  
30 for a specific purpose to exceed the amount appropriated for



1 that purpose.

2 Section 62. Sections 1703, 1704 and 1705 of the act are  
3 repealed:

4 [Section 1703. Certain Contracts Invalid.--No contracts,  
5 hirings, or purchases made, or orders or warrants issued, not  
6 provided for by an appropriation by the township commissioners  
7 as is required by law, or which would cause any appropriation to  
8 be exceeded, shall be valid.

9 Section 1704. Power to Create Indebtedness; Sinking Fund;  
10 Temporary Indebtedness.--The board of township commissioners  
11 may, by ordinance, borrow money and issue evidences of  
12 indebtedness therefor to the extent, and in the manner, in which  
13 municipal districts are now authorized to incur or increase the  
14 same, for the purpose of permanent improvements, but the total  
15 indebtedness so created shall not exceed five per centum of the  
16 county valuation of the property within the township without the  
17 assent of the electors of the township; or, by resolution of the  
18 board of township commissioners, they may authorize payment for  
19 permanent improvements or for other contracted obligations of  
20 the township by the issuance of certificates of indebtedness,  
21 payable on a certain date, not exceeding one year from the date  
22 of issue: Provided, That the total indebtedness so created by  
23 the township commissioners, together with other indebtedness  
24 created by them, does not exceed five per centum of the county  
25 valuation of the property within the township, without the  
26 assent of the electors thereof. The rate of interest on such  
27 indebtedness shall not exceed six per centum per annum. In  
28 authorizing the issue of obligations or securities for such  
29 loans, the township commissioners shall provide that moneys  
30 subsequently derived from assessments upon parties benefited by



1 such improvements shall be deposited in the sinking fund for the  
2 payment of the principal and interest of said obligations or  
3 securities.

4 Whenever the township funds have been exhausted, the township  
5 commissioners may make temporary loans, on the credit of the  
6 township, in anticipation of taxes to be collected for the  
7 current fiscal year, and issue a certificate of indebtedness  
8 therefor. All such loans shall be repaid from the first moneys  
9 available from taxes in anticipation of which the same were  
10 made.

11 Section 1705. Sinking Fund; Regulations and Investments.--It  
12 shall be the duty of the board of commissioners to cause  
13 accounts of the sinking fund and other accounts relating to the  
14 indebtedness of the township to be kept, and to see to the  
15 proper application and superintend the investment of moneys  
16 therein in accordance with law. The commissioners shall meet as  
17 often as may be necessary, and keep a record of the proceedings.  
18 The board of commissioners may (i) make investment of township  
19 sinking funds as authorized by the act of July 12, 1972  
20 (P.L.781, No.185), known as the "Local Government Unit Debt  
21 Act"; and (ii) liquidate any such investment, in whole or in  
22 part, by disposing of securities or withdrawing funds on  
23 deposit. Any action taken to make or to liquidate any investment  
24 shall be made by the officers designated by action of the  
25 commissioners. The income derived from such investments or on  
26 any bank balances credited to the sinking fund shall be credited  
27 and applied only to the sinking fund.]

28 Section 63. Sections 1705.1, 1706 and 1708 of the act are  
29 amended to read:

30 Section 1705.1. Investment of Township Funds.--(a) The



1 board of commissioners shall have power to provide for the  
2 investment of [moneys] money, in the general township fund or in  
3 special funds.

4 (a.1) The board of commissioners shall have power to invest  
5 township sinking funds as authorized by 53 Pa.C.S. Pt. VII  
6 Subpt. B (relating to indebtedness and borrowing).

7 (b) The [township] board of commissioners shall invest  
8 township funds consistent with sound business practice.

9 (c) The board of commissioners shall provide for an  
10 investment program subject to restrictions contained in this act  
11 and in any other applicable statute and any rules and  
12 regulations adopted by the board of commissioners.

13 (d) Authorized types of investments for township funds  
14 [shall be:], in addition to those authorized under the act of  
15 July 25, 1973 (P.L.217, No.53), entitled "An act authorizing  
16 cities of the first class and second class to invest all funds  
17 received and deposited with the city treasurer in certain  
18 commercial paper under certain terms and conditions; and  
19 providing for investment of public corporation or municipal  
20 authority funds," are:

21 (i) United States Treasury bills.

22 (ii) Short-term obligations of the United States Government  
23 or its agencies or instrumentalities.

24 (iii) Deposits in savings accounts or time deposits, other  
25 than certificates of deposit, or share accounts of institutions  
26 insured by the Federal Deposit Insurance Corporation [or the  
27 Federal Savings and Loan Insurance Corporation] or the National  
28 Credit Union Share Insurance Fund [or the Pennsylvania Deposit  
29 Insurance Corporation or the Pennsylvania Savings Association  
30 Insurance Corporation to the extent that such accounts] to the



1 extent that the accounts are so insured, and, for any amounts  
2 above the insured maximum, provided that approved collateral as  
3 provided by law therefore shall be pledged by the depository.  
4 Such deposits are differentiated from savings or demand deposits  
5 as authorized by the act of July 25, 1973 (P.L.217, No.53).

6 (iv) Obligations of the United States of America or any of  
7 its agencies or instrumentalities backed by the full faith and  
8 credit of the United States of America, the Commonwealth of  
9 Pennsylvania or any of its agencies or instrumentalities backed  
10 by the full faith and credit of the Commonwealth, or of any  
11 political subdivision of the Commonwealth of Pennsylvania or any  
12 of its agencies or instrumentalities backed by the full faith  
13 and credit of the political subdivision.

14 (v) Shares of an investment company registered under the  
15 Investment Company Act of 1940 (54 Stat. 789, 15 U.S.C. § 80a-1  
16 et seq.), whose shares are registered under the Securities Act  
17 of 1933 (48 Stat. 74, 15 U.S.C. § 77a et seq.), provided that  
18 the only investments of that company are in the authorized  
19 investments for township funds listed in (i) through (iv) [.] ,  
20 and both of the following conditions are met:

21 (A) The investment company is managed in accordance with 17  
22 CFR 270.2a-7 (relating to money market funds).

23 (B) The investment company is rated in the highest category  
24 by a nationally recognized rating agency.

25 (vi) Certificates of deposit purchased from institutions  
26 insured by the Federal Deposit Insurance Corporation [or the  
27 Federal Savings and Loan Insurance Corporation] or the National  
28 Credit Union Share Insurance Fund [or the Pennsylvania Deposit  
29 Insurance Corporation or the Pennsylvania Savings Association  
30 Insurance Corporation to the extent that such accounts are so



1 insured. However, for any amounts above the insured maximum,  
2 such certificates of deposit shall be collateralized by a pledge  
3 or assignment of assets of the institution, and such collateral  
4 may include loans (including interest in pools of loans) secured  
5 by first mortgage liens on real property.] to the extent that  
6 the accounts are so insured, and, for any amounts above the  
7 insured maximum, provided that approved collateral as provided  
8 by law therefore shall be pledged by the depository.

9 Certificates of deposit purchased from commercial banks shall be  
10 limited to an amount equal to twenty percent of a bank's total  
11 capital and surplus. Certificates of deposit purchased from  
12 savings and loan associations or savings banks shall be limited  
13 to an amount equal to twenty percent of an institution's assets  
14 minus liabilities.

15 (vii) Any investment authorized by 20 Pa.C.S. Ch. 73  
16 (relating to [fiduciaries] municipalities investments) shall be  
17 an authorized investment for any pension or retirement fund.

18 (e) In making investments of township funds, the board of  
19 commissioners shall have authority[:]

20 (i) To permit assets pledged as collateral under subsection  
21 (d)(iii), to be pooled in accordance with the act of August 6,  
22 1971 (P.L.281, No.72), relating to pledges of assets to secure  
23 deposits of public funds.

24 (ii) To combine moneys] to:

25 (i) Permit assets pledged as collateral under subsection (d)  
26 (iii), to be pooled in accordance with the act of August 6, 1971  
27 (P.L.281, No.72), entitled "An act standardizing the procedures  
28 for pledges of assets to secure deposits of public funds with  
29 banking institutions pursuant to other laws; establishing a  
30 standard rule for the types, amounts and valuations of assets



1 eligible to be used as collateral for deposits of public funds;  
2 permitting assets to be pledged against deposits on a pooled  
3 basis; and authorizing the appointment of custodians to act as  
4 pledgees of assets."

5 (ii) Combine money from more than one fund under township  
6 control for the purchase of a single investment, [provided that]  
7 if each of the funds combined for the purpose shall be accounted  
8 for separately in all respects and that the earnings from the  
9 investment are separately and individually computed and  
10 recorded[, ] and credited to the accounts from which the  
11 investment was purchased.

12 (iii) [To join] Join with one or more other political  
13 subdivisions and municipal authorities in accordance with [the  
14 act of July 12, 1972 (P.L.762, No.180), entitled "An act  
15 relating to intergovernmental cooperation," in the purchase of a  
16 single investment, provided that the requirements of subclause  
17 (ii) on separate accounting of individual funds and separate  
18 computation, recording and crediting of the earnings therefrom  
19 are adhered to.] 53 Pa.C.S. Ch. 23 Subch. A (relating to  
20 intergovernmental cooperation) in the purchase of a single  
21 investment, provided that the requirements of subclause (ii) are  
22 adhered to.

23 Section 1706. Indebtedness and Orders of Previous Years.--No  
24 orders or indebtedness of any previous years shall be paid out  
25 of the funds of any fiscal year, unless the funds available from  
26 taxation and other sources shall be estimated to be in excess of  
27 requirements for the current fiscal year[, in which case]. If  
28 the available funds are in excess of the current fiscal year  
29 requirements, an appropriation may be made for [such] this  
30 purpose to the extent of [such] the excess, or unless, after the





1 close of the fiscal year, it shall be ascertained that the funds  
2 appropriated and available therefor are in excess of the amount  
3 required, in which case [such] the surplus may be applied to  
4 [such] the former orders of indebtedness.

5 Section 1708. Disbursements to Pay Indebtedness.--All  
6 disbursements in discharge of township indebtedness duly  
7 incurred shall be made by the township treasurer or [his] the  
8 treasurer's deputy, by virtue of warrants or orders drawn on  
9 [him] the treasurer by the order of the board of [township]  
10 commissioners, signed by the president or vice president and  
11 attested to by the secretary or assistant secretary of the  
12 board. The board shall prescribe, by ordinance, the manner in  
13 which bills for township indebtedness shall be approved for  
14 payment.

15 Section 63.1. Section 1709 of the act, amended July 2, 2019  
16 (P.L.349, No.50), is amended to read:

17 Section 1709. Tax Levies.--(a) The board of [township]  
18 commissioners may levy taxes by resolution for taxes levied at  
19 the same rate as or a rate lower than the previous fiscal year,  
20 and by ordinance if the tax rate increases from the previous  
21 fiscal year, upon all property and upon all occupations within  
22 the township made taxable for township purposes, as ascertained  
23 by the valuation for county purposes made by the assessors of  
24 the several counties of this Commonwealth for the year for which  
25 the township taxes are levied, for the purposes and at the rate  
26 hereinafter specified: Provided, however, That such valuation  
27 shall be subject to correction by the county commissioners of  
28 the several counties, and to appeal by the taxable persons in  
29 accordance with existing laws.

30 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;



1 (C) making of appropriations to fire companies [within or  
2 without] located inside or outside the township;

3 (D) contracting with adjacent municipalities or volunteer  
4 fire companies therein for fire protection;

5 (E) the training of fire personnel and payments to fire  
6 training schools and centers;

7 (F) the purchase of land upon which to erect a fire house;  
8 and

9 (G) the erection and maintenance of a fire house or fire  
10 training school and center.

11 (ii) The township may appropriate up to one-half, but not to  
12 exceed one mill, of the revenue generated from a tax under this  
13 clause for the purpose of paying salaries, benefits or other  
14 compensation of fire suppression employees of the township or a  
15 fire company serving the township.

16 (iii) If an annual tax for the purposes specified in this  
17 clause is proposed to be set at a level higher than three mills  
18 the question shall be submitted to the voters of the township,  
19 and the county board of elections shall frame the question in  
20 accordance with the election laws of the Commonwealth for  
21 submission to the voters of the township.

22 [Three.] (3) An annual tax, not exceeding one-tenth of one  
23 mill, for the purpose of caring for trees planted under the  
24 supervision of the [shade-tree] shade tree commission, and for  
25 the purpose of publishing notices of meetings to consider the  
26 planting, removing, or changing of trees. In lieu of the tax  
27 provided for in this clause, the [township] board of  
28 commissioners may, by specific appropriation, provide for the  
29 maintenance of [such trees] shade trees by appropriation from  
30 the general funds of the township.



1       [Four.] (4) An annual tax so long as necessary, for the  
2 purpose of procuring a lot and/or erecting a building thereon  
3 for a [townhouse] municipal building, and for the payment of  
4 indebtedness incurred in connection therewith.

5       [Five.] (5) An annual tax sufficient to pay interest and  
6 principal on any indebtedness incurred pursuant to [the act of  
7 July 12, 1972 (P.L.781, No.185), known as the "Local Government  
8 Unit Debt Act,"] 53 Pa.C.S. Pt. VII Subpt. B (relating to  
9 indebtedness and borrowing) or any prior or subsequent act  
10 governing the incurrence of indebtedness of the township.

11       [Six. The commissioners of the township shall have the power  
12 to levy and collect annually on the valuation assessed for  
13 general township purposes as now is or may be provided by law,  
14 an additional]

15       (6) An annual tax not exceeding one-half (1/2) mill to  
16 provide for pensions, retirement, or the purchase of annuity  
17 contracts for township employes. This tax shall be kept in a  
18 separate fund and used only for the purposes [herein] provided  
19 in this clause.

20       [Seven.] (7) (i) An annual tax not exceeding one-half mill  
21 for the purpose of supporting ambulance, rescue and other  
22 emergency services serving the township, except as provided in  
23 subsection (c).

24       (ii) The township may appropriate up to one-half of the  
25 revenue generated from a tax under this clause for the purpose  
26 of paying salaries, benefits or other compensation of employes  
27 of an ambulance, rescue or other emergency service serving the  
28 township.

29       (8) An annual tax not exceeding five mills to create and  
30 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



1 Commonwealth.

2 Section 64. Section 1709.1 of the act is amended to read:

3 Section 1709.1. Additions and Revisions to Duplicates.--

4 [~~When there is any construction of a building or buildings not~~  
5 ~~otherwise exempt as a dwelling after January first of any year~~  
6 ~~and the building is not included in the tax duplicate of the~~  
7 ~~township, the authority responsible for assessments in the~~  
8 ~~township shall, upon the request of the board of township~~  
9 ~~commissioners, inspect and reassess, subject to the right of~~  
10 ~~appeal and adjustment by the law under which assessments are~~  
11 ~~made,]~~ If in any township there is any construction of a  
12 building or buildings not otherwise exempt as a dwelling after  
13 January first of any year and the building is not included in  
14 the tax duplicate of the township, the county assessment office  
15 shall, upon the request of the board of commissioners, direct  
16 the assessor in the county assessment office to inspect and  
17 reassess, subject to the right of appeal and adjustment by  
18 statute, all taxable property in the township to which major  
19 improvements have been made after January first of any year and  
20 to give notice of the reassessments within ten days to the  
21 authority responsible for assessments, the township and the  
22 property owner. The real property shall be added to the  
23 duplicate and [~~is~~] shall be taxable for township purposes at the  
24 reassessed valuation for that proportionate part of the fiscal  
25 year of the township remaining after the property was improved.  
26 Any improvement made during the month shall be computed as  
27 having been made on the first day of the month. A certified copy  
28 of the additions or revisions to the duplicate shall be  
29 furnished by the board of township commissioners to the township  
30 tax collector, together with the board's warrant for collection



1 of the same, and within ten days the township tax collector  
2 shall notify the owner of the property of the taxes due the  
3 township.

4 [When an assessment is made for a portion of a year, the  
5 assessment shall be added to the duplicate of the following or  
6 succeeding year unless the value of the improvements has already  
7 been included in that duplicate.]

8 Section 64.1. Section 1710 of the act, amended July 2, 2019  
9 (P.L.349, No.50), is amended to read:

10 Section 1710. Tax Rates to Be Expressed in Dollars and  
11 Cents.--Whenever the board of commissioners [of any township]  
12 shall, by ordinance or resolution, fix the rate of taxation for  
13 any year at a mill rate, [such] the ordinance or resolution  
14 shall also include a statement expressing the rate of taxation  
15 in dollars and cents on each one hundred dollars of assessed  
16 valuation of taxable property.

17 Section 65. Sections 1711, 1712 and 1801 of the act are  
18 amended to read:

19 Section 1711. Special Levies to Pay Indebtedness.--[In  
20 addition to the levies hereinbefore provided for, when it is  
21 shown to the court that the debts due by any township exceed the  
22 amount which the township commissioners may collect in any year  
23 by taxation, the court, after ascertaining the amount of  
24 indebtedness of any such township, may, by a writ of mandamus,  
25 direct the township commissioners, by special taxation, to  
26 collect an amount sufficient to pay the same. If the amount of  
27 such indebtedness is so large as to render it unadvisable to  
28 collect the same in any one year, taking into consideration  
29 other necessary taxation, the court may direct the same to be  
30 levied and collected by annual instalments, and may order such



1 special taxes to be levied and collected during such successive  
2 years as may be required for payment of the same.] In addition  
3 to the levies provided for in section 1709, when it is shown to  
4 the court that the debts due by any township exceed the amount  
5 which the board of commissioners may collect in any year by  
6 taxation, the court, after ascertaining the amount of  
7 indebtedness of the township, may, in an action of mandamus,  
8 direct the board of commissioners, by special taxation, to  
9 collect an amount sufficient to pay the debts. If the amount of  
10 the indebtedness is so large as to render it unadvisable to  
11 collect the entire amount in any one year, taking into  
12 consideration other necessary taxation, the court may direct the  
13 special taxes to be levied and collected during successive years  
14 as may be required for payment of the debt.

15 Section 1712. Delivery of Duplicates.--The board of  
16 [township] commissioners shall within thirty days after adoption  
17 of the budget or within thirty days after receipt of the  
18 assessment roll from the county, whichever is later, deliver a  
19 duplicate of the assessment of township taxes to the township  
20 tax collector, together with the board's warrant for collection  
21 of the taxes.

22 Section 1801. Power to Make Contracts.--[Townships] (a) A  
23 township may make contracts for lawful purposes and for the  
24 [purpose] purposes of carrying into execution the provisions of  
25 this act and the laws of the Commonwealth.

26 (b) Except as otherwise specifically provided in this act,  
27 all contracts and purchases must be made with and from the  
28 lowest responsible bidder. For purposes of this article, the  
29 lowest responsible bidder need not be the bidder submitting the  
30 lowest dollar amount bid. A township may also consider the





1 quality of goods or services supplied, ease of repair,  
2 compatibility with other township equipment or services,  
3 responsiveness, past performance of the bidder and any other  
4 reasonable factors specified in the advertisement for bids.

5 (c) A township may permit the electronic submission of bids  
6 and may receive bids electronically for competitive bid  
7 purchases and contracts pursuant to 62 Pa.C.S. Ch. 46 (relating  
8 to electronic bidding by local government units).

9 Section 66. Section 1802 of the act, amended October 24,  
10 2018 (P.L.886, No.141), is amended to read:

11 Section 1802. [General Regulations Concerning Contracts.--

12 (a) All contracts or purchases made by any township, involving  
13 the expenditure of over the base amount of eighteen thousand  
14 five hundred dollars, subject to adjustment under subsection  
15 (a.2), except those hereinafter mentioned, shall not be made  
16 except with and from the lowest responsible bidder, shall be in  
17 writing, and shall be made only after notice by the secretary,  
18 published, in one newspaper of general circulation, published or  
19 circulating in the county in which the township is situated, at  
20 least two times at intervals of not less than three days where  
21 daily newspapers of general circulation are employed for such  
22 publication, or in case weekly newspapers are employed then the  
23 notice shall be published once a week for two successive weeks.  
24 The first advertisement shall be published not more than forty-  
25 five days and the second advertisement not less than ten days  
26 prior to the date fixed for the opening of bids. Advertisements  
27 for contracts or purchases shall also be posted in a conspicuous  
28 place within the township. Advertisements] Regulation of  
29 Contracts.--(a) All contracts or purchases in excess of the  
30 base amount of eighteen thousand five hundred dollars, subject



1 to adjustment under subsection (a.2), except those mentioned in  
2 this section and except as provided by the act of October 27,  
3 1979 (P.L.241, No.78), entitled "An act authorizing political  
4 subdivisions, municipality authorities and transportation  
5 authorities to enter into contracts for the purchase of goods  
6 and the sale of real and personal property where no bids are  
7 received," shall be in writing, and shall be made only after  
8 notice by the secretary, published once in one newspaper of  
9 general circulation, published or circulating in the township in  
10 which the township is situated. The advertisement shall be  
11 published not less than ten days prior to the date fixed for the  
12 opening of bids and shall also be posted in a conspicuous place  
13 within the township. The advertisement for contracts or  
14 purchases shall contain the date, time and location for opening  
15 of bids and shall state the amount of the performance bond  
16 determined under subsection (c). The advertisement shall also  
17 contain full plans and specifications, or refer to the places  
18 where copies thereof can be obtained. All plans and  
19 specifications shall be on file [at least] not less than ten  
20 days in advance of opening bids. The amount of the contract  
21 shall in all cases, whether of straight sale price, conditional  
22 sale, [bailment] lease, lease purchase or otherwise, be the  
23 entire amount which the township pays to the successful bidder  
24 or [his] the bidder's assigns in order to obtain the services or  
25 property, or both, and shall not be construed to mean only the  
26 amount [which] that is paid to acquire title or to receive any  
27 other particular benefit or benefits of the whole bargain.

28 (a.1) Written or telephonic price quotations from at least  
29 three qualified and responsible contractors shall be requested  
30 for all contracts in excess of the base amount of ten thousand



1 dollars, subject to adjustment under subsection (a.2) but less  
2 than the amount requiring advertisement and competitive bidding  
3 or, in lieu of price quotations, a memorandum shall be kept on  
4 file showing that fewer than three qualified contractors exist  
5 in the market area within which it is practicable to obtain  
6 quotations. A written record of telephonic price quotations  
7 shall be made and shall contain at least the date of the  
8 quotation, the name of the contractor and the contractor's  
9 representative, the construction, reconstruction, repair,  
10 maintenance or work [which] that was the subject of the  
11 quotation and the price. Written price quotations, written  
12 records of telephonic price quotations and memoranda shall be  
13 retained for a period of three years. Written price quotations  
14 as used throughout this section include electronic mail.

15 (a.2) Adjustments to the base amounts specified under  
16 [subsection (a)] subsections (a) and (a.1) shall be made as  
17 follows:

18 (1) The Department of Labor and Industry shall determine the  
19 percentage change in the Consumer Price Index for All Urban  
20 Consumers: All Items\_(CPI-U) for the United States City Average  
21 as published by the United States Department of Labor, Bureau of  
22 Labor Statistics, for the twelve-month period ending September  
23 30, 2012, and for each successive twelve-month period  
24 [thereafter].

25 (2) If the department determines that there is no positive  
26 percentage change, then no adjustment to the base amounts shall  
27 occur for the relevant time period provided for in this  
28 subsection.

29 (3) (i) If the department determines that there is a  
30 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



1 the meeting of the subsequent time and place fixed, and the  
2 foregoing provisions as to bids shall apply. The same course  
3 shall be pursued until a meeting of a committee or the  
4 commissioners shall actually be held for receiving and opening  
5 bids.

6 (2) Notwithstanding clause (1), the board of township  
7 commissioners may direct that a committee of the board, a member  
8 of the board or a member of the township staff receive, open and  
9 review bids during normal business hours and forward the  
10 information to the board of township commissioners for  
11 subsequent award at a public meeting. Bidders shall be notified  
12 and other interested parties, upon request, shall be notified of  
13 the date, time and location of the opening of bids and may be  
14 present when the bids are opened.

15 (3)] (i) If advertisement and bidding are required, the  
16 advertisement shall specify the date, time and place bids will  
17 be received and the date, time and place for the opening of  
18 bids.

19 (ii) At the board of commissioners' request, the bids  
20 advertised for must be accompanied by cash, money order, a  
21 certified or cashier's good faith check or other irrevocable  
22 letter of credit drawn upon a bank authorized to do business in  
23 this Commonwealth or by a bond with corporate surety in the  
24 amount as the board of commissioners determine, and, when  
25 requested, no bid may be considered unless so accompanied.

26 (iii) Bids received pursuant to an advertisement shall be  
27 opened publicly by the board of commissioners or the board's  
28 agent or employees. The amount of each bid and any other  
29 relevant information as may be specified by the board, together  
30 with the name of each bidder, shall be disclosed and recorded,



1 and the record shall be open to public inspection and copying.

2 (iv) At a public meeting of the board of commissioners, the  
3 board shall either award the contract or reject all bids.

4 (2) Any contract [made] executed in violation of the  
5 provisions of this section shall be void. [But nothing  
6 contained] Nothing in this section shall prevent the making of  
7 contracts for governmental services for a period exceeding one  
8 year, but any contract [so made shall be executory] shall be

9 executed only for the amounts agreed to be paid for [such  
10 services to be rendered in succeeding fiscal years: Provided,  
11 That if, prior to the letting of any contract, taxpayers of the  
12 township, whose property valuation as assessed for taxable  
13 purposes within the township shall amount to sixty per centum or  
14 over of the total property valuation as assessed for taxable  
15 purposes within the township, shall sign and file, with the  
16 township secretary of the board, a written protest against such  
17 contemplated contract, then such contract shall not be let.

18 (4) Every contract for the construction, reconstruction,  
19 repair, improvement or maintenance of public works shall contain  
20 a provision that any steel products used or supplied in the  
21 performance of the contract or any subcontracts thereunder shall  
22 be from steel made in the United States. The provisions of this  
23 act shall be construed in a manner consistent with the act of  
24 March 3, 1978 (P.L.6, No.3), known as the "Steel Products  
25 Procurement Act."] the services to be rendered in succeeding  
26 fiscal years.

27 (c) The successful bidder, when advertising is required  
28 [herein], shall be required to furnish bond or irrevocable  
29 letter of credit or other security with suitable reasonable  
30 requirements guaranteeing the performance of the contract, with



1 sufficient surety, in an amount as determined by the [township]  
2 board of commissioners which shall be not less than ten [per  
3 centum] percent nor more than one hundred [per centum] percent  
4 of the amount of the liability under the contract within twenty  
5 days after the contract has been awarded, unless the [township]  
6 board of commissioners shall prescribe a shorter period of not  
7 less than ten days. Upon failure to furnish [such bond within  
8 such time] the security within the prescribed time, the previous  
9 award shall be void. Deliveries, accomplishment and guarantees  
10 may be required in all cases of expenditures including  
11 exceptions herein.

12 (d) The contracts or purchases made by the board of  
13 commissioners which shall not require advertising, bidding or  
14 price quotations, as [hereinbefore provided,] provided in this  
15 article, are as follows:

16 (1) Those for maintenance, repairs or replacements for  
17 water, [electric light] electricity, or other public works of  
18 the township, provided they do not constitute new additions,  
19 extensions or enlargements of existing facilities and equipment  
20 but [a bond] security may be required by the board of  
21 commissioners as in other cases of work done.

22 (2) Those made for improvements, repairs and maintenance of  
23 any kind made or provided by [any] a township through its own  
24 employees[: Provided, however, That all materials used for street  
25 improvement, maintenance, and/or construction in excess of the  
26 base amount of ten thousand dollars be subject to the relevant  
27 price quotation or advertising requirements as contained herein  
28 and to adjustment under subsection (a.2).] if the materials used  
29 for street improvement or construction in excess of the amount  
30 specified or adjusted under subsection (a.1) are subject to the





1 relevant price quotation or advertising requirements contained  
2 in this section.

3 (3) Those where particular types, models or pieces of new  
4 equipment, articles, apparatus, appliances, computer software,  
5 vehicles or parts thereof are desired by the board of  
6 commissioners which are patented [and manufactured products.] or  
7 copyrighted products or are needed to ensure compatibility with  
8 existing systems, facilities or equipment.

9 (3.1) Those for used personal property, such as equipment,  
10 articles, apparatus, appliances, vehicles or parts thereof being  
11 purchased from a public utility, municipal corporation, county,  
12 school district, [municipality] municipal authority, council of  
13 government, volunteer fire company, volunteer ambulance service,  
14 volunteer rescue squad or Federal or State Government.

15 (4) Those involving [any policies of insurance or surety  
16 company bonds; those made for public utility service under  
17 tariffs on file with the Pennsylvania Public Utility Commission;  
18 those made with another political subdivision or a county; the  
19 Commonwealth of Pennsylvania; the Federal Government; any agency  
20 of the Commonwealth or the Federal Government or any municipal  
21 authority, including the sale, leasing or loan of any supplies  
22 or materials by the Commonwealth or Federal Government or their  
23 agencies. But the price thereof shall not be in excess of that  
24 fixed by the Commonwealth, the Federal Government or their  
25 agencies.] a policy of insurance or a surety bond.

26 (4.1) Those made for public utility service and electricity,  
27 natural gas or telecommunications services.

28 (4.2) Those made with another political subdivision or a  
29 county, or council of governments, consortium, cooperative or  
30 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



1 provisions).

2 (f) No person, consultant, firm or corporation contracting  
3 with a township for purposes of rendering personal or  
4 professional services to the township shall share with any  
5 township officer or employee, and no township officer or employee  
6 shall accept, any portion of the compensation or fees paid by  
7 the township for the contracted services provided to the  
8 township except under the following terms or conditions:

9 (1) Full disclosure of all relevant information regarding  
10 the sharing of the compensation or fees shall be made to the  
11 board of commissioners.

12 (2) The board of commissioners must approve the sharing of  
13 any fee or compensation for personal or professional services  
14 prior to the performance of [said] the services.

15 (3) No fee or compensation for personal or professional  
16 services may be shared except for work actually performed.

17 (4) No shared fee or compensation for personal or  
18 professional services may be paid at a rate in excess of that  
19 commensurate for similar personal or professional services.

20 Section 66.1. Sections 1802.1, 1804, 1804.1, 1805 and 1806  
21 of the act are amended to read:

22 Section 1802.1. Evasion of Advertising Requirements.--(a)

23 (1) No commissioner or commissioners shall evade the provisions  
24 of section [one thousand eight hundred two] 1802 as to  
25 advertising for bids[, ] by purchasing or contracting for  
26 services and personal properties piecemeal for the purpose of  
27 obtaining prices under eighteen thousand five hundred dollars,  
28 subject to adjustment under section 1802(a.2), upon  
29 transactions, which transactions should, in the exercise of  
30 reasonable discretion and prudence, be conducted as one



1 transaction amounting to more than eighteen thousand five  
2 hundred dollars, subject to adjustment under section 1802(a.2).  
3 [This provision]

4 (2) This subsection is intended to make unlawful the evading  
5 of advertising requirements by making a series of purchases or  
6 contracts, each for less than the advertising requirement price,  
7 or by making several simultaneous purchases or contracts, each  
8 below [said] the price, when in either case, the transactions  
9 involved should have been made as one transaction for one price.

10 (3) Any commissioners who [so] vote in violation of this  
11 [provision, and who] subsection and know that the transaction  
12 upon which they so vote is or [ought to] should be a part of a  
13 larger transaction[, and that it] and is being divided in order  
14 to evade the requirements as to advertising for bids, shall be  
15 jointly and severally subject to surcharge for ten [per centum]  
16 percent of the full amount of the contract or purchase.

17 [Whenever it shall appear]

18 (4) If it appears that a commissioner may have voted in  
19 violation of this section, but the purchase or contract on which  
20 [he so] the commissioner voted was not approved by the board of  
21 commissioners, this section shall [be inapplicable] not apply.

22 (b) Any commissioner who votes to unlawfully evade the  
23 provisions of section [one thousand eight hundred two] 1802 and  
24 who knows that the transaction upon which [he so] the member  
25 votes is or [ought to] should be a part of a larger transaction  
26 and [that it] is being divided in order to evade the  
27 requirements as to advertising for bids commits a misdemeanor of  
28 the third degree for each contract entered into as a direct  
29 result of that vote. [This penalty shall be in addition to any  
30 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



1 bond, in the name of the township, for his, their, or its use  
2 and prosecute the same to final judgment for such sum or sums as  
3 may be justly due him, them, or it, and have execution thereon:  
4 Provided, however, That the township shall not be liable for the  
5 payment of any costs or expense of any suit.] Materials.--Before  
6 a contract exceeding ten thousand dollars is awarded to a prime  
7 contractor or construction manager for the construction,  
8 erection, installation, completion, alteration, repair of or  
9 addition to a public work or improvement of any kind, the  
10 contractor shall furnish to the township a payment bond for the  
11 protection of claimants supplying labor or materials to the  
12 prime contractor to whom the contract is awarded, at no less  
13 than one hundred percent of the contract amount, conditioned for  
14 the prompt payment of the materials furnished or labor supplied  
15 or performed in the prosecution of the contract under the act of  
16 December 20, 1967 (P.L.869, No.385). The bond requirement is in  
17 addition to any other bond requirement required by law to be  
18 given in connection with the contract.

19 Section 1804.1. Purchase Contracts for Petroleum Products;  
20 Fire Company, Etc., Participation.--The board of commissioners  
21 of each township shall have power to permit, subject to [such]  
22 terms and conditions as it may, and as [hereinafter]  
23 specifically provided, shall, prescribe [any] a paid or  
24 volunteer fire company, paid or volunteer rescue company and  
25 paid or volunteer ambulance company in the township to  
26 participate in purchase contracts for petroleum products entered  
27 into by the township. [Any such] A company desiring to  
28 participate in [such] purchase contracts shall file with the  
29 township secretary a request [that it be authorized] to  
30 authorize it to participate in contracts for the purchase of



1 petroleum products of the township and agreeing that it will be  
2 bound by [such] the terms and conditions as the township may,  
3 and as [hereinafter] specifically provided, shall, prescribe and  
4 that it will be responsible for payment directly to the vendor  
5 under each purchase contract. Among [such] the terms and  
6 conditions, the township shall prescribe that all prices shall  
7 be F.O.B. destination.

8 Section 1805. Separate Specifications for Branches of  
9 Work.--~~[In] If, in~~ the preparation of specifications for the  
10 erection or alteration of any public building, ~~when~~ the entire  
11 cost of [such] the work exceeds the base amount of eighteen  
12 thousand five hundred dollars (\$18,500), subject to annual  
13 adjustment under section 1802(a.2), the architect, engineer, or  
14 ~~other~~ person preparing [such] the specifications shall ~~the~~  
15 ~~specifications may, if requested by the board of commissioners,~~  
16 prepare separate specifications for the plumbing, heating,  
17 ventilating, and electrical work, and the township shall receive  
18 separate bids upon each of [such] the branches of work, and  
19 award the contract for the same to the lowest responsible bidder  
20 for each of the branches.

21 Section 1806. [Workmen's Compensation Insurance.--All  
22 contracts executed by any township, which involve the  
23 construction or doing of any work involving the employment of  
24 labor, shall contain a provision that the contractor shall  
25 accept, in so far as the work covered by any such contract is  
26 concerned, the provisions of the Workmen's Compensation Act of  
27 one thousand nine hundred and fifteen, and any supplements or  
28 amendments thereto, and that the said contractor will insure his  
29 liability thereunder, or file with the township, with which the  
30 contract is made, a certificate of exemption from insurance from





1 the Bureau of Workmen's Compensation of the Department of Labor  
2 and Industry.

3 Every officer of any township who shall sign, on behalf of  
4 the township, any contract, requiring in its performance the  
5 employment of labor, shall require, before the said contract  
6 shall be signed, proof that the said contractor with whom the  
7 contract is made shall have accepted the Workmen's Compensation  
8 Act of one thousand nine hundred and fifteen, and any  
9 supplements or amendments thereto, and proof that the said  
10 contractor has insured his liability thereunder in accordance  
11 with the terms of the said act, or that the said contractor has  
12 had issued to him a certificate of exemption from insurance by  
13 the Bureau of Workmen's Compensation of the Department of Labor  
14 and Industry.

15 In any contract executed in violation of the provisions of  
16 this act, the township, which is a party thereto, shall be  
17 regarded as the employer and liable to pay compensation to any  
18 person entitled to compensation, under the laws of the  
19 Commonwealth, as the result of employment pursuant to such  
20 contract.] Workers' Compensation Insurance.--(a) A contract  
21 executed by a township or an officer of a township, which  
22 involves the construction or doing of work involving the  
23 employment of labor, shall contain a provision that the  
24 contractor shall accept, in so far as the work covered by the  
25 contract is concerned, the provisions of the act of June 2, 1915  
26 (P.L.736, No.338), known as the "Workers' Compensation Act," and  
27 any supplements or amendments to the act, and that the  
28 contractor will insure the contractor's liability under the act  
29 and will file with the township with which the contract is made  
30 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



1 of them, shall forfeit his office, and shall be guilty of a  
2 misdemeanor, and, on conviction thereof, shall be sentenced to  
3 pay a fine not exceeding five hundred dollars, or to undergo  
4 imprisonment of not less than six months, or both, in the  
5 discretion of the court.

6 Section 1808. Minimum Wages under Contracts.--(a) The  
7 specifications upon which contracts are entered into by any  
8 township for the construction, alteration or repair of any  
9 public work or improvement may, at the option of any such  
10 township, contain the minimum wage or wages which may be paid by  
11 the contractor or his subcontractors for the work performed by  
12 laborers and mechanics employed on such public work or  
13 improvement, and such laborers and mechanics shall in such cases  
14 be paid not less than such minimum wage or wages.

15 (b) Every contract for the construction, alteration or  
16 repair of any public work or improvement founded on  
17 specifications containing any such stipulation for minimum wage  
18 or wages shall stipulate a penalty of an amount equal to twice  
19 the difference between the minimum wage contained in said  
20 specifications and the wage actually paid to each laborer or  
21 mechanic for each day during which he has been employed at a  
22 wage less than that prescribed in said specifications.

23 (c) Every officer or person designated as an inspector of or  
24 having supervision over the work to be performed under any such  
25 contract in order to aid in enforcing the fulfillment thereof  
26 shall, upon observation or investigation, report to the  
27 commissioners of the township all violations of minimum wage  
28 stipulations, together with the name of each laborer or mechanic  
29 who has been paid a wage less than that prescribed by the  
30 specifications and the day or days of such violation.



1 (d) All such penalties shall be withheld and deducted for  
2 the use of the township from any moneys due the contractor by  
3 the officer or person whose duty it shall be to authorize the  
4 payment of moneys due such contractor, whether the violation of  
5 the minimum wage stipulation of the specifications was by the  
6 contractor or by any of his subcontractors: Provided, That if  
7 any such contractor or subcontractor subsequently pays to all  
8 laborers and mechanics the balance of the amounts stipulated in  
9 such contract, the township shall pay to the contractor the  
10 amounts so withheld as penalties.]

11 Section 68. Section 1811 of the act is amended to read:

12 Section 1811. [Penalty for Personal Interest in Contracts.--  
13 Except as otherwise provided in this act, no township official,  
14 either elected or appointed, who knows or who by the exercise of  
15 reasonable diligence could know, shall be interested to any  
16 appreciable degree, either directly or indirectly, in any  
17 contract for the sale or furnishing of any supplies or materials  
18 for the use of the township or for any work to be done for such  
19 township involving the expenditure by the township of more than  
20 three hundred dollars in any year, but this limitation shall not  
21 apply to cases where such officer or appointee of the township  
22 is an employe of the person, firm or corporation to which the  
23 money is to be paid in a capacity with no possible influence on  
24 the transaction and in which he cannot be possibly benefited  
25 thereby, either financially or otherwise. But in the case of a  
26 commissioner, if he knows that he is within the exception just  
27 mentioned, he shall so inform the commissioners and shall  
28 refrain from voting on the expenditure or any ordinance relating  
29 thereto and shall in no manner participate therein. Any official  
30 or appointee who shall knowingly violate the provisions of this



1 section shall be subject to surcharge to the extent of the  
2 damage shown to be thereby sustained by the township, to ouster  
3 from office, and shall be guilty of a misdemeanor, and, upon  
4 conviction thereof, shall be sentenced to pay a fine not  
5 exceeding five hundred dollars.] Personal Interest in Contracts  
6 and Purchases.--Elected and appointed township officials and  
7 township employees are restricted from an interest in township  
8 contracts and purchases to the extent provided in 65 Pa.C.S. Ch.  
9 11 (relating to ethics standards and financial disclosure).

10 Section 69. Subdivision (a) heading of Article XIX of the  
11 act is repealed:

12 [(a) General Provisions Relating to Eminent Domain]

13 Section 70. Sections 1901 and 1902 of the act are amended to  
14 read:

15 Section 1901. Exercise of Eminent Domain.--[In the laying  
16 out, opening, widening, extending, vacating, grading or changing  
17 the grades or lines of streets or highways, the construction of  
18 bridges and the piers and abutments therefor, the construction  
19 of slopes, embankments and sewers, including storm water drains,  
20 the erection and extension of waterworks, wharves and docks,  
21 public buildings, public works, lands and places for the  
22 disposal of ashes and other refuse materials, garbage treatment  
23 works and libraries, the establishing of parks, playgrounds and  
24 recreation places, the changing of watercourses, and for all  
25 other purposes authorized by this act, a township of the first  
26 class may enter upon, appropriate, injure or destroy private  
27 lands, property and material.] (a) A township may acquire  
28 property by eminent domain, including entering upon,  
29 appropriating, taking, using and occupying private lands and  
30 property for any of the following public purposes:



1     (1) The laying out, opening, widening, extending, vacating,  
2 grading or changing the grades or lines of streets or highways.

3     (2) The construction of bridges and the piers and abutments  
4 for bridges.

5     (3) The construction of slopes, embankments and storm water  
6 sewers and storm water facilities, the changing of watercourses,  
7 and the construction of sanitary sewer mains, drains or  
8 treatment works.

9     (4) The erection and extension of water systems, wharves and  
10 docks, public buildings, public works or land for a public works  
11 related function, municipal waste processing and disposal  
12 facilities, including municipal waste landfills, libraries, and  
13 the establishing of parks, playgrounds and recreation places.

14     (5) For all other purposes authorized by this act.

15     (b) Eminent domain proceedings shall be subject to and  
16 conform with the provisions of 26 Pa.C.S. (relating to eminent  
17 domain).

18     Section 1902. Restrictions As to Certain Property.--(a) In  
19 addition to the restrictions made by other provisions of this  
20 act in particular cases or by any other provision of law, no  
21 township shall exercise the right of eminent domain [as against  
22 land now occupied by any building which was used during the  
23 Colonial or Revolutionary period as a place of Assembly by the  
24 Council of the Colony of Pennsylvania, the Supreme Executive  
25 Council of the Commonwealth of Pennsylvania, or the Congress of  
26 the United States; or as against the land occupied by any fort,  
27 redoubt, or blockhouse, erected during the Colonial or  
28 Revolutionary period, or any building used as headquarters by  
29 the Commander-in-Chief of the Continental Army; or as against  
30 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



1 or value of the appropriated land or property [so appropriated]  
2 against the other property adjoining or in the vicinity of the  
3 appropriated land or property [so appropriated].

4 Section 1917. Title Acquired.--[In all cases where land or  
5 property is acquired in eminent domain proceedings other than  
6 for street or highway purposes, or is acquired by gift, purchase  
7 or otherwise, the title obtained by the township shall be in fee  
8 simple: Provided, That in particular instances a different title  
9 may by agreement be acquired.] Except as otherwise provided by  
10 law, if land or other real or personal property is acquired by a  
11 township in eminent domain proceedings other than for street or  
12 highway or easement purposes, or is acquired by gift, purchase  
13 or otherwise, the title obtained by the township shall be in fee  
14 simple absolute or like absolute ownership unless the parties  
15 agree otherwise in writing and the agreement expressly appears  
16 in a recorded deed affecting any real property acquired by the  
17 township or in the notice of condemnation.

18 Section 73. Subdivision (b) of Article XIX and Subdivision  
19 (a) heading of Article XX of the act are repealed:

20 [(b) Procedure for the Exercise of Eminent Domain and for  
21 the Assessment of Damages and Benefits

22 Section 1924. Assessment of Damages and Benefits.--The  
23 damages may be paid in whole or in part by the township, or may  
24 be assessed in whole or in part upon the land or property  
25 benefited. In the latter case, the viewers, having first  
26 determined the damages apart from the benefits, shall assess the  
27 total cost of the improvement, or so much thereof as may be just  
28 and reasonable, upon the lands or properties peculiarly  
29 benefited, including in the assessment all parties for which  
30 damages have been allowed, and shall report the same to the





1 court. The total assessments for benefits shall not exceed the  
2 total damages awarded or agreed upon.

3 Section 1925. Assessment Awards.--In proceedings to assess  
4 damages and benefits, if the land or property is both benefited  
5 and damaged by such improvements, the excess of damages over  
6 benefits, or the excess of benefits over damages, or nothing in  
7 case the benefits and damages are equal, shall be awarded to or  
8 assessed against the several owners of the land or property  
9 affected thereby.

10 Section 1952. Assessments to Bear Interest.--All assessments  
11 for benefits, costs, and expenses shall bear interest at six per  
12 centum per annum from the expiration of thirty days after they  
13 shall have been finally ascertained, and shall be payable to the  
14 treasurer of the township.

15 (a) Plans of Streets and Highways]

16 Section 74. The act is amended by adding sections to read:

17 Section 2002. Definitions.--The following words and phrases  
18 when used in this article shall have the meanings given to them  
19 in this section unless the context clearly indicates otherwise:

20 "Improving a street" or "improvement." The term includes  
21 work on a street or portion thereof done or proposed to be done  
22 in order to open the street if the street has not previously  
23 been opened or, if previously opened, to make the street more  
24 usable or more suitable for use by the traveling public or safer  
25 for use. The term includes, but is not limited to, grading,  
26 paving, and curbing. The term shall not include maintenance or  
27 repaving.

28 "Laying out." The term includes the plotting of:

29 (1) An unopened street or portion of the street on a  
30 township plan or official map adopted in accordance with the act



1 of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania  
2 Municipalities Planning Code, on a subdivision or land  
3 development plan or by the enactment of an ordinance adopted in  
4 accordance with this article.

5 (2) An unopened street in a case where any of the lines of  
6 the street are proposed to be revised or in a case where the  
7 street was never previously laid out although the street may  
8 have been opened and used.

9 "Opened streets." The term includes the streets within the  
10 township used as public passageways.

11 "Opening a street." The term includes the construction and  
12 grading of a street or portion thereof and the act of physically  
13 taking possession of an area or laid-out street for the purpose  
14 of making the same usable to the traveling public.

15 "Portion." The term includes a portion either of the width  
16 or length of a street. Opening a portion of a street may mean  
17 extending or widening a street, and vacating a portion of a  
18 street may mean closing or narrowing a street.

19 "Street." The term includes a street, road, lane, alley,  
20 court or public square, either for or intended for public use  
21 and shall include the cartway, sidewalk, gutter, curb or the  
22 right-of-way area, whether or not the street, or any portion of  
23 the street, is owned in fee by others than the township. Streets  
24 are of two classes, opened and unopened.

25 "Unopened streets." The term includes the streets within the  
26 township neither used as a public passageway nor accepted or  
27 maintained, but plotted in one of the following:

28 (1) a township plan or official map adopted in accordance  
29 with the Pennsylvania Municipalities Planning Code;

30 (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).

(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 section 2005 and section 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



1 sufficient to establish maintenance and repair by the township.

2 (d) Nothing in this section shall be construed as affecting  
3 the weight or persuasiveness of any evidence presented in  
4 accordance with subsection (b) or the relevance of any evidence  
5 presented except as otherwise provided in this section.

6 (e) In any proceeding in which this section is relied upon  
7 to allege the existence of a public street, the proponent of the  
8 public status of the street shall present evidence first, and  
9 the burden shall then shift to the opponent to present evidence  
10 to refute the public status of the street.

11 Section 75. Subdivision (b) heading of Article XX is  
12 repealed:

13 [(b) Laying Out, Opening, Widening, Straightening,  
14 Vacating and Relaying Streets, Highways,  
15 Et Cetera; Repairs and Detours]

16 Section 76. Sections 2005, 2006 and 2007 of the act are  
17 amended to read:

18 Section 2005. Power to Lay Out, Open, [Widen, Vacate, Et  
19 Cetera.--(a) The board of township commissioners may enact,  
20 ordain, survey, lay out, open, widen, straighten, vacate, and  
21 relay all streets, and parts thereof, which are wholly within  
22 the township, upon the petition of a majority in interest of the  
23 owners of property or properties through whose land such street  
24 passes, or upon whose land it abuts, or without petition of the  
25 owners of abutting property if, in the judgment of the board of  
26 commissioners, it is necessary for the public convenience; and  
27 the authority to open, widen and straighten highways with the  
28 approval of the Secretary of Transportation. Such power shall  
29 include authority to vacate in whole or in part streets laid out  
30 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



1 affected thereby of the time and place when and where all  
2 parties interested may meet and be heard. Witnesses may be  
3 summoned and examined by the board of commissioners and by the  
4 parties interested at such meeting or any adjournment thereof.]

5 Procedures for Laying Out, Opening, Changing, Improving or  
6 Vacating Streets.--(a) Before the enactment of any ordinance  
7 for the laying out, opening, widening, straightening, extending,  
8 altering, improving, relocating, vacating of any street or  
9 highway or portion of any street or highway, the board of  
10 commissioners shall give ten days' written notice to the owners  
11 of property adjacent to the street or highway or portions of the  
12 street or highway affected thereby of the time and place set for  
13 a hearing on the proposed matter. Witnesses may be summoned and  
14 examined by the board of commissioners and by the parties  
15 interested at the hearing.

16 (b) After the hearing and a consideration of the matter  
17 under subsection (a), if the board of commissioners votes in  
18 favor of exercising the power so conferred, the board shall make  
19 written report, together with a draft or survey of the street or  
20 highway, which shall include:

21 (1) the width of the street or highway;  
22 (2) the improvements along the street or highway; and  
23 (3) the names of the owners of property which the street or  
24 highway shall pass through or abut.

25 (c) The report and draft shall be filed in the recorder of  
26 deeds office of the county.

27 (d) Any resident or property owner affected by the report  
28 may, within thirty days after the filing of the report of the  
29 board of commissioners, upon entering in the court sufficient  
30 surety to indemnify the board of commissioners for all costs



1 incurred in the proceedings, file exceptions to the report,  
2 together with a petition for a review.

3 (e) The following shall apply after the expiration of the  
4 term allowed for filing exceptions or upon an order of the court  
5 upon disposition of any exceptions:

6 (1) If the board of commissioners desires to lay out, open,  
7 widen, straighten, alter, extend, improve, relocate or vacate  
8 the street or highway or portion thereof, the board of  
9 commissioners shall enact an ordinance for the same.

10 (2) The court of common pleas, on application by petition by  
11 the board of commissioners or any person interested, shall  
12 appoint three viewers from the county board of viewers to assess  
13 the damages and benefits occasioned by the proceeding unless the  
14 damages and benefits are otherwise agreed upon.

15 Section 77. Sections 2008, 2009, 2010 and 2011 of the act  
16 are repealed:

17 [Section 2008. Draft; Report.--After such hearing and a  
18 consideration of the matter, should the board of commissioners,  
19 or a majority thereof, decide in favor of exercising the power  
20 so conferred, they shall make written report, together with a  
21 draft or survey of the street or highway, fixing the width  
22 thereof and noting the improvements along the line thereof, and  
23 the names of the owners of property through which the same shall  
24 pass or whereon it shall abut. Such report and draft shall be  
25 filed in the office of the clerk of the court of quarter  
26 sessions.]

27 [Section 2009. Exceptions to Report.--Any citizen or  
28 freeholder of the township may, within thirty days after the  
29 filing of the report of the board of commissioners, upon  
30 entering in the court sufficient surety to indemnify the board





1 for all costs incurred in the proceedings, file exceptions to  
2 the report, together with a petition for a review.

3 Section 2010. Appointment of Viewers.--Upon favorable action  
4 on such matter by the board of commissioners, and after the  
5 expiration of the term allowed for filing exceptions, or upon  
6 the order of the court upon the disposition of any exceptions,  
7 if in either case the compensation for the damages or benefits  
8 accruing therefrom have not been agreed upon, the court of  
9 common pleas, or any law judge thereof in vacation, on  
10 application by petition by the board of commissioners or any  
11 person interested, shall appoint three viewers, from the county  
12 board of viewers, to assess the damages and benefits occasioned  
13 by the proceeding in the manner provided by this act for such  
14 proceedings.

15 Section 2011. Notices to Be Posted Along Improvement.--After  
16 the passage or approval of any ordinance by the board of  
17 commissioners, for the opening, widening, straightening,  
18 extending, or vacating any street or highway, notice shall,  
19 within ten days thereafter, be given by handbills posted in  
20 conspicuous places along the line of the proposed improvement.  
21 Such notice shall state the fact of the passage or approval of  
22 the ordinance, and the date of the passage or approval.]

23 Section 78. The act is amended by adding sections to read:

24 Section 2011.1. Petition for Opening, Etc.--(a) A petition  
25 may be presented to the board of commissioners for the opening,  
26 widening, straightening, extending, altering, improving,  
27 relocating, vacating or establishing or reestablishing the grade  
28 of any street.

29 (b) A petition made pursuant to this section must be:

30 (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



1 pursuant to the petition, it shall publish notice of the  
2 proposed ordinance and incorporate reference to any maps or  
3 drawing in accordance with Article XXXIII-A.

4 Section 79. Sections 2012, 2013 and 2014 of the act are  
5 amended to read:

6 Section 2012. Width of [Public Roads.--The width of a street  
7 in townships shall not be less than thirty-three feet or more  
8 than one hundred and twenty feet, unless, in any particular  
9 case, the township commissioners shall determine that a street  
10 of lesser width will be sufficient for public use and travel;  
11 but in no case shall any public street be less than twenty-four  
12 feet in width: Provided, That the limits of width shall not be  
13 construed to include the width required for necessary slopes in  
14 cuts or fills, when the limits of the street and the extra width  
15 required for such slopes exceed the limits of width herein  
16 specified.] Public Streets.--(a) The width of a street in

17 townships shall not be less than twenty-four feet nor more than  
18 one hundred and twenty feet. The minimum required width shall be  
19 in addition to any width required for necessary slopes in cuts  
20 or fills.

21 (b) The width of an alley shall be subject to the discretion  
22 of the board of commissioners.

23 Section 2013. Opening and Repairing [Roads.--Streets laid  
24 out by lawful authority in townships shall, as soon as may be]

25 Streets.--(a) Laid out public streets in townships shall, as  
26 soon as practicable, be effectually opened and constantly kept  
27 in repair. All streets shall, at all seasons, be kept reasonably  
28 clear of all impediments to easy and convenient traveling, at  
29 the expense of the township.

30 [Whenever proceedings have been heretofore or may hereafter



1 be begun for the opening and laying out of any street in any  
2 township, such street shall be physically opened upon the ground  
3 for use by the public within the period of five years next after  
4 the completion of such proceedings, and if not so opened, then  
5 such proceedings shall be deemed to be void and of no effect,  
6 and the land proposed to be taken shall revert to the owners of  
7 the land, as in the case of the vacation of a street, free of  
8 any easement or right of the public to use the same.]

9 (b) When proceedings have been initiated under this act for  
10 the opening and laying out of any public street in any township,  
11 the street shall be physically opened for use by the public  
12 within a period of five years after the completion of the  
13 proceedings. If the street is not opened or if no proceedings  
14 have been commenced to compel the opening in five years, then  
15 the proceedings are void and the land proposed to be taken shall  
16 revert to the owners of the land free of any easement or right  
17 of the public to use the land.

18 Section 2014. [Detours.--Except in the case of emergencies  
19 wherein the safety of the public would be endangered, no street  
20 in any township shall be closed to vehicular traffic, except  
21 upon order of the township commissioners, nor for a longer  
22 period than is necessary for the purpose for which such order is  
23 issued: Provided, however, That no street shall be closed to  
24 vehicular traffic when the same has been designated as a detour  
25 by the State Department of Highways, unless the written consent  
26 of the Department of Highways has first been obtained, or unless  
27 the township commissioners shall, by resolution duly recorded on  
28 their minutes, declare such closing necessary for the protection  
29 of the public safety.]

30 When any street shall be closed, as hereinbefore provided, it



1 shall be the duty of the township commissioners authorizing the  
2 closing to immediately designate or lay out a detour, on which  
3 they shall erect or cause to be erected and maintained while  
4 such detour is in use, legible direction signs at each public  
5 road intersection throughout its entire length. During the  
6 period when such detour is in use, it shall be the duty of the  
7 township commissioners to maintain such detour in safe and  
8 passable condition, except in the case of State or county  
9 highways. It shall also be the duty of the authorities  
10 maintaining the detour to immediately remove all detour signs  
11 when the street originally closed is opened for traffic. Except  
12 in the case of State or county highways, the commissioners  
13 shall, as soon as possible, repair the street designated as a  
14 detour, and place same in a condition at least equal to its  
15 condition when designated as a detour. Whenever necessary in the  
16 creation of a detour, as aforesaid, the township commissioners  
17 responsible for laying out the detour]

Street Closings and

18 Detours.--(a) The following shall apply to the closing of a  
19 street to vehicular traffic:

20 (1) No street shall be closed to vehicular traffic, except  
21 upon order of the board of commissioners or, in cases of  
22 emergency, when immediate action is necessary to protect public  
23 safety, by order of the police, an authorized fire official or  
24 other authorized public employee.

25 (2) A street may not remain closed for a longer period than  
26 is necessary for the purpose for which the order to close was  
27 issued.

28 (3) Except in cases of emergency, when immediate action is  
29 necessary to protect public safety, no street shall be closed to  
30 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



1 parties cannot reach an agreement, the township may proceed with  
2 the construction of the detour with the owner of the property  
3 taken for the detour entitled to seek damages, if any, in the  
4 same manner as damages are now ascertained for the opening of  
5 streets in the township.

6 (c) In the exercise of the rights conferred by this  
7 section[, the township commissioners responsible are hereby]  
8 relating to detours, the board of commissioners is empowered to  
9 pay for the necessary maintenance, subsequent repair, and land  
10 rental out of [such funds as are] the money available for the  
11 construction and maintenance of [the streets in their charge.

12 Any person who shall wilfully remove, deface, destroy, or  
13 disregard any barricade, light, danger sign, detour sign, or  
14 warning of any other character whatsoever, erected or placed  
15 under authority of this section, or who shall drive on, over or  
16 across any street which has been properly closed, shall upon  
17 conviction thereof in a summary proceeding before a justice of  
18 the peace, be sentenced to pay a fine of not more than one  
19 hundred dollars, and the costs of prosecution, and, in default  
20 of the payment thereof, shall be imprisoned one day for each  
21 dollar of fine and costs unpaid: Provided, however, That persons  
22 who have no outlet due to the closing of a street may drive on,  
23 over or across such street, with the consent in writing of, and  
24 subject to such conditions as may be prescribed by, the township  
25 commissioners responsible for the closing, or their agents or  
26 contractors, without being subject to the penalties imposed by  
27 this section.

28 In addition to the penalties herein provided, the township  
29 commissioners responsible for the maintenance of a street which  
30 has been closed to vehicular traffic, or their agents or



1 contractors, may, in an action at law, recover damages from any  
2 person or persons who have damaged a street by driving on, over  
3 or across the same when it is closed to vehicular traffic in  
4 accordance with the provisions of this act.

5 All fines and moneys collected under the provisions of this  
6 section shall be paid by the officer receiving the same to the  
7 treasurer of the township in which the offense was committed.

8 The commissioners of any township may temporarily close any  
9 street when, in their opinion, excessive or unusual conditions  
10 have rendered such street unfit or unsafe for travel, and  
11 immediate repair, because of the time of year or other  
12 conditions, is impracticable. The street or portion thereof so  
13 closed shall be properly marked at its extremities, and a means  
14 of passage for the customary users of such road shall, whenever  
15 possible, be provided.

16 Anyone using such street or portion thereof after the same  
17 has been properly closed and marked, without a permit from the  
18 commissioners, shall be subject to a penalty of not more than  
19 one hundred dollars, to be recovered in a summary proceeding.  
20 The penalties so recovered shall be payable to the treasurer of  
21 the township wherein the offense was committed.] township  
22 streets.

23 (d) Any person who willfully removes, defaces, destroys or  
24 disregards any barricade, light, danger sign, detour sign, or  
25 warning of any other type legally erected or placed or who  
26 drives on, over or across any street which has been closed by  
27 proper authority commits a summary offense punishable upon  
28 conviction in accordance with section 3321-A.

29 (e) A person who has no outlet due to the closing of a  
30 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



1 by such laying out and the subsequent opening thereof, or by any  
2 such widening, changing, or vacation, shall be assessed,  
3 collected, and paid in the manner provided by the general road  
4 law and the amendments, additions, and supplements thereto:  
5 Provided, That all damages occasioned by such laying out, and  
6 the opening thereof, or by the widening, changing, or vacating  
7 of all roads within townships of the first class shall be  
8 assessed, collected, and paid by such townships of the first  
9 class.]

10 Section 81. The act is amended by adding a section to read:

11 Section 2016. Street Connecting with Street of Another  
12 Municipal Corporation.--(a) All streets partly within a  
13 township of the first class shall be laid out, opened, widened,  
14 straightened, altered, extended, vacated, improved, relocated or  
15 have grades established or reestablished pursuant to this  
16 article to the extent the street or portion of the street is  
17 within the township.

18 (b) (1) The procedures applicable to any portion of the  
19 street outside the township shall be pursuant to the code  
20 applicable to the classification of the other municipal  
21 corporation with which the street is shared.

22 (2) Notwithstanding paragraph (1), no action may be taken  
23 under this article that would result in the change of location  
24 or grade or the vacation of a street or portion of the street  
25 that connects with a street of another municipal corporation  
26 without approval of the court of common pleas of the county in  
27 which the other municipal corporation is located, unless the  
28 municipal corporation first files with the township secretary  
29 the municipal corporation's approval of the proposed action.

30 Section 82. Subdivision (c) heading of Article XX and



1 section 2019 are repealed:

2 [(c) Dedicated Streets and Drainage Facilities

3 Section 2019. Scope of Subdivision.--The provisions of this  
4 subdivision (c) of this article shall only apply in case a  
5 township shall fail to adopt and enforce land subdivision  
6 regulations as provided in Article XXX-A of this act and to  
7 situations not covered by such regulations.]

8 Section 83. Section 2020 of the act is amended to read:

9 Section 2020. [Plans of Dedicated Streets.--The  
10 commissioners of any township may accept in the name of the  
11 township any land dedicated by deed to the township to be used  
12 in any manner for road purposes. No person shall construct,  
13 open, or dedicate any street, or any drainage facilities in  
14 connection therewith, for public use or travel in any township,  
15 without first submitting plans thereof to the township  
16 commissioners for their approval. Such plans shall be prepared  
17 in duplicate in accordance with such rules and regulations as  
18 may be prescribed by the commissioners, and shall show the  
19 profiles of such streets, the course, structure, and capacity of  
20 any drainage facilities, and the method of drainage of the  
21 adjacent or contiguous territory, and also any other or further  
22 details, that may be required under the rules and regulations  
23 adopted by the township commissioners. Before acting upon any  
24 such plans, the commissioners may, in their discretion, arrange  
25 for a public hearing, after giving such notice as they may deem  
26 desirable in each case. The township commissioners are  
27 authorized to alter such plans, or order the same to be altered,  
28 and to specify any changes or modifications of any kind which  
29 they, in their discretion, may deem necessary with respect  
30 thereto, and may make their approval of such plans subject to



1 any such alterations, changes or modifications, but no plans  
2 shall be approved until there is a solicitor's report as to  
3 municipal liens. Any plans when so approved shall be signed, in  
4 duplicate, on behalf of the township by such officer as the  
5 commissioners may designate, and an approved duplicate copy  
6 shall be filed in the township engineer's office or other proper  
7 office, where the same shall be available to public inspection.  
8 No street, or any drainage facilities in connection therewith,  
9 shall be opened, constructed, or dedicated for public use or  
10 travel, except in strict accordance with plans so approved by  
11 the commissioners, or with further plans subsequently approved  
12 by them in the same manner, nor until such plan, and the  
13 approval thereof, has been recorded as hereinafter provided.]

14 Acceptance of Land for Street Purposes.--(a) The board of  
15 commissioners may, by ordinance or resolution, accept in the  
16 name of the township any land dedicated by deed to the township  
17 to be used in any manner for street purposes.

18 (b) No person shall construct, open, or dedicate any street  
19 or any drainage facilities in connection with the street for  
20 public use or travel in any township without first submitting  
21 plans to the board of commissioners for their approval. The  
22 plans shall be prepared in accordance with rules and regulations  
23 as may be prescribed by the commissioners and shall show the  
24 profiles of the streets, the course, structure, and capacity of  
25 any drainage facilities and the method of drainage of the  
26 adjacent or contiguous territory and any other details required  
27 under the rules and regulations adopted by the board of  
28 commissioners.

29 (c) The act of July 31, 1968 (P.L.805, No.247), known as the  
30 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



1 the hearing of any appeal shall be given to all parties  
2 interested.

3 (3) The decision of the court shall be final.

4 (4) A plan approved by the action of the board of  
5 commissioners or by the court on appeal shall be recorded by the  
6 person applying for approval in the office of the recorder of  
7 deeds of the county.

8 (f) If any street or any drainage facilities in connection  
9 with a street is opened, constructed or dedicated for public use  
10 or travel, except in compliance with plans approved and  
11 recorded, neither the board of commissioners nor any public  
12 authority shall be required to place, construct or operate any  
13 sewer, drain, water pipe or other facilities or do any work of  
14 any kind in or upon the street. Neither the board of  
15 commissioners nor any other public authority shall have any  
16 responsibility of any kind with respect to the street or  
17 drainage facilities even if the street or drainage facilities  
18 are in use by the public, unless the street or drainage  
19 facilities is accepted by ordinance or by deed of dedication.  
20 Nothing in this act shall prevent the laying of trunk sewers,  
21 drains or water or gas mains if required by engineering  
22 necessity for the accommodation of other territory.

23 (g) If a person opens a street or drainage facility in  
24 connection with the street without submitting and obtaining  
25 approval of plans as provided in this section, and if the board  
26 of commissioners shall have no information that the street or  
27 drainage facility is intended for public use or travel, the  
28 board of commissioners may, in their discretion, file with the  
29 recorder of deeds of the county a certificate containing a  
30 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.



1 resulting from or arising out of the unlawfully constructed  
2 street or facility. All money recovered shall be paid to the  
3 township treasurer.

4 (j) No approval of plans by the board of commissioners shall  
5 obligate or require the township to construct, reconstruct,  
6 maintain, repair or grade the streets.

7 Section 84. Sections 2021, 2022, 2023, 2024 and 2025 of the  
8 act are repealed:

9 [Section 2021. Appeals where Commissioners Refuse  
10 Approval.--In any case where the township commissioners shall  
11 refuse to approve any plans submitted to them in accordance with  
12 this act, any person aggrieved by the action of the  
13 commissioners may, within thirty days after such action, appeal  
14 therefrom by petition to the court of quarter sessions of the  
15 county, which court shall hear the matter de novo, and, after  
16 hearing, may enter a decree affirming, reversing, or modifying  
17 the action of the commissioners as may appear just in the  
18 premises. The court shall designate the manner in which notices  
19 of the hearing of any such appeal shall be given to all parties  
20 interested. The decision of the court shall be final.

21 The action of the township commissioners, or of the court on  
22 appeal, in approving any such plans, and an approved duplicate  
23 copy of such plans, shall be recorded by the person applying for  
24 such approval in the office of the recorder of deeds of the  
25 county.

26 Section 2022. No Responsibility on Township Where Plans Not  
27 Approved.--If any street, or any drainage facilities in  
28 connection therewith, shall be opened, constructed, or dedicated  
29 for public use or travel, except in strict accordance with plans  
30 approved, and recorded as herein provided, neither the township





1 commissioners nor any public authorities shall place, construct,  
2 or operate any sewer, drain, water pipe, or other facilities, or  
3 do any work of any kind, in or upon such street; and neither the  
4 township commissioners, nor any other public authorities, shall  
5 have any responsibility of any kind with respect to any such  
6 street, or drainage facilities, notwithstanding any use of the  
7 same by the public, unless such street, or drainage facilities,  
8 is accepted by ordinance, or by deed of dedication: Provided,  
9 however, That nothing herein contained shall prevent the laying  
10 of trunk sewers, drains, water or gas mains, if required by  
11 engineering necessity for the accommodation of other territory.  
12 If any person shall open any street, or any drainage facility,  
13 in connection therewith, without submitting and obtaining  
14 approval of plans, as approved in section two thousand twenty of  
15 this act, and if the township commissioners shall have no  
16 information that such street, or drainage facility, in  
17 connection therewith, shall be intended for public use, or  
18 travel, the township commissioners may, in their discretion,  
19 file with the recorder of deeds of the county, a certificate  
20 containing a description of the land served by such street, or  
21 drainage facility, in connection therewith and a statement that,  
22 as the township commissioners have not approved such plans,  
23 neither the township commissioners nor any other public  
24 authority shall have any responsibility to furnish any  
25 facilities, or services, with respect to such land; or any  
26 responsibility of any kind with respect to such street, or  
27 drainage facility, in connection therewith. The owner of such  
28 land shall be designated and indexed as grantor in the records  
29 of the office of the recorder of deeds, and the township shall  
30 be designated and indexed as grantee therein. It shall not be



1 necessary for such certificate to be executed by any other party  
2 than the township commissioners filing the same. Nothing herein  
3 contained shall be deemed to prevent the township commissioners  
4 from enforcing the provisions of this act in any case in which  
5 any such street, or any drainage facility, in connection  
6 therewith, is intended for public use, or travel.

7 Section 2023. Entry of Lands.--The township commissioners  
8 and their representatives and workmen may enter upon any land  
9 and property, and maintain marks and monuments, so far as the  
10 commissioners deem necessary in carrying out their powers and  
11 duties of this subdivision.

12 Section 2024. Penalty.--Any person, copartnership, or  
13 corporation who or which shall construct, open, or dedicate any  
14 street, or any drainage facilities in connection therewith, for  
15 public use or travel in any township, without having first  
16 complied with the provisions of this subdivision, and of any  
17 ordinances or resolutions of the township commissioners adopted  
18 pursuant hereto, shall be guilty of a misdemeanor, and, upon  
19 conviction thereof, such person or the members of such  
20 copartnership or the officers of such corporation responsible  
21 for such violation shall be sentenced to suffer imprisonment not  
22 exceeding two years, or pay a fine not exceeding one thousand  
23 dollars, or both, in the discretion of the court.

24 Section 2025. Powers of State and Counties Preserved.--  
25 Nothing contained in this subdivision shall be held to restrict  
26 or limit the State Department of Highways or any county in the  
27 exercise of any of its duties, powers, and functions under the  
28 provisions of any act of Assembly now in force or hereafter to  
29 be enacted.]

30 Section 85. The act is amended by adding sections to read:



1     Section 2025.1. Powers of State and Counties Preserved.--  
2     Nothing contained in this article shall be held to restrict or  
3     limit the Department of Transportation or any county in the  
4     exercise of any of its duties, powers, and functions under the  
5     provisions of any State law.

6     Section 2026. Exclusive Nature of Provisions.--No street may  
7     be dedicated, accepted, acquired, laid out, opened or vacated by  
8     a township except under this article.

9     Section 2027. Failure of Board of Commissioners to Hold  
10    Hearing.--If, after the filing of a petition under this article,  
11    the board of commissioners fails to hold a required hearing, an  
12    aggrieved party may file a mandamus action in the court of  
13    common pleas requesting that a hearing be held.

14    Section 2028. Entry on Land to Maintain Marks and  
15    Monuments.--The board of commissioners and the board of  
16    commissioners' agents and employees may enter upon any land or  
17    property to maintain marks and monuments as the board of  
18    commissioners deems necessary in carrying out the board of  
19    commissioners' powers and duties under this article.

20    Section 2029. Bike Paths.--The board of commissioners may  
21    provide for the construction and maintenance of bike paths for  
22    the protection or convenience of the traveling public.

23    Section 86. Subdivision (d) heading of Article XX of the act  
24    is repealed:

25           [(d) Relocation, Alteration, and Vacation of  
26                 Streets in or near State Parks]

27    Section 86.1. Section 2030 of the act is amended to read:

28    Section 2030. [Agreements to Relocate, Alter, and Vacate]  
29    Streets in or near [State] Public Parks.--[Whenever a public  
30    road or highway within a park or public ground, title to which



1 park or public grounds is vested in the State of Pennsylvania,  
2 is laid out, located, relocated, altered, or vacated in such  
3 manner that a street, approaching, leading into, or contiguous  
4 to such park or public grounds, shall become either useless,  
5 inconvenient or burdensome, such street, approaching, leading  
6 into, or contiguous to such park or public grounds, may be  
7 altered, relocated, or vacated, by the township commissioners  
8 charged with the duty of maintaining such streets, in whole or  
9 in part for the purpose of making it convenient and suitable as  
10 an approach to the roads and highways within said park or public  
11 grounds, upon the consent and agreement of: (a) The  
12 commissioners or officials charged with the care and management  
13 of said park or public grounds; (b) the township commissioners  
14 charged with the duty of maintaining said street, approaching,  
15 leading into, or contiguous to said park or public grounds; and  
16 (c) the property owners owning the majority of the frontage of  
17 land abutting upon the relocated portion of the street

18 approaching, leading into, or contiguous to said park or public  
19 grounds.] (a) The board of commissioners may contract with the  
20 Commonwealth, a county or a municipal corporation owning and  
21 operating parks inside the township to establish, relocate,  
22 alter or vacate public streets inside or contiguous to those  
23 parks. The board of commissioners shall take no action with  
24 respect to the public streets without the written consent and  
25 agreement of the Commonwealth, county or municipal corporation  
26 owning and operating the parks. Any street when altered or  
27 relocated under this section shall be maintained and repaired  
28 the same as other township streets.

29 (b) The agreement shall be adopted by ordinance and within  
30 thirty days the street shall be a public street of the township.



1     (c) The owner of any land through which any public street  
2 may be located or relocated may apply by petition to the court  
3 of common pleas, setting forth the injury that has been  
4 sustained by reason of the relocation of the public street. The  
5 proceedings relative to the assessment and payment of damages of  
6 the landowner shall be pursuant to 26 Pa.C.S. (relating to  
7 eminent domain).

8     Section 86.2. Sections 2031, 2032 and 2033, Subdivision (e)  
9 and Subdivision (f) heading of Article XX of the act are  
10 repealed:

11     [Section 2031. Agreement to Be Filed in Court; Effect of  
12 Filing.--The filing of the consent and agreement of  
13 commissioners or officials charged with the care and management  
14 of such park or public grounds, the township commissioners  
15 charged with the maintenance of said streets, and of the  
16 property owners, provided for in the preceding section, in the  
17 court of quarter sessions of the county or counties in which the  
18 altered, relocated, or vacated street is situate, shall have the  
19 same force and effect as the filing and the approval and  
20 absolute confirmation by the court of quarter sessions of a  
21 report of viewers appointed in accordance with the general road  
22 law, and shall have the same force and effect as though said  
23 viewers had laid out, located, relocated, altered, or vacated  
24 such street in accordance with the agreement filed as aforesaid,  
25 and the report of said viewers had been filed, approved, and  
26 absolutely confirmed by the court.

27     The filing of said agreement in the court of quarter sessions  
28 shall be conclusive as to the question of the necessity for the  
29 laying out, location, relocation, alteration, or vacation of  
30 said streets, as contained in the said agreement, and that the



1 portion or portions of said street abandoned or vacated was  
2 useless, inconvenient, and burdensome.

3 Section 2032. Altered and Relocated Streets Declared  
4 Township Streets.--Such street, when altered or relocated, shall  
5 be maintained and repaired in the same manner as other township  
6 streets are maintained and repaired.

7 Section 2033. Assessment of Damages.--The owner of any land  
8 through which any street may be so relocated may apply, by  
9 petition, to the court of quarter sessions of the proper county,  
10 setting forth the injury which has been sustained by reason of  
11 the relocation of the said street, and the proceedings relative  
12 to the assessment and payment of damages of said land owner  
13 shall be in accordance with the provisions of this act for  
14 proceedings for the assessment of damages and benefits.

15 (e) Elimination of Curves

16 Section 2035. Any township may acquire, by purchase or by  
17 the right of eminent domain, such property and lands situate  
18 along or adjacent to any township street or highway as, in the  
19 opinion of the commissioners of such township, may be necessary  
20 to eliminate dangerous curves and widen narrow streets or  
21 highways for the better protection and safety to the traveling  
22 public.

23 Upon any such purchase or condemnation, the township  
24 commissioners may, from time to time, abate or remove, or cause  
25 to be abated or removed, any such dangerous curve or curves, or  
26 widen such narrow street or highway, to the extent of the  
27 property and land so acquired.

28 The proceedings for the condemnation of such property and  
29 lands under the provisions of this section, and for the  
30 assessment of damages for property or land taken, injured or



1 destroyed, shall be taken in the same manner as is provided by  
2 this act for the condemnation of lands by townships.

3 (f) Acquisition of Unobstructed Views at Curves  
4 and Intersections]

5 Section 87. Section 2040 of the act is amended to read:

6 Section 2040. [Any township may acquire, by purchase or by  
7 the right of eminent domain, a free and unobstructed view down  
8 and across such lands located at or near the intersection of any  
9 two streets or highways, or a street or highway and a railroad  
10 or railway, or at any curve in any street or highway, as may be  
11 necessary to assure a free and unobstructed view in all  
12 directions at such crossings, and to so prevent the use of such  
13 lands for any purpose or in any manner which may interfere with  
14 or obstruct the vision of persons traveling upon any such street  
15 or highway.

16 Upon any such condemnation, the township commissioners,  
17 having had such view condemned, may from time to time, abate or  
18 remove, or cause to be abated or removed, any obstruction to  
19 such view over and across such lands.

20 The proceedings for the condemnation of such view over and  
21 across such lands and for the assessment of damages for property  
22 taken, injured or destroyed, shall be taken in the same manner  
23 as is provided in this act for the condemnation of land by  
24 townships.

25 Upon the condemnation of a view, the owner of such lands may  
26 make every such use thereof as will not interfere with a free  
27 and unobstructed view at such dangerous crossing or curve, and,  
28 unless specially provided for in such condemnation proceedings,  
29 such condemnation shall not be construed to prevent the owner  
30 thereof from using such land for pasture or the growing of



1 grass, oats, wheat, or other crops which will not obstruct the  
2 vision more than wheat.] Elimination of Curves and Acquisition  
3 of Views.--(a) Any township may, singly or jointly with another  
4 municipality, acquire, by purchase or by the right of eminent  
5 domain, lands or easements along or adjacent to any township  
6 street that may be necessary to eliminate dangerous curves,  
7 widen streets or provide a free and unobstructed view down and  
8 across lands located at or near the intersection of any two  
9 streets or highways, or a street or highway and a railroad or  
10 railway or at a curve in any street or highway, for the better  
11 protection and safety to the traveling public.

12 (b) After condemnation, the township may abate or remove, or  
13 cause to be abated or removed, any obstruction to the view over  
14 and across the lands.

15 (c) The proceedings for the condemnation of lands and for  
16 the assessment of damages for property, or portions of property,  
17 taken, injured or destroyed, agreed to be paid by the township  
18 if the taking is jointly with another municipality, shall be  
19 taken in the manner provided under the law governing eminent  
20 domain.

21 (d) Upon the purchase or condemnation of lands or easements  
22 for a free and unobstructed view, the owner of the lands may  
23 make every use of the lands as will not interfere with a free  
24 and unobstructed view at the dangerous crossing or curve.

25 Section 88. Subdivision (g) heading of Article XX of the act  
26 is repealed:

27 [(g) Changing or Altering Streets by Agreement  
28 with Property Owners]

29 Section 89. Section 2045 of the act is amended to read:

30 Section 2045. Improving or Vacating Streets by Agreement.--





1 [Whenever the commissioners of any township deem it advisable to  
2 construct, change, widen, relocate or alter any part of any  
3 street under their supervision, and can agree with the property  
4 owners affected by such change as to damages, they may, upon  
5 payment of damages agreed upon, change, widen, relocate, or  
6 alter such part of such street as contemplated in such agreement  
7 without the formality of a view.

8 No such improvement of any part of any street shall be made,  
9 the costs and expenses of which to such township, including  
10 damages, shall exceed one thousand dollars. A petition setting  
11 forth the facts, accompanied by a map or draft of such proposed  
12 improvement, shall be presented to the court of quarter sessions  
13 for approval before such actual improvement is made; whereupon  
14 the new location, approved by the court, shall be taken to be  
15 the street and the old location shall be vacated.] (a) When the

16 board of commissioners constructs, changes, widens, relocates,  
17 vacates or alters any portion of any public street under their  
18 supervision, and can agree with the property owners affected by  
19 the change as to damages, the board of commissioners may, upon  
20 payment of damages agreed upon, construct, change, widen,  
21 relocate, vacate or alter the portion of the street as  
22 contemplated in the agreement without the formality of a view.

23 (b) A copy of the agreement setting forth the facts  
24 regarding the construction, change, widening, relocation,  
25 vacation or alteration, accompanied by a map or draft of the  
26 street agreed to be constructed, changed, widened, relocated,  
27 vacated or altered, shall be presented and recorded in the  
28 office of the recorder of deeds or similar office in home rule  
29 counties after which the new location is the public street or  
30 the old location is vacated.



1     (c) Nothing contained in this section shall be construed to  
2 prohibit a township from paying for curbs, gutters, sidewalks,  
3 retaining walls and incidental work necessitated by such  
4 construction, change, alteration, relocation, vacation or  
5 widening in cases where the necessary land [necessary therefor]  
6 is dedicated to the township for public use.

7     Section 90. Subdivision (h) heading of Article XX of the act  
8 is repealed:

9             [(h) Grading, Draining, Curbing, Paving,  
10             Macadamizing Streets or Highways on Petition,  
11             and Assessment of Benefits by Viewers]

12     Section 91. Section 2050 of the act is amended to read:

13     Section 2050. Proceedings [on Petition.--Upon the petition  
14 of a majority of property owners in interest or number, abutting  
15 on the line of any proposed improvement, to be verified by the  
16 affidavit of at least one of the petitioners, a majority in  
17 interest of owners of undivided interests in any piece of  
18 property to be treated as one person, a township may grade,  
19 curb, pave, or macadamize, or otherwise improve, any street or  
20 highway, or part thereof, or which may be, in whole or in part,  
21 boundaries thereof, and provide for the necessary drainage  
22 thereof; and may also provide for the improvement of any street  
23 or highway, and any sections or parts thereof, in length, in the  
24 space between the curb, gutter, or actual carriageway line and  
25 the property line, either by an original work or improvement  
26 thereon, or by a change, repair, renewal, or alteration in the  
27 said street or highway, curb, parking spaces, or shade trees, or  
28 by changing, altering, renewing, replanting, pruning, or  
29 otherwise improving the same, in any or all of said particulars.  
30 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,



1 denying the fact that said petition was so signed, may appeal to  
2 the court of common pleas of the county within thirty days from  
3 the passage of the ordinance.

4 Section 2054. Appeals from Ordinance.--Any person interested  
5 may, within thirty days from the passage of such ordinance,  
6 present a petition to the court of common pleas of the county,  
7 setting forth the facts; whereupon the court shall determine  
8 whether such improvement was petitioned for by the requisite  
9 majority. If the court shall find that it was not so petitioned  
10 for, it shall quash the ordinance, but if it shall find that it  
11 was so petitioned for, it shall approve the same. If no appeal  
12 shall be taken, or if the court, on appeal, shall approve the  
13 ordinance, the township may proceed with the improvement, and  
14 thereafter all parties shall be estopped from denying the fact  
15 that such petition was properly signed.

16 Section 2055. Assessment of Damages and Benefits by  
17 Viewers.--On petition, viewers shall be appointed, as provided  
18 in this act, who shall assess the damages, costs, and expenses  
19 of such grading, curbing, paving, or macadamizing, or parking,  
20 shade tree planting, or changing or altering, renewing,  
21 replanting, pruning, or improving, including the expenses for  
22 necessary drainage, upon the property benefited, according to  
23 benefits, if sufficient can be found, but if not, the  
24 deficiency, when ascertained, shall be paid by the township. The  
25 proceedings of the viewers and the proceedings on their report  
26 shall be as provided in this act for such proceedings.

27 Section 2056. Assessments to Bear Interest; Collection.--All  
28 such assessments for benefits if not paid within thirty days  
29 shall bear interest as provided by this act in such cases, and,  
30 if any such assessment remains unpaid, it shall be the duty of



1 the township solicitor to collect the same with interest, by  
2 action of assumpsit, or by a lien to be filed and collected in  
3 the manner provided by law for the filing and collection of  
4 municipal claims. When an owner has two or more lots against  
5 which there is an assessment for the same improvement, all of  
6 such lots may be embraced in one claim.

7 (i) Grading, Draining, Curbing, Paving or  
8 Macadamizing Streets or Highways, and Collection  
9 of Cost by Foot Front Rule

10 Section 2060. Proceedings With or Without Petition.--  
11 Townships, with petition or without petition, may grade, curb,  
12 gutter, pave, macadamize, or otherwise improve, streets or  
13 highways, or parts thereof, or a particular width or additional  
14 widths thereof, with or without the assistance or contribution  
15 of the State, county, or a corporation occupying the  
16 thoroughfare, and may assess and collect the whole cost thereof,  
17 or the whole cost not thus aided or contributed, or any part  
18 thereof, from the owners of real estate abutting on the  
19 improvement, by an equal assessment on the foot front, including  
20 the expense of the necessary drainage. The board of  
21 commissioners may make equitable adjustments for corner lots, or  
22 lots of irregular shape, where an assessment for full frontage  
23 would be unjust. Property not otherwise assessable shall become  
24 assessable by the petition of the owner or the owner's  
25 representative. In all cases where the whole width of the street  
26 is being paved without State or county aid, and more than two-  
27 thirds of the total cost is proposed to be assessed on abutters,  
28 the township shall, for this purpose, be considered as owner of  
29 non-assessable property, of street intersection, and of the  
30 deducted frontage on equitable adjustments. On petition of



1 owners representing two-thirds of the number of feet of  
2 assessable properties abutting on the proposed improvement, the  
3 total cost of the improvement, or a lesser amount if the  
4 township desires, may be assessed on the assessable properties  
5 abutting, without any deduction for non-assessable property, or  
6 street intersection, or for the equitable adjustments aforesaid:  
7 Provided, That the petition states that the total cost may be  
8 assessed on the abutters.

9 Section 2061. Grading Restrictions.--In grading a street, it  
10 shall be unlawful to raise the street above the ordinary grade  
11 when a drain or culvert is constructed under such street, or  
12 where a street is constructed over such drain or culvert.

13 Section 2062. Notice of Assessments.--The secretary of the  
14 township shall cause thirty days' notice of the assessment to be  
15 given to each party assessed, either by service on the owner or  
16 his agent, or left on the assessed premises.

17 Section 2063. Collection of Assessments.--If any assessment  
18 shall remain unpaid at the expiration of the notice, it shall be  
19 the duty of the township solicitor to collect the same, with  
20 interest from thirty days after the completion of the  
21 improvement, by action of assumpsit, or by a lien to be filed  
22 and collected in the same manner as municipal claims. When an  
23 owner has two or more lots against which there is an assessment  
24 of the same improvement, all of such lots may be embraced in one  
25 claim.

26 (j) Road Material, Ditches, Drains and Watercourses

27 Section 2065. Power to Enter Lands.--When material cannot be  
28 conveniently obtained by contract at reasonable prices, the  
29 commissioners of townships may enter upon any land or enclosure  
30 within their township, lying near the street or highway, and



1 dig, gather, and carry upon the street or highway any stones,  
2 sand, or gravel which they think necessary to make, maintain, or  
3 repair the street or highway. In exercising such right they  
4 shall do no unnecessary damage to the owners of the land, and  
5 shall repair any breaches of fences which they make.

6 Section 2066. Viewers to Fix Damages.--Whenever the  
7 commissioners and the owners of any such materials cannot agree  
8 upon the price to be paid therefor, the value of such materials  
9 shall be assessed by viewers to be appointed and to make report  
10 as provided in this act in the case of eminent domain  
11 proceedings.

12 Section 2067. Ditches, Drains, and Watercourses; Approval of  
13 Plans.--No person shall stop, fill up, confine, pave or  
14 otherwise interfere with any drain, ditch, watercourse, or  
15 drainage facilities, in a township, without first submitting  
16 suitable plans thereof to the township commissioners for their  
17 approval. Such plans shall be prepared in accordance with such  
18 rules and regulations as may be prescribed by the commissioners,  
19 and shall show the exact nature of the work to be performed.  
20 Before acting upon any such plan, the commissioners may, in  
21 their discretion, arrange for a public hearing, after giving  
22 such notice as they may deem desirable in each case. The  
23 commissioners are authorized to alter such plans, and to specify  
24 any changes or modifications of any kind which they, in their  
25 discretion, may deem necessary with respect thereto, and may  
26 make their approval of such plans subject to any alterations,  
27 changes or modifications. Any plans, when so approved, shall be  
28 signed on behalf of the township by such officer as the  
29 commissioners may designate, and shall be filed in the township  
30 offices where the same shall be available for public inspection.



1 No drain, ditch, watercourse, or drainage facilities, shall be  
2 constructed, altered, stopped, filled up, confined, paved, or  
3 otherwise interfered with, except in strict accordance with  
4 plans so approved by the commissioners, or with further plans  
5 subsequently approved by them in the same manner. No township  
6 shall have any responsibility with respect to conditions arising  
7 as a result of the failure on the part of any person to comply  
8 with the requirements of this act.

9 The township commissioners may enter upon any lands or  
10 enclosures and cut, open, maintain, and repair such drains or  
11 ditches through the same as, in their judgment, are necessary to  
12 carry the water from the streets or highways.

13 Any person who shall stop, fill up, or confine, pave, or  
14 otherwise interfere with any such drain or ditch, watercourse,  
15 or drainage facilities, or shall divert or change the course  
16 thereof, without the approval of the commissioners as herein  
17 provided, shall upon conviction thereof, in a summary  
18 proceeding, be sentenced to pay a fine not exceeding twenty-five  
19 dollars for each offense, and in default of the payment of such  
20 fine and costs shall be sentenced to imprisonment of not more  
21 than ten days.

22 Nothing contained in this section shall be held to restrict  
23 or limit the State Department of Highways or any county in the  
24 exercise of any of its powers and duties under the provisions of  
25 any law of this Commonwealth, nor to obviate the necessity of  
26 securing the consent of the Water and Power Resources Board  
27 where required by existing law.]

28 Section 93. The act is amended by adding a section to read:

29 Section 2068. Power to Open Drains and Ditches.--(a) The  
30 board of commissioners or its agents and employees may enter any





1 lands or enclosures and cut, open, maintain and repair drains or  
2 ditches through the property when necessary to carry the water  
3 from the streets.

4 (b) Any person who damages or diverts any drain or ditch  
5 without the authority of the board of commissioners commits a  
6 summary offense and is liable for the cost of restoring the  
7 drain or ditch. All money recovered under this subsection shall  
8 be paid to the township treasurer.

9 Section 94. Subdivision (k) heading of Article XX of the act  
10 is repealed:

11 [(k) Trees, Shrubbery, and Obstructions within  
12 Limits of Streets or Highways]

13 Section 95. Section 2070 of the act is amended to read:

14 Section 2070. Trees and Shrubbery Within Right-of-Way.--(a)  
15 In order to provide for easy and convenient traveling upon the  
16 public streets or highways, the [township] board of  
17 commissioners may cut, alter or remove any trees, shrubbery,  
18 underbrush, refuse or obstructions within the legal width of any  
19 public street or highway, or any [part] portion thereof.

20 [All logs, cordwood, or other forms of wood, derived from the  
21 destruction or removal of any trees growing along such streets  
22 or highways, shall become the property of the abutting owners,  
23 provided that such abutting owners shall, within ten days after  
24 notice from the township, remove such logs, cordwood, or other  
25 forms of wood from the legal width of the street or highway. In  
26 the event of their failure to do so, they shall forfeit all  
27 interest therein, and the same may be disposed of as the  
28 township commissioners deem proper.]

29 (b) All logs, cordwood, branch wood or other forms of wood  
30 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 deem proper.

Section 96. Subdivision (1) heading of Article XX of the act is repealed:

[(1) 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



1 point as may be deemed necessary to within a limit of one  
2 hundred (100) feet from the right of way line of such street, in  
3 order to eliminate snow drifting on the traveled portion of the  
4 street.

5 No such snow fence authorized shall be placed prior to  
6 November first, nor shall the same remain in place after April  
7 first of the succeeding year, unless the written consent of the  
8 owner of the adjacent property is obtained agreeing to an  
9 extension of time for the removal of said snow fence.

10 If the township shall not be able to enter into an agreement  
11 with the owner of the adjacent property occupied by such snow  
12 fence as to the amount of damages sustained as a result of said  
13 fence being placed and removed, the owner may petition the court  
14 of common pleas of the county for the appointment of viewers to  
15 ascertain the amount of damage incurred in such case, in the  
16 manner provided in this act for eminent domain proceedings. Such  
17 damages, if any, when ascertained, shall be paid by the  
18 township. Any funds available for the construction and  
19 maintenance of streets shall be available for the payment of  
20 such damages.] Protection of Streets or Highways from

21 Snowdrifts.--(a) A township may enter upon private property  
22 adjacent to any public street or highway and place thereon a  
23 snow fence to within a limit of one hundred (100) feet from the  
24 right of way line of the public street or highway in order to  
25 eliminate snow drifting on the traveled portion of the street.

26 (b) A snow fence may not be placed before the first day of  
27 November or remain in place after the first day of April of the  
28 succeeding year unless the written consent of the owner of the  
29 adjacent property is obtained agreeing to an extension of time  
30 for the removal of the snow fence.



1     (c) If the board of commissioners and the owner of the  
2 property upon which a snow fence is placed and removed under  
3 this section cannot agree to the amount of compensation, if any,  
4 to be paid to the owner for placing the fence, including the  
5 amount of damages, if any, to be paid for injury to the property  
6 resulting from placing and removing the fence, the owner may  
7 petition the court of common pleas of the county for the  
8 appointment of viewers to ascertain the amount of damage  
9 incurred in the manner provided in this act for eminent domain  
10 proceedings. Damages, if any, when ascertained, shall be paid by  
11 the township from the general township fund.

12     Section 98. Subdivision (m) heading of Article XX and  
13 section 2080 of the act are repealed:

14             [(m) Guideposts and Index Boards]

15     Section 2080. Duty to Erect.--The commissioners of the  
16 township shall erect posts at the intersection of all streets or  
17 highways, and at one of the angles where any street or highway  
18 crosses another street or highway, and shall firmly fix thereon  
19 boards or metal signs with index hands pointing to the direction  
20 of such street or highway, but if a tree, trolley pole,  
21 telephone pole, telegraph pole or building is so erected that it  
22 can be used in place of a post, and permission has been secured  
23 from the owner thereof, such tree, pole, or building may be used  
24 in place of a post. On such boards and signs shall be inscribed,  
25 in large and legible characters, the name of the town, village,  
26 or place to which such streets or highways lead, and the  
27 distance thereto computed in miles. Where any street intersects  
28 or crosses a State highway, application for a permit shall be  
29 made by the commissioners to the State Department of Highways  
30 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.



1 Section 101. Subdivision (n) heading of Article XX of the  
2 act is repealed:

3 [(n) Streets Crossing Railroad; Special Uses of Streets]

4 Section 102. Sections 2083 and 2084 of the act are amended  
5 to read:

6 Section 2083. Railroad Crossings.--[Every township  
7 constructing a street across a railroad shall construct the same  
8 above or below the grade thereof, unless permitted by the Public  
9 Utility Commission to construct the same at grade.

10 Any such crossing of a railroad by a street, or any vacation  
11 of any street crossing a railroad, shall be constructed only in  
12 the manner prescribed by and under the jurisdiction of the  
13 Public Utility Commission. In such cases compensation for  
14 damages to the owners of adjacent property, taken, injured or  
15 destroyed, shall be ascertained, fixed, and paid in the manner  
16 prescribed in the Public Utility Law.] (a) Every township

17 constructing a street across a railroad shall construct the same  
18 above or below the grade of the railroad, unless permitted by  
19 the Pennsylvania Public Utility Commission to construct the  
20 street at grade.

21 (b) Any new construction of a street crossing a railroad or  
22 any vacation of any street crossing a railroad shall be  
23 constructed or vacated only in the manner consistent with the  
24 rules and regulations and under the jurisdiction of the  
25 Pennsylvania Public Utility Commission.

26 (c) Compensation for damages to the owners of adjacent  
27 property taken, injured or destroyed by the construction of a  
28 street crossing a railroad or any vacation of any street  
29 crossing a railroad shall be ascertained, fixed and paid under  
30 66 Pa.C.S. Pt. I (relating to public utility code).



1       Section 2084. Street Permits.--No railroad or street railway  
2 shall [hereafter] be constructed upon any township street, nor  
3 shall any railroad or street railway crossings, [nor any],  
4 driveway connections, gas pipe, water pipe, electric conduits,  
5 or other piping be laid upon or in, nor shall any telephone,  
6 telegraph or electric light or power poles, or any coal tipples  
7 or any other obstructions or facilities of non-public utility  
8 communication providers be erected upon or in, any portion of a  
9 township street, except under [such] conditions, restrictions  
10 and regulations, and subject to the payment of [such] fees for  
11 permits as may be prescribed and required by the board of  
12 [township] commissioners, not exceeding the reasonable cost of  
13 issuing the permit and expense of inspecting the work authorized  
14 by [such] the permit upon completion thereof. All fees [so]  
15 collected for permits shall be paid into the township treasury.

16       Section 103. Subdivision (o) heading of Article XX of the  
17 act is repealed:

18       [(o) County-aid in the Improvement of Township Streets]

19       Section 104. Section 2086 of the act is amended to read:

20       Section 2086. County Aid in the Improvement of Township  
21 Streets.--(a) Whenever the owners of the majority of the  
22 assessed valuation of real property within any township desire  
23 any principal street within the township to be improved and  
24 maintained at the joint expense of the county and township, they  
25 may petition the board of commissioners of the township for  
26 [said] the improvement and require [them] the board of  
27 commissioners to make application to the county commissioners  
28 for [such] the improvement and maintenance in accordance with  
29 the provisions of existing law.

30       [In all cases where the township] (b) If the board of





1 commissioners refuse to act upon, or unduly delay action on, any  
2 petition for the improvement and maintenance of any street, any  
3 citizen taxpayer of the township or county may, by petition,  
4 present the facts of the matter to the court of [quarter  
5 sessions] common pleas, requesting the court to order such  
6 action thereon as the case may require. If after due hearing had  
7 before [said] the court it shall appear that the truth of the  
8 matters alleged in the petition are sustained, the court shall  
9 make an order directing the [township] board of commissioners to  
10 forthwith act upon [said] the application or applications, and  
11 that the [said] application or petition for the improvement be  
12 forthwith forwarded to the county commissioners.

13 Section 105. Subdivisions (p) and (q) of Article XX of the  
14 act are repealed:

15 [(p) Penal Provisions]

16 Section 2088. If any person working upon any street in any  
17 township, or if any one in company with such person, shall ask  
18 money or reward, or by any means whatever shall extort or  
19 endeavor to extort any money, intoxicating drink, or other  
20 thing, from any person traveling upon or near such street, the  
21 person so offending shall for every such offense forfeit and pay  
22 a sum not exceeding five dollars.

23 If any township commissioner shall connive with any person so  
24 asking, demanding, or contriving to extort money, intoxicating  
25 drink, or any other thing from any person traveling as  
26 aforesaid, such commissioner shall, for every such offense,  
27 forfeit and pay a sum not exceeding ten dollars.

28 If any person shall stop or obstruct any street or highway in  
29 any township, or shall commit any nuisance thereon by felling  
30 trees, making fences, turning the road, or in any other way, and



1 shall not, on notice given by the township commissioners,  
2 forthwith remove the obstruction or nuisance and repair the  
3 damage done to such street or highway, such person shall, for  
4 every such offense, forfeit and pay a sum not more than twenty-  
5 five dollars. Nothing in this section shall debar an indictment  
6 for any such nuisance, as in case of misdemeanor at common law.

7 All penalties provided for in this section shall be recovered  
8 by summary proceeding for the use of the township.

9 (q) Opening, Making, Amending, and Repairing Streets  
10 and Bridges by Contracts with Taxpayers

11 Section 2090. Taxpayers' Rights.--Any taxpayers of any  
12 township may acquire the right to furnish all the materials and  
13 labor necessary for opening, making and repairing the streets  
14 and bridges of such township, in the manner and under the  
15 conditions set forth in this subdivision of this act.

16 Section 2091. Petition to Court.--To acquire such right, any  
17 such taxpayer shall, before the beginning of the township fiscal  
18 year, present to the court of quarter sessions a petition  
19 setting forth that he is the owner of property assessed and  
20 taxed in such township, the approximate number of miles of  
21 streets in such township, and the ability of the petitioner to  
22 lay out, open, make, and repair the streets and bridges of such  
23 township wholly at his own expense, for the ensuing township  
24 fiscal year or fiscal period, and to pay the other expenses of  
25 such township as hereinafter provided, without any right against  
26 or claim upon such township for or by reason of the materials,  
27 labor, or money so furnished.

28 Section 2092. Bond of Petitioner.--The petitioner shall,  
29 with the petition, present a bond to the township, in the sum of  
30 ten thousand dollars or in a sum equal to five hundred dollars



1 for each mile of public street in the township, whichever shall  
2 be greater, with one or more sufficient sureties to be approved  
3 by the court, conditioned for the faithful performance by said  
4 petitioner of his duty, and to save the township harmless from  
5 any loss or claim by reason of failure so to perform said duty.

6 Section 2093. Notice to Commissioners and Auditors.--Notice  
7 of the intention of presenting the petition and bond, and of the  
8 time when said petition and bond will be presented to the court,  
9 shall be given to the commissioners and auditor or controller of  
10 the township at least ten days before the same are presented.

11 Section 2094. Contracts; Stipulations.--When the petition,  
12 bond, and proof of the notice required in the preceding section  
13 are presented to the court, the same shall be ordered filed; and  
14 the court being satisfied of the good faith of the petitioner,  
15 and the sufficiency of the petition, bond, and notice, shall  
16 order and direct the commissioners, on behalf of the township,  
17 to enter into a contract with the petitioner. In such contract,  
18 the petitioner shall bind himself:

19 First. To open, make, and repair the streets and bridges of  
20 the township for the ensuing fiscal year or fiscal period in a  
21 lawful and workmanlike manner, wholly at the expense of the  
22 petitioner, and without creating thereby any claim upon or right  
23 against the township for or by reason of the materials, labor,  
24 or money for persons employed.

25 Second. To indemnify and save harmless the township from all  
26 claim, damage, cost, or expense of whatever kind, for or by  
27 reason of any act or omission of said petitioner whereby any  
28 claim, suit, or other demand may be set up or recovered against  
29 the township.

30 Third. To pay, within sixty days from the beginning of the



1 fiscal year to the following officers of such township, the  
2 following sums, to be received by said officers in full for all  
3 demands against such township for their respective services as  
4 such officers of the township for the fiscal years for which the  
5 said contract is made, which shall be in lieu of the  
6 compensation otherwise in this act provided for such officers,  
7 namely: To each township secretary, the sum of fifty dollars; to  
8 the auditor or controller of such township, the sum of twenty-  
9 five dollars; to an attorney, to be elected by such  
10 commissioners as counsel for the township, the sum of fifty  
11 dollars; to each commissioner, the sum of one hundred dollars.

12 Section 2095. No Street Tax to Be Levied.--In consideration  
13 of the obligations set out in the preceding section to be  
14 assumed and performed by the petitioner, the commissioners, on  
15 behalf of such township, shall stipulate that the township will  
16 not assess, levy, or collect any tax for street purposes during  
17 the fiscal year for which such contract is made.

18 Section 2096. Inspection.--The commissioners shall view and  
19 inspect the making and repairing of the streets in such  
20 townships, at least once during every month, and satisfy  
21 themselves that the petitioner has fully complied with his  
22 contract, before final settlement and expiration of contract.  
23 If, at any time, the commissioners shall see that any portion of  
24 the streets need repair, they shall notify the petitioner to  
25 repair the same. In case said petitioner fails to repair said  
26 street within five days after notice, the commissioners are  
27 empowered to purchase such materials and employ such men as may  
28 be necessary to repair such street, and charge the same to the  
29 petitioner.]

30 Section 106. The act is amended by adding sections to read:



1 Section 2097. Boundary Streets.--(a) When any street, other  
2 than a State or county road, is created or located along, on or  
3 over boundaries between a township and any other municipal  
4 corporation, the creation, location, construction, maintenance  
5 and repair of the street shall be the joint responsibility of  
6 the township and the municipal corporation with which the common  
7 boundary is shared.

8 (b) The board of commissioners may make agreements with the  
9 governing body of the municipal corporation with which the  
10 common boundary is shared to provide for the apportionment of  
11 the cost of construction, maintenance and repair of boundary  
12 streets.

13 (c) If an amicable agreement on the proportionate share of  
14 costs of construction, maintenance and repair of boundary  
15 streets cannot be executed, the board of commissioners or the  
16 governing body of the other municipal corporation involved may  
17 petition the court of common pleas of the county for a  
18 determination of the rights and responsibilities of the  
19 respective municipal corporations involved.

20 (d) The court, after hearing of which notice shall be given  
21 to all parties interested as the court may direct, shall make an  
22 order directing the manner of the opening and maintenance and  
23 the division of the costs between the township and the other  
24 municipal corporation.

25 Section 2098. Streets, the Center Line of Which is the  
26 Boundary Between a Township and Another Municipal Corporation.--

27 (a) A township may enter into a contract with a municipal  
28 corporation to provide for the grading, curbing, draining, and  
29 paving of any street that constitutes the dividing line between  
30 the township and the municipal corporation.



1     (b) The alterations and improvements shall be made under the  
2 supervision of the township or municipal corporation, or by  
3 contract let by the township or the municipal corporation, as  
4 may be provided for in the contract between the township and the  
5 municipal corporation.

6     Section 2099. Streets Having More Than Half of Their Width  
7 Within Township.--(a) If any street, more than one-half the  
8 width of which is within the limits of the township, shall  
9 divide the township from any other municipal corporation, the  
10 street may be improved by the township in the same manner as if  
11 the street were entirely located within the limits of the  
12 township.

13     (b) The property, within or outside the township, that abuts  
14 the street and benefits from the improvements may, for a depth  
15 of one hundred fifty feet plus one-half the width of the street  
16 measured from its center line, be assessed for any and all  
17 municipal improvements to or on the street in the same manner as  
18 the property would be assessed under the provisions of this  
19 article if it were entirely located within the limits of the  
20 township.

21     Section 2099.1. Assessment for Improvements on Property  
22 Outside Limits Where Street Entirely Within Township.--Whenever  
23 any street, entirely within the limits of any township, shall  
24 divide the township from any other municipal corporation, the  
25 property on the side of the street, within or outside the  
26 township, that abuts the street and benefits from the  
27 improvement may, for a depth of one hundred fifty feet from its  
28 center line, be assessed for any and all municipal improvements  
29 to or on the streets on which the property abuts in the same  
30 manner as the property would be assessed under the provisions of



1 this act if it were entirely located within the limits of the  
2 township.

3 Section 107. Article XXI of the act is repealed:

4 [ARTICLE XXI

5 BOUNDARY ROADS AND STREETS

6 (a) Opening, Repairing and Improving Streets  
7 on Division Line of Townships

8 Section 2101. Roads or streets laid out on a line which  
9 divides a township of the first class and another township shall  
10 be opened, made, kept clear and in repair at the joint and equal  
11 charge of such townships. Any township necessarily incurring  
12 more than its due proportion of such charge may recover the  
13 excess so incurred from the other township.

14 When any public road or street is laid out on the line of two  
15 townships, if the commissioners or supervisors of either  
16 township neglect or refuse to join with the commissioners or  
17 supervisors of the other township in opening or repairing such  
18 road or street, the commissioners or supervisors of the other  
19 township shall open, and repair the road or street, and are  
20 authorized to collect a just portion of the cost of the opening  
21 and repairing of such road or street from the township so  
22 neglecting or refusing to join such opening or repairing. The  
23 commissioners or supervisors so neglecting or refusing shall be  
24 liable to a penalty of not exceeding fifty dollars, to be  
25 recovered in a summary proceeding. All such penalties when  
26 recovered shall be paid into the township road fund.

27 (b) Maintenance of Streets between Township  
28 and Cities or Boroughs

29 Section 2105. Whenever any street is on the boundary line  
30 between any township and any city or borough, such street shall



1 be maintained jointly by the city or borough and the township.  
2 For the purpose of maintaining any such street, the authorities  
3 of any such township are hereby directed to enter into  
4 agreements, with such city or borough, providing the manner in  
5 which the same shall be maintained, and providing for the  
6 division of the cost of maintenance between the city or borough  
7 and township. If any such city or borough and township shall  
8 fail or refuse to enter into any such contract, or if the city  
9 or borough and township cannot agree, any taxpayer or the  
10 township commissioners of the township may present a petition to  
11 the court of quarter sessions of the county, setting forth the  
12 facts, and the court, after hearing, of which such notice shall  
13 be given to all parties interested as the court may direct,  
14 shall make an order directing the manner of such maintenance and  
15 the division of the cost of maintenance between the city or  
16 borough and the township. The action of the court shall be  
17 final.

18 (c) Street, the Centre Line of which is the Dividing  
19 Line between Townships and Boroughs or  
20 Cities in the Same County

21 Section 2110. Whenever the centre line of any street  
22 constitutes the dividing line between a township and any city or  
23 borough located in the same county, the commissioners of the  
24 township may, jointly with the county, enter into a contract  
25 with the city or borough providing for the grading, curbing, and  
26 macadamizing or paving of such street.

27 Such alteration or improvement shall be constructed, and  
28 subsequent repairs shall be made, under the supervision of the  
29 proper authorities of the city or borough, in compliance with  
30 the laws governing the construction of such alterations or





1 improvements in such city or borough, and with plans and  
2 specifications to be agreed upon in writing between the  
3 commissioners of the township and the city or borough and the  
4 commissioners of the county.

5 The cost of any alteration or improvement shall be borne one-  
6 half by the city or borough and one-half by the county and  
7 township in equal portions.

8 The cost of repairs shall be borne one-half by the city or  
9 borough and one-half by the township, or by the county and  
10 township in equal portions, or such other proportions as are  
11 agreed upon in the joint contract of the township with the  
12 county.

13 (d) Street, the Centre Line of which is the  
14 Dividing Line between Townships and Cities  
15 in an Adjacent County

16 Section 2115. Whenever the centre line of any street  
17 constitutes a dividing line between a township and a city  
18 located in an adjacent county, it shall be lawful for the  
19 township commissioners to enter into a contract, with the county  
20 in which it is located and with the city, providing for the  
21 grading, curbing, macadamizing, or paving of the roadway of said  
22 street, the cost thereof to be borne one-half by the city, and  
23 one-half by the township and the county in which such township  
24 shall be situated in equal portions.

25 The said alteration or improvement shall be constructed, and  
26 subsequent repairs shall be made, under the supervision of the  
27 proper authorities of the said city, in compliance with existing  
28 laws governing such construction or improvement of such city,  
29 and in further compliance with plans and specifications to be  
30 agreed upon in writing between such city and the commissioners



1 of the county and the township commissioners of the said  
2 township. The cost of repairs shall be borne one-half by the  
3 city and one-half by the township, or by the county and township  
4 in equal portions, or such other proportions as may be agreed  
5 upon by the county and township.

6 In all cases in which it shall be found impossible to enter  
7 into such contract or agreement as is provided for in this  
8 section, or where either the city or the township or the county  
9 in which such township is situated shall refuse to enter into  
10 such contract or agreement, it shall be lawful for the township  
11 to present its petition to the court of common pleas of either  
12 county, setting forth the facts and circumstances, including the  
13 condition of the street from which the necessity or desirability  
14 for the grading, curbing, macadamizing, or paving of the roadway  
15 appears, and the estimated cost thereof, and that the terms of  
16 the said contract as provided for in this section cannot be  
17 agreed upon by the said city and the county or township, or  
18 either or any of them, or that either such city or the county or  
19 township, or any or either of them, refuses to enter into such  
20 contract. Such petition may pray that such court may, after  
21 hearing all the parties concerned, make its order or decree  
22 defining the nature and character of the improvement reasonably  
23 necessary or desirable to be made to the roadway, and requiring  
24 the parties hereinabove specified to enter into a contract or  
25 contracts for the making and constructing of the same as herein  
26 provided for. A copy of the said petition, duly certified, shall  
27 be served upon the city or the county and township concerned,  
28 other than the petitioner, with notice of such day as may be  
29 fixed by the court for the hearing. Thereupon either or both of  
30 the parties served with such notice shall be entitled, on or



1 before such date, to file in the said court its answer to the  
2 said petition, setting forth its version of the facts or such  
3 other matters in relation thereto as may be deemed necessary or  
4 proper by it. The said court, upon the date so fixed or at such  
5 other time as it may appoint, shall hear the evidence of the  
6 parties, or it may refer the matter to a master, who shall hear  
7 the testimony of the parties and report his findings, in the  
8 same manner and under the same procedure as provided by the  
9 rules in equity in similar cases, to the said court, which may  
10 reject, confirm, or modify the same, and may make its decree or  
11 order directing the making of such alterations or improvements  
12 to the roadway as may be deemed reasonably necessary or  
13 desirable and providing for the sharing of the cost of such  
14 improvements, one-half by the city, and one-half by the county  
15 and township in equal portions. The said order or decree may  
16 further provide that the repairs to such alterations and  
17 improvements subsequently required shall be borne one-half by  
18 the city and one-half by the county or township in equal  
19 portions, or such other proportions as between the county and  
20 the township as such court may find to be legal and proper; and  
21 thereupon the said grading, curbing, macadamizing, or paving of  
22 the roadway of such street shall proceed in accordance with the  
23 decree or order of the said court in the same manner as if the  
24 contract or agreement provided for in this section had been  
25 entered into and duly executed.

26 (e) Improvement of Street where more than

27 One-Half of Width is in Township; Assessment of

28 Property outside Limits

29 Section 2120. Whenever any street or road, more than one-  
30 half the width of which is within the limits of any township,



1 shall divide the said township from any other municipality or  
2 township located within the same county, such street or road may  
3 be improved by the township within which the greater width is  
4 located in the same manner as if the said street or road were  
5 entirely located within the limits of said township.

6 The property abutting on the side of said street or road  
7 which is located outside the limits of the township making such  
8 improvements shall, for a depth of one hundred and fifty feet,  
9 plus one-half the width of said street or road from its centre  
10 line, be assessed for any and all municipal improvements to or  
11 on the said street or road in the same manner as such property  
12 would be assessed under this act if it were entirely located  
13 within the limits of such township.

14 (f) Assessment of Property outside Limits of  
15 Township for Street Improvements

16 Section 2125. Whenever any street shall divide such township  
17 from any other municipality or township located in the same  
18 county, the property on the side of the street outside the line  
19 of such township shall, for a depth of one hundred and fifty  
20 feet, be assessed for municipal improvements on such street on  
21 which property shall abut. Such assessment shall be made in the  
22 same manner and in the same proceeding as is used for the  
23 assessment of property within such township for such  
24 improvement.

25 (g) Grading, Curbing, Paving, Macadamizing  
26 Boundary Street or Highway, Et Cetera

27 Section 2130. Townships may enter into agreements with  
28 adjoining boroughs for the grading, paving and curbing, or  
29 macadamizing of streets or highways which may be boundaries  
30 between such townships and boroughs; and may provide in such



1 contract that the damages, costs, and expenses of such  
2 improvement shall be divided between such townships and boroughs  
3 in proportions agreed upon.

4 In grading, paving and curbing, or macadamizing any such  
5 street or highway, townships shall exercise such power only upon  
6 petition of a majority of the property owners in interest and  
7 number abutting the line of the proposed improvement within the  
8 township limits, to be verified by the affidavit of one of the  
9 petitioners; a majority in interest of owners of undivided  
10 interest in any piece of property to be treated as one person  
11 asking that such improvement be made.

12 The portion of the damages, costs, and expenses agreed to be  
13 paid by any township shall be ascertained, and the benefits  
14 incident thereto shall be assessed and collected, in the manner  
15 provided in this act for the assessment of damages and benefits  
16 by viewers.]

17 Section 108. Article XXII heading of the act is amended to  
18 read:

19 ARTICLE XXII

20 BRIDGES [AND VIADUCTS]

21 Section 109. Subdivision (a) heading of Article XXII of the  
22 act is repealed:

23 [(a) As Part of Street]

24 Section 110. Section 2201 of the act is amended to read:

25 Section 2201. [Whenever, in the opening, grading, or  
26 improving of any street in any township, it is necessary to  
27 erect or construct any bridge and the piers, abutments and  
28 approaches therefor, the same may be erected and constructed by  
29 the township as part of such street. In any such erection or  
30 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



1 purchase existing bridges or viaducts over railroads, rivers,  
2 creeks, streams and private property, or over railroads and any  
3 of them, or over railroads only, whether the bridges or viaducts  
4 are wholly or partly within the township limits, for the purpose  
5 of uniting two or more streets or a street and a road or a  
6 highway or separate portions of the same street. Such bridges  
7 and viaducts must in all cases cross railroads. Such bridges and  
8 viaducts and the approaches thereto shall be constructed, and  
9 the damages in connection therewith paid, as provided by the  
10 Pennsylvania Public Utility Law.]

11 Section 112. Section 2206 of the act is amended to read:

12 Section 2206. Maintenance.--[Such viaduct or bridge shall be  
13 maintained as a township structure, and the township is  
14 authorized to contract with any party interested, except the  
15 county, for the maintenance of the same.] (a) A bridge shall be  
16 maintained as a township structure, and the township may  
17 contract with any party interested, except the county, for the  
18 maintenance of the bridge.

19 (b) Whenever a bridge, or part thereof, has been built by  
20 the county, or the whole or part of the money necessary to build  
21 it has been furnished by the county, and the bridge has not been  
22 entered on record as a county bridge, the bridge shall be  
23 maintained, kept in repair, and rebuilt, when necessary, by the  
24 township or municipal corporation in which, or on the boundary  
25 line of which it is located, without rendering the county liable  
26 for the same.

27 Section 113. Subdivision (c) and Subdivision (d) heading of  
28 Article XXII of the act are repealed:

29 [(c) Over Marshy or Swampy Grounds, Creeks,  
30 Rivulets, Gullies, Canals and Railroads



1 Section 2210. Power to Make and Maintain.--The commissioners  
2 of townships, in making and repairing the streets, shall make  
3 and maintain within their township sufficient bridges over all  
4 small creeks, rivulets, deep gullies, canals, and railroads,  
5 where the same is necessary for the ease and safety of  
6 travelers.

7 Such bridges over canals or railroads shall not obstruct the  
8 railroad or canal over which it is built. Nothing in this  
9 section shall release railroad or other companies or the  
10 Commonwealth from the requirements of existing laws.

11 Section 2211. Damages.--In the construction and maintenance  
12 of such bridges, all damages shall be awarded and benefits  
13 assessed as part of the proceeding to lay out, open, make, or  
14 repair the road of which the bridge is a part.

15 (d) Over Streams, Railroads and Canals  
16 on Township Boundaries]

17 Section 114. Section 2220 of the act is amended to read:

18 Section 2220. [Bridges on Division Line of Townships.--Where  
19 a small creek or a railroad or canal, over which a bridge is  
20 necessary, is on the boundary line of two townships, the bridge  
21 shall be built and maintained at the joint and equal expense of  
22 the townships, by their respective commissioners or supervisors,  
23 in the manner directed by this act in the case of streets or  
24 roads which may be the division line of townships.] Boundary

25 Bridges.--(a) If a bridge crosses the boundary line of a  
26 township and another municipal corporation, the township may  
27 enter into an intergovernmental cooperation agreement in  
28 accordance with 53 Pa.C.S. Ch. 23 Subch. A (relating to  
29 intergovernmental cooperation) with the municipal corporation  
30 for the construction and maintenance of the bridge and for





1 apportionment of the costs.

2 (b) If an amicable agreement on the proportionate share of  
3 costs of construction, maintenance and repair of boundary  
4 bridges cannot be executed, the board of commissioners or the  
5 governing body of the other municipal corporation involved may  
6 petition the court of common pleas of the county or counties for  
7 a determination of the rights and responsibilities of the  
8 respective municipal corporations involved.

9 Section 115. Sections 2221 and 2222 and Subdivision (e) of  
10 Article XXII of the act are repealed:

11 [Section 2221. Bridges between Townships and  
12 Municipalities.--Whenever a creek, railroad, or canal, over  
13 which a bridge is necessary, is on the division line of a  
14 township and a municipality, the township shall unite with such  
15 municipality in the construction and maintenance of such bridge  
16 and pay an equal share of the expenses incident thereto.

17 Section 2222. Bridges over Railroad or Canal.--If a bridge  
18 is built over such boundary railroad or canal by virtue of the  
19 provisions of the preceding section of this act, such bridge  
20 shall not obstruct the railroad or canal over which it is built.  
21 Nothing in said section shall release railroad or other  
22 companies or the Commonwealth from the requirements of existing  
23 laws.

24 (e) Maintenance, Repair, and Rebuilding  
25 of Bridges Built by County

26 Section 2225. Whenever a bridge, or part thereof, has been  
27 built by the county, or the whole or part of the money necessary  
28 to build it has been furnished by the county, and the bridge has  
29 not been entered on record as a county bridge, such bridge shall  
30 be maintained, kept in repair, and rebuilt, when necessary, by



1 the township or townships in which, or on the boundary line of  
2 which, it is located, without rendering the county liable for  
3 the same.]

4 Section 116. Sections 2301, 2302, 2303 and 2304 of the act  
5 are amended to read:

6 Section 2301. Power to Lay Out[, Ordain and Establish  
7 Grades.--Townships may lay out, ordain and establish sidewalks  
8 along any street, including State highways and county roads, and  
9 may establish grades for such sidewalks, which grades may be  
10 separate and apart from the grade established for the street or  
11 highway, and, for this purpose, any township may acquire land by  
12 purchase, gift, or by the right of eminent domain.] and  
13 Establish Grades.--Townships may, by ordinance, lay out and  
14 establish sidewalks, curbs, gutters and surface water drains  
15 along any street and, with the consent of the Secretary of  
16 Transportation, along any State highway, and with the consent of  
17 the county commissioners, along any county road. Townships may  
18 establish grades for the sidewalks, which grades may be separate  
19 and apart from the grade established for the street or highway.  
20 For the purposes of this section, any township may acquire land  
21 by purchase, gift, or by the right of eminent domain.

22 Section 2302. Width.--The width of any sidewalk shall be  
23 fixed by the [township] board of commissioners either by  
24 ordinance or resolution.

25 Section 2303. Paving and Curbing Sidewalks.--[Townships may,  
26 upon such notice as may be provided by ordinance, require owners  
27 of property abutting on any street, including State highways and  
28 county roads, to construct, pave, curb, repave and recurb the  
29 sidewalks along such property with such materials, at such  
30 grades and under such regulations as may be prescribed by



1 ordinance, and upon failure of such owners to comply with such  
2 notice, or without notice to the property owners as above  
3 provided, the townships shall in either case have power to cause  
4 the same to be done by the township, and to levy and collect the  
5 cost thereof from such owners of property abutting such  
6 sidewalk. All reconstruction, repaving and recurbing may be  
7 provided for in the ordinance providing for the original  
8 construction, paving and curbing, without the necessity for  
9 adopting a new ordinance providing for such reconstruction,  
10 repaving and recurbing.

11 The cost of any such grading, paving, curbing, repaving and  
12 recurbing shall be a lien upon the premises from the time of the  
13 commencement of the work, which date shall be fixed by the  
14 township engineer and shall be filed with the township  
15 secretary. Any such lien may be collected by action in assumpsit  
16 or by lien filed in the manner provided by law for the filing  
17 and collection of municipal claims.

18 The cost of any such paving, curbing, repaving and recurbing  
19 may, in any case, be borne in whole or in part by the township.

20 No sidewalks shall be established and constructed upon any  
21 State highway without the consent of the State Department of  
22 Highways, or upon any county road without the consent of the  
23 county commissioners.] (a) Townships may, upon notice as  
24 provided by ordinance, require owners of property abutting on  
25 any street, including State highways and county roads, to  
26 construct, grade, pave, curb, repave and recurb the sidewalks  
27 along the property under regulations and specifications  
28 prescribed by ordinance. All reconstruction, repaving and  
29 recurbing may be provided for in the ordinance providing for the  
30 original construction, paving and curbing, without the necessity



1 for adopting a new ordinance providing for the reconstruction,  
2 repaving and recurbing.

3 (b) Upon the failure of any property owner to comply with  
4 the notice under subsection (a), a township may cause the  
5 construction, grading, paving, curbing, repaving and recurbing  
6 to be done by the township itself, or by contract, and to levy  
7 and collect the cost of the work from the property owner  
8 abutting the sidewalk.

9 (c) The cost of any work incurred by the township pursuant  
10 to subsection (b) may be levied against and collected from the  
11 owner who failed to complete the work pursuant to notice to do  
12 so, together with a penalty of ten percent of the costs and all  
13 charges and expenses. The costs, penalties, charges and expenses  
14 provided for shall be a lien upon the property for which the  
15 notice to do the work was given. The lien shall exist from the  
16 time of the commencement of the work, which date shall be fixed  
17 by the township engineer and certified to the township secretary  
18 in accordance with section 1305. Any lien may be collected by  
19 action in assumpsit or by lien filed in the manner provided by  
20 law for the filing and collection of municipal claims or the  
21 cost of any construction, grading, paving, curbing, repaving and  
22 recurbing may be borne in whole or in part by the township. If  
23 the township pays in part, the remaining cost shall be collected  
24 as provided by this section.

25 (d) The following shall apply:

26 (1) Each notice shall be served upon the owner of the  
27 premises to which the notice refers, if the owner is a resident  
28 of the township. If the owner is not a resident, the notice may  
29 be served upon the agent or tenant of the owner or upon the  
30 occupant of the premises. If the owner has no agent or tenant or



1 there is no occupier of the premises, service shall be by notice  
2 posted upon the premises.

3 (2) The notice required by this section shall specify a  
4 period of time of not less than sixty days for the owner to  
5 complete the specified work. If the work has not been completed  
6 after the specified time has elapsed, the owner shall be deemed  
7 to have failed to comply.

8 Section 2304. Repair of Sidewalks.--[The owner of the  
9 abutting property shall keep the sidewalk, together with any  
10 portion of his property paved and used as a sidewalk or public  
11 walk, immediately in front of his property, in good order and  
12 repair, and, at all times, free and clear of all obstruction to  
13 safe and convenient passage, and free of any merchandise placed  
14 there for display, if the removal thereof is ordered by the  
15 township commissioners. If the owner of any property neglects to  
16 perform the duty so required of him, the township commissioners  
17 may serve written notice upon him requiring him to do what is  
18 necessary. If such property owner fails to comply with the  
19 requirements of such notice within thirty days from the date of  
20 its service, the township commissioners may make the necessary  
21 repairs or remove any obstruction. The cost of the same,  
22 together with a penalty of ten per centum, shall be paid by the  
23 delinquent property owner, and may be collected by action of  
24 assumpsit, or the township commissioners may file a municipal  
25 lien against the property. The notice provided for in this  
26 section may be served on the property owner by leaving the same  
27 at his place of residence, or if he has no residence in the  
28 township, then by posting the same on the premises and mailing a  
29 copy thereof to the owner at his last known address.] (a) An  
30 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



1 repairs to the sidewalk within forty-eight hours of service of  
2 the notice and report.

3 (2) The notice and copy of the report shall be served  
4 pursuant to section 2303(d)(1).

5 (3) The report shall expressly state that emergency repairs  
6 are required.

7 (4) If the owner fails to make the emergency repairs within  
8 the prescribed time, the township may make the emergency repairs  
9 to the sidewalk.

10 (e) Upon the completion of any emergency repairs, the cost  
11 of the repairs shall be a charge against the owner of the  
12 abutting property and shall be a lien, until paid, upon the  
13 abutting property, provided that a claim is filed for the lien  
14 in accordance with the law providing for the filing and  
15 collection of municipal claims.

16 (f) The amount of the claim against the owner of the  
17 abutting property may also be collected from the owner by an  
18 action in assumpsit.

19 Section 118. Article XXIV heading of the act is amended to  
20 read:

21 ARTICLE XXIV

22 SANITARY SEWERS AND DRAINS

23 Section 119. Sections 2401 and 2401.1 of the act are amended  
24 to read:

25 Section 2401. Power to Establish and Construct Sewers and  
26 Drains; Require Connections; Sewer Rentals.--[Townships may  
27 establish and construct a system of sanitary sewers and  
28 drainage, locating the same, as far as practicable, in the  
29 center of the street or on either side of the cartway or of the  
30 curb lines thereof in any street and may be for the service and



1 use of properties on both sides of the street or on only one  
2 side of the street in which they are laid, as seems advisable to  
3 the commissioners. The township commissioners may permit, and,  
4 where necessary for the public health by ordinance, require any  
5 owner of property benefited, improved or accommodated by  
6 sanitary sewers, to make connections with such sewer or drainage  
7 in such manner as the commissioners may order for the purpose of  
8 discharge of such drainage or waste matter as the commissioners  
9 may specify. The township commissioners may by penalties enforce  
10 any regulation they may ordain with reference to any sanitary  
11 sewer or drainage connections. All connections required shall be  
12 uniform. All persons so connecting may be required to pay, in  
13 addition to the cost of making such connections, a monthly or  
14 annual rate prescribed by ordinance. Such monthly or annual rate  
15 shall constitute a lien, until paid, against the property so  
16 connecting with such system, and the amount thereof may be  
17 recovered by due process of law. All water utilities supplying  
18 water to users within the boundaries of any township shall, at  
19 the request of the township commissioners, furnish to the  
20 township, on or before the fifteenth day of the month following  
21 the month during which bills are issued, a list of all water  
22 meter readings and flat-rate water bills and the basis for each  
23 flat-rate water charge, so that the data may be used in  
24 calculating a monthly or annual rate. The township is authorized  
25 and empowered to pay to such utilities, reasonable amounts for  
26 necessary clerical and other expenses incurred in the  
27 preparation of such lists.] (a) Townships may establish and  
28 construct a system of sanitary sewers and drainage, locating the  
29 system, as far as practicable, in the right-of-way of the street  
30 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 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



1 be construed to invalidate or void any rate imposed or adjusted  
2 prior to the effective date of this paragraph.

3 (3) The rate under this subsection shall constitute a lien,  
4 until paid, against the property connected to the sanitary sewer  
5 system, and the amount thereof may be recovered by due process  
6 of law through an action in assumpsit in the name of the  
7 township against the owner of the property charged or by a lien  
8 filed in the nature of a municipal lien.

9 (e) All water utilities supplying water to users within the  
10 boundaries of any township shall, at the request of the board of  
11 commissioners, furnish to the township, on or before the  
12 fifteenth day of the month following the month during which  
13 bills are issued, a list of all water meter readings and flat-  
14 rate water bills and the basis for each flat-rate water charge,  
15 so that the data may be used in calculating sewer rates. The  
16 township may reimburse utilities reasonable amounts for  
17 necessary clerical and other expenses incurred in the  
18 preparation of the lists.

19 (f) The term "sanitary sewer," as used in this article,  
20 shall mean and include a sewer used for receiving and collecting  
21 sewage matter and liquid waste from the inside of buildings and  
22 structures, and, in those townships where there shall be what is  
23 known as "combined sewers," receiving, in addition to such  
24 sewage and liquid waste from the inside of buildings and  
25 structures, storm, roof or surface drainage or any of them, the  
26 term "sanitary sewer," as used in this article, shall include  
27 such combined sewers.

28 (g) Nothing in this section shall be construed to repeal or  
29 modify any of the provisions of [the Public Utility Law.] 66  
30 Pa.C.S. (relating to public utilities).



1 (h) If required by other law, a township shall obtain the  
2 consent and permit of the Department of Environmental Protection  
3 or other Federal, State or county entity, including the  
4 Pennsylvania Turnpike Commission, for the laying out and  
5 construction of a sanitary sewer and treatment works.

6 Section 2401.1. [~~Sewer and Drainage Systems; Constructed by~~  
7 ~~any Municipality Authority; Connection by Owners; Enforcement.--~~  
8 ~~Whenever a sewer or drainage system is established or~~  
9 ~~constructed by any municipality authority within a township, the~~  
10 ~~township commissioners shall be empowered by ordinance to compel~~  
11 ~~all owners of property abutting on, or adjoining any street or~~  
12 ~~highway, in which such sewer or drainage system is located, to~~  
13 ~~make connection with such sewer or drainage system in such~~  
14 ~~manner as they may order for the purpose of discharge of such~~  
15 ~~drainage or waste as they may specify. The township~~  
16 ~~commissioners may by ordinance impose penalties to enforce any~~  
17 ~~regulation or order they may ordain with reference to any sewer~~  
18 ~~or drainage connections.] Required Connection and Fees.--(a) A~~

19 township may, by ordinance, require a property owner to connect  
20 with and use a sanitary sewer system established or constructed  
21 by the township, joint sanitary sewer board or a municipal  
22 authority serving the township if the property abuts on or  
23 adjoins any street or highway along which the sewer system is  
24 located or whose principal building is within one hundred fifty  
25 feet from the sanitary sewer.

26 (b) (1) If an owner of property abutting on or adjoining or  
27 whose principal building is within one hundred fifty feet from  
28 the sanitary sewer fails to connect with and use the sanitary  
29 sewer under subsection (a) for a period of sixty days after  
30 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



1 to read:

2 Section 2402. Location of Sanitary Sewers on Private  
3 Property.--Where it is reasonably impracticable, in the judgment  
4 of the [commissioners, in any part of such system, to carry such  
5 sewers or drains along the lines of public streets or highways,  
6 the commissioners may locate and construct so much of the same  
7 as is necessary through private lands and may acquire the  
8 necessary land or right of way for such purpose by gift,  
9 purchase, or by the exercise of the right of eminent domain.]

10 board of commissioners, in any part of the sanitary sewer  
11 system, to carry sanitary sewers along the lines of public  
12 streets or highways, the board of commissioners may locate and  
13 construct so much of the sanitary sewers as is necessary through  
14 private lands and may acquire the necessary land or right of way  
15 for this purpose by gift, purchase or by the exercise of the  
16 right of eminent domain.

17 Section 2403. Treatment Works and Facilities [Therefor].--  
18 [The commissioners shall make the necessary provisions for the  
19 disposition of the sewage and drainage within, or for carrying  
20 the same beyond, the limits of the township; and, to this end,  
21 they are hereby authorized to enter into contracts with other  
22 municipalities, and other corporations or persons, to purchase,  
23 acquire, enter upon, take, appropriate, occupy, and use such  
24 lands, rights, and interests therein, within the corporate  
25 limits of other townships or boroughs, as shall be necessary for  
26 the proper location, construction, maintenance, use and  
27 operation of sewer mains, drains, or treatment works, including  
28 such lands, rights, and interests therein as shall be necessary  
29 for future additions to and enlargements of such sewage or  
30 drainage facilities, and as may be necessary to carry out the



1 plans and specifications upon which a permit has been issued by  
2 the Secretary of Health, in accordance with law.] The board of  
3 commissioners may acquire by eminent domain or enter into  
4 contracts with other municipal corporations, corporations or  
5 persons for the acquisition of lands or facilities for the  
6 location, construction, maintenance, use and operation of  
7 sanitary sewer systems and treatment facilities. Acquisitions  
8 may be made for the purpose of future additions to and  
9 enlargements of existing systems. The acquired land may be  
10 located either inside or outside the boundaries of the township.  
11 Any extension shall be in conformity with 26 Pa.C.S. § 206  
12 (relating to extraterritorial takings) and any other applicable  
13 requirement of 26 Pa.C.S. (relating to eminent domain).

14 Section 122. Sections 2404 and 2405 of the act are repealed:

15 [Section 2404. Entry on Lands to Mark Sewer Routes;  
16 Damages.--In the event of inability to agree with the owners,  
17 either for the land necessary for so much of the line of sewers  
18 and drains as are not located upon public roads, streets or  
19 highways, or for so much land as is required for the disposition  
20 of the sewage or drainage, the commissioners may enter upon said  
21 land and mark thereon the route and width necessary for the  
22 construction of the line of sewers or drains, or the boundaries  
23 of so much land as is necessary for the disposition of such  
24 sewage or drainage, and occupy the said land for such purposes.  
25 For all damage done or suffered, or which accrues to the owner  
26 or owners of such land, by reason of the taking of the same, the  
27 funds of the township raised by taxation shall be pledged and  
28 deemed as security. Such damages shall be determined by viewers  
29 in the manner provided in this act for eminent domain  
30 proceedings.]



1     Section 2405. Enforcement of Judgment for Damages.--The  
2 damages as awarded when the report of viewers is finally  
3 confirmed shall be entered as a judgment, and, if the same is  
4 not paid within thirty days after the entry thereof, execution  
5 to enforce the collection thereof may be issued, as in other  
6 cases of judgment against townships.]

7     Section 123. Sections 2406, 2407 and 2408 of the act are  
8 amended to read:

9     Section 2406. Cost of Construction[; How Paid.--] and  
10 Payment.--The cost of construction of any system of sanitary  
11 sewers or drains, constructed by the authority of this  
12 subdivision of this [act] article, may be charged upon the  
13 properties benefited, improved or accommodated thereby to the  
14 extent of [such] the benefits, or may be paid for wholly or  
15 partially by general taxation. Any amount not legally chargeable  
16 upon properties benefited, improved or accommodated shall be  
17 paid out of the general township fund.

18     Section 2407. Sewer Districts.--[Whenever a sewer system is  
19 constructed by a township for the accommodation of a certain  
20 portion only of the township, the commissioners of such township  
21 may constitute the territory accommodated into a sewer district  
22 or divide it into several sewer districts. In every such case of  
23 division into several districts, the commissioners shall make an  
24 estimate of the proportion of the cost of the sewer system which  
25 should equitably be charged on each of said districts, and  
26 declare and establish such apportionment by ordinance. No  
27 district shall be charged with more than its due proportion of  
28 the cost of the main sewers, pumping stations, treatment works,  
29 et cetera, used jointly by more than one district. The aggregate  
30 amount charged on property in any such district shall not exceed



1 the amount of such estimate. Where the whole of the township is  
2 accommodated by the system, it may also be treated as a single  
3 district or divided into districts, and be subject to the  
4 foregoing provisions.] (a) When a sanitary sewer system is

5 constructed by a township for the accommodation of a certain  
6 portion of the township, the board of commissioners may  
7 designate the territory accommodated into a sewer district or  
8 divide the portion into several sewer districts.

9 (b) The board of commissioners shall estimate the proportion  
10 of the cost of the sanitary sewer system to be charged on each  
11 of the districts and declare and establish the apportionment by  
12 resolution and the following shall apply:

13 (1) No district shall be charged more than the district's  
14 due proportion of the cost of a sanitary sewer system, or any  
15 part of the system, used jointly by more than one district.

16 (2) The aggregate amount charged on a property in any  
17 district shall not exceed the amount of the estimate.

18 (3) Where the whole of the township is accommodated by the  
19 sanitary sewer system, the township may be treated as a single  
20 district or divided into districts, and be subject to the  
21 provisions of this section.

22 Section 2408. [Manner of Assessment.--The charge for any  
23 such sewer system construction in any township shall be assessed  
24 upon the properties benefited, improved or accommodated in  
25 either of the following methods:

26 (a) By an assessment, pursuant to township ordinance,  
27 against each lot or piece of land benefited, improved or  
28 accommodated by the sewer system according to the foot-front  
29 rule, allowing such reduction in the case of corner properties  
30 and unusually shaped properties or those properties benefited,





1 improved or accommodated by more than one sanitary sewer as the  
2 ordinance may specify; the ordinance may provide for equitable  
3 assessments or adjustments when special conditions exist where  
4 an assessment for the full frontage would be unjust. The  
5 secretary of the township shall cause thirty days' notice of the  
6 assessment to be given to each party assessed, either by service  
7 on the owner or his agent, or left on the assessed premises.  
8 However, when the lot or piece of land is on a corner it shall  
9 be assessed for its entire frontage abutting on any sewer except  
10 when such property is a vacant lot or contains only a single  
11 family dwelling in which case it shall be assessed along the  
12 shorter frontage and assessed along the longer frontage abutting  
13 on a sewer, commencing at a point no closer to the corner than  
14 one hundred twenty-five feet. When a township shall have  
15 determined to assess properties in proportion to frontage, any  
16 property benefited, improved or accommodated by the sanitary  
17 sewer which shall not be lawfully subject to such manner of  
18 assessment or as to which such manner of assessment shall not  
19 reasonably measure the benefit to such property, shall be  
20 assessed by the township in accordance with the method herein  
21 provided in subsection (b) of this section 2408, but each such  
22 benefited, improved or accommodated property shall be assessed  
23 with not less than the whole amount of the benefit accruing to  
24 it and legally assessable.

25 (b) By an assessment against the several properties  
26 benefited, improved or accommodated by the sanitary sewer to the  
27 extent of such benefits. The amount of the charge on each  
28 property shall be ascertained as provided in this act for the  
29 assessment of benefits.

30 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 (relating to assessments and charges for public improvements).

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



1 question, and the viewers so appointed shall proceed as provided  
2 in this act for proceedings for the assessment of damages and  
3 benefits by viewers. The aggregate of the assessments in any  
4 sewer district shall not exceed the amount charged in such  
5 district for its share of the cost of the sewer system  
6 construction, unless the same shall, by petition of taxpayers,  
7 whose property valuation as aforesaid shall amount to fifty per  
8 centum of the total property valuation as assessed for taxable  
9 purposes within the township, presented within three months  
10 after the adoption of an ordinance providing for an assessment  
11 by frontage, be stated to insufficiently represent the amount of  
12 benefits to such properties, in which case the proceedings by  
13 taxpayers authorized above shall be applicable. Upon the filing  
14 of such a petition, by taxpayers as aforesaid, for appointment  
15 of viewers, any assessment made by the commissioners and any  
16 proceedings thereunder shall be null and void.

17 Section 2410. Lien for Assessments; Costs of Proceedings.--  
18 After the amount of the assessment charged upon the several  
19 properties has been established, either by ordinance making  
20 assessments according to frontage or by confirmation of any  
21 report of viewers in whole or in part, it shall be the duty of  
22 the township commissioners to file municipal liens for the  
23 assessments covered by such ordinance or confirmation within the  
24 time and in the manner provided by law; the same to be subject  
25 in all respects to the general law providing for the filing and  
26 recovery of municipal liens. The amounts of all assessments  
27 shall be payable to the township treasurer for the use of the  
28 township. The commissioners shall also make out bills for the  
29 amounts charged against each property, which shall be forthwith  
30 sent to all property owners residing in the township, and mailed



1 to all such owners residing elsewhere whose address is known.  
2 The costs of publication of notices in proceedings before  
3 viewers shall be paid by the township, upon presentation of  
4 bills approved by the court.

5 Section 2411. Assessment of Property Outside Limits of  
6 Townships for Sewers.--Whenever any sewer is located in any  
7 street or highway dividing such township from any other  
8 municipality or township located in the same county, the  
9 property on the side of the street or highway outside the line  
10 of such township, for a depth of one hundred fifty feet, shall  
11 be assessed for sewers on such street or highway on which  
12 property shall abut. Such assessment shall be made in the same  
13 manner and in the same proceeding as is used for the assessment  
14 of property within the township for such sewers.]

15 Section 125. Sections 2415, 2420, 2425 and 2430 of the act  
16 are amended to read:

17 Section 2415. [(a) Any township in which any person, firm,  
18 or corporation, or other township or municipal corporation is  
19 maintaining sewers and culverts with the necessary inlet and  
20 appliances for surface and under surface and sewage drainage, or  
21 in which any person or persons are maintaining a community  
22 sewage collection or disposal system as herein defined, may  
23 become the owner of such sewers, culverts, inlet, and  
24 appliances, or the owner of such community sewage collection or  
25 disposal system, by paying therefor not more than the actual  
26 value of the same at the time of the taking by the township, or  
27 by gift from the owner or owners thereof.]

28 (b) In case the commissioners of the township cannot agree  
29 with the owners of such sewers or sewage collection or disposal  
30 system as to the price to be paid therefor, the commissioners



1 may enter upon and take possession of such sewers, culverts,  
2 inlets and appliances or of such sewage collection or disposal  
3 system. For all damage done or suffered, or which accrues to the  
4 owner or owners of the sewer or sewage collection or disposal  
5 system by reason of the taking of the same, the funds of the  
6 township, raised by taxation, shall be pledged and deemed as  
7 security, such damages to be determined by viewers in the manner  
8 provided by this act for eminent domain proceedings. If any  
9 sewer, sewer system or sewage collection or disposal system is  
10 acquired by purchase under the provisions of this section, the  
11 cost of such acquisition may be distributed or assessed in the  
12 same manner as provided by this act in cases where a sewer or  
13 drainage system is constructed by the township.

14 (c) For the purposes of this section, a community sewage  
15 collection or disposal system is all or part of a device or  
16 devices, installed on any privately or publicly owned parcel of  
17 land, intended to treat or dispose of the sewage or equivalent  
18 volume of domestic sewage from two or more residences, buildings  
19 or occupied parcels of land, or any system of piping used in  
20 collection and conveyance of sewage or private or public  
21 property.

22 (d) After a community sewage collection or disposal system  
23 has been acquired under the provisions of this section by the  
24 township, the commissioners shall have the power to enlarge such  
25 system, if they deem it advisable. In such cases, the cost and  
26 expenses of such enlargement may be distributed or assessed in  
27 the same manner as if the enlargement was a regular sewer  
28 constructed by the township under other provisions of this act.

29 (e) Whenever a community sewage collection or disposal  
30 system is or shall have been established or constructed within a



1 township by a private owner or owners, and the township  
2 commissioners are thereafter empowered, by ordinance, to acquire  
3 the ownership of the sewage disposal system so established, or  
4 when any such system has been enlarged by the township, such  
5 acquisition and ownership shall be subject to the following  
6 provisions of this subsection:

7 (1) When the person or persons having established or  
8 constructed a community sewage collection or disposal system, or  
9 when more than one-half the number of the owners of properties  
10 which are connected with, have a right to use and are using a  
11 community collection or disposal system, enter into an agreement  
12 with the township for the acquisition of the system by the  
13 township, such agreement shall be considered a valid agreement  
14 by the owners of the sewage collection or disposal system and a  
15 transfer of ownership to the township.

16 (2) The township shall operate and maintain any sewage  
17 collection or disposal system acquired and any enlargement or  
18 addition thereto for the use of persons having acquired from the  
19 township or from the former owner or owners the right to use the  
20 system, and for the use of other owners of property accessible  
21 thereto up to the capacity of the sewage collection or disposal  
22 system.] Power to Acquire Community Sewage Collection or

23 Disposal Systems.--(a) A township may, by ordinance, acquire  
24 ownership of a community sewage collection or disposal system by  
25 purchase, the exercise of eminent domain pursuant to 26 Pa.C.S.  
26 (relating to eminent domain) or by gift from the owner or  
27 owners.

28 (b) In eminent domain proceedings, the viewers shall assess  
29 the costs and expenses of the community sewage collection or  
30 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:



1 (i) Persons having acquired from the township or from the  
2 former owner or owners the right to use the system.

3 (ii) Other owners of property accessible to the system up to  
4 the capacity of the community sewage collection or disposal  
5 system.

6 (3) All persons whose property connects with the community  
7 sewage collection or disposal system acquired or constructed by  
8 the township shall pay to the township treasurer, a monthly,  
9 quarterly, [semi-annual] semiannual or annual charge prescribed  
10 by a resolution of the board of commissioners. The amount of the  
11 charges shall not be in excess of the estimated amount necessary  
12 to maintain and operate the system and to establish a reserve  
13 fund sufficient for its future replacement.

14 (4) All sewer rentals or charges imposed by the board of  
15 commissioners against properties connected with a community  
16 sewage collection or disposal system under [the provisions of]  
17 this section shall constitute liens against the properties and  
18 may be collected in the same manner as other sewer charges.

19 (5) All [moneys] money received from the sewer charges shall  
20 be deposited as a special reserve fund[, ] and shall be used only  
21 for the payment of the cost of operating and maintaining the  
22 community sewage collection or disposal system and the  
23 replacement [thereof], if necessary and economically desirable.  
24 If, at any time after the acquisition or enlargement of the  
25 community sewage system, a regular sewer system is made  
26 available by the township for connection with the properties  
27 using the community sewage collection or disposal system, the  
28 owners of [such] the properties shall be subject to the other  
29 provisions of this act relating to sewers, and all money at that  
30 time in the reserve fund which was received from charges for the





1 use of that particular community sewage collection or disposal  
2 system[, ] and which is over and above the amount expended for  
3 the operation and maintenance of that particular sewage  
4 collection or disposal system[, ] shall be used towards the  
5 payment of any sewer assessments charged against [such] the  
6 properties under other sections of this act.

7 (e) The following words and phrases when used in this  
8 section shall have the meanings given to them in this subsection  
9 unless the context clearly indicates otherwise:

10 "Community sewage collection or disposal system." All or  
11 part of a device or devices installed on any privately or  
12 publicly owned parcel of land intended to treat or dispose of  
13 the sewage or equivalent volume of domestic sewage from two or  
14 more residences, buildings or occupied parcels of land, or any  
15 system of piping used in collection and conveyance of sewage on  
16 private or public property.

17 (f) Nothing in this section may be construed to supersede  
18 the requirements of the act of January 24, 1966 (1965 P.L.1535,  
19 No.537), known as the "Pennsylvania Sewage Facilities Act."

20 Section 2420. [In any case where, under the authority of  
21 section two thousand four hundred and one of this act, a system  
22 of sewage and drainage covering any township in whole or in part  
23 shall have been approved and authorized by ordinance, the  
24 commissioners may enter into a contract with any responsible  
25 individual or individuals or corporation for the construction of  
26 such system of sewage or drainage at the expense of such  
27 individual or individuals or corporation. He, they, or it shall  
28 be entitled, under such contract, to exercise all the powers of  
29 the township in the construction, maintenance, and operation of  
30 such system of sewage or drainage, with the right to collect



1 such charges in connection therewith as the commissioners  
2 prescribe, in as full manner as the same might have been  
3 collected by the township or the commissioners. In such contract  
4 the commissioners shall reserve to the township the right at any  
5 time, after a prescribed time, to itself take possession of such  
6 system of sewage and drainage, and its appurtenances, at a price  
7 and upon terms to be fixed in the contract.] Contracts for Sewer

8 and Drainage Systems.--(a) In a case where, under the authority  
9 of section 2401, a system of sewage and drainage covering a  
10 township in whole or in part shall have been approved and  
11 authorized by ordinance, the board of commissioners may enter  
12 into a contract with any responsible individual or corporation  
13 for the construction of a system of sewage or drainage at the  
14 expense of the individual or corporation and the following shall  
15 apply:

16 (1) The individual or corporation shall be entitled under  
17 the contract to exercise all the powers of the township in the  
18 construction, maintenance and operation of the system of sewage  
19 or drainage, with the right to collect fees connected to the  
20 construction, maintenance and operation as the board of  
21 commissioners prescribes, in as full manner as the fees might  
22 have been collected by the township or the commissioners.

23 (2) In the contract the board of commissioners shall reserve  
24 to the township the right at any time, after a prescribed time,  
25 to take possession of the system of sewage and drainage, and the  
26 system's appurtenances, at a price and upon terms to be fixed in  
27 the contract.

28 (b) Nothing in this section shall be construed to repeal or  
29 modify any of [the provisions of the Pennsylvania Public Utility  
30 Law] 66 Pa.C.S. (relating to public utilities).

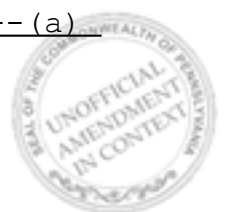


1       Section 2425. Cost of Construction.--Townships may construct  
2 sanitary sewers and drains in any street or highway, or through  
3 or on or over private property. The costs, damages, and expenses  
4 of the construction of any [such] sanitary sewers or drains may  
5 be paid for wholly or partially by general taxation, or may be  
6 assessed upon the properties accommodated or benefited [in  
7 either of the following methods:

8       (a) By an assessment, pursuant to township ordinance, of  
9 each lot or piece of land in proportion to its frontage abutting  
10 on the sewer, allowing such reduction in the case of properties  
11 abutting on more than one sewer as the ordinance may specify. No  
12 assessment by frontage shall be made on properties of such a  
13 character as not to be lawfully subject to such manner of  
14 assessment, and each abutting property shall be assessed with  
15 not less than its proportion, aforesaid, of the entire cost and  
16 expense of such construction.

17       (b) By an assessment upon the several properties abutting on  
18 the sewer in proportion to benefits. The amount of the charge on  
19 which property shall be ascertained and the rights of taxpayers  
20 conferred in connection therewith as provided in this act for  
21 the assessment of damages and benefits by viewers.] pursuant to  
22 Article XXV-A.

23       Section 2430. [Consent Necessary.--Townships may construct  
24 sewers and drains in and under any county or State highway  
25 within the township boundaries. In case of the construction of  
26 sewers upon county highways, the consent of the county  
27 commissioners of the county shall first be obtained; and in case  
28 of the construction of sewers upon any State highway, the  
29 consent of the State Department of Highways shall first be  
30 obtained.] State and County Highways and Consent Required.--(a)



1 A township may construct a sanitary sewer and drain in or under  
2 any State or county highway within the township boundaries.

3 (b) (1) For the construction of a sanitary sewer in or  
4 under a county highway, the consent of the county commissioners  
5 of the county shall be obtained.

6 (2) For the construction of a sanitary sewer in or under a  
7 State highway, the consent of the Department of Transportation  
8 shall be obtained.

9 Section 126. Section 2431 of the act is repealed:

10 [Section 2431. Assessment of Cost.--Whenever sewers have  
11 been or shall be laid or constructed by any township in and  
12 under such highways, such township may ascertain, levy, and  
13 collect the costs and expenses of the construction thereof from  
14 the abutting property holders by viewers, in accordance with  
15 provisions of this act relating to the assessment of damages and  
16 benefits by viewers.]

17 Section 127. Subdivision (f) heading of Article XXIV and  
18 section 2435 of the act are amended to read:

19 (f) Connecting with [Sewer of Adjoining  
20 Municipality] Adjoining Sewer

21 Section 2435. [Connection by Agreement or Petition;  
22 Appointment of Viewers.--Whenever any township shall desire to  
23 connect with the existing sewer of any adjacent municipality,  
24 the two municipalities so joining may enter into an agreement  
25 for such purposes, or if no agreement has been reached between  
26 such township and the adjacent municipality, then such township  
27 shall proceed in the following manner:

28 An application shall be made by the board of commissioners to  
29 the court of quarter sessions, setting forth the desire of the  
30 township to connect with the sewer of the municipality. If the



1 court shall be of the opinion that such connection can be made  
2 without impairing the usefulness of the existing sewer, it shall  
3 appoint three viewers, who shall view the premises, and  
4 investigate the facts of the case, and shall, in the manner  
5 provided by this act for such proceedings, assess the  
6 proportionate part of the expense of building the original sewer  
7 upon the petitioning township, and shall fix the proportion of  
8 the expense for repairs which the municipality and such township  
9 shall thereafter bear and determine all other questions which  
10 are likely to arise in connection therewith.] Connection by

11 Agreement or Petition and Appointment of Viewers.--(a) If a  
12 township desires to connect with the existing sanitary sewer of  
13 an adjacent municipal corporation or municipal authority for  
14 either sewage collection or treatment purposes, the entities may  
15 enter into an agreement for this purpose. If no agreement has  
16 been reached between the township and the adjacent municipal  
17 corporation or municipal authority, the township shall proceed  
18 as provided under subsection (b).

19 (b) An application shall be made by the board of  
20 commissioners to the court of common pleas of the county where  
21 the proposed connection is to be located, setting forth the  
22 desire of the township to connect with the existing sanitary  
23 sewer of the municipal corporation or municipal authority. If  
24 the court determines that the connection can be made without  
25 impairing the usefulness of the existing sanitary sewer, it  
26 shall appoint three viewers who shall:

27 (1) View the premises and investigate the facts of the case.

28 (2) Assess the proportionate part of the expense of building  
29 the original sanitary sewer upon the petitioning township.

30 (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



1 jointly with cities, boroughs or other townships build and  
2 construct sewers, including trunk-line sewers or drains and  
3 sewage treatment works, and may connect into such system  
4 existing sewers, and may assess their respective portions of the  
5 cost thereof, or so much thereof as may be legally assessable,  
6 upon property benefited by the improvement as is provided in the  
7 case of townships by sections two thousand four hundred eight,  
8 two thousand four hundred nine, and two thousand four hundred  
9 ten of this act. Any portion of the cost of such an improvement  
10 not assessed or not assessable shall be paid by the respective  
11 townships, cities, and boroughs joining as may be agreed upon.

12 (b) The townships, cities, and boroughs joining or  
13 contemplating joining in any such improvement, in order to  
14 facilitate the building of the same and securing preliminary  
15 surveys and estimates, may by ordinance provide for the  
16 appointment of a joint sewer board composed of one  
17 representative from each of the townships, cities, and boroughs  
18 joining which shall act generally as the advisory and  
19 administrative agency in the construction of such improvement,  
20 and its subsequent operation and maintenance. The members of  
21 such board shall serve for terms of six years each from the  
22 dates of their respective appointments, and until their  
23 successors are appointed. The board shall organize by the  
24 election of a chairman, secretary, and treasurer. The several  
25 townships, cities, and boroughs, may in the ordinances creating  
26 the board, authorize the board to appoint an engineer, a  
27 solicitor, and such other assistants as are deemed necessary;  
28 and agree to the share of the compensation of such persons each  
29 township, city, and borough is to pay. The members of the board  
30 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





1 to completion and to assure future maintenance and operation  
2 thereof. But nothing herein contained shall authorize the board  
3 to make any improvement or expend any public moneys which has  
4 not first been authorized by all of the townships, cities, and  
5 boroughs proceeding with the improvement.

6 (d) In any case where it shall be necessary to acquire,  
7 appropriate, injure, or destroy private property, lands,  
8 property, or material to build any such joint sewer improvement,  
9 and the same cannot be acquired by purchase or gift, the right  
10 of eminent domain shall vest in the township, city, or borough  
11 where such property is located. In any case where it shall be  
12 necessary to acquire, injure, or destroy property in any  
13 territory not within the limits of any of the townships, cities,  
14 or boroughs joining in the improvement; then the right of  
15 eminent domain shall be vested in any township, city, or borough  
16 adjacent to such territory where such property is located.  
17 Damages for any property taken, injured, or destroyed shall be  
18 assessed as provided by the general laws relating to the  
19 townships, cities, and boroughs exercising the right of eminent  
20 domain; and shall be paid by the several townships, cities, and  
21 boroughs joining in the same proportion as other costs of the  
22 improvement.

23 (e) Each of the townships joining in any such improvement  
24 shall have power to incur or increase its indebtedness, not  
25 exceeding the constitutional limits, for the purpose of paying  
26 its share or portion of the cost of such improvement in the  
27 manner now provided by law for the incurring of indebtedness.]

28 (a) Pursuant to 53 Pa.C.S. Ch. 23 Subch. A (relating to  
29 intergovernmental cooperation), a township may contract with  
30 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



1 payment of the cost and expenses of such improvement, the board  
2 of commissioners may, from time to time, issue bonds, in sums  
3 equal to the amount of assessments. The bonds shall bear the  
4 name of the street to be improved, or the curbs, sidewalks, or  
5 sewer to be constructed.

6 Section 2503. Sale of Bonds; Interest.--The bonds shall bear  
7 interest at a rate not exceeding six per centum per annum,  
8 payable semiannually or annually, as the ordinance shall direct;  
9 and shall be negotiated at not less than par, and the proceeds  
10 thereof applied solely to the payment of such improvement.

11 Section 2504. Entry of Liens.--Liens to secure the  
12 assessments, or any part thereof, remaining due shall be entered  
13 in the prothonotary's office of the county, in the same form and  
14 collected in the same manner as municipal claims are filed and  
15 collected: Provided, however, That when any person has accepted  
16 the monthly or quarterly payment plan for any sewer assessment,  
17 as herein provided, no lien shall be filed for such assessment,  
18 except upon a default in payment, as provided in section two  
19 thousand five hundred six, as herein amended.

20 Section 2505. Assessments, Where Payable.--Such assessments  
21 shall be payable at the office of the township treasurer, or  
22 such other place as the ordinance shall provide, in semiannual  
23 or annual instalments, and in the case of sewer assessments in  
24 monthly or quarterly instalments, with interest at the rate  
25 provided from the date from which interest is computed on the  
26 amount of the assessments. The moneys so received by the  
27 township shall be applied to the payment of such bonds and  
28 interest thereon exclusively.

29 Section 2506. Default in Payment of Instalment.--In case of  
30 default in the payment of any semiannual or annual instalment



1 and interest for a period of sixty days after the same shall  
2 become due, the entire assessment and accrued interest shall  
3 become due, and the township solicitor shall proceed to collect  
4 the same under the general laws relating to the collection of  
5 municipal claims.

6 In case of default in the payment of any monthly or quarterly  
7 instalment, and interest of a sewer assessment for a period of  
8 thirty days after the same shall become due, a lien shall be  
9 filed for the balance due on such assessment and interest  
10 accrued thereon. In no case shall a township lose its right to  
11 file a lien for any sewer assessment by reason of its failure to  
12 file the same within the time fixed by general law relating to  
13 the filing of municipal liens for any sewer assessment which is  
14 being paid under the instalment plan herein provided, and if any  
15 lien is filed after the time fixed by said general law for the  
16 filing thereof because of default in the payment of any  
17 instalment, such delayed filing is hereby validated, and the  
18 lien of such assessment claim so filed shall be in full force  
19 and effect from the time of such filing.

20 Section 2507. Payments in Full; Subdivisions of Property.--  
21 Any owner of property against whom any such assessment has been  
22 made may pay the same in full, at any time, with interest  
23 thereon to the next semiannual or annual payment, and such  
24 payment shall discharge the lien. If any owner shall subdivide  
25 any property after the lien attaches, he may, in like manner,  
26 discharge the same upon any subdivided portion thereof by paying  
27 the amount for which such part would be liable.]

28 Section 133. The act is amended by adding an article to  
29 read:

30 ARTICLE XXV-A



1                   ASSESSMENTS FOR PUBLIC IMPROVEMENTS

2   Section 2501-A. Definitions.

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

6       "Front foot." The term includes, but is not limited to,  
7   front linear foot, lot, parcel, dwelling unit or square foot.

8       "Public improvement." The term includes, but is not limited  
9   to, the following:

10           (1) The building, paving, grading, rebuilding, repaving  
11   and regrading of streets, sidewalks, curbs and gutters.

12           (2) The creation, extension and renovation of water  
13   treatment, transmission, distribution and disposal systems.

14           (3) The creation, extension and renovation of sewage  
15   collection, transmission, distribution, treatment and  
16   disposal systems.

17           (4) The creation, extension and renovation of storm,  
18   surface and subsurface drainage systems.

19           (5) The construction, reconstruction and repair of  
20   wharves and docks.

21           (6) The installation, maintenance or operation of  
22   lighting that services the streets, sidewalks and other  
23   public places within the township.

24           (7) The planting, transplanting, removal and protection  
25   of shade trees.

26   Section 2502-A. Authority to assess.

27       (a) Authority.--Unless otherwise provided for in this  
28   article, a township is authorized to assess all or any portion  
29   of the costs of a public improvement against any properties that  
30   are benefited by the public improvement.





1 (b) Payment of costs.--Unless otherwise provided in this  
2 article, in addition to the authority to assess the cost of  
3 public improvements against properties benefited either on the  
4 front foot method or benefit conferred method of assessment, a  
5 township may pay for the cost of public improvements, in whole  
6 or in part, from the township general fund or from a special  
7 township fund dedicated to that purpose.

8 (c) Indebtedness.--If a township incurs indebtedness  
9 pursuant to 53 Pa.C.S. Pt. VII Subpt. B (relating to  
10 indebtedness and borrowing) for the purposes of funding the cost  
11 and expense of making public improvements for which assessments  
12 are made in accordance with this article, payments made on the  
13 assessments must be applied to pay the debt service for the  
14 indebtedness incurred for funding the cost and expense of making  
15 the public improvements.

16 (d) Assessment outside of township.--Property benefited,  
17 improved or accommodated that is located outside the limits of  
18 the township that constructed the public improvement may, if  
19 located no more than 150 feet from the public improvement, be  
20 assessed for the cost of the public improvement in the same  
21 manner as the property would be assessed under the laws of this  
22 Commonwealth if it were entirely located within the limits of  
23 the township.

24 Section 2503-A. Method of assessment.

25 (a) Ordinance.--If the board of commissioners elect to  
26 exercise the power to make assessments for a given public  
27 improvement as authorized in section 2502-A, the board of  
28 commissioners shall, by ordinance and in conformity with this  
29 article, establish the method and procedure pursuant to which  
30 assessments shall be made.



1     (b) Allocation of costs and expenses.--The following shall  
2 apply:

3         (1) The board of commissioners may, by ordinance, make  
4 the assessment by any means that results in fairly allocating  
5 all or a portion of the costs and expenses of the public  
6 improvement among all properties benefited by the improvement  
7 in reasonable proportion to the benefits conferred upon each  
8 property. The methods that may be used to make assessments in  
9 accordance with this subsection may include, but are not  
10 limited to:

11             (i) An equal assessment per front foot.

12             (ii) An assessment made by benefits conferred.

13         (2) Only one assessment method may be used in allocating  
14 the costs for a particular public improvement unless a  
15 township is divided into districts for sanitary sewer or  
16 water, in which case the assessment in each district may be  
17 by different methods so long as the same assessment method is  
18 used within a particular district.

19     (c) Front foot method.--If the front foot method is used:

20         (1) The cost to be collected shall be divided by the  
21 total number of linear feet of street frontage of all  
22 properties benefited.

23         (2) The assessment against each property shall be that  
24 portion of the cost which is determined by multiplying the  
25 dividend under paragraph (1) by the number of linear feet for  
26 street frontage of that property.

27         (3) In the case of corner or irregularly shaped lots or  
28 where special conditions exist, the board of commissioners  
29 shall have the power and its duty shall be to provide for an  
30 equitable adjustment, as necessary, to prevent an unjust or



1 excessive assessment.

2 (4) If the front foot method is used but is comprised of  
3 other than linear feet, such as lots, parcels, dwelling units  
4 or square feet, the formula in paragraphs (1) and (2) shall  
5 be adapted to comport with the unit of lots, parcels,  
6 dwelling units or square feet as applicable.

7 (d) Assessment of benefits conferred method.--In lieu of the  
8 front foot method, the board of commissioners may elect to have  
9 the benefits of public improvements assessed, in whole or in  
10 part, upon property benefited, improved or accommodated by  
11 assessing an equal assessment on the properties benefited,  
12 improved or accommodated in proportion to the total cost of  
13 construction of the improvement. The amount of the charge on  
14 each property shall be determined by the board of commissioners.

15 (e) Certificate of assessment.--The board of commissioners  
16 shall issue a certificate of assessment when either assessing on  
17 the front foot method or on the basis of benefits conferred upon  
18 property benefited, improved or accommodated, duly certified  
19 under the seal of the township and attested by the president of  
20 the board of commissioners and secretary. The certificate of  
21 assessment shall state the method of assessment used. The  
22 certificate of assessment shall be prima facie evidence in any  
23 suit for recovery of the same of the correctness and validity of  
24 the assessment.

25 Section 2504-A. Petition for viewers by board of commissioners.

26 The board of commissioners may petition the court of common  
27 pleas for the appointment of viewers to assess the total cost of  
28 an improvement as set forth in this article. The viewers shall  
29 assess the total cost of the improvement, or so much of the cost  
30 as may be just and reasonable, upon the lands or properties



1 peculiarly benefited.

2 Section 2505-A. Petition for viewers by taxpayers.

3 (a) Petition.--Taxpayers of the township whose property is  
4 being assessed for benefits for a public improvement may present  
5 a petition to the court of common pleas stating that the  
6 assessment insufficiently represents the benefits accruing to  
7 abutting, benefited or accommodated properties. The petition may  
8 include a request for the appointment of viewers to assess  
9 benefits if at least 50% of the taxpayers whose parcels are  
10 abutting, benefited or accommodated by the public improvement in  
11 question join the petition or if taxpayers whose property  
12 valuation as assessed for taxable purposes within the township  
13 amounts to at least 50% of the total property valuation of the  
14 properties being assessed for the public improvement join the  
15 petition. The petition must be presented within 90 days of the  
16 issuance of the certificate of assessment.

17 (b) Viewers.--The court shall appoint three disinterested  
18 viewers, none of whom shall be a resident of that portion of the  
19 township that is benefited or accommodated by the public  
20 improvement in question. The viewers shall proceed under this  
21 part and 26 Pa.C.S. (relating to eminent domain) for the  
22 assessment of damages and benefits by viewers. Upon the filing  
23 of the petition by taxpayers for the appointment of viewers, any  
24 assessment made by the board of commissioners and any  
25 proceedings shall be stayed pending the disposition of the  
26 petition by the court.

27 Section 2506-A. Notice of assessment.

28 (a) Personal notice.--After the amounts to be assessed  
29 against the properties to be benefited by the public improvement  
30 have been calculated pursuant to the method and procedures as



1 prescribed by ordinance, the township shall give personal notice  
2 of the assessment to the owner of each property that is being  
3 assessed. The notice shall also state that the owner has 30 days  
4 from receipt of the notice to appeal the assessment. If a  
5 certificate is required to be filed with the board of  
6 commissioners relating to the public improvement as otherwise  
7 provided in this act, a copy of the certificate shall accompany  
8 the notice.

9 (b) Assessment effective.--An assessment made pursuant to  
10 this article shall become effective 30 days after personal  
11 notice is given by any of the following means:

12 (1) Personal service on the owner or the owner's agent.

13 (2) Certified mail, addressee only, return receipt  
14 requested, to the owner at the owner's last known address.

15 (3) Posting notice at or upon the property after  
16 reasonable attempts to give personal notice pursuant to  
17 paragraphs (1) and (2) have failed.

18 Section 2507-A. Benefits and damages.

19 In any proceeding in which damages to property are being  
20 sought as a result of a public improvement for which an  
21 assessment of benefits has been made, the excess of damages over  
22 benefits, the excess of benefits over damages or nothing in case  
23 the benefits and damages are equal, shall be awarded to or  
24 assessed against the owner of land and property affected by the  
25 public improvement. Damages shall be calculated pursuant to 26  
26 Pa.C.S. (relating to eminent domain).

27 Section 2508-A. Payment of assessments in installments.

28 (a) Authorization.--An ordinance providing for a public  
29 improvement, the expense of which is to be defrayed by an  
30 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



1 instituting a civil action.

2 (e) Advance payments.--A property owner upon whom an  
3 assessment has been made may pay all or as many of the  
4 installments before they are due, with interest and costs to the  
5 due date of the next installment.

6 Section 2509-A. Collection of assessments.

7 (a) Authority.--The board of commissioners shall have the  
8 power to authorize the township treasurer or other township  
9 official to collect assessments.

10 (b) Procedure.--The following shall apply to the collection  
11 of assessments:

12 (1) A township may collect an assessment that remains  
13 unpaid for 60 days after personal notice was given pursuant  
14 to section 2506-A unless an installment agreement has been  
15 entered into pursuant to section 2508-A.

16 (2) An assessment made under this article may be  
17 collected in the same manner as municipal claims under the  
18 Municipal Claim and Tax Lien Law or by instituting a civil  
19 action against the owner of the benefited property.

20 (3) Interest on an unpaid assessment shall begin to  
21 accrue from the time of completion of the improvement at a  
22 rate not to exceed 6% per year unless a bond is issued for  
23 the improvement, in which case the maximum interest rate  
24 shall be pursuant to section 9 of the Municipal Claim and Tax  
25 Lien Law.

26 (4) If a property owner has two or more lots against  
27 which there is an assessment for the same improvement, all of  
28 the lots may be embraced in one claim.

29 (5) Assessments, whether paid one time or by  
30 installments, shall be payable at the office of the township.



1 treasurer or any other place designated by ordinance.

2 Section 134. Article XXVI of the act is repealed:

3 [ARTICLE XXVI

4 REVOLVING FUND FOR STREET AND

5 SEWER IMPROVEMENTS

6 Section 2601. Special Tax; Bond Issue.--The several  
7 townships are hereby empowered to levy and collect annually a  
8 tax upon all property, taxable for township purposes, not to  
9 exceed five mills on the dollar in any one year, for the purpose  
10 of creating and maintaining a revolving fund, to be used by such  
11 township in making permanent street, sidewalk, water lines, or  
12 sewer improvements, and to pay contract prices for permanent  
13 street, sidewalk, water lines, or sewer improvements, prior to  
14 the collection of the cost and expense, or any part thereof,  
15 from the property owners adjoining or abutting thereon by such  
16 townships under existing laws. Any such revolving fund may also  
17 be begun by funds raised by the issuance of bonds of the  
18 township, in the manner provided by law, for the making of  
19 permanent street, sidewalk, water lines, and sewer improvements.

20 Section 2602. Repayments into Revolving Fund.--When the cost  
21 and expense, or any part thereof, of the construction of any  
22 permanent street, sidewalk, or sewer improvement, which has been  
23 made under existing laws, and which has been aided in its  
24 construction from the said revolving fund hereby provided for,  
25 shall have been assessed and collected from the owners of the  
26 property adjoining or abutting upon such improvement, it shall  
27 be applied to the credit of the said revolving fund, to the  
28 extent of the withdrawal therefrom for such purpose.]

29 Section 135. Article XXVII heading and section 2701 of the  
30 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.



1 Section 136. The act is amended by adding sections to read:

2 Section 2701.1. Public Utility Law Saved.--Nothing contained  
3 in this article shall be construed to repeal or to supersede any  
4 of the provisions of 66 Pa.C.S. (relating to public utilities).

5 Section 2701.2. Rates.--(a) For water supplied by the  
6 township, the board of commissioners shall fix the rates charged  
7 to users of water or to owners whose properties are connected to  
8 the water system. The board of commissioners shall provide for  
9 the collection of the water rates. The rates shall be in  
10 addition to the cost of making any connections under section  
11 2707. In the case of users outside the township, the fixing of  
12 rates shall be subject to, and in accordance with, applicable  
13 law and the rules and regulations of the Pennsylvania Public  
14 Utility Commission.

15 (b) The initial imposition of the rate imposed under  
16 subsection (a) shall be established by ordinance. Any subsequent  
17 rate adjustments may be by resolution provided that the  
18 ordinance establishing the rate allows for future rate  
19 adjustments by resolution adopted at a public meeting. This  
20 subsection shall not be construed to invalidate or void any rate  
21 imposed or adjusted prior to the effective date of this section.

22 Section 137. Sections 2702, 2703 and 2704 of the act are  
23 amended to read:

24 Section 2702. [State Permit.--A township making such  
25 contract may, by ordinance, provide and regulate and protect a  
26 system of distribution of the water, after a certified copy of  
27 the plans and surveys for such system, with a description of the  
28 sources from which it is proposed to derive the supply, are  
29 filed with the Department of Health and Water Power Resources  
30 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.

(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



1 legal incapacity. The condition of the bond shall be that the  
2 township shall pay or cause to be paid such amount of damages as  
3 the party shall be entitled to receive after the same shall have  
4 been agreed upon or assessed in the manner provided in the  
5 following sections of this article.

6 In case the party or parties claiming damages refuse or do  
7 not accept the security so tendered, the township shall give the  
8 party, his or their agent, attorney, guardian, or committee, at  
9 least ten days' written notice of the time when the same will be  
10 presented to the court of common pleas for approval.

11 Thereafter the township may present its bond to the court,  
12 and when approved, the bond shall be filed in court for the  
13 benefit of those interested. Recovery may be had thereon for the  
14 amount of damages finally determined, if the same is not paid or  
15 cannot be collected by execution on the judgment in the issue  
16 formed to try the question. Upon the approval of such security,  
17 the township may enter into possession.] shall proceed pursuant  
18 to 26 Pa.C.S. (relating to eminent domain).

19 Section 138. Section 2705 of the act is repealed:

20 [Section 2705. Appointment of Viewers.--In case the  
21 compensation for damages accruing from such taking, injury or  
22 destruction has not been agreed upon by parties in interest, the  
23 court of common pleas, or any law judge thereof in vacation, on  
24 application thereto by the township or any person interested in  
25 the property, shall appoint three members of the board of  
26 viewers of the county who shall assess the damages, as provided  
27 in this act for eminent domain proceedings.]

28 Section 139. Sections 2706 and 2707 of the act are amended  
29 to read:

30 Section 2706. [Water Districts; Application of Taxpayers.--



1 Whenever the taxpayers of any section of a township whose  
2 property valuation, as assessed for taxable purposes within such  
3 section, shall amount to fifty percent of the total property  
4 valuation, as assessed for taxable purposes within such section,  
5 shall, by petition, so request, the commissioners of such  
6 township shall constitute such section into a water district or  
7 divide it into several water districts. In every such case of  
8 division into several districts, the commissioners shall  
9 determine the proportion of the cost of the water system which  
10 should equitably be charged on each of said districts and  
11 declare and establish such apportionment by resolution. No  
12 district shall be charged with more than its due proportion of  
13 the cost of the main pipe lines used jointly by more than one  
14 district.] Water Districts.--The board of commissioners may  
15 designate, define and create one or more water districts within  
16 the township, and the board of commissioners shall determine the  
17 proportion of the cost of the water system which shall be  
18 equitably charged on each district and declare and establish the  
19 apportionment by resolution. No district shall be charged with  
20 more than its due proportion of the cost of the main pipe lines,  
21 pumping stations or other parts of the water system used jointly  
22 by more than one district.

23 Section 2707. [Connection to Water Supply System.--The  
24 commissioners may require that abutting property owners of a  
25 water supply system connect with and use the same except those  
26 industries and farms who have their own supply of water for uses  
27 other than human consumption. In case any owner of property  
28 except those previously excepted abutting such water system  
29 shall neglect or refuse to connect with and use said system for  
30 a period of ninety days after notice to do so has been served



1 upon him by the commissioners, either by personal service or  
2 registered mail, said commissioners or their agents, may enter  
3 upon such property and construct such connection. In such case  
4 the commissioners shall forthwith, upon completion of the work,  
5 send an itemized bill of the cost of construction of such  
6 connection to the owner of the property to which connection has  
7 been made, which bill shall be payable forthwith, or the  
8 commissioners may authorize the payment of the cost of  
9 construction of connections in equal monthly installments; said  
10 installments shall bear interest at a rate not to exceed seven  
11 per centum per annum.] Connection to Water System.--(a) The

12 board of commissioners may, by ordinance, require that a  
13 property owner connect with and use a water system of the  
14 township or municipal authority or a joint water system in  
15 either of the following cases:

16 (1) Except as provided in subsection (b), if the nearest  
17 property line is located within one hundred fifty feet of a  
18 water system or any part or extension of the system.

19 (2) If the property has no supply of water which is safe for  
20 human consumption.

21 (b) With respect for water supplied for human consumption, a  
22 property owner who, after the effective date of this subsection,  
23 is subject to mandatory connection pursuant to subsection (a)  
24 (1), shall not be required to connect to the water system  
25 pursuant to that subsection if all of the following conditions  
26 exist:

27 (1) The water system or part or extension of the system that  
28 is within one hundred fifty feet of the nearest property line  
29 was in existence on the effective date of this subsection.

30 (2) The property has its own supply of water which is safe



1 for human consumption.

2 (3) Prior to the effective date of this subsection, the  
3 property owner was not required to connect to the existing  
4 system.

5 (c) Those industries and farms which have their own supply  
6 of water for uses other than human consumption through installed  
7 and operating wells existing prior to the effective date of this  
8 subsection may continue to use their preexisting wells for that  
9 purpose but are required to use the water system of the township  
10 or municipal authority to provide water for human consumption.

11 (d) A township may require any owner of property to install  
12 and maintain a backflow prevention device based on the degree of  
13 potential hazard of the connected property in accordance with  
14 other applicable law.

15 (e) A township may assess penalties for the violation of  
16 ordinances pertaining to water connections or backflow  
17 prevention devices.

18 (f) (1) A township may, by ordinance, impose and charge  
19 certain fees to property owners who desire or are required to  
20 connect to the water system owned or operated by the township, a  
21 municipal authority or a joint water board or who desire to  
22 increase their usage of the water system.

23 (2) The fees in paragraph (1) may be a connection fee, a  
24 customer facilities fee, a tapping fee and other similar fees as  
25 enumerated and calculated under 53 Pa.C.S. § 5607(d) (24)  
26 (relating to purposes and powers).

27 (3) The tapping fee may include a reimbursement part as  
28 provided in 53 Pa.C.S. § 5607(d) (24) (IV) to be refunded to the  
29 private person or corporation who paid for the construction of  
30 the water system or any part or extension thereof.



1     (g) (1) If any property owner required under subsection (a)  
2 to connect with and use the system fails to do so within ninety  
3 days after notice to do so has been served by the board of  
4 commissioners, either by personal service or registered mail,  
5 the board of commissioners or their agents may enter the  
6 property and construct the connection.

7     (2) The board of commissioners shall send an itemized bill  
8 of the cost of construction of the connection to the owner of  
9 the property to which connection has been made, which bill is  
10 payable immediately, or the board of commissioners may authorize  
11 the payment of the cost of construction of connections in equal  
12 monthly installments and the installments shall bear interest at  
13 a rate not to exceed six per cent.

14     Section 140. Section 2708 of the act is repealed:

15     [Section 2708. Connection to Water Supply System of  
16 Municipality Authorities.--Whenever a water supply system is or  
17 shall have been established or constructed by a municipality  
18 authority within a township of the first class, the township  
19 commissioners shall be empowered by ordinance, to compel all  
20 owners of property abutting thereto to make connection  
21 therewith. The commissioners may, by ordinance, impose penalties  
22 to enforce any regulation or order they may ordain with  
23 reference to any water connections. In case any owner, other  
24 than those excepted in section 2707 of this act, of property  
25 shall neglect or refuse to connect with said water system for a  
26 period of ninety days after notice to do so has been served upon  
27 him by the commissioners, either by personal service or by  
28 registered mail, the commissioners or their agents may enter  
29 upon such property and construct such connection. In such case,  
30 the commissioners shall forthwith, upon completion of the work,





1 send an itemized bill of the cost of the construction of such  
2 connection to the owner of the property to which connection has  
3 been made, which bill shall be payable forthwith, or the  
4 commissioners may authorize the payment of the cost of  
5 construction of connections in equal monthly installments, to  
6 bear interest at a rate not exceeding seven per centum per  
7 annum.]

8 Section 141. Sections 2709 and 2709.1 of the act are amended  
9 to read:

10 Section 2709. Cost of Connection; Where Payable.--The cost  
11 of construction of connections shall be payable immediately at  
12 the office designated by the [township] board of commissioners,  
13 or if authorized by the board of commissioners, in monthly  
14 installments, with interest from the date of completion of the  
15 construction of the connection.

16 Section 2709.1. Default in Payment of Installment.--In case  
17 of default in the payment of any installment and interest for a  
18 period of sixty days after the same [shall] has become due, the  
19 entire cost of construction of the connection and accrued  
20 interest shall become due[; and, the township solicitor shall  
21 proceed to collect the same under the general laws relating to  
22 the collection of municipal claims.] and the township may  
23 collect the unpaid cost of construction of the connection and  
24 accrued interest from the owner by a municipal claim or in an  
25 action of assumpsit.

26 Section 142. Section 2709.2 of the act is repealed:

27 [Section 2709.2. Entry of Liens.--In case of neglect or  
28 refusal by the owner of such property to pay said bill or in  
29 case of installment payment, it shall be the duty of the  
30 township commissioners to file municipal liens for said



1 construction within six months of the date of completion of the  
2 construction of such connection, the same to be subject in all  
3 respects to the general law providing for the filing and  
4 recovery of municipal liens.]

5 Section 143. Subdivision (b) heading of Article XXVII and  
6 sections 2710, 2711, 2712, 2701-A, 2702-A, 2703-A, 2704-A, 2705-  
7 A, 2801, 2802, 2803, 2804, 2805, 2806, 2901, 2910, 2911, 2912,  
8 3001, 3009, 3010, 3011, 3012, 3013, 3014, 3020, 3021, 3022,  
9 3023, 3024, 3025, 3026, 3027 and 3027.1 of the act are amended  
10 to read:

11 (b) [Construction, Acquisition and Maintenance of Waterworks  
12 in Connection with Municipalities] Joint Water System

13 Section 2710. [Joint Maintenance of Works with  
14 Municipality.--Any township may unite with a city, borough or  
15 township in the construction or acquisition and maintenance of  
16 works for the supply of water.] Joint Construction, Acquisition  
17 or Maintenance.--Any township may join with one or more  
18 municipal corporations in the construction or acquisition and  
19 maintenance of a water system.

20 Section 2711. [State Permits.--The construction of such  
21 waterworks shall be commenced only after plans for such  
22 waterworks have been filed with Department of Health and Water  
23 and Power Resources Board and permits issued in accordance with  
24 law.] Permits.--The construction of a water system shall be  
25 commenced only after plans for the water system have been filed  
26 with the Department of Environmental Protection and, if required  
27 by law, other Federal or State entities and permits issued in  
28 accordance with law.

29 Section 2712. [Commission of Waterworks.--Whenever any  
30 township unites with a municipality in the construction or



1 acquisition and maintenance of waterworks, the commissioners of  
2 such township, after the passage of an ordinance or resolution  
3 to that effect, may join with the councils of such other  
4 municipality and apply to the court of common pleas for the  
5 appointment of a commission of waterworks. Such commission shall  
6 be composed of citizens of each of the municipalities and  
7 townships so uniting.] Joint Commission.--(a) The municipal

8 corporations joining in the construction or acquisition and  
9 maintenance of a water system may, by ordinance, provide for the  
10 appointment of a joint commission of a water system in order to  
11 facilitate the construction, operation and maintenance of the  
12 water system and to secure preliminary surveys and estimates.

13 (b) The joint commission shall act generally as the advisory  
14 and administrative agency in the construction of the improvement  
15 and its subsequent operation and maintenance.

16 (c) The joint commission shall be composed of one  
17 representative, or alternatively an equal number of  
18 representatives, from each of the joining municipal  
19 corporations. The members of the joint commission shall serve  
20 for terms of six years each from the dates of their respective  
21 appointments and until their successors are appointed.

22 (d) The joint commission shall organize by the election of a  
23 chairperson, secretary and treasurer. The secretary and  
24 treasurer may be the same person.

25 (e) The municipal corporations may, in the ordinances  
26 creating the joint commission, authorize the joint commission to  
27 appoint an engineer, a solicitor and other assistants as are  
28 deemed necessary, and agree to share the compensation costs for  
29 members who attend its meetings as shall be fixed in the budget  
30 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



1 hydroelectric generating facility at such price as may be agreed  
2 upon by the township and the person, copartnership or a majority  
3 of the stockholders of a corporation that owns such facilities.]  
4 to manufacture electricity by hydroelectric generation. Any  
5 township may purchase a hydroelectric generating facility at the  
6 price agreed upon by the township and the person, partnership or  
7 a majority of the stockholders of a corporation that owns the  
8 facilities.

9 Section 2705-A. Submission to Electors.--Before any township  
10 [~~shall construct or purchase~~] constructs or purchases a  
11 hydroelectric generating facility, the question of the increase  
12 of the debt of the township shall first be submitted to the  
13 qualified voters of the township in the manner provided by law  
14 for the increase of indebtedness of municipal corporations.

15 Section 2801. [~~Town Hall.--The commissioners of townships~~  
16 ~~may procure a suitable lot of ground, and erect a suitable~~  
17 ~~building thereon for a townhouse in which to hold elections,~~  
18 ~~store road machinery, hold meetings of township officers, and~~  
19 ~~for other township uses. For the purpose of procuring a lot of~~  
20 ~~ground and erecting a town hall, the commissioners may borrow~~  
21 ~~money at a rate of interest not exceeding six per centum and~~  
22 ~~issue bonds therefor.]~~ Township Buildings.--The board of  
23 commissioners may procure by purchase, gift, exchange or the  
24 exercise of eminent domain a lot or lots of ground located  
25 within the township, and erect or use buildings thereon for  
26 township purposes.

27 Section 2802. [~~Unloading and Warehouses.--The commissioners~~  
28 ~~may purchase or lease land adjacent to the tracks or right of~~  
29 ~~way of any railroad or street railway, within or without the~~  
30 ~~limits of such township, and erect thereon suitable unloaders,~~



1 warehouses, or other buildings as may be necessary for  
2 unloading, handling, and storing road materials and supplies.]

3 Garages and Warehouses.--The board of commissioners may purchase  
4 or lease land inside or outside the limits of the township, and  
5 erect garages, warehouses or other buildings as may be necessary  
6 for handling and storing equipment, materials and supplies.

7 Section 2803. Appropriation of Property.--[Townships may  
8 enter upon and appropriate private property and also land  
9 heretofore granted or dedicated to public or other use within  
10 the limits of such township, and which is no longer used for the  
11 purpose for which the same was granted or dedicated, for the  
12 erection thereon of a town hall, fire house, lockup, and such  
13 other public buildings as are necessary for public purposes.

14 No land or property used for any cemetery, burying ground,  
15 public or parochial school, educational or charitable  
16 institution, seminary, or place of public worship shall be taken  
17 or appropriated by virtue of any power contained in the  
18 preceding paragraph.] (a) Townships may enter upon and

19 appropriate private property and also land previously granted or  
20 dedicated to public or other use within the limits of the  
21 township, and which is no longer used for the purpose for which  
22 the same was granted or dedicated, for the erection thereon of a  
23 municipal building, fire house, lockup, and other public  
24 buildings as are necessary for public purposes.

25 (b) Notwithstanding subsection (a), no land or property used  
26 for any cemetery, burying ground, public or parochial school,  
27 educational or charitable institution, seminary, or place of  
28 public worship shall be taken or appropriated.

29 Section 2804. Ordinance of Commissioners.--Whenever the  
30 [commissioners desire to acquire, enter upon, take, use, and



1 appropriate private property or lands for public buildings, they  
2 shall declare such intention by an ordinance duly enacted.]  
3 board of commissioners desire to acquire, enter upon, take, use,  
4 and appropriate private property or lands for public buildings,  
5 they shall declare their intention by ordinance.

6 Section 2805. Assessment of Damages.--The compensation and  
7 damages arising from [such taking, using, and appropriating of  
8 private property for such purposes shall be considered,  
9 ascertained, determined, awarded, and paid in the manner  
10 provided in this act for eminent domain proceedings.] taking,  
11 using and appropriating of private or public property for  
12 township purposes shall be pursuant to 26 Pa.C.S. (relating to  
13 eminent domain).

14 Section 2806. Use of Public Lands Acquired for other  
15 Purposes.--Whenever the [commissioners desire to take any lands  
16 heretofore granted or dedicated to a use or purpose for which  
17 they are no longer used, they shall pass an ordinance declaring  
18 such intention, and shall thereupon petition the court of common  
19 pleas for leave to file the bond of such township for the  
20 purpose of securing any person or persons who may be injured by  
21 the taking of such lands. The court shall thereupon direct  
22 notice to be given by publication in at least two newspapers of  
23 the county. If no exceptions are filed to the bond on or before  
24 the day fixed in the notice, the court shall approve the same.  
25 The court may increase the amount of the bond, and hear and  
26 determine all exceptions that are filed against the approval  
27 thereof. Upon the approval of such bond, the commissioners may  
28 enter upon and take such lands for the purposes of erecting  
29 public buildings. The bond, which shall be in the name of the  
30 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 desire 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





1 of any such business until or unless the license required by  
2 such ordinance has been procured from the proper authorities by  
3 the person, firm, or corporation desiring to commence such  
4 transient retail business; and to enforce such ordinances by  
5 penalties, not exceeding three hundred dollars or by other  
6 appropriate means. The amount of any such license shall not  
7 exceed two hundred dollars for each month or fractional part  
8 thereof, during which any such sale is continued.

9 Nothing contained in this section shall be construed to apply  
10 to (1) farmers selling their own produce, or (2) to the sale of  
11 goods, wares, and merchandise, donated by the owners thereof,  
12 the proceeds whereof are to be applied to any charitable or  
13 philanthropic purpose, or (3) to any manufacturer or producer in  
14 the sale of bread and bakery products, meat and meat products,  
15 or milk and milk products.] Licensing Transient Retail

16 Business.--(a) A township may, by ordinance, regulate and  
17 license transient retail merchants engaged in any transient  
18 retail business within the township. The ordinance may prohibit  
19 the commencement or doing of any transient retail business until  
20 or unless the license required by the ordinance has been  
21 obtained from the township by the person, firm or corporation  
22 desiring to commence the transient retail business. The  
23 ordinance may be enforced by penalties, not exceeding three  
24 hundred dollars for a violation of its provisions and may  
25 provide for other means of enforcement.

26 (b) The board of commissioners may establish license fees  
27 for businesses regulated under this section. The license fees  
28 shall bear a reasonable relationship to the cost of  
29 administering the ordinance and regulating, inspecting and  
30 supervising each business.



1 (c) Nothing contained in this section shall be construed to  
2 apply to any of the following:

3 (1) farmers selling their own produce;

4 (2) any person selling personal property, donated by the  
5 owners, if the proceeds of the sale are to be applied to a  
6 charitable or philanthropic purpose; or

7 (3) any manufacturer or producer in the sale of bread and  
8 bakery products, meat and meat products, or milk and milk  
9 products.

10 Section 2910. [Agents for Licensed Dealers not to be  
11 Licensed.--It shall be unlawful for any township to levy any  
12 license fee or mercantile tax upon any persons taking orders for  
13 merchandise, by sample, from dealers or merchants for  
14 individuals or companies who pay a license or mercantile tax at  
15 their chief places of business. Nothing in this section shall  
16 authorize any person to sell by retail to other than dealers or  
17 merchants.] Persons Taking Orders by Samples.--A township may  
18 not impose, levy or collect a license fee or mercantile tax upon  
19 a person that takes, by sample, from a dealer or merchant an  
20 order for merchandise on behalf of an individual or company that  
21 pays a license fee or mercantile tax at the individual's or  
22 company's chief place of business. Nothing in this section shall  
23 authorize a person to sell by retail to a person other than a  
24 dealer or merchant without payment of a license or permit fee.

25 Section 2911. [Insurance Agents and Brokers not to be  
26 Licensed.--It shall be unlawful for any township to impose or  
27 collect any license fee upon insurance companies, or their  
28 agents, or insurance brokers, authorized to transact business  
29 under the Insurance Laws of this Commonwealth.] Insurance  
30 Business.--A township may not impose or collect a license fee



1 upon an insurance company, including an agent, or an insurance  
2 broker, authorized to transact business under the act of May 17,  
3 1921 (P.L.682, No.284), known as "The Insurance Company Law of  
4 1921."

5 Section 2912. License Fees on Residents not to Exceed those  
6 on Nonresidents.--[It shall be unlawful for any township to  
7 impose by ordinance, or exact or collect under the provisions of  
8 any ordinance heretofore or hereafter enacted, any license tax  
9 or fee upon or from any manufacturer, or the agent,  
10 representative, or employe of any manufacturer, who is a  
11 resident of the Commonwealth, for soliciting orders for or for  
12 selling any goods, merchandise, or wares manufactured within  
13 this Commonwealth that is not or cannot legally be imposed upon  
14 or enacted or collected from any manufacturer or dealer, or the  
15 agent, representative, or employe of any manufacturer, who is a  
16 nonresident of the Commonwealth, for soliciting orders for or  
17 for selling any goods, merchandise, or wares manufactured  
18 without the Commonwealth.] A township may not enact an ordinance  
19 imposing a license fee upon a manufacturer, including an agent,  
20 representative, or employe of any manufacturer, who is a  
21 resident of the Commonwealth and solicits orders for or sells  
22 personal property manufactured within this Commonwealth if the  
23 township could not legally impose the same license fee upon a  
24 manufacturer, including an agent, representative or employee,  
25 that is a nonresident of the Commonwealth and solicits orders  
26 for or sells personal property manufactured outside this  
27 Commonwealth.

28 Section 3001. Acquisition of Lands and Buildings.--(a)  
29 Townships may, separately or jointly, by ordinance dedicate and  
30 set apart lands not dedicated to other public uses or purposes,



1 and may enter upon, appropriate, and acquire[, ] by gift, devise,  
2 purchase, lease or otherwise, private property[, ] for the  
3 purpose of making, enlarging, and maintaining public parks,  
4 recreation areas and facilities.

5 [Townships may construct and equip new facilities upon such  
6 lands and may levy and collect such taxes or special taxes as  
7 may be necessary to pay for the same and make appropriations for  
8 the construction, improvement, maintenance, care, regulation and  
9 government of the same. All the costs and expenses relative to  
10 any such property required by two or more townships jointly  
11 shall be paid by the respective townships in such proportions as  
12 may be agreed upon by the commissioners thereof.]

13 Townships may likewise acquire private property within the  
14 limits of another township, borough or city for the purpose  
15 designated in this section, if the other township, borough or  
16 city shall by ordinance signify its consent thereto.]

17 (b) Townships may construct and equip new facilities upon  
18 such lands and may levy and collect general taxes, or special  
19 taxes pursuant to section 1709(a)(9), as necessary to pay for  
20 the same and may make appropriations for the construction,  
21 improvement, maintenance, care, regulation and government of the  
22 same.

23 (c) No township, acting individually or jointly, may acquire  
24 private property within the limits of another municipal  
25 corporation for the purposes designated in this section without  
26 the consent of the governing body of the municipal corporation  
27 in which the property is located.

28 Section 3009. Creation of Recreation Board.--(a) Townships  
29 may improve, maintain, and regulate public parks, recreation  
30 areas, and facilities and conduct recreation programs.



1 [The authority to supervise, maintain and regulate parks,  
2 recreation areas and facilities may be vested in any existing  
3 body or board or in a park board or recreation board, as the  
4 township commissioners may determine. The township commissioners  
5 may equip, operate and maintain the parks, recreation areas and  
6 facilities as authorized by this act and shall for the purpose  
7 of carrying out the provisions of this act, employ play leaders,  
8 recreation directors, supervisors, superintendents, or any other  
9 officers or employes as they deem proper.]

10 If the township commissioners shall determine that the power  
11 to equip, operate and maintain parks, recreation areas and  
12 facilities shall be placed in a recreation board, such board  
13 shall possess all the powers and be subject to all the  
14 responsibilities of the commissioners under this article. In  
15 such case, the recreation board shall exercise its powers and  
16 duties in establishing standards, qualifications and salary  
17 schedules, to be approved by the commissioners, for all  
18 classifications of recreation employees. Whenever boroughs,  
19 cities, counties, townships, school districts, or any of them,  
20 wish to develop a cooperative plan of recreation service with a  
21 township, the recreation board shall have the power to adjust  
22 the personnel, standards, qualifications and salary schedules as  
23 established, to be approved by the commissioners, to meet the  
24 terms of a joint operation agreed upon.]

25 (b) The authority to supervise, maintain and regulate parks,  
26 recreation areas and facilities may be vested in any existing  
27 body or board or in a park board or recreation board, as the  
28 board of commissioners may determine. The board of commissioners  
29 may equip, operate and maintain the parks, recreation areas and  
30 facilities as authorized by this act and shall for the purpose



1 of carrying out the provisions of this act, employ any officers  
2 or employees as they deem proper.

3 (c) If the board of commissioners determine that the power  
4 to equip, operate and maintain parks, recreation areas and  
5 facilities shall be exercised by a recreation board, the board  
6 of commissioners may, by ordinance, establish in the township a  
7 recreation board which shall possess those powers and duties as  
8 may be delegated to it by ordinance.

9 Section 3010. Composition of Park or Recreation Boards.--  
10 [Park or recreation boards, when established, shall consist of  
11 five or seven persons, and when established in a township having  
12 a school board, two of the members shall be members or  
13 appointees of the school board. The other members of such boards  
14 shall be appointed by the commissioners of such township. The  
15 members of the board shall serve for terms of five years or  
16 until their successors are appointed, except that the members of  
17 such board first appointed shall be appointed for such terms  
18 that the terms of not more than two members shall expire  
19 annually thereafter. Members of such board shall serve without  
20 pay. All persons so appointed shall serve their full terms  
21 unless they shall voluntarily resign or be removed by the  
22 township commissioners for malfeasance or nonfeasance of duty.  
23 Vacancies in such board, occurring otherwise than by expiration  
24 of term, shall be filled for the unexpired term, in the same  
25 manner as original appointments.] (a) Park or recreation

26 boards, when established, shall consist of five or seven persons  
27 who are residents of or property owners in the township and  
28 shall be appointed by the board of commissioners.

29 (b) The members of the park or recreation board shall serve  
30 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.





1     (b) The board of commissioners may annually appropriate and  
2 raise by general or special taxation an amount necessary for the  
3 purpose of maintaining and operating the parks, recreation areas  
4 and facilities and programs.

5     Section 3013. Joint Ownership and Maintenance.--[Townships  
6 may, jointly with cities, counties, boroughs, other townships of  
7 either class, or any combination or number of such units,  
8 acquire property for, operate and maintain, any parks, public  
9 recreation areas and facilities. Any school district may join  
10 with the township in equipping, operating and maintaining parks,  
11 public recreation areas and facilities and may appropriate money  
12 therefor.] (a) Any township may join or create, with one or

13 more municipalities, a joint recreation board in accordance with  
14 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental  
15 cooperation). The joint recreation board may acquire property  
16 for and operate and maintain, any parks, public recreation areas  
17 and facilities. Any school district may join with the township  
18 in equipping, operating and maintaining parks, public recreation  
19 areas and facilities and may appropriate money therefor.

20     (b) All the costs and expenses of the joint recreation  
21 board, including those relative to property jointly acquired,  
22 shall be paid for by the respective municipalities as specified  
23 in the intergovernmental cooperation agreement.

24     Section 3014. Issue of Bonds.--The township may incur  
25 indebtedness and may issue general obligation bonds for the  
26 purpose of acquiring lands or buildings for parks and recreation  
27 areas and the equipment thereof in accordance with 53 Pa.C.S.  
28 Pt. VII Subpt. B (relating to indebtedness and borrowing).

29     Section 3020. Right of Establishment.--Townships may [by  
30 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



1 the township, and is authorized to plant, remove, maintain, and  
2 protect shade trees on the public streets and highways in the  
3 township.] Shade Tree Commission.--Except as provided in section  
4 2070, the shade tree commission shall have exclusive custody and  
5 control of the shade trees in the township, and is authorized to  
6 plant, remove, maintain and protect shade trees on the public  
7 streets and highways in the township.

8 Section 3024. Hiring of Employees; [Legislative Power of  
9 Commission.--The commission may, with the approval of the  
10 township commissioners, employ and pay such superintendents,  
11 engineers, foresters, tree wardens, or other assistants, as the  
12 proper performance of the duties devolving upon it shall  
13 require, and may make, publish and enforce regulations for the  
14 care and protection of the shade trees of the township. No such  
15 regulation shall be in force until it has been approved by the  
16 township commissioners, and until it has been published at least  
17 twice in not more than two newspapers of general circulation in  
18 the township, and if no newspapers are published in the  
19 township, then in such newspapers circulating in the township.]

20 Regulations.--The shade tree commission may, with the approval  
21 of the board of commissioners, select, employ and discharge and  
22 pay persons to perform the duties and directions of the shade  
23 tree commission and make, publish and enforce regulations for  
24 the care and protection of the shade trees of the township. No  
25 regulations shall be in force until approved by the board of  
26 commissioners and until published at least once in a newspaper  
27 of general circulation in accordance with the provisions of  
28 section 110.

29 Section 3025. Report of [Commission.--The shade tree  
30 commission shall annually report in full, to the township



1 commissioners, its transactions and expenses for the last fiscal  
2 year of the township. The park commission may incorporate such  
3 transactions and expenses in its regular report to the township  
4 commissioners.] Shade Tree Commission.--The shade tree  
5 commission shall annually report in full to the board of  
6 commissioners its transactions and expenses for the preceding  
7 fiscal year of the township. The park commission may incorporate  
8 the transactions and expenses in its regular report to the board  
9 of commissioners.

10 Section 3026. Notice of [Commission's Activities; Planting  
11 or Removal of Shade Trees.--Whenever any shade tree commission  
12 or park commission proposes to plant, transplant, or remove  
13 shade trees on any street or highway, notice of the time and  
14 place of meeting, at which such work is to be considered, shall  
15 be given in not more than two newspapers of general circulation  
16 in the township, and if no newspapers are published in the  
17 township, then in such newspapers circulating in the township,  
18 once a week for two weeks, immediately preceding the time of the  
19 meeting. The notice shall specify in detail the streets or  
20 highways, or portions thereof, upon which trees are proposed to  
21 be so planted, replanted, or removed.] Work.--If a shade tree  
22 commission proposes to plant, transplant or remove shade trees  
23 on any street or highway, notice of the time and place of the  
24 meeting at which the work is to be considered shall be given  
25 once in one newspaper of general circulation immediately  
26 preceding the time of the meeting. The notice shall specify in  
27 detail the streets or highways, or portions thereof, upon which  
28 trees are proposed to be planted, transplanted or removed.

29 Section 3027. [Landholders Liability for Costs.--The cost of  
30 planting, transplanting, or removing any shade trees in the



1 streets or highways of the township, of the necessary and  
2 suitable guards, curbing, or grading for the protection thereof,  
3 and of the replacing of any pavement or sidewalk necessarily  
4 disturbed in the execution of such work, shall be paid by the  
5 owner of the real estate in front of whose property the work is  
6 done.

7 The amount each owner is to pay shall be ascertained and  
8 certified by the commission to the township commissioners and to  
9 the township treasurer.] Payment by Owners; Assessment.--(a)

10 The cost of planting, transplanting or removing any shade trees  
11 in the streets or highways of the township, of the necessary and  
12 suitable guards, curbing or grading for protection of the shade  
13 trees and of the replacing of any pavement or sidewalk  
14 necessarily disturbed in the execution of the work shall be paid  
15 by the owner of the real estate abutting the location of the  
16 work.

17 (b) In the event that the township undertakes the work  
18 described in this section, costs shall be assessed in accordance  
19 with Article XXV-A and if the benefit conferred method of  
20 assessment is used, the benefit conferred shall be no greater  
21 than actual costs.

22 Section 3027.1. Removal of Diseased [Trees.--The commission  
23 may, upon such notice as may be provided by ordinance, require  
24 owners of property to cut and remove trees afflicted with the  
25 Dutch elm or other disease which threatens to injure or destroy  
26 shade trees in the township, under regulations prescribed by  
27 ordinance. Upon failure of any such owner to comply with such  
28 notice, the township may cause the work to be done by the  
29 township and levy and collect the cost thereof from the owner of  
30 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,



1 and the expense of publishing the notice hereuntofore provided,  
2 shall be paid by the township.

3 The needed amount shall each year be certified by the shade  
4 tree commissioners to the township commissioners, and shall be  
5 drawn against as required by the commission, in the same manner  
6 as money appropriated for township purposes.

7 The township commissioners, instead of levying the tax  
8 authorized under the general tax levying powers of this act, may  
9 provide for the expense of caring for trees already planted and  
10 of publishing the notice, by appropriations equal to the amount  
11 certified to be required by the shade tree commission.] (a) The  
12 cost and expenses of caring for shade trees after planting, and  
13 the expense of publishing the notice required by this article  
14 shall be paid by the township.

15 (b) The shade tree commission shall annually certify the  
16 amount needed under this article to the board of commissioners.

17 (c) Instead of levying the tax authorized under the general  
18 tax levying powers of this act, the board of commissioners may  
19 provide for the expenses of caring for trees previously planted  
20 and publishing the notice, by appropriations equal to the amount  
21 certified to be required by the shade tree commission.

22 Section 3030. Penalties.--[The commission, to the extent as  
23 may be provided by ordinance of the township, may assess  
24 penalties for the violation of its regulations, and of this  
25 article so far as it relates to shade trees. Any penalty so  
26 assessed shall be a lien upon the real estate of the offender,  
27 and may be collected as municipal claims are collected.] (a) As  
28 provided by ordinance of the township, the shade tree commission  
29 may assess penalties for the violation of its regulations and  
30 this article relating to shade trees. Any penalty assessed shall





1 be a lien upon the real estate of the offender and may be  
2 collected as a municipal claim.

3 (b) All penalties or assessments imposed under this article  
4 shall be paid to the township treasurer to be kept in a separate  
5 fund and utilized only for the purposes authorized by this  
6 article.

7 Section 146. Section 3031 of the act is repealed:

8 [Section 3031. Disposition of Penalties.--All penalties or  
9 assessments imposed under this article shall be paid to the  
10 township treasurer, to be placed to the credit of the shade tree  
11 commission, subject to be drawn upon by the commission for the  
12 purposes of the preceding sections.]

13 Section 147. Section 3040 of the act is amended to read:

14 Section 3040. Right of Acquisition of Forest Lands.--  
15 [Townships may acquire, by purchase, gift, or lease, and hold  
16 tracts of land covered with forest or tree growth, or suitable  
17 for the growth of trees, and administer the same under the  
18 direction of the Department of Forests and Waters, in accordance  
19 with the practices and principles of scientific forestry, for  
20 the benefit of the township. Such tracts may be of any size  
21 suitable for the purpose, and may be located within or without  
22 the township limits.] A township may acquire by purchase, gift  
23 or lease tracts of land covered with forest or tree growth or  
24 suitable for the growth of trees for the benefit of the  
25 township, and administer the tracts in accordance with the  
26 practices and principles of scientific forestry. The tracts may  
27 be of any size suitable for the purpose and may be located  
28 within or without the township limits.

29 Section 148. Section 3041 of the act is repealed:

30 [Section 3041. Approval of Department of Forests and



1 Waters.--Before the passage of any ordinance for the acquisition  
2 of land to be used as township forests, the township  
3 commissioners shall submit to the Department of Forests and  
4 Waters, and secure its approval of, the area and location of  
5 such land.]

6 Section 149. Sections 3042, 3043, 3044, 3045, 3046, 3047 and  
7 3048 of the act are amended to read:

8 Section 3042. Ordinance and Notice.--[Whenever the township  
9 commissioners deem it expedient to acquire any lands for  
10 forests, they shall so declare in an ordinance, wherein shall be  
11 set forth all facts and conditions relating to the proposed  
12 action.] If the board of commissioners deems it expedient to  
13 acquire land for forests, it shall enact an ordinance setting  
14 forth the facts and conditions relating to the proposed action.

15 Section 3043. Appropriation for Acquisition.--[All money  
16 necessary for the purchase of such tracts shall be appropriated  
17 in the same manner as appropriations for township purposes, and  
18 such funds may be provided from the current revenue or by the  
19 proceeds of a sale of general obligation bonds in accordance  
20 with existing law.] Money necessary for the purchase of the  
21 tracts shall be appropriated in the same manner as  
22 appropriations for township purposes. Money may be provided from  
23 the current revenue or by the proceeds of a sale of general  
24 obligation bonds.

25 Section 3044. [Rules and Regulations.--Upon the acquisition  
26 of any forests or lands suitable for forests, the township  
27 commissioners shall notify the Department of Forests and Waters,  
28 which shall make such rules for the government and proper  
29 administration of the same as may be deemed necessary; and the  
30 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 in forest work.



1 Section 150. Article XXX-A heading and Article XXXI heading  
2 of the act are repealed:

3 [ARTICLE XXX-A

4 LAND SUBDIVISION

5 ARTICLE XXXI

6 ZONING]

7 Section 151. Sections 3103-A, 3105-A and 3106-A of the act  
8 is amended to read:

9 Section 3103-A. Changes in Uniform Construction Code.

10 The [township] board of commissioners may propose and enact  
11 an ordinance to equal or exceed the minimum requirements of the  
12 Uniform Construction Code in accordance with and subject to the  
13 requirements of section 503 of the Pennsylvania Construction  
14 Code Act. An ordinance exceeding the provisions of the Uniform  
15 Construction Code shall be required to meet the standards  
16 provided in section 503(j)(2) of the Pennsylvania Construction  
17 Code Act.

18 Section 3105-A. Property maintenance code.

19 (a) Property maintenance code.--Notwithstanding the primacy  
20 of the Uniform Construction Code, the [township] board of  
21 commissioners may enact a property maintenance ordinance, and  
22 they may incorporate a standard or nationally recognized  
23 property maintenance code, or a variation or change or part of  
24 the code, published and printed in book form, without  
25 incorporating the text of the code in the ordinance, or the  
26 board of commissioners may enact a standard or nationally  
27 recognized property maintenance code or a change or variation or  
28 part, as the ordinance. In either event, the ordinance, or a  
29 change or variation or part, need not be advertised after  
30 passage, but notice of its consideration, in reasonable detail,



1 shall be published as will give adequate notice of its contents  
2 and a reference to the place or places within the township where  
3 copies of the proposed property maintenance code may be examined  
4 or obtained. The notice required by this subsection shall be  
5 published once in one newspaper of general circulation at least  
6 one week and not more than three weeks prior to the presentation  
7 of the proposed property maintenance code to the board of  
8 commissioners. No fewer than three copies of the ordinance  
9 adopted by the board of commissioners shall be made available  
10 for public inspection and use during business hours or be made  
11 available to an interested party at the cost of the copies or  
12 may be furnished or lent without charge. A property maintenance  
13 code adopted by reference need not be recorded in or attached to  
14 the ordinance book but shall be deemed to have been legally  
15 recorded if the ordinance by which the code was adopted by  
16 reference shall have been recorded, with an accompanying  
17 notation stating where the full text of the code shall have been  
18 filed. The ordinance may provide for reasonable property fines  
19 and penalties for violations of the ordinance. The procedure  
20 under this section relating to the adoption of the ordinance may  
21 likewise be utilized in amending, supplementing or repealing a  
22 provision of the ordinance.

23 (b) Property maintenance inspectors.--The [township] board  
24 of commissioners may appoint property maintenance inspectors who  
25 shall have the right to enter upon and inspect any premises,  
26 subject to constitutional standards, at reasonable hours and in  
27 a reasonable manner for the administration and enforcement of  
28 the township's property maintenance code or ordinance  
29 incorporating a standard or nationally recognized property  
30 maintenance code. A fee payable to property maintenance



1 inspectors under the ordinance shall be promptly paid by them to  
2 the township treasurer for the use of the township.

3 (c) Legal actions.--In addition to the penalties provided by  
4 the property maintenance ordinance, the township may institute  
5 appropriate actions or proceedings at law or in equity to  
6 prevent or restrain property maintenance violations.

7 (d) Construction.--The powers of a township as provided in  
8 this section shall be in addition to, but not limited to, the  
9 powers provided in the act of November 26, 2008 (P.L.1672,  
10 No.135), known as the Abandoned and Blighted Property  
11 Conservatorship Act, 53 Pa.C.S. Ch. 61 (relating to neighborhood  
12 blight reclamation and revitalization) and 68 Pa.C.S. Ch. 21  
13 (relating to land banks).

14 Section 3106-A. Reserved powers.

15 If, as a result of legislative action or final order of court  
16 for which the time for appeal has expired and no appeal has been  
17 taken or from which there is no pending appeal, the Uniform  
18 Construction Code or a replacement code is no longer applicable  
19 in townships, the [township] board of commissioners may:

20 (1) Enact and enforce ordinances to govern and regulate  
21 the construction, reconstruction, alteration, extension,  
22 repair, conversion, maintenance, occupation, sanitation,  
23 ventilation, heating, egress, lighting, electrical wiring,  
24 water supply, toilet facilities, drainage, plumbing, fire  
25 prevention, fireproofing, including prescribing limitations  
26 wherein only buildings of noncombustible material and  
27 fireproofed roofs are used in construction, erection or  
28 substantial reconstruction, use and inspection of all  
29 buildings and housing or parts of buildings and housing and  
30 the roofs, walls and foundations of buildings and housing,



1 and all facilities and services in or about the buildings or  
2 housing constructed, erected, altered, designed or used, in  
3 whole or in part, for use or occupancy, and the sanitation  
4 and inspection of land appurtenant to the buildings or  
5 housing. The codes may be combined or separately enacted or  
6 combined with the property maintenance code. The [township]  
7 board of commissioners may adopt, amend or incorporate by  
8 reference a standard or nationally recognized code or a  
9 variation or change or part of the code as its ordinance in  
10 the manner provided in section 3105-A. The ordinance may  
11 provide for reasonable fines and penalties for violations of  
12 the ordinance.

13 (2) Require that, before work of construction,  
14 reconstruction, alteration, extension, repair or conversion  
15 of a building has begun, approval of the plans and  
16 specifications be secured.

17 (3) Appoint building inspectors, housing inspectors,  
18 property maintenance inspectors, fire prevention inspectors,  
19 electrical inspectors and plumbing inspectors and fix their  
20 compensation. The inspectors shall have the right to enter  
21 upon, subject to constitutional standards, and inspect a  
22 premises at reasonable hours and in a reasonable manner, for  
23 the administration and enforcement of the township's adopted  
24 codes or ordinances incorporating standard or nationally  
25 recognized codes. A fee payable to inspectors under the  
26 ordinances shall be paid by them to the township treasurer  
27 for the use of the township as promptly as may be.

28 (4) In addition to the penalties provided by ordinances,  
29 institute appropriate actions or proceedings at law or in  
30 equity to prevent or restrain the unlawful construction,





1 reconstruction, alteration, extension, repair, conversion,  
2 maintenance, use or occupation of property located within the  
3 township, to restrain, correct or abate the violation and to  
4 prevent the use or occupancy of the building, housing or  
5 structure.

6 Section 152. Article XXXII heading and Article XXXIII of the  
7 act are repealed:

8 [ARTICLE XXXII

9 TOWNSHIP PLANNING COMMISSION

10 ARTICLE XXXIII

11 ENFORCEMENT OF ORDINANCES

12 Section 3301. Proceedings for Violation of Township  
13 Ordinances.--All proceedings for the violation of township  
14 ordinances, and for the collection of fines and penalties, may  
15 be commenced by warrant or by summons, at the discretion of the  
16 justice of the peace before whom the proceeding is begun. No  
17 warrant shall be issued except upon complaint, on oath or  
18 affirmation, specifying the ordinance for the violation is  
19 issued. All proceedings shall be served and executed within the  
20 State by any policeman or constable of the township. Persons  
21 arrested for violation of a township ordinance shall be entitled  
22 to give bail for their appearance as provided for summary  
23 proceedings. Except where otherwise provided by law, warrants  
24 shall be returnable with the right of appeal from any final  
25 judgment as provided for summary proceedings,

26 Section 3302. Arrests on View; Complaints.--When any person  
27 is arrested on view, a complaint on oath or affirmation shall be  
28 immediately made, and proceedings as if a warrant is issued.

29 Section 3304. Incarceration of Violators of Township  
30 Ordinances; Collection of Fines and Penalties.--Any person



1 arrested for the violation of a township ordinance may be  
2 detained by the township pending a hearing or trial. In case  
3 there is no suitable detention facility or place to detain  
4 prisoners, the person arrested may be committed to the county  
5 jail or workhouse. Except where Sunday intervenes, no person  
6 shall be committed for a longer period than twenty-four hours  
7 without a hearing.

8 On default of the payment by a person of a fine, penalty or  
9 costs imposed by judgment or conviction in a summary proceeding  
10 or by proceedings by summons, the defendant may be sentenced and  
11 detained for a period not exceeding five days, or to the county  
12 jail or workhouse for a period not exceeding thirty days. No  
13 fine or penalty shall exceed three hundred dollars for any  
14 single violation of an ordinance. In case the defendant has  
15 goods or property of any kind whatsoever, out of which said  
16 judgment and costs can be collected by execution, capias, or  
17 other process, the plaintiff in the action may elect to proceed  
18 to collect the said judgment by the proceedings.

19 Section 3305. Township's Liability for Costs of Prisoners to  
20 County.--When a prisoner is committed to any county jail or  
21 workhouse, either for the nonpayment of a fine or penalty  
22 imposed for the violation of any ordinance of a township, or  
23 while awaiting a hearing upon any charge for the violation of  
24 any ordinance of a township, the costs of proceedings and the  
25 expenses of maintaining such prisoner during his confinement,  
26 shall be paid by the township whose ordinances were alleged to  
27 have been violated or to which any such fines or penalties are  
28 payable. The county shall not be liable for any maintenance or  
29 to any officer or persons for any costs.]

30 Section 153. The act is amended by adding an article to



1 read:

2 ARTICLE XXXIII-A

3 ORDINANCES

4 (a) General Provisions

5 Section 3301-A. Ordinances and resolutions.

6 (a) General rule.--The board of commissioners shall enact  
7 ordinances in accordance with this article and the laws of this  
8 Commonwealth in which the powers of the township shall be  
9 exercised as deemed beneficial to the township and to provide  
10 for the enforcement of the powers of the township. The board of  
11 commissioners may amend, repeal or revise existing ordinances by  
12 the enactment of subsequent ordinances.

13 (b) Ordinances.--Every legislative act of the board of  
14 commissioners shall be by ordinance. Legislative acts shall  
15 include, but not be limited to:

16 (1) Legislation doing any of the following:

17 (i) Exercising the police power of the township.

18 (ii) Regulating land use, development and  
19 subdivision.

20 (iii) Imposing building, plumbing, electrical,  
21 property maintenance, housing and similar standards.

22 (iv) Regulating the conduct of a person or entity  
23 within the township and imposing penalties for violation  
24 of the regulated conduct.

25 (2) Imposing assessments on benefited property for  
26 public improvements in accordance with Article XXV-A.

27 (3) Increasing the rate of taxation from the previous  
28 fiscal year.

29 (c) Resolutions.--The board of commissioners shall adopt  
30 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       (1) The newspaper in which the proposed ordinance is  
2 published shall, upon request, be furnished a copy of the  
3 full text without charge.

4       (2) The following shall apply:

5           (i) In addition to copies of the full text of the  
6 proposed ordinance retained where township records are  
7 kept in accordance with subsection (a), an attested copy  
8 of the full text shall be filed within 30 days after  
9 enactment in the county law library or other county  
10 office designated by the county commissioners.

11           (ii) The county commissioners may impose a fee not  
12 greater than the actual costs of storing the proposed  
13 ordinance.

14           (iii) Filing with the county may be completed by the  
15 submission of an electronic copy of the ordinance through  
16 a method available, in the sole discretion of the county,  
17 to permit receipt by the office storing municipal  
18 ordinances. No fee pursuant to clause (ii) shall be  
19 imposed for storing an electronic copy of an ordinance.

20           (iv) Upon request by the township, the county shall  
21 notify the township of the method by which electronic  
22 copies may be submitted.

23           (v) The county may store the ordinance  
24 electronically if the public is able to access the  
25 electronically stored township ordinances during regular  
26 business hours at the office or at a remote location.

27           (vi) The township shall retain a printed copy of the  
28 email and ordinance as transmitted.

29       (3) The date of the filing with the county under paragraph  
30 (2) shall not affect the effective date of the ordinance and



1 shall not be deemed a defect in the process of the enactment of  
2 the ordinance.

3 (c) Notice of amendments.--If substantial amendments are  
4 made in the proposed ordinance, before voting upon enactment,  
5 the board of commissioners shall within at least ten days before  
6 enactment readvertise in one newspaper of general circulation  
7 the subject matter and a brief summary setting forth all the  
8 provisions in reasonable detail together with a summary of the  
9 amendments. A copy of the full text of the amended proposed  
10 ordinance shall be retained where township records are kept.

11 (d) Maps.--When maps, plans or drawings of any kind are  
12 adopted as part of an ordinance, instead of publishing them as  
13 part of the proposed ordinance, the board of commissioners may  
14 refer in publishing the proposed ordinance to the place where  
15 the maps, plans or drawings are on file and may be examined.

16 Section 3303-A. Recording and proof.

17 (a) Recording.--All township ordinances and all township  
18 resolutions pertaining to tax levies shall, within thirty days  
19 after enactment, be recorded by the township secretary in an  
20 ordinance book. A failure to record within the time provided  
21 shall not be deemed a defect in the process of enactment of the  
22 ordinance or resolution pertaining to a tax levy. The ordinance  
23 book shall be open to the inspection of citizens during normal  
24 business hours.

25 (b) Proof.--All ordinances may be proved by the certificate  
26 of the township secretary under the corporate seal. If an  
27 ordinance is printed or published in book or pamphlet form by  
28 the authority of the township, the ordinance shall be accepted  
29 as evidence without further proof. The entry of the township  
30 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



1 revision under subsection (a), the ordinance shall be introduced  
2 by the board of commissioners at least 30 days before its final  
3 enactment and at least 15 days before final enactment, notice of  
4 the introduction of the ordinance shall be given by  
5 advertisement in a newspaper of general circulation.

6 (c) Subsequent notice.--When any consolidation, codification  
7 or revision under subsection (a) has been enacted as an  
8 ordinance, it shall not be necessary to advertise the entire  
9 text, but it shall be sufficient to publish a notice stating  
10 that the consolidation, codification or revision, which had  
11 previously been given, was finally enacted.

12 Section 3305-A. Appeals from ordinances.

13 Complaint as to the legality of any ordinance or resolution  
14 shall be made to the court of common pleas pursuant to 42  
15 Pa.C.S. § 5571.1 (relating to appeals from ordinances,  
16 resolutions, maps, etc.). In cases of ordinances laying out  
17 streets over private lands, the court shall have jurisdiction to  
18 review the propriety as well as the legality of the ordinance.

19 Section 3306-A. Standard or nationally recognized codes.

20 (a) Authority to enact.--In the same manner as other  
21 ordinances, and except as otherwise provided in this article or  
22 the Pennsylvania Construction Code Act, the board of  
23 commissioners may enact, by reference to a standard or  
24 nationally recognized code, all or a portion of the standard or  
25 nationally recognized code as an ordinance of the township. No  
26 portion of any code which limits the work to be performed to any  
27 type of construction contractor or labor or mechanic  
28 classification shall be enacted. Three copies of the proposed  
29 standard or nationally recognized code, portion of the code or  
30 amendment to the code shall be filed with the secretary of the





1 township at least 10 days before the board of commissioners  
2 considers the proposed ordinance. Upon enactment, a copy shall  
3 be kept with the ordinance book and available for public use,  
4 inspection, examination and copying.

5 (b) Time frame.--

6 (1) Except as otherwise provided by the Pennsylvania  
7 Construction Code Act and regulations adopted pursuant to the  
8 act, an ordinance adopting, by reference, a standard or  
9 nationally recognized code shall be enacted within 60 days  
10 after it is filed with the secretary of the township and  
11 shall encompass the provisions of the code effective as of  
12 the code date stated in the ordinance.

13 (2) A township that has adopted any standard or  
14 nationally recognized code by reference may adopt subsequent  
15 ordinances which incorporate by reference any subsequent  
16 changes thereof, properly identified as to date and source,  
17 as may be adopted by the agency or association which  
18 promulgated the code.

19 (3) An ordinance which incorporates standard or  
20 nationally recognized code amendments by reference shall  
21 become effective after the same procedure and in the same  
22 manner as is specified in this section for original adoption  
23 of the code.

24 (c) Technical regulations or code.--An ordinance that  
25 incorporates, by reference, standard technical regulations or  
26 code shall be subject to the provisions of the Pennsylvania  
27 Construction Code Act, if applicable.

28 (b) Enforcement

29 Section 3321-A. Fines and penalties.

30 (a) Prescription.--



1       (1) A township ordinance shall prescribe fines and  
2       penalties for violation.

3               (i) A civil penalty may not exceed \$600 per  
4       violation.

5               (ii) The board of commissioners may prescribe a  
6       criminal fine not to exceed \$1,000 per violation and may  
7       prescribe imprisonment to the extent allowed by law for  
8       the punishment of a summary offense.

9       (2) An ordinance under this subsection may provide that  
10      a separate violation under paragraph (1), clauses (i) or (ii)  
11      shall arise for:

12              (i) each day of violation; and

13              (ii) each applicable section of the ordinance.

14      (3) An ordinance may provide for assessment of court  
15      costs and reasonable attorney fees incurred by the township  
16      in the enforcement proceedings.

17      (4) The board of commissioners may delegate the initial  
18      determination of ordinance violation and the service of  
19      notice of violation to a qualified officer or agent.

20      (b) Enforcement at law.--Unless otherwise provided by  
21      statute, a township ordinance shall set forth the method of its  
22      enforcement in accordance with the following:

23              (1) Except as provided in paragraph (2), if the penalty  
24      is not paid, the township shall initiate a civil action for  
25      collection in accordance with the Pennsylvania Rules of Civil  
26      Procedure. A township shall be exempt from the payment of  
27      costs in an action under this paragraph.

28              (2) For an ordinance regulating building, housing,  
29      property maintenance, health, fire, public safety, parking,  
30      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



1           county.

2       If a prisoner is committed to a county correctional facility  
3 under section 3322-A, the expenses of maintaining the prisoner  
4 during confinement shall be paid by the township and the county  
5 shall not be liable for the maintenance.

6       Section 154. Sections 3406 and 3501 of the act are amended  
7 to read:

8       Section 3406. [Recovery of Municipal Claims by Suit.--In  
9 addition to the remedies provided by law for the filing of liens  
10 for the collection of municipal claims, townships may proceed  
11 for the recovery and collection of municipal claims by action of  
12 assumpsit against the person or persons who were the owner or  
13 owners of the property at the time of the completion of the  
14 improvement, notwithstanding the fact that there was a failure  
15 on the part of any such township, or its agents, to enter any  
16 such municipal claim as a lien against the property assessed for  
17 the improvement, and for the recovery of which the action of  
18 assumpsit was brought. Any such action in assumpsit shall be  
19 commenced within three years after the completion of the  
20 improvement from which said claim arises.] Collection of  
21 Municipal Claims.--(a) In addition to the remedies provided by  
22 law for the filing of liens for the collection of municipal  
23 claims, including but not limited to water rates, sewer rates  
24 and the removal of nuisances, townships may proceed for the  
25 recovery and collection of municipal claims by action of  
26 assumpsit against the person or persons who were the owner or  
27 owners of the property at the time of the completion of the  
28 improvement or at the time the water or sewer rates or the cost  
29 of the removal of nuisances first became payable,  
30 notwithstanding the fact that there was a failure on the part of



1 the township or its agents to enter the municipal claim as a  
2 lien against the property assessed for the improvement or for  
3 the furnishing of water or sewer services and for the removal of  
4 nuisances, and for the recovery of which the action of assumpsit  
5 was brought.

6 (b) The action in assumpsit shall be commenced either within  
7 six years after the completion of the improvement from which the  
8 claim arises or within six years after the applicable rates or  
9 the cost of abating a nuisance first became payable.

10 Section 3501. Repeals.--(a) Nothing contained in this  
11 amendment, revision and reenactment shall be construed to revive  
12 any act or part of an act heretofore repealed.

13 (b) The following additional acts and parts of acts are  
14 hereby repealed as respectively indicated:

15 (1) The act, approved the twenty-second day of June, one  
16 thousand nine hundred thirty-one (Pamphlet Laws 844), entitled,  
17 as amended, "An act authorizing the Commonwealth of  
18 Pennsylvania, or any department or division thereof, and  
19 counties, cities, boroughs, incorporated towns, townships,  
20 school districts, vocational school districts, and institution  
21 districts to make contracts of life, health, hospitalization,  
22 medical services, and accident policies for the benefit of  
23 employes thereof, and contracts for pensions for such employes;  
24 and providing for the payment of the cost thereof," so far as it  
25 relates to townships of the first class.

26 (2) The act, approved the twenty-second day of June, one  
27 thousand nine hundred thirty-one (Pamphlet Laws 845), entitled  
28 "An act authorizing the publication of advertisements for bids  
29 for public works, supplies or equipment in certain publications  
30 and journals devoted to information about construction work," so



1 far as it relates to townships of the first class.

2     (3) The act, approved the first day of May, one thousand  
3 nine hundred thirty-five (Pamphlet Laws 124), entitled "An act  
4 authorizing the insurance of deposits of funds, of this  
5 Commonwealth and of the political subdivisions thereof, with the  
6 Federal Deposit Insurance Corporation or other similar agency;  
7 and prohibiting requiring further security for amounts so  
8 insured," so far as it relates to townships of the first class.

9     (4) The act, approved the eighteenth day of July, one  
10 thousand nine hundred thirty-five (Pamphlet Laws 1173), entitled  
11 "An act to prohibit discrimination on account of race, creed or  
12 color in employment under contracts for public buildings or  
13 public works," so far as it relates to townships of the first  
14 class.

15     (5) The act, approved the sixteenth day of March, one  
16 thousand nine hundred thirty-seven (Pamphlet Laws 98), entitled  
17 "An act authorizing political subdivisions to stipulate in  
18 specifications, upon which contracts for the construction,  
19 alteration or repairs of any public work or improvement are  
20 entered into, the minimum wages to be paid to laborers and  
21 mechanics, and providing for the stipulation of penalties in  
22 such contracts where such minimum wage stipulations are  
23 violated, and for the recovery of such penalties, and their  
24 return in certain cases," so far as it relates to townships of  
25 the first class.

26     (6) The act, approved the fifth day of June, one thousand  
27 nine hundred forty-one (Pamphlet Laws 84), entitled "An act  
28 providing for and regulating the appointment, promotion and  
29 reduction in rank, suspension and removal of paid members of the  
30 police force in boroughs, incorporated towns and townships of



1 the first class maintaining a police force of not less than  
2 three members; creating a civil service commission in each  
3 borough, incorporated town and township of the first class;  
4 defining the duties of such civil service commission; imposing  
5 certain duties and expense on boroughs, incorporated towns and  
6 townships of the first class; imposing penalties, and repealing  
7 inconsistent laws," so far as it relates to townships of the  
8 first class.

9 (7) The act, approved the first day of June, one thousand  
10 nine hundred forty-five (Pamphlet Laws 1232), entitled "An act  
11 providing for and regulating the appointment, promotion and  
12 reduction in rank, suspension and removal of paid operators of  
13 fire apparatus in boroughs, incorporated towns and townships of  
14 the first class; creating a civil service commission in each  
15 borough, incorporated town and township of the first class;  
16 defining the duties of such civil service commission; imposing  
17 certain duties and expenses on boroughs, incorporated towns and  
18 townships of the first class; imposing penalties; and repealing  
19 inconsistent laws," so far as it relates to townships of the  
20 first class.

21 (8) The act of April 9, 1931 (P.L.22, No.20), entitled "An  
22 act to validate and confirm tax levies made for general township  
23 purposes, in excess of ten mills, by boards of township  
24 commissioners of townships of the first class, when such excess  
25 was for the purpose of the payment of interest on indebtedness  
26 and sinking fund charges," absolutely.

27 (9) The act of July 2, 1937 (P.L.2803, No.588), entitled "An  
28 act providing a method of annexation of townships of the first  
29 class, and parts thereof, to cities and boroughs, and regulating  
30 the proceedings pertaining thereto," absolutely.



1     (10) The act of July 18, 1935 (P.L.1172, No.381), entitled  
2     "An act requiring tax collectors of townships of the first class  
3     to secure from banks, banking institutions or trust companies a  
4     bond to secure payment of deposits of all township tax money  
5     deposited therein by such tax collector, secured by a surety  
6     company authorized to transact business within the Commonwealth  
7     of Pennsylvania, or a depository agreement secured by the  
8     deposit of bonds or interest bearing securities of the United  
9     States, the Commonwealth of Pennsylvania, or any city, borough,  
10    township or school district in the Commonwealth of  
11    Pennsylvania," absolutely.

12    (c) All other acts and parts of acts inconsistent with,  
13    supplied by, or appertaining to the subject matter covered by  
14    this act are repealed. It is the intention that this act shall  
15    furnish a complete and exclusive system for the government and  
16    regulation of townships of the first class, except as to the  
17    several matters enumerated in section 103 of this act.

18    (d) This act shall not repeal or modify any of the  
19    provisions of the following:

20    (1) 66 Pa.C.S. Pt. I (relating to Public Utility Code.

21    (2) A law, the enforcement of which is vested in the  
22    Department of Health.

23    (3) A law, the enforcement of which is vested in the  
24    Department of Environmental Protection.

25    (4) A law, the enforcement of which is vested in the  
26    Department of Conservation and Natural Resources.

27    Section 155. Section 3502 of the act is repealed:

28    [Section 3502. All other acts and parts of acts inconsistent  
29    with, supplied by, or appertaining to the subject matter covered  
30    by this act are repealed. It is the intention that this act





1 shall furnish a complete and exclusive system for the government  
2 and regulation of townships of the first class, except as to the  
3 several matters enumerated in section 103 of this act. This act  
4 shall not repeal or modify any of the provisions of the Public  
5 Utility Law, nor any law, the enforcement of which is vested in  
6 the Department of Health or the Sanitary Water Board, or the  
7 provisions of any law, the enforcement of which is vested in the  
8 Department of Forests and Waters or the Water and Power  
9 Resources Board.]

10       Section 156. This act shall take effect in 60 days.

