

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 830 Session of 2007

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

AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 6, 2008

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 1. SECTION 1026 OF THE ACT OF FEBRUARY 1, 1966 (1965 <—  
11 P.L.1656, NO.581), KNOWN AS THE BOROUGH CODE, IS AMENDED TO  
12 READ:

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

24 ~~(b) Nothing in this act shall be construed to prevent a <—  
25 mayor from receiving an honorarium, fee or reimbursement of  
26 expenses related to the performance of a marriage ceremony in  
27 this Commonwealth.~~

28 (B) NOTHING IN THIS ACT SHALL BE CONSTRUED TO PREVENT A <—  
29 MAYOR FROM RECEIVING A MONETARY FEE FOR THE PERFORMANCE OF A  
30 MARRIAGE CEREMONY IN THIS COMMONWEALTH PROVIDED THE FEE DOES NOT

1 EXCEED ONE HUNDRED FIFTY DOLLARS (\$150) FOR EACH CEREMONY  
2 PERFORMED. PRIOR TO PERFORMING THESE CEREMONIES, THE MAYOR SHALL  
3 NOTIFY COUNCIL IN WRITING OF THE MAYOR'S INTENTION TO PERFORM  
4 MARRIAGE CEREMONIES. THE NOTIFICATION SHALL REMAIN IN EFFECT FOR  
5 THE TERM OF THE MAYOR OR UNTIL SUCH TIME AS THE NOTIFICATION IS  
6 RESCINDED BY THE MAYOR. THE MAYOR SHALL KEEP ACCURATE ACCOUNTS  
7 OF THE FEES RECEIVED RELATING TO THE PERFORMANCE OF MARRIAGE  
8 CEREMONIES AND PROVIDE COUNCIL EACH QUARTER WITH A REPORT OF  
9 MONEYS RECEIVED FOR THAT PERIOD. THE QUARTERLY REPORT SHALL  
10 INCLUDE THE AMOUNT OF MONEY RECEIVED, THE NAMES OF PERSONS FROM  
11 WHOM MONEY WAS RECEIVED ALONG WITH THE DATE AND THE LOCATION OF  
12 THE PERFORMED CEREMONY AND SHALL BE CONSIDERED A PUBLIC RECORD.  
13 THE RECEIPT OF A FEE UNDER THIS SUBSECTION SHALL NOT BE  
14 CONSIDERED A VIOLATION OF 65 PA.C.S. CH. 11 (RELATING TO ETHICS  
15 STANDARDS AND FINANCIAL DISCLOSURE) AND SHALL NOT BE CONSIDERED  
16 COMPENSATION UNDER THIS ACT.

17 Section 3 2. Section 1117 of the act, amended July 1, 1992 <—  
18 (P.L.344, No.71), is amended to read:

19 Section 1117. Duties of Solicitor; Outside Counsel.--(a)  
20 The borough solicitor, when directed or requested so to do by  
21 council or the mayor, shall prepare or approve such bonds,  
22 obligations, contracts, leases, conveyances, ordinances and  
23 assurances to which the borough or any department thereof may be  
24 a party; he shall commence and prosecute all actions brought by  
25 the borough for or on account of any of the estates, rights,  
26 trusts, privileges, claims, or demands, as well as defend all  
27 actions or suits against the borough, or any officer thereof,  
28 wherein or whereby any of the estates, rights, privileges,  
29 trusts, ordinances, or accounts, of the borough, or any  
30 department thereof, may be brought in question before any court

1 in the Commonwealth; and shall do every professional act  
2 incident to the office which he may be authorized or required to  
3 do by the council or the mayor. He shall, whenever required,  
4 furnish the council, or committees thereof, the mayor, or the  
5 head of department, with his opinion in writing upon any  
6 question of law which may be submitted by any of them in their  
7 official capacities.

8 (b) In the case of a legal dispute between the mayor and  
9 council, or in any other case where representation of the mayor  
10 and council by the borough solicitor would create a conflict of  
11 interest for the borough solicitor, the mayor is authorized to  
12 employ outside counsel at borough expense, not to exceed [two  
13 thousand five hundred dollars (\$2,500)] ~~five thousand dollars~~ ←  
14 ~~(\$5,000)~~ FOUR THOUSAND DOLLARS (\$4,000) in any twelve-month ←  
15 period, to perform necessary legal services.

16 Section 4 3. This act shall take effect in 60 days. ←