

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2254 Session of
1976

INTRODUCED BY KERNICK, O'BRIEN, COWELL, GILLETTE, SHELHAMER,
PETRARCA, ABRAHAM, FLAHERTY, MRKONIC, NOVAK, WALSH, TADDONIO,
CESSAR AND MISCEVICH, MARCH 24, 1976

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MARCH 24, 1976

AN ACT

1 Amending the act of May 2, 1945 (P.L.382, No.164), entitled "An
2 act providing for the incorporation as bodies corporate and
3 politic of 'Authorities' for municipalities, counties and
4 townships; prescribing the rights, powers and duties of such
5 Authorities heretofore or hereafter incorporated; authorizing
6 such Authorities to acquire, construct, improve, maintain and
7 operate projects, and to borrow money and issue bonds
8 therefor; providing for the payment of such bonds, and
9 prescribing the rights of the holders thereof; conferring the
10 right of eminent domain on such Authorities; authorizing such
11 Authorities to enter into contracts with and to accept grants
12 from the Federal Government or any agency thereof; and
13 conferring exclusive jurisdiction on certain courts over
14 rates," further providing for the return of certain deposits.

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

17 Section 1. Clause (h) of subsection B of section 4, act of
18 May 2, 1945 (P.L.382, No.164), known as the "Municipality
19 Authorities Act of 1945," amended December 16, 1975 (No.146), is
20 amended to read:

21 Section 4. Purposes and Powers; General.--* * *

22 B. Every Authority is hereby granted, and shall have and may
23 exercise all powers necessary or convenient for the carrying out

1 of the aforesaid purposes, including but without limiting the
2 generality of the foregoing, the following rights and powers:

3 * * *

4 (h) To fix, alter, charge and collect rates and other
5 charges in the area served by its facilities at reasonable and
6 uniform rates to be determined exclusively by it, for the
7 purpose of providing for the payment of the expenses of the
8 Authority, the construction, improvement, repair, maintenance
9 and operation of its facilities and properties, the payment of
10 the principal of and interest on its obligations, and to fulfill
11 the terms and provisions of any agreements made with the
12 purchasers or holders of any such obligations, or with the
13 municipality incorporating or municipalities which are members
14 of said Authority or with any municipality, served or to be
15 served by said Authority, and to determine by itself exclusively
16 the services and improvements required to provide adequate, safe
17 and reasonable service, including extensions thereof, in the
18 areas served: Provided, That if the service area includes more
19 than one municipality, the revenues from any project shall not
20 be expended directly or indirectly on any other project, unless
21 such expenditures are made for the benefit of the entire service
22 area: And, provided further, That when an Authority requires a
23 deposit from a consumer to insure the payment of a bill, the
24 deposit shall be returned with interest at the rate of six
25 percent (6%) per annum thereon to the consumer making such
26 deposit when the consumer shall have paid undisputed bills for
27 service over a period of twelve consecutive months. Any person
28 questioning the reasonableness or uniformity of any rate fixed
29 by any Authority or the adequacy, safety and reasonableness of
30 the Authority's services, including extensions thereof, may

1 bring suit against the Authority in the court of common pleas of
2 the county wherein the project is located, or if the project is
3 located in more than one county then in the court of common
4 pleas of the county wherein the principal office of the project
5 is located. The court of common pleas shall have exclusive
6 jurisdiction to determine all such questions involving rates or
7 service. Except in municipal corporations having a population
8 density of three hundred persons or more per square mile, all
9 owners of real property in eighth class counties may decline, in
10 writing, the services of a solid waste authority.

11 * * *

12 Section 2. This act shall take effect immediately and shall
13 apply to all deposits presently held by an authority.