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THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 702 Session of 1995

INTRODUCED BY D. W. SNYDER, LESCOVITZ, MERRY, PISTELLA, BATTISTO, BARD AND McGILL, FEBRUARY 13, 1995

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 6, 1995

AN ACT

Reenacting and amending the act of May 1, 1933 (P.L.103, No.69), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," adding, revising and deleting provisions relating to townships of the second class.

TABLE OF CONTENTS

ARTICLE I. PRELIMINARY PROVISIONS

Section 101. Short Title; Effective Date.

Section 102. Definitions.

Section 103. Excluded Provisions.

Section 104. Construction of Act Generally.

Section 105. Constitutional Construction.

Section 106. Construction of References.

Section 107. How Act Applies.

Section 108. Saving Clauses When Class of Township Changed.

Section 109. Legal Advertising.

ARTICLE II. CLASSIFICATION, CREATION, RE-ESTABLISHMENT AND CHANGE OF NAME OF TOWNSHIPS

Section 201. Classification of Townships.

Section 202. Re-establishment of Townships.
Section 203. Creation of Townships by Annulment of Charter of Borough.
Section 204. Classification of New Townships.
Section 205. Appointment and Election of Officers of New Townships.
Section 206. Certificates of Clerk of Court; Fee; Penalty.
Section 207. Change of Name of Township.
ARTICLE III. TOWNSHIP LINES AND BOUNDARIES
Section 301. Stream Boundaries.
Section 302. Establishment of Boundaries.
Section 303. Petition to Court; Commissioners' Report.
Section 304. Exceptions and Procedure.
Section 305. Costs.
Section 306. Adjustment of Indebtedness.
Section 307. Adjustment for Costs or Values of Improvements.
ARTICLE IV. ELECTION OF OFFICERS; VACANCIES IN OFFICE
Section 401. Township Officers to be Electors.
Section 402. Officers to be Elected.
Section 403. Supervisors.
Section 404. Auditors.
Section 405. Assessor.
Section 406. Tax Collector.
Section 407. Vacancies in General.
ARTICLE V. TOWNSHIP OFFICERS GENERALLY
Section 501. Oath of Office.
Section 502. Bonds.
Section 503. Removal for Failure to Perform Duties.
ARTICLE VI. TOWNSHIP SUPERVISORS
Section 601. Supervisors and Government of Townships.

Section 602. Organization Meeting; Appointment of Secretary and Treasurer.
Section 603. Monthly Meetings; Quorum.
Section 604. Special Meetings.
Section 605. Minutes and Records.
Section 606. Compensation of Supervisors.
Section 607. Duties of Supervisors.
ARTICLE VII. TOWNSHIP TREASURER
Section 701. Township Treasurer.
Section 702. Treasurer's Bond.
Section 703. Treasurer's Compensation.
Section 704. Treasurer's Duties.
Section 705. Assistant Treasurer.
Section 706. Use of Special Funds; Penalty.
Section 707. Penalty for Failure to Perform Duties.
Section 708. Depositories of Township Funds.
ARTICLE VIII. TOWNSHIP SECRETARY
Section 801. Township Secretary.
Section 802. Secretary's Duties.
Section 803. Secretary's Compensation.
Section 804. Assistant Secretary.
ARTICLE IX. AUDITORS; ACCOUNTANTS
Section 901. Township Auditors; Meetings; Duties; Quorum.
Section 902. Auditor's Compensation.
Section 903. Subpoenas; Oaths; Perjury.
Section 904. Completion, Filing and Publication of Annual Township Report and Financial Statement.
Section 905. Penalty for Failure to Perform Duty.
Section 906. Employment and Compensation of Attorney.
Section 907. Surcharge by Auditors.

Section 908. Collection of Surcharge; Bond.
Section 909. Appeals from Report.
Section 910. Taxpayer's Appeal; Bond.
Section 911. Consolidation of Appeals.
Section 912. Report; Prima Facie Evidence; Burden of Proof.
Section 913. Findings; Judgment.
Section 914. Costs.
Section 915. Attorney Fees.
Section 916. Interest in Township Transactions.
Section 917. Appointment of Accountant.
ARTICLE X. TAX COLLECTOR; ASSESSOR
Section 1001. Tax Collector; Powers, Duties and Liabilities.
Section 1002. Assessor; Powers and Duties.
ARTICLE XI. TOWNSHIP SOLICITOR
Section 1101. Township Solicitor.
Section 1102. Solicitor to Have Control of Legal Matters.
Section 1103. Duties of Solicitor.
ARTICLE XII. TOWNSHIP ENGINEER
Section 1201. Township Engineer.
Section 1202. Engineer's Duties; Preparation of Plans.
Section 1203. Certificate of Commencement and of Completion of Municipal Improvements.
ARTICLE XIII. TOWNSHIP MANAGER
Section 1301. Township Manager; Appointment, Removal, Powers and Duties; Compensation; Bond.
ARTICLE XIV. COUNTY AND STATE ASSOCIATIONS OF TOWNSHIPS
Section 1401. County Associations.
Section 1402. State Association of Township Supervisors Authorized.

ARTICLE XV. CORPORATE POWERS

Section 1501. Suits.
Section 1502. Property; Penalty for Violation.
Section 1503. Real Property.
Section 1504. Personal Property.
Section 1505. Boards of Supervisors to Exercise Powers.
Section 1506. General Powers.
Section 1507. Intergovernmental Cooperation.
Section 1508. Capital Reserve Fund.
SECTION 1508.1. OPERATING RESERVE FUND. <——
Section 1509. Indebtedness.
Section 1510. Display of Flags.
Section 1511. Township Seals.
Section 1512. Insurance.
Section 1513. Widening and Deepening Watercourses.
Section 1514. Airports.
Section 1515. Urban Common Carrier Mass Transportation.
Section 1516. Land Use Regulations.
Section 1517. Building and Housing Regulations.
Section 1518. Building and Housing Inspectors.
Section 1519. Building Lines.
Section 1520. Numbering of Buildings.
Section 1521. Insect, Pest and Vector Programs.
Section 1522. Sewage Treatment Facilities Regulations.
Section 1523. Surplus Foods.
Section 1524. Community Nursing Services.
Section 1525. Mental Health Centers.
Section 1526. Hospitals.
Section 1527. Public Safety.
Section 1528. Ambulances and Rescue and Life Saving Services.

Section 1529. Nuisances.
Section 1530. Regulation of Dogs.
Section 1531. Animal Shelters.
Section 1532. Regulation of Business.
Section 1533. Dangerous Structures.
Section 1534. Fireworks and Inflammable Articles.
Section 1535. Human Services.
Section 1536. Cemeteries.
Section 1537. Burial Plots of Service Persons.
Section 1538. Care of Memorials.
Section 1539. Libraries.
Section 1540. Observances and Celebrations.
Section 1541. Historical Property.
Section 1542. Community Development.
Section 1543. Industrial Promotion.
Section 1544. Tourist Promotion Agencies.
Section 1545. Nonprofit Art Corporations.
Section 1546. Neighborhood Crime Watch Programs.
Section 1547. Public Rewards.
Section 1548. Municipality Authorities.
Section 1549. Racetracks.
ARTICLE XVI. ORDINANCES
Section 1601. Ordinances.
ARTICLE XVII. PUBLIC BUILDINGS
Section 1701. Township Buildings.
Section 1702. Use of Public Land Acquired for Other Purposes.
Section 1703. How Damages Are Assessed.
Section 1704. Garages and Warehouses.
ARTICLE XVIII. FIRE PREVENTION AND PROTECTION
Section 1801. Authority of Board of Supervisors.

Section 1802. Fire Hydrants and Water Supply.
Section 1803. Fire Companies and Facilities.
Section 1804. Ponds, Dams or Impoundments for Fire Protection.
Section 1805. Fire Prevention Code.
Section 1806. Prohibition of Fire-Producing Devices in Certain Retail Stores.
ARTICLE XIX. TOWNSHIP POLICE
Section 1901. Creating or Disbanding Police Force.
Section 1902. Appointment of Police.
Section 1903. Contracts to Secure Police Service.
Section 1904. Contract to Provide Police Service.
Section 1905. Powers.
Section 1906. Shield.
Section 1907. Equipment.
Section 1908. Lockups.
Section 1909. Certain Compensation Prohibited.
Section 1910. Police Pension Fund.
Section 1911. Police Protection Districts.
Section 1912. Removal of Police Officers.
Section 1913. Auxiliary Police.
Section 1914. Special Fire Police.
Section 1915. Special School Police.
ARTICLE XX. STREET LIGHTS
Section 2001. Lighting.
Section 2002. Street Light Districts.
Section 2003. Costs.
ARTICLE XXI. SOLID WASTE COLLECTION AND DISPOSITION
Section 2101. Accumulation of Ashes, Garbage, Solid Waste and Refuse Materials.
Section 2102. Collection.

Section 2103. Disposal.
Section 2104. Acquisition of Land.
Section 2105. Charge for Services.
Section 2106. Appropriations.
Section 2107. Refuse Collection District.
Section 2108. Exclusion from Bidding Requirements.
ARTICLE XXII. PARKS, RECREATION CENTERS AND FORESTS
Section 2201. Acquisition of Lands and Buildings.
Section 2202. Recreation Facilities Employes.
Section 2203. Regulation of Parks and Public Amusements.
Section 2204. Creation of Recreation Boards.
Section 2205. Joint Ownership and Maintenance.
Section 2206. Expenses for Maintenance.
Section 2207. Forest Lands.
ARTICLE XXIII. ROADS, STREETS, BRIDGES AND HIGHWAYS
Section 2301. Road and Bridge Maintenance, Repair and Construction.
Section 2302. Duties of Roadmasters.
Section 2303. Road Complaints.
Section 2304. Power to Lay Out, Open, Widen, Vacate, Et Cetera.
Section 2305. Hearing; Report; Exceptions Thereto; View and Notice.
Section 2306. Width of Public Roads.
Section 2307. Certain Roads Declared Public Roads.
Section 2308. Opening, Repairing and Closing Roads.
Section 2309. Time Within Which Roads to be Opened.
Section 2310. Detours.
Section 2311. Relocating or Vacating Roads by Agreement.
Section 2312. Elimination of Curves; Acquisition of Views.
Section 2313. Roads in or Near Public Parks.

Section 2314. Petition of Property Owners for Improvements.
Section 2315. Improvements Without Petition.
Section 2316. Acceptance of Land for Road Purposes.
Section 2317. Approval of Plans.
Section 2318. Markers and Monuments.
Section 2319. Powers of State and Counties Preserved.
Section 2320. Power to Open Drains and Ditches.
Section 2321. Railroad Crossings.
Section 2322. Permits.
Section 2323. Penalty for Destroying Signs.
Section 2324. Protection of Highways from Snowdrifts.
Section 2325. Saving Trees and Shrubbery.
Section 2326. Obstructions and Nuisances.
Section 2327. Traffic Lights and Signals.
Section 2328. Regulation of Parking.
Section 2329. Naming of Streets.
Section 2330. Bike Paths.
Section 2331. County Bridges.
Section 2332. Boundary Roads and Bridges.
ARTICLE XXIV. SIDEWALKS, FOOTPATHS AND CURBS
Section 2401. Location, Lines, Grades and Width of Curbs, Sidewalks or Footpaths; Costs.
ARTICLE XXV. SANITARY SEWERS
Section 2501. Sanitary Sewers.
Section 2502. Sanitary Sewer Connections.
Section 2503. Notice of Contemplated Construction.
Section 2504. Entering Lands to Mark Sanitary Sewer Routes; Damages.
Section 2505. Sanitary Sewer Systems; Acquisition of Land and Facilities; Damages.

Section 2506. Cost of Construction; How Paid.
Section 2507. Sanitary Sewer Districts.
Section 2508. Manner of Assessment.
Section 2509. Procedure for Assessments.
Section 2510. Liens for Assessments; Costs of Proceedings.
Section 2511. Rental Fees.
Section 2512. State and County Highways; Consents Necessary.
Section 2513. Municipal Corporation; Municipality Authority; Agreements for Connections; Appointment of Viewers.
Section 2514. Report of Viewers.
Section 2515. Acquisition of Existing Sanitary Sewer Systems.
Section 2516. Joint Sanitary Sewer Systems.
Section 2517. State Permit.
ARTICLE XXVI. WATER SUPPLY
Section 2601. Contracts With Water Companies and Municipal Corporations and Acquisition of Water Systems.
Section 2602. Water Lines and Connections.
Section 2603. Connection to Water System.
Section 2604. Water Rents.
Section 2605. Distribution System; State Permit.
Section 2606. Occupation of Highways.
Section 2607. Joint Construction, Acquisition or Maintenance of Water Systems.
Section 2608. Joint Water Board.
Section 2609. Public Utility Law Saved.
Section 2610. Cost of Construction; How Paid.
Section 2611. Water Districts.
Section 2612. Assessment.
Section 2613. Procedure for Assessment.

Section 2614. Liens for Assessments; Costs of Proceedings.
ARTICLE XXVII. STORM WATER MANAGEMENT PLANS AND FACILITIES
Section 2701. Storm Water Management Systems Authorized.
Section 2702. Construction of Storm Water Management Facilities.
Section 2703. System Management.
Section 2704. Ordinances.
ARTICLE XXVIII. MANUFACTURE AND SALE OF ELECTRICITY
Section 2801. Manufacture and Sale of Electricity.
Section 2802. Regulation of Use and Prices.
Section 2803. Sale of Hydroelectric Generating Facilities.
Section 2804. Construction or Purchase of Hydroelectric Generating Facilities.
Section 2805. Submission to Electors.
Section 2806. Limitation on Indebtedness.
ARTICLE XXIX. SHADE TREE COMMISSION
Section 2901. Right of Establishment.
Section 2902. Commission Members; Appointment; Terms; Vacancies.
Section 2903. Powers May be Vested in Recreation Board.
Section 2904. General Powers of Commission.
Section 2905. Hiring of Employes.
Section 2906. Report of Commission.
Section 2907. Removal of Diseased or Dangerous Trees.
Section 2908. Maintenance by Township Funds.
Section 2909. Penalties.
Section 2910. Disposition of Penalties.
ARTICLE XXX. BOARD OF HEALTH
Section 3001. Establishment of Board of Health.

Section 3002. Members of Board of Health.
Section 3003. Organization, Secretary, Health Officer and Inspectors.
Section 3004. Duties of Secretary.
Section 3005. Powers and Duties of Health Officers and Inspectors.
Section 3006. Powers of Board of Health.
Section 3007. Entering Premises.
Section 3008. Written Order for Violation.
Section 3009. Appropriations and Annual Report.
Section 3010. Cooperation With Other Municipal Corporations.
ARTICLE XXXI. CONTRACTS
Section 3101. Power to Make Contracts.
Section 3102. Letting Contracts.
Section 3103. Road Contracts.
Section 3104. Evasion of Advertising Requirements.
Section 3105. Bonds for Protection of Labor and Material Suppliers.
Section 3106. Purchase Contracts for Supplies and Equipment; Fire Company, Et Cetera; Participation.
Section 3107. Separate Specifications for Branches of Work.
Section 3108. Workers' Compensation Insurance.
Section 3109. Engineers and Architects Not to be Interested in Contracts.
ARTICLE XXXII. TAXATION AND FINANCE
Section 3201. Fiscal Year.
Section 3202. Annual Budget.
Section 3203. Uniform Report Forms.
Section 3204. Investment of Township Funds.
Section 3205. Township and Special Tax Levies.

Section 3206. Procedure for Referendum on Tax Questions.
Section 3207. Taxes for Special Districts.
Section 3208. Tax Rate to be Expressed in Dollars and Cents.
Section 3209. Tax Duplicates.
Section 3210. Additions and Revisions to Duplicates.
ARTICLE XXXIII. COLLECTION OF ASSESSMENTS
Section 3301. Assessments Collected by Tax Collector.
Section 3302. Assessments Collected by Township Treasurer.
Section 3303. Installment Payments.
ARTICLE XXXIV. EMINENT DOMAIN; ASSESSMENT OF DAMAGES AND BENEFITS
Section 3401. Scope of Article.
Section 3402. Restrictions as to Certain Property.
Section 3403. Value of Land or Property Not to be Assessed as Benefits.
Section 3404. Title Acquired.
Section 3405. Assessment of Damages and Benefits.
Section 3406. Assessment Awards.
Section 3407. Assessments to Bear Interest.
ARTICLE XXXV. VIOLATION OF ACT GENERALLY
Section 3501. Violation of Act Generally; Penalty.
ARTICLE XXXVI. ACTIONS BY TOWNSHIPS
Section 3601. Recovery of Municipal Claims.
ARTICLE XXXVII. REPEALS
Section 3701. Repeals.

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

Section 1. The title and act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, reenacted and amended July 10, 1947 (P.L.1481, No.567) and amended or repealed

in part May 20, 1949 (P.L.1562, No.474), May 24, 1951 (P.L.370, No.85), May 29, 1951 (P.L.435, No.102), July 19, 1951 (P.L.1097, No.243), January 14, 1952 (1951 P.L.1989, No.555), July 2, 1953 (P.L.328, No.72), July 2, 1953 (P.L.354, No.83), August 21, 1953 (P.L.1333, No.376), June 28, 1955 (P.L.214, No.67), May 29, 1956 (1955 P.L.1804, No.600), May 31, 1956 (1955 P.L.1898, No.627), June 1, 1956 (1955 P.L.2021, No.677), April 9, 1957 (P.L.54, No.29), May 20, 1957 (P.L.174, No.85), May 20, 1957 (P.L.179, No.87), June 16, 1959 (P.L.466, No.95), June 30, 1959 (P.L.495, No.120), July 9, 1959 (P.L.508, No.134), July 9, 1959 (P.L.510, No.136), July 21, 1959 (P.L.559, No.173), July 30, 1959 (P.L.585, No.193), August 11, 1959 (P.L.664, No.216), August 25, 1959 (P.L.763, No.269), August 28, 1959 (P.L.788, No.287), September 8, 1959 (P.L.809, No.305), April 28, 1961 (P.L.153, No.75), May 9, 1961 (P.L.181, No.89), May 9, 1961 (P.L.194, No.97), July 13, 1961 (P.L.596, No.294), July 13, 1961 (P.L.600, No.299), May 15, 1963 (P.L.39, No.35), June 21, 1963 (P.L.153, No.98), July 26, 1963 (P.L.323, No.176), July 31, 1963 (P.L.381, No.203), August 2, 1963 (P.L.491, No.255), August 6, 1963 (P.L.535, No.285), August 24, 1963 (P.L.1197, No.503), May 3, 1965 (P.L.35, No.29), May 5, 1965 (P.L.42, No.36), May 7, 1965 (P.L.51, No.39), May 12, 1965 (P.L.57, No.43), June 8, 1965 (P.L.99, No.68), June 8, 1965 (P.L.121, No.83), September 1, 1965 (P.L.455, No.232), September 2, 1965 (P.L.477, No.241), November 10, 1965 (P.L.709, No.339), February 2, 1966 (1965 P.L.1887, No.601), March 21, 1967 (P.L.17, No.6), June 1, 1967 (P.L.29, No.19), June 16, 1967 (P.L.108, No.25), October 9, 1967 (P.L.416, No.184), October 19, 1967 (P.L.455, No.212), November 24, 1967 (P.L.620, No.282), December 14, 1967 (P.L.816, No.350), December 14, 1967 (P.L.833, No.358), December 20, 1967 (P.L.869,

No.385), January 18, 1968 (1967 P.L.958, No.426), March 21, 1968 (P.L.66, No.22), April 3, 1968 (P.L.78, No.33), June 24, 1968 (P.L.240, No.112), July 31, 1968 (P.L.805, No.247), June 30, 1969 (P.L.110, No.42), July 1, 1969 (P.L.117, No.48), April 22, 1970 (P.L.303, No.97), July 22, 1970 (P.L.533, No.179), July 22, 1970 (P.L.553, No.190), November 25, 1970 (P.L.734, No.237), June 3, 1971 (P.L.118, No.6), June 27, 1973 (P.L.74, No.33), July 27, 1973 (P.L.242, No.67), October 12, 1973 (P.L.291, No.86), January 23, 1974 (P.L.12, No.5), March 1, 1974 (P.L.88, No.23), March 13, 1974 (P.L.192, No.36), April 11, 1974 (P.L.248, No.60), June 27, 1974 (P.L.411, No.144), June 27, 1974 (P.L.420, No.148), December 13, 1974 (P.L.960, No.315), July 16, 1975 (P.L.69, No.40), July 30, 1975 (P.L.134, No.67), July 30, 1975 (P.L.137, No.69), October 2, 1975 (P.L.344, No.98), December 19, 1975 (P.L.562, No.159), May 21, 1976 (P.L.146, No.70), June 11, 1976 (P.L.159, No.78), July 9, 1976 (P.L.851, No.149), December 1, 1977 (P.L.246, No.81), April 28, 1978 (P.L.202, No.53), September 28, 1978 (P.L.808, No.158), October 4, 1978 (P.L.948, No.187), October 4, 1978 (P.L.1026, No.228), October 5, 1979 (P.L.199, No.67), November 1, 1979 (P.L.450, No.87), May 9, 1980 (P.L.118, No.45), July 10, 1980 (P.L.475, No.102), October 5, 1980 (P.L.780, No.143), December 19, 1980 (P.L.1318, No.238), May 22, 1981 (P.L.79, No.26), October 1, 1981 (P.L.286, No.97), October 16, 1981 (P.L.291, No.100), November 20, 1981 (P.L.337, No.122), March 3, 1982 (P.L.124, No.40), April 8, 1982 (P.L.256, No.77), November 26, 1982 (P.L.765, No.218), December 13, 1982 (P.L.1147, No.262), May 1, 1984 (P.L.222, No.46), October 31, 1985 (P.L.294, No.68), July 3, 1986 (P.L.385, No.82), December 11, 1986 (P.L.1500, No.159), December 17, 1986 (P.L.1687, No.199), July 13, 1987 (P.L.330,

No.60), January 28, 1988 (P.L.19, No.9), March 2, 1988 (P.L.105, No.20), March 25, 1988 (P.L.261, No.30), March 30, 1988 (P.L.312, No.41), June 15, 1988 (P.L.453, No.75), December 14, 1989 (P.L.629, No.74), July 10, 1990 (P.L.386, No.91), November 29, 1990 (P.L.606, No.153), November 29, 1990 (P.L.610, No.155), July 11, 1991 (P.L.83, No.17), December 20, 1991 (P.L.408, No.49), December 16, 1992 (P.L.1213, No.157) and October 13, 1994 (P.L.596, No.90), are reenacted and amended to read:

AN ACT

Concerning townships of the second class; and amending, revising, consolidating[,] and changing the law relating thereto.

ARTICLE I

PRELIMINARY PROVISIONS

[Section 101. Short Title.--Effective Date. This act shall be known, and may be cited, as "The Second Class Township Code." This act shall take effect on the first day of July, one thousand nine hundred and thirty-three. This reenactment, revision, amendment and consolidation of the laws relating to townships of the second class shall become effective the first day of July, one thousand nine hundred and forty-seven.]

<u>Section 101. Short Title.--This act shall be known and may be cited as "The Second Class Township Code."</u>

[Section 102. Definitions.--The following words, terms and phrases, as used in this act, shall have the meanings herein assigned to them, unless the context clearly indicates otherwise:

(a) "Township," a township of the second class.

(b) "Road" or "Public road," a road of a township of the second class and shall include a street, lane, alley, court or

public square of such township.

(c) "Highway" or "State highway," a road or highway of the State highway system.]

Section 102. Definitions.--The following words, terms and phrases, as used in this act, shall have the following meanings, unless the context clearly indicates otherwise:

"Census" or "official census," the latest United States Census Bureau population count resulting from a decennial or special census conducted by the United States Census Bureau.

"Highway" or "State highway," any highway, road or street which qualifies as a State highway or a portion of the rural State highway system as provided in section 102 of the act of June 1, 1945 (P.L.1242, No.428), known as the "State Highway Law."

"Municipal corporation," any city, borough, incorporated town, township of the second class, township of the first class or home rule municipality, except home rule counties.

"Road" or "public road," the entire width between the boundary lines of every way, street, lane, alley, court or public square maintained by the township which is open to the use of the public for purposes of vehicular travel.

"Township," a township of the second class.

[Section 103. Excluded Provisions.--This act does not include any provisions, and shall not be construed to repeal any acts, relating to--

(a) The assessment and valuation of property and persons for the purposes of taxation and collection of taxes and the collection of municipal claims by liens;

(b) The method of incurring or increasing bonded indebtedness;

(c) Election officers and conduct of elections;

(d) Public schools and school districts;

(e) Constables;

(f) Justices of the peace;

(g) State roads, and private roads;

(h) Validations of elections, bonds, ordinances, and acts of corporate officers;

(i) Free non-sectarian libraries.]

Section 103. Excluded Provisions.--(a) This act does not repeal any acts relating to:

(1) The assessment and valuation of property and persons for the purposes of taxation and collection of taxes and the collection of municipal claims by liens.

(2) The method of incurring or increasing indebtedness.

(3) Election officers and conduct of elections.

(4) Public schools and school districts.

(5) Constables.

(6) District justices.

(7) State highways and private roads.

(8) Validations of elections, bonds, ordinances and acts of corporate officers.

(9) Free nonsectarian libraries.

(10) Intergovernmental cooperation.

(11) Planning and land use.

(12) Public meetings.

(13) Inspection of records.

(14) Ethics of elected officers and employes.

(15) The levy or collection of taxes under general law.

(b) It is the intention that this act shall furnish a complete and exclusive system for the government and regulation

of townships except as to the several matters enumerated in subsection (a).

[Section 104. Construction of Act Generally.--The provisions of this act, so far as they are the same as those of existing laws, are intended as a continuation of such laws and not as new enactments. The repeal by this act of any act of Assembly, or part thereof, shall not revive any act or part thereof heretofore repealed or superseded, nor affect the existence or class of any township heretofore created. The provisions of this act shall not affect any act done, liability incurred, or right accrued or vested, or affect any suit or prosecution, pending or to be instituted, to enforce any right or penalty or punish any offense under the authority of such repealed laws. All resolutions, regulations, and rules, made pursuant to any act of Assembly repealed by this act, shall continue with the same force and effect as if such act had not been repealed. Any person holding office under any act of Assembly repealed by this act shall continue to hold such office until the expiration of the term thereof, subject to the conditions attached to such office prior to the passage of this act.]

Section 104. Construction of Act Generally.--The provisions of this act, insofar as they are the same as those of existing laws, are intended as a continuation of those laws and not as new enactments. The repeal by this act of any State law or part thereof does not revive any act or part thereof previously repealed or superseded. The provisions of this act do not affect any act done, liability incurred or right accrued or vested, or affect any suit or prosecution, pending or to be instituted, to enforce any right or penalty or punish any offense under the authority of any repealed laws.

[Section 105. Constitutional Construction.--The provisions of this act shall be severable, and if any of the provisions shall be held to be unconstitutional, such decision shall not affect the validity of any of the remaining provisions of this act. It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein.]

Section 105. Constitutional Construction.--The provisions of this act are severable, and if any of the provisions are held to be unconstitutional, that decision shall not affect the validity of any of the remaining provisions of this act. It is the legislative intent that this act would have been adopted had the unconstitutional provision not been included.

[Section 106. Construction of References.--Whenever, in this act, reference is made to any act by title, such reference shall also apply to and include any codification wherein the provisions of the act referred to are substantially re-enacted.]

Section 106. Construction of References.--When, in this act, reference is made to any act by title, it includes any codification in which the provisions of the act referred to are substantially re-enacted.

[Section 107. How Act Applies.--This act shall apply to all townships of the second class within the Commonwealth as now existing or hereafter created, established or re-established.]

Section 107. How Act Applies.--This act shall apply to all townships of the second class as now exist and those created, established or re-established after this act takes effect.

[Section 108. Saving Clauses Where Class of Township Changed.--Whenever any township of the second class is designated a township of the first class, or whenever any

township of the first class is re-established as a township of the second class, all liabilities incurred, rights accrued or vested, obligations issued or contracted, and all suits and prosecutions pending or to be instituted to enforce any right or penalty accrued or punish any offense committed prior to such change of class, and all resolutions, rules and regulations, shall continue with the same force and effect as if no such change had been made.]

Section 108. Saving Clauses When Class of Township Changed.--When any township of the second class is re-established as a township of the first class, or when any township of the first class is re-established as a township of the second class, all liabilities incurred, rights accrued or vested, obligations issued or contracted, and all suits and prosecutions pending or to be instituted to enforce any right or penalty accrued or punish any offense committed before the change of class, and all resolutions, rules and regulations, shall continue with the same force and effect as if no change had been made.

[Section 109. Exception as to Taxation.--This act does not provide for the assessment and valuation of property and persons for the purposes of taxation and the collection of township taxes.

Section 110. Legal Advertising.--Whenever, under the provisions of this act, notice is required to be published in one newspaper, such publication shall be made in a newspaper of general circulation, as defined by the Newspaper Advertising Act, approved May sixteenth, one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand seven hundred and eighty-four), printed in the township, if there is such a

newspaper, and, if not, then in a newspaper circulating generally in such township. If such notice is required to be published in more than one newspaper, it shall be published in at least one newspaper of general circulation, defined as aforesaid, printed, if there be such a newspaper, or circulating generally, as above provided, in the township. When such notice relates to any proceeding or matter in any court, or the holding of an election for the increase of indebtedness, or the issue and sale of bonds to be paid by taxation, such notice shall, also, in counties of the second, third, fourth and fifth classes, be published in the legal newspaper, if any, designated by the rules of court of the proper county for the publication of legal notices and advertisements, unless such publication be dispensed with by special order of court: Provided, however, That auditors' statements, summaries of auditors' statements, or advertisements inviting proposals for public contracts and for bids for materials and supplies, shall be published only in newspapers of general circulation, defined as aforesaid.]

Section 109. Legal Advertising.--When notice is required to be published by a township in one or more newspapers, unless otherwise specified, publication shall be made in the legal notice section in a newspaper of general circulation in the township, as defined by 45 Pa.C.S. (relating to legal notices). When the notice relates to any proceeding or matter in any court, or the holding of an election for the increase of indebtedness, or the issue and sale of bonds to be paid by taxation, the notice shall also be published in the legal newspaper of the county, if any, so designated by the rules of court. Auditors' statements, summaries of auditors' statements, notices of public meetings and hearings, notices of budget

proposals, ordinances, lists of delinquent taxpayers and advertisements inviting proposals for public contracts and for bids for materials and supplies shall be published only in newspapers of general circulation.

ARTICLE II

CLASSIFICATION, CREATION, [CONSOLIDATION AND]

RE-ESTABLISHMENT AND CHANGE OF NAME

OF TOWNSHIPS [OF THE SECOND CLASS

(a) Classification of Townships

Section 201. Classification of Townships.--The townships now in existence and those to be hereafter created are divided into two classes. Townships of the first class shall be those having a population of at least three hundred inhabitants to the square mile, which have heretofore fully organized and elected their officers and are now functioning as townships of the first class, or which may hereafter be created townships of the first class in the manner provided by the laws relating to townships of the first class. All townships not townships of the first class shall be townships of the second class. A change from one class to the other shall hereafter be made only as provided by this act, or the laws relating to townships of the first class.]

Section 201. Classification of Townships.--The townships now in existence and those to be created after this act takes effect are divided into two classes, townships of the first class and townships of the second class. Townships of the first class are those having a population of at least three hundred inhabitants to the square mile, which are now established as townships of the first class, or which may be created townships of the first class under laws relating to townships of the first class. All townships that are not townships of the first class or home rule

townships are townships of the second class. A change from one class to the other shall be made only under this act or the laws relating to townships of the first class.

[(b) Consolidation of Townships]

[(c) Re-establishment of Townships of the Second Class

Section 225. Because of Loss of Population.--Townships of the first class no longer having a population of three hundred to the square mile may be re-established as townships of the second class, in the manner provided by laws governing townships of the first class.

Section 226. By Vote of Registered Electors.--A township of the first class may, irrespective of population, be re-established a township of the second class in the manner hereinafter provided.

The board of commissioners of such township on its own initiative may, or within fifteen days after the receipt of a petition signed by at least five per centum of the registered electors of such township shall, pass a resolution and record it on its minutes, submitting the question, of whether such township of the first class shall be re-established a township of the second class, to the registered electors of such township.

At the primary, general or municipal election occurring at least ninety days after the passage of such resolution, the question, whether such township of the first class shall be re-established a township of the second class, shall be submitted to the voters of the township; and the county board of elections shall cause to be printed, on separate ballots, or in case voting is by machine on ballot labels, to be used in such township at such election, a proper question framed in

accordance with the election laws of the Commonwealth.

The election officers shall compute the votes cast at the election and make return thereof to the county board of elections, wherein such township is situate, which shall compute the same and certify the result thereof to the county commissioners and the board of township commissioners of such township and to the clerk of the court of quarter sessions. If a majority of the votes cast at any such election shall be in favor of the re-establishment of such township as a township of the second class, the government of the township of the second class shall be organized and become effective on the first Monday of January next succeeding such election, at which time the terms of the officers of the township of the first class shall cease and terminate, and the officers appointed by the court for such township, as hereinafter provided, shall take office. If a majority of the votes cast at any such election shall be in favor of remaining a township of the first class, no further proceedings shall be had for a period of two years after which proceedings de novo may be had.]

Section 202. Re-establishment of Townships.--A township of the first class may, irrespective of population, be re-established a township of the second class in the following manner:

(1) The board of commissioners of the township of the first class on its own initiative may, or within fifteen days after the receipt of a petition signed by at least five percent of the electors of the township of the first class shall, pass a resolution and record it on its minutes, submitting the question, of whether the township of the first class shall be re-established as a township of the second class, to the

electors of the township of the first class.

(2) At the next primary, general or municipal election occurring at least ninety days after the passage of the resolution, the question, whether the township of the first class shall be re-established as a township of the second class, shall be submitted to the voters of the township; and the county board of elections shall place the question of re-establishment as a township of the second class on the ballot under the election laws of this Commonwealth.

(3) The election officers shall compute the votes cast at the election and certify them to the county board of elections, which shall compute them and certify the result to the county commissioners and the board of commissioners of the township of the first class and to the clerk of the court of common pleas. If a majority of the votes cast at the election are in favor of the re-establishment of the township of the first class as a township of the second class, the government of the township of the second class shall be organized and become effective on the first Monday of January after the election, when the terms of the officers of the township of the first class shall cease, and the officers appointed by the court for the township under section 205 shall take office. If a majority of the votes cast at the election are in favor of remaining a township of the first class, no further proceedings may be initiated for a period of two years from the date of the election.

[(d) Creation of Townships of the Second Class by Annulment of Borough Charters

Section 230. Because of Annulment of Charter of Borough.-- Townships of the second class may be created by the annulment of a charter of a borough in the manner provided by laws governing

boroughs.]

Section 203. Creation of Townships by Annulment of Charter of Borough.--Townships of the second class may be created by the annulment of a charter of a borough under laws governing boroughs.

Section 204. Classification of New Townships.--When a new township is created either by consolidation of two or more townships, or re-establishment of a township of the first class as a township or by annulment of a charter of a borough, the new township shall be classified as a township of the second class.

[(e) Officers for New Townships

Section 235. Appointment and Election of Officers of New Townships.--Whenever a new township results from the consolidation of townships, or is created as a result of the annulment of the charter of a borough, or when a township is re-established, the court of quarter sessions shall appoint the elective officers for the new township, and fix the polling place or places in such new township. The officers so appointed shall hold their offices until the first Monday of January following the next municipal election occurring at least ninety days after such appointments. At such municipal election, an assessor and a tax collector shall be elected for regular four-year terms, if such election occurs in the year when such officers are elected for regular terms, and if not, then such officers shall be elected for terms of two years each and their successors shall be elected for four-year terms. At said first municipal election, one supervisor and one auditor shall be elected for terms of six years each, one supervisor and one auditor for terms of four years each, and one supervisor and one auditor for terms of two years each. All such officers shall

take office on the first Monday of January next following their election.]

Section 205. Appointment and Election of Officers of New Townships.--When a new township results from the consolidation of townships, or is created as a result of the annulment of a charter of a borough, or when a township of the first class is re-established as a township of the second class, the court of common pleas shall appoint the elective officers for the new township and determine the polling place or places in the new township. The appointed officers shall hold their offices until the first Monday of January after the next municipal election which occurs at least ninety days after the appointments. At the municipal election, an assessor in those counties where assessors are elected and a tax collector shall be elected for regular four-year terms, if the election occurs in the year when those officers are elected for regular terms, and, if not, they shall be elected for terms of two years each and their successors shall be elected for four-year terms. At the first municipal election, one supervisor and one auditor shall be elected for terms of six years each, one supervisor and one auditor for terms of four years each, and one supervisor and one auditor for terms of two years each. All officers shall take office on the first Monday of January after their election.

[(f) Certificates to be Furnished to State Departments

Section 240. Certificates of Clerk of Court; Fee; Penalty.--When a township of the second class results from the consolidation of two or more townships or is created or re-established, the clerk of the court of quarter sessions of the county, within thirty days, shall certify a copy of the record hereof in said court to the Secretary of Community Affairs and

the Department of Highways of the Commonwealth. For such services the clerk shall be allowed a fee of three dollars and fifty cents, to be paid as part of the costs of the proceedings.

Any clerk who shall fail or neglect or refuse to furnish such certifications, or either of them, as herein required, shall upon conviction thereof, in a summary proceeding, be sentenced to pay a fine of not more than fifty dollars, and in default of the payment of such fine and costs, undergo imprisonment of not more than ten days.]

Section 206. Certificates of Clerk of Court; Fee; Penalty.--(a) When a township of the second class results from the consolidation of two or more townships or is created or re-established, the clerk of the court of common pleas, within thirty days, shall certify the action to the Department of Community Affairs and the Department of Transportation. The clerk may charge a fee of three dollars and fifty cents ($3.50), to be paid as part of the costs of the proceedings.

(b) A clerk who fails to furnish the certifications, or either of them, shall, upon conviction thereof, in a summary proceeding, be sentenced to pay a fine of not more than fifty dollars ($50) and, in default of the payment of the fine and costs, undergo imprisonment of not more than ten days.

[ARTICLE IIA

CHANGE OF NAME OF TOWNSHIP OF SECOND CLASS

Section 201A. Petition of Electors.--Upon petition to the court of quarter sessions of at least ten per centum of the registered electors of any township of the second class setting forth that the inhabitants of the township desire to change the name of the township, the court shall order an election to be held on the next day appointed for the holding of a general,

municipal or primary election occurring at least ninety days after the presentation of the petition, at which election the question whether the name of the township shall be changed shall be submitted to the voters of the township.

Section 202A. Filing and Advertisement of Petition.--Upon determination by the court that the petition for change of name of the township is in proper form and properly executed, and the entry of the court order thereon, the original petition shall be filed with the clerk of the court and a copy of the petition and order of the court shall be filed with the county board of elections which shall frame the proper question to be submitted to the electors at the election ordered by the court. Notice of the election shall be given in at least one newspaper of general circulation of the proper county once a week for four consecutive weeks, which shall set forth the time of the election and the purpose thereof. The publication of the notice shall be made on behalf of the petitioners in such form as the court shall approve.

Section 203A. Returns and Effect of Election.--The election officers shall compute the votes cast on the question and make return thereof to the clerk of the court of quarter sessions who shall tabulate the same and certify the result thereof. If a majority of the votes cast at any such election shall be in favor of the change of township name, the court shall so order and shall order the record of the proceedings to be permanently recorded. If a majority of the votes were against the change, there shall be no further proceedings on the petition.]

<u>Section 207. Change of Name of Township.--(a) Upon petition to the court of common pleas of at least ten percent of the electors of a township, or upon passage of a resolution by the</u>

board of supervisors, seeking a change of the name of the township, the court shall order a referendum on the question.

(b) If the court determines that the petition or resolution for change of name of the township is in proper form and properly executed, the original petition or resolution shall be filed with the clerk of the court. A copy of the petition or resolution and order of the court shall be filed with the county board of elections, which shall frame the question to be submitted to the electors at the next general or municipal election which occurs at least sixty days after the court order.

(c) The election officers shall compute the votes cast on the question and certify them to the clerk of the court of common pleas, who shall tabulate them and certify the result. If a majority of the votes cast at the election are in favor of the change of township name, the court shall so order and shall order the record of the proceedings to be permanently recorded. If a majority of the votes are against the change, there shall be no further proceedings on the petition or resolution.

ARTICLE III

TOWNSHIP LINES AND BOUNDARIES

[Section 301. Stream Boundaries.--Whenever any township is bounded by the nearest margin of any navigable stream, and the opposite township, borough or city, as the case may be, is also bounded by the nearest margin of the same stream, the middle of such stream shall be the boundary between such township and the opposite township, borough or city. Nothing contained in this section shall be construed to repeal any local or special law providing to the contrary.]

Section 301. Stream Boundaries.--When any township is bounded by the nearest margin of any navigable stream and the

opposite municipal corporation is also bounded by the nearest margin of the same stream, the middle of the stream is the boundary between the township and the opposite municipal corporation. This section does not repeal any local or special law.

[Section 302. Establishment of Boundaries.--The courts of quarter sessions may, upon the presentation of a petition, (a) alter the lines of a township and any adjoining township, borough, or city so as to suit the convenience of the inhabitants thereof; (b) cause the lines or boundaries of townships to be ascertained and established; and (c) ascertain and establish disputed lines and boundaries between two or more townships or between townships and cities or boroughs. When any such petition is presented, the court may require the petitioners to file a bond in a sufficient sum to secure the payment of all costs of the proceeding.]

Section 302. Ascertainment of Boundaries.--(a) The courts of common pleas may, upon the presentation of a petition:

(1) require the lines or boundaries of townships to be ascertained; and

(2) ascertain disputed lines and boundaries between two or more townships or between townships and any municipal corporation.

(b) When any petition is presented, the court may require the petitioners to file a bond in a sufficient sum to secure the payment of all costs of the proceeding.

[Section 303. Petition to Court; Commissioners Report.--Upon application by petition, the court shall appoint three impartial citizens as commissioners, one of whom shall be a registered surveyor or engineer, to inquire into the prayer of the

petition. After having given notice to parties interested as directed by the court, the commissioners shall hold a hearing and view the lines or boundaries; and they, or any two of them, shall make a plot or draft of the lines and boundaries proposed to be altered or ascertained and established if the same cannot be fully designated by natural lines or boundaries. The commissioners, or any two of them, shall make report to the court, together with their opinion of the same. Upon the filing of any such report, the same shall be confirmed nisi, and the court may, by its order, require such notice to be given by the petitioners to the parties interested, as it deems proper.]

Section 303. Petition to Court; Commissioners' Report.--Upon application by petition, the court shall appoint three impartial citizens as commissioners, one of whom shall be a registered surveyor or engineer, to inquire into the request of the petition. After giving notice to parties interested as directed by the court, the commissioners shall hold a hearing and view the lines or boundaries; and they shall make a plot or draft of the lines and boundaries proposed to be ascertained and established if they cannot be fully designated by natural lines or boundaries. The commissioners shall make a report to the court, together with their recommendations. Upon the filing of the report, it shall be confirmed nisi, and the court may require notice to be given by the petitioners to the parties interested.

[Section 304. Exceptions and Procedure.--Exceptions to any such report may be filed by any person or political subdivision interested within thirty days after the filing of the report, and the court may thereupon fix a day for the hearing of such exceptions, of which such notice shall be given as the court may

direct. After hearing, the court shall have power to sustain such exceptions or to dismiss them and confirm the report, or to refer the report back to the same or new commissioners with like authority to make another report, on which like legal proceedings may be had. Where no exceptions are filed within thirty days after the filing of the report, the court shall confirm the same absolutely. When any report is confirmed absolutely, the court shall enter a decree altering or ascertaining and establishing the lines and boundaries as shown in said report.]

Section 304. Exceptions and Procedure.--Exceptions to the report may be filed by any interested person or municipal corporation or school district within thirty days after the filing of the report, and the court shall set a day for the hearing of the exception. Notice of the hearing shall be given as the court may direct. After hearing, the court may sustain the exceptions or dismiss them and confirm the report, or refer the report back to the same or new commissioners with authority to make another report. If no exceptions are filed within thirty days after the filing of the report, the court shall confirm the report absolutely. When any report is confirmed absolutely, the court shall enter a decree establishing the lines and boundaries as shown in the report.

[Section 305. Monuments.--Whenever any such township line or boundary is altered or ascertained and established the court shall cause the same to be appropriately marked with stone monuments placed at intervals not exceeding fifteen hundred feet.

Section 306. Compensation and Expenses of Commissioners, Engineer, and Chaincarriers; Costs.--The compensation and

expenses of commissioners appointed to alter or ascertain and establish township lines shall be in the amount approved by the court. The court shall by its order provide how the costs and expenses of any such proceeding, including the furnishing and placing of monuments, shall be paid, and may assess them against the petitioners, any township or municipalities interested, or any of them.]

Section 305. Costs.--The compensation and expenses of commissioners appointed to ascertain and establish township lines shall be in the amount approved by the court. The court shall ascertain how the costs of the proceeding, including the furnishing and placing of markers, shall be paid and may assess them against the petitioners, any affected township or municipal corporations and school districts affected.

[Section 307. Adjustment of Indebtedness.--Whenever the boundaries of any township have been altered or ascertained and established, the court of quarter sessions may adjust the taxes, debts and expenses for township, municipal, and school purposes between the townships, municipalities, and school districts affected.]

Section 306. Adjustment of Indebtedness.--When the boundaries of any township are ascertained and established, the court of common pleas may adjust the taxes, debts and expenses for township, municipal and school purposes between the townships, municipal corporations and school districts affected.

[Section 308. Adjustment for Costs or Values of Improvements.--(a) Except as hereinafter provided, whenever the boundaries of any townships have been altered and a portion thereof has been annexed by a borough or city, the township shall be paid by such borough or city the following costs or

value of improvements located within the portion of the township so annexed: (1) the value of all roads improved by the township within five years; (2) the cost of sewer systems constructed by the township within fifteen years; (3) the value of public buildings and improvements other than roads and sewers. All such costs or values shall be paid within one year after the final act of annexation. The provisions of this section shall not apply to the cost of any road, sewer or facilities which have been assessed against the real property within the annexed territory.

(b) The township shall not be reimbursed for any improvements the cost of which has been assessed against abutting property owners.

(c) If any present indebtedness of the township exists by reason of any improvements located in annexed area and a city of the third class assumes a portion of said indebtedness, as provided in section 540 of the act known as "The Third Class City Code" as reenacted and amended by the act approved the twenty-eighth day of June one thousand nine hundred fifty-one Pamphlet Laws 662), or a borough assumes a portion of said indebtedness, as provided in section 702 of the act known as "The Borough Code" as reenacted and amended by the act approved the tenth day of July one thousand nine hundred forty-seven (Pamphlet Laws 1621), such payment on account of indebtedness shall be considered to be a credit to such city of the third class or borough on account of the cost of said improvement.

(d) Whenever an amicable settlement cannot be made on the amount to be paid as provided in subsection (a) of this section, the court of quarter sessions upon application of the governing body of the city, borough or township, shall determine the

amount to be paid.]

Section 307. Adjustment for Costs or Values of Improvements.--(a) When the boundaries of any townships have been ascertained and established, or when an annexation procedure is consummated with the result that a portion of a township is determined to be within the boundaries of another municipal corporation, the township shall be paid by the municipal corporation the following costs or value of improvements located within the portion of the township affected:

(1) The value of all improvements to roads by the township within five years.

(2) The cost of sanitary sewer systems constructed by the township within fifteen years.

(3) The value of public buildings and all improvements other than roads and sewers.

(b) All costs or values shall be paid within one year after the final confirmation by the court or before the completion of the annexation process. This section does not apply to the cost of any road, sanitary sewer systems or facilities which have been assessed against the real property within the affected territory.

(c) If any present indebtedness of the township losing the affected area exists by reason of any improvements located in the affected area and the municipal corporation gaining the affected area assumes a portion of the indebtedness, any payment on account of the indebtedness shall be a credit to the municipal corporation gaining the affected area on account of the cost of the improvement.

(d) When an amicable settlement cannot be made on the amount

to be paid under this section, the court of common pleas, upon application by any one of the municipal corporations involved, shall determine the amount to be paid.

ARTICLE IV

ELECTION OF OFFICERS; VACANCIES IN OFFICE

[(a) General Provisions

Section 401. Township Officers to Be Electors.--No person shall be eligible to the office of supervisor, assessor, auditor or tax collector in any township unless he is a registered elector of the township for which he is chosen.]

Section 401. Township Officers to be Electors.--No person is eligible for the office of supervisor, assessor, auditor or tax collector in any township unless that person is an elector of the township.

[Section 402. Officers to Be Elected.--(A) The electors of each township shall elect (a) except as otherwise provided, three supervisors, (b) one assessor, (c) three auditors, and (d) one tax collector. No person shall at the same time hold more than one elective township office: Provided, That the office of justice of the peace shall not be considered an elective township office for the purposes of this section.

(B) Upon petition of at least five per centum of the registered electors of the township or pursuant to a resolution of the board of supervisors, and upon an approval by a majority of those electors voting at the next municipal or general election, there shall be elected two additional supervisors. The referendum petition or resolution of the board of supervisors certified by the township secretary shall be filed with the county board of elections not later than the thirteenth Tuesday prior to the next municipal or general election. The county

board of elections shall place the question before the electors in the same manner as other questions are presented under the provisions of the Pennsylvania Election Code.

The form of the question shall be as follows:

Should two additional supervisors be	Yes
elected to serve in this township?	No

The county board of elections shall tabulate and publish the results of the referendum within thirty days of the election. The total number of supervisors shall not exceed five. In no event shall the question of additional supervisors be voted on more than once in any three-year period.

(C) At the first municipal election following the approval at the prior general election by the voters of the question providing for the election of two additional supervisors, one of such additional supervisors shall be elected for a term of four years and one shall be elected for a term of six years, each to serve from the first Monday of January next following his election. At the first general election following the approval at the prior municipal election by the voters of the question providing for the election of two additional supervisors, one of such additional supervisors shall be elected for a term of three years and one shall be elected for a term of five years, each to serve from the first Monday of January next following his election. Thereafter, such additional supervisors shall be elected for terms of six years each to serve from the first Monday of January next following his election.]

<u>Section 402. Officers to be Elected.--(a) Except as provided in subsection (b), the electors of each township shall elect three supervisors, one assessor in those counties in which assessors are elected, three auditors and one tax collector. No</u>

person shall at the same time hold more than one elective township office.

(b) Upon petition of at least five percent of the electors of the township or under a resolution of the board of supervisors, and upon approval by a majority of those electors voting at the next municipal or general election, there shall be elected two additional supervisors. The referendum petition or resolution of the board of supervisors certified by the township secretary shall be filed with the county board of elections not later than the thirteenth Tuesday before the next municipal or general election. The county board of elections shall place the question before the electors as provided under the act of June 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania Election Code." The form of the question shall be as follows:

Should two additional supervisors be elected to serve in this township? Yes No

The county board of elections shall tabulate and publish the results of the referendum within thirty days of the election. The total number of supervisors shall not exceed five. In no event shall the question of additional supervisors be voted on more than once in any three-year period.

(c) At the first municipal election following approval at a general election of the question providing for the election of two additional supervisors, one of the additional supervisors shall be elected for a term of four years and one for a term of six years, each to serve from the first Monday of January after the election. At the first general election following approval at a municipal election of the question providing for the election of two additional supervisors, one of the additional supervisors shall be elected for a term of three years and one

for a term of five years, each to serve from the first Monday of January after the election. After that time, the additional supervisors shall be elected for terms of six years each to serve from the first Monday of January after the election.

(d) In townships in which the electorate has opted for a five-member board, the township shall return to a three-member board of supervisors upon petition of at least five percent of the electors of the township, or under a resolution of the board of supervisors, and upon approval by a majority of electors voting at the next municipal or general election. The referendum petition shall be filed with the county board of elections not later than the thirteenth Tuesday before the next municipal or general election. The county board of elections shall place the question before the electors as provided under the "Pennsylvania Election Code." The form of the question shall be as follows:

Should this township return to a three-member board of supervisors?	Yes No

The county board of elections shall tabulate and publish the results of the referendum within thirty days of the election. In no event shall the question of reducing the five-member board of supervisors be voted on more than once in any five-year period.

(e) At the first municipal election following approval of the question providing for a return to a three-member board, three supervisors shall be elected to serve from the first Monday of January after the election, when the terms of the officers of the five-member board of supervisors shall cease. The three candidates receiving the highest number of votes for the office of supervisor shall be elected. The candidate receiving the highest number of votes shall serve for a term of six years. The candidate receiving the second highest number of

votes shall serve for a term of four years. The candidate receiving the third highest number of votes shall serve for a term of two years. After that, supervisors shall be elected under section 403.

[(b) Election of Officers

Section 410. Supervisors.--(a) Except as is otherwise provided for the election of additional supervisors, at each municipal election, the electors of each township shall elect one supervisor to serve for a term of six years from the first Monday of January next following his election.

(b) Except as provided in section 514, no supervisor shall at the same time hold any other elective or appointive township office or position other than township roadmaster or secretary-treasurer. Nothing in this subsection shall prohibit a supervisor from being a member of a township planning commission created pursuant to the act of July 31, 1968 (P.L.805, No.247), known as the "Pennsylvania Municipalities Planning Code."

(c) Supervisors shall reside in the township from which elected and shall have resided in that township continuously for at least one year before their election.]

Section 403. Supervisors.--(a) Except as provided under section 402(b) for the election of additional supervisors or under section 402(e) for a return to a three-member board, or when vacancies create shorter terms, at each municipal election, the electors of each township shall elect one supervisor to serve for a term of six years from the first Monday of January after the election.

(b) Except as otherwise provided in this act, no supervisor shall at the same time hold any other elective or appointive township office or position. Nothing in this subsection shall

prohibit a supervisor from being a member of a township planning commission created under the act of July 31, 1968 (P.L.805, No.247), known as the "Pennsylvania Municipalities Planning Code."

(c) Supervisors shall reside in the township from which elected and shall have resided in that township continuously for at least one year before their election.

[Section 411. Auditors.--(a) At each municipal election, the electors of each township shall elect one auditor to serve for a term of six years from the first Monday of January next following his election. Auditors shall reside in the township from which elected and shall have resided in that township continuously for at least one year immediately preceding their election.

(b) No auditor shall at the same time hold any other elective or appointive township office in the township in which he is employed as an auditor, and no auditor shall at the same time hold any other elective or appointive school district office or employment in any school district of the second, third or fourth class if he audits any finances or any funds belonging to or controlled by the school district.]

Section 404. Auditors.--(a) Except when vacancies create shorter terms, at each municipal election, the electors of each township shall elect one auditor to serve for a term of six years from the first Monday of January after the election. Auditors shall reside in the township from which elected and shall have resided in that township continuously for at least one year immediately preceding their election.

(b) No auditor shall at the same time hold any other elective or appointive township office or position.

(c) In the event that there concurrently exists two or more vacancies for the position of township auditor, a person shall be ineligible to seek nomination or election to fill more than one such vacancy.

[Section 412. Assessor.--At the municipal election in the year one thousand nine hundred and forty-nine, and at the municipal election every four years thereafter, the electors of each township shall elect one assessor to serve for a term of four years from the first Monday of January next following his election. Assessors shall reside in the township from which elected and shall have resided in that township continuously for at least one year immediately preceding their election.

Section 413. Assessors not Elected in Certain Counties.--The provisions of the preceding section, relating to the election of assessors, shall not authorize the election of assessors for taxation purposes in counties where boards for the assessment and revision of taxes are authorized by law to appoint assessors.]

Section 405. Assessor.--(a) At the municipal election in the year 1993, and at the municipal election every four years after that, the electors of each township shall elect one assessor to serve for a term of four years, except when vacancies create shorter terms, from the first Monday of January after the election. Assessors shall reside in the township from which elected and shall have resided in that township continuously for at least one year immediately preceding their election.

(b) This section does not authorize the election of assessors for taxation purposes in counties where boards for the assessment and revision of taxes are authorized by law to

appoint assessors.

[Section 414. Tax Collector.--(a) At the municipal election in the year one thousand nine hundred and forty-nine, and at the municipal election every four years thereafter, the electors of each township shall elect one tax collector to serve for a term of four years from the first Monday of January next succeeding such election. Tax collectors shall reside in the township from which elected and shall have resided in that township continuously for at least one year immediately preceding their election.

(b) If the electors of any township shall fail to choose a tax collector or if any person elected to such office shall fail to give the required bond or to take the required oath, such vacancy shall be filled as prescribed by section 420.]

Section 406. Tax Collector.--(a) At the municipal election in the year 1993, and at the municipal election every four years after that, the electors of each township shall elect one tax collector to serve for a term of four years, except when vacancies create shorter terms, from the first Monday of January after the election. Tax collectors shall reside in the township from which elected and shall have resided in that township continuously for at least one year immediately preceding their election.

(b) If the electors of any township fail to choose a tax collector or if any person elected to the office fails to give the required bond or to take the required oath, the vacancy shall be filled under section 407.

[(c) Vacancies in Office

Section 420. Vacancies in General.--If the electors of any township shall fail to choose a supervisor, tax collector,

auditor or assessor, or if any person elected to such office shall neglect or refuse to serve therein, or if a vacancy shall occur in the office by death, resignation, removal from the township, or otherwise, a majority of the remaining supervisors may appoint a successor who is a registered voter and has resided in that township continuously for at least one year prior to their appointment, and upon their failure to make such appointment within thirty days after the vacancy occurs, the vacancy shall be filled within fifteen additional days by the vacancy board. Such board shall consist of the board of supervisors and one registered elector of the township, who shall be appointed by the board of supervisors at the board's first meeting each calendar year or as soon thereafter as practical and who shall act as chairman of the vacancy board. If the vacancy board fails to fill the position within the time prescribed, the chairman shall, or in the case of a vacancy in the chairmanship the remaining members of the vacancy board shall, petition the court of common pleas to fill the vacancy. In the case where two or more vacancies in the office of supervisor occur on a three member board, or three or more vacancies on a five member board, the court of common pleas shall fill such vacancies upon presentation of petition signed by not less than fifteen registered electors of the township. In all cases, the successor so appointed shall hold the office until the first Monday in January after the first municipal election occurring more than sixty days after the vacancy occurs, at which election an eligible person shall be elected for the unexpired term.]

<u>Section 407. Vacancies in General.--If the electors of any township fail to choose a supervisor, tax collector, auditor or</u>

assessor, or if any person elected to any office fails to serve in the office, or if a vacancy occurs in the office by death, resignation, removal from the township or otherwise, the board of supervisors may appoint a successor who is an elector of the township and has resided in that township continuously for at least one year prior to their appointment, and, upon their failure to make the appointment within thirty days after the vacancy occurs, the vacancy shall be filled within fifteen additional days by the vacancy board. The vacancy board shall consist of the board of supervisors and one elector of the township, who shall be appointed by the board of supervisors at the board's first meeting each calendar year or as soon after that as practical and who shall act as chairman of the vacancy board. If the vacancy board fails to fill the position within fifteen days, the chairman shall, or if there is a vacancy in the chairmanship the remaining members of the vacancy board shall, petition the court of common pleas to fill the vacancy. If two or more vacancies in the office of supervisor occur on a three-member board, or three or more vacancies on a five-member board, the court of common pleas shall fill the vacancies upon presentation of petition signed by not less than fifteen electors of the township. The successor so appointed shall hold the office until the first Monday in January after the first municipal or general election which occurs more than sixty days after the vacancy occurs, at which election an eligible person shall be elected for the unexpired term.

ARTICLE V

TOWNSHIP OFFICERS GENERALLY

[(a) General Provisions

Section 501. Oath of Office.--Every person elected or

appointed to any township office in any township shall, before entering upon the duties of his office, take and subscribe an oath or affirmation before some person having authority to administer oaths, to support the Constitutions of the United States and of this Commonwealth, and to perform the duties of his office with fidelity. A copy of such oath or affirmation shall, within ten days thereafter, be filed with the township secretary.]

Section 501. Oath of Office.--Every person elected or appointed to any township office shall, before assuming the duties of the office, take and subscribe an oath or affirmation before a notary public, district justice or judge to support the Constitutions of the United States and of the Commonwealth and to perform the duties of the office with fidelity. A copy of the oath or affirmation shall be filed with the township secretary before assuming the duties of the office.

[Section 502. Bonds.--When any officer or employe of any township is required to give bond for the faithful performance of his duties, such bond shall be with a surety company or other company authorized by law to act as surety, and the township may pay the premium on such bond.]

Section 502. Bonds.--When any officer or employe of any township is required to give bond for the faithful performance of the duties of the office, the bond shall be with a surety company or other company authorized by law to act as surety, and the township may pay the premium on the bond.

[Section 503. Penalty for Failure to Perform Duties.--If any township officer refuses or neglects to perform his duties, the court of quarter sessions, upon complaint in writing by five percentum of the registered electors of the township, may issue

a rule upon such officer to show cause why his office should not be declared vacant and another appointed in his stead. Such rule shall be made returnable not less than two weeks from its date of issue. Upon hearing, and proof that the facts alleged in the complaint are true, the court may declare the office vacant and appoint another in his stead, to hold office during the term of the officer deposed, or to make such other order as to the court may seem just and proper.]

Section 503. Removal for Failure to Perform Duties.--If any township officer fails to perform the duties of the office, the court of common pleas, upon complaint in writing by five percent of the electors of the township, may issue a rule upon the officer to show cause why the office should not be declared vacant. The officer shall respond to the rule within thirty days from its date of issue. Upon hearing, the court may declare the office vacant and require the vacancy to be filled under section 407.

[Section 504. Road Complaints.--If any complaint shall allege that the public roads and highways of any township are not maintained in accordance with law, the court may appoint three persons, who shall examine said highways and report to the court their findings. In all such cases the complainants shall first enter security, in such sum as the court may fix, to pay all costs.]

ARTICLE VI

TOWNSHIP SUPERVISORS

[(b) Township Supervisors, Township Superintendent, and Roadmasters

Section 510. Supervision of Affairs.--The general supervision of the affairs of the township shall be in the hands

of three registered electors of the township, who shall be styled township supervisors, except that when upon referendum the election of two additional supervisors is provided for, the general supervision of the affairs of the township shall be in the hands of five registered electors of the township, who shall be styled township supervisors.]

Section 601. Supervisors and Government of Townships.--Townships shall be governed and supervised by boards of supervisors. Boards of supervisors shall consist of three members or, if approved by the electors under section 402(b), five members.

[Section 511. Organization Meeting; Appointment of Secretary and Treasurer.--The supervisors of each township shall meet, at a convenient time and place, on the first Monday in January of each year. If the first Monday is a legal holiday, the meeting shall be held the first day following. At such time the township supervisors shall organize as a board by electing one of their number as chairman and another member as vice-chairman. The board shall appoint a treasurer and a secretary. The secretary shall be an individual, however the board may select either a trust company, banking institution or an individual to serve as treasurer, or the board may appoint one individual to serve as both secretary and treasurer. The secretary-treasurer, secretary or treasurer, may or may not be a member of the board. With regard to boards of supervisors which are designated as three-member boards, any supervisor who is to be considered by such a board for secretary-treasurer, secretary or treasurer, shall not be excluded from voting on the issue of such appointment; such action by a supervisor shall be deemed to be within the scope of authority as a supervisor and shall not be deemed to constitute

an illegal or an improper conflict of interest.

The meeting under this section may be considered as a regular monthly meeting for the transaction of such business as comes before it. The first order of business at this meeting shall be organization of the board. Any action taken or business transacted other than organization of the supervisors as a board at any organization meeting held prior to the effective date of this amending act, which is invalid for the reason that the action was taken or business transacted at an organization meeting, is hereby validated and confirmed.]

Section 602. Organization Meeting; Appointment of Secretary and Treasurer.--(a) The board of supervisors shall meet, at a convenient time and place, on the first Monday in January of each year. If the first Monday is a legal holiday, the meeting shall be held the following day. The board of supervisors shall elect one member as chairman and another as vice-chairman, and it shall appoint a treasurer and a secretary. The secretary shall be an individual; however, the board of supervisors may select either a trust company, a banking institution or an individual to serve as treasurer, or the board of supervisors may appoint one individual to serve as both secretary and treasurer. Members of the board of supervisors may be appointed as secretary-treasurer, secretary or treasurer.

(b) The meeting under this section may be considered a regular monthly meeting of the board of supervisors. The first order of business at this meeting shall be organization of the board of supervisors.

[Section 512. Monthly Meetings; Quorum, Rent and Expenses.--The township supervisors shall meet for the transaction of business at least once each month, at a time and place to be

fixed by the board. Two members of any board of supervisors consisting of three members shall constitute a quorum and three members of any board of supervisors consisting of five members shall constitute a quorum. Except as otherwise provided in this act, an affirmative vote of a majority of the entire board of supervisors shall be necessary in order to transact any business. Necessary expenses incurred in such meetings, including office rent, stationery, light and fuel, shall be paid out of the general township fund.]

Section 603. Monthly Meetings; Quorum.--The board of supervisors shall meet for the transaction of business at least once each month, at a time and place determined by the board of supervisors. A quorum is two members of a three-member board of supervisors or three members of a five-member board of supervisors. An affirmative vote of a majority of the entire board of supervisors at a public meeting is necessary in order to transact any business.

Section 604. Special Meetings.--Upon call of the chairman or by agreement of a majority of its members, the board of supervisors may schedule special meetings of the board of supervisors after notice required under the act of July 3, 1986 (P.L.388, No.84), known as the "Sunshine Act." Notice of a special meeting shall state the nature of the business to be conducted at the meeting.

[Section 513. Minutes and Records.--The board of township supervisors shall keep minutes of its proceedings, and such other books as they may find necessary in the performance of their duties. All such books shall be open for the inspection of any elector, or taxpayer, or his, her or its representative, or any representative of the Department of Community Affairs and

the Department of Highways at all reasonable times, and shall be submitted to the township auditors when they meet to audit the accounts of the treasurer and other township officers. The township supervisors shall deliver such books, papers, and accounts to their successors.

Section 513.1. Typewritten, Printed, Photostated and Microfilmed Records, Valid Recording or Transcribing Records.--All township records required to be recorded or transcribed shall be deemed valid if typewritten, printed, photostated or microfilmed, and where recording in a specified book of record is required including minutes of the proceedings of the board of supervisors such records may be recorded or transcribed in a mechanical post binder book capable of being permanently sealed with consecutively numbered pages with a security code printed thereon and a permanent locking device with the township seal being impressed upon each page, or bound book with pages being consecutively numbered by transcribing directly upon the pages of such book of record, or may be attached to such book of record by stapling or by glue, or any other adhesive substance or material, and all records heretofore recorded or transcribed in any manner authorized by this section are validated. When any record shall be recorded or transcribed after the effective date of this amendment by attaching such record or a copy thereof to the book of record as hereinabove provided, the township seal shall be impressed upon each page to which such record is attached, each impression thereof covering both a portion of the attached record and a portion of the page of the book of record to which such record is attached.]

<u>Section 605. Minutes and Records.--(a) The board of supervisors shall provide for the recording of minutes of its</u>

proceedings and other books it may find necessary in the performance of its duties. The records shall be made available to the board of auditors during the annual audit. Unless the custodian of the records agrees otherwise, the records shall be audited or inspected at the place where they are normally maintained. Supervisors who leave office shall deliver all township records in their possession to their successors or to the township secretary.

(b) All township records required to be recorded or transcribed are valid if typewritten, printed, photostated or microfilmed, and, where recording in a specified book of record is required, including minutes of the proceedings of the board of supervisors, the records may be recorded or transcribed in a mechanical post binder book capable of being permanently sealed, with consecutively numbered pages with a security code printed thereon and a permanent locking device with the township seal being impressed upon each page, or bound book with pages being consecutively numbered by transcribing directly upon the pages of the book of record, or may be attached to the book of record by stapling or by glue or any other adhesive substance or material, and all records previously recorded or transcribed in any manner authorized by this section are validated. When any record is recorded or transcribed by attaching the record or a copy of it to the book of record, the township seal shall be impressed upon each page to which the record is attached, each impression covering both a portion of the attached record and a portion of the page of the book of record to which the record is attached.

(c) Original or certified copies of ordinances may also be stored in a locking or mechanical post binder book, capable of

being permanently sealed, without being fastened onto pages in the binder.

[Section 514. Road Districts; Superintendents and Roadmasters.--The board of township supervisors, immediately after their organization, shall divide the township into one or more road districts. They shall employ a superintendent for the entire township or a roadmaster for each district. Every superintendent and roadmaster, so employed, must be a person physically able to work on and maintain the roads. Township supervisors may require such superintendents or roadmasters to give bond, with a surety company or other company authorized by law to act as surety, for the faithful performance of their duties. The superintendent or roadmasters shall be subject to removal by the board of supervisors. The supervisors shall fix the wages to be paid, either per hour, per day, per week, semi-monthly or monthly, to the superintendent or roadmasters and laborers for work on the roads and bridges, which wages shall not exceed wages paid in the locality for similar services.

This section shall not prohibit the township supervisors from being employed as superintendents or roadmasters, or as laborers, if physically able to work on and maintain the roads. With regard to boards of supervisors which are designated as three-member boards, any supervisor who is to be considered by such a board for a position as a compensated employe of the township, as authorized by this section, shall not be excluded from voting on the issue of such appointment; such action by a supervisor shall be deemed to be within the scope of authority as a supervisor and shall not be deemed to constitute an illegal or an improper conflict of interest. In such cases they shall not employ a superintendent or roadmasters and their

compensation shall be fixed as hereinafter provided.

Two or more townships may appoint the same person as superintendent.

Section 515. Compensation of Supervisors.--(a) Supervisors may receive from the general township fund, as compensation, an amount fixed by ordinance, not in excess of the following:

Township Population	Annual Maximum Compensation
Not more than 4,999	Fifteen hundred dollars
5,000 to 9,999	Two thousand dollars
10,000 to 14,999	Twenty-six hundred dollars
15,000 to 24,999	Thirty-three hundred dollars
25,000 to 34,999	Thirty-five hundred dollars
35,000 or more	Four thousand dollars

Such salaries shall be payable monthly or quarterly for the duties imposed by the provisions of this act. The population shall be determined by the latest available official census figures, except that no township shall be required to reduce the salary of a supervisor as a result of a decrease in population. The compensation of supervisors, when acting as superintendents, roadmasters or laborers, shall be fixed by the township auditors either per hour, per day, per week, semi-monthly or monthly, which compensation shall not exceed compensation paid in the locality for similar services, and such other reasonable compensation for the use of a passenger car, or a two-axled four-wheeled motor truck having a chassis weight of less than two thousand pounds and a maximum gross weight of five thousand pounds, or a class 2 truck, having a maximum gross weight of seven thousand pounds when required and actually used for the transportation of road and bridge laborers and their hand tools and for the distribution of cinders and patching material from a

stock pile, as the auditors shall determine and approve; but no supervisor shall receive compensation as a superintendent or roadmaster for any time he spends attending a meeting of supervisors.

(b) Any benefit provided to or for the benefit of a supervisor employed by the township as a superintendent, roadmaster, laborer, secretary, treasurer or secretary/treasurer in the form of inclusion in a pension plan paid for in whole or in part by the township shall be deemed to be compensation within the meaning of this act to the extent such benefit is paid for by the township and shall be fixed by the township auditors; however:

(1) Supervisors shall be eligible for inclusion in such township pension plans only if they are employed by the township in the capacity of superintendent, roadmaster, laborer, secretary, treasurer or secretary/treasurer. In order to be eligible for inclusion in such plans, supervisor-employes must meet the same requirements as other employes of the township who are eligible to participate in a pension plan. Such plans shall not improperly discriminate in favor of a supervisor-employe.

(2) Once given, auditor approval for inclusion of supervisor-employes shall not be rescinded in any subsequent years so long as the pension plan remains in effect and said supervisors remain employed by the township and continue to meet the same requirements as other employes of the township who are eligible to participate in a pension plan; nor shall the auditors be empowered to act in any way that would cause the disqualification of all or any portion of the pension plan under the applicable Federal law.

(3) No change in the nature or rate of the contributions in

the case of a defined contribution plan and no change in the benefit formula in the case of a defined benefit plan shall be initiated by the board of supervisors with respect to a supervisor-employe without auditor approval.

(4) A pension or annuity contract entered into by a township between January 1, 1959, and March 31, 1985, that includes or provides for benefits for supervisor-employes or retired supervisor-employes at township expense shall not be void or unlawful solely because such inclusion of supervisor-employes or retired supervisor-employes was not previously approved by the township auditors. No penalty, assessment, surcharge, forfeiture or disciplinary action of any kind may occur as a result of such participation by supervisor-employes.

(5) All premium, contribution or similar payments made by a township on pension or annuity contracts on behalf of supervisor-employes between January 1, 1959, and March 31, 1985, which would have been proper but for the absence of auditor approval, are hereby deemed ratified and approved. Any benefits payable to any such supervisor-employe or his beneficiaries on account of such premium, contribution or similar payments made by a township during the aforementioned period shall continue. Any such premium, contribution or similar payments made by a township subsequent to March 31, 1985, shall require auditor approval as provided in this subsection.

(6) If a supervisor-employe personally contributed toward a township-sponsored pension plan or annuity that is not approved by the township auditors or not deemed approved hereunder, he shall receive a refund of his total contributions thereto, plus any interest accumulated thereon. In lieu of a refund of contributions plus accumulated interest, a supervisor-employe

who personally contributed toward a pension or annuity plan in which he participated may elect to purchase that portion of his pension or annuity funded by the township. The appropriate compensation to be paid to the township by the supervisor-employe shall be determined by a qualified actuary who shall report his determination in accordance with the act of December 18, 1984 (P.L.1005, No.205), known as the "Municipal Pension Plan Funding Standard and Recovery Act."

(7) Township supervisors who are not employes of the township shall not be eligible for participation in any pension or annuity contract paid in whole or in part by the township. No township supervisor who was not an employe of the township but was included in a township-paid pension or annuity plan entered into by a township between January 1, 1959, and March 31, 1985, shall be subject to any penalty, assessment, surcharge, forfeiture or disciplinary action of any kind as a result of said participation. Any residual interest, value, refund of premium or benefits payable on or after March 31, 1985, arising out of the township-paid interest of a non-employe supervisor shall become the exclusive property of the township.

(c) In addition to the compensation authorized under this section, supervisors while in office or while in the employ of the township may be eligible for inclusion in township-paid insurance plans, as follows:

(1) Supervisors and their dependents shall be eligible for inclusion in group life, health, hospitalization, medical service and accident insurance plans paid in whole or in part by the township. No policy of group life insurance shall contain any provision for the accrual or deferral of a cash surrender value, loan value or any other nonforfeitable benefit, in

addition to or beyond the face amount of insurance, that shall inure to the benefit of the supervisor, any beneficiary or any other individual having an insurable interest in the life of a supervisor. Such insurance, however, may contain a provision that when the insurance, or any portion of it, on a person covered under the policy ceases because of termination of employment or the termination of the insured's term of office, such person shall be entitled to have issued to him by the insurer, without evidence of insurability, an individual policy of insurance on any form customarily issued by the insurer at the age and for the amount applied for if: (i) such amount is not in excess of the amount of life insurance which ceases because of such termination; and (ii) the application for the individual policy is made and first premium is paid to the insurer within thirty-one days after such termination. Participation by supervisors shall not require auditor approval. Such insurance shall be uniformly applicable to those covered and shall not improperly discriminate in favor of supervisors.

(2) Any life, health, hospitalization, medical service or accident insurance coverage contract entered into by a township between January 1, 1959, and March 31, 1985, that includes or provides coverage for non-employe supervisors shall not be void or unlawful solely because such inclusion of non-employe supervisors was subsequently found to be without lawful authority. No penalty, assessment, surcharge, forfeiture or disciplinary action of any kind may occur as a result of participation by non-employe supervisors. Insurance benefits payable to insureds or their beneficiaries arising out of or on account of deaths, injuries, accidents or illnesses occurring prior to the effective date of this amendatory act shall remain

the property of the insureds or their beneficiaries.

(3) All payments made by a township on any group life, health, hospitalization, medical service or accident insurance coverage contracts on behalf of non-employe supervisors between January 1, 1959, and March 31, 1985, which would have been proper but for the absence of auditor approval, are hereby deemed ratified and approved. Any benefits payable to any such non-employe supervisor or his beneficiaries on account of such payments made by a township during the aforementioned period shall continue.

(4) Supervisors and their dependents, whether or not they are employed by the township, shall also be eligible for inclusion in township group life, health, hospitalization, medical service and accident insurance plans if they pay their pro rata share of the premium. Their inclusion in such plans shall not require auditor approval, but shall require the submission of a letter requesting such participation at a regularly scheduled meeting of the board of township supervisors prior to commencing such participation. Such insurance shall be uniformly applicable to those covered and shall not give eligibility preference to, or improperly discriminate in favor of, supervisors.]

Section 606. Compensation of Supervisors.--(a) Supervisors may receive as compensation an amount established by ordinance not in excess of the following:

Township Population	Annual Maximum Compensation
not more than 4,999	$1,500
5,000 to 9,999	$2,000
10,000 to 14,999	$2,600

15,000 to 24,999	$3,300
25,000 to 34,999	$3,500
35,000 or more	$4,000

Salaries are payable monthly or quarterly for the duties imposed by this act. The population is determined by the latest official census figures, except that no township shall be required to reduce the salary of a supervisor as a result of a decrease in population. The compensation of supervisors, when employed as roadmasters, laborers, secretary, treasurer, assistant secretary, assistant treasurer or in any employe capacity not otherwise prohibited by this or any other act, shall be determined by the board of auditors, at an hourly, daily, weekly, semi-monthly or monthly basis, which shall be comparable to compensation paid in the locality for similar services. The board of supervisors may establish a mileage allowance, under the act of July 20, 1979 (P.L.156, No.51), referred to as the Uniform Mileage Fee Law, to be paid to officers and employes for the use of a personal vehicle when required and actually used for authorized township business. No supervisor may receive compensation as an employe for attending a meeting of the board of supervisors. Supervisors may continue to be compensated under prior law until such time as an ordinance is enacted under this act. Any change in salary, compensation or emoluments of the elected office becomes effective at the beginning of the next term of the supervisor. A decision by the township to pay, in whole or in part, to include supervisors not employed by the township in insurance plans, as authorized in subsection (c), shall not be implemented with regard to any nonemploye supervisor until the beginning of the next term of that supervisor.

(b) Any benefit provided to or for the benefit of a supervisor employed by the township in any employe capacity under this act in the form of inclusion in a pension plan paid for in whole or in part by the township is compensation within the meaning of this act to the extent that benefit is paid for by the township and is determined by the board of auditors; however:

(1) Supervisors are eligible for inclusion in township pension plans only if they are employed by the township in any employe capacity under this act. In order to be eligible for inclusion in the plans, supervisor-employes must meet the same requirements as other employes of the township who are eligible to participate in a pension plan. Pension plans shall not improperly discriminate in favor of a supervisor-employe.

(2) Once given, auditor approval for inclusion of supervisor-employes shall not be rescinded in any subsequent years as long as the pension plan remains in effect and the supervisors remain employed by the township and continue to meet the same requirements as other employes of the township who are eligible to participate in a pension plan; nor shall the auditors act in any way that disqualifies the pension plan under Federal law.

(3) No change in the nature or rate of the contributions of a defined contribution plan and no change in the benefit formula of a defined benefit plan shall be initiated by the board of supervisors with respect to a supervisor-employe without auditor approval.

(4) A pension or annuity contract made by a township between January 1, 1959, and March 31, 1985, that includes or provides for benefits for supervisor-employes or retired supervisor-

employes at township expense is not void or unlawful solely because the inclusion of supervisor-employes or retired supervisor-employes was not previously approved by the township auditors. No penalty, assessment, surcharge, forfeiture or disciplinary action of any kind may occur as a result of that participation by supervisor-employes.

(5) All premium, contribution or similar payments made by a township on pension or annuity contracts on behalf of supervisor-employes between January 1, 1959, and March 31, 1985, which would have been proper but for the absence of auditor approval are hereby approved. Any benefits payable to any supervisor-employe or his beneficiaries on account of any premium, contribution or similar payments made by a township during that period shall continue. Any premium, contribution or similar payments made by a township after March 31, 1985, requires auditor approval under this subsection.

(6) If a supervisor-employe personally contributed toward a township-sponsored pension plan or annuity that is not approved by the township auditors or not approved by this act, he shall receive a refund of his total contributions thereto plus any interest accumulated thereon. In lieu of a refund of contributions plus accumulated interest, a supervisor-employe who personally contributed toward a pension or annuity plan in which he participated may elect to purchase that portion of his pension or annuity funded by the township. A qualified actuary, who shall report his determination under the act of December 18, 1984 (P.L.1005, No.205), known as the "Municipal Pension Plan Funding Standard and Recovery Act," shall determine the amount the supervisor-employe shall pay to purchase the township-funded portion of the annuity or pension.

(7) Supervisors who are not employes of the township are not eligible for participation in any pension or annuity contract paid in whole or in part by the township. No supervisor who was not an employe of the township but was included in a township-paid pension or annuity plan made by a township between January 1, 1959, and March 31, 1985, is subject to any penalty, assessment, surcharge, forfeiture or disciplinary action. Any residual interest, value, refund of premium or benefits payable on or after March 31, 1985, arising out of the township-paid interest of a supervisor who was not an employe is the exclusive property of the township.

(c) In addition to the compensation authorized under this section, supervisors while in office or while in the employ of the township may be eligible for inclusion in township-paid insurance plans, as follows:

(1) Supervisors and their dependents are eligible for inclusion in group life, health, hospitalization, medical service and accident insurance plans paid in whole or in part by the township. No policy of group life insurance shall contain any provision for a cash surrender value, loan value or any other benefit beyond the face amount of insurance. The policy may contain a provision that when the insurance ceases because of termination of employment or term of office, the person is entitled to have issued to him by the insurer, without evidence of insurability, an individual policy of insurance on any form customarily issued by the insurer at the age and for the amount applied for if the amount is not in excess of the amount of life insurance which ceases because of the termination and the application for the individual policy is made and first premium is paid to the insurer within thirty-one days after termination.

Participation by supervisors does not require auditor approval. Such insurance shall be uniformly applicable to those covered and shall not improperly discriminate in favor of supervisors.

(2) Any life, health, hospitalization, medical service or accident insurance coverage contract made by a township between January 1, 1959, and March 31, 1985, that includes or provides coverage for supervisors not employed by the township is not void or unlawful because inclusion of those supervisors was subsequently found to be without lawful authority. No penalty, assessment, surcharge, forfeiture or disciplinary action may occur as a result of participation by those supervisors. Insurance benefits paid or payable to insureds or their beneficiaries arising out of or on account of deaths, injuries, accidents or illnesses occurring before March 30, 1988, are the property of the insureds or their beneficiaries.

(3) All payments made by a township on any group life, health, hospitalization, medical service or accident insurance coverage contracts on behalf of supervisors who were not employes between January 1, 1959, and March 31, 1985, which would have been proper but for the absence of auditor approval are hereby approved. Any benefits payable to any supervisor or his beneficiaries on account of those payments during that time shall continue.

(4) Supervisors and their dependents, whether or not they are employed by the township, are eligible for inclusion in township group life, health, hospitalization, medical service and accident insurance plans if they pay their share of the premium. Their inclusion in those plans does not require auditor approval, but does require the submission of a letter requesting participation at a regularly scheduled meeting of the board of

supervisors before commencing participation. The insurance shall be uniformly applicable to those covered and shall not give eligibility preference to or improperly discriminate in favor of supervisors.

(5) The township may deduct from any compensation payable to a supervisor such part of any insurance premium or charge which is payable by the supervisor within the terms of the particular township's insurance plan.

[Section 516. Duties of Supervisors, Township Superintendents, and Roadmasters.--The township supervisors, or the supervisors employed as superintendents or roadmasters, shall--

(a) Have the general care and superintendence of the improvement of the roads and bridges in the township, except as otherwise specially provided.

(b) Cause such roads and bridges to be kept in repair and reasonably free from all obstructions, and give the necessary directions therefor.

(c) Inspect all roads and bridges during the months of April and October of each year.

(d) Divide the township into as many districts as may be deemed necessary for the maintenance and repair of the roads and the opening of roads obstructed by snow.

(e) Employ or hire such persons, as may be necessary for the general conduct of the business of the township, and provide for the organization and supervision of the persons so employed, and work on the roads themselves when directed to do so by the board of supervisors. Records shall be kept, and reports made and filed, giving the names of all persons employed, including supervisors, superintendent or roadmasters, dates on which work

was done, and the number of hours worked with compensation paid to each person and the capacity in which he is employed.

(f) Construct and keep in repair all sluices and culverts, and keep the waterways, bridges and culverts open.

(g) Cause loose stones lying in the beaten track of every road to be removed. Stones so removed shall be conveyed to some place from which they will not work back or be brought back into the track by other implements used in repairing or maintaining such highways.

(h) Attend meetings and conventions if directed to do so by the board of supervisors. Any supervisor, elected or appointed officer or township employe shall, if directed by the board of supervisors, attend any conference, institute or school dealing with the duties and functions of such elected or appointed officers or employes. The expenses for attending the conferences, institutes and schools may be paid by the township and shall be limited to the registration fee, mileage for use of a personal vehicle or reimbursement of actual transportation expense going to and returning from such meeting plus all other actual expenses that the township board of supervisors may have agreed to pay. Every delegate attending the meeting shall submit to the township board of supervisors an itemized account of expenses incurred thereat. The township board of supervisors may authorize township employes to be compensated at their regular employe rate during their attendance at the meeting.

(i) Perform such other duties and have such other powers with respect thereto as may be imposed or conferred by law or the rules and regulations of the Department of Highways.

The roadmasters or superintendents or supervisors, acting in either capacity, shall--

(j) Report monthly to the board of supervisors, such information as may be required by the Department of Highways, in the form prescribed by the department.

(k) Inspect all roads and bridges at such times as the township supervisors shall direct, except during the months of April and October.

(l) Have power to relocate, widen, deepen, and straighten the channels of streams, and rip, rap, and otherwise protect the banks of streams in order to protect roads, prevent erosion, and prevent floods in the township: Provided, That the consent of the Water and Power Resources Board to any such project has first been secured.

(m) When authorized to do so by general or special order of the township supervisors, to do or cause to be done all work necessary to carry out the responsibilities imposed upon the township supervisors by subsections (a), (b), (e), (f), (g), and (i) of this section.]

Section 607. Duties of Supervisors.--The board of supervisors shall:

(1) Be charged with the general governance of the township and the execution of legislative, executive and administrative powers in order to ensure sound fiscal management and to secure the health, safety and welfare of the citizens of the township.

(2) Have the responsibility for maintenance of township-owned equipment and facilities.

(3) Employ persons as may be necessary for the general conduct of the business of the township and provide for the compensation, organization and supervision of the persons so employed. Records shall be kept and reports made and filed giving the names of all persons employed, dates on which work

was done and the number of hours worked with compensation paid to each person and the capacity in which employed.

(4) Authorize attendance at conferences, institutes, schools and conventions. Any supervisor, elected or appointed officer or township employe may, if directed by the board of supervisors, attend any conference, institute, school or convention dealing with the duties and functions of elected or appointed officers or employes. The expenses for attending the meetings may be paid by the township and are limited to the registration fee, mileage for the use of a personal vehicle or reimbursement of actual transportation expense going to and returning from the meeting plus all other actual expenses that the board of supervisors agrees to pay. Every attendee shall submit to the board of supervisors an itemized account of expenses incurred at the meeting. The board of supervisors may authorize employes to be compensated at their regular employe rate during their attendance at the meeting.

(5) Annually, on or before the first day of February, furnish to the board of auditors information on the construction or maintenance of roads, or other matters that may be required by any department of the Commonwealth to be included in the annual township report.

(6) Provide for the annual tax duplicate to be prepared and presented to the tax collector.

(7) Perform duties and exercise powers as may be imposed or conferred by law or the rules and regulations of any agency of the Commonwealth.

[Section 517. Road Contracts.--The board of township supervisors may make a contract for the improvement and keeping in repair of not more than ten miles of road. No such contract

shall extend over a period of more than four years, nor shall it be given unless approved of and signed by at least two members of the board of township supervisors. Every contractor for road work shall give bond for the amount of such contract, and sign specifications furnished by the township supervisors for the building and care of such contract roads.

Section 518. Annual Township Report; Duties of Supervisors.--The board of supervisors annually, on or before the first day of February in each year, shall furnish to the township auditors such accurate information concerning the construction, reconstruction, maintenance and repair of the roads, the repair and purchase of equipment and machinery, and road mileage, as may be required, in order to enable the auditors to make the annual township report hereinafter prescribed.

Section 519. Applications for County Road Aid.--Whenever the owners of the majority of the assessed valuation of real property within any township desire any principal road within the township to be improved and maintained at the joint expense of the county and township, they may petition the supervisors of the township for said improvement, and require them to make application to the county commissioners for such improvement and maintenance in accordance with the provisions of existing law.

In all cases where the township supervisors refuse to act upon, or unduly delay action on, any petition for the improvement and maintenance of any road, as herein provided, any registered elector or taxpayer of the township or county may, by petition, present the facts of the matter to the court of quarter sessions, requesting the court to order such action thereon as the case may require. If after due hearing had before

said court it shall appear that the truth of the matters alleged in the petition are sustained, the court shall make an order directing the township supervisors to forthwith act upon said application or applications, and that the said application or petition for the improvement be forthwith forwarded to the county commissioners.

Section 520. Interest in Contracts and Purchases; Penalty.--Except as otherwise provided in section 802 of this act any township supervisor, superintendent, or roadmaster who is knowingly interested directly or indirectly, in any purchase made or contract relating to roads and bridges, or for a compensation furnishes any materials therefor is guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars or undergo imprisonment not exceeding six months, or both, and shall forfeit his office.

Section 521. Violation of Act Generally; Penalty.--Any township supervisor, township superintendent, roadmaster, or contractor, employed to work on the roads and bridges of any township, or any other person including any corporation officer or employe, who violates any of the provisions of this act, other than those for the violation of which specific penalties are provided, or who fails, or neglects, or refuses to carry out the provisions of this act, shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not less than ten dollars and not more than fifty dollars, and in default of the payment of such fine and costs, shall be sentenced to imprisonment of not more than twenty-five days. All such fines shall be paid to the township treasurer and credited to the general township fund.]

ARTICLE VII

TOWNSHIP TREASURER

[(c) Township Treasurer]

Section 701. Township Treasurer.--The board of supervisors shall appoint a township treasurer to serve at the pleasure of the board of supervisors.

[Section 530. Bond.--The treasurer appointed by the board of township supervisors, if an individual, shall give bond, with a surety company or other company authorized by law to act as surety to be approved as to the amount thereof by and filed with the auditors of the township, conditioned that the treasurer shall well and truly account for and pay over all moneys collected or received for the township, and all moneys paid by the State to the township and received by him, only upon a written order signed by two members of the board of supervisors; for the delivery to his successor in office of all books, papers, and documents; for the payment to such successor of any balance of money belonging to the township that may remain in his hands; and for the faithful performance of the duties of his office.]

Section 702. Treasurer's Bond.--The township treasurer, if an individual, shall give bond with a surety company in an amount established by the board of auditors for the faithful performance of the duties of the office. The amount of the bond shall equal the highest amount of township funds estimated by the board of auditors to be available to the township treasurer at any time during the current year. The bond shall be filed with the board of auditors of the township.

[Section 531. Compensation.--The township treasurer shall receive, as compensation for his services, salary, wages or a

certain percentage on all moneys received and paid by him, which compensation shall be determined by the supervisors of the townships.

Except as otherwise provided in section 540 hereof, the amount paid to the treasurer as treasurer and secretary, shall be determined by the board of supervisors, except that where a supervisor is serving as secretary and/or treasurer the auditors shall fix the compensation.]

Section 703. Treasurer's Compensation.--The board of supervisors shall determine the compensation of the township treasurer. When a supervisor is appointed as township treasurer, the board of auditors shall determine the compensation. A person may not receive hourly compensation for work as a superintendent, roadmaster or laborer for time spent in the performance of the duties of township treasurer.

[Section 532. Duties.--The township treasurer shall receive all moneys due the township and deposit the same promptly upon receipt thereof in a bank, banking institution, or trust company in the name of the township. He shall keep distinct and accurate accounts of all sums received from taxes and other sources, which accounts shall be open to the inspection of the supervisors and taxpayers of the township. He shall pay out all moneys received by him only on orders drawn by the supervisors of the township. He shall annually state his accounts, and lay the same, together with the vouchers, before the township auditors for settlement.]

Section 704. Treasurer's Duties.--The township treasurer shall:

(1) Receive all moneys due the township and deposit them promptly in a designated depository in the name of the township.

(2) Keep distinct and accurate accounts of all sums received from taxes and other sources, which accounts shall be open to the inspection of the board of supervisors and any citizen of this Commonwealth.

(3) Pay out all moneys of the township only on direction by and upon a written order signed by a majority of the members of the board of supervisors.

(4) Annually state the accounts and make them available to the board of auditors for settlement.

(5) Preserve the account books, papers, documents and other records of the office and turn them over to the successor in office.

Section 705. Assistant Treasurer.--The board of supervisors may appoint an assistant treasurer who shall assist the township treasurer or, in the absence or disability of the township treasurer, perform the duties of the township treasurer. The assistant treasurer may be appointed from the membership of the board of supervisors. The assistant treasurer shall be bonded for the same amount as the township treasurer when acting in the capacity of township treasurer. The board of supervisors shall determine the compensation of the assistant treasurer. When a supervisor is appointed assistant treasurer, the board of auditors shall determine the compensation.

[Section 533. Use of Special Funds; Penalty.--Whenever any moneys are collected in or received by any township for any special purpose, and are paid into the hands of the treasurer of such township, it shall be unlawful for such treasurer to apply such moneys, or any part thereof, to any purpose other than that for which such moneys were collected or received. Every such misapplication shall be a misdemeanor, and upon conviction

thereof, the treasurer shall be sentenced to pay a fine of not less than the amount so misapplied, or undergo imprisonment for not more than one year, or both.]

Section 706. Use of Special Funds; Penalty.--When any moneys are collected for any special purpose, no township treasurer or board of supervisors may apply those moneys to any purpose other than that for which they were collected. Every misapplication shall be a misdemeanor of the third degree and, in addition to the fine or penalty which may be imposed upon conviction, the defendant shall be required to pay restitution in the amount of moneys improperly spent.

[Section 534. Penalty for Failure to Perform Duties.--Any township treasurer who fails or neglects or refuses to perform any of the duties of his office, other than those for which specific penalties are provided, upon conviction thereof in a summary proceeding, shall be sentenced to pay a fine of not more than one hundred dollars, and in default of the payment of such fine and costs, shall be sentenced to imprisonment of not more than thirty days, and shall be disqualified from holding the office.]

Section 707. Penalty for Failure to Perform Duties.--A township treasurer or assistant treasurer who fails to perform any duties of the office other than those for which specific penalties are provided commits a summary offense and, in addition to the fine or penalty which may be imposed upon conviction, is required to pay to the township an amount equal to the amount of the financial loss that occurred, if any, for not performing the duties of the office. That person is disqualified from holding the office of township treasurer or assistant treasurer.

[Section 535. Depositories of Township Funds.--The township supervisors may, at their annual organization meeting, or as soon thereafter as is practicable, designate, by resolution, a depository or depositories for township funds, and fix and approve the security to be furnished by any such depository: Provided, That any such funds deposited with any banking institution of this Commonwealth may be insured with the Federal Deposit Insurance Corporation, or any other corporation hereafter organized by the United States for the purpose of insuring deposits, up to the amount to which such corporation is, or may hereafter be, authorized to insure deposits, in any one name, and where so insured the supervisors shall not require such banking institution to furnish additional bond, insurance or security to cover the amount of such deposits so insured. Such designation shall be valid for a period of one year or until such time as another depository or other depositories shall be designated by similar action of the township supervisors.

Such depository, or depositories shall be banks, banking institutions, or trust companies located in the Commonwealth.

The township treasurer shall, upon the designation of such depository or depositories, immediately transfer thereto the township funds, and shall thereafter keep such deposits solely in such depository or depositories in the name of the township.

No township treasurer, complying with the provisions of this section, nor his surety or sureties, shall be chargeable with losses of township funds caused by the failure or negligence of such depository or depositories.]

<u>Section 708. Depositories of Township Funds.--(a) The board of supervisors shall designate, by resolution, a depository or</u>

depositories for township funds. Any funds deposited with any banking institution of this Commonwealth shall be insured with the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund or their successor agencies, to the extent that accounts are so insured. The board of supervisors shall require each banking institution to furnish additional bond, insurance or security to cover the amount of any deposits in excess of the insured limits. The designation is valid for a period of one year or until another depository or other depositories are designated by similar action of the board of supervisors.

(b) The depository or depositories shall be banks, banking institutions or trust companies located in this Commonwealth.

(c) The township treasurer or assistant treasurer shall, upon the designation of the depository or depositories by the board of supervisors, immediately transfer thereto the township funds and after that make deposits solely in the depository or depositories in the name of the township.

(d) No township treasurer or assistant treasurer complying with the provisions of this section, nor his surety or sureties, shall be chargeable with losses of township funds caused solely by the failure or negligence of the depository or depositories.

ARTICLE VIII

TOWNSHIP SECRETARY

[(d) Township Secretary]

Section 801. Township Secretary.--The board of supervisors shall appoint a township secretary to serve at the pleasure of the board of supervisors.

[Section 540. Duties and Compensation.--The secretary in each township shall be clerk to the board of supervisors. He

shall keep a record of the proceedings of said officers in a minute book in which he shall also record all court orders relative to the laying out, opening and vacating of roads. The minute book, account book and other financial records shall be carefully preserved by the secretary and shall be turned over to his successor in office. Miscellaneous records and papers of the township other than the minute book and account book may be destroyed with the consent of the supervisors after the lapse of six years from the date of such records.

The secretary shall prepare and write the annual tax duplicate of the township, and shall receive such salary, wages or other compensation therefor as shall be fixed by the township supervisors. The amount paid to the secretary and treasurer as salary, wages or other compensation for services, shall be determined by the board of supervisors, except that where a supervisor is serving as secretary and/or treasurer the auditors shall fix the compensation.

The secretary shall inform all members of the board of supervisors of all functions and meetings, including special meetings of the board.]

<u>Section 802. Secretary's Duties.--The township secretary is a clerk to the board of supervisors. The township secretary shall:</u>

<u>(1) Record the proceedings of the board of supervisors and all court orders relative to the laying out, opening and vacating of roads in a minute book.</u>

<u>(2) Preserve the minute book and other records and turn them over to the successor in office.</u>

<u>(3) With the consent of the board of supervisors and in conformity with other laws governing the retention and</u>

disposition of municipal records, have the authority to destroy records and papers of the township other than the minute book and account book after the lapse of six years from the date of the records.

(4) Inform supervisors of all township meetings, including special meetings of the board of supervisors.

Section 803. Secretary's Compensation.--The board of supervisors shall determine the compensation of the township secretary. When a supervisor is appointed township secretary, the board of auditors shall determine the compensation. A person may not receive hourly compensation for work as a superintendent, roadmaster or laborer for time spent in the performance of the duties of township secretary.

[Section 543. Assistant Secretary.--Every board of township supervisors may, by resolution, appoint an assistant secretary who shall, in the absence or disability of the secretary, perform the duties and exercise the powers of the secretary. The assistant secretary may be appointed from the membership of the board of township supervisors but shall not be any other officer thereof, shall receive compensation for such services not exceeding the compensation of the secretary, and shall be bonded. The assistant secretary shall not be compensated for any period of time for which the secretary is compensated.]

Section 804. Assistant Secretary.--The board of supervisors may appoint an assistant secretary who shall assist the township secretary or, in the absence or disability of the township secretary, perform the duties of the township secretary. The assistant secretary may be appointed from the membership of the board of supervisors. The board of supervisors shall determine the compensation of the assistant secretary. When a supervisor

is appointed assistant secretary, the board of auditors shall determine the compensation.

ARTICLE IX

AUDITORS; ACCOUNTANTS

[(e) Township Auditors

Section 545. Meetings; Duties; Quorum; Surcharges; Compensation.--The auditors of townships shall meet annually, at the place of meeting of the supervisors, on the day following the day which is fixed by this act for organization of the township supervisors; and shall organize by the election of a chairman and secretary, and shall audit, settle, and adjust the accounts of the supervisors, superintendents, roadmasters, treasurer, and tax collector of the township, and fix the compensations for the current year authorized in section 515 hereof. Two auditors shall constitute a quorum. The auditors shall also make an audit of the dockets, transcripts, and other official records of the justices of the peace to determine the amounts of fines and costs paid over or due the township, and the dockets and records of the justices of the peace shall be open to inspection by the auditors for such purpose. Unless otherwise agreed to by the auditors and the officer being audited, the audit shall he conducted at the place the records of the officer are normally kept.

Upon the death or resignation of any of the above officers the auditor, upon call of the chairman, shall meet and audit the accounts of the former incumbent, and at that time fix the compensation of his successor if authorized by this act to fix the compensation for such office.

Any elected or appointed officer, whose act, error or omission has contributed to the financial loss of any township,

shall be surcharged by the auditors with the amount of such loss, and the surcharge of any such officer shall take into consideration as its basis, the results of such act, error or omission and the results had the procedure been strictly according to law. The provisions hereof limiting the amount of any surcharge shall not apply to cases involving fraud or collusion on the part of such officers, nor to any penalty ensuing to the benefit of or payable to the Commonwealth.

Each auditor shall receive thirty dollars per diem for each day necessarily employed in the duties of his office, to be paid out of the funds of the township. In no event shall any auditor in a township having a population of ten thousand (10,000) or less be entitled to receive more than six hundred dollars ($600) for any calendar year. In no event shall any auditor in a township having a population in excess of ten thousand (10,000) be entitled to receive more than twelve hundred dollars ($1,200) for any calendar year. A day shall consist of not less than five hours in the aggregate.]

<u>Section 901. Township Auditors; Meetings; Duties; Quorum.--(a) The board of auditors shall meet annually, at the place of meeting of the board of supervisors, on the day following the day designated by this act for organization of the board of supervisors; and they shall organize by the election of a chairman and secretary. The board of auditors shall audit, settle and adjust the accounts of all elected or appointed officials of the township and its boards or agencies that received or disbursed funds of or owing to the township during the immediately preceding calendar year. The board of auditors shall determine the compensations for the current year authorized in section 606 for supervisors employed by the</u>

township. Two auditors shall constitute a quorum. The auditors may also make an audit of the dockets, transcripts and other official records of the district justices to determine the amount of fines and costs paid over or due the township, and the dockets and records of the district justices shall be open to inspection by the auditors for that purpose. Unless otherwise agreed to by the board of auditors and the officer being audited, the audit shall be conducted at the place the records of the officer are normally kept.

(b) Upon the death or resignation of any of the officials designated in this section to be audited, the board of auditors, upon call of the chairman, shall meet and audit the accounts of the former incumbent and determine the compensation of the successor if so authorized by this act.

Section 902. Auditor's Compensation.--(a) Each auditor shall receive seven dollars ($7) for each hour necessarily employed in the duties of the office upon presentation to the board of supervisors of an itemized listing of the dates, times, places and hours worked to perform the audit. No auditor in a township having a population of ten thousand or less is entitled to receive more than seven hundred dollars ($700) for completing the annual audit, settlement and adjustment. No auditor in a township having a population in excess of ten thousand is entitled to receive more than fourteen hundred dollars ($1,400) for completing the annual audit, settlement and adjustment.

(b) In addition to the time actually used by the board of auditors to complete the audit, settlement and adjustment, each auditor may be compensated at the rate of seven dollars ($7) each hour for not more than fifty hours to audit the accounts of any public official who handles public funds when a vacancy

occurs in the office of the public official.

(c) Each auditor shall be reimbursed for travel costs incurred in the performance of the auditing duties at the rate established by the board of supervisors under the act of July 20, 1979 (P.L.156, No.51), referred to as the Uniform Mileage Fee Law, and for other expenses, including postage, notary fees or publication costs, incurred during the audit.

[Section 546. Subpoenas; Oaths; Perjury.--The auditors of each township may issue subpoenas to obtain the attendance of the officers whose accounts they are required to adjust, their executors and administrators, and of any person whom it may be necessary to examine as a witness, and to compel their attendance, by attachment, in like manner as any court of common pleas may in cases pending before them and may also compel the production of all books, vouchers, and papers relative to such accounts. Such subpoena and attachment shall be issued by a justice of the peace and be served by a constable or auditor of the township. The auditors of each township may administer oaths and affirmations to all persons brought or appearing before them, whether accountants, witnesses, or otherwise. All persons guilty of swearing or affirming falsely on such examination shall be guilty of perjury.]

Section 903. Subpoenas; Oaths; Perjury.--The board of auditors may issue subpoenas to obtain the attendance of the officers whose accounts they are required to audit or adjust, of their executors and administrators and of any person whom it may be necessary to examine as a witness and to compel their attendance, by attachment, the same as any court of common pleas may in cases pending before them and may also compel the production of all books, vouchers and papers relative to

township accounts. The subpoena and attachment shall be issued by a district justice. The board of auditors may administer oaths and affirmations to all persons brought or appearing before them, whether accountants, witnesses or otherwise. All persons swearing or affirming falsely upon examination are guilty of perjury.

[Section 547. Completion, Filing and Publication of Annual Township Report and Financial Statement.--(a) The auditors shall complete their audit, settlement, and adjustment prior to March first of each year, and in townships having a population of ten thousand (10,000) or less, no more than twenty days shall be expended on such audit. In townships having a population in excess of ten thousand (10,000), no more than forty days shall be expended on such audit. In addition to the time actually expended by the auditors to complete their audit, settlement and adjustment within such twenty or forty days limitations, the auditors may expend not more than a total of ten additional days at a compensation of thirty dollars ($30) per day to audit the accounts of any public official who handles public funds when a vacancy occurs in the office of such public official.

(b) The auditors shall make a report, as hereinafter provided, of the affairs of the township, executed copies of which report shall be filed not later than ninety days after the close of the fiscal year by the secretary of the auditors with the secretary of the township, the clerk of the court of the county, or the prothonotary as may be provided by local rules of court, the Department of Community Affairs, and the Department of Highways. Each copy of such report shall be signed by at least a majority of the auditors, and duly verified by the oath of the secretary of the auditors. Any secretary of auditors,

refusing or wilfully neglecting to file such township report, as hereinbefore provided, or to publish the financial statement herein required, shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of five dollars for each day's delay beyond the last day for filing such report, and costs, or in default of the payment of such fine and costs, be sentenced to imprisonment not exceeding ten days.

(c) The township report shall be presented on a uniform form, prepared and furnished as hereinafter provided.

(d) The township report shall contain the names and addresses of the chairman, members and secretary-treasurer of the board of supervisors of the township, a statement of the receipts of the township from all sources, and of all accounts and revenue which may be due and uncollected at the close of the fiscal year, a statement of the disbursements of the township during the fiscal year for the construction, reconstruction, maintenance and repair of the roads, for the purchase and repair of road equipment and machinery, the number of miles of road opened, built and permanently improved, and the total number of miles of road in the township, a statement of the balance in the township treasury at the beginning of the fiscal year, a statement of the resources and liabilities of the township at the end of the fiscal year, a detailed statement of the indebtedness of the township at the close of the fiscal year, the provisions made for the payment thereof, together with the purposes for which it was incurred, a statement of the cost of ownership and operation of each and every public service industry, owned, maintained or operated by the township, and such more specific information, as may be required as hereinafter provided.

(e) On or before March tenth of each year, the auditors shall publish, by advertisement, once in at least one newspaper of general circulation published in the township, or if no such newspaper is published in the township, then in such a newspaper circulating in the township, a concise financial statement setting forth the balance in the treasury at the beginning of the fiscal year, all revenues received during the fiscal year by major classifications, all expenditures made during the fiscal year by major functions, and the current resources and liabilities of the township at the end of the fiscal year, the gross liability and net debt of the township, the amount of the assessed valuation of the township, the assets of the township with the character and value thereof, the date of the last maturity of the respective forms of funded debt, and the assets in the sinking fund.

(f) If any township has a population of less than two hundred, as shown by the last preceding decennial census of the United States, the auditors may post five copies of the above financial statement in public places in the township in lieu of publication in a newspaper.]

<u>Section 904. Completion, Filing and Publication of Annual Township Report and Financial Statement.--(a) The board of auditors shall complete their audit, settlement and adjustment before the first day of March of each year.</u>

<u>(b) The board of auditors shall make a report of the affairs of the township, executed copies of which report shall be filed not later than ninety days after the close of the fiscal year by the secretary of the board of auditors with the township secretary, the clerk of the court of the county or the prothonotary under local rules of court, the Department of</u>

Community Affairs and the Department of Transportation. Each copy of the report shall be signed by at least a majority of the board of auditors and duly verified by the oath of the secretary of the board of auditors. Any secretary of the board of auditors who fails to file the township report or to publish the required financial statement commits a summary offense.

(c) The township report shall be presented on a uniform form prepared and furnished under section 3203.

(d) The township report shall contain the names and addresses of the chairman and members of the board of supervisors, the township secretary and the township treasurer, a statement of the receipts of the township from all sources and of all accounts and revenue which may be due and uncollected at the close of the fiscal year, a statement of the disbursements of the township during the fiscal year, a statement of the balance in the township treasury at the beginning of the fiscal year, a statement of the resources and liabilities of the township at the end of the fiscal year, a detailed statement of the indebtedness of the township at the close of the fiscal year and the provisions made for the payment thereof together with the purposes for which it was incurred, a statement of the cost of ownership and operation of each public service industry owned, maintained or operated by the township and other information as may be required in this act.

(e) On or before the tenth day of March of each year, the board of auditors shall publish once in one newspaper of general circulation in the township a concise financial statement setting forth the balance in the treasury at the beginning of the fiscal year, all revenues received during the fiscal year by major classifications, all expenses paid during the fiscal year

by major functions, and the current resources and liabilities of the township at the end of the fiscal year, the gross liability and net debt of the township, the amount of the assessed valuation of the township, the assets of the township with the character and value thereof, the date of the last maturity of the respective forms of funded debt and the assets in the sinking fund.

(f) If any township has a population of less than two hundred, as shown by the latest official census, the board of auditors may post five copies of the financial statement in public places in the township in lieu of publication in a newspaper.

[Section 548. Cancelling Orders.--The auditors shall cancel all orders, vouchers and certificates of indebtedness presented to them, which they find have been paid, by writing the word "audited" on the face thereof.

Section 549. Penalty for Failure to Perform Duty.--Any auditor neglecting or refusing to comply with the preceding provisions of this article shall upon conviction thereof in a summary proceeding, pay a fine of not more than one hundred dollars, and in default of the payment of such fine and costs, shall be sentenced to imprisonment of not more than ten days.]

Section 905. Penalty for Failure to Perform Duty.--Any auditor who fails to comply with this article commits a summary offense.

[Section 550. Employment and Compensation of Attorney.--The auditors, in case of a disagreement with any officials or board of township supervisors whose accounts they are required to audit, may employ an attorney. Such attorney shall not be employed until reasonable effort to reach an agreement has been

made, and only after notice of their intention so to do has been given to said official or board of township supervisors. The compensation for such attorney shall be fixed by the auditors, and shall not exceed thirty dollars, unless an appeal is taken to the court, in which case the court shall fix the additional compensation for the attorney. The compensation for said attorney shall be paid out of the general township fund by a warrant drawn by the auditors upon the treasurer of the township.]

Section 906. Employment and Compensation of Attorney.--If a disagreement occurs with the board of auditors and any official it is required to audit, the board of auditors may petition the court of common pleas to appoint an attorney to represent or advise the board of auditors on the matter. The court shall not appoint an attorney unless reasonable effort to reach an agreement has been made and only after the board of auditors has given notice to the official or the board of supervisors of its intent to petition the court for the appointment. The board of auditors, with the agreement of the board of supervisors, shall determine the compensation of the attorney. If the dispute results in litigation or if the board of auditors and the board of supervisors cannot agree upon the compensation to be paid to the attorney, the court shall establish the compensation for the attorney appointed for the board of auditors. The compensation for the attorney shall be paid out of the general township fund.

[Section 551. Balances Due to Be Entered as Judgments.--Any balance, in any report of the auditors, against any officer of the township shall constitute a surcharge against such officer, as fully as if expressly stated in said report to be a surcharge. The auditors shall direct the clerk of court of

quarter sessions to certify the amount of every such balance or surcharge from which no appeal has been taken, within the time and in the manner hereinafter provided, to the court of common pleas and the prothonotary shall enter the same as a judgment against such officer and in favor of the township.]

Section 907. Surcharge by Auditors.--(a) The board of auditors shall surcharge any elected or appointed officer for the amount of any loss to the township caused in whole or in part by the officer's act or omission in violation of law or beyond the scope of the officer's authority. If the auditors find an absence of intent to violate the law or exceed the scope of authority and find the result of the officer's act could have been achieved by legal means and authorized procedures, the surcharge imposed shall be limited to the difference between the costs actually incurred by the township and the costs that would have been incurred had legal means and authorized procedures been employed. Provisions of this section which limit the amount of surcharge do not apply to cases involving fraud or collusion on the part of the officers or to any penalty ensuing to the benefit of or payable to the Commonwealth.

(b) Any balance in any report of the board of auditors against any officer of the township constitutes a surcharge against the officer as fully as if expressly stated in the report to be a surcharge. The board of auditors shall direct the clerk of court of common pleas to certify the amount of every balance or surcharge from which no appeal has been taken under sections 909 and 910 to the court of common pleas, and the prothonotary shall enter the balance or surcharge as a judgment against the officer in favor of the township.

[Section 552. Collection of Surcharge; Bond.--Any auditor,

registered elector, or taxpayer of the township may enforce the collection of a judgment entered for a surcharge for the benefit of the township, by any appropriate action or execution, upon filing in the court of common pleas a bond (in the case of a registered elector or taxpayer), with one or more sureties, conditioned to indemnify the township for all costs which may accrue in the proceedings undertaken by such taxpayer, subject, however, to all rights of appeal from the report of auditors hereinafter granted.]

Section 908. Collection of Surcharge; Bond.--Any auditor, elector or taxpayer of the township may enforce the collection of a judgment entered for a surcharge for the benefit of the township, by any appropriate action or execution, upon filing in the court of common pleas a bond (in the case of an elector or taxpayer), with one or more sureties, conditioned to indemnify the township for all costs which may accrue in the proceedings undertaken, subject, however, to all rights of appeal from the report of the board of auditors.

[Section 553. Appeals from Report.--The township, or any registered elector or taxpayer thereof on its behalf, or any officer whose account is settled or audited by the township auditors, may appeal from any settlement or audit of the township auditors to the court of common pleas within forty-five days after the settlement has been filed in the court of quarter sessions.]

Section 909. Appeals from Report.--The board of supervisors, or any elector or taxpayer of the township, or any officer whose account is settled or audited by the board of auditors, may appeal from any settlement or audit of the board of auditors to the court of common pleas within forty-five days after the

settlement has been filed in the court of common pleas.

[Section 554. Taxpayer's Appeal; Bond.--No appeal by a registered elector or taxpayer or officer shall be allowed unless the appellant shall enter into recognizance to prosecute the same with effect, and to pay all costs accruing thereon, in case, if the appellant be a registered elector or taxpayer, he shall fail to obtain a final decision more favorable to the township than that awarded by the auditors, or, in case the appellant be an officer, he shall fail to obtain a final decision more favorable to the officer than that awarded by the auditors.]

Section 910. Taxpayer's Appeal; Bond.--No appeal by an elector, taxpayer or officer shall be allowed unless the appellant enters into recognizance to prosecute the appeal with effect, and to pay all costs accruing thereon, in case, if the appellant is an elector or taxpayer, he fails to obtain a final decision more favorable to the township than that awarded by the board of auditors, or, if the appellant is an officer, he fails to obtain a final decision more favorable to the officer than that awarded by the board of auditors.

[Section 556. Consolidation of Appeals.--When more than one appeal from the report of the auditors is taken, whether by the township, an officer thereof, or by a registered elector or taxpayer, the court may on its own motion, and shall upon petition of any party interested, direct that the several appeals be consolidated.]

Section 911. Consolidation of Appeals.--When more than one appeal from the report of the board of auditors is taken, whether by the board of supervisors, by an officer thereof or by an elector or taxpayer, the court may direct that the several

appeals be consolidated.

[Section 557. Testimony and Argument.--Any person interested may order the appeal upon the argument list, and evidence may be taken by deposition.

Section 558. Framed Issues.--Whenever any matter of fact is in dispute, the court of common pleas is authorized to frame an issue for the trial thereof.

Section 559. Report; Prima Facie Evidence; Burden of Proof.--The accounts of the officer in question may be investigated de novo. The figures and facts found and stated by the auditors in their report of audit shall be taken as prima facie correct as against any such officer, and the burden shall be upon each officer, whose accounts are in question, to establish the validity of the credits which he claims.]

Section 912. Report; Prima Facie Evidence; Burden of Proof.--The accounts of the officer in question may be investigated de novo. The figures and facts found and stated by the auditors in their report of audit shall be taken as prima facie correct as against any officer, and the burden shall be upon each officer whose accounts are in question to establish the validity of the credits which he claims.

[Section 560. Findings; Judgment.--After hearing, the court shall file its finding of fact and law, and enter judgment in accordance therewith, and the judgment so entered may be enforced by any appropriate proceedings by any auditor, officer, registered elector or taxpayer of the township.]

Section 913. Findings; Judgment.--After hearing, the court shall file findings of fact and law and enter judgment, and the judgment so entered may be enforced by appropriate proceedings by any auditor, officer, elector or taxpayer of the township.

[Section 561. Costs.--In all cases of appeal from the report or audit of township auditors to the court of common pleas, the costs shall abide the event of the suit as in other cases.]

Section 914. Costs.--In all cases of appeal from the report or audit of the board of auditors to the court of common pleas, the costs shall be determined by the court.

[Section 562. Appeals from Lower Courts.--Any person interested may except to the rulings of the court.

Section 563. Counsel Fees.--When an appeal is taken from the township auditors' report or settlement of the account of any township officer, and such appeal results favorably to the appellants in such a manner that money is recovered for any township, the court hearing such appeal shall make an order to pay a reasonable counsel fee.]

Section 915. Attorney Fees.--Upon final determination of an appeal taken under section 909 from any report, audit or settlement of the account of any township officer, attorney fees shall be awarded as follows:

(1) If, in the opinion of the court, the final determination is more favorable to the township officer involved than that awarded by the board of auditors, the township shall pay reasonable attorney fees, or under paragraph (3) a portion of reasonable attorney fees, incurred by the officer in connection with the surcharge proceeding.

(2) In the case of an appeal taken by the township, an elector or a taxpayer, if, in the opinion of the court, the final determination is more favorable to the township than that awarded by the board of auditors, the township officer who is the subject of the surcharge proceeding shall pay reasonable attorney fees, or under paragraph (3) a portion of reasonable

attorney fees, incurred by the township, elector or taxpayer in connection with the surcharge proceeding.

(3) If, in the opinion of the court, the final determination is in part more favorable to the township and in part more favorable to the township officer involved in the surcharge proceeding than that awarded by the board of auditors, the court may order the township to pay a portion of reasonable attorney fees incurred by the officer in connection with the surcharge proceeding, or it may order the township officer who is the subject of the surcharge proceeding to pay a portion of reasonable attorney fees incurred by the township, elector or taxpayer in connection with the surcharge proceeding.

[Section 564. Interest in Township Transactions.--Any auditor who is knowingly interested, directly or indirectly, in any township transaction and benefits financially therefrom shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine not exceeding one hundred dollars ($100) and costs of prosecution, and shall forfeit his office.]

Section 916. Interest in Township Transactions.--Any auditor who is financially interested, directly or indirectly, in any township transaction commits a summary offense. The auditor shall forfeit the office and forfeit to the township any financial benefit derived from the transaction.

Section 917. Appointment of Accountant.--(a) The board of supervisors may contract with a certified or competent public accountant or a firm of certified or competent public accountants, either of which shall be registered in this Commonwealth, to be appointed by the court of common pleas at least thirty days before the close of the fiscal year to audit the accounts of the township and the township officers, if a

petition has been presented to the supervisors by at least twenty-five taxpayers of the township asking for the appointment. The amount paid to the accountant or firm in any year shall not exceed the maximum allowed by law to be paid to the board of auditors in any year, unless the payment of an additional amount is approved by the court.

(b) At its annual organization meeting, the board of supervisors may, by resolution, appoint a certified or competent public accountant or a firm of certified or competent public accountants, either of which shall be registered in this Commonwealth, to make an examination of all the accounts of the township for the fiscal year just ended. The board of supervisors shall determine the compensation of the appointed auditor.

(c) When an accountant or firm is appointed under subsection (a) or (b), the board of auditors shall not audit, settle or adjust the accounts audited by the appointee but shall perform the other duties of the office. The accountant or firm has the powers given to the board of auditors under this act, except the audit shall be made in accordance with generally accepted auditing standards, and further provide that the accountant or firm appointed under subsection (b) or (c) shall not have the power to determine compensations and the amount of bond of the township treasurer, and they are subject to the same penalties as the elected auditors under this act. The report of the accountant or firm is subject to appeals the same as reports of the board of auditors under this act.

(d) For the purposes of meeting Federal or State requirements, the board of supervisors may contract with an independent certified or competent public accountant to audit

the fiscal affairs of the township, independent of that conducted by the elected or appointed auditors.

ARTICLE X

TAX COLLECTOR; ASSESSOR

[(f) Tax Collector

Section 570. Powers, Duties and Liabilities.--The tax collector of townships shall collect all county, township, school, institution district and other taxes levied within townships by authorities empowered to levy taxes. He shall, in addition to the powers, duties and responsibilities enumerated in this act, have all the powers, perform all the duties, be subject to all the obligations and responsibilities for the collection of such taxes, as are now vested in, conferred upon, or imposed upon, tax collectors by law.]

Section 1001. Tax Collector; Powers, Duties and Liabilities.--The tax collector shall collect all county, township, school, institution district and other taxes levied within townships by authorities authorized to levy taxes. The tax collector may also be designated in the tax-levying ordinance or resolution, or be employed by the tax-levying authority, to collect taxes levied under the act of December 31, 1965 (P.L.1257, No.511), known as "The Local Tax Enabling Act." In addition to the powers, duties and responsibilities under this act, the tax collector shall exercise all the powers and perform all the duties, and be subject to all the obligations and responsibilities for the collection of taxes, as are conferred upon tax collectors by law.

[(g) Assessor

Section 575. Powers and Duties of Assessor.--The assessors of townships shall have all the powers, perform all the duties,

be subject to all the obligations and responsibilities and receive the compensation as is provided for by law.]

Section 1002. Assessor; Powers and Duties.--The assessors have all the powers and duties, are subject to all the obligations and responsibilities and may receive the compensation provided under law.

ARTICLE XI

TOWNSHIP SOLICITOR

[(h) Township Solicitor

Section 580. Appointment.--The board of supervisors, on the first Monday of January in any year, or as soon thereafter as practicable, may appoint, by a vote of a majority of the members, and fix the compensation of one person learned in the law, who shall be styled the township solicitor. In lieu of the appointment of one person, the board of supervisors may appoint a law firm, partnership, association or professional corporation which shall act as the township solicitor.]

Section 1101. Township Solicitor.--The board of supervisors may appoint and determine the compensation of a township solicitor. The township solicitor shall be licensed to practice law in this Commonwealth and may be one person or a law firm, partnership, association or professional corporation. The township solicitor serves at the pleasure of the board of supervisors.

[Section 581. Solicitor to Have Control of Law Matters.--The law matters of the township shall be under the superintendence, direction, and control of the township solicitor, and no official or official body of the township, except as herein otherwise provided, shall employ an additional counsel without the assent or ratification of the board of supervisors.]

Section 1102. Solicitor to Have Control of Legal Matters.--The township solicitor shall direct and control the legal matters of the township, and no official or official body of the township, except as otherwise provided under law, shall employ an additional attorney without the assent or ratification of the board of supervisors.

[Section 582. Duties of Solicitor.--The township solicitor, when directed or requested so to do, shall prepare or approve such bonds, obligations, contracts, leases, conveyances, ordinances and assurances to which the township may be a party; he shall commence and prosecute all actions brought by the township for or on account of any of the estates, rights, trusts, privileges, claims, or demands, as well as defend all actions or suits against the township, or any officer thereof, wherein or whereby any of the estates, rights, privileges, trusts, ordinances, or accounts, of the township, may be brought in question before any court in the Commonwealth, and shall do every professional act incident to the office which he may be authorized or required to do by the board of supervisors or by any resolution. He shall, whenever required, furnish the board of supervisors, or any of them, with his opinion in writing upon any question of law which may be submitted by any of them in their official capacities.]

Section 1103. Duties of Solicitor.--The township solicitor, when directed or requested so to do, shall prepare or approve any bonds, obligations, contracts, leases, conveyances, ordinances and assurances to which the township may be a party. The township solicitor shall commence and prosecute all actions brought by the township for or on account of any of the estates, rights, trusts, privileges, claims or demands, as well as defend

the township or any township officer against all actions or suits brought against the township or township officer in which any of the estates, rights, privileges, trusts, ordinances or accounts of the township may be brought in question before any court in this Commonwealth and do every professional act incident to the office which the township solicitor may be authorized or required to do by the board of supervisors or by any resolution. The township solicitor shall furnish the board of supervisors, or any of them, with an opinion in writing upon any question of law which may be submitted by any of them in their official capacities.

ARTICLE XII

TOWNSHIP ENGINEER

[(i) Township Engineer

Section 585. Township Engineer.--The township supervisors may, at any time, appoint, by a vote of a majority of them, a township engineer who shall be a registered professional engineer and fix his compensation.]

Section 1201. Township Engineer.--The board of supervisors may appoint and determine the compensation of a township engineer who shall be a registered professional engineer. The township engineer serves at the pleasure of the board of supervisors.

[Section 586. Duties; Preparation of Plans.--The township engineer shall perform such duties as the township supervisors shall prescribe as to the construction, reconstruction, maintenance and repair of all streets, roads, pavements, sewers, bridges, culverts and other engineering work. He shall prepare plans, specifications and estimates of all such work undertaken by such township, and shall, whenever required, furnish the

township supervisors with reports, information or estimates on any township engineering work, or on questions submitted by any of them in their official capacity.]

Section 1202. Engineer's Duties; Preparation of Plans.--The township engineer shall perform duties as the board of supervisors may direct for the construction, reconstruction, maintenance and repair of streets, roads, pavements, sanitary sewers, bridges, culverts and other engineering work. The township engineer shall prepare plans, specifications and estimates of the work undertaken by the township and furnish the board of supervisors with reports, information or estimates on any township engineering work or on questions submitted by the board of supervisors.

[Section 587. Certificate of Commencement and of Completion of Municipal Improvements.--Where a township engineer is employed, he shall, immediately after the completion of any municipal improvement, the cost of which, in whole or in part, is to be paid by the owners of the abutting property, make a certificate in which he shall state the day or time on which the particular improvement was completed, and shall file the same with the township secretary, who shall enter the said day or time of completion in a book to be kept by him for said purposes; and the said day or time mentioned in said certificate shall be conclusive on all parties as to the time the said work was completed. The time of completion of the work, referred to in this section and in other parts of this act, shall be taken to mean the time of the completion of the whole contract for the improvement. He shall also furnish to the township secretary a certificate showing the time at which any such particular improvement was commenced, and such certificate shall be

conclusive evidence of the time when the said improvement was begun; and an entry of such date shall be made by said secretary in the book aforesaid.]

Section 1203. Certificate of Commencement and of Completion of Municipal Improvements.--The township engineer shall certify to the township secretary the date of commencement and of completion of all municipal improvements, the cost of which, in whole or in part, is to be paid by the owners of the abutting property. The certification shall be made a part of the permanent records of the township. The certified time of commencement and completion is conclusive on all parties. The term "certified time of completion" means the time of the completion of the whole contract for the improvement.

[(j) Township Police

Section 590. Creating or Disbanding Police Force.--A. The board of township supervisors may, by resolution: (1) create or disband a police force within the township, or (2) upon the petition of not less than twenty-five registered electors or taxpayers of the township, appoint police officers.

B. The board of township supervisors shall provide for the organization and supervision and determine the number and the compensation of such police officers. The chairman of the board of township supervisors shall have the authority to swear in police officers. The board of township supervisors may assign any police officer to undergo a course of training at any training school for police officers established or made available by the Federal or State government and provide for payment of the officer's expenses while in attendance at the training school.

C. Any township may contract with any adjacent township of

the first or second class, or with any borough or city, and may expend moneys from the general fund for the purpose of securing the services within the township of the police of such adjacent township, borough or city. When any such contract has been entered into, the police of the employing township, borough or city shall have all the powers and authority conferred by law on township police in the territory of the township which has contracted to secure such police service.

Section 591. Powers.--Each policeman so appointed shall be an ex-officio constable of the township, and shall and may, without warrant and upon view, arrest and commit for hearing any and all persons guilty of breach of the peace, vagrancy, riotous and disorderly conduct, or drunkenness, or who may be engaged in the commission of any unlawful act tending to imperil the personal security or endanger the property of citizens, or in violating any of the ordinances of said township for which a fine or penalty is imposed.

The keepers or persons in charge of jails, lockups, or station houses shall receive all persons arrested by such policemen for the commission of any offense against the laws of this Commonwealth within said township.

Section 592. Shield.--Each policeman, when on duty, shall wear a shield or badge with the words "township police" and the name of the township or townships for which he was appointed inscribed thereon.

Section 593. Equipment.--The township supervisors may provide each such policeman with a uniform and equipment and means of transportation and the maintenance of the same, the cost thereof to be paid out of the general township fund of the township or townships.

Section 594. Certain Compensation Prohibited.--It shall not be lawful for any township policeman to charge or accept any fee or other compensation in addition to the salary paid to him as a policeman for any service rendered or performed by him pertaining to his office or duties, except public rewards and the legal mileage allowed to constables for traveling expenses.

Section 595. Police Pension Fund.--Where a police force is being maintained, the township may, by ordinance, establish a police pension fund or pension annuity into which each member of the police force may be required to pay an equal and proportionate monthly charge not exceeding annually three per centum of the pay of such member. The fund shall be under the direction of the supervisors or such committee as they may, by ordinance, prescribe for the benefit of such members of the police force as shall receive honorable discharge therefrom by reason of age or disability, and the families of such as may be injured or killed in the service. Any allowances made to those who are retired by reason of disability or age shall be in conformity with a uniform scale.

Section 596. Service Required Before Retirement.--

(a) The ordinance establishing the police pension fund may prescribe a minimum period of continuous service, not less than twenty years, after which the members of the force may be retired from active duty. Township policemen, so retired, shall be subject to service as police reserves until unfitted for such service by reason of age or disability, when they may be finally discharged.

(b) The basis of the apportionment of the pension shall be determined by the rate of monthly pay of the member at the date of death, honorable discharge, or retirement.

Section 597. Pensions not to be Charged on Other Funds.--Payments made on account of police pensions shall be a charge on no fund in the treasury of the township or under its control, other than the police pension fund.

Section 598. Gifts to Pension Fund.--Townships may take by gift, grant, devise or bequest any money or property, real, personal or mixed, in trust for the benefit of such police pension fund. The care, management, investment and disposal of such trust funds or property shall be vested in such officers as the supervisors shall, by ordinance, direct, and shall be governed by such officers subject to any directions, not inconsistent therewith, as the donors of such funds and property may prescribe.

Section 599. Rights of Members.--A person, participating in such police pension fund and becoming entitled to receive a benefit therefrom, shall not be deprived of his right to an equal and proportionate share therein upon the basis upon which he first became entitled thereto, except for the following causes, that is to say conviction of a crime, or misdemeanor, becoming an habitual drunkard, becoming a non-resident of the Commonwealth, or failing to comply with some general regulation relating to the management of such fund, which may be made by ordinance, and which provides that a failure to comply therewith shall terminate the right to participate in the pension fund after such notice and hearing as it shall prescribe.

Section 599-A. Special School Police.--Upon request of the board of school directors of the school district of the township, the board of township supervisors, by resolution, may appoint special school police, who shall have the duty of controlling and directing traffic at or near schools, and who

shall be in uniform and shall display a badge or other sign of authority, and who shall be vested with all the power of local police officers. Such police shall serve at the pleasure of the board of township supervisors, and shall not come within the civil service provisions of this act, nor shall they be eligible to join any police pension fund maintained for the township police. Their compensation shall be fixed by the board of township supervisors and they shall be paid by the board of township supervisors, or jointly by the board of township supervisors and the board of school directors in a ratio to be determined by the two boards. If the board of township supervisors and board of school directors are unable to determine the ratio of compensation of the police to be paid by each board, each such board shall pay one-half of the compensation of such police.]

ARTICLE XIII

TOWNSHIP MANAGER

[(k) Township Manager

Section 599.1. Appointment, Removal, Powers and Duties; Compensation; Bond.--The supervisors may by ordinance, at any time, create the office of township manager and may, in like manner, abolish the same. While said office exists the supervisors shall, from time to time, and, whenever there is a vacancy, by majority vote, elect one person to fill said office, who shall serve until his successor is elected and qualified. Any such township manager shall be subject to removal by the supervisors by majority vote.

The powers and duties of the township manager shall be fixed by ordinance. The compensation shall be set by resolution and paid out of the general fund of the township. The supervisors

may delegate, subject to recall, any of their non-legislative powers and duties to the township manager. He shall give bond to the township, with sufficient surety, to be approved by the supervisors, in such sum as they shall by ordinance direct, conditioned for the faithful performance of his duties.

The office of township manager shall not be deemed incompatible with the office of township secretary, township treasurer, or any other township office or employment, except that of supervisor.]

Section 1301. Township Manager; Appointment, Removal, Powers and Duties; Compensation; Bond.--(a) The board of supervisors may, by ordinance at any time, create the office of township manager and may, in like manner, abolish the office. While the office exists, the board of supervisors shall appoint one person to fill the office. The township manager serves at the pleasure of the board of supervisors.

(b) The powers and duties of the township manager shall be established by ordinance. The compensation shall be set by resolution and paid out of the general fund of the township. The board of supervisors may delegate, subject to recall, any of their nonlegislative powers and duties to the township manager. The township manager shall give bond to the township, with sufficient surety, in the amount directed by the board of supervisors, conditioned for the faithful performance of the duties of the office.

(c) The office of township manager is not incompatible with the office of township secretary, township treasurer or any other township office or employment, except that of supervisor or township police officer.

ARTICLE [VI] XIV

[STATE AND COUNTY ASSOCIATIONS OF TOWNSHIP OFFICERS]

COUNTY AND STATE ASSOCIATIONS

OF TOWNSHIPS

[(a) County Associations

Section 601. County Associations.--County associations of township supervisors, auditors, assessors and tax collectors may be formed. Such associations, when formed, shall hold annual or semi-annual conventions at the county seats of the respective counties, or some other suitable place, for the purpose of considering and discussing questions and subjects pertaining to the best methods for the improvement of the township government, the assessment of property, the collection of taxes and the construction, improvement and maintenance of roads. Such associations of two or more adjacent counties may arrange to meet in joint session.

Section 602. Who to Attend; Compensation and Mileage.--The supervisors of townships, auditors, assessors, tax collectors, managers, solicitors, engineers, and the secretary of the board of township supervisors, when not a member of the board, shall attend such conventions whenever possible. Each township supervisor, auditor, assessor, tax collector, manager, solicitor, engineer, and secretary attending such convention shall receive a certificate, signed by the presiding officer and acting secretary of the convention, attesting his presence at the convention. Such certificate shall entitle him to collect from the township treasurer the sum of thirty-five dollars per day for each day's attendance, expenses which shall be limited to the registration fee, mileage for use of a personal vehicle or reimbursement of actual transportation expense going to and returning from such meeting plus all other actual expenses that

the township board of supervisors may have agreed to pay. Every delegate attending the meeting shall submit to the township board of supervisors an itemized account of expenses incurred thereat. The township board of supervisors may authorize township employes to be compensated at their regular employe rate during their attendance at the meeting, in which case such employe shall not be entitled to the thirty-five dollars mentioned in this section. No township supervisor, auditor, assessor, tax collector, manager, solicitor, engineer, or secretary shall be paid for more than two days' attendance in any one year.

Section 603. Officers of County Association.--The officers of the association shall consist of a president, two vice-presidents, a secretary, and a treasurer, none of whom shall be interested directly or indirectly in the promotion or sale of road material and equipment, and all of whom, except the secretary, shall be members of the association, and shall hold office for one year or until their successors are chosen. If desirable, the secretary may be a person not a regular member of the association, and may be paid for his service such compensation, not exceeding fifty dollars per annum, as the other officers may determine. Every township supervisor, assessor, tax collector, and auditor attending such convention may vote in the election of officers.

Section 604. County Association Convention Expenses.--Expenses of the county association convention shall be paid from dues assessed by the association on each member township.]

<u>Section 1401. County Associations.--(a) County associations of township officials may be formed. County associations shall hold annual or semi-annual conventions at places determined by</u>

the association to consider and discuss questions and subjects pertaining to improvement of township government, assessment of property, collection of taxes and construction, improvement and maintenance of roads. Associations of two or more adjacent counties may arrange to meet in joint sessions.

(b) The supervisors, auditors, assessors, tax collectors, managers, solicitors, engineers, treasurer and secretary of the board of supervisors shall attend the conventions when possible.

(c) Each supervisor, auditor, assessor, tax collector, manager, solicitor, engineer, treasurer and secretary attending the convention shall receive a certificate, signed by the secretary of the county association, attesting their presence at the convention. The certificate entitles the official to collect from the township treasurer the sum of thirty-five dollars ($35) for each day's attendance, expenses which are limited to the registration fee, mileage for use of a personal vehicle or reimbursement of actual transportation expense going to and returning from the meeting plus all other actual expenses that the board of supervisors agrees to pay. Every delegate attending the meeting shall submit to the board of supervisors an itemized account of expenses incurred at the meeting. If the meeting is held during township employes' normal work schedule, the board of supervisors may authorize township employes to be compensated at their regular employe rate during their attendance at the meeting, in which case the employe is not entitled to the thirty-five dollars ($35) mentioned in this section. No supervisor, auditor, assessor, tax collector, manager, solicitor, engineer, treasurer or secretary shall be paid for more than two days' attendance in any one year.

(d) The officers of the association shall consist of a

president, one or two vice-presidents, a secretary and a treasurer, all of whom, except the secretary, shall be members of the association and shall hold office for one year or until their successors are chosen. The secretary of the association may be compensated for services an amount determined by the members of the association. Every supervisor, assessor, tax collector, manager, secretary, treasurer and auditor attending the convention may vote on policy matters and in the election of officers of the association.

(e) Expenses of each county association convention shall be paid from dues assessed by the association on each member township or from other funds as the members of the county association determine.

(f) Each county association of township officials may elect one township supervisor, township manager, township treasurer or township secretary for each ten townships, or fraction thereof, within the county, as a voting delegate to each annual meeting of the State association, but each county association is entitled to a minimum of two delegates at each meeting. These delegates' expenses may be paid by the respective county association.

[(b) State Association of Township Supervisors

Section 610. State Association Authorized.--The formation of a State Association of Township Supervisors is hereby authorized. The association shall hold annual meetings, at such time and place within this Commonwealth as it may designate, for the purpose of discussing various questions and subjects pertaining to the duties of township supervisors and devising uniform, economical and efficient methods of administering the affairs of townships.

The association, at its annual meeting, by majority vote of all the voting delegates there represented shall have power to adopt and amend bylaws to govern the association which shall govern the qualification of delegates, election of officers, their designation, qualifications and duties, payment of dues and other organizational details. The association shall function under these bylaws for advancing the interest of and betterment of township government in townships of the second class.

The dues as adopted in these bylaws are legal expenditures of the townships and are to be used to pay for the services, publications and other expenses, including the rental and acquisition of real estate to be used for association purposes and activities authorized by the association or incurred in behalf of the association by its officers and executive committee.

The State Association of Township Supervisors is hereby authorized to purchase, take, receive, lease as lessee, take by gift or devise, or otherwise acquire, and to own, hold, use and otherwise deal with any real estate, or any interest therein in its own name for association purposes and activities authorized by the association and to mortgage, sell and convey, lease as lessor, and otherwise dispose of all or any part of said real estate in such manner as may be provided in the bylaws of the association.

Section 611. Delegates.--(a) Each county association of township supervisors may elect one township supervisor or township secretary or secretary of the county association for each ten townships, or fraction thereof, within said county, as a voting delegate to each annual meeting of said State association, but each county association shall be entitled to a

minimum of two such delegates at each meeting. These delegates expenses may be paid by the respective county association.

(b) The supervisors may designate one or more of the following elected or appointed officials of the township to attend the annual meeting of the State association: supervisors, township secretary and/or township manager. Said convention shall be held in the Commonwealth in accordance with the procedures adopted by the State association. These delegates expenses shall be paid by the respective townships out of the township general fund.

(c) Each township with dues paid in the State association shall elect one of those delegates designated in subsection (b) to be the voting delegate at the convention.

Each township shall certify the name and address of its elected delegate or delegates and the designated voting delegate to the State association at least fifteen days prior to the opening of the State convention.

Section 612. Expenses and Mileage.--The expenses allowed the delegates attending the annual meeting shall be limited to the registration fee, mileage for use of a personal vehicle or reimbursement of actual transportation expense going to and returning from such meeting plus all other actual expenses that the township board of supervisors may have agreed to pay. Every delegate attending the annual meeting shall submit to the township board of supervisors an itemized account of expenses incurred thereat. The township board of supervisors may authorize township employes to be compensated at their regular employe rate during their attendance at the annual meeting. No delegate shall receive expenses for more than four days including the time employed in traveling thereto and therefrom,

together with mileage going to and returning from such meeting.]

Section 1402. State Association of Township Supervisors Authorized.--(a) The formation of a State Association of Township Supervisors is authorized.

(b) The State association shall hold annual meetings, at a time and place within this Commonwealth as it may designate, to discuss questions and subjects pertaining to the duties of elected and appointed township officials and the improvement of township government.

(c) The State association, at its annual meeting, by majority vote of all qualified voting delegates present, may adopt and amend bylaws to govern the State association. The bylaws shall govern the qualification of delegates, election of officers, their designation, qualifications and duties, payment of dues and other organizational matters. The State association shall function under the bylaws to advance the interest of township government.

(d) The board of supervisors may designate one or more of the following elected or appointed officials of the township to attend the annual meeting of the State association: supervisors, secretary, treasurer and manager. The convention shall be held in this Commonwealth under the procedures adopted by the State association.

(e) Each township with dues paid in the State association shall elect one of those delegates designated in subsection (d) to be the voting delegate at the convention.

(f) Each township shall certify the name and address of its delegate or delegates and the designated voting delegate to the State association at least thirty days before the opening of the State convention.

(g) The expenses allowed to the delegates attending the annual meeting are limited to the registration fee, mileage for use of a personal vehicle or reimbursement of actual transportation expense going to and returning from the meeting plus all other actual expenses that the board of supervisors agrees to pay. Every delegate attending the annual meeting shall submit to the board of supervisors an itemized account of expenses incurred at the meeting. The board of supervisors may authorize township employes to be compensated at their regular employe rate during their attendance at the annual meeting. No delegate shall receive expenses for attending more than four days each year.

(h) Membership dues of the State association are legal expenses of the townships and shall be used for the payment of expenses incurred, including, but not limited to, the rental or acquisition of real estate to be used for State association purposes and activities, cost of publications, salaries, cost of services provided to or for townships and other expenses incurred on behalf of the State association.

(i) The State association may purchase, receive, lease as lessee, accept by gift or devise or otherwise acquire and own, use and otherwise deal with any real estate in its own name for association purposes and mortgage, sell and convey, lease as lessor and otherwise dispose of all or part of the real estate.

ARTICLE [VII] XV

[GENERAL] CORPORATE POWERS

[Section 701. Suits; Property.--Any township of the second class may--

I. Sue and be sued;

II. Purchase, acquire by gift, or otherwise, hold, lease,

let and convey, by sale or lease, such real and personal property as shall be deemed to be to the best interest of the township: Provided, That no real estate owned by the township shall be sold for a consideration in excess of fifteen hundred dollars, except to the highest bidder after due notice by advertisement for bids or advertisement of a public auction in one newspaper of general circulation in the township. Such advertisement shall be published once not less than ten days prior to the date fixed for the opening of bids or public auction, and such date for opening bids or public auction shall be announced in such advertisement. The acceptance of bids shall be made only by public announcement at a regular or special meeting of the board of township supervisors or at the public auction. All bids shall be accepted on the condition that payment of the purchase price in full shall be made within sixty days of the acceptance of bids.

The board of supervisors shall have the authority to reject all bids if such bids are deemed to be less than the fair market value of the real property. In the case of a public auction, the board of supervisors may establish a minimum bid based on the fair market value of the real property.

Except as otherwise hereinafter provided in the case of personal property of an estimated sale value of less than two hundred dollars, no township personal property shall be disposed of, by sale or otherwise, except upon approval of the board of township supervisors, by ordinance or resolution. In cases where the board of township supervisors shall approve a sale of such property, it shall estimate the sale value of the entire lot to be disposed of. If the board of township supervisors shall estimate the sale value to be two hundred dollars or more, the

entire lot shall be advertised for sale once, in at least one newspaper of general circulation in the township, not less than ten days prior to the date fixed for the opening of bids or public auction, and such date of opening of bids or public auction shall be announced in such advertisement, and sale of the property so advertised shall be made to the best responsible bidder. The board of township supervisors shall have authority, by resolution, to adopt a procedure for the sale of surplus personal property of an estimated sale value of less than two hundred dollars and the approval of the board of township supervisors shall not be required for any individual sale that shall be made in conformity to such procedure.

The provisions of this clause shall not be mandatory where township property is to be traded in or exchanged for new township property.

The provisions of this clause shall not prohibit the sale or exchange of township property to public utilities.

The provisions of this clause requiring advertising for bids or sale at public auction and sale to the highest bidder shall not apply where township real or personal property is to be sold to a county, city, borough, town, township, institution district, school district, volunteer fire company, volunteer ambulance service or volunteer rescue squad located within the township, or municipal authority pursuant to the Municipality Authorities Act of 1945, or to a nonprofit corporation engaged in community industrial development or where real property is to be sold to a person for his exclusive use in an industrial development program or where real property is to be sold to a nonprofit corporation organized as a public library for its exclusive use as a library, or where real property is to be sold

to a nonprofit medical service corporation as authorized by clause LXXI of section 702 or where real property is to be sold to a nonprofit housing corporation as authorized by clause LXXII of section 702. When real property is to be sold to a nonprofit corporation organized as a public library for its exclusive use as a library or to a nonprofit medical service corporation or to a nonprofit housing corporation the board of township supervisors may elect to accept such nominal consideration for such sale as it shall deem appropriate. Real property sold pursuant to this clause to a volunteer fire company, volunteer ambulance service or volunteer rescue squad, nonprofit medical service corporation or to a nonprofit housing corporation shall be subject to the condition that when the property is not used for the purposes of the company, service, squad or corporation the property shall revert to the township.

Any officer who sells and each officer who votes in favor of selling any township property, either real or personal, without the provisions of this section having been complied with, shall be subject to surcharge in the amount of any loss sustained by the township by reason of such sale.

III. When real property has been dedicated, deeded or devised to a township to be used for a designated purpose and the real property is accepted and used for that purpose, or the real property is not used for the purpose designated for a period of ten years or more, and the township supervisors determine that it is not possible or not desirable for the best interest of the township to use the real property for the purpose designated, the township supervisors, with the prior approval of the court of quarter sessions, may, by ordinance, reconvey to the original owners or their successors, heirs or

assigns, or otherwise dispose of the real property free and clear of any public right.]

Section 1501. Suits.--Any township may sue and be sued.

Section 1502. Property; Penalty for Violation.--(a) The board of supervisors may purchase, acquire by gift or otherwise, hold, lease, let and convey, by sale or lease, any real and personal property it judges to be to the best interest of the township.

(b) Any supervisor who votes in favor of or knowingly participates in the sale or lease of township real or personal property in violation of this article is subject to surcharge to the extent of any loss or injury to the township as a result of the sale or lease.

Section 1503. Real Property.--(a) No real estate owned by the township having a value in excess of fifteen hundred dollars ($1,500) may be sold except to the highest bidder after due notice by advertisement for bids or advertisement of a public auction in one newspaper of general circulation in the township. The advertisement shall be published once not less than ten days before the date set for the opening of bids or public auction, and the date for opening bids or public auction shall be announced in the advertisement. The award of bids shall be made only by public announcement at a regular or special meeting of the board of supervisors or at the public auction. All bids shall be accepted on the condition that payment of the purchase price in full shall be made within sixty days of the acceptance of bids.

(b) The board of supervisors may reject all bids if the bids are deemed to be less than the fair market value of the property. In the case of a public auction, the board of

supervisors may establish a minimum bid based on the fair market value of the real property.

(c) The requirements of this section do not apply to conveyances or leases of real property by a township to any municipal corporation, the Federal Government, the Commonwealth, or any institution district, school district, county, public utility, volunteer fire company, nonprofit corporation engaged in community industrial development, volunteer ambulance service or volunteer rescue squad located within the township, nonprofit corporation organized as a public library, nonprofit medical service corporation, nonprofit housing corporation, nonprofit organizations providing community service or development activities or nonprofit corporation established for the preservation of historical, architectural or aesthetic sites or artifacts.

(d) When real property is sold to a nonprofit corporation organized as a public library or to a nonprofit medical service corporation, nonprofit housing corporation, volunteer fire company, volunteer ambulance service or volunteer rescue squad, the board of supervisors may elect to accept any nominal consideration for the property as it believes appropriate. Real property sold under this subsection is subject to the condition that when the property is not used for the purposes of the corporation or volunteer fire company, the property reverts to the township.

(e) No real estate may be purchased by a township unless the board of supervisors obtains at least one appraisal on the real property in question by a person authorized to perform an appraisal on the subject property under the act of July 10, 1990 (P.L.404, No.98), known as the "Real Estate Appraisers

Certification Act," and the township supervisors may require that an environmental impact statement be prepared, indicating the potential liability of the township for any environmental problems associated with the real estate to be purchased. The person making the appraisal shall not be interested directly or indirectly in any aspect of the sale of the real estate. The price paid by the board of supervisors for the purchase of the real estate shall not exceed the price established by the appraisal.

(f) When real property has been dedicated, deeded or devised to a township to be used for a designated purpose and the real property is accepted and used for that purpose, or the real property is not used for the purpose designated for a period of ten years or more, and the township supervisors determine that it is not possible or not desirable for the best interest of the township to use the real property for the purpose designated, the township supervisors, with the prior approval of the court of common pleas, may, by ordinance, reconvey to the original owners or their successors, heirs or assigns, or otherwise dispose of, the real property free and clear of any public right.

Section 1504. Personal Property.--(a) No personal property of the township shall be sold or disposed of without the approval of the board of supervisors. No personal property owned by the township, the estimated fair market value of which is one thousand dollars ($1,000) or more, shall be sold except to the highest bidder after due notice by advertisement for bids or for public auction in one newspaper of general circulation in the township. The advertisement shall be published once not less than ten days before the date set for the opening of bids or

public auction, and the date for opening bids or public auction shall be announced in the advertisement. The award of bids shall be made only by public announcement at a regular or special meeting of the board of supervisors or at the public auction. All bids shall be accepted on the condition that payment of the purchase price in full is made immediately upon acceptance of the successful bid. The board of supervisors may reject any bids received if the bids are believed to be less than the fair market value of the property.

(b) With respect to personal property, either individual items or lots of items, the fair market value of which is estimated to be less than one thousand dollars ($1,000), the board of supervisors shall, by resolution, adopt a procedure by which the property may be sold without further action by the board of supervisors. The board of supervisors may arrange for the sale of the item or items at public auction.

(c) The bidding and advertising requirements of this section do not apply to the following transactions:

(1) If personal property of the township is being traded in or exchanged for other personal property.

(2) The sale or lease of personal property to any municipal corporation, the Federal Government, the Commonwealth, or any institution district, school district, municipality authority, county, public utility, volunteer fire company, nonprofit corporation engaged in community industrial development, volunteer ambulance service or volunteer rescue squad located within the township, nonprofit corporation organized as a public library, nonprofit medical service corporation, nonprofit housing corporation, nonprofit organizations providing community service or development activities or nonprofit corporation

established for the preservation of historical, architectural or aesthetical sites or artifacts.

[Section 702. Supervisors to Exercise Powers.--The corporate powers of townships of the second class shall be exercised by the township supervisors. Where no specific authority is given for the expenditures incident to the exercise of any power hereinafter conferred, or where no specific fund is designated from which such expenditures shall be made, appropriations for such expenditures shall be made only from the general township fund. In addition to the duties imposed upon them by section 516 hereof, they shall have power--

I. Lighting.--To light and illuminate the highways, roads, and other public places of the township with electric light, gas, or other illuminating medium, and to provide for defraying the cost, charges and expenses thereof; and, for such purposes, to enter into contracts or agreements with any person, copartnership, association, or corporation, for a period not exceeding ten years, for the purpose of securing and maintaining a supply of light.

II.1. Contracts and Assessments for Lighting.--To provide street lights and to make regulations therefor within the township or within any district of the township established by the township supervisors for that purpose:

A. Upon receipt of a petition signed by seventy per centum of the property owners within any defined area of the township, township supervisors shall establish said defined area as a lighting district or include such defined area within an existing lighting district and shall provide public lighting within such area.

B. The township supervisors may enter into contract with

electric, gas or other lighting companies to light and illuminate said roads and highways and other public places with electric light, gas light or other illuminant.

C. The township supervisors may pay for the cost of public lighting by any one or combination of the following means regardless of whether the installation of said lighting was initiated by action of the township supervisors or by petition as herein provided:

(a) from the general fund;

(b) through uniform annual assessments made upon benefited properties on the front-foot basis;

(c) by uniform annual assessment upon each property benefited; or

(d) by any combination of the above methods or by such other equitable means of assessment as the township supervisors may determine.

D. In cases where public street lighting is currently in existence and is being paid for by a certain means or method, the township supervisors may, at their discretion, alter or amend the means of assessing the cost of such lighting.

E. Properties shall be subject to assessment for this purpose whether or not the property is exempt from taxation by existing law, by an equal assessment on all property in proportion to the number of feet the same fronts on the street or highway, or portion thereof to be lighted, or by an equal assessment upon each property benefited.

F. If the front-foot method of assessment is used, the assessment shall be by equal assessment on all property in proportion to the number of feet the same fronts on the street or highway, or portion thereof to be lighted. The township

supervisors may provide for an equitable reduction from the frontage of lots at intersections or where, from the peculiar or pointed shape of lots, an assessment of the full frontage would be inequitable. No such assessment shall be made against any farmland, but vacant lots between built-up sections, whether tilled or untilled, shall not be deemed to be farmlands: Provided, however, That the assessment per front foot against vacant lots shall be only twenty-five per centum of the assessment per foot against property with improvements thereon.

G. All such annual assessments for street lights, by whatever method used, shall be filed with the township tax collector for collection in the same manner as township taxes are collected, and if said assessment is uncollected, the same shall be a lien and shall be collectable in the same manner as other municipal claims. The assessment may be billed on the annual real estate tax bill for general township purposes if the township supervisors agree to do so.

H. The township tax collector shall be entitled to the same commission as he is entitled to for the collection of other township taxes.

I. All assessments, when collected, shall be paid over to the township treasurer, who shall receive and keep the same in a separate account and pay out the same only upon orders signed by the chairman of the township supervisors, attested by the secretary. The tax collector and the treasurer shall make a report to the auditors of the township annually.

III. Fire Hydrants and Water Supply for Fire Protection.--To place, replace, operate, maintain and repair or to enter into contracts with water companies or municipal authorities for the placing, replacing, operating, maintaining and repairing of fire

hydrants, to water mains maintaining pressures approved by the fire insurance underwriters along any highways, streets, roads and alleys, or portions thereof, within the township, or to provide for or acquire a water supply system equipped to supply sufficient water for the protection of property from fire.

The moneys necessary for placing, replacing, operating, maintaining and repairing such fire hydrants, or for fulfilling contract obligations to water companies or municipal authorities with respect to such fire hydrants, or for providing for or acquiring any such water system may be obtained by proceeding in accordance with the following:

A. If any such fire protection service is or was instituted by the township supervisors without the petition of the surface property owners of a majority of the lineal feet frontage along any highways, streets, roads and alleys, or portions thereof, within the township, such moneys may be obtained by any one of the means set forth in subparagraphs (a), (b) or (c) of paragraph (B) below.

B. If any such fire protection service is or was instituted upon the petition of the surface property owners of a majority of the lineal feet frontage along any highways, streets, roads and alleys, or portions thereof, within the township, such moneys may be obtained by any one of the means set forth in subparagraphs (a), (b) or (c) below.

(a) The township supervisors shall annually assess, or cause to be assessed, the cost and expense of such fire protection service by an equal assessment upon all property, whether or not exempt from taxation by existing law, abutting upon said highways, streets, roads and alleys, or portions thereof, and upon property within seven hundred and eighty feet of any fire

hydrant in the district benefited thereby, based upon the assessment for county purposes. No such assessment shall be levied against any farm land or land used as an aviation field or against other property in the district not benefited thereby. Such assessment shall be collected in the same manner as taxes. The township tax collector shall receive the same commission as on the township tax. The township treasurer shall receive all such assessments collected for fire protection, and keep the same in a separate account, and shall pay the same out only upon orders signed by the chairman of the board of supervisors, attested by the township secretary. The township treasurer shall make a report to the auditors of the township annually.

(b) The township supervisors shall annually assess, or cause to be assessed, the cost and expense of such fire protection service by an equal assessment on all property, whether or not exempt from taxation under existing law, abutting upon said highways, streets, roads and alleys, or portions thereof, within seven hundred and eighty feet of any fire hydrant in the district benefited thereby, in proportion to the number of feet the said property fronts on any highway, street, road or alley upon which a water main is laid, or within seven hundred and eighty feet of any fire hydrant on such highway, street, road or alley. The township supervisors may provide for an equitable reduction from the frontage of lots at intersections, or where from the peculiar or pointed shape of lots an assessment of the full frontage would be inequitable. No such assessment shall be made against any farm land, but vacant lots between built-up sections, either tilled or untilled, shall not be deemed to be farm lands. All such assessments for fire protection shall be filed with the township tax collector who shall give thirty (30)

days' written or printed notice that the assessments are due and payable, stating the due date to each party assessed, either by service on the owner of the property or by mailing such notice to the owner at his last known post office address. The township tax collector shall be entitled to the same commission for the collection of such assessments as he is entitled to by law for the collection of the township road tax. If the assessments or any of them remain unpaid at the expiration of not exceeding ninety (90) days, the exact time to be fixed by the township supervisors, they shall be placed in the hands of the township solicitor for collection. The township solicitor shall collect the same together with five percent as attorney's commission and interest from the date such assessments were due by a municipal claim filed against the property of the delinquent owner in like manner as municipal claims are by law filed and collected. Where an owner has two or more lots against which there is an assessment for the same year all such lots may be embraced in one claim. All assessments when collected shall be paid over to the township treasurer who shall receive and shall keep the same in a separate account and shall pay the same only upon orders signed by the chairman of the township supervisors attested by the township secretary. The township tax collector and the township treasurer shall make a report to the auditors of the township, annually.

(c) The township supervisors may pay or cause to be paid the cost and expenses for such fire protection out of the general township fund.

If the township supervisors elect to pay the cost of fire protection services out of the general fund, the special fire protection districts and annual assessments shall be abolished.

All moneys in the separate accounts for the special fire protection districts shall be paid into the general fund.

IV. Fire Protection.--Out of the general township fund to purchase, or contribute to the purchase of, fire engines and fire apparatus, for the use of the township and to appropriate moneys to fire companies located therein for the operation and maintenance thereof, and for the purchase and maintenance of fire apparatus, and for the construction, repair and maintenance of fire company houses, in order to secure fire protection for the inhabitants of the township. An annual report of the expenditure of such appropriated moneys shall be made to the township supervisors for each completed fiscal year of the township by such fire companies, verified by an officer thereof, before any further payments shall be made to such fire companies out of appropriations for any current fiscal year. To ordain rules and regulations for the government of such fire companies and their officers. To enter into contracts with or to make grants to the proper authorities of near or adjacent cities, boroughs, or townships, or fire departments, fire companies, or fire company therein, for the furnishing to such townships of fire protection by the fire department, fire departments, fire companies, or fire company of such cities, boroughs, or townships, and to make appropriations therefor.

IV.I. Ponds or Dams for Fire Protection.--To construct or contribute money for or participate in the construction of ponds or lawful dams for the purpose of providing water for fire protection for villages or built-up sections in the townships. This power shall be exercised only upon request of those providing fire protection facilities serving the district in which the pond or dam is located.

V. Watering Troughs.--To erect watering troughs along the highways, at an expense not exceeding twenty dollars, and to keep the same in repair.

VI. Memorial Day Appropriations.--To appropriate moneys for the expenses of Memorial Day services.

VII. Road Bulletins.--To subscribe for not more than three publications--the main subject-matter of which pertains to good roads and road building. Such publications shall be for the joint use of the officers of the township.

VIII. Ashes, Garbage, Rubbish and Other Refuse Materials.--To regulate or prohibit the dumping or otherwise depositing of ashes, garbage, rubbish and other refuse materials within the township. To prohibit accumulations of ashes, garbage, rubbish and other refuse materials upon private property, including the imposition and collection of reasonable fees and charges for the collection, removal and disposal thereof. They shall also have power to--

(1) Collect, remove and dispose of or to provide, by contract or otherwise, for the collection, removal and disposal, by incineration, land fill or other methods of ashes, garbage, rubbish and other refuse materials and to prescribe penalties for the enforcement thereof. Any such contract may be made for a period not exceeding three years. This limitation shall not apply to contracts entered into with any other political subdivision or with any municipality authority. To acquire any real property and to erect, maintain, improve, operate, and lease, either as lessor or lessee, facilities for incineration, land fill or other methods of disposal, either within or without the limits of the township, including equipment, either separately or jointly, with any other political subdivision or

with any municipality authority in order to provide for the destruction, collection, removal and disposal of ashes, garbage, rubbish and other refuse materials and to provide for the payment of the cost and expense thereof, either in whole or part, out of the funds of the township and to acquire land for land fill purposes, either amicably or by exercising the power of eminent domain, and to maintain such lands and places for the dumping of ashes, garbage, rubbish and other refuse material to fix, alter, charge and collect rates, and other charges for the collection, removal and disposal of ashes, garbage, rubbish and other refuse materials and the costs of including the payment of any indebtedness incurred for the construction, purchase, improvement, repair, maintenance and operation of any facilities therefor, and the amount due under any contract with any other political subdivision or with any municipality authority furnishing any of such services or facilities. To incur indebtedness and issue bonds for the costs of the construction, purchase, improvement and repair of any facilities for the collection, removal and disposal of ashes, garbage, rubbish and other refuse materials, including equipment to be used in connection therewith. To make appropriations to any other political subdivision or any municipality authority out of its general funds or out of any other available funds, including the proceeds of bonds of the township for the construction, purchase, improvement, repair, maintenance and operation of any facilities for the collection, removal and disposal of ashes, garbage, rubbish and other refuse materials. In the event that any such bonds were issued for such purposes, pursuant to a vote of the electors, any appropriation of such proceeds as above set forth shall not be deemed such a change of purpose from that for

which such bonds were issued as shall require the question to be again submitted to a vote of the electors under any existing law. Any such funds appropriated as herein authorized, which represent the proceeds of any bonds heretofore or hereafter issued by the township for the above purposes, shall be used by such other political subdivision or municipality authority for or toward the purpose or purposes for which such bonds were issued. In the absence of such collection, removal and disposal plan for the entire township the supervisors shall--

(2) on petition of a majority of the adult taxable residents of any territory within the township, which has been definitely defined, set apart and limited by the township supervisors, with the approval of the township auditors, as a village, prior to the filing of any such petition, either with township employes and facilities, or with independent contractors, provide for the removal from the village of ashes or garbage or other refuse material, as the case may be, and for the disposal thereof. The supervisors shall levy a per capita assessment upon all adult residents of any such village, sufficient to defray the cost of such removal and disposal. Such assessment shall be collected in the same manner as per capita taxes, and the collector shall receive the same commission thereon. The treasurer of the board of supervisors shall receive all such assessments collected and keep the same in a separate account and pay the same out only upon orders signed by the chairman and attested by the secretary of the board of supervisors. The treasurer shall make an annual report of the account to the auditors of the township.

IX. Traffic Lights and Signals.--To provide for and to expend moneys from the general township fund for the erection, maintenance, and operation of traffic lights and traffic signals

whenever deemed necessary for the protection of the traveling public.

X. Roads.--To purchase or hire material, equipment, machinery, teams and implements as shall be necessary for the construction, repair and maintenance of roads and bridges. Records shall be kept of the rental paid for all equipment, machinery, teams and implements hired. To lease or lend, for adequate consideration, such equipment, machinery and implements, to contract, to construct, reconstruct, improve or maintain driveways on lands owned or occupied by school districts of the township, to construct, reconstruct and improve, and to contract for the construction, reconstruction and improvement of roads in the township.

XI. Appropriations for Forestry.--To appropriate moneys from the general township fund to any forest protection association co-operating with the State Department of Forests and Waters, or to be expended in direct co-operation with said Department of Forests and Waters in forest work; and to purchase or take by gift any forest lands for recreational purposes.

XII. Nuisances.--To prohibit nuisances, including but not limited to, accumulations of garbage and rubbish, and the storage of abandoned or junked automobiles, on private and public property, and the carrying on of any offensive manufacture or business; and to remove any nuisance or dangerous structure on public or private grounds after notice to the owner to do so, and, in his default, to collect the cost of such removal, together with such penalty as may be prescribed by ordinance from the owner by summary proceedings or in the manner provided for the collection of municipal claims or by an action of assumpsit without the filing of a claim. In the exercise of

the powers herein conferred, the township may institute proceedings in courts of equity.

XIII. Insurance.--A. To expend out of the general township fund such amount as may be necessary to secure workmen's compensation insurance for its employes, including volunteer firemen of companies duly recognized by the township by motion or resolution, killed or injured while going to, returning from, or attending fires in said township or territory adjacent thereto, or while performing any other duties authorized by the township.

B. To make contracts of insurance with any fire insurance company, duly authorized by law to transact business in the Commonwealth of Pennsylvania, on any building or property owned by such township.

C. To make contracts with any insurance company, so authorized, insuring any public liability of the township, including insurance on every township officer, official, and employe for liability arising from errors and omissions in the performance of their duties in the course of their employment, except that liability of elected or appointed officials or officers for surcharge in accordance with law shall not be affected hereby.

D. To make contracts of insurance with any insurance company, or nonprofit hospitalization corporation, or nonprofit medical service corporation, authorized to transact business within the Commonwealth, insuring its township supervisors pursuant to section 515, and employes, and/or their dependents, or any class or classes thereof, under a policy or policies of group insurance covering life, health, hospitalization, medical service, or accident insurance, and may contract with any such

company, granting annuities or pensions, for the pensioning of such employes, and for such purposes, may agree to pay part or all of the premiums or charges for carrying such contracts, and may appropriate out of its treasury any money necessary to pay such premiums, or charges, or portions thereof. The supervisors are hereby authorized, enabled and permitted to deduct from the employe's pay, salary or compensation such part of the premium, or charge, as is payable by the employe, and as may be so authorized by the employe in writing. This provision is subject to the following qualifications:

(1) Elected officials, except township supervisors who are provided for in section 515, and appointed township officials who are not employes of the township shall not be eligible for participation in any life, health, hospitalization, medical service or accident insurance coverage contract paid in whole or in part by the township. Any such insurance coverage contract entered into by a township between January 1, 1959, and March 31, 1985, that includes or provides coverage for elected officials, except as provided in section 515, or appointed township officials who are not employes of the township, shall not be void or unlawful solely because such inclusion of such officials was subsequently found to be without lawful authority. No penalty, assessment, surcharge, forfeiture or disciplinary action of any kind may occur as a result of participation by such officials: Provided, however, That insurance benefits payable to insureds or their beneficiaries arising out of or on account of deaths, injuries, accidents or illnesses occurring prior to the effective date of this amendatory act shall remain the property of the insureds or their beneficiaries.

E. To contract with any such company or otherwise provide

for the granting of annuities or pensions, for the pensioning of employes, and for such purposes, to pay part or all of the premiums or charges for carrying such contracts, and to appropriate out of its treasury any money necessary to pay such premiums, or charges, costs or portions thereof. This provision is subject to the following qualifications:

(1) The benefit coverage shall be provided to supervisor-employes in accordance with section 515.

(2) The supervisors are hereby authorized to deduct, pursuant to an employe's written authorization, from the employe's pay, salary or compensation the part of the premium or charge that is payable by the employe.

(3) Elected officials, except township supervisors who are provided for in section 515, and appointed township officials who are not employes of the township shall not be eligible for participation in any pension or annuity contract paid in whole or in part by the township. No elected official, except as provided in section 515, or appointed township official who is not an employe of the township, included in a township-paid pension or annuity plan entered into by a township between January 1, 1959, and March 31, 1985, shall be subject to any penalty, assessment, surcharge, forfeiture or disciplinary action of any kind as a result of said participation. Any residual interest, value, refund of premium or benefits payable on or after March 31, 1985, arising out of the township-paid interest of the elected or appointed township officials shall become the exclusive property of the township.

(4) If an elected official, except township supervisors who are provided for in section 515, or an appointed official who is not an employe of the township, personally contributed toward a

township-sponsored pension plan or annuity, he shall receive a refund of his total contributions thereto, plus any interest accumulated thereon. In lieu of a refund of contributions plus accumulated interest, a township official who personally contributed toward a pension or annuity plan in which he participated may elect to purchase that portion of his pension or annuity funded by the township. The appropriate compensation to be paid to the township by the elected or appointed official shall be determined by a qualified actuary, who shall report his determination in accordance with the act of December 18, 1984 (P.L.1005, No.205), known as the "Municipal Pension Plan Funding Standard and Recovery Act."

XIV. Armories.--To appropriate money or convey land, either independently or in connection with any county, city, town, borough or township, to the Commonwealth, for the purpose of assisting the Armory Board of the Commonwealth in the erection of armories for the use of the National Guard, and to furnish water, light or fuel, free of cost to the Commonwealth, for use in any armory of the National Guard, and to do all things necessary to accomplish the purposes of this clause.

XV. National Guard.--To take by right of eminent domain, for the purpose of appropriating to the township, for the use of the National Guard of Pennsylvania, such public lands, easements, and public property as may be in its possession or control, and used or held by it for any other purpose. Such right, however, shall not be exercised as to any street or highway or wharf.

XVI. Acquisition of Lands to Assist Armory Board.--To acquire, by purchase or by gift or by the right of eminent domain, any land for the use of the National Guard of Pennsylvania, and to convey such lands so acquired to the

Commonwealth in order to assist the Armory Board in the erection of armories. The power conferred by this clause shall not be exercised to take any church property, graveyard, cemetery, or any dwelling house, or the curtilage of the same, in the actual occupancy of the owner.

XVII. Burial Plots of Ex-Service Persons.--To purchase plots of ground in any cemetery or burial ground for the interment of such deceased service men and women as shall hereafter die within such township, or shall die beyond such township and shall have a legal residence within such township at the time of their death and whose bodies are entitled to be buried by the county. Such plots of ground shall be paid for out of the general township fund.

XVIII. Display of Flags.--To display the flag of the United States, the Commonwealth, the official POW/MIA flag or the flag of any county, city, borough or township on any public building or grounds of the township.

XIX. Care of Memorials.--To take charge of, care for, maintain and keep in good order and repair at the expense of the township, any soldiers monument, gun or cartridge, or other similar memorials, when there is not in existence any person, body or organization to care for and maintain the same, and when such memorials were not erected by the government of the United States, the Commonwealth of Pennsylvania, any other state, or by the commissioners of any county; and to receive from persons or organizations funds for such purposes.

XX. Fireworks and Inflammable Articles.--To regulate and prohibit, by resolution or ordinance, the manufacture, of fireworks or other inflammable or dangerous articles; to grant permits for supervised public displays of fireworks and to adopt

reasonable rules and regulations governing such displays; to adopt reasonable rules and regulations not inconsistent with State regulations covering the storage of inflammable articles; and to prescribe such other safeguards concerning the same as may be necessary. In the exercise of the powers herein conferred, the township may institute proceedings in courts of equity.

XXI. Support of National Guard Units.--To appropriate annually a sum not exceeding seven hundred and fifty dollars for the support and maintenance, discipline and training of any dismounted company or similar unit of the National Guard, and a sum not to exceed fifteen hundred dollars for the support and maintenance of any mounted or motorized troop or similar unit of the National Guard. Where such units are organized as a battalion, regiment or similar organization, the total amount due may be paid to the commanding officer of the battalion, regiment or similar organization. Any moneys so appropriated shall be paid by warrant drawn to the order of the commanding officer of such company, battalion, regiment or similar organization, only when it shall be certified to the township, by the Adjutant General of the State, that the said company or companies have satisfactorily passed the annual inspection provided by law. The moneys so appropriated shall be used and expended solely and exclusively for the support and maintenance, discipline and training of the said company, battalion, regiment, or similar organization; and the commanding officers shall account, by proper vouchers to the said township each year, for the expenditure of the money so appropriated, and no appropriation shall be made for any subsequent year until the expenditure of the previous year is duly and satisfactorily

accounted for.

The accounts of such expenditures shall be subject to the inspection of the Department of Military Affairs, and shall be audited by the Auditor General in the manner provided by law for the audit of accounts of state moneys.

XXII. Fire Hydrants and Water Supply; Special Tax.--With the consent of fifty-one per centum of the electors of the township voting thereon, as hereinafter provided, to contract with water companies for the placing of fire hydrants, and for the maintenance of adequate water pressure for fire purposes, and to levy an annual tax, not exceeding two mills, for the purpose of defraying the expense thereof.

Whenever five per centum or more registered electors of the township shall petition the supervisors for the establishment and maintenance of fire hydrants and fire hydrant water service, and the levy of a tax, not exceeding two mills, to defray the expense thereof, and for a referendum thereon, the supervisors shall, if they approve thereof, cause a question to be submitted at the next municipal election occurring at least sixty days thereafter, by certifying a resolution duly adopted to the county board of elections for submission on the ballot or on voting machines, in the manner provided by the election laws of this Commonwealth. If fifty-one per centum or more of the persons voting on such question in the township shall vote "Yes," then the supervisors shall have power to enter into such contract and levy an annual tax as aforesaid: Provided, That no such question shall be submitted at any election unless the resolution of the board of supervisors authorizing the same shall be published once in a newspaper of general circulation published in the county in which the township is situated. If

within thirty days after date of publication, taxpayers of the township whose property valuation as assessed for taxable purposes within the township shall amount to thirty-five per centum of the total property valuation as assessed for taxable purposes within the township, shall sign and file with the chairman of the board of supervisors a written protest against submitting such question at any election, then the board of supervisors shall not certify any resolution to the county board of elections as provided in this clause.

XXIII. Regulation of Parks.--To regulate by resolution or ordinance the use and enjoyment by the public of any park or recreational grounds owned and operated by charitable organizations for the use of the public without charge; to prescribe rules for the use by the public of such parks and recreational grounds and the facilities and amusements connected therewith; and to make any violation of such rules when posted at conspicuous places in such parks or recreational grounds punishable in a summary proceeding before any justice of the peace, alderman or magistrate of the county by the payment of costs of prosecution and a fine of not more than ten dollars, and, in default of the payment thereof, imprisonment in the jail of the county for a period not exceeding five days.

Any police officer when displaying a badge or sign of authority may arrest upon view any person violating any such rules, and such peace officer shall forthwith make and file with the justice of the peace, alderman or magistrate before whom the arrested person is taken an information setting forth the offense.

XXIV. Regulation of Parking.--To regulate parking, to provide parking accommodations so as to promote the convenience

and protection of the public and to establish or designate, at the discretion of the supervisors, parking areas exclusively reserved for handicapped parking purposes. The supervisors shall also have power to erect parking meters and to regulate parking meter charges and to post signs regulating parking in areas established or designated for handicapped parking.

XXV. Zoning Ordinances.--To adopt and enforce zoning ordinances, regulating the location, construction, and use of buildings, the size of courts and open spaces, the density of population, and the use of land.

XXVI. Obstruction of Roads, Drains and Bridges.--To prohibit, by ordinance, the erection or construction of any obstruction to the convenient use of the roads, footwalks, culverts, drains and bridges in the township.

XXVII. Cemetery, Cesspool, Sewer and Drainage Regulations.--To make regulations, by ordinance, respecting cemeteries, vaults, sewers, drains and cesspools.

XXVIII. Abandoned Cemeteries.--Whenever any cemetery or burial ground incorporated or unincorporated, is abandoned, or is being neglected although occasionally used for burial purposes, either of the following actions may be taken:

(1) The township supervisors may give notice to the owner thereof, directing him to remove the weeds, refuse and debris therefrom within thirty days. If the weeds, refuse and debris are not removed within thirty days after such notice, the supervisors shall cause the same to be done by employes of the township or persons hired for the purpose at the expense of the township. In no case shall the township supervisors expend more than five hundred dollars in any one year on any one cemetery. All costs and expenses of such removal shall be a debt owed to

the township by the owner of the cemetery or burial ground, and may be collected therefrom as like debts are collected, or (2) the court of common pleas of the county, upon petition of twenty-five residents of the township wherein such cemetery is located, may direct the supervisors to care for such cemetery at a cost of not more than five hundred dollars in any one year. The supervisors shall expend moneys from the general township fund for such purpose. Such cemetery shall remain open to the public under the regulation and control of the supervisors.

XXIX. Health.--To make such regulations, by ordinance, not inconsistent with State laws and regulations, as may be necessary for the promotion of the health, cleanliness, comfort and safety of the citizens of the township.

XXX. Sewers.--In the manner hereinafter provided, to establish and construct, singly or jointly with other municipalities, sewer and drainage systems in the township, or part thereof, and to finance and assess the cost thereof, and to provide for the making of sewer constructions and the charging of rental for sewerage service.

XXXI. Water Supply.--In the manner hereinafter provided, to provide a supply of water for public or private uses in the township, or part thereof, and to finance and assess the cost thereof, to provide for the construction of necessary lines and works therefor, and to charge and collect water rentals.

XXXII. Fire Prevention.--To make regulations, by ordinance, relative to the cause and prevention of fires. Such ordinances may adopt any standard fire prevention code published and printed in book form covering the above items without incorporating such code in the ordinance, or any township may enact such fire prevention code as its ordinance authorized

under the provisions of this clause. In either event, such code shall not be published or advertised in full as provided by this section in the case of the adoption of ordinances. Notice of the adoption of such standard fire prevention code as the fire prevention ordinance of the township, together with a brief summary thereof setting forth the principal provisions of said ordinance in such reasonable detail as will give adequate notice of its contents, pursuant to a uniform form which shall be prepared or approved by the Pennsylvania State Police, and a reference to the place or places within the township where copies of the code adopted are deposited and may be examined, shall be published in the manner provided by this section for the publication of ordinances. Not less than three such copies shall be made available to public inspection and use during business hours, for a period of not less than three months after the adoption of such fire prevention code.

XXXIII. Public Amusements.--To regulate, by ordinance, not inconsistent with State law and regulations, the time of opening and closing, and the conduct of places of public entertainment, amusement and recreation.

XXXIV. Parks and Recreation Centers.--To designate, set apart, acquire by gift, devise, purchase, lease or by the exercise of the right of eminent domain, supervise, operate and maintain, in the manner hereinafter provided, parks, playgrounds, playfields, gymnasiums, public parks, swimming pools and recreation centers.

XXXV. Regulation of Dogs.--To prohibit or regulate by ordinance, the running at large of dogs.

XXXVI. Lockups.--To provide lockup facilities.

XXXVII. Naming of Streets; Numbering of Buildings.--To

provide for and regulate the naming of streets, roads and highways, and to require and regulate the numbering of buildings.

XXXVIII. Sidewalks and Footpaths.--To provide for and expend moneys from the general fund of the township for the construction and maintenance of sidewalks and footpaths, whenever deemed necessary, for the protection of the traveling public.

XXXIX. Transient Merchants.--To license and regulate, by ordinance, transient retail merchants in the manner and to the extent hereinafter provided.

XL. Joint Municipal Agreements.--To enter into agreements with other political subdivisions, in accordance with existing laws, in making joint purchases of materials, supplies or equipment, and in cooperating with other political subdivisions in promotion of the health of the citizens and residents of the township and other political subdivisions, and in performing governmental powers, duties and functions, and in carrying into effect provisions of law relating to said subjects, which are common to all such political subdivisions.

XLI. Ordinances.--To adopt ordinances prescribing the manner in which such specific powers of the township shall be carried out. All such proposed ordinances, unless otherwise provided by law, shall be published not more than sixty days nor less than seven days prior to passage at least once in one newspaper circulating generally in the township. Public notices of any proposed ordinances shall include either the full text thereof or the title and a brief summary prepared by the township solicitor, if the township has a solicitor, otherwise by that individual who drafted the ordinance setting forth all the

provisions in reasonable detail and a reference to a place within the township where copies of the proposed ordinance may be examined. If the full text is not included a copy thereof shall be supplied to a newspaper of general circulation in the county at the time the public notice is published. If the full text is not included an attested copy thereof shall be filed in the county law library or other county office designated by the county commissioners who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinances. In the event substantial amendments are made in the proposed ordinance or resolution, before voting upon enactment, the board of supervisors shall within ten days readvertise in one newspaper of general circulation in the township, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments. Such ordinances shall be recorded in the ordinance book of the township and shall become effective five days after such adoption. Any and all township ordinances, or portions thereof, the text of which, prior to the effective date of this reenactment and amendment, shall have been attached to the township ordinance book, shall be considered in force just as if such ordinances, or portions thereof, had been recorded directly upon the pages of such ordinance book: Provided, That all other requirements of this act applicable to the enactment, approval, advertising and recording of such ordinances or portions thereof, were complied with within the time limits prescribed by this act. In any case in which maps, plans, or drawings of any kind are adopted as part of an ordinance, the supervisors may, instead of publishing the same as part of the ordinance, refer in publishing the ordinance to the place where such maps, plans, or drawings are

on file and may be examined. The board of supervisors may prescribe fines and penalties not exceeding one thousand dollars for a violation of a building, housing, property maintenance, health, fire or public safety code or ordinance and for water, air and noise pollution violations, and not exceeding six hundred dollars for a violation of any other township ordinance, which fines and penalties may be collected by suit or summary proceeding brought in the name of the township before any justice of the peace. Proceedings for the violation of township ordinances and for the collection of fines and penalties imposed thereby may be commenced by warrant, or by summons, at the discretion of the justice of the peace before whom the proceeding is begun. No warrant shall be issued, except upon complaint on oath or affirmation specifying the ordinance for the violation of which the same is issued. All proceedings shall be directed to, and be served by, a constable of the township. Warrants shall be returnable forthwith and upon such return like proceeding shall be had, as in cases of summary conviction. All fines and penalties collected for the violation of township ordinances shall be paid over to the township treasury. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the township lockup for a period not exceeding five days, or to the county jail, or workhouse for a period not exceeding thirty days.

Any person aggrieved may make complaint as to the legality of such ordinance or resolution to the court.

XLI.I. Consolidation, Codification or Revision of Ordinances.--Whenever any township shall have caused to be

prepared a consolidation, codification or revision of the general body of township ordinances or the ordinances on a particular subject, the township supervisors may adopt such consolidation, codification or revision as an ordinance of the township, in the same manner that is now prescribed by law for the adoption of township ordinances, except as hereinafter provided.

Any such consolidation, codification or revision of township ordinances to be enacted as a single ordinance shall be introduced in the board of township supervisors at least thirty days before its final enactment, and at least fifteen days before its final enactment, notice of the introduction of any consolidation, codification or revision, specifying its general nature and listing its table of contents, shall be given by advertisement in a newspaper of general circulation in said township.

When any such consolidation, codification or revision has been enacted as an ordinance, it shall not be necessary to advertise the entire text thereof, but it shall be sufficient in any such case, to publish a notice stating that such consolidation, codification or revision, notice of the introduction of which had previously been given, was finally enacted.

The procedure set forth in this clause for the consolidation or codification of township ordinances as a single ordinance may also be followed in enacting a complete group or body of ordinances, repealing or amending existing ordinances as may be necessary in the course of preparing a consolidation, codification or revision of the township ordinances, except that in such case the advertisement giving notice of the introduction

shall list, in lieu of a table of contents, the titles only of each of the ordinances in such complete group or body of ordinances.

XLI.2. Adoption and Amendment of Codes by Reference.--To adopt any ordinance by reference to a standard or nationally recognized code, or to parts thereof, determined by the board, or the provisions of any ordinance supplied by reference to a typed or printed code, prepared under the direction of or accepted by the board, or the provisions of a standard or nationally recognized code, or parts thereof, and also further provisions typed or printed as aforesaid: Provided, however, That no portion of any code which limits the work to be performed to any type of construction contractor, or labor or mechanic classification shall be adopted. Such code need not be advertised by publication of the full text thereof, and in place of such complete advertisement, an informative notice of intention to consider such proposed code, and a brief summary, setting forth the principal provisions of the code in such reasonable detail as will give adequate notice of its contents and a reference to the place or places within the township where copies of the proposed code may be examined or obtained shall be published in the manner and within the time limits provided by this act for publication of notice of other proposed ordinances. Not less than three copies of such code, portion, or amendment which is incorporated or adopted by reference, shall be filed with the secretary of the township at least ten days before the board considers the proposed ordinance and upon enactment kept with the ordinance book, and available for public use, inspection and examination.

An ordinance adopted by reference to any code shall be

enacted within sixty days after it is filed with the secretary of the township and, in the case of a standard or nationally recognized code, shall encompass the provisions of such code effective as of the code date stated in the ordinance.

Any township that has adopted any code by reference to a standard or nationally recognized code may adopt subsequent ordinances which incorporate by reference any subsequent changes thereof, properly identified as to date and source, as may be adopted by the agency or association which promulgated the code. Any ordinances which incorporate code amendments by reference shall become effective after the same procedure and in the same manner as is herein specified for original adoption of any such code.

XLII. Airports.--To acquire by lease or purchase or by exercising the power of eminent domain, in the manner provided in article ten of this act, any land lying either within or without the limits of the township, which in the judgment of the corporate authorities thereof, may be necessary and desirable for the purpose of establishing and maintaining municipal airdromes, aviation landing fields and airport facilities. The title acquired by the township exercising the power of condemnation shall be a title in fee simple. Any township having acquired land for such purposes may establish, equip, condition, operate and maintain the same as a municipal airport, airdrome, landing field, or intermediate landing field, and may lease the same or any part thereof, to any individual or corporation desiring to use the same for aviation purposes, and may enter into a contract in the form of a lease providing for the use of said land, or any part thereof, by the Government of the United States for the use by said Government of said land for aviation

purposes upon nominal rental or without consideration.

Any township may acquire by lease or purchase land for aviation purposes as hereinbefore provided jointly with any county, city, borough, township, or political subdivision or municipality authority of this Commonwealth, and is hereby authorized and empowered to operate and maintain said airport, airdrome, landing field, or intermediate landing field jointly with any county, city, borough, township, or other political subdivision or municipality authority of this Commonwealth upon such terms and conditions, as may be agreed upon between the proper authorities of the county, city, borough, township, or other political subdivision of this Commonwealth.

XLIII. Police Protection Districts; Assessments.--To provide police protection and promote the public safety, health, convenience and welfare of its citizens the board of township supervisors is hereby empowered, with the approval of the township auditors, on petition of a majority of the property owners of any territory within the township, to designate, definitely define, set apart and limit any part of such territory, as a district for the purpose of providing such districts adequate police protection. Such police protection may be furnished jointly with one or more other townships or boroughs under an agreement with such townships and boroughs. The township supervisors shall annually assess or cause to be assessed the cost and expense of the maintenance of said police protection by an equal assessment on all property benefited by such protection in proportion to the number of feet the same fronts on the street or highway or portion thereof to be protected. The supervisors may provide for an equitable reduction from the frontage of lots at intersections or where

from the peculiar or pointed shape of lots an assessment of the full frontage would be inequitable. No such assessment shall be made against any farm land, but vacant lots between built-up sections, whether tilled or untilled, shall not be deemed to be farm lands: Provided, however, That the assessment per front foot against vacant lots shall be only twenty-five per centum (25%) of the assessment per foot front against property with improvements thereon. All such assessments for police protection shall be filed with the township tax collector, who shall give thirty days' written or printed notice that the assessments are due and payable, stating the due date to each party assessed either by service on the owner of the property or by mailing such notice to the owner at his last known post office address. The tax collector shall be entitled to the same commission for the collection of such assessments as he is entitled to by law for the collection of the township road tax. If the assessments or any of them remain unpaid at the expiration of not exceeding ninety days, the exact time to be fixed by the township supervisors, they shall be placed in the hands of the township solicitor for collection. The solicitor shall collect the same together with five per centum (5%) as attorney's commission, and interest from the date such assessments were due, by a municipal claim filed against the property of the delinquent owner in like manner as municipal claims are by law filed and collected. Where an owner has two or more lots against which there is an assessment for the same year all such lots shall be embraced in one claim. All assessments, when collected, shall be paid over to the township treasurer, who shall receive and shall keep the same in a separate account, and pay out the same only upon orders signed by the chairman of the township supervisors,

attested by the secretary. The tax collector and the treasurer shall make a report to the auditors of the township annually.

XLIV. Widening and Deepening Water-Courses.--After a permit has been secured from the Water and Power Resources Board, to widen and deepen water-courses running through the township and to erect such dikes, retaining walls and embankments along the same as shall be necessary to prevent water from overflowing the banks thereof. For such purposes, townships may enter upon and condemn such property as may be necessary. Townships may enter upon land lying near such water-courses and secure such material as may be necessary in connection with such work. Damages for property taken, injured or destroyed as the result of such work shall be fixed and determined in the manner provided in article ten of this act. Townships may appropriate moneys from the general fund for the purpose of carrying into effect the provisions of this clause.

XLV. Appointment of Accountant.--To employ a certified public accountant registered in Pennsylvania, a firm of certified public accountants so registered or a competent public accountant or a competent firm of public accountants to be appointed by the court of common pleas at least thirty days prior to the close of the fiscal year to audit the accounts of the township and the township officers, if a petition has been presented to the supervisors by at least twenty-five taxpayers of the township asking for such appointment. The amount paid to the accountant or firm in any year shall not exceed the maximum allowed by law to be paid to the township auditors in such year, unless the payment of an additional amount is approved by the court. When an accountant or firm is appointed as herein provided, the township auditors shall not audit, settle or

adjust the accounts audited by such appointee but shall perform the other duties of their office. After the initial appointment, the township supervisors may, at their discretion, continue to employ the court-appointed accountant or firm on an annual basis by ordinance or resolution passed prior to the close of the fiscal year.

When an accountant or firm is employed under the provisions of this clause, the accountant or firm shall have the powers given to the auditors under sections 545, 546 and 551 of this act, except the power to fix compensations authorized in section 515, and referred to in section 545 of this act. They shall perform the duties of the auditors as provided in section 547. They shall be subject to the same penalties to which the auditors are subject under section 549.

The report of the accountant or firm is subject to appeals the same as reports of auditors under sections 553, 554, 555, 556, 557, 558, 559, 560, 561, 562 and 563 of this act.

XLV.1. Independent Audit.--For the purpose of meeting Federal or State requirements, to contract with or employ an independent public accountant for the purpose of preparing or conducting a report or audit of the fiscal affairs of the township, independent of that conducted by the elected township auditors.

XLVI. Ambulances and Rescue and Life Saving Services.--To acquire and to operate and maintain motor vehicles for the purposes of conveying sick and injured persons of such townships and the vicinity to and from hospitals, and for such purposes to appropriate and expend moneys of the township or to appropriate money annually towards ambulance and rescue and life saving service, and to enter into contracts relating thereto. All

appropriations of money heretofore made and contracts heretofore entered into by any township for such service are hereby validated and confirmed.

XLVII. Public Safety.--To take all needful means for securing the safety of persons or property within the township, including the power to adopt ordinances defining disturbing the peace within the limits of the township and to provide in such ordinances for the imposition of penalties for the violation thereof, but such penalties shall not be in excess of twenty-five dollars notwithstanding like statutes pertaining to the same or similar offenses. All penalties imposed for the violation of such ordinances shall be paid to the township treasurer for the use of the township.

XLVIII. Committing Magistrate.--To designate, from time to time, one of the justices of the peace to sit at the police station or town hall as a committing magistrate.

XLIX. Fire Houses.--To provide and maintain suitable places for the housing of engines, hose carts and other apparatus for the extinguishment of fire.

L. Building and Housing Regulations.--To prohibit or regulate the erection of wooden buildings and housing in certain parts of the township, and make regulations for the construction of new buildings and housing and the alteration and repair of old ones, and to require that before the work begins, municipal approval of the plans and specifications therefor be secured; to classify buildings and housing or parts of buildings and housing according to the use to be made of them; to specify the mode of construction of such different classes of buildings and housing; and to require that before any use or occupancy be changed from any classification to a different classification, as to which

more stringent regulations are prescribed under the provisions of any ordinance relating thereto, municipal approval of the plans and specifications therefor be secured.

LI. Building and Housing Sanitation Regulations.--In addition to other remedies provided by law, and in order to promote the public health, safety, morals, and the general welfare, to enact and enforce suitable ordinances to govern and regulate the construction, alteration, repairs, occupation, maintenance, sanitation, lighting, ventilation, water supply, toilet facilities, drainage, use and inspection of all buildings and housing or parts of buildings and housing constructed, erected, altered, designed, or used in whole or in part for human habitation, and of the sanitation and inspection of land appurtenant thereto. In case any building and housing or structure is constructed, reconstructed, altered, repaired, converted, or maintained, or any building, housing or land is used in violation of any ordinance enacted under authority conferred hereby, the township supervisors, in addition to penalties provided by ordinances enacted hereunder, may institute appropriate actions or proceedings at law or in equity to prevent and restrain such unlawful construction, reconstruction, alteration, repairs, conversion, maintenance, or use, and to restrain, correct or abate such violation, and to prevent the occupancy of said building, housing or structure. The ordinances enacted pursuant to this clause shall not be inconsistent with the provisions of any statute governing the same matter, but all regulations prescribed by such ordinances which are additional or supplementary to the statute law and not inconsistent therewith, or enacted for the purpose of carrying into effect the provisions of the statute law, shall be valid

and binding. Such ordinances may adopt any standard building code and any standard housing code published and printed in book form covering any or all of the above items without incorporating such building code and housing code in the ordinance, or any township may enact such building code and housing code as its ordinance authorized under the provisions of this clause. In either event, such building code and housing code shall not be published or advertised in full as provided by this section in the case of the adoption of ordinances: Provided, That notice of the adoption of such standard building code and such standard housing code as the building ordinance and the housing ordinance of the township, together with a brief summary thereof setting forth the principal provisions of said ordinance in such reasonable detail as will give adequate notice of its contents, pursuant to a uniform form which shall be prepared or approved by the Department of Labor and Industry, and a reference to the place or places within the township where copies of the building code and copies of the housing code adopted are deposited and may be examined, shall be published in the manner provided by this section for the publication of ordinances. Not less than three such copies shall be made available to public inspection and use during business hours for a period of not less than three months after the adoption of such building code and such housing code.

LII. Building Inspectors and Housing Inspectors.--To provide for the inspection of the construction and repair of buildings and housing, including the appointment of one or more building inspectors and housing inspectors; to prescribe limits wherein none but buildings and housing of noncombustible material and fireproof roofs shall be erected or substantially reconstructed

or removed thereinto; to provide penalties for the violation of such regulations. Any building and housing erected, reconstructed or removed contrary to the provisions of any ordinance passed for any of the purposes herein specified, is declared to be a public nuisance and abatable as such.

LIII. Building Lines.--To establish, by ordinance, and maintain, uniform building lines upon any or all public streets or highways of the township.

LIV. Township Seals.--To adopt a seal which shall contain the name of the township and the word "seal," and which shall be in the custody of the township supervisors. The official acts of the supervisors shall be authenticated therewith, and the seal shall have the same effect when used for such authentication as the seal of a notary public.

LV. Creation of Capital Reserve Fund for Anticipated Capital Expenditures.--To create and maintain a separate capital reserve fund for any anticipated legal capital expenditures, which fund shall be designated for a specific purpose or purposes at the time of its creation. The money in the fund shall be used, from time to time, for the construction, purchase or replacement of or addition to municipal buildings, equipment, machinery, motor vehicles or other capital assets of the township as specified at the time of the creation of the fund and for no other purpose: Provided, That it may be used for capital expenditure other than the purpose or purposes specified at the time it was created, if the supervisors by a unanimous vote shall declare that the original purpose or purposes have become impracticable, inadvisable or impossible, or that conditions have arisen in the township which make other capital expenditures more urgent than those for which the fund was created.

The township supervisors may appropriate moneys from the general township funds to be paid into the capital reserve fund, or place in the fund any moneys received from the sale, lease or other disposition of any township property or from any other source, unless received or acquired for a particular purpose. The fund shall be controlled, invested, reinvested and administered and the moneys therein and income from such moneys expended for the specific purpose or purposes for which the fund is created in such manner as may be determined by the township supervisors. The money in the fund, when invested, shall be invested in securities designated by law as legal investments for sinking funds of municipalities.

LVI. Contributions for Industrial Promotion.--To make appropriations to an industrial development agency.

LVII. Appropriations for Community Nursing Services.--To appropriate money annually towards any nonprofit associations or corporations which provide community nursing services, in recognition of their services in the control of communicable disease, the immunization of children, the operation of child health centers (Well-Baby Clinics), instructive visits to parents of new babies beginning in the prenatal period and family health guidance, including nutrition, detection and correction of defects.

LVIII. Junk Dealers and Junk Yards.--To regulate and license junk dealers and the establishment and maintenance of junk yards and scrap yards including, but not limited to, automobile junk or grave yards and to prescribe license fees therefor not to exceed two hundred dollars per year.

LIX. Appropriations for Handling, Storage and Distribution of Surplus Foods.--The board of township supervisors of any

township may appropriate from township funds moneys for the handling, storage and distribution of surplus foods obtained either through a local, State or Federal agency.

All appropriations of moneys heretofore made by the board of township supervisors of any township for the handling, storage and distribution of surplus foods obtained either through a local, State or Federal agency are hereby validated.

LX. Historical Property.--To acquire by purchase or by gift, and to repair, supervise, operate and maintain ancient landmarks and other property of historical or antiquarian interest, and to make appropriations to nonprofit associations or corporations organized for the purpose of acquiring and maintaining historical properties. Such appropriations shall only be used by the association or corporation for the acquisition, restoration and maintenance of the historical properties.

LXI. Insect, Pest and Vector Programs.--To appropriate money annually toward insect, pest and vector programs.

LXII. General Powers.--To make and adopt all such ordinances, by-laws, rules and regulations not inconsistent with or restrained by the Constitution and laws of this Commonwealth as may be deemed expedient or necessary for the proper management, care and control of the township and its finances and the maintenance of peace, good government and welfare of the township and its trade, commerce and manufactures.

LXIII. To appropriate moneys to assist any city, borough, town, township or other political subdivision or municipality airport authority to acquire, establish, operate and maintain any and all air navigation facilities lying either within or without the limits of the township.

LXIII. Non-Debt Revenue Bonds.--To issue non-debt revenue

bonds pursuant to provisions of the act of June 25, 1941 (P.L.159, No.87), known as the "Municipal Borrowing Law," to provide sufficient moneys for and toward the acquisition, construction, extension or improvement of municipal facilities, including water systems or facilities, sewers, sewer systems and sewage disposal systems or facilities, systems for the treatment or disposal of garbage and refuse, aeronautical facilities including but not limited to airports, terminals and hangars, and park and recreational facilities, and parking facilities, to be secured solely by the pledge of the whole or part of the rent, toll or charge for the use or services of such facilities.

Included in the cost of the issue may be any costs and expenses incident to constructing and financing the facilities and selling and distributing the bonds.

LXIV. Appropriations for Urban Common Carrier Mass Transportation.--To appropriate funds for urban common carrier mass transportation purposes from current revenues and to make annual contributions to county departments of transportation or to urban common carrier mass transportation authorities to assist the departments or the authorities to meet costs of operation, maintenance, capital improvements, and debt service, and to enter into long-term agreements providing for the payment of the said contributions.

LXV. Appropriations for Mental Health Centers.--To appropriate money annually towards any nonprofit association or corporation which operates or conducts a mental health center.

LXVI. Community Development.--To undertake community development programs, including but not limited to urban renewal, public housing, model cities programs and neighborhood development projects.

LXVII. To appropriate money annually towards any nonprofit association or corporation which operates or conducts a library within the township or to enter into contracts with or to make grants to the proper authorities of near or adjacent cities, boroughs, or townships for the furnishing of library service to the township.

LXVIII. Appropriations for Observances and Celebrations.--To appropriate annually an amount for the observance of holidays, centennials or other anniversaries or for township celebrations or civic projects or programs.

LXIX. Building Hospitals.--To appropriate not exceeding one dollar ($1) per township resident per year toward the maintenance and/or support of any medical center or hospital building and further appropriate from such funds toward the purchase and/or erection of medical or hospital facilities. Where the total cost of such purchase or erection exceeds one hundred thousand dollars ($100,000), it will necessitate approval by the appropriate health planning agency. The number of residents shall be determined from the latest decennial Federal Census.

LXX. Appropriations to Tourist Promotion Agencies.--To appropriate annually, such amount of money but not in excess of ten cents (10ç) for each resident of the township, as determined by the latest official census, which may be deemed necessary, to any "tourist promotion agency," as defined in the act of April 28, 1961 (P.L.111, No.50), known as the "Tourist Promotion Law," to assist such agencies in carrying out tourist promotional activities.

LXXI. Sale of Real Property to Nonprofit Medical Service Corporation.--To sell township owned real property to a

nonprofit medical service corporation for its exclusive use as a site for a medical service facility.

LXXII. Sale of Real Property to Nonprofit Housing Corporation.--To sell township-owned real property to a nonprofit housing corporation for its exclusive use for housing for the elderly.

LXXIII. Appropriations for Nonprofit Art Corporations.--To appropriate moneys annually, not exceeding an amount equal to one mill of the real estate tax to any nonprofit art corporation for the conduct of its artistic and cultural activities. For the purposes of this section nonprofit art corporation shall mean a local arts council, commission or coordinating agency, or any other nonprofit corporation engaged in the production or display of works of art, including the visual, written or performing arts. Artistic and cultural activities shall include the display or production of theater, music, dance, painting, architecture, sculpture, arts and crafts, photography, film, graphic arts and design and creative writing.

LXXIV. Recreational Programs.--In addition to the other purposes for which funds may be expended pursuant to the act of December 10, 1974 (P.L.865, No.292), the funds may be expended for recreational programs not directly sponsored by the township.

LXXV. Appropriations for Neighborhood Crime Watch Programs.--To appropriate annually, solely at the discretion of the township supervisors, an amount toward a neighborhood crime watch program. Notwithstanding any other provision of law, no township or official thereof shall become subject to contractual, tort or other liability as a result of having made an appropriation pursuant to this clause.]

Section 1505. Boards of Supervisors to Exercise Powers.--The corporate powers of townships shall be exercised by the board of supervisors. If no specific authority is given for the payment of costs incurred in the exercise of any power contained in this act, the expenses may be paid from the general township fund.

Section 1506. General Powers.--The board of supervisors may make and adopt any ordinances, bylaws, rules and regulations not inconsistent with or restrained by the Constitution and laws of this Commonwealth necessary for the proper management, care and control of the township and its finances and the maintenance of peace, good government, health and welfare of the township and its citizens, trade, commerce and manufacturers.

Section 1507. Intergovernmental Cooperation.--The board of supervisors may, by ordinance, make agreements with other municipal corporations in performing governmental powers, duties and functions and in carrying into effect provisions of the act of July 12, 1972 (P.L.762, No.180), referred to as the Intergovernmental Cooperation Law.

Section 1508. Capital Reserve Fund.--(a) The board of supervisors may create and maintain a separate capital reserve fund for any anticipated capital expenses, which fund shall be designated for a specific purpose or purposes when created. The moneys in the fund shall be used for no other purpose unless the board of supervisors declares that conditions in the township make other expenses more urgent than those for which the fund was created.

(b) The board of supervisors may appropriate moneys from the general township funds to be paid into the capital reserve fund or place in the fund any moneys received from the sale, lease or other disposition of any township property or from any other

source.

Section 1508.1. Operating Reserve Fund.--(a) The board of supervisors shall have the power to create and maintain a separate operating reserve fund in order to minimize future revenue shortfalls and deficits, provide greater continuity and predictability in the funding of vital government services, minimize the need to increase taxes to balance the budget in times of fiscal distress, provide the capacity to undertake long-range financial planning and develop fiscal resources to meet long-term needs.

(b) The board of supervisors may annually make appropriations from the general township fund to the operating reserve fund, but no appropriation shall be made to the operating reserve fund if the effect of the appropriation would cause the fund to exceed five per centum of the estimated revenues of the township's general fund in the current fiscal year.

(c) The board of supervisors may at any time, by resolution, make appropriations from the operating reserve fund for the following purposes only:

(1) to meet emergencies involving the health, safety or welfare of the residents of the township;

(2) to counterbalance potential budget deficits resulting from shortfalls in anticipated revenues or program receipts from whatever source; or

(3) to provide for anticipated operating expenditures related either to the planned growth of existing projects or programs or to the establishment of new projects or programs if for each such project or program appropriations have been made and allocated to a separate restricted account established

within the operating reserve fund.

(d) The operating reserve fund shall be invested, reinvested and administered in a manner consistent with the provisions of section 3204 relating to the investment of township funds generally.

Section 1509. Indebtedness.--The board of supervisors may incur indebtedness and issues notes, bonds or other evidence of indebtedness under the act of July 12, 1972 (P.L.781, No.185), known as the "Local Government Unit Debt Act," to provide sufficient moneys for any expense of the township.

Section 1510. Display of Flags.--The board of supervisors may display the flag of the United States or the Commonwealth, the official POW/MIA flag or the flag of any county or municipal corporation on any public building or grounds of the township.

Section 1511. Township Seals.--The board of supervisors may adopt a seal which contains the name of the township and the word "seal" and which shall be in the custody of the township secretary or manager. The official acts of the board of supervisors may be authenticated by use of the seal. The seal has the same effect as the seal of a notary public.

Section 1512. Insurance.--(a) The board of supervisors shall secure workers' compensation insurance for its employes, including volunteer firemen and volunteer ambulance and rescue personnel of companies duly recognized by the township by resolution, killed or injured in the course of their appointed functions or while performing any other duties expressly authorized by the board of supervisors.

(b) The board of supervisors may contract with any insurance company to insure property owned by the township.

(c) The board of supervisors may contract with any insurance

company to insure any public liability of the township, including insurance on every township officer, official and employe for liability arising from errors and omissions in the performance of their duties in the course of their employment, except that liability of elected or appointed officials or officers for surcharge under law shall not be affected hereby.

(d) The board of supervisors may contract with any insurance company, nonprofit hospitalization corporation or nonprofit medical service corporation to insure its supervisors under section 606, employes and their dependents under a policy or policies of group insurance covering life, health, hospitalization, medical service or accident insurance. This provision is subject to the following qualifications:

(1) Elected officials, except supervisors under section 606, and appointed officials who are not employes of the township are not eligible for participation in any life, health, hospitalization, medical service or accident insurance coverage contract paid in whole or in part by the township.

(2) Any insurance coverage contract made by a township between January 1, 1959, and March 31, 1985, that includes or provides coverage for elected officials, except under section 606, or appointed township officials who are not employes of the township are not void or unlawful solely because the inclusion of those officials was subsequently found to be without lawful authority. No penalty, assessment, surcharge, forfeiture or disciplinary action of any kind may occur as a result of participation by those officials. Insurance benefits payable to insureds or their beneficiaries arising out of or on account of deaths, injuries, accidents or illnesses occurring before March 30, 1988, remain the property of the insureds or their

beneficiaries.

(e) The board of supervisors may contract with any insurance company for the pensioning of employes and may pay part or all of the premiums or charges for group pension or annuity plans. This provision is subject to the following qualifications:

(1) The benefit coverage may be provided to supervisor-employes under section 606.

(2) The board of supervisors may deduct from the employe's pay, salary or compensation the part of the premium or charge that is payable by the employe.

(3) Elected officials, except township supervisors under section 606, and appointed township officials who are not employes of the township are not eligible for participation in any pension or annuity contract paid in whole or in part by the township. No elected official, except under section 606, or appointed township official who is not an employe of the township included in a township-paid pension or annuity plan made by a township between January 1, 1959, and March 31, 1985, is subject to any penalty, assessment, surcharge, forfeiture or disciplinary action of any kind as a result of that participation. Any residual interest, value, refund of premium or benefits payable on or after March 31, 1985, arising out of the township-paid interest of the elected or appointed township officials is the exclusive property of the township.

(4) If an elected official, except supervisors under section 606, or an appointed official who is not an employe of the township personally contributed toward a township-sponsored pension plan or annuity, he shall receive a refund of his total contributions thereto plus any interest accumulated thereon. In lieu of a refund of contributions plus accumulated interest, a

township official who personally contributed toward a pension or annuity plan in which he participated may elect to purchase that portion of his pension or annuity funded by the township. A qualified actuary, who shall report his determination under the act of December 18, 1984 (P.L.1005, No.205), known as the "Municipal Pension Plan Funding Standard and Recovery Act," shall determine the amount the official shall pay to the township to purchase the township-funded portion of the annuity or pension.

Section 1513. Widening and Deepening Watercourses.--After permits have been secured from the Department of Environmental Resources and the Pennsylvania Fish and Boat Commission, the board of supervisors or its agents or employes may widen and deepen watercourses running through the township and erect dikes, retaining walls and embankments along the watercourses as are necessary to prevent water from overflowing the banks. For these purposes, townships may enter and condemn property as may be necessary. Townships may enter land lying near the watercourses and secure materials as may be necessary in connection with the work. Damages for property taken, injured or destroyed as the result of the work shall be determined under this act.

Section 1514. Airports.--(a) The board of supervisors may acquire by grant, lease, purchase or, where appropriate, eminent domain any property located inside or outside the boundaries of the township which, in the judgment of the board of supervisors, may be necessary to establish and maintain municipal airport facilities. Any township having acquired land for those purposes may establish, equip, condition, operate and maintain the property as a municipal airport, may lease all or part of the

property to any individual or corporation desiring to use the property for aviation purposes and may contract in the form of a lease of all or part of the property by the Federal Government for aviation purposes upon nominal rental or without consideration.

(b) The board of supervisors may acquire by lease or purchase land for aviation purposes jointly with any county or municipal corporation of this Commonwealth and operate and maintain the municipal airport jointly with any county or municipal corporation of this Commonwealth upon terms and conditions as may be agreed upon between the proper authorities of the county or municipal corporation.

Section 1515. Urban Common Carrier Mass Transportation.--The board of supervisors may appropriate funds for urban common carrier mass transportation purposes, make contributions to county departments of transportation or urban common carrier mass transportation authorities to assist the departments or the authorities to meet costs of planning, operation, maintenance, capital improvements and debt service and make long-term agreements providing for the payment of contributions.

Section 1516. Land Use Regulations.--The board of supervisors may plan for the development of the township through zoning, subdivision and land development regulations under the act of July 31, 1968 (P.L.805, No.247), known as the "Pennsylvania Municipalities Planning Code."

Section 1517. Building and Housing Regulations.--The board of supervisors may enact and enforce ordinances to govern and regulate the construction, alteration, repair, occupation, maintenance, sanitation, lighting, ventilation, water supply, toilet facilities, drainage, use and inspection of all buildings

and housing constructed, erected, altered, designed or used for any use or occupancy and the sanitation and inspection of land. If any building and housing or structure is constructed, reconstructed, altered, repaired, converted or maintained or any building, housing or land is used in violation of any ordinance enacted under this section, the board of supervisors, in addition to penalties provided by the ordinances, may institute appropriate actions or proceedings at law or in equity to prevent and restrain the unlawful construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate the violation and to prevent the use or occupancy of the building, housing or structure.

Section 1518. Building and Housing Inspectors.--The board of supervisors may appoint one or more building and housing inspectors to enforce the building and housing regulations of the township and for the inspection of the construction, alteration, repair and sanitation facilities of buildings and housing in the township.

Section 1519. Building Lines.--The board of supervisors may, by ordinance, establish and maintain uniform building lines upon any or all public streets or highways of the township.

Section 1520. Numbering of Buildings.--The board of supervisors may, by ordinance, require and regulate the numbering of buildings.

Section 1521. Insect, Pest and Vector Programs.--The board of supervisors may appropriate moneys toward insect, pest and vector programs.

Section 1522. Sewage Treatment Facilities Regulations.--The board of supervisors may, by ordinance, make regulations respecting the installation of individual or community sewage

treatment facilities under the act of January 24, 1966 (1965 P.L.1535, No.537), known as the "Pennsylvania Sewage Facilities Act."

Section 1523. Surplus Foods.--The board of supervisors may appropriate moneys for the handling, storage and distribution of surplus foods obtained through a Federal, State or local agency.

Section 1524. Community Nursing Services.--The board of supervisors may appropriate moneys to nonprofit associations or corporations which provide community nursing services.

Section 1525. Mental Health Centers.--The board of supervisors may appropriate moneys toward any nonprofit association or corporation which operates or conducts a mental health center.

Section 1526. Hospitals.--The board of supervisors may appropriate not exceeding one dollar ($1) for each township resident each year toward the erection, maintenance or support of any medical center or hospital building facilities. If the total cost of the purchase or erection exceeds one hundred thousand dollars ($100,000), approval by the appropriate health planning agency is required. The number of residents is determined from the latest official census.

Section 1527. Public Safety.--The board of supervisors may adopt ordinances to secure the safety of persons or property within the township and to define disturbing the peace within the limits of the township.

Section 1528. Ambulances and Rescue and Life Saving Services.--The board of supervisors may acquire, operate and maintain motor vehicles for the purposes of conveying persons to and from hospitals, and it may appropriate moneys toward ambulance and rescue and life saving service and make contracts

relating thereto.

Section 1529. Nuisances.--The board of supervisors may, by ordinance, prohibit nuisances, including, but not limited to, the storage of abandoned or junked automobiles, on private and public property and the carrying on of any offensive manufacture or business.

Section 1530. Regulation of Dogs.--The board of supervisors may, by ordinance, prohibit and regulate the running at large of dogs.

Section 1531. Animal Shelters.--The board of supervisors may appropriate moneys to foster, encourage or assist the operation of humane societies, animal shelters or animal control centers or programs.

Section 1532. Regulation of Business.--(a) The board of supervisors may license and regulate, by ordinance, the following business activities within the township:

(1) Transient merchants conducting business within the township, except farmers selling their own produce, or to any sale of goods, wares or merchandise donated by the owners thereof, the proceeds of which are to be applied to any charitable or philanthropic purpose or the imposition or collection of any license fee upon insurance companies or their agents or insurance brokers authorized to transact business under the insurance laws of this Commonwealth.

(2) Cable television companies operating within the township to the extent allowed by Federal and State law and regulation.

(3) Restaurants operating within the township. This power includes the power to inspect these establishments.

(4) Junk dealers and the establishment and maintenance of junk yards and scrap yards, including, but not limited to,

automobile junk yards or automobile grave yards.

(b) The board of supervisors may establish license fees for regulated businesses enumerated in subsection (a). These fees shall bear a reasonable relationship to the cost of administering the ordinance and regulating, inspecting and supervising each business. A fee charged to transient merchants shall not exceed twenty-five dollars ($25) each month or part of a month.

Section 1533. Dangerous Structures.--The board of supervisors may, by ordinance, require the owner to remove any nuisance or dangerous structure on public or private grounds after notice to the owner to do so. In the owner's default, the board of supervisors may remove the nuisance or structure and collect the cost of the removal, together with the penalty imposed by the ordinance, from the owner by summary proceedings or under law for the collection of municipal liens.

Section 1534. Fireworks and Inflammable Articles.--The board of supervisors may:

(1) By ordinance, regulate and prohibit the manufacture of fireworks or inflammable or dangerous articles.

(2) Grant permits for supervised public displays of fireworks and adopt rules and regulations governing the displays.

(3) By ordinance, adopt rules and regulations not inconsistent with State regulations relating to the storage of inflammable articles.

(4) By ordinance, impose other safeguards concerning inflammable articles as may be necessary.

Section 1535. Human Services.--The board of supervisors may, under the provisions of the act of December 10, 1974 (P.L.865,

No.292), entitled "An act authorizing municipalities to expend Federal general revenue sharing or general funds for social service programs for the poor, the disabled and the aging, and to jointly cooperate in the sponsorship, establishment, administration, maintenance and operation of such programs," by ordinance or resolution, appropriate moneys for social service programs for the poor, the disabled and the aging.

Section 1536. Cemeteries.--(a) The board of supervisors may, by ordinance, make rules and regulations regarding the location, operation and maintenance of cemeteries in the township.

(b) When any cemetery or burial ground is abandoned or is being neglected, the board of supervisors may give notice to the owner directing the removal of weeds, refuse and debris from the cemetery within thirty days. If the removal is not completed within thirty days after the notice, the board of supervisors shall provide for the removal to be done by employes of the township or persons hired for that purpose at the expense of the township. All costs of removal shall be assessed against the owner of the cemetery, if known, and collected under section 3302(b).

(c) The cemetery shall remain open to the public under the regulation and control of the board of supervisors.

Section 1537. Burial Plots of Service Persons.--The board of supervisors may purchase plots of ground in any cemetery or burial ground for the interment of deceased or former service men and women who at the time of their death maintained legal residence within the township.

Section 1538. Care of Memorials.--The board of supervisors may maintain and repair any soldiers' monument or memorial

existing or erected within the township and may receive funds from persons or organizations for those purposes.

Section 1539. Libraries.--The board of supervisors may appropriate moneys toward any nonprofit association or corporation which operates or conducts a library or contract with or make grants to counties or municipal corporations for the furnishing of library service to the township.

Section 1540. Observances and Celebrations.--The board of supervisors may appropriate moneys for the observance of holidays, centennials or other anniversaries or for township celebrations or civic projects or programs.

Section 1541. Historical Property.--The board of supervisors may acquire by purchase or by gift, repair, supervise, operate and maintain ancient landmarks and other property of historical or antiquarian interest and make appropriations to nonprofit associations or corporations organized to acquire and maintain historical properties.

Section 1542. Community Development.--The board of supervisors may undertake community development programs, including, but not limited to, urban renewal, public housing, model cities programs and neighborhood development projects.

Section 1543. Industrial Promotion.--The board of supervisors may make appropriations to an industrial development agency.

Section 1544. Tourist Promotion Agencies.--The board of supervisors may appropriate moneys not in excess of ten cents (10ç) for each resident of the township, as determined by the latest official census, to any tourist promotion agency, as defined in the act of April 28, 1961 (P.L.111, No.50), known as the "Tourist Promotion Law," to assist the agencies in carrying

out tourist promotional activities.

Section 1545. Nonprofit Art Corporations.--The board of supervisors may appropriate moneys, not exceeding an amount equal to one mill of the real estate tax, to any nonprofit art corporation for the conduct of its artistic and cultural activities. For the purposes of this section, the term "nonprofit art corporation" means a local arts council, commission or coordinating agency or any other nonprofit corporation engaged in the production or display of works of art, including the visual, written or performing arts and the term "artistic and cultural activities" includes the display or production of theater, music, dance, painting, architecture, sculpture, arts and crafts, photography, film, graphic arts and design and creative writing.

Section 1546. Neighborhood Crime Watch Programs.--The board of supervisors may appropriate moneys toward a neighborhood crime watch program. No township or township official is subject to contractual, tort or other liability as a result of making an appropriation under this section.

Section 1547. Public Rewards.--The board of supervisors may offer rewards for information leading to the arrest and conviction of persons who commit capital or other crimes within the township or for the violation of any township ordinance.

Section 1548. Municipality Authorities.--The board of supervisors may, by ordinance or resolution, individually or in cooperation with other municipal corporations, form municipality authorities as authorized by the act of May 2, 1945 (P.L.382, No.164), known as the "Municipality Authorities Act of 1945," specify the project or projects to be undertaken by the authorities, appoint members and establish their compensation.

[Section 703. Racetracks.--A. In addition to the powers and duties imposed upon the township supervisors by this act or any other provision of law, the township supervisors shall have the power and duty to secure the health, safety and welfare of persons and property by adopting an ordinance prohibiting the conducting of live horse race meets by a licensed corporation at a racetrack located within the area of fifty air miles from the center of an existing, currently licensed racetrack, notwithstanding the provisions of the act of December 17, 1981 (P.L.435, No.135), known as the "Race Horse Industry Reform Act," provided that a majority of electors of the township approve a referendum pursuant to subsection B prohibiting the conducting of such horse race meets within the township.

B. The township supervisors may or, upon the petition of a number of electors of the township equal to at least twenty-five per centum of the highest number of votes for a public office of the township at the last preceding municipal election, shall adopt a resolution directing the county board of elections to place a referendum question on the ballot for the primary or general election, with respect to the conducting of live horse race meets by licensed corporations within the township. The question shall be in the following form:

> Shall live horse race meets conducted by licensed corporations be prohibited within the area of fifty air miles from the center of an existing, currently licensed racetrack?

C. The definitions provided for in the "Race Horse Industry Reform Act" shall apply to this section.]

<u>Section 1549. Racetracks.--(a) In addition to the powers and duties imposed upon the township supervisors by this act or</u>

any other provision of law, the township supervisors shall have the power and duty to secure the health, safety and welfare of persons and property by adopting an ordinance prohibiting the conducting of live horse race meets by a licensed corporation at a racetrack located within the area of fifty air miles from the center of an existing, currently licensed racetrack, notwithstanding the provisions of the act of December 17, 1981 (P.L.435, No.135), known as the "Race Horse Industry Reform Act," provided that a majority of electors of the township approve a referendum pursuant to subsection (b) prohibiting the conducting of such horse race meets within the township.

(b) The township supervisors may, or upon the petition of a number of electors of the township equal to at least twenty-five percent of the highest number of votes for a public office of the township at the last preceding municipal election shall, adopt a resolution directing the county board of elections to place a referendum question on the ballot for the primary or general election, with respect to the conducting of live horse race meets by licensed corporations within the township. The question shall be in the following form:

> Shall live horse race meets conducted by licensed corporations be prohibited within the area of fifty air miles from the center of an existing, currently licensed racetrack?

(c) The definitions provided for in the "Race Horse Industry Reform Act" shall apply to this section.

ARTICLE XVI

ORDINANCES

Section 1601. Ordinances.--(a) The board of supervisors may adopt ordinances in which general or specific powers of the

township may be exercised and, by the enactment of subsequent ordinances, the board of supervisors may amend, repeal or revise existing ordinances. All proposed ordinances, whether original, amended, repealed, revised, consolidated or codified, shall be published not more than sixty days nor less than seven days before passage at least once in one newspaper circulating generally in the township. Public notices shall include either the full text or a brief summary of the proposed ordinance which lists the provisions in reasonable detail and a reference to a place within the township where copies of the proposed ordinance may be examined. If the full text is not included, a copy shall be supplied to the publishing newspaper when the notice is published, and an attested copy shall be filed within thirty days after enactment in the county law library or other county office designated by the county commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing the ordinances. The date of such filing shall not affect the effective date of the ordinance, the validity of the process of the enactment or adoption of the ordinance; nor shall a failure to record within the time provided be deemed a defect in the process of the enactment or adoption of such ordinance. If substantial amendments are made in the proposed ordinance, before voting upon enactment, the board of supervisors shall, at least ten days before enactment, readvertise in one newspaper of general circulation in the township a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments. Ordinances shall be recorded in the ordinance book of the township and are effective five days after adoption unless a date later than five days after adoption is stated in the ordinance.

(b) When maps, plans or drawings of any kind are adopted as part of an ordinance, instead of publishing them as part of the ordinance, the board of supervisors may refer in publishing the ordinance to the place where the maps, plans or drawings are on file and may be examined.

(c) The board of supervisors may prescribe fines not exceeding one thousand dollars ($1,000) for a violation of a building, housing, property maintenance, health, fire or public safety code or ordinance and for water, air and noise pollution violations, and not exceeding six hundred dollars ($600) for a violation of any other township ordinance. Any person who violates or permits the violation of a township ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by a municipality, pay the fine set by the board of supervisors plus all court costs, including reasonable attorney fees, incurred by a municipality. No judgment shall be imposed until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure.

(d) The board of supervisors may prepare or have prepared a consolidation or codification of the general body of township ordinances or the ordinances on a particular subject. The board of supervisors may adopt the consolidation or codification as an ordinance of the township, except the required advertised notice of the proposed adoption of the consolidation or codification shall include a listing of its table of contents. The procedure for the consolidation or codification of township ordinances as a single ordinance may also be followed in enacting a complete group or body of ordinances repealing or amending existing

ordinances as may be necessary in the course of preparing a consolidation or codification of the township ordinances, except that the advertisement giving notice of the proposed adoption shall list, in lieu of a table of contents, the titles only of each of the ordinances in the complete group or body of ordinances.

(e) In the same manner as other ordinances, the board of supervisors may adopt, by reference to a standard or nationally recognized code in a township ordinance, all or any portion of the code as an ordinance of the township. No portion of any code which limits the work to be performed to any type of construction contractor or labor or mechanic classification shall be adopted. Copies of the proposed code or portion or amendment shall be filed with the township secretary at least ten days before the board of supervisors considers the proposed ordinance and, upon enactment, kept with the ordinance book and available for public use, inspection and examination.

(f) Any person aggrieved by the adoption of any ordinance may make complaint as to the legality of the ordinance to the court of common pleas.

ARTICLE XVII

PUBLIC BUILDINGS

Section 1701. Township Buildings.--The board of supervisors may procure by purchase, gift, devise or the exercise of eminent domain a lot or lots of ground located within the township and erect or use buildings thereon for township purposes. No land or property used for any cemetery, burying ground, public or parochial school, educational or charitable institution, seminary or place of public worship shall be taken or appropriated under this section.

Section 1702. Use of Public Land Acquired for Other Purposes.--When the board of supervisors desires to take any public lands previously granted or dedicated to a use or purpose for which they are no longer used, it shall pass an ordinance declaring its intention and shall petition the court of common pleas for leave to file the bond of the township to secure any person or persons who may be entitled to compensation for the taking. The court shall direct notice to be given by publication in at least one newspaper circulating generally in the township. The court may increase the amount of the bond, shall hear all exceptions that are filed against the petition and the sufficiency of the bond and may grant or deny the request of the petition. Upon the granting of the petition and the approval of the bond, the board of supervisors may enter lands for the purposes of erecting public buildings. The bond, which shall be in the name of the Commonwealth for the use of any person or persons who are entitled to damages by reason of the taking of the lands, shall remain on file for their use and benefit.

Section 1703. How Damages Are Assessed.--The compensation and damages arising from taking, using and appropriating private or public property for township purposes shall be ascertained, determined, awarded and paid under this act for eminent domain proceedings.

Section 1704. Garages and Warehouses.--The board of supervisors may purchase or lease land inside or outside the limits of the township and erect garages, warehouses or other buildings as may be necessary for handling and storing equipment, materials and supplies.

ARTICLE XVIII

FIRE PREVENTION AND PROTECTION

Section 1801. Authority of Board of Supervisors.--The board of supervisors may provide for fire protection within the township.

Section 1802. Fire Hydrants and Water Supply.--(a) The board of supervisors may place, replace, operate, maintain and repair or contract with water companies or municipal authorities for the placing, replacing, operating, maintaining and repairing of fire hydrants to water mains, maintaining pressures approved by fire insurance underwriters along highways, streets, roads and alleys, within the township or provide for or acquire a water supply system equipped to supply sufficient water for the protection of property from fire. The moneys necessary for providing or acquiring these fire protection services may be obtained by one of the following methods:

(1) The board of supervisors may annually assess the cost of fire protection by an equal assessment upon all property, whether or not exempt from taxation by existing law, within seven hundred and eighty feet of any fire hydrant based upon the assessment of property for county tax purposes.

(2) The board of supervisors may annually assess the cost of fire protection by an equal assessment on all property, whether or not exempt from taxation under existing law, abutting upon highways, streets, roads and alleys within seven hundred and eighty feet of any fire hydrant in proportion to the number of feet the property abuts any water main or within seven hundred and eighty feet of any fire hydrant on the water main. The board of supervisors may provide for an equitable reduction from the frontage of lots at intersections or where, due to the irregular shape of lots, an assessment of the full frontage would be inequitable.

(3) The board of supervisors may pay the cost for fire protection out of the general township fund. If the board of supervisors elects to pay the cost of fire protection services out of the general fund, any special fire protection districts and annual assessments shall be abolished. All moneys in the separate accounts for the special fire protection districts shall be paid into the general fund.

(b) When assessments are made under this section, no assessment shall be made against any farmland or an airport which is privately owned and which is not open nor intended to be open to the public; but vacant lots between built-up sections, either tilled or not tilled, are not farmland.

(c) All assessments for fire protection shall be collected by the tax collector under section 3301(a).

(d) The assessment may be billed on the annual real estate tax bill for township purposes if authorized by the board of supervisors.

Section 1803. Fire Companies and Facilities.--(a) The board of supervisors may appropriate moneys for the use of the township or to fire companies located in the township for the operation and maintenance of fire companies, for the purchase and maintenance of fire apparatus and for the construction, repair and maintenance of fire company houses in order to secure fire protection for the inhabitants of the township. The fire companies shall submit to the board of supervisors an annual report of the use of the appropriated moneys for each completed year of the township before any further payments may be made to the fire companies for the current year.

(b) The board of supervisors may, by ordinance, make rules and regulations for the government of fire companies which are

located within the township and their officers.

(c) The board of supervisors may contract with or make grants to near or adjacent municipal corporations or volunteer fire companies therein for fire protection in the township.

(d) No volunteer fire company not in existence in the township before the effective date of this act may organize or operate unless the establishment or organization is approved by resolution of the board of supervisors.

Section 1804. Ponds, Dams or Impoundments for Fire Protection.--The board of supervisors may construct or contribute moneys for, or participate in the construction of, ponds, dams or other impoundments to provide water for fire protection for the township.

Section 1805. Fire Prevention Code.--The board of supervisors may adopt any standard fire prevention code published and printed in book form as provided under this act for adopting standard codes.

Section 1806. Prohibition of Fire-Producing Devices in Certain Retail Stores.--The board of supervisors may, by ordinance, prohibit the smoking or carrying of lighted cigarettes, cigars, pipes or matches and the use of matches or fire-producing devices in retail stores arranged to accommodate one hundred persons or more or which employ ten or more employes. Any ordinance passed under this section may not prohibit smoking in any restaurant room, rest room, beauty parlor, executive office or any shopping center area designated for smoking.

ARTICLE XIX

TOWNSHIP POLICE

Section 1901. Creating or Disbanding Police Force.--The

board of supervisors may, by resolution, create or disband a police force within the township or, upon the petition of not less than twenty-five registered electors or taxpayers of the township, appoint police officers.

Section 1902. Appointment of Police.--The board of supervisors shall provide for the organization and supervision, and determine the number and the compensation, of the police officers. The chairman of the board of supervisors may swear in police officers. The board of supervisors may assign any police officer to undergo a course of training at any training school for police officers established or made available by the Federal or State Government and provide for payment of the officer's expenses while in attendance at the training school.

Section 1903. Contracts to Secure Police Service.--Any township may contract with any municipal corporation to secure the services within the township of the police of the municipal corporation. When any contract is made, the police officers of the employing municipal corporation have all the powers and authority conferred by law on police officers in the township which has contracted to secure police service.

Section 1904. Contract to Provide Police Service.--Any township may contract with any municipal corporation to provide police services within the other municipal corporation. When a contract is made, the township police have all the powers and authority conferred by law on police in the municipal corporation which has contracted to secure police service.

Section 1905. Powers.--Each township police officer has those powers and abilities as are granted to police officers under the laws of this Commonwealth or the rules of the Supreme Court or the ordinances of the township for which a fine or

penalty is imposed unless otherwise excepted in this act.

Section 1906. Shield.--Each police officer, when on duty, shall wear a shield or badge with the words "township police" and the name of the township inscribed thereon.

Section 1907. Equipment.--The board of supervisors may provide each police officer with a uniform, equipment and means of transportation and the maintenance thereof.

Section 1908. Lockups.--The board of supervisors may provide lockup facilities.

Section 1909. Certain Compensation Prohibited.--No police officer may charge or accept any fee or other compensation in addition to the salary paid by the township for any service rendered or performed by the police officer, except public rewards.

Section 1910. Police Pension Fund.--(a) In those townships maintaining police forces of less than three full-time police officers, the board of supervisors may, by ordinance or resolution, establish a police pension fund or pension annuity into which each member of the police force may be required to pay a member contribution of an equal and proportionate charge which, except to the extent that section 607(c) of the act of December 18, 1984 (P.L.1005, No.205), known as the "Municipal Pension Plan Funding Standard and Recovery Act," applies, shall not exceed annually three percent of the pay of the member.

(b) The fund shall be under the direction of the board of supervisors for the benefit of members of the police force who receive honorable discharge therefrom by reason of age or disability and the families of members who may be injured or killed in the service. Any allowances made to those who are retired by reason of disability or age shall be in conformity

with a uniform scale.

(c) The ordinance or resolution establishing the police pension fund shall prescribe a minimum period of continuous service of not less than twenty years, after which the members of the force may be retired from active duty. Township police officers so retired may be subject to service as police reserves until unfit for service by reason of age or disability, when they may be finally discharged.

(d) The basis of the apportionment of the pension is determined by the rate of monthly pay of the member at the date of death, honorable discharge or retirement.

(e) Payments made on account of police pensions are a charge on no fund of the township other than the police pension fund.

(f) Townships shall make contributions to the police pension fund in an amount sufficient to meet the minimum obligation of the municipality with respect to the pension plan pursuant to the "Municipal Pension Plan Funding Standard and Recovery Act," and may take by gift, grant, devise or bequest any money or property in trust for the benefit of the police pension fund. The care, management, investment and disposal of trust funds or property is vested in the board of supervisors subject, whenever possible or practical, to any directions for administration which the donors of the funds and property may prescribe.

(g) A person participating in the police pension fund and entitled to receive a benefit therefrom may not be deprived of his right to an equal and proportionate share therein except for the following causes: conviction of a crime or misdemeanor or failing to comply with some general regulation relating to the management of the fund, which may be made by ordinance or resolution and which provides that a failure to comply therewith

terminates the right to participate in the pension fund after notice and hearing as it prescribes.

(h) Police pension funds of townships with a police force of three or more full-time officers are governed by the act of May 29, 1956 (1955 P.L.1804, No.600), referred to as the Municipal Police Pension Law.

Section 1911. Police Protection Districts.--On petition of a majority of the property owners of any territory within the township, the board of supervisors may designate the territory as a district for the purpose of providing police protection. The board of supervisors may annually assess the cost of the maintenance of the police protection by an equal assessment on all property benefited by the protection in proportion to the number of feet the property fronts on the street or highway or portion thereof to be protected. The board of supervisors may provide for an equitable reduction from the frontage of lots at intersections or where, due to the irregular shape of lots, an assessment of the full frontage would be inequitable. No assessment shall be made against any farmland, but vacant lots between built-up sections, whether tilled or not tilled, are not farmland. The assessment for each foot front against vacant lots shall be only twenty-five percent of the assessment for each foot front against property with improvements. All assessments for police protection shall be filed with the township tax collector under section 3301(a).

Section 1912. Removal of Police Officers.--No person employed as a regular full-time police officer in any police department, except officers appointed for a probationary period of one year or less, shall be suspended, removed or reduced in rank except under the act of June 15, 1951 (P.L.586, No.144),

entitled "An act regulating the suspension, removal, furloughing and reinstatement of police officers in boroughs and townships of the first class having police forces of less than three members, and in townships of the second class."

Section 1913. Auxiliary Police.--The board of supervisors may confirm persons to serve as auxiliary police officers under the act of January 14, 1952 (1951 P.L.2016, No.561), entitled "An act providing for supplementing the police forces of cities, boroughs, towns and townships, for the appointment, powers and control of auxiliary police therein, and for the transfer during disasters and emergencies of such auxiliary police, members of the regular police forces, and police equipment thereof."

Section 1914. Special Fire Police.--The board of supervisors may confirm any members of a volunteer fire company to serve as special fire police under the act of June 18, 1941 (P.L.137, No.74), entitled, as amended, "An act providing for the appointment, powers and control of members of volunteer fire companies as special fire police, and conferring powers on them at fires attended by their fire companies in any city, borough, town, township or home rule municipality."

Section 1915. Special School Police.--(a) Upon request of the board of school directors of a school district located wholly or partially within the township, the board of supervisors, by resolution, may appoint special school police to control and direct traffic at or near schools. The officers shall be in uniform and display a badge or other sign of authority, and they have all the power of local police officers. Special school police serve at the pleasure of the board of supervisors and are not eligible to join any police pension fund maintained for the township police. The board of supervisors

shall determine the compensation of special school police, to be paid by the township or jointly by the township and the school district in a ratio to be determined by the two boards. If the township and school district cannot determine the ratio of compensation to be paid by each board, each board shall pay one-half of the compensation of the police.

(b) The board of supervisors may create an educational service agency under section 402.1 of the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the "Unemployment Compensation Law," to provide special school police service to one or more educational institutions by the school crossing guards appointed in conjunction with the school district. The educational service agency shall serve as the agency for management and control of the school crossing guards.

ARTICLE XX

STREET LIGHTS

Section 2001. Lighting.--The board of supervisors may light and illuminate the highways, roads and other public places of the township and remove, alter or improve lighting as may be appropriate and in the best interests of the township and make contracts for securing and maintaining a supply of light.

Section 2002. Street Light Districts.--(a) The board of supervisors may provide street lights and make regulations therefor within the township or within any district of the township established by the board of supervisors for that purpose.

(b) Upon receipt of a petition signed by seventy percent of the property owners within any defined area of the township, the board of supervisors shall establish the defined area as a lighting district or include the defined area within an existing

lighting district and shall provide public lighting within the area.

(c) The board of supervisors may contract with electric, gas or other lighting companies to light and illuminate roads and highways and other public places with electric light, gas light or other illuminating substances.

Section 2003. Costs.--(a) The board of supervisors may pay for the cost of public lighting by any one or a combination of the following means, whether the installation of the lighting was initiated by action of the board of supervisors or by petition:

(1) From the general fund.

(2) Through uniform annual assessments made upon benefited properties on the foot-front basis.

(3) By uniform annual assessment upon each property benefited.

(4) By an equal assessment upon each property benefited, based upon the assessment for county tax purposes.

(5) By any combination of the above methods or other equitable means of assessment as the board of supervisors may determine.

(b) If public street lighting is currently in existence and is being paid for by a certain means or method, the board of supervisors may alter or amend the means of assessing the cost of the lighting.

(c) Properties are subject to assessment for this purpose, whether or not the property is exempt from taxation by existing law.

(d) If the foot-front method of assessment is used, the assessment shall be by equal assessment on all property in

proportion to the number of feet the property fronts on the street or highway or portion thereof to be lighted. The board of supervisors may provide for an equitable reduction from the frontage of lots at intersections or where, due to the irregular shape of lots, an assessment of the full frontage would be inequitable. No assessment shall be made against any farmland, but vacant lots between built-up sections, whether tilled or not tilled, are not farmland. The assessment for each foot front against vacant lots shall be only twenty-five percent of the assessment for each foot front against property with improvements.

(e) All annual assessments for street lights shall be filed with the township tax collector under section 3301(a). The assessment may be billed on the annual real estate tax bill for general township purposes if authorized by the board of supervisors.

ARTICLE XXI

SOLID WASTE COLLECTION AND DISPOSITION

Section 2101. Accumulation of Ashes, Garbage, Solid Waste and Refuse Materials.--The board of supervisors may prohibit accumulations of ashes, garbage, solid waste and other refuse materials upon private property, including the imposition and collection of reasonable fees and charges for the collection, removal and disposal thereof.

Section 2102. Collection.--The board of supervisors may collect and remove, by contract or otherwise, ashes, garbage, solid waste and other refuse materials and recyclables and prescribe penalties for the enforcement thereof. Any contract with refuse haulers may be made for a period not exceeding five years. This limitation does not apply to contracts with any

other county or municipal corporation.

Section 2103. Disposal.--The board of supervisors may dispose of, by contract or otherwise, ashes, garbage, solid waste and other refuse materials. Any contract with the owner of a private facility for the disposal or incineration of ashes, garbage, solid waste and other refuse materials may be made for a period not exceeding twenty years. This limitation does not apply to contracts with any county or municipal corporation.

Section 2104. Acquisition of Land.--The board of supervisors may acquire any real property and erect, maintain, improve, operate and lease, either as lessor or lessee, facilities for incineration, landfill or other methods of disposal, either inside or outside the limits of the township, including equipment, either separately or jointly, with any county or municipal corporation in order to provide for the destruction, collection, removal and disposal of ashes, garbage, solid waste or other refuse materials, for the collection and storage of recyclable materials or for the composting of leaf and yard waste. The board of supervisors may provide for the payment of the cost thereof out of the funds of the township. The board of supervisors may acquire land for landfill purposes, either amicably or by exercising the power of eminent domain, and maintain lands and places for the dumping of ashes, garbage, solid waste and other refuse materials.

Section 2105. Charge for Services.--The board of supervisors may establish, alter, charge and collect rates and other charges for the collection, removal and disposal of ashes, garbage, solid waste, other refuse materials and recyclable materials, and the costs of including the payment of any indebtedness incurred for the construction, purchase, improvement, repair,

maintenance and operation of any facilities therefor, and the amount due under any contract with any county or municipal corporation furnishing the services or facilities.

Section 2106. Appropriations.--The board of supervisors may make appropriations to any county or municipal corporation for the construction, purchase, improvement, repair, maintenance and operation of any facilities for the collection, removal, disposal or marketing of ashes, garbage, solid waste, other refuse materials, recyclable materials or composted leaf and yard waste.

Section 2107. Refuse Collection District.--On petition of a majority of the owners, occupants or tenants of any territory inside the township which is definitely defined, set apart and limited by the board of supervisors as a refuse collection district, either with township employes and facilities or with independent contractors, the board of supervisors may provide for the removal from the refuse collection district of ashes, garbage, solid waste or other refuse materials and for the disposal thereof, including the collection and marketing of recyclable materials. The board of supervisors may levy an assessment upon all owners, occupants or tenants of the district sufficient to defray the cost of the removal, disposal or marketing under section 3301(b).

Section 2108. Exclusion from Bidding Requirements.--A township shall not be subject to requirements otherwise imposed by law for the sale of personal property owned by the township when selling recyclable materials or materials separated, collected, recovered or created by recycling, as provided in the act of April 9, 1992 (P.L.70, No.21), entitled "An act excluding the sale of recyclable material from political subdivision

personal property sale restrictions relating to advertising and bidding."

ARTICLE XXII

PARKS, RECREATION CENTERS AND FORESTS

Section 2201. Acquisition of Lands and Buildings.--The board of supervisors may designate lands or buildings owned, leased or controlled by the township for use as parks, playgrounds, playfields, gymnasiums, swimming pools, indoor recreation centers, public parks and other recreation areas and facilities and acquire lands or buildings by lease, gift, devise, purchase or by the exercise of the right of eminent domain for recreational purposes and construct and equip facilities for recreational purposes.

Section 2202. Recreation Facilities Employes.--The board of supervisors may employ persons to maintain the recreation facilities or supervise the use of the recreation facilities.

Section 2203. Regulation of Parks and Public Amusements.--

(a) The board of supervisors may, by ordinance, regulate the use and enjoyment by the public of any park or recreation grounds owned and operated by the township or charitable organizations for the use of the public.

(b) The board of supervisors may prescribe rules for the use by the public of parks and recreation grounds and the facilities and amusements connected therewith and post the rules at conspicuous places in the parks or recreation grounds. Any person who violates the rules commits a summary offense.

(c) The board of supervisors may, by ordinance not inconsistent with State law and regulations, regulate the time of opening and closing and the conduct of places of public entertainment, amusement and recreation.

(d) The board of supervisors may, by ordinance or resolution, appropriate funds for recreation programs not directly sponsored by the township.

Section 2204. Creation of Recreation Boards.--(a) The board of supervisors may, by ordinance, create a recreation board to supervise, regulate, equip and maintain township-funded recreation programs and facilities. The recreation board has only those powers specifically delegated to it by the board of supervisors.

(b) Recreation boards, when established, shall consist of five or seven persons. The members shall be appointed by the board of supervisors and shall serve for terms of five years or until their successors are appointed, except that the members first appointed shall be appointed so that the terms of not more than two members expire annually. Members shall serve without pay but may be reimbursed by the township for all expenses incurred in performing their duties. All persons appointed shall serve their full terms unless voluntarily resigned or removed by the board of supervisors for dereliction or neglect of duty. Vacancies occurring other than by expiration of term shall be for the unexpired term and shall be filled in the same manner as original appointments.

(c) The members of a recreation board shall elect a chairman and secretary and select all other necessary officers to serve for a period of one year. The recreation board may adopt rules and regulations for the conduct of all business within its jurisdiction and exercise powers and functions concerning parks and recreation facilities as may be delegated to it by the board of supervisors. The recreation board shall submit an annual report to the board of supervisors, including an analysis of the

adequacy and effectiveness of community recreation areas, facilities and leadership.

Section 2205. Joint Ownership and Maintenance.--The board of supervisors may join with any one or more municipal corporations, counties or school districts to acquire, create, equip, maintain and operate any park or recreation area to serve residents of the township under the act of July 12, 1972 (P.L.762, No.180), referred to as the Intergovernmental Cooperation Law.

Section 2206. Expenses for Maintenance.--All expenses incurred in the operation of parks, recreation areas and facilities are payable from the general township fund or from the treasury of the municipal corporations, counties or school districts under the agreement of the corporate authorities.

Section 2207. Forest Lands.--(a) Townships may acquire, by purchase, gift or lease, and hold tracts of land covered with forest or tree growth, or suitable for the growth of trees, and administer the tracts under the direction of the Department of Environmental Resources. The tracts may be of any size suitable for the purpose and may be located inside or outside the township limits.

(b) When the board of supervisors intends to acquire any lands for forests, it shall so declare by an ordinance, setting forth all facts and conditions relating to the proposed action.

(c) Upon the acquisition of any forests or lands suitable for forests, the board of supervisors shall notify the Department of Environmental Resources which may make rules for the government and proper administration of the lands as may be necessary. The Department of Environmental Resources shall publish the rules, declare the uses of the forest under the

intent of this article and make provision for its administration, maintenance, protection and development as necessary. The rules governing the administration of the forests shall have for their main purpose the producing of a continuing township revenue by the sale of forest products.

(d) All revenue and emoluments arising from the forests shall be paid into the general township fund.

(e) Township forests may be used by the public as general outing or recreation grounds, subject to the rules of the Department of Environmental Resources governing their administration and rules adopted by the board of supervisors not inconsistent with law and the rules of the Department of Environmental Resources.

(f) When the board of supervisors decides to sell or lease any forest, or part thereof or products therefrom, it shall so declare by an ordinance, setting forth all the facts and conditions relating to the proposed action.

(g) The board of supervisors may, on behalf of the township, accept the title to lands which may be donated to the township for any of the purposes mentioned in this article.

[ARTICLE VIII

CONTRACTS

Section 801. Power to Make Contracts.--Each township may make contracts for lawful purposes and for the purpose of carrying into execution the provisions of this act and the laws of the Commonwealth.

Section 802. Letting Contracts.--(a) Each township shall have the power to make, to authorize, and to ratify, expenditures for lawful purposes from funds available therefor, by borrowing within legal limitations: Provided, That all

contracts or purchases in excess of ten thousand dollars, except those hereinafter mentioned, shall not be made except with and from the lowest responsible bidder, after due notice in one newspaper of general circulation, published or circulating in the county in which the township is situated, at least two times, at intervals of not less than three days where daily newspapers of general circulation are employed for such publication, or in case weekly newspapers are employed, then the notice shall be published once a week for two successive weeks. The first advertisement shall be published not more than forty-five days and the second advertisement not less than ten days prior to the date fixed for the opening of bids. Notice of proposed contracts or purchases shall also be posted where the board of supervisors normally meets or in a conspicuous place within the township.

(a.1) Written or telephonic price quotations from at least three qualified and responsible contractors shall be requested for all contracts that exceed four thousand dollars but are less than the amount requiring advertisement and competitive bidding or, in lieu of price quotations, a memorandum shall be kept on file showing that fewer than three qualified contractors exist in the market area within which it is practicable to obtain quotations. A written record of telephonic price quotations shall be made and shall contain at least the date of the quotation, the name of the contractor and the contractor's representative, the construction, reconstruction, repair, maintenance or work which was the subject of the quotation and the price. Written price quotations, written records of telephonic price quotations and memoranda shall be retained for a period of three years.

(b) The amount of the contract shall in all cases, whether of straight sale price, conditional sale, bailment lease, or otherwise, be the entire amount which the township pays to the successful bidder or his assigns in order to obtain the services or property, or both, and shall not be construed to mean only the amount which is paid to acquire title or to receive any other particular benefit or benefits of the whole bargain.

(c) The acceptance of bids shall only be made by public announcement at the meeting at which bids are received, or at a subsequent meeting, the time and place of which shall be publicly announced when bids are received. If for any reason one or both of the above meetings shall not be held, the same business may be transacted at subsequent meetings: Provided, That at least five days' notice thereof shall be published in the newspaper aforesaid.

(d) The successful bidder, when advertising is required herein, shall be required to furnish a bond with suitable reasonable requirements, guaranteeing performance of the contract, with sufficient surety in the amount of fifty per centum (50%) of the amount of the contract within twenty days after the contract has been awarded, unless the supervisors shall prescribe a shorter period not less than ten days, and upon failure to furnish such bond within such time, the previous award shall be void. Delivery, accomplishment and guarantees may be required in all cases of expenditures, including the exceptions herein.

(e) The contracts or purchases made by any supervisors involving an expenditure of over ten thousand dollars, which shall not require advertising or bidding as hereinbefore provided, are as follows:

(1) Those made for maintenance, repairs or replacements for water, electric light and other public works of the township, provided they do not constitute new additions, extensions or enlargements of existing facilities and equipment, but a bond may be required by the supervisors as in other cases of work done.

(2) Those made for improvements, repairs or maintenance of any kind, made or provided by any township, through its own employes: Provided, however, That all materials used for road improvement, maintenance and/or construction in excess of ten thousand dollars be subject to the advertising requirements contained herein.

(3) Those where particular types, models or pieces of new equipment, articles, apparatus, appliances, vehicles, or parts thereof, are desired by the supervisors, which are patented and manufactured products.

(4) Those involving any policies of insurance or surety company bonds, those made for public utility service under tariffs on file with the Pennsylvania Public Utility Commission, those made with another political subdivision, county, the Commonwealth of Pennsylvania or the Federal Government, or any agency of the Commonwealth or Federal Government, or any municipal authority, including the sale, leasing or loan of any supplies or materials by the Commonwealth, or the Federal Government, or their agencies, but the price thereof, or the expenditure therefor, shall not be in excess of those fixed by the Commonwealth, the Federal Government or their agencies.

(5) Those involving personal or professional services.

(f) Except as herein provided, no township official, either elected or appointed, who knows, or who by the exercise of

reasonable diligence, could know, shall be interested to any appreciable degree, either directly or indirectly, in any contract for the sale or furnishing of any supplies or materials for the use of the township, or for any work to be done for such township involving the expenditure by the township of more than three hundred dollars ($300) in any year, but this limitation shall not apply to cases where such officer, or appointee of the township, is an employe of the person, firm or corporation to which the money is to be paid in a capacity with no possible influence on the transaction, and in which he cannot be possibly benefited thereby, either financially or otherwise: Provided, however, That in the case of a supervisor, if he knows that he is within the exception just mentioned, he shall so inform the supervisors and shall refrain from voting on the expenditures, or any ordinance relating thereto, and shall in no manner participate therein: Provided, further, That any such official or appointee who shall knowingly violate this provision shall be subject to surcharge to the extent of the damage shown to be thereby sustained by the township, ouster from office, and shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars ($500): Provided, That in the case of the purchase of material for the construction, reconstruction, maintenance and improvement of roads and bridges, the contract, which shall be in writing, and shall be let only on standard specifications of the Department of Transportation, and materials so purchased shall only be used in accordance with specifications of said department.

(g) Every contract for the construction, reconstruction, alteration, repair, improvement or maintenance of public works

shall comply with the provisions of the act of March 3, 1978 (P.L.6, No.3), known as the "Steel Products Procurement Act."

(h) No person, consultant, firm or corporation contracting with a township for purposes of rendering personal or professional services to the township shall share with any township officer or employe, and no township officer or employe shall accept, any portion of the compensation or fees paid by the township for the contracted services provided to the township except under the following terms or conditions:

(1) Full disclosure of all relevant information regarding the sharing of the compensation or fees shall be made to the board of supervisors.

(2) The board of supervisors must approve the sharing of any fee or compensation for personal or professional services prior to the performance of said services.

(3) No fee or compensation for personal or professional services may be shared except for work actually performed.

(4) No shared fee or compensation for personal or professional services may be paid at a rate in excess of the commensurate for similar personal or professional services.

Section 802.1. Evasion of Advertising Requirements.--(a) No supervisor or supervisors shall evade the provisions of section eight hundred two as to advertising for bids, by purchasing or contracting for services and personal properties piecemeal for the purpose of obtaining prices under ten thousand dollars upon transactions which should, in the exercise of reasonable discretion and prudence, be conducted as one transaction amounting to more than ten thousand dollars. This provision is intended to make unlawful the evading of advertising requirements by making a series of purchases or contracts each

for less than the advertising requirement price, or by making several simultaneous purchases or contracts, each below said price, when, in either case, the transactions involved should have been made as one transaction for one price. Any supervisors who so vote in violation of this provision, and who know that the transaction upon which they so vote is or ought to be part of a larger transaction and that it is being divided in order to evade the requirements as to advertising for bids, shall be jointly and severally subject to surcharge for ten per centum of the full amount of the contract or purchase. Whenever it shall appear that a supervisor may have voted in violation of this section, but the purchase or contract on which he so voted was not approved by the board of supervisors, this section shall be inapplicable.

(b) Any supervisor who votes to unlawfully evade the provisions of section eight hundred two and who knows that the transaction upon which he so votes is or ought to be a part of a larger transaction and that it is being divided in order to evade the requirements as to advertising for bids commits a misdemeanor of the third degree for each contract entered into as a direct result of that vote. This penalty shall be in addition to any surcharge which may be assessed pursuant to subsection (a).

Section 803. Bonds for Protection of Labor and Materialmen.--It shall be the duty of every township to require any person, copartnership, association, or corporation, entering into a contract with such township for the construction, erection, installation, completion, alteration, repair of, or addition to, any public work or improvement of any kind whatsoever, where the amount of such contract is in excess of

one thousand five hundred dollars, before commencing work under such contract, to execute and deliver to such township, in addition to any other bond which may now or hereafter be required by law to be given in connection with such contract, an additional bond, for the use of any and every person, copartnership, association, or corporation interested, in a sum not less than fifty per centum and not more than one hundred per centum of the liability under the contract, as such township may prescribe, having as surety thereon one or more surety companies legally authorized to do business in this Commonwealth, conditioned for the prompt payment of all material furnished and labor supplied or performed in the prosecution of the work, whether or not the said material or labor enter in and become component parts of the work or improvement contemplated. Such additional bond shall be deposited with and held by the township for the use of any party interested therein. Every such additional bond shall provide that every person, copartnership, association, or corporation who, whether as subcontractor or otherwise, has furnished material or supplied or performed labor in the prosecution of the work as above provided, and who has not been paid therefor, may sue in assumpsit on said additional bond in the name of the township for his, their, or its use and prosecute the same to final judgment for such sum or sums as may be justly due him, them, or it, and have execution thereon: Provided, That the township shall not be liable for the payment of any costs or expense of any suit.

Section 803.1. Purchase Contracts for Petroleum Products; Fire Company, Etc., Participation.--The board of supervisors of each township shall have power to permit, subject to such terms and conditions as it may, and as hereinafter specifically

provided, shall, prescribe any paid or volunteer fire company, paid or volunteer rescue company and paid or volunteer ambulance company in the township to participate in purchase contracts for petroleum products entered into by the township. Any such company desiring to participate in such purchase contracts shall file with the township secretary a request that it be authorized to participate in contracts for the purchase of petroleum products of the township and agreeing that it will be bound by such terms and conditions as the township may, and as hereinafter specifically provided, shall, prescribe and that it will be responsible for payment directly to the vendor under each purchase contract. Among such terms and conditions, the township shall prescribe that all prices shall be F.O.B. destination.

Section 804. Separate Specifications for Branches of Work.--In the preparation of specifications for the erection or alteration of any public building, when the entire cost of such work exceeds ten thousand dollars, the architect, engineer, or person preparing such specifications shall prepare separate specifications for the plumbing, heating, ventilating, and electrical work, and the township shall receive separate bids upon each of such branches of work and award the contract for the same to the lowest responsible bidder.

Section 805. Workmen's Compensation Insurance.--All contracts executed by any township, which shall involve the construction or doing of any work involving the employment of labor, shall contain a provision that the contractor shall accept, in so far as the work covered by any such contract is concerned, the provisions of the Workmen's Compensation Act of one thousand nine hundred and fifteen, and any supplements or

amendments thereto, and that the said contractor will insure his liability thereunder, or file with the township with which the contract is made a certificate of exemption from insurance from the Bureau of Workmen's Compensation of the Department of Labor and Industry.

Every officer of a township who shall sign, on behalf of the said township, any contract, requiring in its performance the employment of labor, shall require, before the said contract shall be signed, proof that the said contractor with whom the contract is made shall have accepted the Workmen's Compensation Act of one thousand nine hundred and fifteen, and any supplements or amendments thereto, and proof that the said contractor has insured his liability thereunder in accordance with the terms of the said act, or that the said contractor has had issued to him a certificate of exemption from insurance from the Bureau of Workmen's Compensation of the Department of Labor and Industry.

Any contract executed in violation of the provisions of this section shall be null and void.

Section 806. Engineers and Architects Not to Be Interested in Contracts.--It shall be unlawful for any architect or engineer, in the employ of a township, and engaged in the preparation of plans, specifications, or estimates, to bid on any public work at any letting of such work in such township.

It shall also be unlawful for the officers of a township, charged with the duty of letting any public work, to award a contract to any such architect or engineer in the employ of the township.

It shall also be unlawful for any architect or engineer in the employ of a township to be in any wise interested in any

contract for public work in such township, or receive any remuneration or gratuity from any person interested in such contract except under the terms and conditions as provided in section 802(h).

Any person who violates any of the provisions of this section, shall be guilty of a misdemeanor, and, on conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars, or undergo imprisonment of not more than six months, or both, in the discretion of the court, and shall forfeit his office.

Section 807. Minimum Wages under Contracts.--(a) The specifications upon which contracts are entered into by any township for the construction, alteration, or repair of any public work or improvement may, at the option of any such township, contain the minimum wage or wages, which may be paid by the contractor or his subcontractors for the work performed by laborers and mechanics employed on such public work or improvement, and such laborers and mechanics shall, in such cases, be paid not less than such minimum wage or wages.

(b) Every contract for the construction, alteration, or repair of any public work or improvement founded on specifications, containing any such stipulation for minimum wage or wages, shall stipulate a penalty of an amount equal to twice the difference between the minimum wage contained in said specifications and the wage actually paid to each laborer or mechanic for each day, during which he has been employed at a wage less than that prescribed in said specifications.

(c) Every officer, or person designated as an inspector of, or having supervision over, the work to be performed under any such contract, in order to aid in enforcing the fulfillment

thereof, shall, upon observation or investigation, report to the supervisors of the township all violations of minimum wage stipulations, together with the name of each laborer or mechanic who has been paid a wage less than that prescribed by the specifications, and the day or days of such violation.

(d) All such penalties shall be withheld and deducted for the use of the township from any moneys due the contractor by the officer or person, whose duty it shall be to authorize the payment of moneys due such contractor, whether the violation of the minimum wage stipulation of the specifications was by the contractor or by any of his subcontractors: Provided, That if any such contractor or subcontractor subsequently pays to all laborers and mechanics the balance of the amounts stipulated in such contract, the township shall pay to the contractor the amounts so withheld as penalties.

Section 808. Discrimination between Employes.--Every contract for or on behalf of any township for the construction, alteration or repair of any public building or public work shall contain provisions by which the contractor agrees.

(a) That in the hiring of employes for the performance of work under this contract, or any subcontract hereunder, no contractor, subcontractor, nor any person acting on behalf of such contractor or subcontractor, shall by reason of race, creed or color, discriminate against any citizen of the Commonwealth of Pennsylvania, who is qualified and available to perform the work to which the employment relates.

(b) That no contractor, subcontractor, nor any person on his behalf shall in any manner discriminate against or intimidate any employe hired for the performance of work under his contract on account of race, creed or color.

(c) That there may be deducted from the amount payable to the contractor, under this contract, a penalty of five dollars for each person, for each calendar day, during which such person was discriminated against, or intimidated in violation of the provisions of the contract, and

(d) That the contract may be cancelled or terminated by the township, and all money due, or to become due hereunder, may be forfeited for a second or any subsequent violation of the terms or conditions of this portion of the contract.

ARTICLE IX

TAXATION AND FINANCE

Section 901. Fiscal Year.--The fiscal year in townships of the second class shall commence on the first day of January in each year. All receipts, disbursements, contracts, and purchases shall be chargeable to and entered as of record in the fiscal year in which made.

Section 902. Annual Budget.--A. (1) The board of township supervisors shall annually, at least thirty days prior to the adoption of the annual budget begin preparation of a proposed budget for all funds or annual estimate of revenues and expenditures for the ensuing fiscal year, beginning on the first day of January, which shall be filed with the treasurer. Said budget shall reflect as nearly as possible the estimated revenues and expenditures of the township for the year for which the budget is prepared. It shall be unlawful to prepare and advertise notice of a proposed budget when the same is knowingly inaccurate. Where, upon any revision of the budget, it appears that the estimated expenditures in the adopted budget will be increased more than ten percent in the aggregate or more than twenty-five percent in any individual item over the proposed

budget, it shall be presumed that the tentative budget was inaccurate; and such budget may not be legally adopted with any such increases therein unless the same is again advertised once, as in the case of the proposed budget, and an opportunity afforded to taxpayers to examine the same and protest such increases. In all townships, the budget shall be prepared on a uniform form, prepared and furnished as hereafter provided. The estimates in the budget, shall specify:

(a) The amount of money necessary for the construction, maintenance, repair, and improvement of roads;

(b) The amount of money necessary for the construction, maintenance, and repair of culverts and bridges;

(c) The amount of money necessary for the purchase, hire, repair, and custody of equipment, machinery, teams and implements;

(d) The amount of money necessary for each other governmental activity of the township, for which a special tax levy may or may not be authorized;

(e) The amount of money necessary for the payment of debts, and other miscellaneous purposes.

(2) Upon the preparation of the proposed budget, the supervisors shall give public notice by advertisement once in at least one newspaper of general circulation in the township or county that the proposed budget will be available for public inspection at a designated place in the township. After the budget has been available for public inspection for twenty days the supervisors shall, after making such revisions therein as appear advisable, adopt the budget not later than the thirty-first day of December and the necessary appropriation measures required to put it into effect.

(3) The total appropriation shall not exceed the revenues estimated as available for the fiscal year. In all townships the board of supervisors shall, within fifteen days after the adoption of the budget, file a copy of the same in the office of the Department of Community Affairs.

(4) The supervisors may at any time by resolution make supplemental appropriations for any lawful purpose from any funds on hand or estimated to be received within the fiscal year and not otherwise appropriated, including the proceeds of any borrowing authorized by law. Such supplemental appropriations may be made whether or not an appropriation for the same purpose was included in the original budget as adopted, except that no supplemental appropriation shall be made for any purpose in respect to which the court on an appeal pursuant to section nine hundred eight of this act has ordered a specific reduction or elimination of an item of the original budget for the same purpose.

(5) The supervisors may by resolution, transfer unencumbered moneys from one township account to another, but no moneys shall be transferred from the fund allocated for the payment of debts or from any fund raised by a special tax levy for a particular purpose. Such transfers shall not be made during the first three months of the fiscal year. No money shall be paid out of the township treasury except upon appropriation made according to law.

B. The uniform forms for the annual budget, the annual township report, and the annual financial statement required to be made by the auditors, shall be prepared by a committee consisting of four representatives of the State Association of Township Supervisors and one representative of each from the

Department of Transportation, and the Department of Community Affairs.

Such representatives of the State Association of Township Supervisors shall be appointed by the president of the organization. Such representatives may be either township supervisors, auditors or township secretaries, and, as far as possible, shall be chosen to represent townships in the various population groups among the range of townships of the second class. The president of the organization shall supply to the Secretary of Community Affairs the names and addresses of such representatives, immediately upon their appointment.

Such representatives of the townships shall serve without compensation, but shall be reimbursed by the Commonwealth for all necessary expenses incurred in attending meetings of the committee from appropriations made to the Department of Community Affairs. The committee shall meet at the call of the Secretary of Community Affairs, or his agent, who shall serve as chairman of the committee.

In preparing such uniform forms, the committee shall give careful consideration to the fiscal needs and procedure of townships of the various population groups producing separate forms, if necessary, to meet the needs of townships of varying sizes. The form for annual reports shall contain the information, herein specifically required to be furnished, and such other information as the committee shall deem proper, and shall be arranged to correlate with the forms for the budget, respecting order of items, and division of revenues by major classifications, and disbursements by major functions. The committee shall also prescribe the form of the statement summarizing the annual report, which is hereinbefore required to

be published.

It shall be the duty of the Secretary of Community Affairs to see to it that the forms required by this act are prepared in cooperation with such committee. In the event that such committee should, for any reason, fail to furnish such cooperation, Department of Community Affairs shall prepare the forms. After they are prepared, the Secretary of Community Affairs shall issue such forms and distribute them annually, as needed, to the proper township officers.

Section 902.1. Investment of Township Funds.--(a) The supervisors shall have the power to:

(1) make investment of township sinking funds as authorized by the act of July 12, 1972 (P.L.781, No.185), known as the "Local Government Unit Debt Act";

(2) make investment of moneys in the General Fund and in special funds of the township other than the sinking funds as authorized by Article IX; and

(3) liquidate any such investment, in whole or in part, by disposing of securities or withdrawing funds on deposit. Any action taken to make or to liquidate any investment shall be made by the officers designated by action of the supervisors.

(b) The supervisors shall invest township funds consistent with sound business practice.

(c) The supervisors shall provide for an investment program subject to restrictions contained in this act and in any other applicable statute and any rules and regulations adopted by the supervisors.

(d) Authorized types of investments for township funds shall be:

(1) United States Treasury bills.

(2) Short-term obligations of the United States Government or its agencies or instrumentalities.

(3) Deposits in savings accounts or time deposits, other than certificates of deposit, or share accounts of institutions insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation or the National Credit Union Share Insurance Fund or the Pennsylvania Deposit Insurance Corporation or the Pennsylvania Savings Association Insurance Corporation to the extent that such accounts are so insured, and, for any amounts above the insured maximum, provided that approved collateral as provided by law therefore shall be pledged by the depository.

(4) Obligations of the United States of America or any of its agencies or instrumentalities backed by the full faith and credit of the United States of America, the Commonwealth of Pennsylvania or any of its agencies or instrumentalities backed by the full faith and credit of the Commonwealth, or of any political subdivision of the Commonwealth of Pennsylvania or any of its agencies or instrumentalities backed by the full faith and credit of the political subdivision.

(5) Shares of an investment company registered under the Investment Company Act of 1940, whose shares are registered under the Securities Act of 1933, provided that the only investments of that company are in the authorized investments for township funds listed in (1) through (4).

(6) Certificates of deposit purchased from institutions insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation or the National Credit Union Share Insurance Fund or the Pennsylvania Deposit Insurance Corporation or the Pennsylvania Savings Association

Insurance Corporation to the extent that such accounts are so insured. However, for any amounts above the insured maximum, such certificates of deposit shall be collateralized by a pledge or assignment of assets of the institution, and such collateral may include loans (including interest in pools of loans) secured by first mortgage liens on real property. Certificates of deposit purchased from commercial banks shall be limited to an amount equal to twenty percent of a bank's total capital and surplus. Certificates of deposit purchased from savings and loan associations or savings banks shall be limited to an amount equal to twenty percent of an institution's assets minus liabilities.

(7) Any investment authorized by 20 Pa.C.S. Ch. 73 (relating to fiduciaries investments) shall be an authorized investment for any pension or retirement fund.

(e) In making investments of township funds, the supervisors shall have authority:

(1) To permit assets pledged as collateral under subsection (d)(3), to be pooled in accordance with the act of August 6, 1971 (P.L.281, No.72), relating to pledges of assets to secure deposits of public funds.

(2) To combine moneys from more than one fund under township control for the purchase of a single investment, provided that each of the funds combined for the purpose shall be accounted for separately in all respects and that the earnings from the investment are separately and individually computed and recorded, and credited to the accounts from which the investment was purchased.

(3) To join with one or more other political subdivisions and municipal authorities in accordance with the act of July 12,

1972 (P.L.762, No.180), entitled "An act relating to intergovernmental cooperation," in the purchase of a single investment, provided that the requirements of clause (2) on separate accounting of individual funds and separate computation, recording and crediting of the earnings therefrom are adhered to.

Section 902.2. Amending Budget; Notice.--During the month of January next following any municipal election, the supervisors of any township may amend the budget and the levy and tax rate to conform with its amended budget. A period of ten days' public inspection at the office of the township secretary of the proposed amended budget, after notice by the township secretary to that effect is published once in a newspaper as provided by section 110 of this act, shall intervene between the proposed amended budget and the adoption thereof. Any amended budget must be adopted by the township supervisors on or before the fifteenth day of February.

No such proposed amended budget shall be revised upward in excess of ten percent in the aggregate thereof or as to an individual item in excess of twenty-five percent of the amount of such individual item in the proposed amended budget.

Within fifteen days after the adoption of an amended budget, the township secretary shall file a copy thereof in the office of the Department of Community Affairs.

Section 903. Temporary Indebtedness.--Whenever the township road funds have been exhausted, the board of supervisors may borrow, on the credit of the township, money in anticipation of taxes to be collected for the current fiscal year and issue a certificate of indebtedness payable on a certain date within the current fiscal year, to the end that work may be performed in

proper season and in accordance with rules and regulations prescribed.

Section 904. Sale of Bonds.--Bonds and other obligations, issued for the repayment of money borrowed, except tax anticipation notes, shall be issued and sold in the manner provided by the Municipal Borrowing Law, and its amendments.

Section 905. Township and Special Tax Levies.--A. The board of township supervisors may, by resolution, levy taxes upon all real property and upon all occupations, or upon real property alone, within the township made taxable for township purposes, as ascertained by the last adjusted valuation for county purposes, for the purposes and at the rates hereinafter specified. All taxes shall be collected in cash.

1. An annual township tax, for road, bridge, and general township purposes, not later than the fourth Monday of March of each year, not exceeding fourteen mills. Where the board of supervisors, by a majority action, shall, upon due cause shown, petition the court of quarter sessions for the right to levy additional millage, the court, after such public notice as it may direct and after hearing, may order a greater rate than fourteen mills but not exceeding five additional mills, to be levied. Such annual township tax shall include all levies for road, bridge and general township purposes.

2. Upon receipt of a petition of a majority of the owners of real estate of the township requesting it, an annual tax, not exceeding five mills, for the purpose of lighting the highways, roads and other public places in the township, in the manner provided by the general powers of this act, and of defraying the cost, charges and expenses thereof. Nothing contained herein shall require a petition of owners of real estate in any

township, which is now lighting its streets and imposing taxes under this subsection for such purposes.

3. An annual tax so long as necessary not exceeding fifty per centum of the rate of assessment for the township tax, for the purpose of procuring a lot and erecting a building thereon for a townhouse, and for the payment of indebtedness incurred in connection therewith.

4. An annual tax, not exceeding three mills, pursuant to provision therefor in the township budget, for the purpose of purchasing and maintaining fire apparatus, for the purpose of making appropriations to fire companies both within and without the township and of contracting with adjacent municipalities or volunteer fire companies therein for fire protection, for the purchase and maintenance of fire apparatus, and for the purposes of providing a suitable place for the housing of fire apparatus. If an annual tax for the purposes specified in this clause is proposed to be set at a level higher than three mills, the question shall be submitted to the voters of the township, and the county board of elections shall frame the question in accordance with the election laws of the Commonwealth for submission to the voters of the township.

5. A tax not exceeding two mills for the purpose of establishing and maintaining fire hydrants and fire hydrant water service, after obtaining the assent of fifty-one per centum of the electors of the township voting thereon, in the manner provided in this act.

6. A tax, for the purpose of maintaining and operating parks, playgrounds, playfields, gymnasiums, public baths, swimming pools and recreation centers as hereinafter provided.

7. Annual tax sufficient to pay interest and principal on

any indebtedness incurred pursuant to the act of July 12, 1972 (P.L.781, No.185), known as the "Local Government Unit Debt Act," or any prior or subsequent act governing the incurrence of indebtedness of the township.

8. An annual tax, not exceeding one-half mill, for the purpose of supporting ambulance and rescue squads serving the township, except as provided in subsection D.

B. Whenever the assent of the electors is required as hereinbefore provided the same shall be expressed at an election to be held at the place and time of any general, special or primary election, and under the same regulations as provided by law for the holding of municipal elections. At such election, the election officers shall receive ballots from the electors, which shall be prepared in the manner prescribed by the Pennsylvania Election Code.

C. This article does not include the levy of any taxes upon particular districts or parts of any township for particular purposes.

D. The tax for supporting ambulance and rescue squads serving the township shall not exceed the rate specified in clause 8 of subsection A, except when the question is submitted to the voters of the township in the form of a referendum which will appear on the ballot in accordance with the election laws of the Commonwealth in which case the rate shall not exceed two mills. The county board of elections shall frame the question to be submitted to the voters of the township in accordance with the election laws of the Commonwealth.

Section 905.1. Additions and Revisions to Duplicates.-- Whenever in any township, there is any construction of a building or buildings not otherwise exempt as a dwelling after

January first of any year and the building is not included in the tax duplicate of the township, the authority responsible for assessments in the township shall, upon the request of the township supervisors, direct the assessor in the township to inspect and reassess, subject to the right of appeal and adjustment provided by the act of Assembly under which assessments are made, all taxable property in the township to which major improvements have been made after January first of any year and to give notice of such reassessments within ten days to the authority responsible for assessments, the township and the property owner. The property shall then be added to the duplicate and shall be taxable for township purposes at the reassessed valuation for that proportionate part of the fiscal year of the township remaining after the property was improved. Any improvement made during the month shall be computed as having been made on the first of the month. A certified copy of the additions or revisions to the duplicate shall be furnished by the township supervisors to the township tax collector, together with their warrant for collection of the same, and within ten days thereafter, the township tax collector shall notify the owner of the property of the taxes due the township.

Whenever an assessment is made for a portion of a year as above provided, the same shall be added to the duplicate of the following or succeeding year unless the value of the improvements has already been included in said duplicate.

Section 906. Tax Rate to be Expressed in Dollars and Cents.--Whenever the supervisors of any township shall, by resolution, fix the rate of taxation for any year at a mill rate, such resolution shall also include a statement expressing the rate of taxation in dollars and cents on each one hundred

dollars of assessed valuation of taxable property.

Section 907. Special Levies Ordered by Court to Pay Debts.--In addition to the levies hereinbefore provided for, when it is shown to the court that the debts due by any township exceed the amount which the supervisors may collect in any year by taxation, the court, after ascertaining the amount of indebtedness of any such township, may, by a writ of mandamus, direct the township supervisors, by special taxation, to collect an amount sufficient to pay the same. If the amount of such indebtedness is so large as to render it inadvisable to collect the same in any one year taking into consideration other necessary taxation, the court may direct the same to be levied and collected by annual installments, and may order such special taxes to be levied and collected during such successive years as may be required for payment of the same.

Section 908. Appeals to Court to Reduce Budget and Tax Rate.--(a) Taxpayers whose property valuation as assessed for taxable purposes within the township shall amount to twenty-five per centum or over of the total valuation as assessed for taxable purposes within the township, may, within fifteen days after the board of township supervisors have adopted the budget and determined the amount of the tax levy for the township, petition the court of common pleas of the county in which such township is located to examine into the necessity therefor and the reasonableness of the various items in the budget of the township and to reduce the proposed tax levy. Each such petition shall contain a specification of objections and shall be accompanied by the affidavit of one of the petitioners that the proceedings have not been instituted for the purpose of delay, and that the facts set forth in the petition are true and

correct to the best of his knowledge and belief. The petitioners shall also file bond in the total amount of five hundred dollars with good and sufficient surety to be approved by the court, conditioned upon the payment of the costs if the court shall assess the costs upon the petitioners.

Immediately upon the filing of such petition, the petitioners shall serve a copy of the petition upon the president or secretary of the board of township supervisors.

(b) Upon the filing of such petition, the court shall fix a day for a hearing not less than fifteen nor more than thirty days after such petition has been filed. Notice of such hearing shall be given to all interested parties in such manner as the court shall direct. On such hearing, it shall be the duty of the court to examine into the necessity for and the reasonableness of the various items of the budget and the amount of the proposed levy. The court shall thereupon make an order approving the budget and levy or reducing or eliminating any one or more of the items of the budget and reducing the levy.

If no appeal shall be taken from such order as herein provided, the budget and levy shall remain as constituted by the court.

(d) Neither the filing of any such petition, shall act as a supersedeas.

(e) The budget and tax levy as approved or revised by the final order of the court shall be the budget and tax levy for such township. Any contract, agreement, or undertaking which relates to an item of the budget which has been attacked in the petition, and which shall be entered into during the pendency of such proceedings, shall be cancelled or made to conform to such budget.

If such final order reduces the proposed levy, the supervisors shall revise the tax duplicates in conformity with such order and any levy, made during the pendency of the proceedings, shall be subject to revision in accordance with such order.

Section 909. Duplicates; Abatements and Penalties.--The township supervisors shall make or cause a duplicate to be made designating the amount of township tax levied against each taxpayer of the township, and also duplicates for all other taxes levied and assessed under the provisions of this act, and shall deliver the same, within thirty days after the adoption of the budget or within thirty days after receipt of the assessment roll from the county, whichever is later, to the township collector.

Section 910. Revolving Fund; Special Tax; Bond Issue.--Townships are hereby empowered to levy and collect annually, a tax upon all property taxable for township purposes, not to exceed five mills on the dollar in any one year, for the purpose of creating and maintaining a revolving fund to be used by such township in making permanent street, sidewalk, water supply, or sewer improvements prior to the collection of the cost and expense, or any part thereof, from the property owners adjoining or abutting thereon by such township under existing laws. Any such revolving fund may also be begun by funds raised through the issuance of general obligation bonds of the township, in the manner provided by law, for the making of permanent street, sidewalk, water supply or sewer improvements.

Section 911. Repayments Into Revolving Fund.--When the cost and expense, or any part thereof, of the construction of any permanent street, sidewalk, water supply or sewer improvement,

which has been made under existing laws, and which has been aided in its construction from the said revolving fund, hereby provided for, shall have been assessed and collected from the owners of the property adjoining or abutting upon such improvement, it shall be applied to the credit of said revolving fund to the extent of the withdrawal therefrom for such purpose.

Section 912. Road Machinery Fund; Special Tax.--Townships are hereby empowered to create a special fund to be known as the road machinery fund and to accumulate therein moneys to be used exclusively for purchasing road machinery. Such special fund may consist of, (1) moneys transferred during any fiscal year from appropriations made from the general township fund; (2) moneys transferred from surplus moneys in the general township fund at the end of any fiscal year; and (3) moneys appropriated to the fund in the annual budget from the receipts of a special tax, not exceeding two mills, which the supervisors may levy and collect for that purpose, annually, upon all property taxable for township purposes.

ARTICLE X

EMINENT DOMAIN; ASSESSMENT OF DAMAGES AND BENEFITS

(a) General Provisions Relating to Eminent Domain

Section 1001. Scope of Article.--Whenever under the provisions of this act, the right of eminent domain or the ascertainment and assessment of damages and benefits in viewer proceedings is provided for and vested in a township, the proceeding shall be as set forth in this article.

Section 1002. Restrictions as to Certain Property.--In addition to the restrictions made by other provisions of this act in particular cases, no township shall exercise right of

eminent domain as against land now occupied by any building which was used during the Colonial or Revolutionary period as a place of Assembly by the Council of the Colony of Pennsylvania, the Supreme Executive Council of the Commonwealth of Pennsylvania, or the Congress of the United States; or as against the land occupied by any fort, redoubt, or blockhouse, erected during the Colonial or Revolutionary period, or any building used as headquarters by the Commander-in-Chief of the Continental Army; or as against the site of any building, fort, redoubt, blockhouse, or headquarters, which are preserved for their historic associations and not for private profit. The Colonial and Revolutionary period shall be taken as ended on the third day of September, one thousand seven hundred and eighty-three.

Section 1006. Value of Land or Property Not to Be Assessed as Benefits; Exception.--In all cases of the appropriation of land or property for public use, other than for roads, it shall not be lawful to assess any portion of the damage done to or value of the land or property, so appropriated, against the other property adjoining or in the vicinity of the land or property so appropriated.

Section 1016. Title Acquired.--In all cases where land or property is taken under eminent domain proceedings, other than for road purposes, or is acquired by gift, purchase or otherwise, the title obtained by the township shall be in fee simple: Provided, That in particular instances a different title may, by agreement, be acquired.

(b) Procedure for the Exercise of Eminent Domain and for the Assessment of Damages and Benefits

Section 1024. Assessment of Damages and Benefits.--The

damages may be paid in whole or in part by the township, or may be assessed in whole or in part upon the property benefited. In the latter case, the viewers, having first determined the damages apart from the benefits, shall assess the total cost of the improvement, or so much thereof as may be just and reasonable, upon the properties peculiarly benefited, including in the assessment all parties for which damages have been allowed, and shall report the same to the court. The total assessment for benefits shall not exceed the total damages awarded or agreed upon.

Section 1025. Assessment Awards.--In proceedings to assess damages and benefits, if the land or property is both benefited and damaged by such improvements, the excess of damages over benefits, or the excess of benefits over damages, or nothing in case the benefits and damages are equal, shall be awarded to or assessed against the owner of land or property affected thereby.

Section 1052. Assessments to Bear Interest.--All assessments for benefits, costs, and expenses shall bear interest at six per centum per annum from the expiration of thirty days after they shall have been finally ascertained, and shall be payable to the treasurer of the township.]

ARTICLE [XI] <u>XXIII</u>

ROADS, STREETS<u>, BRIDGES</u> AND HIGHWAYS

[(a) Laying Out, Opening, Widening, Straightening, Vacating and Relaying Roads, Et Cetera, Repairs and Detours]

<u>Section 2301. Road and Bridge Maintenance, Repair and Construction.--(a) The board of supervisors may purchase or hire materials, equipment, machinery and implements necessary for the construction, repair and maintenance of roads and bridges and make and maintain bridges over streams, gullies,</u>

canals and railroads where bridges are necessary for the ease and safety of travelers. The bridges shall be deemed to be a part of the road.

(b) The board of supervisors may, for adequate consideration, construct, reconstruct, improve or maintain driveways on lands owned or occupied by school districts in the township.

(c) The board of supervisors may construct, reconstruct and improve and contract for the construction, reconstruction and improvement of roads in the township.

(d) The board of supervisors may, for adequate consideration, contract with the Commonwealth, a county or a municipal corporation to construct, reconstruct, improve or maintain public roads or highways under the jurisdiction of the Commonwealth, a county or a municipal corporation. Contracts executed under this subsection need not be submitted to the Local Government Commission for review under the act of July 12, 1972 (P.L.762, No.180), referred to as the Intergovernmental Cooperation Law.

(e) The board of supervisors may employ one or more roadmasters. The roadmasters are subject to removal by the board of supervisors.

Section 2302. Duties of Roadmasters.--The roadmasters shall:

(1) Report to the board of supervisors any information that may be required by the board of supervisors and by the Department of Transportation.

(2) Inspect all roads and bridges as directed by the board of supervisors.

(3) Do or direct to be done all work necessary to carry out the responsibilities imposed by the board of supervisors with

roads.

Section 2303. Road Complaints.--If any complaint alleges that the public roads and highways of any township are not maintained in accordance with law, the court may appoint three persons who shall examine the highways and report the findings to the court. In these cases, the complainants shall first enter security, in a sum as the court may fix, to pay all costs.

[Section 1101. Power to Lay Out, Open, Widen, Vacate, Et Cetera.--The township supervisors may by ordinance enact, ordain, survey, lay out, open, widen, straighten, vacate and relay all roads and parts thereof which are wholly within the township, upon the petition of interested citizens, or without petition if in the judgment of the supervisors, it is necessary. Such power shall include authority to vacate, in whole or in part, roads laid out by the Commonwealth, where the same have remained unopened for a period of thirty years, and also the authority to lay out and open a public road which will be a continuation or extension of a street already opened by an adjacent city, borough or township, and to provide in any ordinance for the vacation of a road, that all or part thereof shall be a private road. The township supervisors may also, by ordinance, enact, ordain, survey, lay out, open, widen, straighten, vacate and relay roads, partly within the township, where similar concurrent action is taken by the authorities of all political subdivisions wherein the road is located.

The township supervisors may also, by ordinance, provide for the widening, straightening or improvement of a State highway, with the consent of the Secretary of Highways, by the adoption of a plan therefor, and may expend township funds in connection

therewith. The supervisors may adopt a plan of the Department of Highways as the official plan of the township.

When any petition is presented to the township supervisors under the provisions of this section and the supervisors fail to act on the petition within sixty (60) days, the petitioners may present their petition to the court of quarter sessions which shall proceed thereon as provided by the general road law.

No such road shall be laid out and opened through any burial ground or cemetery, nor through any grounds occupied by a building used as a place for public worship, or as a public or parochial school, or educational or charitable institution, or seminary, unless the consent of the owner or corporation or person controlling the premises is first secured.]

Section 2304. Power to Lay Out, Open, Widen, Vacate, Et Cetera.--(a) The board of supervisors may, by ordinance, enact, ordain, survey, lay out, open, widen, straighten, vacate and relay all roads and bridges and parts thereof which are located wholly or partially within the township.

(b) The board of supervisors may, by ordinance, provide for the widening, straightening or improvement of a State highway, with the consent of the Department of Transportation, and may spend township funds in connection therewith.

(c) When any petition is presented to the board of supervisors requesting the board of supervisors to open or vacate a specific road in the township and the board of supervisors fails to act on the petition within sixty days, the petitioners may present their petition to the court of common pleas which shall proceed thereon under the act of June 13, 1836 (P.L.551, No.169), referred to as the General Road Law. If the board of supervisors acts on the petition but denies the request

of the petition, the board of supervisors shall notify the person designated in the petition of its denial. If the request of the petition is denied, the petitioners, or a majority of them, may, within thirty days after receipt of the notice, petition the court of common pleas for the appointment of viewers and proceedings shall be taken thereon under the General Road Law.

(d) No road shall be laid out and opened through any burial ground or cemetery, nor through any grounds occupied by a building used as a place for public worship or as a public or parochial school, educational or charitable institution or seminary, unless the consent of the owner of the premises is first secured. If the owner is unknown, this prohibition does not apply.

[Section 1102. Hearing; Report; Exceptions Thereto; View and Notice.--(a) Prior to the passage of any ordinance for the laying out, opening, changing or vacating of any road or highway or section thereof, the supervisors shall give ten days' written notice to the property owners affected thereby of the time and place when and where all parties interested may meet and be heard. Witnesses may be summoned and examined by the supervisors and by the parties interested at such meeting or any adjournment thereof.

(b) After such hearing, should the supervisors, or a majority thereof, decide in favor of exercising the power, so conferred, they shall enact the necessary ordinance and file a copy of such ordinance, together with a draft or survey of the road showing the location and width thereof, in the office of the clerk of court of quarter sessions.

(c) Any citizen or free holder of the township may, within

thirty days after the filing of the ordinance of the supervisors, upon entering in the court sufficient surety to indemnify them for all costs incurred in the proceedings, file exceptions to the ordinance together with a petition for a review. Thereupon, the court of quarter sessions shall appoint viewers from the county board of viewers for the purpose of reviewing the ordinance and exceptions thereto.

(d) After the expiration of the term allowed for filing exceptions, or upon the order of the court upon the disposition of any exceptions, in case the compensation for the damages or benefits accruing therefrom have not been agreed upon, the court of common pleas, or any law judge thereof in vacation, on application by petition by the supervisors, or any person interested, shall appoint three viewers from the county board of viewers to assess the damages and benefits occasioned by the proceeding.

(e) All ordinances enacted under the provisions of this section shall be advertised in the same manner as provided for in Article VII., section 702, clause XLI.

(f) All petitions shall be acted on within sixty (60) days after the hearing thereon. Within such period, the supervisors shall notify the person designated in the petition of their action thereon. If the prayer of the petition is refused, the petitioners, or a majority of them, may, within thirty days after receipt of the notice, petition the court of quarter sessions for the appointment of viewers and proceedings shall be had thereon in accordance with the general road law.]

<u>Section 2305. Hearing; Report; Exceptions Thereto; View and Notice.--(a) Before the passage of any ordinance for the laying out, opening, changing or vacating of any road or highway or</u>

section thereof, the board of supervisors shall give ten days' written notice to the owners of property adjacent to the road or portions thereof involved of the time and place set for a hearing on the proposed ordinance.

(b) If the board of supervisors votes in favor of exercising the power, it shall enact the necessary ordinance and file a copy of the ordinance, together with a draft or survey of the road showing the location and width thereof, in the office of the clerk of the court of common pleas.

(c) Any resident or property owner affected by the ordinance may, within thirty days after the enactment of the ordinance of the board of supervisors, upon entering in the court sufficient surety to indemnify the board of supervisors for all costs incurred in the proceedings, file exceptions to the ordinance together with a petition for a review. Upon receipt of the exception and surety, the court of common pleas shall appoint viewers from the county board of viewers for the purpose of reviewing the ordinance and exceptions thereto.

(d) After the expiration of the term allowed for filing exceptions or upon the order of the court upon disposition of any exceptions, the court of common pleas, on application by petition by the board of supervisors or any person interested, shall appoint three viewers from the county board of viewers to assess the damages and benefits occasioned by the proceeding unless the damages and benefits are otherwise agreed upon.

[Section 1103. Width of Public Roads.--The width of a public road in townships of the second class shall not be less than thirty-three feet or more than one hundred and twenty feet: Provided, That when the public road desired to be opened is in a built up section of any township of the second class, of the

type commonly known as an alley, and is not an integral part of a through route, the minimum width may be fifteen feet: And, provided, That the limits of width shall not be construed to include the width required for necessary slopes in cuts or fills, when the limits of the road and the extra width required for such slopes exceed the limits of width herein specified.]

Section 2306. Width of Public Roads.--The width of the right-of-way of a public road in townships shall not be less than thirty-three feet or more than one hundred and twenty feet, and the width of the right-of-way of alleys opened by the township as public roads shall not be less than fifteen feet. The minimum required width shall be in addition to any width required for necessary slopes in cuts or fills.

[Section 1104. Laying Out Roads Under the General Road Law.--All roads may be laid out, widened, changed or vacated by the courts of quarter sessions, as heretofore in the manner provided by the general road law and the amendments, additions, and supplements thereto. All damages and benefits occasioned by such laying out, and the subsequent opening thereof, or by any such widening, changing or vacation shall be assessed, collected and paid in the manner provided by the general road law and the amendments, additions and supplements thereto.

(b) Certain Roads Declared to Be Public Roads

Section 1105. Certain Roads Declared Public Roads.--Every road not of record which has been used for public travel and maintained and kept in repair by the expenditure of township funds for a period of at least twenty-one years and upwards shall be deemed to be a public road of the width of thirty-three feet notwithstanding the fact that there is no public record of the laying out of such road or a dedication thereof for public

use. In all such cases the lawful laying out and opening or dedication of such roads of the width hereinbefore specified shall be conclusively presumed.]

Section 2307. Certain Roads Declared Public Roads.--Every road which has been used for public travel and maintained and kept in repair by the township for a period of at least twenty-one years is a public road having a right-of-way of thirty-three feet even though there is no public record of the laying out or dedication for public use of the road.

[(c) Opening and Repairing Roads, Detours, Et Cetera

Section 1110. Opening, Repairing and Closing Roads.--Public roads in townships shall, as soon as may be practicable, be effectually opened and constantly kept in repair. All public roads shall at all seasons be kept reasonably clear of all impediments to easy and convenient traveling at the expense of the township.

The supervisors of any township may temporarily close any township road when, in their opinion, excessive or unusual conditions have rendered such road unfit or unsafe for travel and immediate repair, because of the time of year or other conditions, is impracticable. The road or portion of road so closed shall be properly marked at its extremities and a means of passage for the customary users of such road shall, whenever possible, be provided.

Anyone using such road or portion thereof after the same has been properly closed and marked, without a permit from the supervisors, shall upon conviction thereof in a summary proceeding, pay a fine of not more than one hundred dollars, and in default of the payment of such fine and costs, shall be sentenced to imprisonment of not more than ten days. All fines

so recovered shall be payable to the general township fund.]

Section 2308. Opening, Repairing and Closing Roads.--(a) Public roads in townships shall, as soon as practicable, be effectually opened. All public roads shall at all seasons be kept in repair and reasonably clear of all impediments to easy and convenient traveling at the expense of the township.

(b) The board of supervisors may temporarily close any township road when it determines that conditions have rendered that road unfit or unsafe for travel and immediate repair or maintenance, because of the time of year or other conditions, is impracticable. The road or portion of road closed shall be properly marked at its extremities, and a means of passage for the customary users of the road shall, when possible, be provided.

(c) Anyone using the road or portion thereof after the road has been properly closed and marked, without a permit from the board of supervisors, commits a summary offense. All fines recovered are payable to the general township fund. Persons who have no outlet due to the closing of a road may drive on, over or across the road with the written consent of, and subject to conditions imposed by, the board of supervisors or their agents or contractors without being subject to the penalties imposed by this section.

[Section 1111. Time Within Which Roads to Be Opened.--Whenever proceedings have been heretofore or may hereafter be begun for the opening and laying out of any public road in any township, such public road shall be physically opened upon the ground for use by the public within a period of five years next after the completion of such proceeding, and if not so opened, or if no proceedings have been commenced to compel such opening

in five years, then such proceedings shall be deemed to be void and of no effect, and the land proposed to be taken shall revert to the owners of the land, as in the case of the vacation of a public road free of any easement or right of the public to use the same.]

Section 2309. Time Within Which Roads to be Opened.--When proceedings have been initiated under this act for the opening and laying out of any public road in the township, the road shall be physically opened for use by the public within a period of five years after completion of the proceeding. If the road is not opened or if no proceedings have been commenced to compel the opening in five years, then the proceedings are void and the land proposed to be taken shall revert to the owners of the land free of any easement or right of the public to use the land.

[Section 1112. Detours.--Except in the case of emergencies wherein the safety of the public would be endangered, no public road of any township shall be closed to vehicular traffic, except upon order of the supervisors having charge of the maintenance of such public road, nor for a longer period than is necessary for the purpose for which such order is issued: Provided, however, That no public road shall be closed to vehicular traffic when the same has been designated as a detour by the State Department of Highways, unless the written consent of the State Department of Highways has first been obtained, or unless the supervisors having jurisdiction over said road shall, by resolution duly recorded on their minutes, declare such closing necessary for the protection of the public safety.

When any public road shall be closed, as hereinbefore provided, it shall be the duty of the supervisors authorizing the closing immediately to designate or lay out a detour, on

which they shall erect or cause to be erected and maintained while such detour is in use legible direction signs at each public road intersection throughout its entire length. During the period when such detour is in use, it shall be the duty of the supervisors closing the road to maintain such detour in safe and passable condition, except in the case of State and county highways. It shall also be the duty of the supervisors closing the road and maintaining the detour immediately to remove all detour signs when the road originally closed is open for traffic. Except in the case of State and county highways, said supervisors shall, as soon as possible, repair the road designated as a detour, and place same in a condition at least equal to its condition when designated as a detour. Whenever necessary in the creation of a detour, as aforesaid, the supervisors responsible for laying out the detour may acquire by agreement, or right of eminent domain, right-of-way privileges over private property for the period when the road shall be closed to traffic. In the exercise of the rights conferred by this section, the supervisors are hereby empowered to pay for the necessary maintenance, subsequent repair, and land rental out of such funds as are available for the construction and maintenance of the roads in their charge.

Any person who shall wilfully remove, deface, destroy or disregard any barricade, light, danger sign, detour sign, or warning of any other character whatsoever, erected or placed under authority of this section, or who shall drive on, over or across any road which has been properly closed, shall, upon conviction thereof in a summary proceeding before a justice of the peace, be sentenced to pay a fine of not more than one hundred dollars, and the costs of prosecution, and, in default

of the payment thereof, shall be imprisoned one day for each dollar of fine and costs unpaid: Provided, however, That persons who have no outlet due to the closing of a road may drive on, over or across such road with the consent in writing of, and subject to such conditions as may be prescribed by, the supervisors or their agents or contractors, without being subject to the penalties imposed by this section.

In addition to the penalties imposed by this section, the supervisors responsible for the maintenance of a road which has been closed to vehicular traffic, or their agents or contractors, may in an action at law, recover damages from any person or persons who have damaged a road by driving on, over or across same when it is closed to vehicular traffic in accordance with the provisions of this act.

All fines and moneys collected under the provisions of this section shall be paid by the officer receiving the same to the treasurer of the township in which the offense was committed and credited to the general township fund.]

<u>Section 2310. Detours.--(a) Except for emergencies, no public road shall be closed to traffic except upon order of the board of supervisors, and no public road shall be closed to traffic when it has been designated as a detour by the Department of Transportation unless the written consent of the Department of Transportation is first obtained or unless the board of supervisors, by resolution, declares the closing necessary for the protection of the public safety.</u>

<u>(b) When any public road is closed, the board of supervisors shall designate a detour on which shall be erected and maintained while the detour is in use legible direction signs at each public road intersection through the length of the detour.</u>

When the detour is in use, the board of supervisors shall maintain the detour in safe and passable condition, except for State and county highways. The board of supervisors shall immediately remove all detour signs when the road that was originally closed is open for traffic. Except for State and county highways, the board of supervisors may acquire, by agreement or right of eminent domain, right-of-way privileges over private property for the period when the road is closed to traffic. In the exercise of the rights conferred by this section, the board of supervisors may pay for the necessary maintenance, subsequent repair and land rental.

(c) Any person who removes, defaces, destroys or disregards any barricade, light, danger sign, detour sign or warning of any other character whatsoever erected or placed under authority of this section or who drives on, over or across any road which has been properly closed commits a summary offense.

(d) In addition to the penalties imposed by this section, the board of supervisors may, in an action at law, recover damages from any person or persons who have damaged a road by driving on the road when it is closed to vehicular traffic under this act.

(e) All fines and moneys collected under this section shall be paid to the township treasurer.

[(d) Relocating or Vacating Roads by Agreement with Property Owners

Section 1115. Relocating or Vacating Roads by Agreement.-- Whenever the supervisors of any township deem it advisable to relocate any part of any public road under their supervision, or to vacate any abandoned portion of a State highway not vacated by the Department of Highways, and can agree with the property

owners affected by such relocation or vacation, they may relocate or vacate such part of such public road, as contemplated in such agreement, without the formality of a view.

A petition setting forth the facts regarding such relocation or vacation accompanied by a map or draft of the same, shall be presented to the court of quarter sessions for approval before such actual relocation or vacation is made; whereupon the new location, approved by the court, shall be taken to be the public road and the old location shall be vacated, or the abandoned State highway shall be vacated, as the case may be.]

Section 2311. Relocating or Vacating Roads by Agreement.--(a) When the board of supervisors relocates or vacates any part of any public road under its supervision and can agree with the property owners affected by the relocation or vacation, it may relocate or vacate the public road without the formality of a view.

(b) A copy of the agreement setting forth the facts regarding the relocation or vacation, accompanied by a map or draft of the road agreed to be relocated or vacated, shall be presented and recorded in the office of the recorder of deeds or similar office in home rule counties after which the new location is the public road or the old location is vacated.

[(e) Elimination of Curves

Section 1120. Elimination of Curves.--Any township may acquire, by purchase or by the right of eminent domain, any such property and lands situate along or adjacent to any township road, as, in the opinion of the supervisors of such township, may be necessary to eliminate dangerous curves and widen narrow roads for the better protection and safety to the traveling public.

Upon any such purchase or condemnation the supervisors may, from time to time, abate or remove, or cause to be abated or removed, any such dangerous curve or curves, or widen such narrow road to the extent of the property and land so acquired.

The proceedings for the condemnation of such property or land under the provisions of this section, and for the assessment of damages for property or land taken, injured or destroyed, shall be taken in the manner provided by this act for the condemnation of land by townships.]

Section 2312. Elimination of Curves; Acquisition of Views.--(a) Any township may acquire, by purchase or by the right of eminent domain, any property and lands along or adjacent to any township road that may be necessary to eliminate dangerous curves and widen roads and provide a free and unobstructed view over lands located at or near the intersection of any two roads or highways, or a road and a railroad or railway, or at any curve in any road, for the better protection and safety to the traveling public.

(b) The proceedings for the condemnation of the property or land and for the assessment of damages for property or land taken, injured or destroyed shall be taken under Article XXXIV.

[(f) Acquisition of Unobstructed Views at Curves and Intersections

Section 1125. Acquisition of Views.--Any township may acquire, by purchase or by the right of eminent domain, a free and unobstructed view down and across such lands located at or near the intersection of any two roads or highways, or a road and a railroad or railway, or at any curve in any road, as may be necessary to assure a free and unobstructed view in all directions at such crossings or curves, and to so prevent the

use of such lands for any purpose or in any manner which may interfere with or obstruct the vision of persons traveling upon any such highways.

Upon any such condemnation, the township, having had such view condemned may, from time to time, abate or remove, or cause to be abated or removed, any obstruction to such view over and across such lands.

The proceedings for the condemnation of such view over and across such lands and for the assessment of damages for property taken, injured or destroyed shall be taken in the manner provided in this act.

Upon the condemnation of such a view, the owner of such lands may make every such use thereof as will not interfere with a free and unobstructed view at such dangerous crossing or curve, and, unless specially provided for in such condemnation proceedings, such condemnation shall not be construed to prevent the owner thereof from using such land for pasture or the growing of grass, oats, wheat, or other crops which will not obstruct the vision more than wheat.

(g) Relocation, Alteration and Vacation of Roads in or near State Parks

Section 1130. Agreements to Relocate, Alter and Vacate Roads in or near State Parks.--Whenever a public road or highway within a park or public grounds, title to which park or public grounds is vested in the State of Pennsylvania, is laid out, located, relocated, altered or vacated in such manner that a public road approaching, leading into, or contiguous to such park or public grounds shall become either useless, inconvenient, or burdensome, such public road approaching, leading into, or contiguous to such park or public grounds may

be altered, relocated, or vacated by the township supervisors charged with the duty of maintaining such road, in whole or in part, for the purpose of making it convenient and suitable as an approach to the roads and highways within said park or public grounds, upon the consent and agreement of (a) the commissioners or officials charged with the care and management of said park or public grounds; (b) the township supervisors charged with the duty of maintaining said roads approaching, leading into, or contiguous to said park or public grounds; and (c) the property owners owning the majority of the frontage of land abutting upon the relocated portion of the road approaching, leading into, or contiguous to said park or public grounds.

Section 1131. Agreement to Be Filed in Court; Effect of Filing.--The filing of such consent and agreement in the court of quarter sessions of the county or counties in which the altered, relocated or vacated road is situate, shall have the same force and effect as the filing and the approval and absolute confirmation by the court of quarter sessions of a report of viewers appointed in accordance with the general road law, and shall have the same force and effect as though said viewers had laid out, located, relocated, altered or vacated such road in accordance with the agreement filed as aforesaid, and the report of said viewers had been filed, approved and absolutely confirmed by the court.

The filing of said agreement in the court of quarter sessions shall be conclusive as to the question of the necessity for the laying out, location, relocation, alteration or vacation of said road as contained in the said agreement, and that the portion or portions of said road abandoned or vacated were useless, inconvenient and burdensome.

Section 1132. Altered and Relocated Roads Declared Township Roads.--Such road, when altered or relocated, shall be maintained and repaired in the same manner as other township roads are maintained and repaired.

Section 1133. Assessment of Damages.--The owner of any land, through which any public road may be so located, may apply by petition to the court of quarter sessions of the proper county, setting forth the injury which has been sustained by reason of the relocation of the said public road, and the proceedings relative to the assessment and payment of damages of said landowner shall be in accordance with the provisions of this act for eminent domain proceedings.]

Section 2313. Roads in or Near Public Parks.--(a) The board of supervisors may contract with the Commonwealth, a county or a municipal corporation owning and operating parks inside the township to establish, relocate, alter or vacate public roads inside or contiguous to those parks. The board of supervisors shall take no action with respect to the public roads without the written consent and agreement of the Commonwealth, county or municipal corporation owning and operating the parks. Any road, when altered or relocated under this section, shall be maintained and repaired the same as other township roads.

(b) The agreement shall be adopted by ordinance, and, within thirty days, the road shall be a public road of the township.

(c) The owner of any land through which any public road may be located or relocated may apply by petition to the court of common pleas, setting forth the injury which has been sustained by reason of the relocation of the public road, and the proceedings relative to the assessment and payment of damages of the landowner shall be under this act for eminent domain.

[(h) Grading or Paving Streets or Roads Upon Petition of Property Owners

Section 1135. Petition of Property Owners.--Any township may grade, curb, gutter, pave or otherwise improve, with brick, stone or any suitable materials, any public street or road, or part thereof, laid out and opened in the township. Such work may be done by employes of the township or by contract, as the board of supervisors shall determine. No street or road, or any part thereof, shall be improved under the provisions of this section, except upon the petitions of owners of property representing a majority in number of feet front of the properties abutting on the street or road, or part thereof, proposed to be improved.

Section 1136. Assessment of Cost by Foot Front Rule.--The cost and expense of such improvement may be collected from the owners of the real estate abutting on such street or highway, or part thereof, by an equal assessment on the feet front. Such assessment shall be estimated by the township engineer, or if there be no engineer, by other competent authority designated by the township supervisors.

Section 1137. Collection of Assessments.--All such assessments for improvement shall be filed with the secretary of the board of supervisors. The secretary shall give thirty days' written or printed notice that the assessments are due and payable to each party assessed, either by service on the owner or agent or left on the assessed premises. If the assessments, or any of them, remain unpaid at the expiration of said thirty days, they shall be placed in the hands of the township solicitor for collection. The solicitor shall collect the same, together with five per centum additional as attorney's commission and interest from the completion of the improvement,

by a municipal claim filed against the delinquent owner in like manner as municipal claims are now collected. When an owner has two or more lots against which there is an assessment for the same improvements, all such lots shall be embraced in one claim.

Section 1138. Owner Defined.--The term "owner," as used in subdivision (h) of this act, means all individuals, corporations, public or private, copartnerships, and associations, having title in the property assessed. If the owner to whom notice is required to be given is a non-resident of the township, and his, her, or their place of residence is unknown, or if the ownership of the property cannot be ascertained, the notice shall be posted on the premises and a copy left with the occupant, if there be one.]

Section 2314. Petition of Property Owners for Improvements.--(a) Any township may improve any public street in the township upon the petition of property owners representing a majority in number of feet front of the properties abutting on the street proposed to be improved at the expense of the property owners.

(b) The cost of the improvement may be collected from the owners of the real estate abutting on the street or highway, or part thereof, by an equal assessment on the foot-front basis.

(c) The assessments for improvement shall be filed with the township treasurer under section 3302(a).

(d) The term "owner," as used in this section, means all individuals and public or private corporations, copartnerships and associations having title in the assessed property. If the owner is a nonresident of the township and the place of residence is unknown or if the ownership of the property cannot be ascertained, the notice shall be posted on the premises and a

copy shall be left with the occupant, if any.

Section 2315. Improvements Without Petition.--(a) The board of supervisors may, by ordinance, provide for the construction, reconstruction, repair or other improvements to any public street in the township.

(b) The cost of improvements may be collected from the owners of the real estate abutting on the street or highway, or part thereof, by an equal assessment on the foot-front basis; but in no instance shall any abutting property owner be liable for the cost of improvements in an amount greater than fifteen percent of the assessed valuation of the abutting property: Provided, further, with respect to any property used exclusively for forestry purposes, for agricultural purposes, or for both as of the time of the assessment, That the assessment shall be based upon the actual foot frontage of such property or one hundred and fifty feet, whichever is less. Any expense above the maximum liability of abutting property owners shall be paid by the township.

(c) All assessments for improvements shall be filed with the township treasurer under section 3302(a).

(d) If abutting property owners fail to pay the expenses of the improvements for which they are liable, the board of supervisors may recover the amount by action of assumpsit or may file municipal liens therefor against the abutting properties under law for the filing and collection of municipal liens.

[(i) Deeds of Dedication; Dedicated Roads, Streets and Drainage Facilities

Section 1140. Acceptance of Land Dedicated by Deed for Road Purposes.--The supervisors of any township may accept by resolution in the name of the township, any land dedicated by

deed to the township to be used as a road, street or alley. A copy of such resolution, together with a draft or survey of the road, street or alley, showing location and width thereof, shall be filed in the office with the clerk of quarter sessions court.]

Section 2316. Acceptance of Land for Road Purposes.--(a) The board of supervisors may, by resolution, accept any land dedicated by deed to the township to be used as a road, street or alley. A copy of the resolution, together with a draft or survey of the road, street or alley, showing location and width thereof, shall be filed with the clerk of the court of common pleas.

(b) When plans of dedicated roads, streets or alleys located in townships have been approved and recorded under this article, the board of supervisors may, by resolution, accept any roads, streets or alleys as public roads if shown in the plans as dedicated to that use and if the roads or streets are not less than thirty-three feet in width and the alleys are not less than fifteen feet in width.

(c) Upon the filing with the clerk of court of common pleas of the county a certified and attested copy of the resolution, the roads, streets or alleys become a part of the public road system of the township and shall be so recorded in the court.

[Section 1140.1. Plans of Dedicated Roads and Streets.--No person shall construct, open, or dedicate any road, or any drainage facilities in connection therewith, for public use or travel in any township, without first submitting plans thereof to the township supervisors for their approval. Such plans shall be prepared in duplicate in accordance with such rules and regulations as may be prescribed by the supervisors, and shall

show the profiles of such roads, the course, structure, and capacity of any drainage facilities, and the method of drainage of the adjacent or contiguous territory, and also any other further details that may be required under the rules or regulations adopted by the township supervisors. Before acting upon any such plans, the supervisors may, in their discretion, arrange for a public hearing, after giving such notice as they may deem desirable in each case. The township supervisors are authorized to alter such plans, and to specify any changes or modifications of any kind, which they, in their discretion, may deem necessary with respect thereto, and may make their approval of such plans subject to any such alterations, changes or modifications. Any plans when so approved shall be signed in duplicate on behalf of the township by the supervisors and an approved duplicate copy shall be filed with the secretary of the township, who shall make the same available to public inspection. No road or drainage facilities in connection therewith, shall be opened, constructed, or dedicated for public use or travel, except in strict accordance with plans so approved by the supervisors, or with further plans subsequently approved by them in the same manner, and until such plan and the approval thereof has been recorded as hereinafter provided.

Section 1141. Appeals Where Supervisors Refuse Approval; Recording of Approval and Plans.--(a) In any case where the township supervisors shall refuse to approve any plans submitted to them in accordance with this subdivision, any person aggrieved by the action of the supervisors may, within thirty days after such action, appeal therefrom by petition to the court of quarter sessions of the county, which court shall hear the matter de novo, and, after hearing, may enter a decree

affirming, reversing, or modifying the action of the supervisors as may appear just in the premises. The court shall designate the manner in which notices of the hearing of any such appeal shall be given to all parties interested. The decision of the court shall be final.

(b) The action of the township supervisors, or of the court on appeal, in approving any such plans, and an approved duplicate copy of such plans, shall be recorded by the person applying for such approval in the office of the recorder of deeds of the county.

It shall be unlawful for any person to present to the recorder of deeds, or any employe thereof, any such plan which has not been approved by the township supervisors. Such approval shall be so indicated on the plan presented for recording. No recorder of deeds, or any employe thereof, shall record any such plan unless it has been so approved.

Section 1142. No Responsibility on Township Where Plans Not Approved.--If any road or any drainage facilities in connection therewith, shall be opened, constructed, or dedicated for public use or travel, except in strict accordance with plans approved and recorded as herein provided, neither the township supervisors nor any public authorities shall place, construct, or operate any sewer, drain, water pipe or other facilities, or do any work of any kind, in or upon such road; and neither the township supervisors nor any other public authorities, shall have any responsibility of any kind with respect to any such road or drainage facilities, notwithstanding any use of the same by the public: Provided, however, That nothing herein contained shall prevent the laying of trunk sewers, drains, water or gas mains, if required by engineering necessity for the

accommodation of other territory.

Section 1143. Entry on Lands by Supervisors.--The township supervisors and their representatives and workmen may enter upon any land and property, and maintain marks and monuments, so far as the supervisors deem necessary in carrying out their powers and duties under this subdivision.

Section 1144. Penalty.--Any person, copartnership or corporation who or which shall construct, open or dedicate any road or any drainage facilities in connection therewith, for public use or travel in any township, without having first complied with the provisions of section 1140 of this act, and of any resolutions of the township authorities adopted pursuant hereto, shall be guilty of a misdemeanor, and, upon conviction thereof, such person or the members of such copartnership or the officers of such corporation, responsible for such violation, shall be sentenced to suffer imprisonment not exceeding two years, or pay a fine not exceeding one thousand dollars, or both, in the discretion of the court.

Section 1145. Effect of Approval of Plans.--No approval of plans by a township shall obligate or require any such township to construct, reconstruct, maintain, repair, or grade such roads, until and unless authorized and ordered so to do by the proper court pursuant to the provisions of this subdivision.]

<u>Section 2317. Approval of Plans.--(a) No person shall construct, open or dedicate any road or any drainage facilities for public use or travel without first submitting plans thereof to the board of supervisors for its approval. The plans shall be prepared under rules and regulations adopted by the board of supervisors and shall show the profiles of the roads, the course, structure and capacity of any drainage facilities, the</u>

method of drainage of the adjacent or contiguous territory and any other details that may be required under the rules or regulations adopted by the board of supervisors. The board of supervisors may alter the plans and specify any changes or modifications of any kind and may make its approval of the plans subject to those alterations, changes or modifications. The plans when so approved shall be signed by the board of supervisors and a copy shall be filed with the secretary of the township. No road or drainage facilities shall be opened, constructed or dedicated for public use or travel except in compliance with plans approved by the board of supervisors and until the approved plan is recorded as required in this section.

(b) If the board of supervisors refuses to approve any plans submitted to it under this section, any person aggrieved by the action of the board of supervisors may, within thirty days, appeal to the court of common pleas. The court shall hear the matter de novo and, after hearing, may enter a decree affirming, reversing or modifying the action of the board of supervisors.

(c) The action of the board of supervisors, or of the court on appeal, in approving any plans shall be recorded by the person applying for the approval in the office of the recorder of deeds of the county.

(d) No person shall present to the recorder of deeds any plan which has not been approved by the board of supervisors. Approval shall be so indicated on the plan presented for recording.

(e) If any road or any drainage facilities are opened, constructed or dedicated for public use or travel, except in compliance with plans approved and recorded, neither the board of supervisors nor any public authorities shall be required to

place, construct or operate any sewer, drain, water pipe or other facilities, or do any work of any kind, in or upon that road; and neither the board of supervisors nor any other public authorities have any responsibility of any kind with respect to the road or drainage facilities even if they are in use by the public. Nothing in this act shall prevent the laying of trunk sewers, drains or water or gas mains if required by engineering necessity for the accommodation of other territory.

(f) Any person who constructs, opens or dedicates any road or any drainage facilities in connection therewith for public use or travel in any township without having first complied with this section and any resolutions of the board of supervisors commits a misdemeanor of the third degree and is subject to a suit for all costs and damages incurred by the township or property owners in the course of correcting all substantive violations of State or municipal law or regulations resulting from or arising out of the unlawfully recorded plan. All fines and moneys so recovered shall be paid to the township treasurer.

(g) No approval of plans by the board of supervisors shall obligate or require the township to construct, reconstruct, maintain, repair or grade the roads.

Section 2318. Markers and Monuments.--The board of supervisors and its agents may enter any land and property and maintain marks and monuments in carrying out its powers and duties under this article.

[Section 1146. Powers of State and Counties Preserved.--Nothing contained in this subdivision shall be held to restrict or limit the State Department of Highways, or any county, in the exercise of any of its duties, powers and functions under the provisions of any act of Assembly now in force or hereafter to

be enacted.]

Section 2319. Powers of State and Counties Preserved.--Nothing contained in this article shall be held to restrict or limit the Department of Transportation or any county in the exercise of any of its duties, powers and functions under any State law.

[Section 1147. Taking Over of Roads, Streets, and Alleys Heretofore Dedicated as Public Roads.--Whenever plans of dedicated roads, streets, or alleys located in second class townships have been approved, and recorded, as provided in section 1140.1 and 1411 the board of supervisors of any such township may accept by resolution any roads, streets, or alleys, as public roads, if shown in said plans as dedicated to such use; and provided the roads or streets shall be not less than thirty-three feet in width, and the alleys not less than fifteen feet in width, said acceptance to be evidenced by a resolution of the said board of supervisors, properly describing said roads, streets, or alleys and adopted by a majority thereof by a vote duly recorded and entered upon the minutes of said board. Upon the filing with the clerk of courts of quarter sessions of the county, in which said township shall be situate, a certified and attested copy of said resolution, such roads, streets, or alleys shall be and become a part of the public road system of said township, and shall be so recorded in said court of quarter sessions.

Section 1148. Scope of Subdivision (i).--The provisions of this subdivision (i) of Article XI shall be applicable only in cases where a township shall fail to adopt and enforce land subdivision regulations as provided in Article XII-A of this act, and to situations not covered by such regulations.

(j) Entry on Private Property to Secure Road Material and to Open Ditches and Drains

Section 1150. Power to Enter on Lands.--When road material cannot be conveniently obtained by contract at reasonable prices, the supervisors of a township may enter upon any land or enclosure within their township lying near the road, and dig, gather, and carry upon the road any stones, sand, gravel or other road material which they think necessary to make, maintain, or repair the road. In exercising such right, they shall do no unnecessary damage to the land, and shall repair any breaches of fences which they make.

Section 1151. Viewers to Fix Damages.--Whenever the supervisors and the owners of the land cannot agree upon the damages, the same shall be assessed by viewers to be appointed and to make report as provided in this act in the case of eminent domain proceedings.

Section 1152. Power to Open Drains and Ditches.--The township supervisors may enter upon any lands or enclosures, and cut, open, maintain, and repair such drains or ditches through the same as, in their judgment, are necessary to carry the water from the roads.

Any person who shall stop, fill up, or injure any such drain or ditch, or shall divert or change the course thereof, without the authority of the supervisors, shall, upon conviction thereof in a summary proceeding, pay a fine of not more than twenty-five dollars for each such offense, together with the cost of restoring such drain or ditch, and, in default of the payment of such fine and costs, shall be sentenced to imprisonment of not more than ten days. All fines and moneys so recovered shall be paid to the township treasurer.]

Section 2320. Power to Open Drains and Ditches.--(a) The board of supervisors or its agents may enter any lands or enclosures and cut, open, maintain and repair drains or ditches through the property when necessary to carry the water from the roads.

(b) Any person who damages or diverts any drain or ditch without the authority of the board of supervisors commits a summary offense and is liable for the cost of restoring the drain or ditch. All fines and moneys so recovered shall be paid to the township treasurer.

[(k) Roads Crossing Railroads; Special Uses of Roads

Section 1155. Railroad Crossings.--Every township constructing a road across a railroad shall construct the same above or below the grade thereof, unless permitted by the Public Utility Commission to construct the same at grade.

Any such crossing of a railroad by a road, or any vacation of any road crossing a railroad, shall be constructed only in the manner prescribed by and under the jurisdiction of the Public Utility Commission. In such cases compensation for damages to the owners of adjacent property taken, injured or destroyed, shall be ascertained, fixed and paid in the manner prescribed in the Public Utility Law.]

Section 2321. Railroad Crossings.--(a) Every township constructing a road across a railroad shall construct the road above or below the grade thereof unless permitted by the Pennsylvania Public Utility Commission to construct the road at grade.

(b) Any crossing of a railroad by a road or any vacation of any road crossing a railroad shall be made only under the jurisdiction of the Pennsylvania Public Utility Commission.

Compensation for damages to the owners of adjacent property taken, injured or destroyed shall be determined under 66 Pa.C.S. (relating to public utilities).

[Section 1156. Permits.--No railroad or street railway shall hereafter be constructed upon any township road, nor shall any railroad or street railway crossings, nor any gas pipe, water pipe, electric conduits, or other piping, be laid upon or in, nor shall any telephone, telegraph, or electric light or power poles, or any coal tipples or any other obstructions be erected upon or in, any portion of a township road except under such conditions, restrictions and regulations relating to the installation and maintenance thereof, as may be prescribed in permits granted by the township for such purpose. Each application shall be submitted to the township, in duplicate, or such larger number as the township may require. The township shall prescribe a fee as determined by the Department of Transportation payable to the township not exceeding the approximate reasonable cost of processing the application, and another fee payable to the township not exceeding the approximate reasonable cost of making the first inspection hereafter described. Each application shall be accompanied by both fees. When the township shall grant the permit applied for, the township supervisors shall inspect the work authorized by the permit upon the completion thereof, and when necessary, enforce compliance with the conditions, restrictions and regulations prescribed by the township. In addition to such inspection, the township supervisors may reinspect the work not more than two years after its completion, and if any settlement of the road surface or other defect shall appear in the work contrary to the conditions, restrictions and regulations of the

township, it may enforce compliance therewith. If the applicant shall fail to rectify any such settlement or other defect, within sixty days after written notice from the township supervisors to do so, the township supervisors may do the work and impose upon the applicant the cost thereof, together with an additional twenty percentum (20%) of such cost, which may be recovered by an action in assumpsit in the court of common pleas of the county. All fees received by the township shall be paid into the township treasury. Nothing in this section shall be construed to require a permit in advance for emergency repairs necessary for the safety of the public or the restoration or continuance of public utility or other public service, but application for such permit and the fees shall be submitted as herein prescribed within five days after completion of the work, and thereafter the remaining provisions of this section shall apply. Further, nothing in this section shall be construed to authorize or empower a township to regulate or control the operations of any permittee, except as provided for in this section.]

Section 2322. Permits.--No railroad or street railway shall be constructed upon any township road, nor shall any railroad or street railway crossings, driveway connections, gas pipe, water pipe, electric conduits or other piping be laid upon or in, nor shall any telephone, telegraph or electric light or power poles or any coal tipples or any other obstructions be erected upon or in, any portion of a township road except under conditions, restrictions and regulations specified in permits granted by the township for that purpose. Each application shall be submitted to the township in duplicate. The township shall collect a fee as determined by the Department of Transportation for processing

the application and another fee for making the inspection. Each application shall be accompanied by both fees. When the township grants the permit, the board of supervisors or its agents shall inspect the work authorized by the permit upon the completion thereof and, when necessary, enforce compliance with the conditions, restrictions and regulations specified by the township. In addition to that inspection, the board of supervisors or its agents may reinspect the work not more than two years after its completion, and if any settlement of the road surface or other defect appears in the work contrary to the conditions, restrictions and regulations of the township, it may enforce compliance therewith. If the applicant fails to rectify the defect within sixty days after written notice from the board of supervisors to do so, the board of supervisors or its agents may do the work and impose upon the applicant the cost thereof, together with an additional twenty percent of the cost, which may be recovered by an action in assumpsit in the court of common pleas of the county. All fees received by the township shall be paid into the township treasury. Nothing in this section shall be construed to require a permit in advance for emergency repairs necessary for the safety of the public or the restoration or continuance of public utility service or other public service, but application for the permit and the fees shall be submitted within five days after completion of the work, after which time the remaining provisions of this section apply. Nothing in this section authorizes a township to regulate or control the operations of any permittee except under this section.

[(l) Guideposts and Index Boards

Section 1160. Duty of Supervisors to Erect.--The supervisors

of the township shall erect posts at the intersection of all public roads and at one of the angles where any public road crosses another public road, and shall firmly fix thereon boards or metal signs, with index hands pointing to the direction of such roads, but if a building, tree, trolley pole, telephone pole, or telegraph pole is so erected that it can be used in place of a post, and permission has been secured from the owner thereof, such building, tree or pole may be used in place of a post. On such boards and signs shall be inscribed, in large and legible characters, the name of the town, village, or place to which such roads lead, and the distance thereto computed in miles. Where any such public road intersects or crosses a State highway, application for a permit shall be made by the supervisors to the Department of Highways for the erecting of such signs.

Section 1161. Penalty for Destroying, Et Cetera.--It shall be unlawful for any person to wilfully destroy, remove, injure, or deface any guidepost or sign or index board legally erected upon or near any public street, road, or bridge by the supervisors, or by any club, association, or other organized body for the direction, guidance, or safety of travelers. It shall also be unlawful for any person to wilfully destroy, remove, injure or deface any temporary traffic-control device legally erected for the purpose of enhancing traffic or worker safety in a construction or maintenance work zone, including, but not limited to, cones, batons, barrels, barricades, signs, sign trucks, arrow boards or other devices specified in a traffic safety plan approved by the township or the Department of Transportation. Any person violating this section shall, upon conviction in a summary proceeding, be sentenced to pay a fine

of not less than two hundred dollars nor more than five hundred dollars for the first offense, and a mandatory fine of five hundred dollars for the second or any subsequent offense, with costs of prosecution, together with the value of such sign so destroyed, removed or defaced, and in default of such payment, shall be sentenced to imprisonment of not more than ten days. All fines and moneys so imposed and collected shall be paid to the township treasurer.]

Section 2323. Penalty for Destroying Signs.--A person shall not destroy, remove, injure or deface any sign or index board legally erected upon or near any public street, road or bridge by the board of supervisors, or by any club, association or other organized body, for the direction, guidance or safety of travelers. A person shall not destroy, remove, injure or deface any temporary traffic-control device legally erected to enhance traffic or worker safety in a construction or maintenance work zone, including, but not limited to, cones, batons, barrels, barricades, signs, sign trucks, arrow boards or other devices specified in a traffic safety plan approved by the township or the Department of Transportation. Any person who violates this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than two hundred dollars ($200) nor more than five hundred dollars ($500) for the first offense and a mandatory fine of five hundred dollars ($500) for the second or any subsequent offense, with costs of prosecution, together with the value of the destroyed, removed or defaced sign. All fines and moneys imposed and collected shall be paid to the township treasurer.

[(m) Protection of Roads from Snowdrifts

Section 1165. Protection of Highways from Snowdrifts.--Any

township which is responsible for the maintenance of any public road shall have authority to enter upon private property adjacent to such public road or highway and place thereon a snow fence, at any point which may be deemed necessary, to within a limit of one hundred feet from the right-of-way line of such public road, in order to eliminate snow drifting on the traveled portion of the public road.

No such snow fence shall be placed prior to November first, nor shall the same remain in place after April first of the succeeding year, unless the written consent of the owner is obtained, agreeing to an extension of time for the removal of said snow fence.

If the supervisors shall not be able to enter into an agreement with the owner of adjacent property occupied by such snow fence as to the amount of damages sustained as a result of said fence being placed and removed, the owner may petition the court of common pleas of the county for the appointment of viewers to ascertain the amount of damage incurred in such case in the manner provided in this act for eminent domain proceedings. Such damages, if any, when ascertained, shall be paid by the township from the general township fund.

Whenever any roads in townships are so located as to render them liable, on account of high wind during the winter season, to be so filled with snow as to make them impassable, and, in the judgment of the supervisors, such drifts of snow can be avoided by the removal of any fence erected along either side of such road and replacing the same by a fence constructed of posts, wire, and boards or rail combined, the supervisors may agree with the owners of such fences upon a plan for the erection of such a fence. The township may pay the owners of

such fences a sum not to exceed the first cost of the wire used in the construction of such fences. The wire used in the construction of such fences shall be without barbs. This section shall not apply to any stone wall, hedge, or ornamental fence.]

Section 2324. Protection of Highways from Snowdrifts.--(a) The board of supervisors may enter private property adjacent to any public road or highway and place thereon a snow fence, to within a limit of one hundred feet from the right-of-way line of the public road, in order to eliminate snow drifting on the traveled portion of the public road.

(b) A snow fence may not be placed before the first day of November, or remain in place after the first day of April of the succeeding year, unless the written consent of the owner is obtained, agreeing to an extension of time for the removal of the snow fence.

(c) If the board of supervisors and the owner of the property upon which a snow fence is placed and removed under this section cannot agree to the amount of compensation, if any, to be paid to the owner for placing the fence, including the amount of damages, if any, to be paid for injury to the property resulting from placing and removing the fence, the owner may petition the court of common pleas of the county for the appointment of viewers to ascertain the amount of damage incurred in the manner provided in this act for eminent domain proceedings. Damages, if any, when ascertained, shall be paid by the township from the general township fund.

[(n) Grades of Highways

Section 1170. Grades of Highways.--In the construction or repair of any highway in any township, it shall be unlawful to raise such highway above the ordinary grade thereof when a drain

or culvert shall be constructed under such highway, or when such highway shall be constructed or repaired over such drain or culvert. This section shall not be construed in any manner to interfere with the work of the State Department of Highways, in the reconstruction or improvement of any State highway or State-aid highway, or when a township improves a township road, under the direction, plans, and specifications of the State Department of Highways.

(o) Trees and Shrubbery within Limits of Road

Section 1175. Saving Trees and Shrubbery.--Where any road of any township passes through or along forested lands, wild lands, or uncultivated lands, no trees growing within the limits of such road at a distance beyond fifteen feet on either side of the center line thereof, and which measure four inches or over in diameter at a point two feet from the surface of the ground, shall be cut down or destroyed by the supervisors or roadmasters employed by them, or any other person, without first obtaining the consent of the abutting owners.

Whenever any road running through improved or cultivated lands has been opened, and there are growing, along the roadsides and within the road limits, shrubs or trees not in the opinion of the supervisors interfering with public travel, no supervisors or roadmasters, or other persons in their employ, shall remove, cut, injure, or destroy, or in any other manner interfere with such shrubs or trees. If such removal or cutting is deemed necessary for the purpose of maintaining the road, the supervisors or roadmasters, or other persons in their employ, may cut or remove such shrubs or trees, after notifying the abutting property owners of the contemplated removal, cutting of said shrubs or trees.

Section 1177. Logs and Cordwood Property of Owner.--All logs, cordwood, branch wood, or other forms of wood, which shall be derived from the destruction or removal of any trees growing along the highways, shall be surrendered to and remain the property of the abutting owners.

Section 1178. Brush and Refuse.--The supervisors may clear out brush and other refuse from along the sides of the road to the legal width thereof. All such clearing and removal of brush and refuse shall be confined to growth that is within the limits hereinabove described, and to the removal of branches that in any way interfere with public travel. No other injury, by fire, cutting, abrasion, or otherwise, shall be done to the standing timber.

Section 1179. Penalty.--Any supervisors, roadmaster, or person in their employ, or any other person, who shall cut down, kill, or injure any living tree, growing at a distance beyond fifteen feet on either side of the center line thereof, and of a size four inches in diameter or greater at a point two feet from the surface of the ground, except as provided in this subdivision, or who shall violate any other provision of this subdivision, shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine, of not more than five dollars for every tree so cut, injured or destroyed, with costs of suit, and in default of the payment of such fine and costs shall be sentenced to imprisonment of not more than ten days. Such fines shall be paid into the General Township Fund.

Section 1180. Removal of Obstruction.--Nothing in this subdivision shall be so construed as to prevent the supervisors or roadmasters, or other persons in their employ, from removing such roadside trees which may be thrown down by wind or lodged

in such position as to be a menace to public travel, or which, by reason of any other cause, may become a source of danger to the public. Every such act of removal shall be made with due regard to the circumstances of the case, so as to preserve the true intent and purpose of this subdivision.]

Section 2325. Saving Trees and Shrubbery.--(a) The board of supervisors or its agents shall not remove any shrub or tree growing within the right-of-way of any township road or street except those shrubs and trees the board of supervisors finds to constitute a hazardous or dangerous condition to the use of the highway or those which impair the use or maintenance of the public road or street. No tree having a trunk diameter in excess of six inches shall be removed without notice of the proposed removal having first been given to the abutting property owner. The township supervisors shall determine, by resolution, the form of notice to property owners.

(b) All logs, cordwood, branch wood or other forms of wood derived from the destruction or removal of any trees growing along the highways shall be surrendered to, and remain the property of, the abutting owners.

(c) The board of supervisors may clear out brush and other refuse along the sides of the road to the legal width thereof. All clearing and removal of brush and refuse shall be confined to growth that is within the right-of-way and to the removal of branches that in any way interfere with public travel. No other injury, by fire, cutting, abrasion or otherwise, shall be done to the standing timber.

(d) Any person who violates the provisions of this section commits a summary offense. All fines shall be paid into the general township fund.

(e) Nothing in this section prevents the board of supervisors or roadmasters, or other persons in their employ, from removing roadside trees which may be thrown down by wind or lodged in a position as to be a menace to public travel or which, by reason of any other cause, may become a source of danger to the public.

[(p) Obstructions and Nuisances

Section 1185. Obstructions and Nuisances.--Any person who shall stop or obstruct any public road in any township, or commit any nuisance thereon by felling trees, making fences, turning the road, or in any other way, and who shall not, on notice given by the township supervisors, forthwith remove the obstruction or nuisance and repair the damages done to such road, upon conviction in a summary proceeding, shall, for every such offense, pay a penalty of not more than twenty-five dollars, and in default of the payment of such fine and costs, shall be sentenced to imprisonment of not more than ten days. Nothing in this section shall debar an indictment for any such nuisance as in case of misdemeanor at common law.]

Section 2326. Obstructions and Nuisances.--Any person who obstructs any public road or commits any nuisance thereon by felling trees, making fences, turning the road, diverting water onto or in any other way and who does not, on notice given by the board of supervisors, immediately remove the obstruction or nuisance and repair the damages done to the road commits a summary offense. Nothing in this section shall debar a prosecution for any nuisance as in case of misdemeanor at common law.

Section 2327. Traffic Lights and Signals.--The board of supervisors may provide for the erection, maintenance and

operation of traffic lights and traffic signals under 75 Pa.C.S. (relating to vehicles) whenever deemed necessary for the protection of the traveling public.

Section 2328. Regulation of Parking.--(a) The board of supervisors may, by ordinance, regulate parking, provide parking accommodations to promote the convenience and protection of the public, post signs regulating parking in areas established or designated for handicapped parking and impose penalties for the violation of those regulations.

(b) The board of supervisors may provide for the erection, maintenance and regulation of parking meters, and it may, by ordinance, establish parking meter charges and impose penalties for the violation of those regulations.

Section 2329. Naming of Streets.--The board of supervisors may provide for and regulate the naming of streets, roads and highways.

Section 2330. Bike Paths.--The board of supervisors may provide for the construction and maintenance of bike paths for the protection or convenience of the traveling public.

Section 2331. County Bridges.--When the cost of construction or maintenance of a bridge located within the township is paid in whole or in part by the county, the board of supervisors may make agreements for the maintenance and repair of the bridge.

[ARTICLE XII

BOUNDARY ROADS

(a) Opening, Repairing, and Improving Roads on Division Line of Townships

Section 1201. Roads Between Townships of the First Class and Townships of the Second Class.--Roads laid out on a line which divides a township of the first class from a township of the

second class shall be opened, made, kept clear and in repair, at the joint and equal charge of such townships. Any township necessarily incurring more than its due proportion of such charge may recover the excess so incurred from the other township.

Whenever any public road is laid out on the line of two townships, if the commissioners or supervisors of an adjoining township neglect or refuse to join with the supervisors of the township in opening or repairing such road, the supervisors of the township shall open, and repair the road, and are authorized to collect a just proportion of the cost of the opening and repairing of such road from the township so neglecting or refusing to join in such opening, or repairing. The commissioners or supervisors so neglecting or refusing shall be liable to a penalty of not exceeding fifty dollars, to be recovered in a summary proceeding. All such penalties when recovered shall be paid into the township road fund.

Section 1202. Roads Between Two Townships of the Second Class.--Whenever any road is on the boundary line between two townships of the second class, such road shall be constructed, improved, repaired and maintained jointly by said townships. For the purpose of constructing, improving, repairing or maintaining any such road, the supervisors of such townships are hereby directed to enter into an agreement providing the manner in which the same shall be constructed, improved, repaired or maintained, and providing for the division of the cost of maintenance between said townships. Such agreement shall be filed with the clerk or clerks of the court or courts of quarter sessions of the county or counties in which such townships are located. If any such township shall fail or refuse to enter into

any such agreement, or if the townships cannot agree, any taxpayer or the supervisors of either township may present a petition to the court of quarter sessions of the county, or if said townships are in different counties to the court of quarter sessions of either county, setting forth the facts, and the court, after hearing of which such notice shall be given to all parties interested as the court may direct, shall make an order directing the manner of such construction, improvement, repair or maintenance and the division of the cost thereof between such townships. The action of the court shall be final.

(b) Maintenance of Roads Between Townships and Cities or Boroughs

Section 1205. Roads Between Townships and Cities and Boroughs.--Whenever any road or street is on the boundary line between any township and a city or borough, such road or street shall be maintained jointly by the township and the city or borough. For the purpose of maintaining any such road or street, the authorities of any such township are hereby directed to enter into agreements with such city or borough providing the manner in which the same shall be maintained, and providing for the division of the cost of maintenance between the city or borough and township. If any such city or borough and township shall fail or refuse to enter into any such contract, or if the city or borough and township cannot agree, any taxpayer or the corporate authorities of the township may present a petition to the court of quarter sessions of the county, setting forth the facts, and the court, after hearing, of which such notice shall be given to all parties interested as the court may direct, shall make an order directing the manner of such maintenance and the division of the cost of maintenance between the city or

borough and the township. The action of the court shall be final.

(c) Road, the Centre Line of Which is the Dividing Line Between Townships and Boroughs or Cities in the Same County

Section 1210. Roads Between Townships and Municipalities in the Same County.--Whenever the centre line of any road or street constitutes the dividing line between a township and any city or borough located in the same county, the supervisors of the township may, jointly with the county, enter into a contract with the city or borough providing for the grading, curbing, and macadamizing or paving of such road.

Such alteration or improvement shall be constructed, and subsequent repairs shall be made, under the supervision of the proper authorities of the city or borough, in compliance with the laws governing the construction of such alterations or improvements in such city or borough and with plans and specifications to be agreed upon in writing between the supervisors of the township and the city or borough and the commissioners of the county.

The cost of any alteration or improvement shall be borne one-half by the city or borough and one-half by the county and township in equal portions.

The cost of repairs shall be borne one-half by the city or borough and one-half by the township, or by the county and township in equal portions, or such other portions as are agreed upon in the joint contract of the township with the county.

(d) Road, the Centre Line of Which Is the Dividing Line Between Townships and Cities in Adjacent Counties

Section 1215. Roads Between Townships and Cities in Adjacent Counties.--Whenever the centre line of any road constitutes a

dividing line between a township and a city located in an adjacent county, it shall be lawful for the township supervisors to enter into a contract with the county in which it is located and the city providing for the grading, curbing, macadamizing or paving of the roadway of said road, the cost thereof to be borne one-half by the city and one-half by the township and the county in which such township shall be situated in equal portions.

The said alteration or improvement shall be constructed, and subsequent repair shall be made, under the supervision of the proper authorities of the said city, in compliance with existing laws governing such construction or improvement in such city, and in further compliance with plans and specifications to be agreed upon in writing between such city and the commissioners of the county and the township supervisors of the said township. The cost of repairs shall be borne one-half by the city and one-half by the township or by the county and township in equal portions, or such other proportions as may be agreed upon by the county and township.

In all cases in which it shall be found impossible to enter into such contract or agreement as is provided for in this section, or where either the city or the township or the county in which such township is situated shall refuse to enter into such contract or agreement, it shall be lawful for the township to present its petition to the court of common pleas of either county, setting forth the facts and circumstances, including the condition of the road from which the necessity or desirability for the grading, curbing, macadamizing or paving of the roadway appears, and the estimated cost thereof, and that the terms of the said contract as provided for in this section cannot be agreed upon by the said city and the county or township, or

either or any of them, or that either such city or the county or township, or any or either of them, refuses to enter into such contract. Such petition may pray that such court may, after hearing all the parties concerned, make its order or decree, defining the nature and character of the improvement reasonably necessary or desirable to be made to the roadway, and requiring the parties hereinabove specified to enter into a contract or contracts for the making and constructing of the same as herein provided for. A copy of the said petition, duly certified, shall be served upon the city or the county and township concerned, other than the petitioner, with notice of such day as may be fixed by the court for a hearing. Thereupon either or both of the parties served with such notice shall be entitled, on or before such date, to file in the said court its answer to the said petition, setting forth its version of the facts or such other matters in relation thereto as may be deemed necessary or proper by it. The said court upon the date so fixed, or at such other times as it may appoint, shall hear the evidence of the parties, or it may refer the matter to a master, who shall hear the testimony of the parties and report his findings, in the same manner and under the same procedure as provided by the rules in equity in similar cases, to the said court, which may reject, confirm, or modify the same, and may make its decree or order directing the making of such alterations or improvements to the roadway as may be deemed reasonably necessary or desirable and providing for the sharing of the cost of such improvements, one-half by the city and one-half by the county and township in equal portions. The said order or decree may further provide that the repairs to such alterations and improvements subsequently required shall be borne one-half by

the city and one-half by the county or township in equal portions, or such other proportions as between the county and the township as such court may find to be legal and proper; and thereupon the said grading, curbing, macadamizing or paving of the roadway of such road shall proceed in accordance with the decree or order of the said court in the same manner as if the contract or agreement in this section had been entered into and duly executed.

(e) Improvement of Roads or Streets Where More Than One-half of Width Is in Township; Assessment of Property Outside Limits

Section 1220. Roads More Than One-half in Townships.--Whenever any road or street, more than one-half of the width of which is within the limits of any township shall divide the said township from any other municipality or township located within the same county, such road or street, may be improved by the township within which the greater width is located in the same manner as if the said road or street were entirely located within the limits of said township.

The property abutting on the side of said road or street, which is located outside the limits of the township making such improvements shall, for a depth of one hundred and fifty feet plus one-half the width of said road or street, from its center line, be assessed for any and all municipal improvements to or on the said road or street, in the same manner as such property would be assessed under the laws of the Commonwealth if it were entirely located within the limits of such city, borough, or township.

(f) Assessment of Property Outside Limits for Street Improvement Where Street Entirely Within Township

Section 1225. Roads Within Township along Division Line.--

Whenever any road or street entirely within the limits of any township, shall divide such township from any other municipality or township located in the same county, the property on the side of the road or street, opposite the line of such township, shall, for a depth of one hundred and fifty feet, be assessed for municipal improvements on such road or street on which property shall abut. Such assessment shall be made in the same manner and in the same proceeding as is used for the assessment of property within such township for such improvement.

(g) Agreements for Improving Roads or Streets Forming Boundaries Between Townships and Boroughs

Section 1230. Agreement for Improving Roads or Streets Forming Boundaries Between Townships and Boroughs.--Townships may enter into agreements with adjoining boroughs for the grading, paving and curbing or macadamizing of roads or streets which may be boundaries between such townships and boroughs, and may provide in such contract that the damages, costs and expenses of such improvement shall be divided between such townships and boroughs in proportions agreed upon. Such agreements shall be filed with the clerk or clerks of the court or courts of quarter sessions in the county or counties in which such townships and boroughs are located.

In grading, paving and curbing or macadamizing any such roads or streets, townships shall exercise such power, only upon petition of a majority of the property owners in interest and number, abutting the line of the proposed improvement within the township limits, to be verified by the affidavit of one of the petitions, a majority in interest of owners of undivided interest in any piece of property to be treated as one person, asking that such improvement be made.

The portion of the damages, costs and expenses agreed to be paid by any township shall be ascertained, and the benefits incident thereto, shall be assessed and collected in the manner provided in this act for the assessment of damages and benefits by viewers.]

Section 2332. Boundary Roads and Bridges.--(a) When any road or bridge, other than a State or county road or bridge, is created or located along, on or over boundaries between townships and any other municipal corporation, the creation, location, construction, maintenance and repair of the road or bridge shall be the joint responsibility of the township and the municipal corporation with which the common boundary is shared.

(b) The board of supervisors may make agreements with any adjacent municipal corporation to provide for the apportionment of the cost of construction, repair and maintenance of boundary roads or bridges.

(c) If an amicable agreement on the proportionate share of costs of construction, repair and maintenance of boundary roads or bridges cannot be executed, the board of supervisors or the governing body of the other municipal corporation involved may petition the court of common pleas of the county or counties for a determination of the rights and responsibilities of the respective municipal corporations involved.

[ARTICLE XIII

BRIDGES

(a) Over Streams, Gullies, Canals and Railroads

Section 1301. Power to Make and Maintain Bridges.--The supervisors of townships, in making and repairing the roads, shall make and maintain within their township sufficient bridges over all streams, gullies, canals, and railroads, where such

bridges are necessary for the ease and safety of travelers. Such bridges shall be deemed to be a part of the road.

Section 1302. Damages.--All damages in the construction and maintenance of such bridges shall be awarded and benefits assessed as part of the proceeding to lay out, open, make, or repair the road of which the bridge is a part.

Section 1303. Where Bridge Is Over Railroad or Canal.--If a bridge is built over a railroad or canal, such bridge shall not obstruct the same. Nothing in this article shall release any railroad or other companies from the requirements of existing law.

(b) Over Streams, Railroads and Canals on Township Boundaries

Section 1305. Bridges on Division Line of Townships.--Where a stream, a gully, a railroad or a canal, over which a bridge is necessary, is on the boundary line of two townships, or of a township and a municipality, the bridge shall be built and maintained in the manner directed by this act in the case of public roads which are on the division line between townships, or townships and municipalities.

(c) Maintenance, Repair, and Rebuilding of Bridges Built by County

Section 1310. County Bridges.--Whenever a bridge or part thereof has been built by the county, or the whole or part of the money necessary to build it has been furnished by the county, and the bridge has not been entered on record as a county bridge, such bridge shall be maintained, kept in repair, and rebuilt, when necessary, by the township or townships in which, or on the boundary line of which, it is located, without rendering the county liable for the same.]

ARTICLE [XIV] XXIV

SIDEWALKS [AND], FOOTPATHS AND CURBS

[Section 1401. Power of Supervisors to Establish Width and Location of Sidewalks; Consents in Certain Cases.--The supervisors of any township, upon the request of any landowner whose land fronts upon a public road or highway within such township, may establish the width, grade and location for a sidewalk along one or both sides of said road or highway along the lands of such owner. When said sidewalks are so established, such landowner shall pay for and keep the same in repair.

In case the highway is a State or county highway, the written consent of the Department of Highways or the county commissioners, as the case may be, shall first be obtained.

Section 1402. Construction of Sidewalks or Sidewalks and Curbs Upon Petition of Property Owners or Pursuant to Ordinance.--(a) The township supervisors may construct sidewalks or curbs, or sidewalks and curbs, of suitable material, along the roads or highways, in such townships, upon the petition of owners of property representing a majority in number of feet front of the properties abutting on the roads or highways where such sidewalks or sidewalks and curbs are to be constructed. Whenever any such petition is filed with the supervisors, the owner of the property shall be given notice by the supervisors to construct such sidewalk or sidewalk and curb; and in case of the failure of the owner to complete such sidewalk or sidewalk and curb within a period of sixty days after the receipt of such notice, the supervisors may construct such sidewalk or sidewalk and curb as herein provided. Whenever any sidewalks or sidewalks and curbs are constructed by the supervisors, the expense of the construction of such sidewalk or

sidewalk and curb shall be paid by the abutting property owners in proportion to their frontage. If such owners fail to so pay the expenses of the construction of such sidewalk or sidewalk and curb, the township supervisors may recover the amount by action of assumpsit, or may file municipal liens therefor against the abutting properties, in the manner provided by law for the filing and collection of municipal liens.

(b) The township supervisors may also construct sidewalks and curbs of suitable material along the roads or highways in such townships pursuant to an ordinance authorizing such construction. All reconstruction, repaving and recurbing may be provided for in the ordinance providing for the original construction, paving and curbing, without the necessity for adopting a new ordinance for such reconstruction, repaving and recurbing. Whenever any sidewalks or curbs are constructed by the supervisors pursuant to such ordinance, the expense of the construction of such sidewalks or curbs shall be paid by the abutting property owners in proportion to their frontage, but in no such instance shall any abutting property owner be liable for the construction of such sidewalk in an amount greater than ten percent, nor for the construction of such curb in an amount greater than ten percent, of the assessed valuation of the abutting property owned by him. Any expense above such maximum liability of abutting property owners shall be paid by the townships. If abutting property owners fail to so pay the expenses of the construction of such sidewalks or curbs for which they are liable, the township supervisors may recover the amount by action of assumpsit or may file municipal liens therefor against the abutting properties in the manner provided by law for the filing and collection of municipal liens.

Section 1403. Power to Establish Lines, Grades and Width of Curbs, Sidewalks or Footpaths.--Supervisors of townships may regulate by ordinance, the line, grade and width of curbs, sidewalks or footpaths constructed along the roads or highways in such townships, and shall have general supervision over the same and may establish a grade or grades for curbs, sidewalks or footpaths, which grade or grades may be separate and apart from the grade or grades established for the cartway or roadway. In case the highway is a State or county highway, the written consent of the Department of Highways or the county commissioners, as the case may be, shall first be obtained.

Section 1404. Sidewalks or Footpaths by Township.--Whenever it shall appear to the supervisors that any part or portion of any road or highway is dangerous to the traveling public and such danger could be materially reduced or lessened by the construction of a sidewalk or footpath, the supervisors shall have the right to lay out and construct a sidewalk or footpath along such dangerous portion of said road or highway of such materials as they shall deem advisable, and to expend moneys from the general fund of the township therefor. In case the highway is a State or county highway, the written consent of the Department of Highways or the county commissioners, as the case may be, shall first be obtained.]

<u>Section 2401. Location, Lines, Grades and Width of Curbs, Sidewalks or Footpaths; Costs.--(a) The board of supervisors may, by ordinance, regulate the line, grade and width of curbs, sidewalks or footpaths constructed along the roads or highways in the township, shall have general supervision over them and may establish a grade or grades for curbs, sidewalks or footpaths, which grade or grades may be separate and apart from</u>

the grade or grades established for the cartway or roadway.

(b) If the highway is a State or county highway, the written consent of the Department of Transportation or the county commissioners shall first be obtained.

(c) The costs of construction of sidewalks, footpaths or curbs may be paid by one of the following methods:

(1) The board of supervisors, upon the request of any landowner whose land fronts upon a public road or highway within the township, may establish a sidewalk or curbs along one or both sides of the road or highway along the lands of the owner. When the sidewalks or curbs are established, the landowner shall pay for the construction of the sidewalks or curbs and keep them in repair.

(2) The board of supervisors may construct sidewalks or curbs along the roads or highways, upon the petition of property owners representing a majority in number of feet front of the properties abutting on the roads or highways where the sidewalks or curbs are to be constructed. When a petition is filed with the board of supervisors, the property owner shall be given notice by the board of supervisors to construct the sidewalk or curb. If the owner fails to complete the sidewalk or curb within a period of sixty days after the receipt of the notice, the board of supervisors may construct the sidewalk or curb. When any sidewalk or curb is constructed by the board of supervisors, the expense of the construction of the sidewalk or curb shall be paid by the abutting property owners in proportion to their frontage. If the owners fail to pay the expenses of the construction of the sidewalk or curb, the board of supervisors may recover the amount by action of assumpsit or may file municipal liens therefor against the abutting properties under

law for the filing and collection of municipal liens.

(3) The board of supervisors may, by ordinance, in absence of a petition, provide for the construction, reconstruction and repair of sidewalks and curbs within the township. When any sidewalks or curbs are constructed, reconstructed or repaired by the board of supervisors under the ordinance, the expense of the construction of the sidewalks or curbs shall be paid by the abutting property owners in proportion to their frontage, but no owner shall be liable for the cost of construction of the sidewalk or curb in an amount greater than fifteen percent of the assessed valuation of the abutting property. Any expense above the maximum liability of abutting property owners shall be paid by the township. If abutting property owners fail to pay the expenses of the construction of the sidewalks or curbs for which they are liable, the board of supervisors may recover the amount by action of assumpsit or may file municipal liens therefor against the abutting properties under law for the filing and collection of municipal liens.

(4) When the board of supervisors establishes that any part of any road or highway is dangerous to the traveling public and the danger could be materially reduced or lessened by the construction of a sidewalk, curb or footpath, the board of supervisors may lay out and construct a sidewalk, curb or footpath along the dangerous portion of the road or highway at township expense.

(d) All assessments for costs levied under this article shall be filed with the township treasurer and collected under section 3302(a).

ARTICLE [XV] XXV

SANITARY SEWERS [AND DRAINS

(a) Establishing and Constructing Sewer and Drainage Systems; Sewer Connections and Charges; Disposal of Sewage; Assessment of Cost of Construction

Section 1501. Power to Establish and Construct Sewers and Drains.--(a) Townships may establish and construct a system of sewers and drainage, locating the same as far as practicable along and within the lines of the public roads of the townships as seems advisable to the board of supervisors. The supervisors may permit and, where necessary for the public health, require adjoining and adjacent property owners to connect with and use the same. In case any owner of property adjoining or adjacent to such sewer shall neglect or refuse to connect with and use said sewer for a period of sixty days after notice to do so has been served upon him by the supervisors, either by personal service or by registered mail, said supervisors or their agents, may enter upon such property and construct such connection. In such case the supervisors shall forthwith, upon completion of the work, send an itemized bill of the cost of construction of such connection to the owner of the property to which connection has been so made, which bill shall be payable forthwith. In case of neglect or refusal by the owner of such property to pay said bill, it shall be the duty of the township supervisors to file municipal liens for said construction within six months of the date of completion of the construction of said connection, the same to be subject in all respects to the general law providing for the filing and recovery of municipal liens.

(b) Whenever an existing sewer system owned by or leased to a township of the second class is extended or altered at the expense of a developer or other private person or corporation under the supervision of such township or a municipal authority

of such township, the township supervisors may, by ordinance or resolution, take over said extension or alteration and compel all owners of property which is not already connected to an existing public sewer system and which is accessible to and whose principal building is within one hundred fifty feet from such sewer extension to pay a tapping fee and make connection therewith and use such sewer system in such manner as they may order.

(c) The supervisors may refund all or part of said tapping fee or fees to the developer or other private person or corporation who or which paid for said construction. Said tapping fees may be based upon front foot construction costs, however, the total of said refunds shall never exceed the cost of said extension or alterations. Once said extension or alteration is taken over it shall become part of the existing sewer system.

(d) Notwithstanding the powers granted pursuant to subsection (a), (b) or (c), no township shall have the power to require any commercial or industrial business to connect to the township sewer system when such commercial or industrial business is operating a sewer treatment plant under mandate of any agency of the Federal or State Government. This exemption shall last as long as such sewer treatment plant continues to meet the specifications and standards mandated by such Federal or State agency and for forty-five days thereafter. If, during the days immediately subsequent to the day a business' sewer treatment plant is determined to be below Federal or State mandates, repairs cannot be made to bring the system back up to satisfactory condition, the township may require such business to connect to its sewage treatment system. In such case, the

full costs of connection to, and any necessary refurbishing of, the township sewer system shall be borne by such business.

(e) The exemption provided for in subsection (d) shall not be available in any situation where the business seeking to use it had notice, either actual or constructive, prior to construction of its sewer treatment plant, of the township's intention to construct a sewage treatment plant and to require that business to connect with its system.

(f) The Department of Environmental Resources shall not, subsequent to the effective date of this amendatory act, issue any permit to allow a commercial or industrial business to construct its own permanent sewer treatment plant without the written consent of the township supervisors of the township wherein such treatment plant is proposed to be located.]

Section 2501. Sanitary Sewers.--The board of supervisors may establish and construct sanitary sewer systems which shall, if possible, be constructed along and within the lines of the rights-of-way of public roads. If the board of supervisors determines that the systems shall be located on or through private property, the board of supervisors may acquire the land by gift, purchase or eminent domain.

Section 2502. Sanitary Sewer Connections.--(a) The board of supervisors may, by ordinance, require adjoining and adjacent property owners to connect with and use the sanitary sewer system, whether constructed by the township or a municipality authority or a joint sanitary sewer board. ~~The~~ IN THE CASE OF A <—
SANITARY SEWER SYSTEM CONSTRUCTED BY THE TOWNSHIP PURSUANT TO EITHER SECTION 2501 OR 2516, THE board of supervisors may impose ~~tap-in connection~~ AND CHARGE TO PROPERTY OWNERS WHO DESIRE TO OR <—
ARE REQUIRED TO CONNECT TO THE TOWNSHIP'S SEWER SYSTEM A

CONNECTION FEE, A CUSTOMER FACILITIES FEE, A TAPPING FEE and other similar fees, as enumerated and defined by ~~section 4(t)~~ <—
CLAUSE (T) OF SUBSECTION B OF SECTION 4 of the act of May 2, <—
1945 (P.L.382, No.164), known as the "Municipality Authorities Act of 1945," as a condition of connection to a township-owned sewer collection, treatment or disposal facility. If any owner of property adjoining or adjacent to or whose principal building is within one hundred and fifty feet from the sanitary sewer fails to connect with and use the sanitary sewer for a period of sixty days after notice to do so has been served by the board of supervisors, either by personal service or by registered mail, the board of supervisors or their agents may enter the property and construct the connection. The board of supervisors shall send an itemized bill of the cost of construction to the owner of the property to which connection has been made, which bill is payable immediately. If the owner fails to pay the bill, the board of supervisors shall file a municipal lien for the cost of the construction within six months of the date of completion of the connection.

(b) When an existing sanitary sewer system owned by or leased to a township is extended or altered at the expense of a developer or other private person or corporation under the supervision of the township or a municipality authority of the township, the board of supervisors may, by ordinance or resolution, take over the extension or alteration and compel all owners of property which is not already connected to an existing public sanitary sewer system and which is accessible to and whose principal building is within one hundred and fifty feet from the sanitary sewer extension to ~~pay a tapping fee and~~ make <—
connection therewith and use the sanitary sewer system as the

board of supervisors may order. ~~After a takeover by or dedication to the township of an extension or alteration of a sewage system constructed in accordance with this subsection, the board of supervisors may impose tap-in, connection and other similar fees, as enumerated and defined by section 4(t) of the "Municipality Authorities Act of 1945," upon all owners of property which previously have connected or subsequently will connect to the sewage system constructed in accordance with this subsection.~~

~~(c) The board of supervisors may refund all or part of the tapping fee or fees to the developer or other private person or corporation who or which paid for the construction. Once the extension or alteration is taken over, it shall become part of the existing sanitary sewer system.~~

(C) WHENEVER A SEWER SYSTEM OR ANY PART OR EXTENSION THEREOF OWNED BY A TOWNSHIP HAS BEEN CONSTRUCTED BY THE TOWNSHIP AT THE EXPENSE OF A PRIVATE PERSON OR CORPORATION OR HAS BEEN CONSTRUCTED BY A PRIVATE PERSON OR CORPORATION UNDER THE SUPERVISION OF THE TOWNSHIP AT THE EXPENSE OF THE PRIVATE PERSON OR CORPORATION, THE BOARD OF SUPERVISORS SHALL HAVE THE RIGHT TO CHARGE A TAPPING FEE, INCLUDING A REIMBURSEMENT COMPONENT, AND REFUND SAID REIMBURSEMENT COMPONENT TO THE PERSON OR CORPORATION WHO HAS PAID FOR THE CONSTRUCTION OF SAID SEWER SYSTEM OR ANY PART OR EXTENSION THEREOF.

(d) The board of supervisors shall not require any commercial or industrial business to connect to the township sanitary sewer system when the commercial or industrial business is operating a private sanitary sewage treatment plant under mandate of any agency of the Federal or State Government. This exemption shall last as long as the private sanitary sewage

treatment plant continues to meet the specifications and standards mandated by the Federal or State agency and for forty-five days after that. If, during the days immediately after the day a business' private sanitary sewage treatment plant is determined to be below Federal or State mandates, repairs cannot be made to bring the private sewage treatment system back up to satisfactory condition, the board of supervisors may require the business to connect to the township sanitary sewer system. The full costs of connection to, and any necessary refurbishing of, the township sanitary sewer system shall be paid by the business.

(e) The exemption in subsection (d) is not available in any situation where the business seeking to use it had notice, either actual or constructive, before construction of its sewage treatment plant, of the township's intention to construct a sanitary sewer system and to require that business to connect with its system.

(f) The Department of Environmental Resources shall not issue any permit to allow a commercial or industrial business to construct its own private sewage treatment plant without the written consent of the board of supervisors of the township in which the private sewage treatment plant is proposed to be located.

[Section 1501.1. Sewer System Established or Constructed by Municipality Authorities; Connection and Use by Owners; Enforcement.--Whenever a sewer system is or shall have been established or constructed by a municipality authority within a township of the second class, the township supervisors shall be empowered, by ordinance, to compel all owners of property accessible to and whose principal building is within one hundred

fifty feet from such sewer system to make connection therewith and use such sewer system in such manner as they may order. The township supervisors may, by ordinance, impose penalties to enforce any regulation or order they may ordain with reference to any sewer connections. In case any owner of property accessible to and whose principal building is within one hundred fifty feet from a sewer system established or constructed by a municipality authority shall neglect or refuse to connect with said sewer system for a period of sixty days after notice to do so has been served upon him by the township supervisors, either by personal service or by registered mail, the township supervisors or their agents may enter upon such property and construct such connection. In such case, the township supervisors shall forthwith, upon completion of the work, send an itemized bill of the cost of the construction of such connection to the owner of the property to which connection has been so made, which bill shall be payable forthwith. In case of neglect or refusal by the owner of such property to pay said bill, it shall be the duty of the township supervisors to file municipal liens for said construction within six months of the date of the completion of the construction of said connection, the same to be subject in all respects to the general law provided for the filing and recovery of municipal liens.

Section 1502. Notice of Contemplated Construction; Protests by Property Owners.--No sewer, drain or system thereof shall be constructed under the provisions of this article unless a resolution or ordinance of the board of supervisors authorizing the same shall be published in a newspaper of general circulation published in the county in which the township is situated, once a week for three successive weeks. If, before the

expiration of twenty days after the last publication, sixty per centum of the total property owners of the township or the affected sewer district, if such district has been constituted, as the case may be, shall sign and file, in the office of the prothonotary of the court of common pleas of the county in which the township is located, a written protest against the construction of such sewer, drain or system thereof, then the construction authorized by such resolution or ordinance shall not be undertaken or proceeded with.]

Section 2503. Notice of Contemplated Construction.--No sanitary sewer system shall be constructed under this article unless a resolution of the board of supervisors authorizing the construction is published in a newspaper of general circulation in the township once a week for three successive weeks.

[Section 1503. Location of Sewers on Private Property.--Where it is reasonably impracticable in the judgment of the supervisors in any part of such system to carry such sewers or drains along the lines of public roads, they may locate and construct so much of the same as is necessary through private lands and acquire the necessary land or right of way for such purpose, by gift or by the exercise of the right of eminent domain.

Section 1504. Treatment Works and Facilities Therefor; Eminent Domain.--The supervisors shall make the necessary provision for the disposition of the sewage and drainage within, or for carrying the same beyond, the limits of the township, and, to this end, they are hereby authorized to enter into contracts with other municipalities and other corporations or persons to purchase, acquire, enter upon, take, appropriate, occupy and use such lands, rights, and interests therein within

the corporate limits of other townships or boroughs as shall be necessary for the proper location, construction, maintenance, use, and operation of sewer mains, drains, or treatment works, including such lands, rights, and interests therein as shall be necessary for future additions to and enlargements of such sewerage or drainage facilities, and as may be necessary to carry out the plans and specifications upon which a permit has been issued by the Secretary of Health in accordance with law.

Section 1505. Entry on Lands to Mark Sewer Routes; Damages.--In the event of inability to agree with the owners, either for the land necessary for so much of the line of sewers and drains as are not located upon public roads, or for so much land as is required for the disposition of the sewage, the supervisors may enter upon said land and mark thereon the route and width necessary for the construction of the line of sewers or drains or the boundaries of so much land as is necessary for disposition of such sewage, and occupy the said land for such purposes. For all damage done or suffered or which accrues to the owner or owners of such land by reason of the taking of the same, the general fund of the township shall be pledged and deemed as security. Such damages shall be determined by viewers in the manner provided in this act for eminent domain proceedings.]

<u>Section 2504. Entering Lands to Mark Sanitary Sewer Routes; Damages.--In the absence of an agreement with the owners of land required for sanitary sewer systems or for the marking of the route of the systems, the board of supervisors or its agents have the right to enter the lands for that purpose. For all damage done by entering the land under this section, the general fund of the township shall be pledged as security. Damages shall</u>

be determined by viewers under this act for eminent domain proceedings.

Section 2505. Sanitary Sewer Systems; Acquisition of Land and Facilities; Damages.--The board of supervisors may acquire by eminent domain or make contracts with other municipal corporations, corporations or persons for the acquisition of lands or facilities for the location, construction, maintenance, reconstruction and enlargement of sanitary sewer systems and treatment facilities. Acquisitions may be made for the purpose of future construction or additions to existing systems. The acquired land may be located either inside or outside the boundaries of the township. For all damage done to owners of land by reason of the taking of the land, the general fund of the township shall be pledged as security. Damages shall be determined by viewers under this act for eminent domain proceedings.

[Section 1507. Cost of Construction; How Paid.--All or any portion of the cost of construction of any such system of sewers or drains, constructed by the authority of this subdivision, may be charged upon the properties accommodated or benefited thereby in the manner hereinafter provided.

The township supervisors may finance the cost of construction of any such system of sewers or drains, by the incurring of debt by the township, within the limitations and pursuant to the provisions of the act of July 12, 1972 (P.L.781, No.185), known as the "Local Government Unit Debt Act." Where debt is so incurred, the supervisors at their sole discretion may assess all or any portion of the cost of the construction of such sewers or drains, as permitted by law, against the properties accommodated or benefited by such improvements as hereinafter

provided, and to deposit the net proceeds of such assessments in a sinking or analogous fund established in connection with the incurring of such debt.

Nothing in this section shall be construed to prevent the financing of the cost of such construction under the provisions of the "Municipality Authorities Act of 1945," and any amendments thereto.]

<u>Section 2506. Cost of Construction; How Paid.--All or part of the cost of construction of a sanitary sewer system constructed under this article may be charged upon the properties accommodated or benefited by the construction.</u>

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

In all cases where a sewer or drainage system is constructed by a township for the benefit of a certain portion only of the township, and the cost of main sewers, pumping stations, pressure lines, et cetera, is charged against the sewer district or sewer districts, as herein provided, the total amount charged to each district may be assessed to the district by an assessment upon each lot or piece of land in said district, in proportion to its frontage abutting on the sewer, or by an

assessment upon the several properties abutting on the sewer, in proportion to benefits, or upon the properties connected with and using said sewers, as sewer rentals, in the manner provided by law for the assessment of sewer rentals, or each lot or piece of ground abutting upon said sewer may be assessed, in proportion to its frontage or according to benefits, the cost of a local sewer, and the balance of the amount charged against the district may be assessed upon the properties connected with and using said sewer, as sewer rentals in the manner provided by law for assessment of sewer rentals. No district shall be charged with more than its due proportion of the cost of the main sewers, pumping stations, et cetera, used jointly by more than one district. Where the whole of the township is accommodated by the system it may also be treated as a single district, or divided into districts and be subject to the foregoing provisions.]

Section 2507. Sanitary Sewer Districts.--(a) When a sanitary sewer system is constructed by a township for the accommodation of a certain portion of the township, the board of supervisors may, before or after the construction, designate the territory accommodated as one sanitary sewer district or divide it into several sanitary sewer districts. The board of supervisors shall estimate the proportion of the cost of the sanitary sewer system to be charged on each of the districts and declare and establish the apportionment by resolution.

(b) When a sanitary sewer system is constructed by a township for the benefit only of a certain portion of the township and the cost of main sanitary sewers, pumping stations, pressure lines, et cetera, is charged against the sanitary sewer district or sanitary sewer districts, all or part of the amount

charged to each district may be assessed to the district by an assessment upon each lot or piece of land in the district, in proportion to its frontage abutting on the sanitary sewer, or by an assessment upon the several properties abutting on the sanitary sewer, in proportion to benefits, or upon the properties connected with and using the sanitary sewers as rental fees, or each lot or piece of ground abutting upon the sanitary sewer may be assessed, in proportion to its frontage or according to benefits, the cost of a local sanitary sewer, and the balance of the amount charged against the district may be assessed upon the properties connected with and using the sanitary sewer, as rental fees. No district shall be charged with more than its due proportion of the cost of the main sanitary sewers, pumping stations, et cetera, used jointly by more than one district. If the whole of the township is accommodated by the sanitary sewer system, it may be treated as a single district.

[Section 1509. Manner of Assessment.--The charge for any such sewer or drain construction in any township shall be assessed upon the properties accommodated or benefited, in either of the following methods:

(a) By an assessment, pursuant to a resolution or ordinance of the board of supervisors, of each lot or piece of land in proportion to its frontage abutting on the sewer or drain, allowing such equitable reduction in the case of corner properties and unusually shaped properties or those properties abutting on more than one sewer or drain as the resolution or ordinance may specify, however, when the lot or piece of land is on a corner it shall be assessed for its entire frontage abutting on any sewer or drain except when such property is a

vacant lot or contains only a single family dwelling in which case it shall be assessed along the shorter frontage and assessed along the longer frontage abutting on a sewer or drain, commencing at a point no closer to the corner than one hundred twenty-five feet. No assessment by frontage shall be made on properties of such a character as not to be lawfully subject to such manner of assessment, and each abutting property shall be assessed with not less than the whole amount of the benefit accruing to it and legally assessable; or

(b) By an assessment upon the several properties abutting on the sewer or drain in proportion to benefits. The amount of the charge on each property shall be ascertained as hereinafter provided.

When a township is divided into sewer districts, the assessment in each district may be by different methods.]

Section 2508. Manner of Assessment.--When a township is divided into sanitary sewer districts, the assessment in each district may be by different methods. The assessment, if any, for sanitary sewer system construction shall be charged upon the properties accommodated or benefited by one of the following methods:

(1) By an assessment, under a resolution or ordinance of the board of supervisors, of each lot or piece of land in proportion to its frontage abutting on the sanitary sewer system, allowing an equitable reduction in the case of corner properties and unusually shaped properties or those properties abutting on more than one collector line of the sanitary sewer as the resolution or ordinance may specify. When the lot or piece of land is on a corner, it shall be assessed for its entire frontage abutting on any sanitary sewer system.

(2) By an equal assessment on all properties abutting on the sanitary sewer system in proportion to the total cost of construction of the sanitary sewer system. The amount of the charge on each property shall be determined by the board of supervisors.

[Section 1510. Procedure for Assessment of Benefits.--In all cases where the board of supervisors shall select the method provided by subdivision (b) of the foregoing section, they shall petition the court of common pleas for appointment of viewers to assess benefits. In all cases where they shall neglect, for a period of three months after the completion of the sewer or drainage system, to either make assessments by frontage or present petition for appointment of viewers, taxpayers of the township whose property valuation as assessed for taxable purposes within the township shall amount to fifty per centum of the total property valuation so assessed may present a petition to the court of common pleas of the county for the appointment of viewers to assess benefits; and in all cases where such taxpayer shall, within three months of the adoption of a resolution or ordinance levying an assessment under the method provided by subsection (a) of said foregoing section, by petition, state to said court that such assessment insufficiently represents the benefits accruing to abutting properties, they may include in such petition a prayer for the appointment of viewers to assess benefits. In either case the court shall thereupon appoint three disinterested persons from the board of county viewers, none of whom shall be a resident of that portion of the township which is accommodated by the sewer or drainage system in question, and the viewers so appointed shall proceed as provided in this act for proceedings for the

assessment of damages and benefits by viewers. The aggregate of the assessments in any sewer district shall not exceed the amount charged to such district for its share of the cost of the sewer or drain construction unless the same shall, by petition of taxpayers, whose property valuation as aforesaid shall amount to fifty per centum of the total property valuation as assessed for taxable purposes within the township, presented within three months after the adoption of a resolution or ordinance providing for an assessment by frontage, be stated to insufficiently represent the amount of benefits to such properties, in which case the proceedings by taxpayers authorized above shall be applicable. Upon the filing of such a petition by taxpayers as aforesaid for appointment of viewers, any assessment made by the supervisors and any proceedings thereunder shall be stayed pending the disposition of the petition by the court.]

Section 2509. Procedure for Assessments.--If any taxpayer states, by petition, within three months of the adoption of a resolution or ordinance levying an assessment under section 2508 to the court of common pleas that the assessment insufficiently represents the benefits accruing to abutting properties, they may include in the petition a request for the appointment of viewers to assess benefits. The court shall appoint three viewers, none of whom shall be a resident of that portion of the township which is accommodated by the sanitary sewer system in question, and the viewers shall proceed under this act for the assessment of damages and benefits. Upon the filing of a petition by taxpayers for appointment of viewers, any assessment made by the board of supervisors and any proceedings shall be stayed pending the disposition of the petition by the court.

[Section 1511. 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, the amounts of all assessments shall be payable to the township treasurer for the use of the sewer district or districts or the township, as the case may be, in which they are assessed. The supervisors shall make out bills for the amounts charged against each property, which shall be forthwith sent to all property owners residing in the township, and mailed to all such owners residing elsewhere whose address is known. If any such assessment is not paid within sixty days after the mailing of a bill therefor, the supervisors shall cause it to be collected by action of assumpsit, or such assessment shall be collected in the manner provided for the filing and recovery of municipal claims.

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

<u>Section 2510. Liens for Assessments; Costs of Proceedings.--After the amount of the assessment charged upon the several properties has been established by resolution making assessments according to frontage or by confirmation of any report of viewers, in whole or in part, the amounts of all assessments are payable to the township treasurer for the use of the sanitary sewer district or districts or the township in which they are assessed. The board of supervisors shall make out bills for the amounts charged against each property, which shall be sent to all property owners whose property will be served by the sanitary sewer system. If the assessment is not paid within</u>

sixty days after the mailing of a bill therefor, the board of supervisors shall collect it by action of assumpsit or under law for the filing and recovery of municipal claims.

[Section 1512. Sewer Rentals.--All persons whose property connects with a system of sewers or drains shall pay to the township treasurer, in addition to the cost of making such connection, a monthly, quarterly, semi-annual or annual charge prescribed by a resolution of the board of supervisors. Such monthly, quarterly, semi-annual or annual charge or charges shall constitute a lien until paid against the property so connecting with such system, and the amount thereof may be recovered by due process of law. All water utilities supplying water to users within the boundaries of any township shall, at the request of the board of supervisors, furnish to the township, on or before the fifteenth day of the month following the month during which bills are issued, a list of all water meter readings and flat-rate water bills and the basis for each flat-rate water charge, so that the data may be used in calculating such charges. The township is authorized and empowered to pay to such utilities reasonable amounts for necessary clerical and other expenses incurred in the preparation of such lists.

Nothing in this section shall be construed to repeal or modify any of the provisions of the Public Utility Law.]

Section 2511. Rental Fees.--(a) All persons whose property is connected to a sanitary sewer system shall pay to the township treasurer, in addition to the cost of making the connection, a monthly, quarterly, semi-annual or annual charge adopted by a resolution of the board of supervisors. The charges constitute a lien until paid against the property connected to

the sanitary sewer system, and the amount thereof may be recovered by due process of law. All water utilities supplying water to users within the boundaries of any township shall, at the request of the board of supervisors, furnish to the township, on or before the fifteenth day of the month following the month during which bills are issued, a list of all water meter readings and flat-rate water bills and the basis for each flat-rate water charge so that the data may be used in calculating rental fees. The township may pay to the utilities clerical and other expenses incurred in the preparation of the lists.

(b) Nothing in this section shall be construed to repeal or modify any of the provisions of 66 Pa.C.S. (relating to public utilities).

(c) All sewer rentals received shall be deposited in a special fund to be used only for the payment of the cost of construction, reconstruction, repair, operation and maintenance of the sanitary sewer system.

[(b) Sewers Under State and County Highways

Section 1525. Consents Necessary.--Townships may construct sewers and drains in or under any county or State highway within the township boundaries. In case of the construction of sewers or drains in or under county highways, the consent of the county commissioners of the county shall first be obtained, and in case of the construction of sewers or drains in or under any State highway, the consent of the Secretary of Highways shall first be obtained.]

Section 2512. State and County Highways; Consents Necessary.--Sanitary sewers may be constructed in or under any State or county highway. If the construction of sanitary sewers

is in or under county highways, the consent of the county commissioners of the county shall first be obtained and, if the construction of sanitary sewers is in or under any State highway, the consent of the Department of Transportation shall first be obtained.

[Section 1526. Assessment of Cost.--Whenever sewers or drains have been or shall be laid or constructed by any township in or under State or county highways, the township, unless the same can be agreed upon, may ascertain, levy, and collect the costs and expenses of the construction thereof from the abutting property holders by viewers in accordance with the provisions of this act relating to the assessment of damages and benefits by viewers.

(c) Connecting with Sewer of Adjoining Municipality

Section 1530. Agreements for Connections; Appointment of Viewers.--Any township may, by agreement, connect with an existing sewer owned by any adjacent municipality, for sewage purposes.

Whenever any township desires to connect with the existing sewer of any adjacent municipality and no agreement has been reached between such township and the adjacent municipality, a petition shall be presented by the board of supervisors to the court of quarter sessions setting forth the facts. The court shall fix a day for hearing upon such petition and shall direct such public notice to all parties interested therein as to it shall seem desirable. If, after hearing, the court shall be of the opinion that such connection can be made without impairing the usefulness of the existing sewer, it shall appoint three viewers who shall view the premises, and investigate the facts of the case and shall assess the necessary costs and expenses of

making the connection, and the proportionate part of the expense of building the original sewer upon such township, and shall fix the proportion of the expense for repairs which the municipality and the township shall thereafter bear, and determine all other questions liable to arise in connection therewith.]

Section 2513. Municipal Corporation; Municipality Authority; Agreements for Connections; Appointment of Viewers.--(a) Any township may, by agreement, connect with an existing sanitary sewer owned by any municipal corporation or municipality authority for either sewage collection or treatment purposes.

(b) When any township desires to connect with the existing sewer of any municipal corporation or municipality authority, a petition shall be presented by the board of supervisors to the court of common pleas setting forth the facts. The court shall fix a day for hearing upon the petition and direct public notice be given to all interested parties. If the court is of the opinion that the connection can be made without impairing the usefulness of the existing sanitary sewer system, it shall appoint three viewers to view the premises, investigate the facts of the case, assess the necessary costs and expenses of making the connection and the proportionate part of the expense of building the original sanitary sewer system upon the township, determine the proportion of the expense for repairs which the municipal corporation or municipality authority and the township shall bear and determine all other questions liable to arise in connection therewith.

[Section 1531. Report of Viewers.--The viewers shall report to the court the result of their investigation, which report shall be confirmed within thirty days unless exceptions thereto are filed, the disposal of which exceptions, any party

interested may appeal.]

Section 2514. Report of Viewers.--The viewers shall report the results of their investigation to the court, and the court shall confirm the report within thirty days of its submission unless exceptions are filed. Any interested party may appeal the disposition of filed exceptions.

[(d) Acquisition of Sewer Systems

Section 1535. Acquisition.--(a) Any township, in which any person is maintaining sewers and culverts with the necessary inlet and appliances for surface and under-surface and sewage drainage, or in which any person or persons are maintaining a community sewage collection or disposal system as herein defined, may become the owner of such sewers, culverts, inlet and appliances, or the owner of such community sewage collection or disposal system, by paying therefor not more than the actual value of the same at the time of the taking by the township, or by gift from the owner or owners thereof.

(b) In case the supervisors of the township cannot agree with the owners of such sewers or sewage collection or disposal system as to the price to be paid therefor, the supervisors may enter upon and take possession of such sewers, culverts, inlets and appliances or of such sewage collection or disposal system. For all damage done or suffered or which accrues to the owner of the sewer or collection or disposal system by reason of the taking of the same, the general fund of the township shall be pledged and deemed as security; such damages to be determined by viewers in the manner provided by this act for eminent domain proceedings. If any sewer, sewer system of sewage collection or disposal system is acquired by purchase under the provisions of this section, the cost of such acquisition may be distributed or

assessed in the same manner as provided by this act in cases where a sewer or drainage system is constructed by the township.

(c) For the purpose of this section, a community sewage collection or disposal system is all or part of a device or devices, installed on any privately or publicly owned parcel of land, intended to treat or dispose of the sewage or equivalent volume of domestic sewage from two or more residences, buildings or occupied parcels of land, or any system of piping used in collection and conveyance of sewage on private or public property.

(d) After a community sewage collection or disposal system has been acquired under the provisions of this section by the township, the supervisors shall have the power to enlarge such system if they deem it advisable. In such cases, the cost and expenses of such enlargement may be distributed or assessed in the same manner as if the enlargement was a regular sewer constructed by the township under other provisions of this act.

(e) Whenever a community sewage collection or disposal system is or shall have been established or constructed within a township by a private owner or owners, and the township supervisors are thereafter empowered by ordinance to acquire the ownership of the sewage disposal system so established, or when any such system has been enlarged by the township, such acquisition and ownership shall be subject to the following provisions of this subsection:

(1) When the person or persons having established or constructed a community sewage collection or disposal system, or when more than one-half the number of the owners of properties which are connected with, have a right to use and are using a community collection or disposal system, enter into an agreement

with the township for the acquisition of the system by the township, such agreement shall be considered a valid agreement by the owners of the sewage collection or disposal system and a transfer of ownership to the township.

(2) The township shall operate and maintain any sewage collection or disposal system acquired, and any enlargement or addition thereto, for the use of persons having acquired from the township or from the former owner or owners the right to use the system and for the use of other owners of property accessible thereto up to the capacity of the sewage collection or disposal system.

(3) All persons whose property connects with the sewage collection or disposal system, acquired or constructed by the township, shall pay to the township treasurer a monthly, quarterly, semi-annual or annual charge prescribed by a resolution of the supervisors. The amount of the charges shall not be in excess of the estimated amount necessary to maintain and operate the system and to establish a reserve fund sufficient for its future replacement.

(4) All sewer rentals or charges imposed by the supervisors against properties connected with a community sewage collection or disposal system under the provisions of this section shall constitute liens against the properties and may be collected in the same manner as other sewer charges.

(5) All moneys received from the sewer charges shall be deposited as a special reserve fund and shall be used only for the payment of the cost of operating and maintaining the sewage collection or disposal system, and the replacement thereof if necessary and economically desirable. If, at any time after the acquisition or enlargement of the sewage system, a regular sewer

system is made available by the township for connection with the properties using the community sewage collection or disposal system, the owners of such properties shall be subject to the other provisions of this act relating to sewers, and all money, at that time in the reserve fund, which was received from charges for the use of that particular sewage collection or disposal system and which is over and above the amount expended for the operation and maintenance of that particular sewage collection or disposal system, shall be used towards the payment of any sewer assessments charged against such properties under other sections of this act.]

Section 2515. Acquisition of Existing Sanitary Sewer Systems.--(a) The board of supervisors of the township in which the facilities are located may acquire all or part of an existing sanitary sewer system or community subsurface sewage collection and treatment system.

(b) Acquisition may be by either purchase, when the board of supervisors and the owner can agree on a price not exceeding the actual value of the sanitary sewer system or part thereof to be transferred, or by deed of dedication to the township by the owners of the sanitary sewer system or part thereof or by the exercise of eminent domain.

(c) If any sanitary sewer system or community subsurface disposal collection and treatment system is acquired by purchase or taking under this section, the cost of acquisition may be distributed or assessed under this act as when a sanitary sewer system is constructed by the township.

(d) The rights, powers and duties of the board of supervisors with respect to acquired systems are the same as exist with respect to sanitary sewer systems constructed by the

township.

[(e) Joint Sewers and Drains

Section 1540. Joint Sewers.--(a) Townships may jointly with cities, boroughs or other townships build and construct sewers, including trunk-line sewers or drains and sewage treatment works, and may connect into such system existing sewers, and may assess their respective portions of the cost thereof, or so much thereof as may be legally assessable, upon property benefited by the improvement as is provided in the case of townships by sections one thousand five hundred and nine, one thousand five hundred and ten, and one thousand five hundred and eleven of this act. Any portion of the cost of such an improvement not assessed or not assessable shall be paid by the respective townships, cities, and boroughs joining as may be agreed upon.

(b) The townships, cities, and boroughs joining or contemplating joining in any such improvement, in order to facilitate the building of the same and in securing preliminary surveys and estimates, may by ordinance provide for the appointment of a joint sewer board composed of one representative from each of the townships, cities, and boroughs joining which shall act generally as the advisory and administrative agency in the construction of such improvement, and its subsequent operation and maintenance. The members of such board shall serve for terms of six years each from the dates of their respective appointments, and until their successors are appointed. The board shall organize by the election of a chairman, vice-chairman, secretary, and treasurer. The several townships, cities, and boroughs may, in the ordinances creating the board, authorize it to appoint an engineer, a solicitor, and such other assistants as are deemed

necessary; and agree to the share of the compensation of such persons each township, city, and borough is to pay. The members of the board shall receive such compensation for attending its meetings as shall be fixed in the budget, prepared by the board and submitted to, and adopted by, the several townships, cities, and boroughs as hereinafter provided. The budget item providing for the compensation to members for attending meetings shall not exceed a total of two hundred and fifty dollars per year, but the members in addition thereto, shall be entitled to actual expenses to be paid by the respective townships, cities, and boroughs which such members represent. The fee for each attendance at meetings shall be stipulated and no member shall be paid such fee for any meeting which he does not attend.

(c) The joint sewer board shall have power to adopt rules and regulations to govern its proceedings, and shall prepare and suggest any practical measures and plans by means of which the joint improvement may be carried to successful completion; and the future development of the system, so as to conform to a general plan, assured and safeguarded. It shall have power to prepare a joint agreement or agreements for submission to and adoption by the several townships, cities and boroughs defining the advisory and administrative powers of the board; setting forth the consents of the several townships, cities, and boroughs to the proposed improvement; the manner, which shall not be inconsistent with the provisions of this act, in which preliminary and final plans, specifications, and estimates for the proposed improvement shall be prepared and adopted; and in which proposals for bids shall be advertised, and contracts let; the manner in which the costs of the improvement and other incidental and preliminary expenses in connection therewith, and

the future cost of operation and maintenance shall be equitably shared, apportioned, and paid; and all such other matters, including the preparation and submission of annual and other budgets, as may be deemed necessary or required by law to carry the proposed improvement to completion and to assure future maintenance and operation thereof. But nothing herein contained shall authorize the board to make any improvement or expend any public moneys which has not first been authorized by all of the townships, cities, and boroughs proceeding with the improvement.

(d) In any case where it shall be necessary to acquire, appropriate, damage, or destroy private property to build any such joint sewer improvement, and the same cannot be acquired by purchase or gift, the right of eminent domain shall vest in the township, city, or borough where such property is located. In any such case where it shall be necessary to acquire, damage, or destroy property in any territory not within the limits of any of the townships, cities, or boroughs joining in the improvement; then the right of eminent domain shall be vested in any township, city, or borough adjacent to such territory where such property is located. Damages for any property taken, damaged, or destroyed shall be assessed as provided by the general laws relating to the townships, cities, and boroughs exercising the right of eminent domain; and shall be paid by the several townships, cities, and boroughs joining in the same proportion as other costs of the improvements.]

<u>Section 2516. Joint Sanitary Sewer Systems.--(a) Townships may contract with other municipal corporations providing for the joint construction or maintenance of sanitary sewer systems and for the connection onto existing sanitary sewer systems. The agreements shall provide for the apportionment of costs among</u>

the municipal corporations. The board of supervisors may assess the township's respective portions of the costs, as may be legally assessable, upon property benefited by the facilities. Any portion of the cost not assessed or assessable shall be paid by the respective municipal corporations under the agreement.

(b) The municipal corporations joining or contemplating joining in the project in order to facilitate the building of the sanitary sewer system and in securing preliminary surveys and estimates may, by ordinance, provide for the appointment of a joint sanitary sewer board composed of one representative from each of the municipal corporations joining which shall act generally as the advisory and administrative agency in the construction of the improvement and its subsequent operation and maintenance. Members of the joint sanitary sewer board shall serve for terms of six years each from the dates of their respective appointments and until their successors are appointed. The joint sanitary sewer board shall organize by the election of a chairman, vice-chairman, secretary and treasurer. The municipal corporations may, in the ordinances creating the joint sanitary sewer board, authorize it to appoint an engineer, a solicitor and other necessary assistants and agree to the share of the compensation of those persons each municipal corporation is to pay. The members of the joint sanitary sewer board shall receive compensation for attending board meetings as established in the budget that is prepared by the joint sanitary sewer board and submitted to and adopted by the municipal corporations. The budget item providing for the compensation to members for attending meetings shall not exceed a total of two hundred and fifty dollars ($250) for each member in each year, but the members shall be entitled to actual expenses to be paid

by the respective municipal corporations the members represent.

(c) The joint sanitary sewer board may adopt rules and regulations to govern its proceedings and prepare and suggest measures and plans under which the joint improvement may be completed and for the future development of the system. It may prepare a joint agreement or agreements for submission to and adoption by the municipal corporations defining the advisory and administrative powers of the joint sanitary sewer board and setting forth: the consents of the municipal corporations to the proposed improvement; the manner in which preliminary and final plans, specifications and estimates for the proposed improvement shall be prepared and adopted and in which proposals for bids shall be advertised and contracts let; the manner in which the costs of the improvement and other incidental and preliminary expenses in connection therewith, and the future cost of operation and maintenance, shall be equitably shared, apportioned and paid; and all other matters, including the preparation and submission of annual and other budgets, that are necessary or required by law to complete the proposed improvement and to assure future maintenance and operation thereof. The board may not make any improvement or spend any public moneys which have not first been authorized by all of the municipal corporations proceeding with the improvement.

(d) When it is necessary to acquire, appropriate, damage or destroy private property to build any joint sanitary sewer system or improvement and the property cannot be acquired by purchase or gift, the right of eminent domain shall vest in the municipal corporation where the property is located. When it is necessary to acquire, damage or destroy property in any territory not within the limits of any of the municipal

corporations joining in the improvement, the right of eminent domain shall be vested in the municipal corporation adjacent to the territory where the property is located. Damages for any property that is taken, damaged or destroyed shall be assessed under laws relating to the municipal corporations exercising the right of eminent domain and shall be paid by the municipal corporations joining in the same proportion as other costs of the improvements.

[Section 1541. State Permit.--No such sewer or plant shall be constructed until plans and specifications have been submitted to the State Department of Health and approved, in accordance with law.]

Section 2517. State Permit.--No sanitary sewer or plant may be constructed until plans and specifications are submitted to the Department of Environmental Resources and approved.

[(f) Non-debt Revenue Sewer Bonds

ARTICLE XV-A

COLLECTION BY INSTALLMENT OF STREET, SEWER, CURBING AND SIDEWALK ASSESSMENTS

Section 1501-A. Authority for Installment Payments.--Whenever any township shall authorize the construction or acquisition of any sanitary sewer or system of sanitary sewers, or the improvement of any street or portion thereof, or the installation of curbing or sidewalks, and the entire cost, or any part thereof, shall be assessed against the properties benefited, improved or accommodated by such sewer or system of sewers, or curbing or sidewalks, or abutting, upon such street or portion thereof, the township supervisors may authorize the payment of such assessment in equal annual, or more frequent installments. Every such ordinance shall specify the length of

time over which such installments may be extended and whether payments are to be made by annual or more frequent installments. All such installments shall bear interest, as provided in the applicable ordinance, at a rate not to exceed six per cent, commencing at such time as may be fixed or regulated by ordinance: Provided, That where bonds shall have been issued and sold in the manner provided by law, to provide for the payment of any street improvement, such assessments in equal installments shall not be payable beyond the term for which such bonds are issued, and the expenditures for such improvements, and interest thereon to the first day when interest is payable on such bonds, shall be taken as the cost of such improvement to be assessed on the property benefited.

Section 1502-A. Entry of Liens.--Claims to secure the assessments shall be entered in the prothonotary's office of the county at the same time and in the same form and shall be collected in the same manner as municipal claims are filed and collected, notwithstanding the provisions of this article on installment payments.

Section 1503-A. Assessments; Where Payable.--Such assessments shall be payable at the office of the township treasurer, or such other place as the ordinance shall provide, in semi-annual or annual installments, with interest at the rate provided from the date from which interest is computed on the amount of the assessments.

Section 1504-A. Default in Payment of Installment.--In case of default in the payment of any installment and interest for a period of sixty days after the same shall become due, the entire assessment and accrued interest shall become due; and the township solicitor shall proceed to collect the same under the

general laws relating to the collection of municipal claims.

Section 1505-A. Payments in Full.--Any owner of property, against whom any such assessment shall have been made, may pay the same in full, at any time, with interest and costs thereon to the due date of the next installment, and such payment shall discharge the lien.]

ARTICLE [XVI] <u>XXVI</u>

WATER SUPPLY [AND WATERWORKS

Section 1601. Contracts With Water Companies and Municipalities and Acquisition of Waterworks Systems.--(a) The supervisors of any township may, by contract with any private corporation or any adjacent municipality owning a waterworks system, provide for a supply of water for public and private uses, to be delivered through lines owned by such company or municipality within such township, or any part thereof. The contract shall provide how and in what manner the cost of such water service shall be paid by the consumers thereof.

(b) In addition to the provisions of subsection (a), the supervisors of any township may purchase or acquire a privately owned waterworks system to provide for a supply of water for public and private uses. If a privately owned water company fails to render service as required by the Pennsylvania Public Utility Commission, the supervisors of the township in which such water company is located may, with the approval of the Pennsylvania Public Utility Commission, exercise the right of eminent domain to acquire the waterworks system of such water company so as to provide a supply of water for public and private uses.]

<u>Section 2601. Contracts With Water Companies and Municipal Corporations and Acquisition of Water Systems.--(a) The board</u>

of supervisors may, by contract with any private corporation or any adjacent municipal corporation owning a waterworks system, provide water for public and private uses, to be delivered through lines owned by that company or municipal corporation within the township. The contract shall provide the manner by which the cost of the water service shall be paid by the consumers.

(b) The board of supervisors may purchase or acquire a privately owned water system to provide water for public and private uses. If a privately owned water company fails to render service as required by the Pennsylvania Public Utility Commission, the board of supervisors may, with the approval of the Pennsylvania Public Utility Commission, exercise the right of eminent domain to acquire the water system of the water company to provide water for public and private uses.

(c) Any township may, by agreement, connect with an existing water system owned by any adjacent municipal corporation. When any township desires to connect with the existing water system of any adjacent municipal corporation and no agreement has been reached between the township and the adjacent municipal corporation, a petition seeking approval of the connection shall be presented by the board of supervisors to the court of common pleas. The court shall set a day for hearing upon the petition and shall direct public notice be given to all interested parties. If the court is of the opinion that the connection can be made without impairing the usefulness of the existing water system, it shall appoint three viewers to view the premises, investigate the facts of the case, assess the necessary costs and expenses of making the connection and the proportionate part of the expense of building the original water system upon the

township, determine the proportion of the expense for repairs which the municipal corporation and the township shall bear and determine all other questions likely to arise in connection therewith.

[Section 1602. Water Lines and Connections.--Township supervisors shall have full power to contract with any private corporation, or any adjacent municipality owning a waterworks system, to provide for a supply of water for public and private uses to be delivered into the lines of the township at or near the boundary thereof. In such case the supervisors shall have the power, by contract, to lay water lines, and to provide for extensions thereof, and to regulate the making of connections therewith.]

Section 2602. Water Lines and Connections.--The board of supervisors may contract with any private corporation or any adjacent municipal corporation owning a water system to provide water for public and private uses to be delivered into the lines of the township at or near the boundary thereof. The board of supervisors may, by contract, lay water lines and extensions and regulate the making of connections therewith.

[Section 1602.1. Connection to Water Supply System.--The supervisors may require that abutting property owners of a water supply system connect with and use the same except those industries and farms who have their own supply of water for uses other than human consumption. In case any owner of property except those previously excepted abutting such water system shall neglect or refuse to connect with and use said system for a period of ninety days after notice to do so has been served upon him by the supervisors, either by personal service or registered mail, said supervisors or their agents, may enter

upon such property and construct such connection. In such case the supervisors shall forthwith, upon completion of the work, send an itemized bill of the cost of construction of such connection to the owner of the property to which connection has been made, which bill shall be payable forthwith, or the supervisors may authorize the payment of the cost of construction of connections in equal monthly installments, said installments shall bear interest at a rate not to exceed seven per centum per annum.]

Section 2603. Connection to Water System.--The board of supervisors may, by ordinance, require that abutting property owners of a water system provided by the township or a municipality authority or a joint water board connect with and use the system. Those industries and farms which have their own supply of water for uses other than human consumption may continue to use their own water for that purpose but are required to use the township water system to provide water for human consumption. IN THE CASE OF A WATER SYSTEM PROVIDED BY THE <—— TOWNSHIP OR A JOINT WATER BOARD, THE BOARD OF SUPERVISORS MAY IMPOSE AND CHARGE TO PROPERTY OWNERS WHO DESIRE TO OR ARE REQUIRED TO CONNECT TO THE WATER SYSTEM A CONNECTION FEE, A CUSTOMER FACILITIES FEE, A TAPPING FEE, AND OTHER SIMILAR FEES AS ENUMERATED AND DEFINED BY CLAUSE (T) OF SUBSECTION B OF SECTION 4 OF THE ACT OF MAY 2, 1945 (P.L.382, NO.164), KNOWN AS THE "MUNICIPALITY AUTHORITIES ACT OF 1945." WHENEVER A WATER SYSTEM OR ANY PART OR EXTENSION THEREOF OWNED BY A TOWNSHIP HAS BEEN CONSTRUCTED BY THE TOWNSHIP AT THE EXPENSE OF A PRIVATE PERSON OR CORPORATION OR HAS BEEN CONSTRUCTED BY A PRIVATE PERSON OR CORPORATION UNDER THE SUPERVISION OF THE TOWNSHIP AT THE EXPENSE OF THE PRIVATE PERSON OR CORPORATION, THE BOARD OF

SUPERVISORS SHALL HAVE THE RIGHT TO CHARGE A TAPPING FEE, INCLUDING A REIMBURSEMENT COMPONENT, AND REFUND SAID REIMBURSEMENT COMPONENT TO THE PERSON OR CORPORATION WHO HAS PAID FOR THE CONSTRUCTION OF SAID WATER SYSTEM OR ANY PART OR EXTENSION THEREOF. If any owner of property abutting the water system fails to connect with and use the system within ninety days after notice to do so has been served by the board of supervisors, the board of supervisors or their agents may enter the property and construct the connection. The board of supervisors shall send an itemized bill of the cost of construction of connection to the owner of the property to which connection has been made, which bill is payable immediately, or the board of supervisors may authorize the payment of the cost of construction of connections in equal installments under Article XXXIII.

[Section 1602.2. Connection to Water Supply System of Municipality Authorities.--Whenever a water supply system is or shall have been established or constructed by a municipality authority within a township of the second class, the township supervisors shall be empowered by ordinance, to compel all owners of property abutting thereto to make connection therewith. The supervisors may, by ordinance, impose penalties to enforce any regulation or order they may ordain with reference to any water connections. In case any owner of property other than those excepted in section 1602.1 of this act, shall neglect or refuse to connect with said water system for a period of ninety days after notice to do so has been served upon him by the supervisors, either by personal service or by registered mail, the supervisors or their agents may enter upon such property and construct such connection. In such case,

the supervisors shall forthwith, upon completion of the work, send an itemized bill of the cost of the construction of such connection to the owner of the property to which connection has been made, which bill shall be payable forthwith or the supervisors may authorize the payment of the cost of construction of connections in equal monthly installments, to bear interest at a rate not exceeding seven per centum per annum.

Section 1602.3. Cost of Connections; Where Payable.--Such cost of construction of connections shall be payable at the office designated by the township supervisors, in monthly installments, with interest from the date of completion of construction of the connection.

Section 1602.4. Default in Payment of Installment.--In case of default in the payment of any installment and interest for a period of sixty days after the same shall become due, the entire cost of construction of connection and accrued interest shall become due; and, the township solicitor shall proceed to collect the same under the general laws relating to the collection of municipal claims.

Section 1602.5. Entry of Liens.--In case of neglect or refusal by the owner of such property to pay said bill or in case of installment payment, it shall be the duty of the township supervisors to file municipal liens for said construction within six months of the date of completion of the construction of such connection, the same to be subject in all respects to the general law providing for the filing and recovery of municipal liens.

Section 1603. Water Rents.--The township supervisors are authorized to provide for the collection of water rents from

users of water, supplied by the township.]

Section 2604. Water Rents.--The board of supervisors may provide for the collection of water rents from users of water supplied by the township.

[Section 1604. Distribution System; State Permit.--The supervisors of any township may, by ordinance provide, acquire, establish, regulate, and protect any system of distribution of water for private and public use after a certified copy of the plans and surveys for such system, with a description of the sources from which it is proposed to derive the supply, are filed with the Department of Health, and a written permit for the construction of such system obtained from the Secretary of Health, in accordance with law.]

Section 2605. Distribution System; State Permit.--The board of supervisors may, by ordinance, provide, acquire, establish, regulate and protect any system of distribution of water for private and public use after a certified copy of the plans and surveys for the system, with a description of the sources from which it is proposed to derive the supply, are filed with the Department of Environmental Resources and a written permit for the construction of the system is obtained from the Department of Environmental Resources.

[Section 1605. Occupation of Highways.--In providing for regulating, protecting, and extending its system of distribution of water, the township may occupy public highways, but no highway under the jurisdiction of the Department of Highways shall be occupied until a permit therefor has been obtained from such department nor any highway under the jurisdiction of the county until a permit therefor has been obtained from the county commissioners.]

Section 2606. Occupation of Highways.--In regulating, protecting and extending its system of distribution of water, the township may occupy public highways, but no highway under the jurisdiction of the Department of Transportation shall be occupied until a permit therefor has been obtained from the department nor any highway under the jurisdiction of the county until a permit therefor has been obtained from the county commissioners.

[Section 1606. Joint Construction, Acquisition or Maintenance of Works.--Any township may join with a city, borough or another township of either the first or second class in the construction or acquisition and maintenance of works for the supply of water. The construction of such waterworks shall be commenced only after plans for such waterworks have been filed with the Department of Health, and the Water and Power Resources Board, and permits issued in accordance with law.]

Section 2607. Joint Construction, Acquisition or Maintenance of Water Systems.--Any township may join with any other municipal corporation in the construction or acquisition and maintenance of water systems. The construction of water systems shall be commenced only after plans for the systems have been filed with the Department of Environmental Resources and permits have been issued.

[Section 1607. Commission of Waterworks.--The townships, cities and boroughs joining in any such improvement, in order to facilitate the building of the same and in securing preliminary surveys and estimates, may, by ordinance, provide for the appointment of a joint commission of waterworks composed of one representative from each of the townships, cities and boroughs joining which shall act generally as the advisory and

administrative agency in the construction of such improvement and its subsequent operation and maintenance. The members of such board shall serve for terms of six years each, from the dates of their respective appointments and until their successors are appointed. The commission shall organize by the election of a chairman, a vice chairman, secretary and treasurer. The several townships, cities and boroughs may, in the ordinances creating the commission, authorize it to appoint an engineer, a solicitor and such other assistants as are deemed necessary, and agree to the share of the compensation of such persons each township, city and borough is to pay. The members of the commission shall receive such compensation for attending its meetings as shall be fixed in the budget prepared by the commission and submitted to and adopted by the several townships, cities and boroughs, as hereinafter provided. The budget item providing for the compensation to members for attending meetings shall not exceed two hundred and fifty dollars per year, but members in addition thereto shall be entitled to actual expenses to be paid by the respective townships, cities and boroughs which such members represent. The fee for each attendance at meetings shall be stipulated and no member shall be paid such fee for any meeting which he does not attend.]

<u>Section 2608. Joint Water Board.--The municipal corporations joining in the improvement, in order to facilitate the building of the water system and in securing preliminary surveys and estimates, may, by ordinance, provide for the appointment of a joint water board composed of one representative from each of the municipal corporations joining to act generally as the advisory and administrative agency in the construction of the</u>

improvement and its subsequent operation and maintenance. Members of the joint water board shall serve for terms of six years each from the dates of their respective appointments and until their successors are appointed. The joint water board shall organize by the election of a chairman, vice-chairman, secretary and treasurer. The municipal corporations may, in the ordinances creating the joint water board, authorize it to appoint an engineer, a solicitor and other necessary assistants and agree to the share of the compensation of those persons each municipal corporation is to pay. The members of the joint water board shall receive compensation for attending board meetings as established in the budget that is prepared by the joint water board and submitted to and adopted by the municipal corporations. The compensation to members for attending meetings shall not exceed a total of two hundred and fifty dollars ($250) for each member in each year, but the members shall be entitled to actual expenses to be paid by the respective municipal corporations the members represent.

[Section 1608. Public Utility Law Saved.--Nothing contained in this article shall be construed to repeal or to supersede any of the provisions of the Public Utility Law.]

Section 2609. Public Utility Law Saved.--Nothing contained in this article shall be construed to repeal or to supersede any of the provisions of 66 Pa.C.S. (relating to public utilities).

Section 2610. Cost of Construction; How Paid.--All or part of the cost of construction of any water system constructed by the authority of this article may be charged upon the properties accommodated or benefited thereby.

[Section 1609. Water Districts; Application of Taxpayers.--Whenever the taxpayers of any section of a township whose

property valuation, as assessed for taxable purposes within such section, shall amount to fifty per centum of the total property valuation, as assessed for taxable purposes within such section, shall, by petition, so request, the supervisors of such township shall constitute such section into a water district or divide it into several water districts. In every such case of division into several districts, the supervisors shall determine the proportion of the cost of the water system which should equitably be charged on each of said districts and declare and establish such apportionment by resolution. No district shall be charged with more than its due proportion of the cost of the main pipe lines, pumping stations, et cetera, used jointly by more than one district.]

Section 2611. Water Districts.--The board of supervisors may designate, define and create one or more water districts within the township, and the board of supervisors shall determine the proportion of the cost of the water system which shall be equitably charged on each district and declare and establish the apportionment by resolution. No district shall be charged with more than its due proportion of the cost of the main pipe lines, pumping stations, et cetera, used jointly by more than one district.

[Section 1610. Assessment.--In lieu of issuing and selling non-debt revenue bonds, as provided in section one thousand six hundred nine point one of the act, the township supervisors may provide for the payment of the cost of water lines or water system in the township or in districts thereof by an assessment upon the properties accommodated or benefited in either of the following methods:

(a) By an assessment, pursuant to a resolution or ordinance

of the board of supervisors, of each lot or piece of land in proportion to its frontage abutting on the mains, allowing such reduction in the case of properties abutting on more than one main as the resolution or ordinance may specify. No assessment by frontage shall be made on properties of such a character as not to be lawfully subject to such manner of assessment, and each abutting property shall be assessed with not less than the whole amount of the benefit accruing to it and legally assessable; or

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

When there is more than one district, the assessment in each district may be by different methods.]

Section 2612. Assessment.--The board of supervisors may provide for the payment of the cost of water lines or water systems in the township or in districts thereof by an assessment upon the properties accommodated or benefited by one of the following methods:

(1) By an assessment, under a resolution or ordinance of the board of supervisors, of each lot or piece of land in proportion to its frontage abutting on the water mains, allowing an equitable reduction in the case of corner properties and unusually shaped properties or in the case of properties abutting on more than one main as the resolution or ordinance may specify.

(2) By an equal assessment on all properties abutting on the mains in proportion to the total cost of construction. The amount of the charge on each property shall be determined by the board of supervisors.

[Section 1611. Procedure for Assessment of Benefits.--In all cases where the board of supervisors shall select the method provided in subsection (b) of the foregoing section, they shall petition the court of common pleas for appointment of viewers to assess benefits. In all cases where they shall neglect for a period of three months after the completion of the water system to either ordain assessments by frontage or present petition for appointment of viewers, taxpayers of the district or districts affected whose property valuation, as assessed for taxable purposes within the district, shall amount to fifty per centum of the total property valuation, so assessed may present a petition to the court of common pleas of the proper county for the appointment of viewers to assess benefits; and, in all cases, where such taxpayers shall, within three months of the adoption of a resolution levying an assessment under the method provided by subsection (a) of said foregoing section, by petition, state to said court that such assessment insufficiently represents the benefits accruing to abutting properties, they may include in such petition a prayer for the appointment of viewers to assess benefits. In either case, the court shall thereupon appoint three disinterested persons from the board of county viewers, none of whom shall be a resident of that portion of the township which is accommodated by the water system in question, and the viewers so appointed shall proceed as provided in this act for proceedings for the assessment of damages and benefits by viewers. The aggregate of the assessments in any water district shall not exceed the amount charged to such district for its share of the cost of the water system construction unless the same shall, by petition of taxpayers whose property valuation as aforesaid shall amount to

fifty per centum of the total property valuation, as assessed for taxable purposes within the districts affected, presented within three months after the adoption of a resolution or ordinance providing for an assessment by frontage, be stated to insufficiently represent the amount of benefits to such properties, in which case the proceedings by taxpayers authorized above shall be applicable. Upon the filing of such a petition by taxpayers, as aforesaid, for appointment of viewers, any assessment made by the supervisors and any proceedings thereunder shall be stayed pending the disposition of the petition by the court.]

Section 2613. Procedure for Assessment.--If any taxpayer or taxpayers, by petition, within three months of the adoption of a resolution or ordinance levying an assessment under section 2612, state to the court of common pleas that the assessment insufficiently represents the benefits accruing to abutting properties, they may include in the petition a request for the appointment of viewers to assess benefits. The court shall appoint three disinterested persons from the board of county viewers, none of whom shall be a resident of that portion of the township which is accommodated by the water system in question, and the viewers shall proceed under this act for the assessment of damages and benefits by viewers. Upon the filing of the petition by taxpayers, any assessment made by the board of supervisors and any proceedings shall be stayed pending the disposition of the petition by the court.

[Section 1612. 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 township supervisors 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 supervisors 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.

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

Section 2614. Liens for Assessments; Costs of Proceedings.-- After the amount of the assessment charged upon the several properties has been established by resolution making assessments according to frontage or by confirmation of any report of viewers, in whole or in part, the board of supervisors shall file municipal liens for the assessments covered by the resolution or confirmation. The amounts of all assessments are payable to the township treasurer. The board of supervisors shall also make out bills for the amount charged against each property, which shall be sent to all property owners.

ARTICLE XXVII

STORM WATER MANAGEMENT PLANS AND FACILITIES

Section 2701. Storm Water Management Systems Authorized.-- The board of supervisors may plan, design, construct, assemble, install and alter facilities, including, but not limited to,

inlets, outlets, systems of piping, diversion terraces, grass waterways, energy dissipaters, storm water retention devices and natural or artificial infiltration areas, to manage surface water runoff.

Section 2702. Construction of Storm Water Management Facilities.--(a) The board of supervisors may acquire, by purchase, deed of dedication or eminent domain proceedings, all or part of any existing system or facility for the management of surface water runoff which may have been established or constructed by any property owner in the township or establish, construct and maintain systems or facilities in the best interest of the township.

(b) If the board of supervisors and the owners of systems can agree upon a price to be paid by the township, the purchase may be consummated if the amount to be paid does not exceed the actual value of the facilities to be transferred.

(c) If the board of supervisors acquires the system by the exercise of eminent domain, the damages shall be determined by viewers under this act for eminent domain proceedings.

Section 2703. System Management.--(a) When exercising the powers under this article, the board of supervisors shall manage storm water originating in or passing through the township in a manner which is consistent with the requirements of the act of October 4, 1978 (P.L.864, No.167), known as the "Storm Water Management Act," and the storm water management guidelines and any regulations which may be adopted by the Department of Environmental Resources.

(b) All storm water management activities undertaken must be consistent with any watershed storm water management plan when the plan has been approved by the Department of Environmental

Resources.

(c) When storm water management activities are undertaken in watersheds for which there is no approved storm water management plan, all drawings, documents, profiles and designs and descriptions of the proposed activities to be undertaken by the township shall be submitted to the county conservation district for review and comment before the initiation of earthmoving activities. The conservation district shall have thirty days to review and respond with comments to the board of supervisors. Failure to respond within that time constitutes favorable comment by the conservation district.

Section 2704. Ordinances.--The board of supervisors may enact storm water management ordinances and require persons conducting earthmoving activities to obtain approval from the board of supervisors for those activities. Ordinances must be consistent with watershed storm water management plans where they exist and in all cases must be consistent with the act of October 4, 1978 (P.L.864, No.167), known as the "Storm Water Management Act."

ARTICLE [XVI-A] XXVIII

MANUFACTURE AND SALE OF ELECTRICITY

[Section 1601-A. Manufacture and Sale of Electricity.--Any township may manufacture electricity by means of a hydroelectric generating facility owned or operated by the township for the use of the inhabitants of such township. Any township owning or operating a hydroelectric generating facility may make contracts for the sale of electricity to persons engaged in the business of the manufacture or sale of electricity.]

Section 2801. Manufacture and Sale of Electricity.--Any township may manufacture electricity by means of a hydroelectric

generating facility owned or operated by the township for the use of the inhabitants of the township. Any township owning or operating a hydroelectric generating facility may make contracts for the sale of electricity to persons engaged in the business of the manufacture or sale of electricity.

[Section 1602-A. May Regulate Use and Prices.--Any township furnishing electricity pursuant to this article may regulate the use of said electricity in dwellings, business places, and other places in such township, and the rate to be charged for the same.]

Section 2802. Regulation of Use and Prices.--Any township furnishing electricity under this article may regulate the use of electricity in dwellings, business places and other places in the township and the rate to be charged for the electricity.

[Section 1603-A. Sale of Hydroelectric Generating Facilities.--By ordinance, a township may sell all or part of its hydroelectric generating facilities to a purchaser for such sale price as the parties may agree upon, and thereafter for all purposes that price shall be deemed to be the purchaser's original cost less accrued depreciation of the plant at the date of purchase.]

Section 2803. Sale of Hydroelectric Generating Facilities.--A township may, by ordinance, sell all or part of its hydroelectric generating facilities to a purchaser for that sale price as the parties may agree upon.

[Section 1604-A. Construction or Purchase of Hydroelectric Generating Facilities.--Any township may construct or purchase 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 2804. Construction or Purchase of Hydroelectric Generating Facilities.--Any township may construct or purchase facilities to manufacture electricity by hydroelectric generation. Any township may purchase a hydroelectric generating facility at that price as may be agreed upon by the township and the person, partnership or a majority of the stockholders of a corporation that owns the facilities.

[Section 1605-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.]

Section 2805. Submission to Electors.--Before any township constructs or purchases 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 in indebtedness of municipal corporations.

[Section 1606-A. Limitation on Indebtedness.--No township which constructs or purchases a hydroelectric generating facility shall incur any indebtedness for the construction or enlargement of a new or existing dam or impoundment structure but may incur indebtedness for repairs or reconstructions of an existing dam or impoundment in connection with the hydroelectric project.]

Section 2806. Limitation on Indebtedness.--No township which constructs or purchases a hydroelectric generating facility

shall incur any indebtedness for the construction or enlargement of a new or existing dam or impoundment structure but may incur indebtedness for repairs or reconstruction of an existing dam or impoundment in connection with the hydroelectric project.

[ARTICLE XVII

PUBLIC BUILDINGS

Section 1702. Town Hall.--The supervisors of townships may procure a suitable lot of ground, and erect or use a suitable building thereon for a town hall for township purposes. For the purpose of procuring a lot of ground and erecting a town hall, the supervisors may borrow money at a rate of interest not exceeding six per centum and issue bonds therefor.

Section 1703. Unloaders and Warehouses.--Townships may purchase or lease land within or without the limits of such townships, and erect thereon suitable unloaders, warehouses, or other buildings as may be necessary for unloading, handling, and storing road materials and supplies.

Section 1704. Appropriation of Property.--Townships may enter upon and appropriate private property for the erection thereon of a town hall, and such other public buildings as are necessary for public purposes. No land or property used for any cemetery, burying ground, public or parochial school, educational or charitable institution, seminary, or place of public worship shall be taken or appropriated by virtue of any power contained in this section.

Section 1705. Resolution of Supervisors.--Whenever the supervisors desire to acquire, enter upon, take, use, and appropriate private property or lands for public buildings, they shall declare such intention by an ordinance.

Section 1706. How Damages Are Assessed.--The compensation

and damages arising from such taking, using, and appropriating of private property for such purposes shall be ascertained, determined, awarded, and paid in the manner provided in this act for eminent domain proceedings.

Section 1707. Use of Public Land Acquired for Other Purposes.--Whenever the supervisors desire to take any lands heretofore granted or dedicated to a use or purpose for which they are no longer used, they shall pass an ordinance declaring such intention and shall thereupon petition the court of common pleas for leave to file the bond of the township for the purpose of securing any person or persons who may be entitled to compensation for such taking. The court shall thereupon direct notice to be given by publication in at least two newspapers circulating generally in the county. The court may increase the amount of the bond, and shall hear all exceptions that are filed against the petition and the sufficiency of the bond, and may grant or deny the prayer of the petition. Upon the granting of the petition and the approval of the bond, the supervisors may enter upon and take such lands for the purposes of erecting public buildings. The bond, which shall be in the name of the Commonwealth, for the use of any person or persons who are entitled to damage by reason of the taking of the lands, shall remain on file for their use and benefit.

In case the compensation for damages, accruing from any such appropriations, has not been agreed upon by the parties in interest, the same may be assessed by viewers in accordance with the provisions of this act for the assessment of damages in eminent domain proceedings.

ARTICLE XVIII

LICENSES AND LICENSE FEES

(a) Transient Retail Merchants

Section 1801. Transient Retail Merchants to Be Licensed.--Every person, whether principal or agent, entering into, beginning, or desiring to begin, a transient retail business in any township for the sale of any goods, wares, or merchandise whatsoever, and who hires, leases, occupies, or uses any room, apartment, store, shop, building, railway car, or other place or structure for the exhibition and sale of such goods, wares, or merchandise, shall, when ordained by the board of supervisors, take out a license for the same from the supervisors of the said township: Provided, however, That nothing herein contained shall apply to farmers selling their own produce, or to any sale of goods, wares, or merchandise, donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose.

Section 1802. Amount and Payment of License Fee; Penalty.--The amount of such license in any township shall, when ordained by the board of supervisors, be the sum of twenty-five dollars per month, or fractional part thereof, to be paid to the township treasurer. Said license shall be renewed monthly during the continuance of said sale, and upon failure of any person so to secure such license, he shall, upon conviction in a summary proceeding, be fined not more than two hundred dollars, and, in default of payment of said fines, shall be imprisoned in the jail of the county for a period not exceeding thirty (30) days.

(b) Restrictions

Section 1811. Agents for Licensed Dealers Not to Be Licensed.--It shall be unlawful for any township to levy any license fee or mercantile tax upon any persons taking orders for merchandise, by sample, from dealers or merchants. Nothing in

this section shall authorize any person to sell by retail to others than dealers or merchants.

Section 1812. Insurance Agents and Brokers Not to Be Licensed.--It shall be unlawful for any township to impose or collect any license fee upon insurance companies, or their agents, or insurance brokers, authorized to transact business under the Insurance Laws of the Commonwealth.

Section 1813. License Fees on Residents Not to Exceed Those on Nonresidents.--It shall be unlawful for any township to impose, exact or collect, any license tax or fee upon or from any manufacturer, or the agent, representative, or employe or any manufacturer, who is a resident of the Commonwealth, for soliciting orders for or for selling any goods, merchandise, or wares manufactured within this Commonwealth that is not or cannot legally be imposed upon or exacted or collected from any manufacturer or dealer, or the agent, representative, or employe of any manufacturer, who is a nonresident of the Commonwealth, for soliciting orders for or for selling any goods, merchandise, or wares manufactured without the Commonwealth.

ARTICLE XIX

PARKS, PLAYGROUNDS, GYMNASIUMS, PUBLIC BATHS, SWIMMING POOLS, INDOOR RECREATION CENTERS AND FORESTS

Section 1901. Acquisition of Lands and Buildings.--The supervisors of any township may by ordinance separately or jointly designate and set apart for use as parks, playgrounds, playfields, gymnasiums, public baths, swimming pools, or indoor recreation centers, hereinafter called public parks, recreation areas and facilities, any lands or buildings, owned by such township, and not dedicated or devoted to other public use. Such

township may acquire lands or buildings for such purposes by gift, devise or purchase or by the exercise of the right of eminent domain, or may lease lands or buildings in such township for temporary use for such purposes. Whenever the supervisors designate or acquire any lands, with or without buildings, under the provisions of this section, except when the acquisition is under a lease for temporary use, they may construct buildings and facilities thereon for the purposes herein indicated.

Section 1902. Creation of Park and Recreation Boards.--The authority to equip, supervise and maintain parks, recreation areas and facilities and to conduct recreation programs may be vested in any existing body or board or in a park board or recreation board as the township supervisors may determine. The supervisors may equip, operate, and maintain such parks, recreation areas and facilities as authorized by this article. Such supervisors may, for the purpose of carrying out the provisions of this article, employ play leaders, recreation directors, supervisors, superintendents, or any other officers or employes as they deem proper. If the supervisors shall determine that the power to equip, operate and maintain parks, recreation areas and facilities shall be placed in a recreation board, such board shall possess all the powers and be subject to all the responsibilities of the board of supervisors under this article. In such case the recreation board shall exercise its powers and duties in establishing standards, qualifications and salary schedules, to be approved by the supervisors, for all classifications of recreation employes. Whenever boroughs, cities, counties, townships, school districts, or any of them, develop a cooperative plan of recreation service with a township, the township recreation board shall have the power to

adjust its established personnel standards, qualifications and salary schedules, to be approved by the supervisors, to meet the terms of a joint operation agreed upon.

Section 1903. Composition of Park or Recreation Boards.-- Park or recreation boards, when established, shall consist of five or seven persons, and when established in a township having a school board, two of the members shall be members or appointees of the school board. The other members of such boards shall be appointed by the supervisors, and shall serve for terms of five years or until their successors are appointed, except that the members of such board first appointed shall be appointed for such terms that the term of not more than two members shall expire annually thereafter. Members of such board shall serve without pay. All persons appointed shall serve their full terms unless voluntarily resigned or removed by the supervisors for dereliction or neglect of duty. Vacancies in such board occurring otherwise than by expiration of term shall be for the unexpired term, and shall be filled in the same manner as original appointments.

Section 1904. Organization of Park or Recreation Board; Powers and Duties Delegated to the Board by the Supervisors.-- The members of a park board or recreation board, established pursuant to this article, shall elect their own chairman and secretary and select all other necessary officers, to serve for a period of one year. Such boards shall have power to adopt rules and regulations for the conduct of all business within their jurisdiction. Their jurisdiction shall include the right to select, employ and discharge all recreation personnel used to carry out the provisions of this article. It shall be the duty of the recreation board and its executive to submit an annual

report to the township supervisors, including an analysis of the community recreation areas, facilities and leadership, with particular reference to the extent and adequacy of the program and its effectiveness in view of the public expenditure involved and the public needs to be met.

Section 1905. Joint Ownership and Maintenance.--Any township may, jointly with anyone or more townships, boroughs and cities, acquire property for and operate and maintain any parks and public recreation areas and facilities. Any school district may join with the township in equipping, operating and maintaining parks, public recreation areas and facilities, and may appropriate money therefor.

Section 1906. Bond Issues.--The township supervisors may issue bonds for the purpose of acquiring lands or buildings for parks, public recreation areas and facilities and for the equipment thereof.

Section 1907. Maintenance and Tax Levy.--All expenses incurred in the operation of such parks, recreation areas and facilities, established as herein provided, shall be payable from the general township fund or from the treasury of such township, borough, city, county or school district, as may be provided for by the agreement of the corporate authorities. The supervisors may annually appropriate an amount necessary for carrying out the provisions of this act, and may cause to be raised by special taxation such tax, for the purpose of maintaining, equipping and operating the parks, recreation areas and facilities and the programs thereon.

Section 1908. Right of Acquisition of Forest Lands.--Townships may acquire, by purchase, gift or lease, and hold tracts of land covered with forest or tree growth, or suitable

for the growth of trees, and administer the same under the direction of the Department of Forests and Waters, in accordance with the practices and principles of scientific forestry, for the benefit of the township. Such tracts may be of any size suitable for the purpose, and may be located within or without the township limits.

Section 1909. Approval of Secretary of Forests and Waters.--Before the passage of any ordinance for the acquisition of land to be used as township forests, the township supervisors shall submit to the Department of Forests and Waters and secure its approval of the area and location of such land.

Section 1910. Resolution and Notice.--Whenever the township supervisors deem it expedient to acquire any lands for forests, they shall so declare by an ordinance, wherein shall be set forth all facts and conditions relating to the proposed action.

Section 1911. Appropriation for Acquisition.--All money necessary for the purchase of such tracts shall be appropriated in the same manner as appropriations for township purposes, and such funds may be provided from the current revenue or by the proceeds of a sale of general obligation bonds in accordance with existing law.

Section 1912. Control of Forests by Secretary of Forests and Waters.--Upon the acquisition of any forests or lands suitable for forests, the township supervisors shall notify the Department of Forests and Waters, which shall make such rules for the government and proper administration of the same as may be deemed necessary; and the department shall publish such rules, declare the uses of the forest in accordance with the intent of this article, and make such provision for its administration, maintenance, protection, and development as

shall be deemed necessary or expedient. The rules governing the administration of such forests shall have for their main purpose the producing of a continuing township revenue by the sale of forest products.

Section 1913. Appropriation for Maintenance.--All moneys necessary to be expended for the administration, maintenance, protection, and development of such forests shall be appropriated and applied as is now done for township purposes. All revenue and emoluments arising from such forests shall be paid into the general township fund.

Section 1914. Use of Township Forests as Outing Grounds.--Township forests may be used by the public as general outing or recreation grounds, subject to the rules of the Department of Forests and Waters governing their administration, and rules adopted by the supervisors, not inconsistent with law and the rules of the department.

Section 1915. Disposition of Township Forests; Procedure; Ordinance; Submission of Question.--Whenever the township supervisors deem it expedient to sell or lease any forest, or part thereof, or products therefrom, they shall so declare by an ordinance, wherein shall be set forth all the facts and conditions relating to the proposed action. No ordinance shall be effective in legalizing such alienation until it has been approved by a majority vote of the people at the next ensuing election.

Section 1916. Appropriation of Moneys to Forestry Organizations.--The supervisors of any township may appropriate moneys from the General Township Fund to any forest protection association cooperating in forest work with the Department of Forests and Waters, or to be expended in direct cooperation with

such department in forest work.

Section 1917. Approval of Electors for Acquisition of Land.--The township supervisors hereby are authorized, on behalf of the township, to accept the title to lands which may be donated to the township for any of the purposes mentioned in this article, but none of the other powers conferred upon them by sections one thousand nine hundred and eight to one thousand nine hundred and sixteen inclusive of this article shall be exercised by them except after the approval thereof by the electors of said township at an election for the purpose held on a regular municipal election day, of which election notice shall be given by publication in a newspaper of general circulation in the county in which the township is located, said publication to be at least ten days before the day of the election.

ARTICLE XIX-A

SANITARY BOARD

Section 1901-A.1. Establishment of Board of Health.--The board of supervisors may appoint a township board of health and township health officer for the purpose of administration and enforcement of the health and sanitation laws of the township. Where a board of health is appointed, such board may appoint a health officer or inspector whose duties shall be to implement and enforce the health and sanitation laws of the township and actions of the board of health. Such health officer or inspector, whether appointed by the board of supervisors or by the board of health, shall not enter upon the performance of the duties of office until certified as a qualified health officer or inspector by the Department of Environmental Resources and the Department of Health.

Section 1902-A. Members of Board of Health.--A board of

health appointed under the provisions of this article shall be composed of five members at least one of whom shall be a licensed physician of not less than two years experience in the practice of his profession. The members of the board of health shall be appointed by the board of supervisors. Upon the creation of a board of health one member shall be appointed to serve for one year, one for two years, one for three years, one for four years, and one for five years, and thereafter one member shall in like manner be appointed each year to serve for five years. Upon the creation of a board of health in a township which has an existing sanitary board, the township supervisors may continue the incumbent members of the sanitary board as members of the board of health. The members of the board of health shall serve without compensation, but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties. The secretary of the board of health shall be entitled to receive a salary fixed by the board of supervisors for that office.

Section 1903-A. Oaths of Members, Secretary and Health Officer and Inspectors.--The members of the board of health shall, severally, take and subscribe to the oath prescribed by section five hundred one of this act, and shall, annually, organize by electing a chairman from among the members of the board, a secretary who may or may not be a member of the board, and a health officer and inspectors who shall not be members of the board. The secretary and the health officer and inspectors shall receive such salary as may be fixed by the board of supervisors, and shall serve for a period of one year or until such time thereafter as their successors may be appointed and qualified.

Section 1904-A. Duties of Secretary.--The secretary of the board of health shall keep the minutes of the proceedings of the board of health, shall keep accurate accounts of the expenditures of the board of health, shall draw all requisitions for the payment of moneys on account of the board of health from appropriations made by the board of supervisors to the board of health and shall present them to the chairman of the board of health for his approval, shall render statements of the expenditures to the board of health at each stated meeting or as frequently as the board of health may require, shall prepare under the directions of the board of health the annual report to the board of supervisors together with the estimate of appropriation needed for the ensuing year, and shall make such other reports and perform such other duties as the board of health may require.

Section 1905-A. Powers and Duties of Health Officers and Inspectors.--It shall be the duty of the health officer and inspectors to attend all stated and special meetings of the board of health and at all times be ready and available for the prompt performance of their official duties. They shall make inspections, and shall execute the orders of the board of health.

Section 1906-A. Powers of Board of Health.--The board of health shall enforce the health and sanitation laws of the Commonwealth and any regulations promulgated thereunder and the health and sanitation laws and regulations of the township. Such regulations, when authorized by ordinance of the township and when advertised in accordance with appropriate law, shall have the force of ordinances of the township. All penalties prescribed for the violation thereof as well as the expenses

actually and necessarily incurred in carrying such ordinances and regulations into effect shall be recoverable in enforcement proceedings and paid into the general township fund. Townships may establish and revise as necessary, such fees as are deemed appropriate for licenses or permits issued by the township.

Section 1907-A. Entry Upon Premises.--The board of health, health officer or inspectors, may enter upon any premises within the township where there is reasonably suspected to exist any health hazard or violation of health or sanitation laws or regulations, or which are of a type that may give rise to a health hazard. Such entry may be made with or without prior notice to the owner or occupant.

Section 1908-A.1. Written Order for Violation.--Where the board of health or health officer or inspectors determine that a health or sanitation hazard or violation exists, a written order shall be directed to the owner or occupant of the premises involved, ordering an abatement of the hazard or violation and the taking of such corrective action as the board of health or health officer or inspectors may deem necessary under the circumstances. Such order shall set forth a specific time in which the abatement and corrective action shall be accomplished. In the event the order is not complied with within the time provided, the board of health or health officer or inspectors may enter upon the premises and issue orders for the immediate termination of activities creating the violation, the potential violation and all acts of commerce conducted in, on or at the premises in question. In addition, the board of health, health officer or inspectors may proceed to enforce the law or regulation being violated in the same manner as ordinances of the township.

Section 1909-A.1. Appropriations and Annual Report.--The board of supervisors shall make an annual appropriation to the board of health or health officer in such amounts as the board of supervisors shall deem appropriate. The board of health or health officer shall, before the preparation of the annual budget of the township, submit to the board of supervisors the estimated expenses of the board of health or health officer for the ensuing year. The board of health or health officer shall by the first day of February of each year prepare and submit to the board of supervisors and the regional office of the Department of Environmental Resources and the Department of Health an annual report, in writing, setting forth the activities and expenditures of the board of health or health officer during the prior calendar year.

Section 1910-A. Cooperation With Other Governmental Agencies.--(a) Any township may cooperate and enter into agreements with any other governmental agency in the administration and enforcement of health and sanitation laws.

(b) If the board of supervisors abolishes the board of health or positions of health officer or inspectors and discontinues services under this article, the Department of Environmental Resources and the Department of Health shall be notified. An official copy of such action of the board of supervisors shall be transmitted to the regional office of the Department of Environmental Resources and the regional office of the Department of Health.

(c) The township may request assistance from the Department of Environmental Resources or the Department of Health where the township feels such assistance is necessary for the health and safety of its citizens.]

ARTICLE [XIX-B] XXIX

SHADE TREE COMMISSION

[Section 1901-B. Right of Establishment.--Townships may, by ordinance, establish a commission to be known as the Shade Tree Commission, but in townships where the township supervisors shall not elect to create by ordinance a Shade Tree Commission, the township supervisors may exercise all the rights and perform the duties and obligations imposed by this article upon the Shade Tree Commission.]

Section 2901. Right of Establishment.--The board of supervisors may regulate the planting, maintenance and removal of shade trees in the township or it may appoint a shade tree commission to administer regulations for shade trees.

[Section 1902-B. Personnel of Commission Appointment; Terms; Vacancies.--The commission shall be composed of residents of the township, who shall be appointed by the township supervisors, and shall serve without compensation.

Whenever a Shade Tree Commission is established by any township, the township supervisors shall appoint one member for a term of three years, one for a term of four years and one for a term of five years.

On the expiration of the term of any shade tree commissioner, a successor shall be appointed by the township supervisors to serve for a term of five years.

Vacancies in the office of shade tree commissioner shall be filled by the township supervisors for the unexpired term.]

Section 2902. Commission Members; Appointment; Terms; Vacancies.--A shade tree commission shall be composed of three members who shall be residents of the township. The initial terms of members shall be for periods of three years, four years

and five years respectively. All subsequent terms shall be for a period of five years. Members of the commission shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties. Vacancies in the office of shade tree commissioner shall be filled by the board of supervisors for the unexpired term.

[Section 1903-B. Powers May be Vested in Park Board.--Whenever in any township there exists a board for the care of public parks, the township supervisors may, by ordinance, confer on the park board all the powers and all the duties prescribed by this article for the Shade Tree Commission.]

Section 2903. Powers May be Vested in Recreation Board.--When there exists a board for the care of public parks, the board of supervisors may, by ordinance, confer on the recreation board all the powers and duties under this article for a shade tree commission.

[Section 1904-B. General Powers of Commission.--The commission shall have exclusive custody and control of the shade trees in the township and is authorized to plant, remove, maintain and protect shade trees on the public streets and highways in the township.]

Section 2904. General Powers of Commission.--The shade tree commission has exclusive control of the shade trees in the township and is authorized to plant, remove, maintain and protect shade trees on the public streets and highways in the township, including State highways.

[Section 1905-B. Hiring of Employes; Legislative Power of Commission.--The commission may, with the approval of the township supervisors, employ and pay such superintendents, engineers, foresters, tree wardens or other assistants as the

proper performance of the duties devolving upon it shall require, and may make, publish and enforce regulations for the care and protection of the shade trees of the township. No such regulation shall be in force until it has been approved by the township supervisors and until it has been published at least twice in not more than two newspapers of general circulation in the township, and, if no newspapers are published in the township, then in such newspapers circulating in the township.]

Section 2905. Hiring of Employes.--The shade tree commission may, with the approval of the board of supervisors, employ persons to perform the duties and directions of the commission and make, publish and enforce regulations for the care and protection of the shade trees of the township. No regulations shall be in force until approved by the board of supervisors and until published at least once in a newspaper of general circulation in the township.

[Section 1906-B. Report of Commission.--The Shade Tree Commission shall, annually, report in full to the township supervisors its transactions and expenses for the last fiscal year of the township. The park board may incorporate such transactions and expenses in its regular report to the township supervisors.]

Section 2906. Report of Commission.--The shade tree commission shall annually report to the board of supervisors its transactions and expenses for the preceding fiscal year of the township.

[Section 1907-B. Removal of Diseased Trees.--The commission may, upon such notice as may be provided by ordinance, require owners of property to cut and remove trees afflicted with the Dutch elm or other disease which threatens to injure or destroy

shade trees in the township, under regulations prescribed by ordinance. Upon failure of any such owner to comply with such notice, the township may cause the work to be done by the township, and levy and collect the costs thereof from the owner of the property. The cost of such work shall be a lien upon the premises from the time of the commencement of the work, which date shall be fixed by the township engineer and shall be filed with the township secretary. Any such lien may be collected by action in assumpsit, or by lien filed in the manner provided by law for the filing and collection of municipal claims.]

Section 2907. Removal of Diseased or Dangerous Trees.--(a) The shade tree commission or, if no commission exists, the board of supervisors may, by ordinance, require owners of property to cut and remove trees located on the property if the condition of the trees, through disease or otherwise, unreasonably affects or interferes with the health, safety or welfare of the public or the right of the public to the unobstructed use of public roads or property.

(b) If, within thirty days after the date of notice by certified mail, return receipt requested, to remove the trees, the property owner has not complied with that order, the commission or the board of supervisors may enter the premises and remove the trees.

(c) The cost of cutting and removal of trees by the township shall be charged to the property owner. The charge shall be a lien against the real estate of the property owner and shall be collected in the same manner as other municipal liens.

[Section 1908-B. Assessments; Liens.--Upon the filing of the certificate with the township supervisors, the township secretary shall cause thirty days' written notice to be given to

the persons against whose property an assessment has been made. The notice shall state the amount of the assessment and the time and place of payment and shall be accompanied by a copy of the certificate.

The amount assessed against the real estate shall be a lien from the time of the filing of the certificate with the township supervisors, and if not paid within the time designated in the notice, a claim may be filed and collected by the township in the same manner as municipal claims are filed and collected.

Section 1909-B. Maintenance by Township Funds.--For the cost and expenses of caring for such trees after having been planted and the expense of publishing the notice hereinbefore provided shall be paid by the township.

The needed amount shall each year be certified by the shade tree commissioners to the township supervisors, and shall be drawn against, as required by the commission, in the same manner as money appropriated for township purposes.

The township supervisors, instead of levying the tax authorized under the general tax levying powers of this act, may provide, for the expense of caring for trees already planted and of publishing the notice, by appropriations equal to the amount certified to be required by the Shade Tree Commission.]

<u>Section 2908. Maintenance by Township Funds.--The shade tree commission shall annually certify the costs incurred under this article to the board of supervisors. The costs shall be paid from the general township fund.</u>

[Section 1910-B. Penalties.--The commission to the extent as may be provided by ordinance of the township may assess penalties for the violation of its regulations and of this article so far as it relates to shade trees. Any penalty so

assessed shall be a lien upon the real estate of the offender and may be collected as municipal claims are collected.]

Section 2909. Penalties.--The shade tree commission, to the extent provided by ordinance of the township, may assess penalties for the violation of its regulations and of this article as far as it relates to shade trees. Any penalty so assessed shall be a lien upon the real estate of the offender and may be collected as municipal claims are collected.

[Section 1911-B. Disposition of Penalties.--All penalties or assessments imposed under this article shall be paid to the township treasurer to be placed to the credit of the Shade Tree Commission subject to be drawn upon by the commission for the purposes of the preceding sections.]

Section 2910. Disposition of Penalties.--All penalties or assessments imposed under this article shall be paid to the township.

ARTICLE XXX

BOARD OF HEALTH

Section 3001. Establishment of Board of Health.--The board of supervisors may appoint a township board of health and township health officer to administer and enforce the health and sanitation laws of the township. If a board of health is appointed, the board of health may appoint a health officer or inspector whose duties shall be to implement and enforce the health and sanitation laws of the township and actions of the board of health. The health officer or inspector, whether appointed by the board of supervisors or by the board of health, shall not assume the performance of the duties of office until certified as a qualified health officer or inspector by the Department of Environmental Resources and the Department of

Health.

Section 3002. Members of Board of Health.--A board of health appointed under this article shall be composed of five members, at least one of whom shall be a licensed physician with not less than two years' experience in the practice of his profession. The members of the board of health shall be appointed by the board of supervisors. Upon the creation of a board of health, one member shall be appointed to serve for one year, one for two years, one for three years, one for four years and one for five years, and after that one member shall be appointed each year to serve for five years. Upon the creation of a board of health in a township which has an existing sanitary board, the board of supervisors may continue the incumbent members of the sanitary board as members of the board of health. The members of the board of health shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties.

Section 3003. Organization, Secretary, Health Officer and Inspectors.--The members of the board of health shall annually organize by electing a chairman from among the members of the board of health, a secretary who may be a member of the board of health and a health officer and inspectors who shall not be members of the board of health. The secretary, health officer and inspectors shall each receive a salary as determined by the board of supervisors and shall serve for a period of one year or until their successors may be appointed and qualified.

Section 3004. Duties of Secretary.--The secretary of the board of health shall keep the minutes of the proceedings of the board of health, keep accurate accounts of the expenses of the board of health, draw all requisitions for the payment of moneys

on account of the board of health from appropriations made by the board of supervisors to the board of health and present them to the board of health for approval, render statements of the expenses to the board of health at each stated meeting or as frequently as the board of health may require, prepare under the direction of the board of health the annual report to the board of supervisors, together with the estimate of appropriation needed for the ensuing year, and make other reports and perform other duties as the board of health may require.

Section 3005. Powers and Duties of Health Officer and Inspectors.--The health officer and inspectors shall attend all stated and special meetings of the board of health and at all times be ready and available for the prompt performance of their official duties. They shall make inspections and execute the orders of the board of health.

Section 3006. Powers of Board of Health.--(a) The board of health shall enforce the health and sanitation laws of this Commonwealth and any regulations adopted under those laws and the health and sanitation laws and regulations of the township.

(b) Regulations, when authorized by ordinance of the township, shall have the force of ordinances of the township. All penalties prescribed for violation of the regulations, as well as the expenses actually and necessarily incurred in enforcing ordinances and regulations, are recoverable in enforcement proceedings and shall be paid into the general township fund. Townships may establish and revise fees for licenses or permits issued by the township as necessary.

Section 3007. Entering Premises.--The board of health, health officer or inspectors may enter at any time any premises within the township where there is reasonably suspected to exist

any health hazard or violation of health or sanitation laws or regulations or which are of a type that may give rise to a health hazard.

Section 3008. Written Order for Violation.--When the board of health, health officer or inspectors determine that a health or sanitation hazard or violation exists, a written order shall be directed to the owner or occupant of the premises involved, ordering an abatement of the hazard or violation and the taking of corrective action as the board of health, health officer or inspectors may deem necessary under the circumstances. The order shall set forth a specific time in which the abatement and corrective action shall be accomplished. If the order is not complied with within the time provided, the board of health, health officer or inspectors may enter the premises and issue orders for the immediate termination of activities creating the violation, the potential violation and all acts of commerce conducted in, on or at the premises in question. In addition, the board of health, health officer or inspectors may proceed to enforce the law or regulation being violated the same as ordinances of the township.

Section 3009. Appropriations and Annual Report.--The board of supervisors shall make an annual appropriation to the board of health as the board of supervisors determines. The board of health or health officer shall, before the preparation of the annual budget of the township, submit to the board of supervisors the estimated expenses of the board of health or health officer for the ensuing year. The board of health or health officer shall, by the first day of February of each year, prepare and submit to the board of supervisors and the regional office of the Department of Environmental Resources and the

Department of Health an annual report in writing, setting forth the activities and expenditures of the board of health or health officer during the prior calendar year.

Section 3010. Cooperation With Other Municipal Corporations.--(a) Any township may cooperate and contract with any other municipal corporation in the administration and enforcement of health and sanitation laws.

(b) If the board of supervisors abolishes the board of health or positions of health officers or inspectors and discontinues services under this article, the Department of Environmental Resources and the Department of Health shall be notified. An official copy of the action of the board of supervisors shall be transmitted to the regional office of the Department of Environmental Resources and the regional office of the Department of Health.

(c) The board of supervisors, the board of health or the health officer may request assistance from the Department of Environmental Resources or the Department of Health if the assistance is deemed necessary for the health and safety of township citizens.

ARTICLE XXXI

CONTRACTS

Section 3101. Power to Make Contracts.--The board of supervisors may make contracts for purchases under this act and the laws of this Commonwealth.

Section 3102. Letting Contracts.--(a) All contracts or purchases in excess of the required advertising amount of ten thousand dollars ($10,000), except those specifically excluded, shall not be made except with and from the lowest responsible bidder after due notice in one newspaper of general circulation

in the township. The notice for bids shall be published at least two times at intervals of not less than three days in daily newspapers or once a week for two successive weeks in weekly newspapers. The first advertisement shall be published not more than forty-five days, and the second advertisement not less than ten days, before the date set for the opening of bids. Notice of proposed contracts or purchases shall also be posted where the board of supervisors normally meets or in a conspicuous place within the township. Any published notice for bids shall contain full plans and specifications, or refer to the places where copies thereof can be obtained, and give the date, time and place of a meeting at which an individual or committee appointed by the board of supervisors or the board of supervisors will open and read the bids.

(b) Written or telephonic price quotations from at least three qualified and responsible contractors shall be requested for all contracts that exceed four thousand dollars ($4,000) but are less than the amount requiring advertisement and competitive bidding or, in lieu of price quotations, a memorandum shall be kept on file showing that fewer than three qualified contractors exist in the market area within which it is practicable to obtain quotations. A written record of telephonic price quotations shall be made and shall contain at least the date of the quotation, the name of the contractor and the contractor's representative, the construction, reconstruction, repair, maintenance or work which was the subject of the quotation and the price. Written price quotations, written records of telephonic price quotations and memoranda shall be retained for a period of three years.

(c) The board of supervisors may purchase or make contracts

under the act of October 27, 1979 (P.L.241, No.78), entitled "An act authorizing political subdivisions, municipality authorities and transportation authorities to enter into contracts for the purchase of goods where no bids are received," if no bids are received on an item after proper notices.

(d) The amount of the contract, whether of straight sale price, conditional sale, lease, lease purchase or otherwise, is the entire amount the township pays to the successful bidder in order to obtain the services or property, or both, and does not mean only the amount which is paid to acquire title or to receive any other particular benefit or benefits.

(e) The award of bids shall only be made by public announcement at the meeting at which bids are opened by the board of supervisors, or received from the individual or committee appointed by the board of supervisors to open and read bids, or at a subsequent meeting of the board of supervisors, the time and place of which shall be publicly announced when bids are received. If for any reason one or both of the meetings are not held, the same business may be transacted at a subsequent meeting if at least five days' notice of the meeting is published in the same newspaper as the notice of bids. Bidders shall be notified and other interested parties, upon request, shall be notified of the date, time and location of the opening of bids, and may be present when the bids are opened.

(f) The board of supervisors may reject all bids received if it is believed to be in the best interest of the township, and at a public meeting the reasons for the rejection of all bids shall be announced and be noted in the minutes.

(g) Unless covered under the bonding requirements of the act of December 20, 1967 (P.L.869, No.385), known as the "Public

Works Contractors' Bond Law of 1967," the successful bidder shall furnish a bond guaranteeing performance of the contract, in the amount of fifty percent of the amount of the contract, within twenty days after the contract is awarded. If the bidder fails to furnish the bond within twenty days, unless delivery is made or the entire contract is fulfilled during that time, the contract is void. Delivery, accomplishment and guarantees may be required in all cases, including the exceptions contained in this section.

(h) The contracts or purchases made by the board of supervisors involving payments in excess of the required advertising amount, which do not require advertising, bidding or price quotations are as follows:

(1) Those made for emergency repairs or replacements for water, electric light and other public works of the township if they do not constitute new additions, extensions or enlargements of existing facilities and equipment.

(2) Those made for improvements, repairs or maintenance of any kind made or provided by any township through its own employes. All contracts or purchases of materials used for improvement, maintenance or construction in excess of four thousand dollars ($4,000) but less than the required advertising amount are subject to the provisions contained in subsection (b), and those contracts or purchases in excess of the required advertising amount are subject to the advertising requirements contained in subsection (a).

(3) Those involving any policies of insurance or surety company bonds, those made for public utility service and those made with another municipal corporation, county, school district or municipality authority or Federal or State Government,

including the sale, leasing or loan of any supplies or materials by the Federal or State Government or their agencies.

(4) Those involving personal or professional services.

(5) Those made for materials and supplies or equipment rental under emergency conditions under 35 Pa.C.S. Pt. V (relating to emergency management services).

(6) Those contracts involving equipment rental with operators if more than fifty percent of the total labor personnel hours required for the completion of the contract is supplied by the township through its own employes.

(7) Those contracts for the purchase of repair parts or materials for use in existing township equipment or facilities if the item or material to be purchased is the sole item of its kind on the market or is manufactured as a replacement for the original item or equipment being repaired.

(8) Those for used equipment, articles, apparatus, appliances, vehicles or parts thereof being purchased from a public utility.

(i) No township official, either elected or appointed, or township employe who knows, or who by the exercise of reasonable diligence could know, shall be interested to any appreciable degree, either directly or indirectly, in any contract for the sale or furnishing of any supplies or materials for the use of the township or for any work to be done for the township involving the payment by the township of more than five hundred dollars ($500) in any year unless the contract is awarded through the public bid process. This limitation does not apply if the officer or appointee of the township is an employe of the person, firm or corporation to which the money is to be paid in a capacity with no possible influence on the transaction and the

officer cannot possibly be benefited thereby, either financially or otherwise. If a supervisor is within this exception, the supervisor shall so inform the board of supervisors and refrain from voting on the payments and shall in no manner participate in the contract. Any official or appointee who knowingly violates this provision is subject to surcharge to the extent of the damage shown to be sustained by the township, is ousted from office or employment and commits a misdemeanor of the third degree.

(j) Contracts for the purchase of materials or rental of equipment for the construction, reconstruction, maintenance and improvement of roads and bridges shall be in writing and let only on standard specifications of the Department of Transportation.

(k) Contracts for the purchase of materials or supplies may be bid on a per-unit basis.

(l) Every contract for the construction, reconstruction, alteration, repair, improvement or maintenance of public works shall comply with the act of March 3, 1978 (P.L.6, No.3), known as the "Steel Products Procurement Act."

(m) No person, consultant, firm or corporation contracting with a township for purposes of rendering personal or professional services to the township shall share with any township officer or employe, and no township officer or employe shall accept, any portion of the compensation or fees paid by the township for the contracted services provided to the township except under the following terms or conditions:

(1) Full disclosure of all relevant information regarding the sharing of the compensation or fees shall be made to the board of supervisors.

(2) The board of supervisors must approve the sharing of any fee or compensation for personal or professional services before the performance of the services.

(3) No fee or compensation for personal or professional services may be shared except for work actually performed.

(4) No shared fee or compensation for personal or professional services may be paid at a rate in excess of the commensurate for similar personal or professional services.

Section 3103. Road Contracts.--The board of supervisors may make a contract for the improvement and keeping in repair of township roads. No contract shall extend over a period of more than four years. Every contractor for road work shall give bond for the amount of the contract and sign specifications furnished by the board of supervisors for the building and care of the contract roads.

Section 3104. Evasion of Advertising Requirements.--(a) No supervisor shall evade the provisions of section 3101 as to advertising for bids by purchasing or contracting for services and personal properties piecemeal to obtain prices under the required advertising price. This provision is intended to make unlawful the evading of advertising requirements by making a series of purchases or contracts each for less than the advertising requirement price, or by making several simultaneous purchases or contracts each below the required advertising price, when the transactions involved should have been made as one transaction for one price. Any supervisors who vote in violation of this provision and who know that the transaction upon which they vote is or ought to be part of a larger transaction and that it is being divided in order to evade the requirements as to advertising for bids are jointly and

severally subject to surcharge for ten percent of the full amount of the contract or purchase.

(b) Any supervisor who votes to unlawfully evade the provisions of this article and who knows that the transaction upon which he so votes is or ought to be a part of a larger transaction and that it is being divided in order to evade the requirements as to advertising for bids commits a misdemeanor of the third degree for each contract entered into as a direct result of that vote. This penalty shall be in addition to any surcharge which may be assessed pursuant to subsection (a).

Section 3105. Bonds for Protection of Labor and Material Suppliers.--Before any contract exceeding five thousand dollars ($5,000) is awarded to any prime contractor or construction manager for the construction, reconstruction, alteration or repair of any building or other public work or public improvement of the township, the contractor shall furnish to the township a payment bond for the protection of claimants supplying labor or materials to the prime contractor to whom the contract is awarded, at one hundred percent of the contract amount, conditioned for the prompt payment of all materials furnished or labor supplied or performed in the prosecution of the contract under the act of December 20, 1967 (P.L.869, No.385), known as the "Public Works Contractors' Bond Law of 1967."

Section 3106. Purchase Contracts for Supplies and Equipment; Fire Company, Et Cetera; Participation.--The board of supervisors may permit any paid or volunteer fire company, paid or volunteer rescue company and paid or volunteer ambulance company in the township to participate in purchase contracts for supplies and equipment of the township and agreeing that it will

be bound by any terms and conditions the township prescribes.

Section 3107. Separate Specifications for Branches of Work.--In the preparation of specifications for the erection or alteration of any public building, when the entire cost of the work exceeds the advertising requirement price, the architect, engineer or person preparing the specifications shall prepare separate specifications for the plumbing, heating, ventilating and electrical work, and the township shall receive separate bids upon each of those branches of work and award the contract to the lowest bidder.

Section 3108. Workers' Compensation Insurance.--(a) All contracts executed by any township which involve the construction or performance of any work involving the employment of labor shall contain a provision that the contractor shall accept, and file with the township proof of compliance with or exemption from, insofar as the work covered by the contract is concerned, the act of June 2, 1915 (P.L.736, No.338), known as the "Workers' Compensation Act."

(b) Any contract executed in violation of this section is void.

Section 3109. Engineers and Architects Not to be Interested in Contracts.--(a) No architect or engineer in the employ of a township and engaged in the preparation of plans, specifications or estimates may bid on any public work at any letting of the work in the township.

(b) An officer of a township who is charged with letting any public work may not award a contract to any architect or engineer in the employ of the township.

(c) An architect or engineer in the employ of a township may not be interested in any contract for public work in the

township or receive any remuneration or gratuity from any person interested in any contract except under section 3102(l).

(d) Any person who violates this section commits a misdemeanor of the third degree.

ARTICLE XXXII

TAXATION AND FINANCE

Section 3201. Fiscal Year.--The fiscal year in townships commences on the first day of January in each year. All receipts, disbursements, contracts and purchases shall be entered as of record in the fiscal year in which made.

Section 3202. Annual Budget.--(a) The board of supervisors shall annually prepare a proposed budget for all funds for the ensuing fiscal year. The proposed budget shall reflect as nearly as possible the estimated revenues and expenses of the township for the year for which the budget is prepared. A township shall not prepare and advertise notice of a proposed budget when it is knowingly inaccurate. Upon any revision of the proposed budget, if the estimated revenues or expenses in the final budget are increased more than ten percent in the aggregate or more than twenty-five percent in any major category over the proposed budget, it may not be legally adopted with those increases unless it is again advertised once, the same as the original proposed budget, and an opportunity given to taxpayers to examine the amended proposed budget. A major category is a group of related revenue or expense items, the combined total of which is listed as a line item on the annual budget forms furnished by the Department of Community Affairs under section 3203. The budget shall be prepared on a uniform form prepared and furnished under section 3203. The estimates in the budget shall specify the amount of money necessary for each governmental

activity of the township for which a special tax levy may or may not be authorized and the amount of money necessary for the payment of debts and other miscellaneous purposes.

(b) Upon the preparation of the proposed budget, the board of supervisors shall give public notice by advertisement once in one newspaper of general circulation in the township that the proposed budget is available for public inspection at a designated place in the township. After the proposed budget has been available for public inspection for twenty days, the board of supervisors shall, after making revisions as are appropriate, adopt the final budget not later then the thirty-first day of December and the necessary appropriation measures required to put it into effect.

(c) The total appropriation shall not exceed the revenues estimated as available for the fiscal year. The board of supervisors shall, within fifteen days after the adoption of the budget, file a copy of the budget with the Department of Community Affairs.

(d) During the month of January next following any municipal election, the board of supervisors may amend the budget and the levy and tax rate to conform with its amended budget. A period of ten days' public inspection at the office of the township secretary of the proposed amended budget, after notice by the township secretary to that effect is published once in a newspaper of general circulation in the township, shall intervene between the adoption of the proposed amended budget and the final adoption of the amended budget. Any amended budget must be adopted by the board of supervisors on or before the fifteenth day of February. No proposed amended budget shall, before final adoption, be revised upward in excess of ten

percent in the aggregate or in excess of twenty-five percent of the amount of any major category in the proposed amended budget. A major category is a group of related revenue or expense items, the combined total of which is listed as a line item on the annual budget forms furnished by the Department of Community Affairs under section 3203. Within fifteen days after the adoption of an amended budget, the township secretary shall file a copy of it with the Department of Community Affairs.

(e) The board of supervisors may, by resolution, make supplemental appropriations for any purpose from any funds on hand or estimated to be received within the fiscal year and not otherwise appropriated, including the proceeds of any borrowing authorized by law. Supplemental appropriations may be made whether or not an appropriation for that purpose was included in the original budget as adopted.

(f) The board of supervisors may, by resolution, transfer unencumbered moneys from one township account to another, but no moneys may be transferred from the fund allocated for the payment of debts or from any fund raised by a special tax levy or assessment for a particular purpose. Transfers shall not be made during the first three months of the fiscal year. No moneys shall be paid out of the township treasury except upon appropriation made according to law.

Section 3203. Uniform Report Forms.--(a) The uniform forms for the annual budget and the annual financial statement required to be made by the auditors shall be prepared by a committee consisting of four representatives of the State Association of Township Supervisors and one representative each from the Department of Transportation and the Department of Community Affairs.

(b) Representatives of the State Association of Township Supervisors shall be appointed by the president of that organization. The representatives may be township supervisors, auditors or secretaries and should represent townships in the various population groups. The president of the State Association of Township Supervisors shall supply to the Department of Community Affairs the names and addresses of the representatives immediately upon their appointment.

(c) Representatives of the townships shall serve without compensation but shall be reimbursed by the Commonwealth for all necessary expenses incurred in attending meetings of the committee from appropriations made to the Department of Community Affairs. The committee shall meet at the call of the Secretary of Community Affairs, or an agent of the secretary, who shall chair the committee.

(d) In preparing the uniform forms, the committee shall give careful consideration to the fiscal needs and procedures of townships of the various population groups, producing separate forms, if necessary, to meet the needs of townships of varying sizes. The form for annual reports shall contain the information required to be furnished under this act and any other information the committee believes proper and shall be arranged to correlate with the forms for the budget, respecting order of items and division of revenues by major classifications and disbursements by major functions. The committee shall also prescribe the form of the statement summarizing the annual report which is required to be published under this act.

(e) The Department of Community Affairs shall prepare and furnish the forms required by this act in cooperation with the committee. If the committee fails to cooperate, the Department

of Community Affairs shall issue the forms and distribute them annually, as needed, to the proper township officers.

Section 3204. Investment of Township Funds.--(a) The board of supervisors may:

(1) Make investment of township sinking funds as authorized by the act of July 12, 1972 (P.L.781, No.185), known as the "Local Government Unit Debt Act."

(2) Make investment of moneys in the general fund and in special funds of the township.

(3) Liquidate any investment, in whole or in part, by disposing of securities or withdrawing funds on deposit. Any action taken to make or to liquidate any investment shall be made by the officers designated by action of the board of supervisors.

(b) The board of supervisors shall invest township funds consistent with sound business practice.

(c) The board of supervisors shall provide for an investment program subject to restrictions contained in this act and in any other applicable statute and any rules and regulations adopted by the board of supervisors.

(d) Authorized types of investments of township funds are:

(1) United States Treasury bills.

(2) Short-term obligations of the Federal Government or its agencies or instrumentalities.

(3) Deposits in savings accounts or time deposits, other than certificates of deposit, or share accounts of institutions insured by the Federal Deposit Insurance Corporation, the National Credit Union Share Insurance Fund, the Pennsylvania Deposit Insurance Corporation or the Pennsylvania Savings Association Insurance Corporation, or their successor agencies,

to the extent that the accounts are so insured and, for any amounts above the insured maximum, if approved collateral therefor is pledged by the depository.

(4) Obligations of the United States of America or any of its agencies or instrumentalities backed by the full faith and credit of the United States of America, of the Commonwealth of Pennsylvania or any of its agencies or instrumentalities backed by the full faith and credit of the Commonwealth or of any political subdivision of the Commonwealth of Pennsylvania or any of its agencies or instrumentalities backed by the full faith and credit of the political subdivision.

(5) Shares of an investment company registered under the Investment Company Act of 1940 (54 Stat. 789, 15 U.S.C. § 80a-1 et seq.), whose shares are registered under the Securities Act of 1933 (48 Stat. 74, 15 U.S.C. § 77a et seq.), if the only investments of that company are in the authorized investments for township funds listed in paragraphs (1) through (4).

(6) Certificates of deposit purchased from institutions insured by the Federal Deposit Insurance Corporation, the National Credit Union Share Insurance Fund, the Pennsylvania Deposit Insurance Corporation or the Pennsylvania Savings Association Insurance Corporation, or their successor agencies, to the extent that the accounts are so insured. However, for any amounts above the insured maximum, the certificates of deposit shall be secured by a pledge or assignment of assets of the institution, and the collateral may include loans, including interest in pools of loans, secured by first mortgage liens on real property. Certificates of deposit purchased from commercial banks shall be limited to an amount equal to twenty percent of a bank's total capital and surplus. Certificates of deposit

purchased from savings and loan associations or savings banks shall be limited to an amount equal to twenty percent of an institution's assets minus liabilities.

(7) Any investment authorized by 20 Pa.C.S. Ch. 73 (relating to fiduciaries investments). This paragraph is limited to investments for any pension or retirement fund.

(e) In making investments of township funds, the board of supervisors may:

(1) Permit assets pledged as collateral under subsection (d)(3) to be pooled under the act of August 6, 1971 (P.L.281, No.72), entitled "An act standardizing the procedures for pledges of assets to secure deposits of public funds with banking institutions pursuant to other laws; establishing a standard rule for the types, amounts and valuations of assets eligible to be used as collateral for deposits of public funds; permitting assets to be pledged against deposits on a pooled basis; and authorizing the appointment of custodians to act as pledgees of assets."

(2) Combine moneys from more than one fund under township control for the purchase of a single investment if each of the funds combined for the purpose is accounted for separately in all respects and the earnings from the investment are separately and individually computed and recorded and credited to the accounts from which the investment was purchased.

(3) Join with one or more other municipal corporations, municipality authorities or school districts under the act of July 12, 1972 (P.L.762, No.180), referred to as the Intergovernmental Cooperation Law, in the purchase of a single investment if the requirements of paragraph (2) on separate accounting of individual funds and separate computation,

recording and crediting of the earnings therefrom are adhered to.

Section 3205. Township and Special Tax Levies.--(a) The board of supervisors may, by resolution, levy taxes upon all real property within the township made taxable for township purposes, as ascertained by the last adjusted valuation for county purposes, for the purposes and at the rates specified in this section. All taxes shall be collected in cash.

(1) An annual tax, not exceeding fourteen mills, for general township purposes. If the board of supervisors petitions the court of common pleas for the right to levy additional millage, the court may order a greater rate than fourteen mills, but not exceeding five additional mills, to be levied.

(2) An annual tax, not exceeding five mills, to light the highways, roads and other public places in the township.

(3) An annual tax, not exceeding fifty percent of the rate of assessment for the general township tax, to procure land and erect public buildings thereon and for the payment of indebtedness incurred in connection therewith.

(4) An annual tax, not exceeding three mills, to purchase and maintain fire apparatus and a suitable place to house fire apparatus; to make appropriations to fire companies located inside and outside the township; and to contract with adjacent municipal corporations or volunteer fire companies therein for fire protection. If an annual tax is proposed to be set at a level higher than three mills, the question shall be submitted to the voters of the township.

(5) A tax, not exceeding two mills, to establish and maintain fire hydrants and fire hydrant water service.

(6) A tax to acquire, maintain and operate parks,

playgrounds, playfields, gymnasiums, swimming pools and recreation centers.

(7) An annual tax sufficient to pay interest and principal on any indebtedness incurred under the act of July 12, 1972 (P.L.781, No.185), known as the "Local Government Unit Debt Act."

(8) An annual tax, not exceeding one-half mill, to support ambulance and rescue squads serving the township. If an annual tax is proposed to be set higher than one-half mill, the question shall be submitted to the voters of the township.

(9) An annual tax, not exceeding five mills, to create and maintain a revolving fund to be used in making permanent street, sidewalk, water supply or sewer improvements before the collection of all or part of the cost from the property owners. A revolving fund may also be used for the deposit of funds raised through the issuance of general obligation bonds of the township for the making of permanent street, sidewalk, water supply or sewer improvements. When all or part of the cost of the construction of any permanent street, sidewalk, water supply or sewer improvement is paid from the revolving fund and is later assessed and collected from the owners of the property adjoining or abutting upon the improvement, the collections shall be applied to the credit of the revolving fund to the extent of the withdrawal therefrom for that purpose.

(10) An annual special tax, not exceeding two mills, to create and accumulate moneys in a road equipment fund to be used exclusively for purchasing road equipment.

(b) When it is shown to the court that the debts due by any township exceed the amount which the board of supervisors may collect in any year by taxation, the court, after ascertaining

the amount of indebtedness of the township, may, in an action of mandamus, direct the board of supervisors, by special taxation, to collect an amount sufficient to pay the debts. If the amount of indebtedness is so large as to render it inadvisable to collect the entire amount in any one year, the court may direct the special taxes to be levied and collected during successive years as may be required for payment of the debt.

Section 3206. Procedure for Referendum on Tax Questions.--When the assent of the electors is required under this article for special tax levies, the county board of elections shall frame the question under the election laws of this Commonwealth for submission to the voters of the township at the first municipal or general election occurring not less than sixty days after submission of the question.

Section 3207. Taxes for Special Districts.--This article does not include the levy of any taxes upon particular districts or parts of any township for particular purposes.

Section 3208. Tax Rate to be Expressed in Dollars and Cents.--When the board of supervisors, by resolution, establishes the rate of taxation for any year at a mill rate, the resolution shall also include a statement expressing the rate of taxation in dollars and cents on each one hundred dollars ($100) of assessed valuation of taxable property.

Section 3209. Tax Duplicates.--The board of supervisors shall require a duplicate to be made designating the amount of township tax levied against each taxpayer of the township, and also duplicates for all other taxes levied and assessed under this act, and deliver the duplicate within thirty days after the adoption of the budget or within thirty days after receipt of the assessment roll from the county, whichever is later, to the

township tax collector.

Section 3210. Additions and Revisions to Duplicates.--(a) When there is any construction of a building or buildings not otherwise exempt as a dwelling after the first day of January of any year and the building is not included in the tax duplicate of the township, the authority responsible for assessments in the township shall, upon the request of the board of supervisors, direct the assessor in the township to inspect and reassess, subject to the right of appeal and adjustment by the State law under which assessments are made, all taxable property in the township to which major improvements have been made after the first day of January of any year and to give notice of the reassessments within ten days to the authority responsible for assessments, the township and the property owner. The property shall be added to the duplicate and is taxable for township purposes at the reassessed valuation for that proportionate part of the fiscal year of the township remaining after the property was improved. Any improvement made during the month shall be computed as having been made on the first day of the month. A certified copy of the additions or revisions to the duplicate shall be furnished by the board of supervisors to the township tax collector, together with its warrant for collection of the taxes, and within ten days the township tax collector shall notify the owner of the property of the taxes due in the township.

(b) When an assessment is made for a portion of a year, the assessment shall be added to the duplicate of the following or succeeding year unless the value of the improvements has already been included in that duplicate.

ARTICLE XXXIII

COLLECTION OF ASSESSMENTS

Section 3301. Assessments Collected by Tax Collector.--(a) When any assessment for street lights, fire hydrant service, police protection or other service is implemented by the board of supervisors and charged to the tax collector for collection, assessments for the service shall be filed with the township tax collector. The tax collector shall give thirty days' notice that the assessments are due and payable. The notice shall state the due date to each party assessed and be served by mailing notice to the owner of the property. The tax collector is entitled to the same commission for the collection of these assessments as for the collection of the general township tax. If any assessment remains unpaid ninety days after the due date, it shall be turned over to the township solicitor for collection by means of an action in assumpsit for recovery or a municipal lien filed against the property of the delinquent owner for the amount of the unpaid assessment, plus interest established by the board of supervisors from the date the assessment was due. If an owner has two or more lots against which there is an assessment for the same year, the lots shall be embraced in one claim. Assessments, when collected, shall be paid over to the township treasurer, who shall deposit and keep them in a separate account, to be paid out only for expenses incurred in providing the service. Each special assessment account shall be audited by the board of auditors of the township.

(b) When any assessment for refuse collection in special districts or other service is charged against the owners, occupants or tenants of property within the township, the collection of which is charged to the tax collector, the assessments for the service shall be filed with the tax

collector. The tax collector shall give thirty days' notice that the assessments are due and payable. The notice shall state the due date to each party assessed and be served by mailing to the owner, occupant or tenant of the property. The tax collector is entitled to the same commission for the collection of these assessments as for the collection of the general township tax. If any assessment remains unpaid ninety days after the due date, it shall be turned over to the township solicitor for collection by action in assumpsit for the amount of the unpaid assessment, plus interest established by the board of supervisors from the date the assessment was due and all costs incurred in the collection of the assessment. Assessments, when collected, shall be paid over to the township treasurer, who shall deposit and keep them in a separate account, to be paid out only for expenses incurred in providing the service. Each special assessment account shall be audited by the board of auditors of the township.

Section 3302. Assessments Collected by Township Treasurer.--(a) When any assessment for construction, maintenance and repair of street, sewer, water, sidewalks, curbs or other service is implemented by the board of supervisors, the collection of which is not charged to the tax collector, the assessments for the service shall be filed with the township treasurer. The township treasurer shall give thirty days' notice that the assessments are due and payable. The notice shall state the due date to each party assessed and shall be served by mailing it to the owner of the property. If any assessment remains unpaid ninety days after the due date, it shall be turned over to the township solicitor for collection by means of an action in assumpsit for recovery or a municipal lien filed

against the property of the delinquent owner for the amount of the unpaid assessment, plus interest established by the board of supervisors from the date the assessment was due. If an owner has two or more lots against which there is an assessment for the same year, the lots shall be embraced in one claim. Upon receipt of payment of assessments, the township treasurer shall deposit the assessments in a separate account, to be paid out only for expenses incurred in providing the service. Each special assessment account shall be audited by the board of auditors of the township.

(b) When any assessment for refuse collection or other service is charged against the owners, occupants or tenants of property within the township, the collection of which is not charged to the tax collector, the assessments shall be filed with the township treasurer. The township treasurer shall give thirty days' notice that the assessments are due and payable. The notice shall state the due date to each party assessed and be served by mailing it to the owner, occupant or tenant of the property. If any assessment remains unpaid ninety days after the due date, it shall be turned over to the township solicitor for collection by action in assumpsit for the amount of the unpaid assessment, plus interest established by the board of supervisors from the date the assessment was due and all costs incurred in the collection of the assessment. Upon receipt of the assessments, the township treasurer shall deposit and keep them in a separate account, to be paid out only for expenses incurred in providing the service. Each special assessment account shall be audited by the board of auditors of the township.

Section 3303. Installment Payments.--(a) When any township

authorizes the construction or acquisition of any sanitary sewer or system of sanitary sewers, or the improvement of any street or portion thereof, or the installation of curbing or sidewalks, or a water supply or water systems, and all or part of the cost is assessed against the properties benefited, improved or accommodated by the sewer or system of sewers, or curbing or sidewalks, or water supply, or abutting upon the street or portion thereof, the board of supervisors may authorize the payment of the assessment in equal annual or more frequent installments. The ordinance shall specify the length of time over which the installments may be extended and whether payments are to be made by annual or more frequent installments. Installments shall bear interest at a rate not to exceed six percent or a higher amount equal to the amount of interest on the indebtedness, if any, commencing at the time established by ordinance. If bonds have been issued and sold to provide for the payment of any street improvement, the assessments shall not be payable beyond the term for which the bonds are issued, and the expenses for the improvements, and interest thereon to the first day when interest is payable on the bonds, shall be taken as the cost of the improvement to be assessed on the property benefited.

(b) Claims to secure the assessments shall be entered in the prothonotary's office of the county at the same time and in the same form and shall be collected in the same manner as municipal claims are filed and collected.

(c) Assessments are payable to the township treasurer in quarterly, semi-annual or annual installments, with interest from the date from which interest is computed on the amount of the assessments.

(d) If there is a default in the payment of any installment and interest for a period of sixty days after it becomes due, the entire assessment and accrued interest shall become due, and the township solicitor shall proceed to collect the assessment under the general laws relating to the collection of municipal claims.

(e) Any owner of property against whom any assessment is made may pay the assessment in full, at any time, with interest and costs thereon to the due date of the next installment, and that payment shall discharge the lien.

ARTICLE XXXIV

EMINENT DOMAIN; ASSESSMENT OF DAMAGES AND BENEFITS

Section 3401. Scope of Article.--When the right of eminent domain or the ascertainment and assessment of damages and benefits in viewer proceedings is exercised by a township, the proceeding shall be as set forth in this article. In addition to any of the provisions of this act, all eminent domain proceedings shall conform to the act of June 22, 1964 (Sp.Sess., P.L.84, No.6), known as the "Eminent Domain Code."

Section 3402. Restrictions as to Certain Property.--In addition to the restrictions made by other provisions of this act in particular cases, no township shall exercise the right of eminent domain against land now occupied by any building which was used during the Colonial or Revolutionary period as a place of Assembly by the Council of the Colony of Pennsylvania, the Supreme Executive Council of the Commonwealth of Pennsylvania or the Congress of the United States; or against the land occupied by any fort, redoubt or blockhouse erected during the Colonial or Revolutionary period or any building used as headquarters by

the Commander-in-Chief of the Continental Army; or against the site of any building, fort, redoubt, blockhouse or headquarters, which are preserved for their historic associations and not for private profit. The Colonial and Revolutionary period is taken as ended on September 3, 1783.

Section 3403. Value of Land or Property Not to be Assessed as Benefits.--In the appropriation of land or property for public use, other than for roads, it is not lawful to assess any portion of the damage done to or value of the land or property so appropriated against the other property adjoining or in the vicinity of the land or property so appropriated.

Section 3404. Title Acquired.--When land or property is taken under eminent domain proceedings, other than for road purposes, or is acquired by gift, purchase or otherwise, the title obtained by the township is in fee simple. In particular instances, a different title may, by agreement, be acquired.

Section 3405. Assessment of Damages and Benefits.--The damages may be paid in whole or in part by the township or may be assessed in whole or in part upon the property benefited. In the latter case, the viewers, having first determined the damages apart from the benefits, shall assess the total cost of the improvement, or so much thereof as may be just and reasonable, upon the properties peculiarly benefited, including in the assessment all parties for which damages have been allowed, and shall report the findings to the court. The total assessment for benefits shall not exceed the total damages awarded or agreed upon.

Section 3406. Assessment Awards.--In proceedings to assess damages and benefits, if the land or property is both benefited and damaged by the improvements, the excess of damages over

benefits, or the excess of benefits over damages, or nothing if the benefits and damages are equal, shall be awarded to or assessed against the owner of land or property affected thereby.

Section 3407. Assessments to Bear Interest.--All assessments for benefits and costs shall bear interest at six percent annually from the expiration of thirty days after they have been finally ascertained and shall be payable to the township treasurer.

ARTICLE XXXV

VIOLATION OF ACT GENERALLY

Section 3501. Violation of Act Generally; Penalty.--Any township supervisor, elected or appointed township official or employe, roadmaster or contractor or any other person, including any corporation officer or employe, who violates any of the provisions of this act, other than those for which specific penalties are provided, or who fails to carry out the provisions of this act commits a summary offense. All fines collected for violation of this act shall be paid to the township treasurer and credited to the general township fund.

ARTICLE [XXI] XXXVI

ACTIONS BY [AND AGAINST] TOWNSHIPS

[Section 2106. Recovery of Municipal Claims.--In addition to the remedies provided by law for the filing of liens for the collection of municipal claims, a township may proceed for the recovery and collection of any municipal claim by action of assumpsit against the person who was the owner of the property at the time of the completion of the improvement, notwithstanding the fact that there was a failure on the part of any such township, or its agents, to enter such municipal claim as a lien against the property assessed for the improvement, and

for the recovery of which the action of assumpsit was brought.

Any such action in assumpsit shall be commenced within three years after the completion of the improvement from which said claim arises.]

Section 3601. Recovery of Municipal Claims.--(a) In addition to the remedies under law for the filing of liens for the collection of municipal claims, a township may proceed for the recovery and collection of any municipal claim by action of assumpsit against the person who was the owner of the property when the improvement was completed, even if there was a failure on the part of the township or its agents to enter the municipal claim as a lien against the property assessed for the improvement, and for the recovery of which the action of assumpsit was brought.

(b) Any action in assumpsit shall be commenced within three years after the completion of the improvement from which the claim arises.

ARTICLE [XXII] XXXVII

REPEALS

[Section 2201. Nothing contained in this act shall be construed to revive any act, or part of any act, repealed by the act reenacted, amended or revised by this act.

The following additional acts or parts of acts are hereby repealed as respectively indicated.

The act, approved the first day of May, one thousand nine hundred and thirteen (Pamphlet Laws 155, Number 104), entitled "An act regulating the letting of certain contracts for the erection, construction, and alteration of public buildings," so far as it relates to townships of the second class.

The act, approved the tenth day of May, one thousand nine

hundred and twenty-three (Pamphlet Laws 198), entitled "An act authorizing courts of quarter sessions to commit the care of certain burial grounds to the councils of boroughs, township commissioners and township supervisors of townships; and requiring boroughs and townships to pay the expenses in connection therewith," so far as it relates to townships of the second class.

The act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Pamphlet Laws 844), entitled "An act authorizing the Commonwealth of Pennsylvania, or any department or division thereof, and counties, cities, boroughs, incorporated towns, townships, school districts and poor districts to make contracts of life, health, and accident policies for the benefit of employes thereof, and contracts for pensions for such employes; and providing for the payment of the cost thereof," so far as it relates to townships of the second class.

The act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Pamphlet Laws 845), entitled "An act authorizing the publication of advertisements for bids for public works, supplies or equipment in certain publications and journals devoted to information about construction work," so far as it relates to townships of the second class.

The act, approved the first day of May, one thousand nine hundred and thirty-five (Pamphlet Laws 124, Number 47), entitled "An act authorizing the insurance of deposits of funds, of this Commonwealth and of the political subdivisions thereof, with the Federal Deposit Insurance Corporation or other similar agency; and prohibiting requiring further security for amounts so insured," so far as it relates to townships of the second class.

The act, approved the eighteenth day of July, one thousand nine hundred and thirty-five (Pamphlet Laws 1173), entitled "An act to prohibit discrimination on account of race, creed or color in employment under contracts for public buildings or public works," so far as it relates to townships of the second class.

The act, approved the sixteenth day of March, one thousand nine hundred and thirty-seven (Pamphlet Laws 98), entitled "An act authorizing political subdivisions to stipulate in specifications, upon which contracts for the construction, alteration or repairs of any public work or improvement are entered into, the minimum wages to be paid to laborers and mechanics, and providing for the stipulation of penalties in such contracts where such minimum wage stipulations are violated, and for the recovery of such penalties, and their return in certain cases," so far as it relates to townships of the second class.

The act, approved the first day of July, one thousand nine hundred and thirty-seven (Pamphlet Laws 2624), entitled "An act authorizing townships of the second class to adopt and enforce zoning ordinances regulating the location, construction, and use of buildings, the size of courts and open spaces, the density of population, and the use of land," absolutely.

The act, approved the fifteenth day of May, one thousand nine hundred and forty-five (Pamphlet Laws 538, Number 210), entitled "An act relating to the liabilities of elected and appointed officers of the various political subdivisions and limiting surcharges to the actual financial loss sustained," so far as it relates to townships of the second class.

It is the intention that this act shall furnish a complete

and exclusive system for the government and regulation of townships except as to the several matters enumerated in section one hundred and three of article one of this act.

All other acts and parts of acts inconsistent with this act are repealed. This act shall not repeal or modify any of the provisions of the Public Utility Law; nor any local or special law; nor any law relating to the Board of Commissioners of Navigation for the River Delaware, and its navigable tributaries; nor the provisions of any law the enforcement of which is vested in the Department of Health, the Sanitary Water Board, the Department of Forests and Waters or the Water and Power Resources Board; nor shall this act repeal or modify any of the provisions of any act of Assembly amendatory of law in force at the time of the passage of this act, or otherwise adopted at the session of the General Assembly of one thousand nine hundred and forty-seven, whether such acts were adopted prior to the passage of this act, or shall be adopted subsequent to the passage of this act; nor shall this act repeal any such act, or part thereof, in force at the time of the passage of this act which is amended by any act of Assembly adopted at the session of the General Assembly of one thousand nine hundred and forty-seven.]

<u>Section 3701. Repeals.--(a) Nothing contained in this act revives any act, or part of any act, repealed by the act reenacted, amended or revised by this act.</u>

<u>(b) The following additional acts or parts of acts are hereby repealed as respectively indicated:</u>

<u>Act of May 1, 1913 (P.L.155, No.104), entitled "An act regulating the letting of certain contracts for the erection, construction, and alteration of public buildings," insofar as it</u>

relates to townships of the second class.

Act of May 10, 1923 (P.L.198, No.144), entitled "An act authorizing courts of quarter sessions to commit the care of certain burial grounds to the councils of boroughs, township commissioners and township supervisors of townships; and requiring boroughs and townships to pay the expenses in connection therewith," insofar as it relates to townships of the second class.

Act of June 22, 1931 (P.L.844, No.274), entitled, as amended, "An act authorizing the Commonwealth of Pennsylvania, or any department or division thereof, and counties, cities, boroughs, incorporated towns, townships, school districts, vocational school districts, and institution districts to make contracts of life, health, hospitalization, medical services, and accident policies for the benefit of employes thereof, and contracts for pensions for such employes; and providing for the payment of the cost thereof," insofar as it relates to townships of the second class.

Act of May 1, 1935 (P.L.124, No.47), entitled "An act authorizing the insurance of deposits of funds, of this Commonwealth and of the political subdivisions thereof, with the Federal Deposit Insurance Corporation or other similar agency; and prohibiting requiring further security for amounts so insured," insofar as it relates to townships of the second class.

Act of July 18, 1935 (P.L.1173, No.382), entitled "An act to prohibit discrimination on account of race, creed or color in employment under contracts for public buildings or public works," insofar as it relates to townships of the second class.

Act of March 16, 1937 (P.L.98, No.26), entitled "An act

authorizing political subdivisions to stipulate in specifications, upon which contracts for the construction, alteration or repairs of any public work or improvement are entered into, the minimum wages to be paid to laborers and mechanics, and providing for the stipulation of penalties in such contracts where such minimum wage stipulations are violated, and for the recovery of such penalties, and their return in certain cases," insofar as it relates to townships of the second class.

(c) All other acts and parts of acts inconsistent with this act are repealed.

(d) This act does not repeal or modify any of the provisions of 66 Pa.C.S. (relating to public utilities); nor any local or special law; nor any law relating to the Board of Commissioners of Navigation for the River Delaware and its navigable tributaries; nor the provisions of any law the enforcement of which is vested in the Department of Health or the Department of Environmental Resources; nor does this act repeal or modify any of the provisions of any statute amendatory of law in force at the time of the passage of this act or otherwise enacted at the session of the General Assembly of 1995, whether the acts were adopted before the passage of this act or after the passage of this act; nor does this act repeal any act, or part thereof, in force at the time of the passage of this act which is amended by any statute enacted at the session of the General Assembly of 1995.

Section 2. This act shall take effect July 1, 1995, or immediately, whichever is later.

DERIVATION TABLE
Prepared by Local Government Commission
Current through Printer's No. 1899

YEAR S ACT P.L.	NEW CODE SEC.	OLD CODE SEC.
1933-0-0103-0069	101	101
1933-0-0103-0069	102	102
1933-0-0103-0069	103	103
1933-0-0103-0069	104	104
1933-0-0103-0069	105	105
1933-0-0103-0069	106	106
1933-0-0103-0069	107	107
1933-0-0103-0069	108	108
1933-0-0103-0069	109	110
1933-0-0103-0069	201	201
1933-0-0103-0069	202	226
1933-0-0103-0069	203	230
1933-0-0103-0069	204	213
1933-0-0103-0069	205	235
1933-0-0103-0069	206	240
1933-0-0103-0069	207(a)	201A
1933-0-0103-0069	207(b)	202A
1933-0-0103-0069	207(c)	203A
1933-0-0103-0069	301	301
1933-0-0103-0069	302	302
1933-0-0103-0069	303	303
1933-0-0103-0069	304	304
1933-0-0103-0069	305	306
1933-0-0103-0069	306	307
1933-0-0103-0069	307	308
1933-0-0103-0069	401	401
1933-0-0103-0069	402(a)-(c)	402
1933-0-0103-0069	402(d)-(e)	new
1933-0-0103-0069	403	410
1933-0-0103-0069	404(a)-(b)	411
1933-0-0103-0069	404(c)	new
1933-0-0103-0069	405(a)	412
1933-0-0103-0069	405(b)	413
1933-0-0103-0069	406	414
1933-0-0103-0069	407	420
1933-0-0103-0069	501	501
1933-0-0103-0069	502	502
1933-0-0103-0069	503	503
1933-0-0103-0069	601	510
1933-0-0103-0069	602	511
1933-0-0103-0069	603	512
1933-0-0103-0069	604	new
1933-0-0103-0069	605(a)	513
1933-0-0103-0069	605(b)	513.1
1933-0-0103-0069	605(c)	new
1933-0-0103-0069	606	515
1933-0-0103-0069	607(1)-(4)	516(a)-(h)
1933-0-0103-0069	607(5)	518
1933-0-0103-0069	607(6)	new
1933-0-0103-0069	607(7)	516(i)
1933-0-0103-0069	701	new
1933-0-0103-0069	702	530
1933-0-0103-0069	703	531

1	1933-0-0103-0069	704	532
2	1933-0-0103-0069	705	new
3	1933-0-0103-0069	706	533
4	1933-0-0103-0069	707	534
5	1933-0-0103-0069	708	535
6	1933-0-0103-0069	801	new
7	1933-0-0103-0069	802	540
8	1933-0-0103-0069	803	540
9	1933-0-0103-0069	804	543
10	1933-0-0103-0069	901	545
11	1933-0-0103-0069	902(a)	545
12	1933-0-0103-0069	902(b)-(c)	new
13	1933-0-0103-0069	903	546
14	1933-0-0103-0069	904	547
15	1933-0-0103-0069	905	549
16	1933-0-0103-0069	906	550
17	1933-0-0103-0069	907	551
18	1933-0-0103-0069	908	552
19	1933-0-0103-0069	909	553
20	1933-0-0103-0069	910	554
21	1933-0-0103-0069	911	556
22	1933-0-0103-0069	912	559
23	1933-0-0103-0069	913	560
24	1933-0-0103-0069	914	561
25	1933-0-0103-0069	915	563
26	1933-0-0103-0069	916	564
27	1933-0-0103-0069	917(a)	702 XLV
28	1933-0-0103-0069	917(b)	new
29	1933-0-0103-0069	917(c)	702 XLV
30	1933-0-0103-0069	917(d)	702 XLV.1
31	1933-0-0103-0069	1001	570
32	1933-0-0103-0069	1002	575
33	1933-0-0103-0069	1101	580
34	1933-0-0103-0069	1102	581
35	1933-0-0103-0069	1103	582
36	1933-0-0103-0069	1201	585
37	1933-0-0103-0069	1202	586
38	1933-0-0103-0069	1203	587
39	1933-0-0103-0069	1301	599.1
40	1933-0-0103-0069	1401(a)	601
41	1933-0-0103-0069	1401(b)-(c)	602
42	1933-0-0103-0069	1401(d)	603
43	1933-0-0103-0069	1401(e)	604
44	1933-0-0103-0069	1401(f)	611(a)
45	1933-0-0103-0069	1402(a)-(c)	610
46	1933-0-0103-0069	1402(d)	611(b)
47	1933-0-0103-0069	1402(e)-(f)	611(c)
48	1933-0-0103-0069	1402(g)	612
49	1933-0-0103-0069	1402(h)-(i)	610
50	1933-0-0103-0069	1501	701 I
51	1933-0-0103-0069	1502	701 II
52	1933-0-0103-0069	1503(a)-(b)	701 II
53	1933-0-0103-0069	1503(c)-(e)	new
54	1933-0-0103-0069	1503(f)	701 III
55	1933-0-0103-0069	1504	701 II
56	1933-0-0103-0069	1505	702 intro. par.
57	1933-0-0103-0069	1506	702 LXII
58	1933-0-0103-0069	1507	702 XL
59	1933-0-0103-0069	1508	702 LV

1	1933-0-0103-0069	1508.1(a)-(c)	new
2	1933-0-0103-0069	1509	702 LXIII
3	1933-0-0103-0069	1510	702 XVIII
4	1933-0-0103-0069	1511	702 LIV
5	1933-0-0103-0069	1512	702 XIII
6	1933-0-0103-0069	1513	702 XLIV
7	1933-0-0103-0069	1514	702 XLII
8	1933-0-0103-0069	1515	702 LXIV
9	1933-0-0103-0069	1516	702 XXV
10	1933-0-0103-0069	1517	702 LI
11	1933-0-0103-0069	1518	702 LII
12	1933-0-0103-0069	1519	702 LIII
13	1933-0-0103-0069	1520	702 XXXVII
14	1933-0-0103-0069	1521	702 LXI
15	1933-0-0103-0069	1522	702 XXVII
16	1933-0-0103-0069	1523	702 LIX
17	1933-0-0103-0069	1524	702 LVII
18	1933-0-0103-0069	1525	702 LXV
19	1933-0-0103-0069	1526	702 LXIX
20	1933-0-0103-0069	1527	702 XLVII
21	1933-0-0103-0069	1528	702 XLVI
22	1933-0-0103-0069	1529	702 XII
23	1933-0-0103-0069	1530	702 XXXV
24	1933-0-0103-0069	1531	new
25	1933-0-0103-0069	1532(a)(1)	702 XXXIX
26	1933-0-0103-0069	1532(a)(1)	1801
27	1933-0-0103-0069	1532(a)(1)	1811
28	1933-0-0103-0069	1532(a)(1)	1812
29	1933-0-0103-0069	1532(a)(2)-(3)	new
30	1933-0-0103-0069	1532(a)(4)	702 LVIII
31	1933-0-0103-0069	1532(b)	1802
32	1933-0-0103-0069	1533	702 XII
33	1933-0-0103-0069	1534	702 XX
34	1933-0-0103-0069	1535	new
35	1933-0-0103-0069	1536	702 XXVIII
36	1933-0-0103-0069	1537	702 XVII
37	1933-0-0103-0069	1538	702 XIX
38	1933-0-0103-0069	1539	702 LXVII
39	1933-0-0103-0069	1540	702 LXVIII
40	1933-0-0103-0069	1541	702 LX
41	1933-0-0103-0069	1542	702 LXVI
42	1933-0-0103-0069	1543	702 LVI
43	1933-0-0103-0069	1544	702 LXX
44	1933-0-0103-0069	1545	702 LXXIII
45	1933-0-0103-0069	1546	702 LXXV
46	1933-0-0103-0069	1547	new
47	1933-0-0103-0069	1548	new
48	1933-0-0103-0069	1549	703
49	1933-0-0103-0069	1601(a)-(c)	702 XLI
50	1933-0-0103-0069	1601(d)	702 XLI.1
51	1933-0-0103-0069	1601(e)	702 XLI.2
52	1933-0-0103-0069	1601(f)	702 XLI
53	1933-0-0103-0069	1701	1702
54	1933-0-0103-0069	1701	1704
55	1933-0-0103-0069	1702	1707
56	1933-0-0103-0069	1703	1706
57	1933-0-0103-0069	1704	1703
58	1933-0-0103-0069	1801	new
59	1933-0-0103-0069	1802	702 III

1	1933-0-0103-0069	1803	702 IV
2	1933-0-0103-0069	1804	702 IV.1
3	1933-0-0103-0069	1805	702 XXXII
4	1933-0-0103-0069	1806	new
5	1933-0-0103-0069	1901	590 A
6	1933-0-0103-0069	1902	590 B
7	1933-0-0103-0069	1903	590 C
8	1933-0-0103-0069	1904	new
9	1933-0-0103-0069	1905	591
10	1933-0-0103-0069	1906	592
11	1933-0-0103-0069	1907	593
12	1933-0-0103-0069	1908	702 XXXVI
13	1933-0-0103-0069	1909	594
14	1933-0-0103-0069	1910(a)-(b)	595
15	1933-0-0103-0069	1910(c)-(d)	596
16	1933-0-0103-0069	1910(e)	597
17	1933-0-0103-0069	1910(f)	598
18	1933-0-0103-0069	1910(g)	599
19	1933-0-0103-0069	1910(h)	new
20	1933-0-0103-0069	1911	702 XLIII
21	1933-0-0103-0069	1912	new
22	1933-0-0103-0069	1913	new
23	1933-0-0103-0069	1914	new
24	1933-0-0103-0069	1915(a)	599-A
25	1933-0-0103-0069	1915(b)	new
26	1933-0-0103-0069	2001	702 I
27	1933-0-0103-0069	2002	702 II.1
28	1933-0-0103-0069	2003	702 II.1
29	1933-0-0103-0069	2101	702 VIII
30	1933-0-0103-0069	2102	702 VIII
31	1933-0-0103-0069	2103	new
32	1933-0-0103-0069	2104	702 VIII
33	1933-0-0103-0069	2105	702 VIII
34	1933-0-0103-0069	2106	702 VIII
35	1933-0-0103-0069	2107	702 VIII
36	1933-0-0103-0069	2108	new
37	1933-0-0103-0069	2201	1901
38	1933-0-0103-0069	2202	new
39	1933-0-0103-0069	2203(a)-(b)	702 XXIII
40	1933-0-0103-0069	2203(c)	702 XXXIII
41	1933-0-0103-0069	2203(d)	702 LXXIV
42	1933-0-0103-0069	2204(a)	1902
43	1933-0-0103-0069	2204(b)	1903
44	1933-0-0103-0069	2204(c)	1904
45	1933-0-0103-0069	2205	1905
46	1933-0-0103-0069	2206	1907
47	1933-0-0103-0069	2207(a)	1908
48	1933-0-0103-0069	2207(b)	1910
49	1933-0-0103-0069	2207(c)	1912
50	1933-0-0103-0069	2207(d)	1913
51	1933-0-0103-0069	2207(e)	1914
52	1933-0-0103-0069	2207(f)	1915
53	1933-0-0103-0069	2207(g)	1917
54	1933-0-0103-0069	2301(a)	1301
55	1933-0-0103-0069	2301(a)-(c)	702 X
56	1933-0-0103-0069	2301(d)	new
57	1933-0-0103-0069	2301(e)	514
58	1933-0-0103-0069	2302	516(j)-(m)
59	1933-0-0103-0069	2303	504

1	1933-0-0103-0069	2304	1101	
2	1933-0-0103-0069	2305	1102	
3	1933-0-0103-0069	2306	1103	
4	1933-0-0103-0069	2307	1105	
5	1933-0-0103-0069	2308	1110	
6	1933-0-0103-0069	2309	1111	
7	1933-0-0103-0069	2310	1112	
8	1933-0-0103-0069	2311	1115	
9	1933-0-0103-0069	2312	1120	
10	1933-0-0103-0069	2312	1125	
11	1933-0-0103-0069	2313(a)	1130	
12	1933-0-0103-0069	2313(b)	1131	
13	1933-0-0103-0069	2313(c)	1133	
14	1933-0-0103-0069	2314(a)	1135	
15	1933-0-0103-0069	2314(b)	1136	
16	1933-0-0103-0069	2314(c)	1137	
17	1933-0-0103-0069	2314(d)	1138	
18	1933-0-0103-0069	2315	new	
19	1933-0-0103-0069	2316(a)	1140	
20	1933-0-0103-0069	2316(b)-(c)	1147	
21	1933-0-0103-0069	2317(a)	1140.1	
22	1933-0-0103-0069	2317(b)-(d)	1141	
23	1933-0-0103-0069	2317(e)	1142	
24	1933-0-0103-0069	2317(f)	1144	
25	1933-0-0103-0069	2317(g)	1145	
26	1933-0-0103-0069	2318	1143	
27	1933-0-0103-0069	2319	1146	
28	1933-0-0103-0069	2320	1152	
29	1933-0-0103-0069	2321	1155	
30	1933-0-0103-0069	2322	1156	
31	1933-0-0103-0069	2323	1161	
32	1933-0-0103-0069	2324	1165	
33	1933-0-0103-0069	2325(a)	1175	
34	1933-0-0103-0069	2325(b)	1177	
35	1933-0-0103-0069	2325(c)	1178	
36	1933-0-0103-0069	2325(d)	1179	
37	1933-0-0103-0069	2325(e)	1180	
38	1933-0-0103-0069	2326	1185	
39	1933-0-0103-0069	2327	702	IX
40	1933-0-0103-0069	2328	702	XXIV
41	1933-0-0103-0069	2329	702	XXXVII
42	1933-0-0103-0069	2330	702	XXXVIII
43	1933-0-0103-0069	2331	1310	
44	1933-0-0103-0069	2332	1201	
45	1933-0-0103-0069	2332	1202	
46	1933-0-0103-0069	2332	1205	
47	1933-0-0103-0069	2332	1210	
48	1933-0-0103-0069	2332	1215	
49	1933-0-0103-0069	2332	1220	
50	1933-0-0103-0069	2332	1225	
51	1933-0-0103-0069	2332	1230	
52	1933-0-0103-0069	2401(a)-(b)	1403	
53	1933-0-0103-0069	2401(c)(1)	1401	
54	1933-0-0103-0069	2401(c)(2)-(3)	1402	
55	1933-0-0103-0069	2401(c)(4)	1404	
56	1933-0-0103-0069	2401(d)	new	
57	1933-0-0103-0069	2501	1501	
58	1933-0-0103-0069	2502	1501	
59	1933-0-0103-0069	2502	1501.1	

1	1933-0-0103-0069	2503	1502
2	1933-0-0103-0069	2504	1505
3	1933-0-0103-0069	2505	1504
4	1933-0-0103-0069	2506	1507
5	1933-0-0103-0069	2507	1508
6	1933-0-0103-0069	2508	1509
7	1933-0-0103-0069	2509	1510
8	1933-0-0103-0069	2510	1511
9	1933-0-0103-0069	2511	1512
10	1933-0-0103-0069	2512	1525
11	1933-0-0103-0069	2513	1530
12	1933-0-0103-0069	2514	1531
13	1933-0-0103-0069	2515	1535
14	1933-0-0103-0069	2516	1540
15	1933-0-0103-0069	2517	1541
16	1933-0-0103-0069	2601	1601
17	1933-0-0103-0069	2602	1602
18	1933-0-0103-0069	2603	1602.1
19	1933-0-0103-0069	2604	1603
20	1933-0-0103-0069	2605	1604
21	1933-0-0103-0069	2606	1605
22	1933-0-0103-0069	2607	1606
23	1933-0-0103-0069	2608	1607
24	1933-0-0103-0069	2609	1608
25	1933-0-0103-0069	2610	new
26	1933-0-0103-0069	2611	1609
27	1933-0-0103-0069	2612	1610
28	1933-0-0103-0069	2613	1611
29	1933-0-0103-0069	2614	1612
30	1933-0-0103-0069	2701	new
31	1933-0-0103-0069	2702	new
32	1933-0-0103-0069	2703	new
33	1933-0-0103-0069	2704	new
34	1933-0-0103-0069	2801	1601-A
35	1933-0-0103-0069	2802	1602-A
36	1933-0-0103-0069	2803	1603-A
37	1933-0-0103-0069	2804	1604-A
38	1933-0-0103-0069	2805	1605-A
39	1933-0-0103-0069	2806	1606-A
40	1933-0-0103-0069	2901	1901-B
41	1933-0-0103-0069	2902	1902-B
42	1933-0-0103-0069	2903	1903-B
43	1933-0-0103-0069	2904	1904-B
44	1933-0-0103-0069	2905	1905-B
45	1933-0-0103-0069	2906	1906-B
46	1933-0-0103-0069	2907	1907-B
47	1933-0-0103-0069	2908	1909-B
48	1933-0-0103-0069	2909	1910-B
49	1933-0-0103-0069	2910	1911-B
50	1933-0-0103-0069	3001	1901-A.1
51	1933-0-0103-0069	3002	1902-A
52	1933-0-0103-0069	3003	1903-A
53	1933-0-0103-0069	3004	1904-A
54	1933-0-0103-0069	3005	1905-A
55	1933-0-0103-0069	3006	1906-A
56	1933-0-0103-0069	3007	1907-A
57	1933-0-0103-0069	3008	1908-A.1
58	1933-0-0103-0069	3009	1909-A.1
59	1933-0-0103-0069	3010	1910-A

1	1933-0-0103-0069	3101	801
2	1933-0-0103-0069	3102(a)	802(a)
3	1933-0-0103-0069	3102(b)	802(a.1)
4	1933-0-0103-0069	3102(c)	new
5	1933-0-0103-0069	3102(d)	802(b)
6	1933-0-0103-0069	3102(e)	802(c)
7	1933-0-0103-0069	3102(f)	new
8	1933-0-0103-0069	3102(g)	802(d)
9	1933-0-0103-0069	3102(h)(1)	802(e)(1)
10	1933-0-0103-0069	3102(h)(2)	802(e)(2)
11	1933-0-0103-0069	3102(h)(3)	802(e)(4)
12	1933-0-0103-0069	3102(h)(4)	802(e)(5)
13	1933-0-0103-0069	3102(h)(5)	new
14	1933-0-0103-0069	3102(h)(6)	new
15	1933-0-0103-0069	3102(h)(7)	802(e)(3)
16	1933-0-0103-0069	3102(h)(8)	new
17	1933-0-0103-0069	3102(i)-(j)	802(f)
18	1933-0-0103-0069	3102(k)	new
19	1933-0-0103-0069	3102(l)	802(g)
20	1933-0-0103-0069	3102(m)	802(h)
21	1933-0-0103-0069	3102(i)	520
22	1933-0-0103-0069	3103	517
23	1933-0-0103-0069	3104	802.1
24	1933-0-0103-0069	3105	803
25	1933-0-0103-0069	3106	803.1
26	1933-0-0103-0069	3107	804
27	1933-0-0103-0069	3108	805
28	1933-0-0103-0069	3109	806
29	1933-0-0103-0069	3201	901
30	1933-0-0103-0069	3202(a)-(c)	902 A
31	1933-0-0103-0069	3202(d)	902.2
32	1933-0-0103-0069	3202(e)-(f)	902 A
33	1933-0-0103-0069	3203	902 B
34	1933-0-0103-0069	3204	902.1
35	1933-0-0103-0069	3205(a)(1)-(8)	905 A
36	1933-0-0103-0069	3205(a)(9)	910
37	1933-0-0103-0069	3205(a)(9)	911
38	1933-0-0103-0069	3205(a)(10)	912
39	1933-0-0103-0069	3205(b)	907
40	1933-0-0103-0069	3206	905 B
41	1933-0-0103-0069	3207	905 C
42	1933-0-0103-0069	3208	906
43	1933-0-0103-0069	3209	909
44	1933-0-0103-0069	3210	905.1
45	1933-0-0103-0069	3301	new
46	1933-0-0103-0069	3302	new
47	1933-0-0103-0069	3303(a)	1501-A
48	1933-0-0103-0069	3303(b)	1502-A
49	1933-0-0103-0069	3303(c)	1503-A
50	1933-0-0103-0069	3303(d)	1504-A
51	1933-0-0103-0069	3303(e)	1505-A
52	1933-0-0103-0069	3401	1001
53	1933-0-0103-0069	3402	1002
54	1933-0-0103-0069	3403	1006
55	1933-0-0103-0069	3404	1016
56	1933-0-0103-0069	3405	1024
57	1933-0-0103-0069	3406	1025
58	1933-0-0103-0069	3407	1052
59	1933-0-0103-0069	3501	521

1	1933-0-0103-0069	3601	2106
2	1933-0-0103-0069	3701	2201

DISPOSITION TABLE

YEAR S ACT P.L.	OLD CODE SEC.	NEW CODE SEC.
1933-0-0103-0069	101	101
1933-0-0103-0069	102	102
1933-0-0103-0069	103	103
1933-0-0103-0069	104	104
1933-0-0103-0069	105	105
1933-0-0103-0069	106	106
1933-0-0103-0069	107	107
1933-0-0103-0069	108	108
1933-0-0103-0069	109	Repealed
1933-0-0103-0069	110	109
1933-0-0103-0069	201	201
1933-0-0103-0069	225	Repealed
1933-0-0103-0069	226	202
1933-0-0103-0069	230	203
1933-0-0103-0069	235	205
1933-0-0103-0069	240	206
1933-0-0103-0069	201A	207(a)
1933-0-0103-0069	202A	207(b)
1933-0-0103-0069	203A	207(c)
1933-0-0103-0069	301	301
1933-0-0103-0069	302	302
1933-0-0103-0069	303	303
1933-0-0103-0069	304	304
1933-0-0103-0069	305	Repealed
1933-0-0103-0069	306	305
1933-0-0103-0069	307	306
1933-0-0103-0069	308	307
1933-0-0103-0069	401	401
1933-0-0103-0069	402	402(a)-(c)
1933-0-0103-0069	410	403
1933-0-0103-0069	411	404(a)-(b)
1933-0-0103-0069	412	405(a)
1933-0-0103-0069	413	405(b)
1933-0-0103-0069	414	406
1933-0-0103-0069	420	407
1933-0-0103-0069	501	501
1933-0-0103-0069	502	502
1933-0-0103-0069	503	503
1933-0-0103-0069	504	2303
1933-0-0103-0069	510	601
1933-0-0103-0069	511	602
1933-0-0103-0069	512	603
1933-0-0103-0069	513	605(a)
1933-0-0103-0069	513.1	605(b)
1933-0-0103-0069	514	2301(e)
1933-0-0103-0069	515	606
1933-0-0103-0069	516(a)-(h)	607(1)-(4)
1933-0-0103-0069	516(i)	607(7)
1933-0-0103-0069	516(j)-(m)	2302
1933-0-0103-0069	517	3103
1933-0-0103-0069	518	607(5)
1933-0-0103-0069	519	Repealed
1933-0-0103-0069	520	3102(i)
1933-0-0103-0069	521	3501
1933-0-0103-0069	530	702

1	1933-0-0103-0069	531	703
2	1933-0-0103-0069	532	704
3	1933-0-0103-0069	533	706
4	1933-0-0103-0069	534	707
5	1933-0-0103-0069	535	708
6	1933-0-0103-0069	540	802
7	1933-0-0103-0069	540	803
8	1933-0-0103-0069	543	804
9	1933-0-0103-0069	545	901
10	1933-0-0103-0069	545	902(a)
11	1933-0-0103-0069	546	903
12	1933-0-0103-0069	547	904
13	1933-0-0103-0069	548	Repealed
14	1933-0-0103-0069	549	905
15	1933-0-0103-0069	550	906
16	1933-0-0103-0069	551	907
17	1933-0-0103-0069	552	908
18	1933-0-0103-0069	553	909
19	1933-0-0103-0069	554	910
20	1933-0-0103-0069	556	911
21	1933-0-0103-0069	557	Repealed
22	1933-0-0103-0069	558	Repealed
23	1933-0-0103-0069	559	912
24	1933-0-0103-0069	560	913
25	1933-0-0103-0069	561	914
26	1933-0-0103-0069	562	Repealed
27	1933-0-0103-0069	563	915
28	1933-0-0103-0069	564	916
29	1933-0-0103-0069	570	1001
30	1933-0-0103-0069	575	1002
31	1933-0-0103-0069	580	1101
32	1933-0-0103-0069	581	1102
33	1933-0-0103-0069	582	1103
34	1933-0-0103-0069	585	1201
35	1933-0-0103-0069	586	1202
36	1933-0-0103-0069	587	1203
37	1933-0-0103-0069	590 A	1901
38	1933-0-0103-0069	590 B	1902
39	1933-0-0103-0069	590 C	1903
40	1933-0-0103-0069	591	1905
41	1933-0-0103-0069	592	1906
42	1933-0-0103-0069	593	1907
43	1933-0-0103-0069	594	1909
44	1933-0-0103-0069	595	1910(a)-(b)
45	1933-0-0103-0069	596	1910(c)-(d)
46	1933-0-0103-0069	597	1910(e)
47	1933-0-0103-0069	598	1910(f)
48	1933-0-0103-0069	599	1910(g)
49	1933-0-0103-0069	599-A	1915(a)
50	1933-0-0103-0069	599.1	1301
51	1933-0-0103-0069	601	1401(a)
52	1933-0-0103-0069	602	1401(b)-(c)
53	1933-0-0103-0069	603	1401(d)
54	1933-0-0103-0069	604	1401(e)
55	1933-0-0103-0069	610	1402(a)-(c)
56	1933-0-0103-0069	610	1402(h)-(i)
57	1933-0-0103-0069	611(a)	1401(f)
58	1933-0-0103-0069	611(b)	1402(d)
59	1933-0-0103-0069	611(c)	1402(e)-(f)

1	1933-0-0103-0069	612	1402(g)
2	1933-0-0103-0069	701 I	1501
3	1933-0-0103-0069	701 II	1502
4	1933-0-0103-0069	701 II	1503(a)-(b)
5	1933-0-0103-0069	701 II	1504
6	1933-0-0103-0069	701 III	1503(f)
7	1933-0-0103-0069	702 intro. par.	1505
8	1933-0-0103-0069	702 I	2001
9	1933-0-0103-0069	702 II.1	2002
10	1933-0-0103-0069	702 II.1	2003
11	1933-0-0103-0069	702 III	1802
12	1933-0-0103-0069	702 IV	1803
13	1933-0-0103-0069	702 IV.1	1804
14	1933-0-0103-0069	702 V	Repealed
15	1933-0-0103-0069	702 VI	Repealed
16	1933-0-0103-0069	702 VII	Repealed
17	1933-0-0103-0069	702 VIII	2101
18	1933-0-0103-0069	702 VIII	2102
19	1933-0-0103-0069	702 VIII	2104
20	1933-0-0103-0069	702 VIII	2105
21	1933-0-0103-0069	702 VIII	2106
22	1933-0-0103-0069	702 VIII	2107
23	1933-0-0103-0069	702 IX	2327
24	1933-0-0103-0069	702 X	2301(a)-(c)
25	1933-0-0103-0069	702 XI	Repealed
26	1933-0-0103-0069	702 XII	1529
27	1933-0-0103-0069	702 XII	1533
28	1933-0-0103-0069	702 XIII	1512
29	1933-0-0103-0069	702 XIV	Repealed
30	1933-0-0103-0069	702 XV	Repealed
31	1933-0-0103-0069	702 XVI	Repealed
32	1933-0-0103-0069	702 XVII	1537
33	1933-0-0103-0069	702 XVIII	1510
34	1933-0-0103-0069	702 XIX	1538
35	1933-0-0103-0069	702 XX	1534
36	1933-0-0103-0069	702 XXI	Repealed
37	1933-0-0103-0069	702 XXII	Repealed
38	1933-0-0103-0069	702 XXIII	2203(a)-(b)
39	1933-0-0103-0069	702 XXIV	2328
40	1933-0-0103-0069	702 XXV	1516
41	1933-0-0103-0069	702 XXVI	Repealed
42	1933-0-0103-0069	702 XXVII	1522
43	1933-0-0103-0069	702 XXVIII	1536
44	1933-0-0103-0069	702 XXIX	Repealed
45	1933-0-0103-0069	702 XXX	Repealed
46	1933-0-0103-0069	702 XXXI	Repealed
47	1933-0-0103-0069	702 XXXII	1805
48	1933-0-0103-0069	702 XXXIII	2203(c)
49	1933-0-0103-0069	702 XXXIV	Repealed
50	1933-0-0103-0069	702 XXXV	1530
51	1933-0-0103-0069	702 XXXVI	1908
52	1933-0-0103-0069	702 XXXVII	1520
53	1933-0-0103-0069	702 XXXVII	2329
54	1933-0-0103-0069	702 XXXVIII	2330
55	1933-0-0103-0069	702 XXXIX	1532(a)(1)
56	1933-0-0103-0069	702 XL	1507
57	1933-0-0103-0069	702 XLI	1601(a)-(c)
58	1933-0-0103-0069	702 XLI	1601(f)
59	1933-0-0103-0069	702 XLI.1	1601(d)

1	1933-0-0103-0069	702 XLI.2	1601(e)
2	1933-0-0103-0069	702 XLII	1514
3	1933-0-0103-0069	702 XLIII	1911
4	1933-0-0103-0069	702 XLIV	1513
5	1933-0-0103-0069	702 XLV	917(a)
6	1933-0-0103-0069	702 XLV	917(c)
7	1933-0-0103-0069	702 XLV.1	917(d)
8	1933-0-0103-0069	702 XLVI	1528
9	1933-0-0103-0069	702 XLVII	1527
10	1933-0-0103-0069	702 XLVIII	Repealed
11	1933-0-0103-0069	702 XLIX	Repealed
12	1933-0-0103-0069	702 L	Repealed
13	1933-0-0103-0069	702 LI	1517
14	1933-0-0103-0069	702 LII	1518
15	1933-0-0103-0069	702 LIII	1519
16	1933-0-0103-0069	702 LIV	1511
17	1933-0-0103-0069	702 LV	1508
18	1933-0-0103-0069	702 LVI	1543
19	1933-0-0103-0069	702 LVII	1524
20	1933-0-0103-0069	702 LVIII	1532(a)(4)
21	1933-0-0103-0069	702 LIX	1523
22	1933-0-0103-0069	702 LX	1541
23	1933-0-0103-0069	702 LXI	1521
24	1933-0-0103-0069	702 LXII	1506
25	1933-0-0103-0069	702 LXIII	1509
26	1933-0-0103-0069	702 LXIV	1515
27	1933-0-0103-0069	702 LXV	1525
28	1933-0-0103-0069	702 LXVI	1542
29	1933-0-0103-0069	702 LXVII	1539
30	1933-0-0103-0069	702 LXVIII	1540
31	1933-0-0103-0069	702 LXIX	1526
32	1933-0-0103-0069	702 LXX	1544
33	1933-0-0103-0069	702 LXXI	Repealed
34	1933-0-0103-0069	702 LXXII	Repealed
35	1933-0-0103-0069	702 LXXIII	1545
36	1933-0-0103-0069	702 LXXIV	2203(d)
37	1933-0-0103-0069	702 LXXV	1546
38	1933-0-0103-0069	703	1549
39	1933-0-0103-0069	801	3101
40	1933-0-0103-0069	802(a)	3102(a)
41	1933-0-0103-0069	802(a.1)	3102(b)
42	1933-0-0103-0069	802(b)	3102(d)
43	1933-0-0103-0069	802(c)	3102(e)
44	1933-0-0103-0069	802(d)	3102(g)
45	1933-0-0103-0069	802(e)(1)	3102(h)(1)
46	1933-0-0103-0069	802(e)(2)	3102(h)(2)
47	1933-0-0103-0069	802(e)(3)	3102(h)(7)
48	1933-0-0103-0069	802(e)(4)	3102(h)(3)
49	1933-0-0103-0069	802(e)(5)	3102(h)(4)
50	1933-0-0103-0069	802(f)	3102(i)-(j)
51	1933-0-0103-0069	802(g)	3102(l)
52	1933-0-0103-0069	802(h)	3102(m)
53	1933-0-0103-0069	802.1	3104
54	1933-0-0103-0069	803	3105
55	1933-0-0103-0069	803.1	3106
56	1933-0-0103-0069	804	3107
57	1933-0-0103-0069	805	3108
58	1933-0-0103-0069	806	3109
59	1933-0-0103-0069	807	Repealed

1	1933-0-0103-0069	808	Repealed
2	1933-0-0103-0069	901	3201
3	1933-0-0103-0069	902 A	3202(a)-(c)
4	1933-0-0103-0069	902 A	3202(e)-(f)
5	1933-0-0103-0069	902 B	3203
6	1933-0-0103-0069	902.1	3204
7	1933-0-0103-0069	902.2	3202(d)
8	1933-0-0103-0069	903	Repealed
9	1933-0-0103-0069	904	Repealed
10	1933-0-0103-0069	905 A	3205(a)(1)-(8)
11	1933-0-0103-0069	905 B	3206
12	1933-0-0103-0069	905 C	3207
13	1933-0-0103-0069	905 D	Repealed
14	1933-0-0103-0069	905.1	3210
15	1933-0-0103-0069	906	3208
16	1933-0-0103-0069	907	3205(b)
17	1933-0-0103-0069	908	Repealed
18	1933-0-0103-0069	909	3209
19	1933-0-0103-0069	910	3205(a)(9)
20	1933-0-0103-0069	911	3205(a)(9)
21	1933-0-0103-0069	912	3205(a)(10)
22	1933-0-0103-0069	1001	3401
23	1933-0-0103-0069	1002	3402
24	1933-0-0103-0069	1006	3403
25	1933-0-0103-0069	1016	3404
26	1933-0-0103-0069	1024	3405
27	1933-0-0103-0069	1025	3406
28	1933-0-0103-0069	1052	3407
29	1933-0-0103-0069	1101	2304
30	1933-0-0103-0069	1102	2305
31	1933-0-0103-0069	1103	2306
32	1933-0-0103-0069	1104	Repealed
33	1933-0-0103-0069	1105	2307
34	1933-0-0103-0069	1110	2308
35	1933-0-0103-0069	1111	2309
36	1933-0-0103-0069	1112	2310
37	1933-0-0103-0069	1115	2311
38	1933-0-0103-0069	1120	2312
39	1933-0-0103-0069	1125	2312
40	1933-0-0103-0069	1130	2313(a)
41	1933-0-0103-0069	1131	2313(b)
42	1933-0-0103-0069	1132	Repealed
43	1933-0-0103-0069	1133	2313(c)
44	1933-0-0103-0069	1135	2314(a)
45	1933-0-0103-0069	1136	2314(b)
46	1933-0-0103-0069	1137	2314(c)
47	1933-0-0103-0069	1138	2314(d)
48	1933-0-0103-0069	1140	2316(a)
49	1933-0-0103-0069	1140.1	2317(a)
50	1933-0-0103-0069	1141	2317(b)-(d)
51	1933-0-0103-0069	1142	2317(e)
52	1933-0-0103-0069	1143	2318
53	1933-0-0103-0069	1144	2317(f)
54	1933-0-0103-0069	1145	2317(g)
55	1933-0-0103-0069	1146	2319
56	1933-0-0103-0069	1147	2316(b)-(c)
57	1933-0-0103-0069	1148	Repealed
58	1933-0-0103-0069	1150	Repealed
59	1933-0-0103-0069	1151	Repealed

1	1933-0-0103-0069	1152	2320
2	1933-0-0103-0069	1155	2321
3	1933-0-0103-0069	1156	2322
4	1933-0-0103-0069	1160	Repealed
5	1933-0-0103-0069	1161	2323
6	1933-0-0103-0069	1165	2324
7	1933-0-0103-0069	1170	Repealed
8	1933-0-0103-0069	1175	2325(a)
9	1933-0-0103-0069	1177	2325(b)
10	1933-0-0103-0069	1178	2325(c)
11	1933-0-0103-0069	1179	2325(d)
12	1933-0-0103-0069	1180	2325(e)
13	1933-0-0103-0069	1185	2326
14	1933-0-0103-0069	1201	2332
15	1933-0-0103-0069	1202	2332
16	1933-0-0103-0069	1205	2332
17	1933-0-0103-0069	1210	2332
18	1933-0-0103-0069	1215	2332
19	1933-0-0103-0069	1220	2332
20	1933-0-0103-0069	1225	2332
21	1933-0-0103-0069	1230	2332
22	1933-0-0103-0069	1301	2301(a)
23	1933-0-0103-0069	1302	Repealed
24	1933-0-0103-0069	1303	Repealed
25	1933-0-0103-0069	1305	Repealed
26	1933-0-0103-0069	1310	2331
27	1933-0-0103-0069	1401	2401(c)(1)
28	1933-0-0103-0069	1402	2401(c)(2)-(3)
29	1933-0-0103-0069	1403	2401(a)-(b)
30	1933-0-0103-0069	1404	2401(c)(4)
31	1933-0-0103-0069	1501	2501
32	1933-0-0103-0069	1501	2502
33	1933-0-0103-0069	1501.1	2502
34	1933-0-0103-0069	1502	2503
35	1933-0-0103-0069	1503	Repealed
36	1933-0-0103-0069	1504	2505
37	1933-0-0103-0069	1505	2504
38	1933-0-0103-0069	1507	2506
39	1933-0-0103-0069	1508	2507
40	1933-0-0103-0069	1509	2508
41	1933-0-0103-0069	1510	2509
42	1933-0-0103-0069	1511	2510
43	1933-0-0103-0069	1512	2511
44	1933-0-0103-0069	1525	2512
45	1933-0-0103-0069	1526	Repealed
46	1933-0-0103-0069	1530	2513
47	1933-0-0103-0069	1531	2514
48	1933-0-0103-0069	1535	2515
49	1933-0-0103-0069	1540	2516
50	1933-0-0103-0069	1541	2517
51	1933-0-0103-0069	1501-A	3303(a)
52	1933-0-0103-0069	1502-A	3303(b)
53	1933-0-0103-0069	1503-A	3303(c)
54	1933-0-0103-0069	1504-A	3303(d)
55	1933-0-0103-0069	1505-A	3303(e)
56	1933-0-0103-0069	1601	2601
57	1933-0-0103-0069	1602	2602
58	1933-0-0103-0069	1602.1	2603
59	1933-0-0103-0069	1602.2	Repealed

1	1933-0-0103-0069	1602.3	Repealed
2	1933-0-0103-0069	1602.4	Repealed
3	1933-0-0103-0069	1602.5	Repealed
4	1933-0-0103-0069	1603	2604
5	1933-0-0103-0069	1604	2605
6	1933-0-0103-0069	1605	2606
7	1933-0-0103-0069	1606	2607
8	1933-0-0103-0069	1607	2608
9	1933-0-0103-0069	1608	2609
10	1933-0-0103-0069	1609	2611
11	1933-0-0103-0069	1610	2612
12	1933-0-0103-0069	1611	2613
13	1933-0-0103-0069	1612	2614
14	1933-0-0103-0069	1601-A	2801
15	1933-0-0103-0069	1602-A	2802
16	1933-0-0103-0069	1603-A	2803
17	1933-0-0103-0069	1604-A	2804
18	1933-0-0103-0069	1605-A	2805
19	1933-0-0103-0069	1606-A	2806
20	1933-0-0103-0069	1702	1701
21	1933-0-0103-0069	1703	1704
22	1933-0-0103-0069	1704	1701
23	1933-0-0103-0069	1705	Repealed
24	1933-0-0103-0069	1706	1703
25	1933-0-0103-0069	1707	1702
26	1933-0-0103-0069	1801	1532(a)(1)
27	1933-0-0103-0069	1802	1532(b)
28	1933-0-0103-0069	1811	1532(a)(1)
29	1933-0-0103-0069	1812	1532(a)(1)
30	1933-0-0103-0069	1813	Repealed
31	1933-0-0103-0069	1901	2201
32	1933-0-0103-0069	1902	2204(a)
33	1933-0-0103-0069	1903	2204(b)
34	1933-0-0103-0069	1904	2204(c)
35	1933-0-0103-0069	1905	2205
36	1933-0-0103-0069	1906	Repealed
37	1933-0-0103-0069	1907	2206
38	1933-0-0103-0069	1908	2207(a)
39	1933-0-0103-0069	1909	Repealed
40	1933-0-0103-0069	1910	2207(b)
41	1933-0-0103-0069	1911	Repealed
42	1933-0-0103-0069	1912	2207(c)
43	1933-0-0103-0069	1913	2207(d)
44	1933-0-0103-0069	1914	2207(e)
45	1933-0-0103-0069	1915	2207(f)
46	1933-0-0103-0069	1916	Repealed
47	1933-0-0103-0069	1917	2207(g)
48	1933-0-0103-0069	1901-A.1	3001
49	1933-0-0103-0069	1902-A	3002
50	1933-0-0103-0069	1903-A	3003
51	1933-0-0103-0069	1904-A	3004
52	1933-0-0103-0069	1905-A	3005
53	1933-0-0103-0069	1906-A	3006
54	1933-0-0103-0069	1907-A	3007
55	1933-0-0103-0069	1908-A.1	3008
56	1933-0-0103-0069	1909-A.1	3009
57	1933-0-0103-0069	1910-A	3010
58	1933-0-0103-0069	1901-B	2901
59	1933-0-0103-0069	1902-B	2902

1	1933-0-0103-0069	1903-B	2903
2	1933-0-0103-0069	1904-B	2904
3	1933-0-0103-0069	1905-B	2905
4	1933-0-0103-0069	1906-B	2906
5	1933-0-0103-0069	1907-B	2907
6	1933-0-0103-0069	1908-B	Repealed
7	1933-0-0103-0069	1909-B	2908
8	1933-0-0103-0069	1910-B	2909
9	1933-0-0103-0069	1911-B	2910
10	1933-0-0103-0069	2106	3601
11	1933-0-0103-0069	2201	3701