

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL  
No. 1177 Session of  
1979

INTRODUCED BY MESSRS. DeVERTER, WEIDNER, LETTERMAN, LIVENGOD,  
J. L. WRIGHT, JR., NOYE, SIEMINSKI, MRS. TAYLOR, MESSRS.  
PRATT, D. R. WRIGHT AND THOMAS, MAY 2, 1979

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, MAY 13, 1980

AN ACT

1 Amending the act of May 1, 1933 (P.L.103, No.69), entitled "An  
2 act concerning townships of the second class; and amending,  
3 revising, consolidating, and changing the law relating  
4 thereto," ~~AUTHORIZING TOWNSHIPS OF THE SECOND CLASS TO GRANT~~ <—  
5 ~~CABLE TELEVISION FRANCHISES AND PROVIDING FOR PERMITS FOR~~  
6 ~~CABLE TELEVISION LINES,~~ IMPOSING CERTAIN RESTRICTIONS ON THE  
7 POWERS OF TOWNSHIPS AND authorizing townships to use the  
8 provisions of the Local Government Unit Debt Act for  
9 financing construction of sewers and drains.

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

12 ~~SECTION 1. SECTION 702, ACT OF MAY 1, 1933 (P.L.103, NO.69),~~ <—  
13 ~~KNOWN AS "THE SECOND CLASS TOWNSHIP CODE," REENACTED AND AMENDED~~  
14 ~~JULY 10, 1947 (P.L.1481, NO.567), IS AMENDED BY ADDING A CLAUSE~~  
15 ~~TO READ:~~

16 ~~SECTION 702. SUPERVISORS TO EXERCISE POWERS. THE CORPORATE~~  
17 ~~POWERS OF TOWNSHIPS OF THE SECOND CLASS SHALL BE EXERCISED BY~~  
18 ~~THE TOWNSHIP SUPERVISORS. WHERE NO SPECIFIC AUTHORITY IS GIVEN~~  
19 ~~FOR THE EXPENDITURES INCIDENT TO THE EXERCISE OF ANY POWER~~  
20 ~~HEREINAFTER CONFERRED, OR WHERE NO SPECIFIC FUND IS DESIGNATED~~

1 FROM WHICH SUCH EXPENDITURES SHALL BE MADE, APPROPRIATIONS FOR  
2 SUCH EXPENDITURES SHALL BE MADE ONLY FROM THE GENERAL TOWNSHIP  
3 FUND. IN ADDITION TO THE DUTIES IMPOSED UPON THEM BY SECTION 516  
4 HEREOF, THEY SHALL HAVE POWER —

5 \* \* \*

6 ~~LXXIII. REGULATION OF CABLE TELEVISION SYSTEMS. TO REGULATE~~  
7 ~~BY RESOLUTION OR ORDINANCE CABLE TELEVISION SYSTEMS; AND TO~~  
8 ~~GRANT AND REVOKE A FRANCHISE FOR A CABLE TELEVISION SYSTEM; AND~~  
9 ~~TO PROHIBIT THE OPERATION OF A CABLE TELEVISION SYSTEM EXCEPT IN~~  
10 ~~ACCORDANCE WITH THE CONDITIONS OF SUCH FRANCHISE.~~

11 SECTION 2. SECTION 1156 OF THE ACT, AMENDED MARCH 1, 1974  
12 (P.L.88, NO.23), IS AMENDED TO READ:

13 SECTION 1156. PERMITS. NO RAILROAD OR STREET RAILWAY SHALL  
14 HEREFTER BE CONSTRUCTED UPON ANY TOWNSHIP ROAD, NOR SHALL ANY  
15 RAILROAD OR STREET RAILWAY CROSSINGS, NOR ANY GAS PIPE, WATER  
16 PIPE, ELECTRIC CONDUITS, OR OTHER PIPING, BE LAID UPON OR IN,  
17 NOR SHALL ANY TELEPHONE, TELEGRAPH, OR ELECTRIC LIGHT OR POWER  
18 POLES, CABLE TELEVISION LINES, POLES AND APPURTENANT STRUCTURES  
19 OR ANY COAL TIPPLES OR ANY OTHER OBSTRUCTIONS BE ERECTED UPON OR  
20 IN, ANY PORTION OF A TOWNSHIP ROAD EXCEPT UNDER SUCH CONDITIONS,  
21 RESTRICTIONS AND REGULATIONS RELATING TO THE INSTALLATION AND  
22 MAINTENANCE THEREOF, AS MAY BE PRESCRIBED IN PERMITS GRANTED BY  
23 THE TOWNSHIP FOR SUCH PURPOSE. EACH APPLICATION SHALL BE  
24 SUBMITTED TO THE TOWNSHIP, IN DUPLICATE, OR SUCH LARGER NUMBER  
25 AS THE TOWNSHIP MAY REQUIRE. THE TOWNSHIP SHALL PRESCRIBE A FEE  
26 AS DETERMINED BY THE DEPARTMENT OF TRANSPORTATION PAYABLE TO THE  
27 TOWNSHIP NOT EXCEEDING THE APPROXIMATE REASONABLE COST OF  
28 PROCESSING THE APPLICATION, AND ANOTHER FEE PAYABLE TO THE  
29 TOWNSHIP NOT EXCEEDING THE APPROXIMATE REASONABLE COST OF MAKING  
30 THE FIRST INSPECTION HEREAFTER DESCRIBED. EACH APPLICATION SHALL

1 ~~BE ACCOMPANIED BY BOTH FEES. WHEN THE TOWNSHIP SHALL GRANT THE~~  
2 ~~PERMIT APPLIED FOR, THE TOWNSHIP SUPERVISORS SHALL INSPECT THE~~  
3 ~~WORK AUTHORIZED BY THE PERMIT UPON THE COMPLETION THEREOF, AND~~  
4 ~~WHEN NECESSARY, ENFORCE COMPLIANCE WITH THE CONDITIONS,~~  
5 ~~RESTRICTIONS AND REGULATIONS PRESCRIBED BY THE TOWNSHIP. IN~~  
6 ~~ADDITION TO SUCH INSPECTION, THE TOWNSHIP SUPERVISORS MAY~~  
7 ~~REINSPECT THE WORK NOT MORE THAN TWO YEARS AFTER ITS COMPLETION,~~  
8 ~~AND IF ANY SETTLEMENT OF THE ROAD SURFACE OR OTHER DEFECT SHALL~~  
9 ~~APPEAR IN THE WORK CONTRARY TO THE CONDITIONS, RESTRICTIONS AND~~  
10 ~~REGULATIONS OF THE TOWNSHIP, IT MAY ENFORCE COMPLIANCE~~  
11 ~~THEREWITH. IF THE APPLICANT SHALL FAIL TO RECTIFY ANY SUCH~~  
12 ~~SETTLEMENT OR OTHER DEFECT, WITHIN SIXTY DAYS AFTER WRITTEN~~  
13 ~~NOTICE FROM THE TOWNSHIP SUPERVISORS TO DO SO, THE TOWNSHIP~~  
14 ~~SUPERVISORS MAY DO THE WORK AND IMPOSE UPON THE APPLICANT THE~~  
15 ~~COST THEREOF, TOGETHER WITH AN ADDITIONAL TWENTY PERCENTUM (20%)~~  
16 ~~OF SUCH COST, WHICH MAY BE RECOVERED BY AN ACTION IN ASSUMPSIT~~  
17 ~~IN THE COURT OF COMMON PLEAS OF THE COUNTY. ALL FEES RECEIVED BY~~  
18 ~~THE TOWNSHIP SHALL BE PAID INTO THE TOWNSHIP TREASURY. NOTHING~~  
19 ~~IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE A PERMIT IN~~  
20 ~~ADVANCE FOR EMERGENCY REPAIRS NECESSARY FOR THE SAFETY OF THE~~  
21 ~~PUBLIC OR THE RESTORATION OR CONTINUANCE OF PUBLIC UTILITY OR~~  
22 ~~OTHER PUBLIC SERVICE, BUT APPLICATION FOR SUCH PERMIT AND THE~~  
23 ~~FEES SHALL BE SUBMITTED AS HEREIN PRESCRIBED WITHIN FIVE DAYS~~  
24 ~~AFTER COMPLETION OF THE WORK, AND THEREAFTER THE REMAINING~~  
25 ~~PROVISIONS OF THIS SECTION SHALL APPLY. FURTHER, NOTHING IN THIS~~  
26 ~~SECTION SHALL BE CONSTRUED TO AUTHORIZE OR EMPOWER A TOWNSHIP TO~~  
27 ~~REGULATE OR CONTROL THE OPERATIONS OF ANY PERMITTEE, EXCEPT AS~~  
28 ~~PROVIDED FOR IN THIS SECTION.~~

29       ~~SECTION 3.~~ 1.   ~~SECTION 1501 OF THE ACT, , ACT OF MAY 1, 1933~~   <—  
30   (P.L.103, NO.69), KNOWN AS "THE SECOND CLASS TOWNSHIP CODE,"

1 REENACTED AND AMENDED JULY 10, 1947 (P.L.1481, NO.567) AND  
2 AMENDED OCTOBER 4, 1978 (P.L.993, NO.205), IS AMENDED TO READ:  
3 SECTION 1501. POWER TO ESTABLISH AND CONSTRUCT SEWERS AND  
4 DRAINS.--(A) TOWNSHIPS MAY ESTABLISH AND CONSTRUCT A SYSTEM OF  
5 SEWERS AND DRAINAGE, LOCATING THE SAME AS FAR AS PRACTICABLE  
6 ALONG AND WITHIN THE LINES OF THE PUBLIC ROADS OF THE TOWNSHIPS  
7 AS SEEMS ADVISABLE TO THE BOARD OF SUPERVISORS. THE SUPERVISORS  
8 MAY PERMIT AND, WHERE NECESSARY FOR THE PUBLIC HEALTH, REQUIRE  
9 ADJOINING AND ADJACENT PROPERTY OWNERS TO CONNECT WITH AND USE  
10 THE SAME. IN CASE ANY OWNER OF PROPERTY ADJOINING OR ADJACENT TO  
11 SUCH SEWER SHALL NEGLECT OR REFUSE TO CONNECT WITH AND USE SAID  
12 SEWER FOR A PERIOD OF SIXTY DAYS AFTER NOTICE TO DO SO HAS BEEN  
13 SERVED UPON HIM BY THE SUPERVISORS, EITHER BY PERSONAL SERVICE  
14 OR BY REGISTERED MAIL, SAID SUPERVISORS OR THEIR AGENTS, MAY  
15 ENTER UPON SUCH PROPERTY AND CONSTRUCT SUCH CONNECTION. IN SUCH  
16 CASE THE SUPERVISORS SHALL FORTHWITH, UPON COMPLETION OF THE  
17 WORK, SEND AN ITEMIZED BILL OF THE COST OF CONSTRUCTION OF SUCH  
18 CONNECTION TO THE OWNER OF THE PROPERTY TO WHICH CONNECTION HAS  
19 BEEN SO MADE, WHICH BILL SHALL BE PAYABLE FORTHWITH. IN CASE OF  
20 NEGLECT OR REFUSAL BY THE OWNER OF SUCH PROPERTY TO PAY SAID  
21 BILL, IT SHALL BE THE DUTY OF THE TOWNSHIP SUPERVISORS TO FILE  
22 MUNICIPAL LIENS FOR SAID CONSTRUCTION WITHIN SIX MONTHS OF THE  
23 DATE OF COMPLETION OF THE CONSTRUCTION OF SAID CONNECTION, THE  
24 SAME TO BE SUBJECT IN ALL RESPECTS TO THE GENERAL LAW PROVIDING  
25 FOR THE FILING AND RECOVERY OF MUNICIPAL LIENS.

26 (B) WHENEVER AN EXISTING SEWER SYSTEM OWNED BY OR LEASED TO  
27 A TOWNSHIP OF THE SECOND CLASS IS EXTENDED OR ALTERED AT THE  
28 EXPENSE OF A DEVELOPER OR OTHER PRIVATE PERSON OR CORPORATION  
29 UNDER THE SUPERVISION OF SUCH TOWNSHIP OR A MUNICIPAL AUTHORITY  
30 OF SUCH TOWNSHIP, THE TOWNSHIP SUPERVISORS MAY, BY ORDINANCE OR

1 RESOLUTION, TAKE OVER SAID EXTENSION OR ALTERATION AND COMPEL  
2 ALL OWNERS OF PROPERTY WHICH IS NOT ALREADY CONNECTED TO AN  
3 EXISTING PUBLIC SEWER SYSTEM AND WHICH IS ACCESSIBLE TO AND  
4 WHOSE PRINCIPAL BUILDING IS WITHIN ONE HUNDRED FIFTY FEET FROM  
5 SUCH SEWER EXTENSION TO PAY A TAPPING FEE AND MAKE CONNECTION  
6 THEREWITH AND USE SUCH SEWER SYSTEM IN SUCH MANNER AS THEY MAY  
7 ORDER.

8 (C) THE SUPERVISORS MAY REFUND ALL OR PART OF SAID TAPPING  
9 FEE OR FEES TO THE DEVELOPER OR OTHER PRIVATE PERSON OR  
10 CORPORATION WHO OR WHICH PAID FOR SAID CONSTRUCTION. SAID  
11 TAPPING FEES MAY BE BASED UPON FRONT FOOT CONSTRUCTION COSTS,  
12 HOWEVER, THE TOTAL OF SAID REFUNDS SHALL NEVER EXCEED THE COST  
13 OF SAID EXTENSION OR ALTERATIONS. ONCE SAID EXTENSION OR  
14 ALTERATION IS TAKEN OVER IT SHALL BECOME PART OF THE EXISTING  
15 SEWER SYSTEM.

16 (D) NOTWITHSTANDING THE POWERS GRANTED PURSUANT TO  
17 SUBSECTION (A), (B) OR (C), NO TOWNSHIP SHALL HAVE THE POWER TO  
18 REQUIRE ANY COMMERCIAL OR INDUSTRIAL BUSINESS TO CONNECT TO THE  
19 TOWNSHIP SEWER SYSTEM WHEN SUCH COMMERCIAL OR INDUSTRIAL  
20 BUSINESS IS OPERATING A SEWER TREATMENT PLANT UNDER MANDATE OF  
21 ANY AGENCY OF THE FEDERAL OR STATE GOVERNMENT AND SUCH SEWER  
22 TREATMENT PLANT MEETS THE SPECIFICATIONS AND STANDARDS MANDATED  
23 BY SUCH FEDERAL OR STATE AGENCY.

24 Section ~~1.3.4. 2. Section 1507, act of May 1, 1933~~ <—  
25 ~~(P.L.103, No.69), known as "The Second Class Township Code,"~~  
26 ~~reenacted and amended July 10, 1947 (P.L.1481, No.567) and OF~~ <—  
27 THE ACT, amended June 10, 1955 (P.L.154, No.48), is amended to  
28 read:

29 Section 1507. Cost of Construction; How Paid.--[The] All or  
30 any portion of the cost of construction of any such system of

1 sewers or drains, constructed by the authority of this  
2 subdivision, [in so far as it relates to sanitary sewers or  
3 drains, shall and, in so far as it relates to storm sewers or  
4 drains,] may be charged upon the properties accommodated or  
5 benefited thereby [to the extent of such benefits] in the manner  
6 hereinafter provided.

7       The township supervisors may finance the cost of construction  
8 of any such system of sewers or drains, by the [issuance of  
9 general obligation bonds of] incurring of debt by the township,  
10 within the [constitutional and statutory limitations for the  
11 incurring or increasing of indebtedness, and pursuant to the  
12 provisions of law relating to the borrowing of money by  
13 political subdivisions] limitations and pursuant to the  
14 provisions of the act of July 12, 1972 (P.L.781, No.185), known  
15 as the "Local Government Unit Debt Act." Where [general  
16 obligation bonds are so issued] debt is so incurred, the  
17 supervisors [in the case of construction of sanitary sewers or  
18 drains shall and in the case of construction of storm sewers or  
19 drains may nevertheless be required to] at their sole discretion  
20 may assess all or any portion of the cost of the construction of  
21 such sewers or drains, [to the extent] as permitted by law,  
22 against the properties accommodated or benefited by such  
23 improvements as hereinafter provided, and to deposit the net  
24 proceeds of such assessments in [the sinking fund] a sinking or  
25 analogous fund established [for the purpose of retiring such  
26 general obligation bonds] in connection with the incurring of  
27 such debt.

28       Nothing in this section shall be construed to prevent the  
29 financing of the cost of such construction under the provisions  
30 of the "Municipality Authorities Act of 1945," and any

1 amendments thereto.

2 Section ~~2.4.5.~~ 3. Section 1508 of the act is amended to <—  
3 read:

4 Section 1508. Sewer Districts; [Township to Pay Non-  
5 Assessable Portion of Cost].--Whenever a sewer or drainage  
6 system is constructed by a township for the accommodation of a  
7 certain portion of the township, the supervisors of such  
8 township may, at any time before or after said construction,  
9 constitute the territory accommodated into a sewer district or  
10 divide it into several sewer districts. In every such case of  
11 division into several districts, the supervisors shall make an  
12 estimate of the proportion of the cost of the sewer system which  
13 should equitably be charged on each of said districts, and  
14 declare and establish such apportionment by resolution.

15 In all cases where a sewer or drainage system is constructed  
16 by a township for the benefit of a certain portion only of the  
17 township, and the cost of main sewers, pumping stations,  
18 pressure lines, et cetera, is charged against the sewer district  
19 or sewer districts, as herein provided, [the total] all or any  
20 portion of the amount charged to each district may be assessed  
21 to the district by an assessment upon each lot or piece of land  
22 in said district, in proportion to its frontage abutting on the  
23 sewer, or by an assessment upon the several properties abutting  
24 on the sewer, in proportion to benefits, or upon the properties  
25 connected with and using said sewers, as sewer rentals, in the  
26 manner provided by law for the assessment of sewer rentals, or  
27 each lot or piece of ground abutting upon said sewer may be  
28 assessed, in proportion to its frontage or according to  
29 benefits, the cost of a local sewer, and the balance of the  
30 amount charged against the district may be assessed upon the

1 properties connected with and using said sewer, as sewer rentals  
2 in the manner provided by law for assessment of sewer rentals.  
3 No district shall be charged with more than its due proportion  
4 of the cost of the main sewers, pumping stations, et cetera,  
5 used jointly by more than one district. Where the whole of the  
6 township is accommodated by the system it may also be treated as  
7 a single district, or divided into districts and be subject to  
8 the foregoing provisions.

9 Section ~~3.5.6.~~ 4. This act shall take effect immediately. <—