
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1099 Session of
1987

INTRODUCED BY ARGALL AND FOSTER, APRIL 21, 1987

SENATOR PECORA, LOCAL GOVERNMENT, IN SENATE, AS AMENDED,
FEBRUARY 2, 1988

AN ACT

1 Amending the act of February 1, 1966 (1965 P.L.1656, No.581),
2 entitled "An act concerning boroughs, and revising, amending
3 and consolidating the law relating to boroughs," further
4 providing for a decrease in the number of councilmen AND FOR ←
5 APPROPRIATIONS; and making an editorial change.

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

8 Section 1. Sections 806 and 818 of the act of February 1,
9 1966 (1965 P.L.1656, No.581), known as The Borough Code, are
10 amended to read:

11 Section 806. Officers to be Elected.--It shall be lawful for
12 the electors of the borough to elect:

13 (1) In boroughs not divided into wards, seven councilmen,
14 one mayor, one assessor, except in those boroughs where, under
15 the applicable county assessment law, the office of elected
16 assessor in boroughs shall have been abolished; a tax collector
17 and three auditors or one controller except in such boroughs
18 where there shall be an appointed auditor in lieu of elected

1 auditors or controller. In any borough with population, as
2 determined by the latest official census, of less than [one
3 thousand] three thousand, the total number of councilmen may be
4 reduced from seven to five or to three upon petition to the
5 court of [quarter sessions] common pleas, as provided in section
6 818 of this act.

7 (2) In boroughs divided into wards, at least one, and not
8 more than two councilmen in each ward, except in boroughs where
9 prior to the passage of this act three councilmen were elected
10 in each ward. In such boroughs, the number of councilmen is
11 fixed at three in each ward until such number is reduced in the
12 manner provided by this act. Councilmen shall be residents of
13 the ward from which they are elected, and chosen by the electors
14 of the ward; also a mayor, a tax collector and three auditors or
15 a controller, except in such boroughs where there shall be an
16 appointed auditor in lieu of elected auditors or controller, and
17 an assessor, except in those boroughs where, under the
18 applicable county assessment law, the office of elected assessor
19 shall have been abolished who shall be chosen by the electors of
20 the boroughs at large.

21 Section 818. Decrease in Number of Councilmen.--The court of
22 [quarter sessions] common pleas may, upon petition of at least
23 five percent of the registered electors of any borough, which,
24 according to the latest official census, had a population of not
25 more than [one thousand] three thousand, reduce the total number
26 of councilmen for such borough from seven to five or to three.
27 The sufficiency of the number of signers to any such petition
28 shall be ascertained as of the date when the petition is
29 presented to court.

30 The court shall give notice of the filing of such petition by

1 advertisement in the legal journal of the county, if one is
2 published in the county, and in one newspaper of general
3 circulation in the borough, and in such notice shall fix a day
4 and time for hearing. After such hearing, the court may decrease
5 the number of councilmen elected in such borough from seven to
6 five or three, as requested in the petition.

7 At the municipal election following the decrease in the
8 number of councilmen in such borough, from seven to five, if
9 four councilmen would otherwise have been elected, there shall
10 instead be elected three councilmen; if three councilmen would
11 otherwise have been elected there shall instead be elected two
12 councilmen. At the second municipal election following the
13 decrease in the number of councilmen in such borough, if four
14 councilmen would otherwise have been elected, there shall
15 instead be elected three councilmen; if three councilmen would
16 otherwise have been elected, there shall be elected two
17 councilmen. At all following municipal elections, there shall be
18 elected the proper number of councilmen to correspond to the
19 number of councilmen whose terms are to expire the first Monday
20 of the following January.

21 At the municipal election following the decrease in the
22 number of councilmen in such borough from seven to three, if
23 four councilmen would otherwise have been elected there shall
24 instead be elected two councilmen; if three councilmen would
25 otherwise have been elected there shall instead be elected one
26 councilman. At the second municipal election following the
27 decrease in the number of councilmen in such borough, if four
28 councilmen would otherwise have been elected, there shall
29 instead be elected two councilmen; if three councilmen would
30 otherwise have been elected, there shall be elected one

1 councilman. At all the following municipal elections, there
2 shall be elected the proper number of councilmen to correspond
3 to the number of councilmen whose terms are to expire the first
4 Monday of the following January.

5 In any borough where, under the provisions of this section,
6 the number of councilmen shall be reduced, the councilmen then
7 in office shall remain in office until the end of their
8 respective terms. If any such borough shall thereafter attain a
9 population in excess of [one thousand] three thousand, according
10 to the latest official census, the number of councilmen shall
11 automatically be increased from three or five to seven,
12 following the reverse of the procedure set forth in the third or
13 fourth paragraph of this section, as the case may be.

14 SECTION 2. SECTION 1202(67) OF THE ACT IS AMENDED AND THE
15 SECTION IS AMENDED BY ADDING A CLAUSE TO READ: ←

16 SECTION 1202. SPECIFIC POWERS.--THE POWERS OF THE BOROUGH
17 SHALL BE VESTED IN THE CORPORATE AUTHORITIES. AMONG THE SPECIFIC
18 POWERS OF THE BOROUGH SHALL BE THE FOLLOWING, AND IN THE
19 EXERCISE OF ANY OF SUCH POWERS INVOLVING THE ENACTMENT OF ANY
20 ORDINANCE OR THE MAKING OF ANY REGULATION, RESTRICTION OR
21 PROHIBITION, THE BOROUGH MAY PROVIDE FOR THE ENFORCEMENT THEREOF
22 AND MAY PRESCRIBE PENALTIES FOR THE VIOLATION THEREOF OR FOR THE
23 FAILURE TO CONFORM THERETO:

24 * * *

25 (67) APPROPRIATION FOR CIVIC PURPOSES. TO APPROPRIATE, IN
26 ANY YEAR OUT OF THE GENERAL FUNDS OF THE BOROUGH[, A SUM NOT
27 EXCEEDING SEVEN HUNDRED FIFTY DOLLARS (\$750)] FOR THE OBSERVANCE
28 OF HOLIDAYS OR CENTENNIALS OR OTHER ANNIVERSARIES OR FOR BOROUGH
29 CELEBRATIONS OR OTHER CIVIC PROJECTS OR PROGRAMS.

30 * * *

1 (80) APPROPRIATIONS TO SENIOR CITIZENS ORGANIZATIONS. TO
2 APPROPRIATE FUNDS FOR PROGRAMS WHICH BENEFIT SENIOR CITIZENS, OR
3 MAKE GRANTS TO CIVIC ORGANIZATIONS WHICH REPRESENT SENIOR
4 CITIZENS, PROVIDE SERVICES TO SENIOR CITIZENS, OR OF WHICH ITS
5 MEMBERS ARE SENIOR CITIZENS.

6 Section 2 3. This act shall take effect in 60 days.

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