

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 726 Session of 2011

INTRODUCED BY FOLMER, GORDNER, EICHELBERGER, EARLL, ERICKSON,  
WAUGH, WOZNIAK, FONTANA, D. WHITE, ALLOWAY, MENSCH AND ORIE,  
MARCH 2, 2011

REFERRED TO LOCAL GOVERNMENT, MARCH 2, 2011

AN ACT

1 Amending the act of June 24, 1931 (P.L.1206, No.331), entitled  
2 "An act concerning townships of the first class; amending,  
3 revising, consolidating, and changing the law relating  
4 thereto," further providing for elected officers enumerated,  
5 for vacancies in general, for the corporate power of first  
6 class townships being vested in the board of township  
7 commissioners, for elected officers in townships of the first  
8 class and for additions and revisions to duplicates.

9 The General Assembly of the Commonwealth of Pennsylvania

10 hereby enacts as follows:

11 Section 1. Section 228 of the act of June 24, 1931 (P.L.  
12 1206, No.331), known as The First Class Township Code, reenacted  
13 and amended May 27, 1949 (P.L.1955, No.569), is repealed:

14 [Section 228. Election of Township Assessor and Assistant  
15 Township Assessor in New Townships.--At such municipal election,  
16 one township assessor shall be elected for a term of four years  
17 and one assistant township assessor for a term of two years.  
18 Thereafter the terms of such township assessor and assistant  
19 township assessor shall be four years from the first Monday of  
20 January succeeding their respective elections.

1 This section shall not apply to townships in counties having  
2 county boards for the assessment and revision of taxes where  
3 assessors, under existing laws, are appointed.]

4 Section 2. Section 503 of the act is amended to read:

5 Section 503. Elected Officers Enumerated.--The electors of  
6 each township shall elect (a) at least five township  
7 commissioners, (b) one township treasurer, [(c) except as  
8 hereinafter otherwise provided, one township assessor and one  
9 assistant township assessor, and (d)] and (c) except as  
10 otherwise hereinafter provided, three elected auditors or one  
11 appointed auditor, or one controller where such office has been  
12 established. All elected township officers shall be registered  
13 electors of the township.

14 Section 3. Section 515 of the act is repealed:

15 [Section 515. Election of Township Assessor and Assistant  
16 Township Assessor.--At the municipal election preceding the  
17 expiration of the term of any township assessor or assistant  
18 township assessor, and quadrennially thereafter, one township  
19 assessor or one assistant township assessor, or both, as the  
20 case may be, shall be elected for four year terms, from the  
21 first Monday of January next succeeding their election.

22 The compensation of the assistant township assessor shall be  
23 the same as provided by law for the township assessor, and shall  
24 be paid by the county.

25 This section shall not apply to townships in counties having  
26 county boards for the assessment and revision of taxes where  
27 assessors, under existing laws, are appointed.]

28 Section 4. Section 530 of the act, amended May 1, 1981 (P.L.  
29 32, No.12), is amended to read:

30 Section 530. Vacancies in General.--When a vacancy occurs in

1 the office of township commissioner, auditor, controller,  
2 treasurer, [assessor,] or assistant auditor, [or assistant  
3 triennial assessor in any township,] by reason of death,  
4 resignation, removal from the township or ward, or otherwise,  
5 the board of township commissioners of such township shall fill  
6 such vacancy by appointing by resolution a registered voter of  
7 the ward or township, as the case may be, in which the vacancy  
8 occurs. If the board of township commissioners of any township  
9 shall refuse, fail, or neglect, or be unable for any reason  
10 whatsoever, to fill such vacancy within thirty (30) days after  
11 the vacancy occurs, then the vacancy board shall fill the  
12 vacancy within fifteen (15) additional days by appointing a  
13 registered elector of the ward or township, as the case may be,  
14 in which the vacancy occurs. The vacancy board shall consist of  
15 the board of commissioners and one registered elector of the  
16 township, who shall be appointed by the board of township  
17 commissioners at the board's first meeting each calendar year or  
18 as soon thereafter as practical, and who shall act as chairman  
19 of the vacancy board. If the vacancy board does not fill the  
20 vacancy within the prescribed time, the chairman shall, or in  
21 the case of a vacancy in the chairmanship the remaining members  
22 of the vacancy board shall, petition the court of common pleas  
23 to fill the vacancy by appointing a registered elector of the  
24 ward or township, as the case may be, in which the vacancy  
25 occurs. In the case where there are vacancies in a majority of  
26 the offices of commissioners, the court of common pleas shall  
27 fill such vacancies upon presentation of petition signed by not  
28 less than fifteen (15) registered electors of the township. In  
29 all cases, the person so appointed shall hold the office if the  
30 term thereof continues so long, until the first Monday in

1 January after the first municipal election occurring more than  
2 sixty (60) days after the vacancy occurs, at which election an  
3 eligible person shall be elected for the remainder of the term  
4 and shall have been a resident of the township continuously for  
5 at least one (1) year before his appointment. In townships  
6 divided into wards, all appointed commissioners shall reside in  
7 the ward in which the vacancy occurred and shall have resided in  
8 said ward continuously for at least one (1) year before  
9 appointment. No person who was convicted of or pled guilty or no  
10 contest to a felony shall be eligible for appointment to fill a  
11 vacancy on the board of commissioners for a period of three (3)  
12 years from the date of the conviction or plea.

13 Section 5. Clause III of section 1502 of the act is amended  
14 to read:

15 Section 1502. The corporate power of a township of the first  
16 class shall be vested in the board of township commissioners.  
17 The board shall have power--

18 \* \* \*

19 III. Officers, Positions and Departments. To create any  
20 office, position or department which may be deemed necessary for  
21 the good government and interests of the township; and to fix  
22 the compensation of persons appointed thereto[; and to employ  
23 the township assessor and any assistant township assessor to  
24 perform work for the township in connection with the assessment  
25 and valuation of property and occupations for taxation purposes,  
26 or to perform other work when not engaged for the county, and to  
27 fix their compensation, payable by the township].

28 \* \* \*

29 Section 6. Section 1709.1 of the act, amended July 22, 1970  
30 (P.L.551, No.189), is amended to read:

1       Section 1709.1. Additions and Revisions to Duplicates.--

2 Whenever in any first class township there is any construction  
3 of a building or buildings not otherwise exempt as a dwelling  
4 after January first of any year and the building is not included  
5 in the tax duplicate of the township, the authority responsible  
6 for assessments in the township shall, upon the request of the  
7 township commissioners, [direct the assessor in the township to]  
8 inspect and reassess, subject to the right of appeal and  
9 adjustment provided by the act of Assembly under which  
10 assessments are made, all taxable property in the township to  
11 which major improvements have been made after January first of  
12 any year and to give notice of such reassessments within ten  
13 days to the authority responsible for assessments, the township  
14 and the property owner. The property shall then be added to the  
15 duplicate and shall be taxable for township purposes at the  
16 reassessed valuation for that proportionate part of the fiscal  
17 year of the township remaining after the property was improved.  
18 Any improvement made during the month shall be computed as  
19 having been made on the first of the month. A certified copy of  
20 the additions or revisions to the duplicate shall be furnished  
21 by the township commissioners to the township treasurer,  
22 together with their warrant for collection of the same, and  
23 within ten days thereafter the township treasurer shall notify  
24 the owner of the property of the taxes due the township.

25       Whenever an assessment is made for a portion of a year as  
26 above provided, the same shall be added to the duplicate of the  
27 following or succeeding year unless the value of the  
28 improvements has already been included in said duplicate.

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