

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**

**No. 1631** Session of  
1969

INTRODUCED BY MESSRS. MEBUS, STEELE AND BENNETT, SEPTEMBER 23, 1969

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, SEPTEMBER 23, 1969

AN ACT

Amending the act of June 24, 1931 (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," authorizing the construction of water supply systems; requiring abutting property owners to connect thereto; providing for payment of assessments in installments; and authorizing the entry and recovery of municipal liens therefor.

1 THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA HEREBY  
2 ENACTS AS FOLLOWS:

3 Section 1. The act of June 24, 1931 (P. L. 1206), known as "The First Class  
4 Township Code," reenacted and amended May 27, 1949 (P. L. 1955), is amended by  
5 adding nine new sections to read:

6 Section 2702.1. Construction of Water Supply System.--Townships may estab-  
7 lish and construct a water supply system locating the same as far as practicable along  
8 and within the lines of the public roads of the township as seems advisable to the com-  
9 missioners. The commissioners may require that abutting property owners of such system  
10 connect with and use the same. In case any owner of property abutting such water  
11 system shall neglect or refuse to connect with and use said system for a period of ninety  
12 days after notice to do so has been served upon him by the commissioners, either by  
13 personal service or registered mail, said commissioners or their agents, may enter upon  
14 such property and construct such connection. In such case the commissioners shall  
15 forthwith, upon completion of the work, send an itemized bill of the cost of construction

1 of such connection to the owner of the property to which connection has been made,  
2 which bill shall be payable forthwith, or the commissioners may authorize the payment  
3 of such assessments in equal monthly installments, said installments shall bear interest  
4 at a rate not to exceed seven per centum.

5 Section 2702.2. Construction of Water Supply System by Municipality Authori-  
6 ties.--Whenever a water supply system is or shall have been established or constructed  
7 by a municipality authority within a township of the second class, the commissioners  
8 shall be empowered by ordinance, to compel all owners of property abutting thereto to  
9 make connection therewith and use such water supply system in such manner as they may  
10 order. The commissioners may, by ordinance, impose penalties to enforce any regulation  
11 or order they may ordain with reference to any water connections. In case any owner  
12 shall neglect or refuse to connect with said water system for a period of ninety days after  
13 notice to do so has been served upon him by the commissioners, either by personal service  
14 or by registered mail, the commissioners or their agents may enter upon such property and  
15 construct such connection. In such case, the commissioners shall forthwith, upon com-  
16 pletion of the work, send an itemized bill of the cost of the construction of such con-  
17 nection to the owner of the property to which connection has been made, which bill shall  
18 be payable forthwith or the commissioners may authorize the payment of the assessments  
19 in equal monthly installments, to bear interest at a rate not exceeding seven per centum.

20 Section 2702.3. Assessments; Where Payable.--Such assessments shall be payable  
21 at the office designated by the commissioners, in monthly installments, with interest at  
22 the rate provided from the date from which interest is computed on the amount of assess-  
23 ments.

24 Section 2702.4. Default in Payment of Installment.--In case of default in the  
25 payment of any installment and interest for a period of sixty days after the same shall be-  
26 come due, the entire assessment and accrued interest shall become due; and, the town-  
27 ship solicitor shall proceed to collect the same under the general laws relating to the  
28 collection of municipal claims.

29 Section 2702.5. Entry of Liens.--In case of neglect or refusal by the owner of  
30 such property to pay said bill or in case of installment payment, it shall be the duty of the

1 commissioners to file municipal liens for said construction within six months of the date  
2 of completion of the construction of such connection, the same to be subject in all respects  
3 to the general law providing for the filing and recovery of municipal liens.

4 Section 2702.6. Financing for Water Systems.--In addition to issuance and sale  
5 of non-debt revenue bonds upon properties accommodated or benefited as provided by  
6 clause LXI of section 1502 and assessment upon properties benefited or accommodated as  
7 provided by sections 2709.7, 2709.8 and 2709.9, the cost of construction of such system  
8 may be financed by the commissioners by the issuance of general obligation bonds of the  
9 township, within the constitutional and statutory limitation for the incurring or increasing  
0 of indebtedness, and pursuant to the provisions of law relating to the borrowing of money  
1 by political subdivisions. Where general obligation bonds are so issued, the commissioners  
2 shall be required to assess the cost of construction to the extent permitted by law, against  
3 the properties accommodated or benefited by such improvements as hereinafter provided,  
4 and to deposit the proceeds of such assessments in the sinking fund established for the  
5 purpose of retiring such general obligation bonds. Nothing in this section shall be con-  
6 strued to prevent the financing of the cost of such construction under the provisions of the  
7 act of May 2, 1945 (P. L. 382), known as the "Municipality Authorities Act of 1945."

8 Section 2702.7. Assessment.--(a) In lieu of issuing and selling non-debt revenue  
9 bonds, the commissioners may provide for the payment of the cost of water lines or water  
10 system in the township or in districts thereof by an assessment upon the properties accom-  
11 modated or benefited in either of the following methods:

12 (1) By an assessment, pursuant to a resolution or ordinance of the commissioners,  
13 of each lot or piece of land in proportion to its frontage abutting on the mains, allowing  
14 such reduction in the case of properties abutting on more than one main as the resolution  
15 or ordinance may specify. No assessment by frontage shall be made on properties of such  
16 a character as not to be lawfully subject to such manner of assessment, and each abutting  
17 property shall be assessed with not less than the whole amount of the benefit accruing to  
18 it and legally assessable; or

19 (2) By an assessment upon the several properties abutting on the mains in proportion  
20 to benefits. The amount of the charge on each property shall be ascertained as hereinafter  
21 provided.

1       (b) When there is more than one district, the assessment in each district may be by  
2 different methods.

3       Section 2702.8. Procedure for Assessments of Benefits.--In all cases where the  
4 commissioners shall select the method provided in clause (2) of the foregoing section, they  
5 shall petition the court of common pleas for appointment of viewers to assess benefits. In  
6 all cases where they shall neglect for a period of three months after the completion of the  
7 water system to either ordain assessments by frontage or present petition for appointment  
8 of viewers, taxpayers of the district or districts affected whose property valuation, as  
9 assessed for taxable purposes within the district, shall amount to fifty per centum of the  
10 total property valuation, so assessed may present a petition to the court of common pleas  
11 of the proper county for the appointment of viewers to assess benefits; and, in all cases,  
12 where such taxpayers shall, within three months of the adoption of a resolution levying an  
13 assessment under the method provided by clause (1) of subsection (a) of said foregoing sec-  
14 tion, by petition, state to said court that such assessment insufficiently represents the bene-  
15 fits accruing to abutting properties, they may include in such petition a prayer for the  
16 appointment of viewers to assess benefits. In either case, the court shall thereupon appoint  
17 three disinterested persons from the board of county viewers, none of whom shall be a  
18 resident of that portion of the township which is accommodated by the water system in  
19 question, and the viewers so appointed shall proceed as provided in this act for proceedings  
20 for the assessment of damages and benefits by viewers. The aggregate of the assessments in  
21 any water district shall not exceed the amount charged to such district for its share of the  
22 cost of the water system construction unless the same shall, by petition of taxpayers whose  
23 property valuation as aforesaid shall amount to fifty per centum of the total property valua-  
24 tion, as assessed for taxable purposes within the districts affected, presented within three  
25 months after the adoption of a resolution or ordinance providing for an assessment by front-  
26 age, be stated to insufficiently represent the amount of benefits to such properties, in which  
27 case the proceedings by taxpayers authorized above shall be applicable. Upon the filing of  
28 such a petition by taxpayers, as aforesaid, for appointment of viewers, any assessment made  
29 by the commissioners and any proceedings thereunder shall be stayed pending the disposition  
30 of the petition by the court.

Section 2702.9. Liens for Assessments; Costs of Proceedings.--After the amount  
: of the assessment charged upon the several properties has been established, either by  
: resolution or ordinance making assessments according to frontage, or by confirmation of  
: any report of viewers in whole or in part, it shall be the duty of the commissioners to file  
: municipal liens for the assessments covered by such resolution, ordinance or confirmation  
: within the time and in the manner provided by law, the same to be subject in all respects  
: to the general law providing for the filing and recovery of municipal liens. The amounts  
: of all assessments shall be payable to the township treasurer for the use of the township.  
: The commissioners shall also make out bills for the amount charged against each property,  
: which shall be forthwith sent to all property owners affected residing in the township,  
: and mailed to all such owners residing elsewhere whose address is known.

2       The costs of publication of notices in proceedings before viewers shall be paid  
3 by the township upon presentation of bills approved by the court.

4       Section 2. This act shall take effect immediately.