

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 641

Session of  
1981

INTRODUCED BY LAUGHLIN, A. C. FOSTER, JR., FRYER, DeMEDIO, FEE,  
GEORGE, TRELLO, MISCEVICH, LEVI, CIMINI, DeWEESE, McCALL,  
D. R. WRIGHT, LLOYD AND COLAFELLA, FEBRUARY 18, 1981

AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF  
REPRESENTATIVES, AS AMENDED, SEPTEMBER 14, 1981

## 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," providing for the manufacture and supply of  
5 electricity by townships of the first class. <—

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

8 Section 1. The act of June 24, 1931 (P.L.1206, No.331),  
9 known as "The First Class Township Code," reenacted and amended  
10 May 27, 1949 (P.L.1955, No.569), is amended by adding an article  
11 to read:

12 ARTICLE XXVII A <—

13 MANUFACTURE AND SUPPLY OF ELECTRICITY

14 Section 2701 A. Manufacture and Purchase of Electricity.  
15 Any township may manufacture or purchase electricity for the use  
16 of the inhabitants of such township. Any township owning or  
17 operating electric light plants may make contracts for supplying  
18 electricity for commercial purposes outside the limits of such

1 ~~township, with the consent of the municipal corporation. Except~~  
2 ~~for electricity supplied on the effective date of this~~  
3 ~~amendatory act, no person, firm or corporation shall introduce~~  
4 ~~electric current for light, heat or power purposes, without the~~  
5 ~~consent of the township authorities, into the limits of any~~  
6 ~~township which is furnishing electric current to the~~  
7 ~~inhabitants: Provided, however, That this limitation shall not~~  
8 ~~apply to any person, firm or corporation manufacturing~~  
9 ~~electricity exclusively for its own use: And provided further,~~  
10 ~~That before any township shall construct an electric light~~  
11 ~~plant, or purchase the property of any person, copartnership, or~~  
12 ~~electric light company, the question of the increase of the debt~~  
13 ~~of such township, for any of such purposes, shall first be~~  
14 ~~submitted to the qualified voters of the township, in the manner~~  
15 ~~provided by law for the increase of indebtedness of municipal~~  
16 ~~corporations.~~

17 ARTICLE XXVII-A

<—

18 MANUFACTURE OF ELECTRICITY

19 SECTION 2701-A. MANUFACTURE OF ELECTRICITY.--ANY TOWNSHIP  
20 MAY MANUFACTURE ELECTRICITY BY MEANS OF A HYDROELECTRIC  
21 GENERATING FACILITY OWNED OR OPERATED BY THE TOWNSHIP FOR THE  
22 USE OF THE INHABITANTS OF SUCH TOWNSHIP. ANY TOWNSHIP OWNING OR  
23 OPERATING A HYDROELECTRIC GENERATING FACILITY MAY MAKE CONTRACTS  
24 FOR THE SALE OF ELECTRICITY TO PERSONS ENGAGED IN THE BUSINESS  
25 OF THE MANUFACTURE AND SALE OF ELECTRICITY.

26 Section 2702-A. May Regulate Use and Prices.--Any township  
27 furnishing electricity PURSUANT TO THIS ARTICLE may regulate the <—  
28 use of SAID electricity in dwellings, business places and other <—  
29 places in such township and the rate to be charged for the same.

30 Section 2703-A. Sale of ~~Electric Light Works~~ HYDROELECTRIC <—

1 GENERATING FACILITIES.--By ordinance, a township may sell all or  
2 part of its electric light works HYDROELECTRIC GENERATING <—  
3 FACILITIES to a purchaser for such sale price as the parties may  
4 agree upon, and thereafter for all purposes that price shall be  
5 deemed to be the purchaser's original cost less accrued  
6 depreciation of the plant at the date of purchase.

7 Section 2704 A. Purchase of Electric Light Works. Whenever <—  
8 any person, copartnership or any electric light company  
9 organized under the laws of the Commonwealth, is furnishing  
10 light to any township or the public within such township, such  
11 township may purchase the works of such person, copartnership or  
12 corporation, at such price as may be agreed upon by the township  
13 and such person or copartnership or a majority in value of the  
14 stockholders of such corporation.

15 Section 2705 A. Petition for Viewers. Upon failure so to  
16 agree on purchase price the township may present a petition to  
17 the court of common pleas, asking for the appointment of viewers  
18 to assess the value of the plant and works so proposed to be  
19 purchased whereupon the court shall appoint three viewers from  
20 the county board of viewers, neither of whom shall be interested  
21 in such works, or be stockholders in such corporation, or  
22 taxpayers in such township, and shall appoint a time for their  
23 meeting, of which ten days' notice shall be given to all parties  
24 in interest.

25 Section 2706 A. Duty of Viewers. The viewers, having been  
26 sworn or affirmed justly and impartially to appraise the  
27 property and having viewed the premises and taken such testimony  
28 as may be offered by any party touching the value of the  
29 property and franchises, they shall determine the amount of  
30 damages that such person, copartnership or corporation will

~~sustain, and to whom payable, and make report thereof to the court; which report shall be confirmed "nisi" by the court and if no appeal is taken as hereinafter provided, shall be confirmed absolutely.~~

~~Section 2707 A. Appeal from Report; Trial by Jury. Either party may, at any time within thirty days after the confirmation "nisi" of any such report, appeal therefrom to the court of common pleas of the county. After such appeal, either party may put the cause at issue, in the form directed by the court, and the same shall be tried before a jury.~~

~~Section 2708 A. Exceptions to Report. If any exceptions are filed with any appeal, they shall be speedily disposed of and if allowed, a new view shall be ordered; but if disallowed, the appeal shall proceed as before provided.~~

~~Section 2709 A. Notices. The court shall have power to order what notice shall be given in connection with any part of such proceedings.~~

~~SECTION 2704-A. CONSTRUCTION OR PURCHASE OF HYDROELECTRIC GENERATION FACILITIES.--ANY TOWNSHIP MAY CONSTRUCT FACILITIES FOR THE PURPOSE OF MANUFACTURING ELECTRICITY BY HYDROELECTRIC GENERATION. ANY TOWNSHIP MAY PURCHASE A HYDROELECTRIC GENERATING FACILITY AT SUCH PRICE AS MAY BE AGREED UPON BY THE TOWNSHIP AND THE PERSON, COPARTNERSHIP OR A MAJORITY OF THE STOCKHOLDERS OF A CORPORATION THAT OWNS SUCH FACILITIES.~~

~~SECTION 2705-A. SUBMISSION TO ELECTORS.--BEFORE ANY TOWNSHIP SHALL CONSTRUCT OR PURCHASE A HYDROELECTRIC GENERATING FACILITY, THE QUESTION OF THE INCREASE OF THE DEBT OF THE TOWNSHIP SHALL FIRST BE SUBMITTED TO THE QUALIFIED VOTERS OF THE TOWNSHIP IN THE MANNER PROVIDED BY LAW FOR THE INCREASE OF INDEBTEDNESS OF MUNICIPAL CORPORATIONS.~~

1        SECTION 2706-A. LIMITATION ON INDEBTEDNESS.--NO TOWNSHIP  
2        WHICH CONSTRUCTS OR PURCHASES A HYDROELECTRIC GENERATING  
3        FACILITY SHALL INCUR ANY INDEBTEDNESS FOR THE CONSTRUCTION OR  
4        ENLARGEMENT OF A DAM OR IMPOUNDMENT STRUCTURE OTHER THAN FOR  
5        REPAIRS OR RECONSTRUCTION IN CONNECTION WITH THE HYDROELECTRIC  
6        PROJECT.

7        Section 2. This act shall take effect in 60 days.