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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**

**No. 830**      Session of  
2007

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INTRODUCED BY READSHAW, BUXTON, HARHAI, HERSHEY, KORTZ, PALLONE,  
PHILLIPS, PRESTON, RAYMOND, SCAVELLO, SIPTROTH, SOLOBAY AND  
STABACK, MARCH 19, 2007

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REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MARCH 19, 2007

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AN ACT

1 Amending the act of February 1, 1966 (1965 P.L.1656, No.581),  
2 entitled "An act concerning boroughs, and revising, amending  
3 and consolidating the law relating to boroughs," further  
4 providing for passage, approval and veto of ordinances, for  
5 salaried mayor not to receive fees and for duties of  
6 solicitor and outside counsel.

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

9 Section 1. Section 1007 of the act of February 1, 1966 (1965  
10 P.L.1656, No.581), known as The Borough Code, amended July 11,  
11 1996 (P.L.549, No.97), is amended to read:

12 Section 1007. Passage, Approval and Veto of Ordinances.--(a)  
13 Every ordinance and every resolution [of legislative character  
14 except as herein otherwise provided,] passed by the council,  
15 shall be presented to the mayor for his approval. If the mayor  
16 approves, he shall sign it; but, if he shall not so approve, he  
17 shall return it with his objections to the council at its next  
18 regular meeting occurring at least ten days after the meeting at  
19 which such ordinance was passed by the council, when the

1 objections shall be entered upon the minutes and the council  
2 shall proceed to a reconsideration thereof either at the meeting  
3 at which the vetoed ordinance was returned or at any other  
4 regular, special or adjourned meeting held not later than ten  
5 days thereafter. If, after such reconsideration, two-thirds of  
6 all the members elected to said council, or a majority of  
7 council plus one, when the number composing such council is less  
8 than nine, shall vote to pass such ordinance or resolution, it  
9 shall become of as full force and effect as if it had received  
10 the approval of the mayor; but in such case the vote shall be  
11 determined by yeas and nays, and the names and votes of the  
12 members shall be entered on the minutes. If any such ordinance  
13 or resolution shall not be returned by the mayor at the regular  
14 meeting of the council occurring at least ten days next  
15 succeeding its presentation to him, it shall likewise have as  
16 full force as if it had been approved.

17 (b) The enactment of an ordinance except as herein otherwise  
18 provided shall be the date when the mayor shall approve it or  
19 the date of passage by the council over the veto of the mayor,  
20 or in the case of any ordinance not returned by the mayor at the  
21 regular meeting of council, occurring at least ten days after  
22 the meeting at which such ordinance was passed by the council,  
23 the date of enactment shall be the date of such succeeding  
24 regular meeting of council.

25 (c) When council shall present the mayor with the annual tax  
26 ordinance referred to in section 1310 of this act, the mayor  
27 shall within ten days of receiving the tax ordinance approve the  
28 tax ordinance by affixing his signature thereto or return the  
29 tax ordinance to the borough secretary with a statement setting  
30 forth his objections thereto. Council shall proceed to a

1 reconsideration thereof at any regular, special or adjourned  
2 meeting held not later than ten days after the mayor has  
3 returned the tax ordinance to the secretary with his objections.  
4 The mayor's objections shall be entered upon the minutes of the  
5 meeting. A veto of the tax ordinance of the borough may be  
6 overridden by a vote of two-thirds of all the members of  
7 council, and thereafter such ordinance shall have full force and  
8 effect as if it had received the approval of the mayor.

9 Section 2. Section 1026 of the act is amended to read:

10 Section 1026. Salaried Mayor Not to Receive Certain Fees.--  
11 [Any] (a) Except as provided in subsection (b), any salary paid  
12 pursuant to an ordinance shall be in lieu of all costs and fees  
13 allowed a mayor. Costs and fees shall be taxed and collected by  
14 the mayor and turned into the borough treasury. Any mayor, upon  
15 assuming office for any elective or appointive term and at any  
16 time no sooner than two years thereafter, shall be authorized to  
17 elect to be paid by the fees and costs pertaining to his office  
18 or by the salary fixed by ordinance for his office, and such  
19 mayor shall thereupon receive as his compensation either the  
20 fees and costs, or the fixed salary, as elected by him.

21 (b) Nothing in this act shall be construed to prevent a  
22 mayor from receiving an honorarium, fee or reimbursement of  
23 expenses related to the performance of a marriage ceremony in  
24 this Commonwealth.

25 Section 3. Section 1117 of the act, amended July 1, 1992  
26 (P.L.344, No.71), is amended to read:

27 Section 1117. Duties of Solicitor; Outside Counsel.--(a)  
28 The borough solicitor, when directed or requested so to do by  
29 council or the mayor, shall prepare or approve such bonds,  
30 obligations, contracts, leases, conveyances, ordinances and

1 assurances to which the borough or any department thereof may be  
2 a party; he shall commence and prosecute all actions brought by  
3 the borough for or on account of any of the estates, rights,  
4 trusts, privileges, claims, or demands, as well as defend all  
5 actions or suits against the borough, or any officer thereof,  
6 wherein or whereby any of the estates, rights, privileges,  
7 trusts, ordinances, or accounts, of the borough, or any  
8 department thereof, may be brought in question before any court  
9 in the Commonwealth; and shall do every professional act  
10 incident to the office which he may be authorized or required to  
11 do by the council or the mayor. He shall, whenever required,  
12 furnish the council, or committees thereof, the mayor, or the  
13 head of department, with his opinion in writing upon any  
14 question of law which may be submitted by any of them in their  
15 official capacities.

16 (b) In the case of a legal dispute between the mayor and  
17 council, or in any other case where representation of the mayor  
18 and council by the borough solicitor would create a conflict of  
19 interest for the borough solicitor, the mayor is authorized to  
20 employ outside counsel at borough expense, not to exceed [two  
21 thousand five hundred dollars (\$2,500)] five thousand dollars  
22 (\$5,000) in any twelve-month period, to perform necessary legal  
23 services.

24 Section 4. This act shall take effect in 60 days.