

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 874 Session of
2011INTRODUCED BY EICHELBERGER, WOZNIAK, ROBBINS, ERICKSON AND
BLAKE, MARCH 22, 2011SENATOR EICHELBERGER, LOCAL GOVERNMENT, AS AMENDED, JUNE 19,
2012

AN ACT

1 Reenacting and amending the act of June 23, 1931 (P.L.932,
2 No.317), entitled "An act relating to cities of the third
3 class; and amending, revising, and consolidating the law
4 relating thereto."

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10 Section 4320. Firefighters' Pension Fund; Management; Annuity
11 Contracts.

12 Section 4320.1. Limited Vested Benefit for Firefighters.

13 Section 4321. Retirement; Final Discharge.

14 Section 4322. Pensions and Service Increments.

15 Section 4322.1. Increase of Allowances After Retirement.

16 Section 4323. Causes for Forfeiture of Rights in Fund; Other
17 Employments.

18 Section 4324. Payments to Firefighters' Pension Fund by City.

19 Section 4325. Transfers from Other Pension Funds.

20 Section 4326. Trusts for Benefit of Firefighters' Pension Fund.

21 Section 4327. Repayment Before Retirement.

22 Section 4328. Definitions.

23 (c) Pension Funds for Employes Other Than
24 Police Officers and City-Paid Firefighters

25 Section 4340. Pension Funds for Employes other than Police or
26 City-Paid Firefighters.

27 Section 4341. Pension Board; Duties.

28 Section 4342. Retirement Age.

29 Section 4343. Retirement Allowance; Proof of Disability; Joint
30 and Single Coverage Members Defined.

1 Section 4343.1. Retirement Allowances; Full Coverage; Payments.
2 Section 4343.2. Limited Vested Benefit.
3 Section 4344. Amount of Payments into Fund; Repayment before
4 Retirement.
5 Section 4344.1. Determination of Liability Upon Extension of
6 Social Security.
7 Section 4345. Payments by Laborers Optional.
8 Section 4346. Heads of Departments to Certify List of Employees.
9 Section 4347. Receipt, Investment and Payment of Funds.
10 Section 4348. Appropriations and Contributions to Fund.
11 Section 4349. Application.
12 Section 4350. Computation of Time of Service.
13 Section 4351. Funds Payable to be Free of Attachment.
14 Section 4352. Definitions.
15 Section 4353. Beneficiaries of Fund not to be Employed by City.
16 (d) Beneficiaries Serving in Elective Office
17 Section 4361. Right to a Pension if Salary Refused.
18 ARTICLE XLIV
19 CIVIL SERVICE
20 Section 4401. Examinations Required of All Appointees.
21 Section 4402. Appointment of Examining Board.
22 Section 4402.1. Existing Civil Service Positions.
23 Section 4403. Terms; Filling of Vacancies; Compensation;
24 Quorum.
25 Section 4403.1. Alternate Board Members.
26 Section 4403.2. Investigations and Subpoenas.
27 Section 4404. Rules and Regulations; Examinations.
28 SECTION 4404.1. Physical and Psychological Medical
29 Examinations.
30 Section 4405.1. Veterans' Preference.

1 Section 4406. Selection of Appointee from Certified List of
2 Applicants.
3 Section 4406.1 Promotions.
4 Section 4407. Tenure; Temporary Appointments.
5 Section 4408. Suspension, Discharge and Discipline; Reduction
6 of Employees; Appeals.
7 Section 4409. Secretary; Compensation.
8 Section 4410. Review of Eligibility Lists.

9 ARTICLE XLIV-A

10 VETERANS' AFFAIRS

11 (a) Support of Veterans' Organizations

12 Section 4401-A. Appropriation to Post of Veterans.

13 Section 4402-A. Rooms for Meetings of Veterans.

14 (b) Pennsylvania National Guard

15 Section 4411-A. Support of Pennsylvania National Guard Units.

16 Section 4412-A. Appropriation of Money, Et Cetera, to Assist in
17 Erection of Armories.

18 Section 4413-A. Eminent Domain for National Guard Purposes.

19 Section 4414-A. Lands for Armory Purposes.

20 (c) Burials and Memorials

21 Section 4421-A. Purchase of Burial Grounds for Deceased Service
22 Persons.

23 Section 4422-A. Care of Memorials.

24 Section 4423-A. Memorial Trees.

25 Section 4424-A. Penalty for Injury to Memorial Trees.

26 ARTICLE XLV-A

27 ASSESSMENTS FOR PUBLIC IMPROVEMENTS

28 Section 4501-A. Authority to Assess.

29 Section 4502-A. Method of Assessment.

30 Section 4503-A. Notice of Assessment.

1 Section 4504-A. Appeals to Court.
2 Section 4505-A. Benefits and Damages.
3 Section 4506-A. Return by City of Assessments Paid on Property
4 Unlawfully Assessed.
5 Section 4507-A. Payment of Assessments in Installments.
6 Section 4508-A. Collection of Assessments.

7 ARTICLE XLVI

8 COLLECTION OF MUNICIPAL CLAIMS BY SUIT AND
9 COMPROMISE OF CLAIMS

10 Section 4601. Collection of Municipal Claims by Suit.
11 Section 4602. Compromise of Municipal Claims.

12 ARTICLE XLVII

13 ACTS OF ASSEMBLY REPEALED; SAVING CLAUSE

14 Section 4701. Repeals and Savings Clause.
15 The General Assembly of the Commonwealth of Pennsylvania
16 hereby enacts as follows:

17 Section 1. Article I heading of the act of June 23, 1931
18 (P.L.932, No.317), known as The Third Class City Code, reenacted
19 and amended June 28, 1951 (P.L.662, No.164), is reenacted to
20 read:

21 ARTICLE I

22 PRELIMINARY PROVISIONS

23 Section 2. Sections 101, 102, 103, 104, 105, 106, 107, 108
24 and 109 of the act are amended to read:

25 Section 101. Short Title.--This act shall be known[,] and
26 may be cited[,] as "The Third Class City Code."

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

30 ["City," a city of the third class.

1 "Street," any street, avenue, boulevard, parkway, road, lane,
2 court, alley, or public square within the city, and any highway
3 within the city, as provided in section two thousand nine
4 hundred thirty-nine of this act.

5 "Highway," a state highway of the Commonwealth of
6 Pennsylvania.

7 "Bill," any] "Bill." Any proposed ordinance introduced in
8 council.

9 "City." A city of the third class.

10 "Highway." A State highway of the Commonwealth of
11 Pennsylvania.

12 "Home Rule Charter and Optional Plans Law." The provisions
13 of 53 Pa.C.S. Pt. III Subpt. E (relating to home rule and
14 optional plan government) and, where applicable, the former act
15 of April 13, 1972 (P.L.184, No.62), known as the "Home Rule
16 Charter and Optional Plans Law."

17 "Municipal authority" or "municipality authority." A body
18 politic and corporate created under 53 Pa.C.S. Ch. 56 (relating
19 to municipal authorities), under the former act of May 2, 1945
20 (P.L.382, No.164), known as the "Municipality Authorities Act of
21 1945," or under the former act of June 28, 1935 (P.L.463,
22 No.191), known as the "Municipality Authorities Act of one
23 thousand nine hundred and thirty-five."

24 "Municipal Claim and Tax Lien Law." The act of May 16, 1923
25 (P.L.207, No.153), referred to as the Municipal Claim and Tax
26 Lien Law.

27 "Municipal corporation." A city, borough, incorporated town,
28 or township.

29 "Municipalities Planning Code." The act of July 31, 1968
30 (P.L.805, No.247), known as the "Pennsylvania Municipalities

1 Planning Code."

2 "Municipality." A county, city, borough, incorporated town
3 or township.

4 ~~"Newspaper." A newspaper of general circulation as defined~~ ←
5 ~~in 45 Pa.C.S. § 101 (relating to definitions).~~

6 "Pennsylvania Construction Code Act." The act of November
7 10, 1999 (P.L.491, No.45), known as the "Pennsylvania
8 Construction Code Act."

9 "Pennsylvania Election Code." The act of June 3, 1937
10 (P.L.1333, No.320), known as the "Pennsylvania Election Code."

11 "Street." Any street, avenue, boulevard, parkway, road,
12 lane, court, alley or public square within the city, and any
13 highway within the city to the extent that the city is legally
14 responsible for it, pursuant to agreement or otherwise.

15 Section 103. Excluded Provisions.--This act shall not be
16 construed to repeal any acts relating to:

17 (a) The collection of municipal and tax claims by liens;

18 (b) The method of incurring and increasing [of] city
19 indebtedness;

20 (c) Conduct of elections;

21 (d) Public schools, except the collection of school taxes by
22 the city treasurer;

23 (e) [Aldermen] (Reserved);

24 (f) Constables;

25 (g) The giving of municipal consent to public [service
26 companies] utilities;

27 (h) Weights and measures;

28 (i) Validations of elections, bonds, ordinances, and acts of
29 corporate officers;

30 (j) Joint city and county buildings;

1 (k) Libraries;

2 (l) State highways;

3 (m) The joint or several authorities or duties pertaining to
4 cities as well as to other classes of political subdivisions by
5 virtue of general acts of Assembly.

6 Section 104. Construction of Act Generally to Preserve
7 Existing Situations.--(a) The provisions of this act, so far as
8 they are the same as those of existing laws, are intended as a
9 continuation of such laws and not as new enactments. The repeal
10 by this act of any act of Assembly, or part thereof, shall not
11 revive any act, or part thereof, heretofore repealed or
12 superseded, nor affect the corporate existence of any city
13 heretofore incorporated. The provisions of this act shall not
14 affect any act done, liability incurred, or right accrued or
15 vested, or affect any suit or prosecution pending or to be
16 instituted to enforce any right or penalty or punish any offense
17 under the authority of such repealed laws. All ordinances,
18 resolutions, regulations and rules made pursuant to any act of
19 Assembly repealed by this act[,] shall continue with the same
20 force and effect as if such act had not been repealed. Any
21 person holding office or position under or by virtue of any act
22 of Assembly repealed by this act shall continue to hold such
23 office or position until the expiration of the term thereof,
24 subject to the conditions and tenure attached to such office or
25 position prior to the passage of this act.

26 (b) A city shall possess, and city council and other city
27 officials may execute, the corporate powers and duties as
28 provided in this act and in other laws to the extent that these
29 powers and duties are not repealed by this act.

30 Section 105. Constitutional Construction.--The provisions of

1 this act shall be severable[, and, if]. If any of its provisions
2 shall be held to be unconstitutional, the decision so holding
3 shall not be construed to affect the validity of any of the
4 remaining provisions of this act. It is hereby declared as the
5 legislative intent that this act would have been adopted had
6 such unconstitutional provisions not been included therein.

7 Section 106. Construction of References.--Whenever in this
8 act reference is made to any act by title or otherwise, [such]
9 the reference shall be construed to apply to and include any
10 codification wherein the provisions of the act referred to are
11 substantially reenacted.

12 Section 107. Cities to Which Act Applies.--(a) This act
13 shall apply to [(a) all]:

14 (1) All cities which have been incorporated under or which
15 have accepted the provisions of the act of [Assembly, approved
16 the twenty-third day of May, one thousand eight hundred and
17 seventy-four (Pamphlet Laws 230)] May 23, 1874 (P.L.230,
18 No.152), entitled "An act dividing cities of this State into
19 three classes; regulating the passage of ordinances; providing
20 for contracts for supplies and work for said cities; authorizing
21 the increase of indebtedness, and the creation of a sinking fund
22 to redeem the same; defining and punishing certain offenses in
23 all of said cities; and providing for the incorporation and
24 government of the cities of the third [class," and the
25 amendments thereto; (b) all] class";

26 (2) All cities which have been incorporated under the
27 provisions of the act of May [twenty-third, one thousand eight
28 hundred and eighty-nine (Pamphlet Laws 277)] 23, 1889 (P.L.277,
29 No.247), entitled "An act providing for the incorporation and
30 government of cities of the third [class," and the amendments

1 thereto; (c) all] class";

2 (3) All cities which have been incorporated under the
3 provisions of the act of [Assembly, approved June twenty-
4 seventh, one thousand nine hundred and thirteen (Pamphlet Laws
5 568)] June 27, 1913 (P.L.568, No.367), entitled "An act
6 providing for the incorporation, regulation, and government of
7 cities of the third class; regulating nomination and election of
8 municipal officers therein; and repealing, consolidating, and
9 extending existing laws in relation [thereto," and the
10 amendments thereto; (d) all] thereto";

11 (4) All cities formed by the consolidation of boroughs
12 having voted separately to become cities in accordance with the
13 provisions of the act[, approved May twenty-fourth, one thousand
14 nine hundred and seventeen (Pamphlet Laws 262)] of May 24, 1917
15 (P.L.262, No.143), entitled "An act to enable two or more
16 boroughs that are contiguous or in close proximity to be united
17 and to become one city, wherever each of said boroughs shall
18 have heretofore voted or shall hereafter vote to become a city
19 of the third class, under laws now enacted or which may
20 hereafter be enacted; and wherever each of said boroughs has
21 duly received or shall hereafter duly receive letters patent
22 constituting it a city of the third class, but where sufficient
23 time shall not have elapsed after the granting of such letters
24 patent for the holding of a municipal election; providing for
25 the consequences of such consolidation, the government of such
26 consolidated city, the payment of the indebtedness of each of
27 the united territories and the enforcement of debts and claims
28 due to and from each, and fixing the jurisdiction over the said
29 consolidated city in the courts of the county in which the
30 majority of its inhabitants shall reside"; [and (e) all]

1 (5) All cities incorporated under the provisions of this act
2 [as therein provided].

3 ~~(b) The application of this act in accordance with~~ ←
4 ~~subsection (a)~~ THIS ACT shall not be construed as a limitation ←
5 on the ability of a city to do any of the following:

6 (1) To continue operating under the form of government
7 previously selected and exercising powers previously acquired by
8 the city in accordance with the act of July 15, 1957 (P.L.901,
9 No.399), known as the "Optional Third Class City Charter Law."

10 (2) To adopt or continue utilizing a form of government and
11 to acquire or continue exercising powers pursuant to an optional
12 plan or a home rule charter which have been or may be adopted in
13 accordance with the "Home Rule Charter and Optional Plans Law."

14 Section 108. Effective Date.--This act shall go into effect
15 on the first day of July, one thousand nine hundred and thirty-
16 one. [This reenactment, revision, amendment and consolidation of
17 the laws relating to cities of the third class shall become
18 effective on the first Monday of January, one thousand nine
19 hundred fifty-two.]

20 Section 109. Publication of Notices.--Whenever, under the
21 provisions of this act, advertisement, notice, or publication is
22 required to be published in [one] a newspaper, [such] the
23 publication shall be made one time, unless the provision
24 requiring publication specifies otherwise, in [a] at least one
25 newspaper ~~of~~ general circulation, as defined [by the Newspaper ←
26 Advertising Act of May sixteen, one thousand nine hundred and
27 twenty-nine (Pamphlet Laws 1784), printed] IN 45 PA.C.S. § 101 ←
28 (RELATING TO DEFINITIONS), PUBLISHED in the city, if there is
29 such a newspaper, and if not, then in a newspaper circulating
30 generally in [such] THE city. 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] PUBLISHED, if there be such a newspaper, or
circulating generally as above provided in the city]. When
[such] 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, [such] the notice shall also 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 ordinances,
auditor's statements, summaries of auditor's statements,
advertisements inviting proposals for public contracts and for
bids for materials and supplies, or lists of delinquent
taxpayers, shall be published [only] in newspapers of general
circulation, defined as aforesaid.

Section 3. Article II heading of the act is amended to read:

ARTICLE II

PROCEDURES FOR INCORPORATION

Section 4. The act is amended by adding a section to read:

Section 200. Definitions.--The following words and terms, as
used in this article, shall have the meanings assigned to them
in this section, unless the context clearly indicates otherwise:
"Incorporation resolution." A resolution to submit, at any
general or municipal election, a referendum question to the
registered voters of a municipal corporation.

"Municipal corporation." A borough, a township of the first
class, a township of the second class or an incorporated town.

"Referendum question." The question of whether a municipal

corporation shall become incorporated as a city of the third class to be known as the "City of"

Section 5. Sections 201, 202 and 203 of the act are amended to read:

Section 201. Creation of Cities.--Cities of the third class shall be chartered [whenever a majority of the electors of any town, township, or borough, or any two or more contiguous towns, townships, or boroughs, or any combination thereof, situate within the limits of the same county or situate in two or more contiguous counties, and having separately or together, as the case may be, a population of at least ten thousand according to the last preceding United States census, shall each separately vote at any general or municipal election in favor of the same.] as follows:

(1) A single municipal corporation, having a population of at least ten thousand according to the last preceding United States census, may be incorporated as a city in accordance with this article, if a majority of the registered voters in the municipal corporation cast an affirmative vote in favor of the referendum question.

(2) Two or more contiguous municipal corporations, having together a population of at least ten thousand according to the last preceding United States census, may be incorporated as a city by utilizing 53 Pa.C.S. Ch. 7 Subch. C (relating to consolidation and merger) and, in accordance therewith, determine whether the newly incorporated city shall be governed by this act and other general laws applicable to and governing cities.

[Section 202. Resolution to Submit Question to Electors.-- The corporate authorities of any town, township, or borough, or

1 of any contiguous towns, townships, or boroughs, as the case may
2 be, may, on their own motion, or, upon petition of two hundred
3 or more qualified electors thereof, shall, by resolution duly
4 passed and recorded among the minutes, submit the question
5 whether such town, township, or borough, or whether any
6 contiguous towns, townships, or boroughs, shall become a city of
7 the third class, to the qualified electors thereof, to be known
8 as the "City of"

9 Section 203. Notice of Election.--The said corporate
10 authorities shall give notice by the publication of said
11 resolution, once a week for four successive weeks prior to the
12 next general or municipal election, in not more than two
13 newspapers of general circulation published or circulating
14 generally in said towns, townships, and boroughs, in accord with
15 the provisions of section 109 of this act.]

16 Section 6. The act is amended by adding a section to read:

17 Section 203.1. Incorporating Resolution.--(a) The governing
18 body of a municipal corporation may adopt an incorporation
19 resolution.

20 (b) If two hundred or more registered voters of the
21 municipal corporation petition the governing body of the
22 municipal corporation for the adoption of a petition resolution,
23 the governing body shall adopt the same.

24 Section 7. Section 204 of the act is amended to read:

25 Section 204. Resolution Certified to County Board of
26 Election; Form of Question.--The [said corporate authorities
27 shall certify said] governing body of a municipal corporation
28 that adopts an incorporation resolution shall certify the
29 incorporation resolution to the county board of elections of the
30 proper county or counties[, who shall thereupon cause a proper

1 question to be submitted to the qualified electors at the said
2 general or municipal election in the said towns, townships, and
3 boroughs, in the manner required by the Pennsylvania Election
4 Code]. The county board of elections shall, at the general or
5 municipal election, in the manner required by the Pennsylvania
6 Election Code, submit a referendum question to the registered
7 voters of the municipal corporation that has certified an
8 incorporation resolution.

9 Section 8. The act is amended by adding a section to read:

10 Section 204.1. Notice of Election.--Notice of the election
11 at which registered voters of a municipal corporation will be
12 voting on a referendum question shall be given by the secretary
13 or other person designated by the municipal corporation. The
14 notice required by this section shall be published once a week
15 for four successive weeks in a newspaper OF GENERAL CIRCULATION ←
16 in the municipal corporation in which the referendum question
17 will be submitted to the registered voters.

18 Section 9. Section 205 of the act, amended October 5, 1967
19 (P.L.327, No.143), is amended to read:

20 Section 205. Returns of Election.--[The county board of
21 elections shall make return of the vote cast on the question
22 submitted to the clerk of the court of the proper county or
23 counties, and to the respective corporate authorities of the
24 towns, townships and boroughs submitting such questions. If a
25 majority of the votes cast in each such town, township and
26 borough on the question shall be in favor of creating a city,
27 then returns thereof shall also be made by the county board of
28 elections to the Secretary of the Commonwealth and the
29 Department of Community Affairs.] (a) In each county in which a
30 referendum question is submitted to the registered voters of a

1 municipal corporation, the county board of elections shall make
2 return of the vote cast on the referendum question to the clerk
3 of the court for that county, and to the governing body of the
4 municipal corporation in which registered voters voted on a
5 referendum question.

6 (b) The county board of elections also shall make returns of
7 the vote cast on the referendum to the Secretary of the
8 Commonwealth and the Department of Community and Economic
9 Development, if a majority of the votes cast by the registered
10 voters of the municipal corporation are in favor of
11 incorporating as a city.

12 Section 10. Sections 206, 207, 208, 209 and 210 of the act
13 are amended to read:

14 Section 206. Effect of Vote Against [City Charter.--Whenever
15 by the returns of the election in any town, township, or
16 borough, it shall appear that in any one there is a majority
17 against the city charter] Incorporating as a City.--If the
18 returns show that a majority of registered voters in a municipal
19 corporation voted "no" on the referendum question, no further
20 proceeding shall be had, and it shall not be lawful to hold
21 another election upon the referendum question in [such town,
22 township, or borough] the municipal corporation until the third
23 general or municipal election thereafter occurring.

24 Section 207. Governor to Issue [Charter Where Vote for City
25 Charter] Letters Patent; Boundaries.--If [it shall appear by the
26 said returns that there is a majority of the votes cast on the
27 question in each town, township, and borough, aforesaid, in
28 favor of the city charter, the corporate authorities of all such
29 towns, townships, and boroughs] the returns show that a majority
30 of registered voters in a municipal corporation voted "yes" on

1 the referendum question, the governing body of the municipal
2 corporation shall, within sixty days after [such] the election,
3 furnish to the Secretary of the Commonwealth the necessary
4 information with respect to the boundaries of the new city, and
5 the Governor shall, as soon as may be, issue letters patent,
6 under the Great Seal of the Commonwealth, reciting the facts,
7 defining the boundaries of [said] the city, and constituting the
8 same a body corporate and politic by the name of the City
9 of.....

10 Section 208. Property of Entities Vested in City.--All of
11 the property and estates whatsoever, real and personal, of the
12 [towns, townships, and boroughs,] municipal corporations which
13 shall have [thus] become a city in accordance with this article
14 are hereby severally and respectively vested in the corporation
15 or body politic of [said] the city[, by the name, style, and
16 title given thereto] for the use and benefit of the citizens
17 thereof.

18 Section 209. Existing Governments [Preserved Temporarily;
19 Organization of City.--The governments of the said towns,
20 townships, and boroughs] Temporarily Preserved; City
21 Organization.--(a) The government of the municipal corporation
22 shall continue in full force and operation, until the first
23 Monday of January next succeeding the municipal election
24 provided for in section 702 [of this act], at which time the
25 officers of [said] the city chosen at [said] the municipal
26 election shall enter upon their respective terms of service, and
27 the city government shall be duly organized under this act.

28 (b) Whenever, in the organization of the city government of
29 any newly incorporated city, any person is [elected] appointed
30 by council to any office for which this act provides a definite

1 term and fixes a definite time for the election of persons
2 thereto, the person so [elected] appointed shall serve only for
3 such time as intervenes between [his {election}] ~~or her~~ THE
4 PERSON'S appointment and the day fixed by this act for the
5 regular election or appointment of such officer for a full term.



6 Section 210. Existing Liabilities, Debts and Claims
7 Transferred to New City.--[All suits, prosecutions, debts, and
8 claims, whatsoever, of the said towns, townships and boroughs,
9 shall thereupon become transferred to the said city, which in
10 all suits pending shall be substituted as a party, and be under
11 the management and control thereof. All valid claims and demands
12 of whatsoever nature, whether payable presently or in the
13 future, existing against the said towns, townships, and boroughs
14 when the said charter shall go into operation, shall be
15 enforceable against the said city. The bonds and floating
16 indebtedness, and the interest thereon, of each of said towns,
17 townships and boroughs, contracted prior to such consolidation,
18 shall be paid by the said city thus organized and chartered, so
19 that the taxes shall be uniform throughout the territorial
20 limits of the whole city.] If a municipal corporation is
21 incorporated as a city in accordance with this article, the
22 following shall apply:

23 (1) All suits, prosecutions, debts and claims, whatsoever,
24 shall become transferred to the newly incorporated city.

25 (2) All pending suits involving the municipal corporation
26 shall be under the management and control of the newly
27 incorporated city which shall be substituted as a party therein.

28 (3) All valid claims and demands of whatsoever nature,
29 whether payable presently or in the future, existing against the
30 municipal corporation shall be enforceable against the city.

1 (4) The bonds and floating indebtedness, and the interest
2 thereon, existing at the time a municipal corporation became
3 incorporated as a city in accordance with this article shall be
4 paid by the newly incorporated city, so that the taxes shall be
5 uniform throughout the territorial limits of the whole city.

6 Section 11. Article II-A heading and sections 250, 251, 252,
7 253, 254 and 255 of the act, added September 17, 1959 (P.L.913,
8 No.363) are repealed:

9 [ARTICLE II-A

10 ALTERNATIVE PROCEDURE FOR INCORPORATION

11 Section 250. Appointment of Charter Commission.--The
12 corporate authorities of any town, township, or borough or of
13 any combination of contiguous towns, townships or boroughs may
14 and, upon petition of two hundred or more qualified electors
15 thereof, shall petition the court of quarter sessions of the
16 county in which such towns, townships or boroughs are situate,
17 for the appointment of a charter commission to study and make
18 recommendations on the adoption of a form of city government for
19 such towns, townships or boroughs. Whenever any such towns,
20 townships or boroughs, or combination thereof, are situate in
21 more than one county, the petition shall be brought to the court
22 of quarter sessions of the county in which the larger percentage
23 of the population thereof are resident.

24 The charter commission so appointed shall consist of not less
25 than nine nor more than fifteen members who shall be qualified
26 electors of the town, township or borough, and if the petition
27 is brought on behalf of more than one town, township or borough,
28 the charter commission shall be appointed from among qualified
29 electors of each of such towns, townships or boroughs.

30 In every case, at least three members of the charter

1 commission shall be appointed from among the members of the
2 governing bodies of the towns, townships or boroughs bringing a
3 petition, and when two or more towns, townships or boroughs are
4 party to the petition, the court shall appoint at least one
5 member of the charter commission from among the members of the
6 governing bodies of each of such towns, townships or boroughs.

7 Section 251. Powers and Duties of Charter Commission.--The
8 charter commission shall organize and function in accordance
9 with the provisions of the Optional Third Class City Charter
10 Law, and in so far as the same are applicable, shall exercise
11 the same powers and perform the same duties as are conferred or
12 imposed upon charter commissions elected under the provisions of
13 the Third Class City Charter Law.

14 Members of the charter commission shall serve without
15 compensation, but shall be reimbursed by the towns, townships or
16 boroughs for their necessary expenses incurred in the
17 performance of their duties. The corporate authorities of the
18 towns, townships or boroughs shall appropriate reasonable sums
19 of money necessary for such purpose and for the work of the
20 charter commission as provided in the Optional Third Class City
21 Charter Law.

22 The charter commission shall report its recommendations at
23 the time and in the manner provided in the Optional Third Class
24 City Charter Law. In its report, the charter commission shall
25 recommend adoption of either the "commission" form of city
26 government as provided in this act, or one of the optional forms
27 of city government provided in the Optional Third Class Charter
28 Law.

29 Section 252. Election on the Question.--Within five days
30 after the charter commission reports its recommendations, the

1 corporate authorities of such towns, townships or boroughs shall
2 certify a copy of the commission's report to the county board of
3 elections, which shall cause the question of adoption or
4 rejection to be placed upon the ballot or voting machines at
5 such time as the commission shall in its report specify. The
6 question shall be submitted to the electors in the manner and at
7 the time provided in the Optional Third Class City Charter Law
8 and shall be in the following form:

9 Shall the.....be incorporated into a
10 name of towns, townships or boroughs
11 city of the third class to be known as the city of.....
12 with a.....form of government providing for
13 name of form
14councilmen to be elected at large?
15 number of councilmen

16 Section 253. Return of Election; Effect of Vote.--(a) The
17 county board of elections shall make return of the vote cast on
18 the question as provided by law. If it appears that a majority
19 of the votes cast in each such town, township or borough on the
20 question shall be in favor of creating a city, the city shall be
21 incorporated as provided in this act.

22 (b) If, at such election, the electors have voted in favor
23 of adopting the commission form of government provided in this
24 act, the city officers shall be elected and the city shall be
25 organized and governed under the provisions of this act, the
26 same as though the election had been held under the provisions
27 of article II. of this act.

28 (c) If, at such election, the electors have voted in favor
29 of adopting one of the optional forms of government provided in
30 the Optional Third Class City Charter Law, the city shall be

1 governed under the applicable provisions of the Optional Third
2 Class City Charter Law, but the first city officers shall be
3 elected in accordance with the provisions of this subsection.

4 At the first municipal election occurring at least ninety
5 days after the date of the letters patent issued by the Governor
6 incorporating such city, the qualified electors of such city
7 shall elect the city officers appropriate to such optional form
8 of government. Except in the case of the first city council,
9 such officers shall be elected for the terms provided in the
10 Optional Third Class City Charter Law. The first councilmen
11 elected in such city shall be divided into two groups. One group
12 shall equal one more than one-half of all the councilmen and its
13 members shall serve for terms of four years. The second group
14 shall equal one less than one-half of all the councilmen and its
15 members shall serve for terms of two years. The members of the
16 first group shall be those councilmen receiving the greatest
17 number of votes at their election, and the members of the second
18 group shall be those councilmen receiving the next greatest
19 number of votes at their election. If two or more councilmen
20 received the same number of votes and one or more but not all of
21 them will be included in the first group, they shall draw lots
22 to determine which of them shall be included in the first group.
23 Thereafter, all councilmen shall be elected for the terms
24 provided in the Optional Third Class City Charter Law.

25 The governments of the towns, townships and boroughs,
26 comprising a city which elects its first officers under the
27 provisions of this subsection, shall continue in full force and
28 operation until the first Monday of January next succeeding such
29 election, at which time the officers of such city shall enter
30 upon their respective terms and the city government shall be

1 duly organized under the Optional Third Class City Charter Law.

2 (d) Whenever by the returns of the election in any town,
3 township or borough, it shall appear that in any one there is a
4 majority against the city charter and the form of city
5 government recommended by the charter commission, no further
6 proceedings shall be had and it shall not be unlawful to hold
7 another election upon the same question in such town, township
8 or borough during the period of four years following such
9 election, but the provisions of this subsection shall not affect
10 any proceedings under article II. of this act nor any subsequent
11 proceedings under the Optional Third Class City Charter Law.

12 Section 254. Proceedings are Additional.--The proceedings
13 authorized by this article are in addition to, and not in
14 substitution of, those proceedings authorized by article II. of
15 this act, but it shall not be lawful to institute proceedings
16 under either article while any proceedings under the other
17 article are unconcluded.

18 Section 255. Abandonment of Optional Form of Government.--
19 Whenever, under the provisions of this article, the electors of
20 any towns, townships or boroughs elect to incorporate a city
21 with one of the optional forms of government provided in the
22 Optional Third Class City Charter Law, and later, at an election
23 held for that purpose under the Optional Third Class City
24 Charter Law, elect to abandon such optional form of government,
25 the city shall cease to be governed by the provisions of such
26 charter plan and the Optional Third Class City Charter Law on
27 the first Monday of January following the next succeeding
28 municipal election, and shall thereafter be governed under the
29 provisions of this act. The reversion to the form of government
30 provided by this act shall take effect as provided in article

1 VI. of the Optional Third Class City Charter Law for transition
2 to an optional form of government in so far as applicable, and
3 in addition any city offices which are elective under this act
4 but are not elective under such optional form of government,
5 shall be filled at such municipal election.]

6 Section 12. Article III heading of the act is reenacted to
7 read:

8 ARTICLE III

9 CHANGE OF CORPORATE TITLE

10 Section 13. Sections 301, 302, 303 and 304 of the act are
11 amended to read:

12 Section 301. Resolution and Petition to Change Corporate
13 Title.--[Whenever the council of any city shall, by resolution,
14 decide to change the corporate title of such city, it shall
15 present its petition to the court of quarter sessions of the
16 county having jurisdiction over the municipal affairs of the
17 city, petitioning such court to change the corporate title
18 thereof in accordance with the resolution, a certified copy of
19 which shall be attached to such petition.] City council may
20 initiate proceedings to change the corporate title of a city by
21 doing each of the following:

22 (1) Adopting a resolution proposing to make the change in
23 the corporate title of a city.

24 (2) Presenting to the court of common pleas of the county in
25 which the city is located a petition, along with a certified
26 copy of the resolution, requesting the change in the corporate
27 title of the city.

28 Section 302. Hearing; Decree.--(a) Upon the presentation to
29 the court of [such] the petition and resolution in accordance
30 with section 301, the [said] court shall fix a day for a hearing

1 [thereof] on the question of the change in the corporate title
2 of the city and shall direct that notice of [such] the hearing
3 be published once a week for three weeks in [not more than two
4 newspapers] A NEWSPAPER of general circulation] ~~a newspaper~~.



5 (b) At [such] the hearing, the court shall [hear the] permit
6 any resident of the city to give testimony [and argument of
7 persons both for and against] either in support of or opposition
8 to the change of the corporate title of [such] the city [and, if
9 the court is of the opinion that the corporate title of such
10 city should be changed as prayed for in the petition of the
11 council of said city, shall enter upon the proceedings its order
12 and decree changing the corporate title of such city in
13 accordance with the resolution of the council thereof; otherwise
14 the petition shall be dismissed].

15 (c) After hearing testimony, the court shall either order
16 and decree changing the corporate title of the city in
17 accordance with the petition and resolution of council or
18 dismiss the petition.

19 Section 303. Recording Decree.--[Upon the filing of a
20 certified copy of the decree of the court, changing the
21 corporate name of any city, in the office of the Secretary of
22 the Commonwealth and the recording thereof in the office of the
23 recorder of deeds of the county, the courts of which have
24 jurisdiction over the municipal affairs of the city, the
25 corporate title of said city shall thereafter be as set forth in
26 said decree.] A change in the corporate title of a city that is
27 ordered and decreed in accordance with section 302(c) shall not
28 become effective until a certified copy of the decree of court
29 is filed in the office of the Secretary of the Commonwealth and
30 is recorded in the office of the recorder of deeds of the county

1 in which the city is located.

2 Section 304. Existing Rights and Liabilities Preserved.--No
3 change in the corporate title of any city shall in any way
4 affect any liabilities incurred, rights accrued or vested,
5 obligations issued or contracted, or any suits or prosecutions
6 pending or instituted to enforce any right or penalty accrued or
7 punish any offense committed prior to [such] the change.

8 Section 14. Article IV heading of the act is reenacted to
9 read:

10 ARTICLE IV

11 CREATION AND DIVISION OF WARDS

12 Section 15. Section 401 of the act is amended to read:

13 Section 401. [Petition for Creation or Division of Wards.--
14 New wards may be created in cities, or wards therein may be
15 divided, by the court of quarter sessions, on application
16 thereto for that purpose, by the petition of at least one
17 hundred qualified electors of the district seeking to be created
18 as a new ward, or of the ward to be divided, or by the petition
19 of the council of the city. No new ward shall contain less than
20 three hundred qualified electors according to the last preceding
21 enumeration.] General Power of Council in Creation or Division
22 of Wards.--(a) In addition to reapportionment of wards pursuant
23 to 53 Pa.C.S. Pt. II Ch. 9 (relating to municipal
24 reapportionment) and section 11 of Article IX of the
25 Constitution of Pennsylvania, council may, with or without a
26 petition as provided in section 401.1 and subject to approval by
27 the registered voters as provided in section 407, create new
28 wards, divide a ward or wards or detach part of a ward and
29 attach to another ward, in accordance with this article.

30 (b) No new ward shall contain less than three hundred

1 registered voters according to the last general or municipal
2 election.

3 (c) All wards in the city shall be numbered and composed of
4 compact and contiguous territory as nearly equal in population
5 as practicable and as officially and finally reported in the
6 most recent Federal census, decennial or special.

7 Section 15.1. The act is amended by adding a section to
8 read:

9 Section 401.1. Petition of Registered Voters.--(a)
10 Registered voters may petition council to initiate proceedings
11 under section 401 to create new wards, divide a ward or wards,
12 or detach part of a ward and attach to another ward as follows:

13 (1) One hundred registered voters may petition council to
14 create or divide a ward if, in the case of a petition proposing
15 to create a ward, the petitioners reside in the portion of the
16 city which the petition proposes to create as a ward, or in the
17 case of a petition to divide a ward, the petitioners reside in
18 the ward which the petition proposes to divide.

19 (2) Twenty-five registered voters may petition to detach
20 part of one ward and attach the detached part to another ward if
21 the petitioners reside in the part of the ward that is proposed
22 to be detached.

23 (b) Council shall by motion approve by a majority of
24 council, and within ninety days of presentment of the petition,
25 determine whether to initiate proceedings under section 401. If
26 the motion is in favor of initiating proceedings, council shall
27 appoint a commission in accordance with section 403.

28 (c) In the event that council has not approved a motion
29 within ninety days after the presentment of a petition under
30 subsection (a), any ten registered voters may petition the court

of common pleas and contest the existing apportionment as
violating section 401. The proceedings before the court shall be
conducted in accordance with 53 Pa.C.S. §§ 906 (relating to
contest of reapportionment by governing body) and 907 (relating
to costs and expenses of contest).

Section 15.2. Sections 402 and 403 of the act are amended to read:

Section 402. [Petition for Striking Territory from One Ward and Attaching to Another.--Any part or district of a ward in any city may be detached therefrom and attached to another ward by the court of quarter sessions of the proper county, on application thereto for that purpose, by the petition of at least twenty-five qualified electors of the district to be stricken off or attached, or by the petition of the council of the city] (Reserved).

Section 403. Appointment of Commission[; Report; Order of Court.--Upon the presentation of any such petition praying for the creation of a new ward out of parts of two or more wards, or the division of a ward, or for the detaching from a ward of a part or district thereof and attaching the same to another ward, the said court shall appoint five impartial qualified electors, residents of the city, but not of the wards to be affected thereby, as commissioners to inquire into the propriety of granting the prayer thereof: Provided, however, That in cities having not more than three wards, said commissioners shall be selected from the city at large, and may be residents of the ward or wards to be affected thereby. The commissioners so appointed, or any four of them, shall examine the premises and make a draft of the new ward or wards proposed to be created, or of the ward or wards to be divided, or of the wards affected,

1 showing the division or change thereof, or showing the lines as
2 any separation and attachment will affect them, as the case may
3 be, and showing clearly the number of qualified electors
4 contained within the proposed new ward. The commissioners shall
5 make report to the said court at its next term, together with
6 their recommendation.].--(a) If council initiates proceedings
7 pursuant to section 401, whether on its own volition or pursuant
8 to the petition of registered voters, it shall appoint five
9 impartial registered voters who are residents of the city as
10 commissioners, to make a report and recommendation concerning
11 the necessity, desirability and feasibility of proposed wards.

12 (b) Except as provided in subsection (c), commissioners
13 shall not be residents of the wards to be affected by the
14 petition.

15 (c) In cities having not more than three wards,
16 commissioners appointed under subsection (a) shall be selected
17 from the city at large, and may be residents of the ward or
18 wards to be affected thereby.

19 Section 15.3. The act is amended by adding sections to read:

20 Section 403.1. Expenses of Commissioners.--Council shall
21 make appropriations for the reasonable expenses of the
22 commissioners incurred for their services pursuant to this
23 article. Each commissioner shall submit to the city controller
24 for approval an itemized account of his or her expenses to be
25 paid under the authority of this section.

26 Section 403.2. Report.--(a) Commissioners appointed by
27 council in accordance with section 403(a) shall examine the
28 premises and prepare a report which shall include a draft of all
29 wards affected by the proposed creation, division or detachment,
30 showing the division or change thereof, or showing the lines of

wards as any separation and attachment will affect them, as the case may be, and showing clearly the population contained within the affected wards using figures officially and finally reported in the most recent Federal census, decennial or special. The report, upon completion, shall be submitted to council and shall include a recommendation reflecting the decision of a majority of its members concerning the proposed creation, division or detachment of a ward or wards.

(b) Consistent with the standards applied in municipal reapportionment pursuant to 53 Pa.C.S. § 903(b) (relating to reapportionment by governing bodies), no report shall recommend the creation, division or detachment of a ward or wards unless the result of implementing the report and recommendation would be that each ward in the city is composed of compact and contiguous territory as nearly equal in population as practicable as officially and finally reported in the most recent Federal census, decennial or special.

(c) Upon receipt of the report, council shall, by motion, determine whether to submit the question of the proposed creation, division or detachment of a ward or wards as provided in the report to the registered voters of the city in accordance with section 404.

Section 15.4. Sections 404, 405, 406, 407 and 408 of the act are amended to read:

Section 404. Election[; Form of Ballot.--If a majority of the commissioners appointed report favorably to such creation or division, or the detaching from a ward of a part or district thereof and attaching the same to another ward, the court shall order].--(a) If based upon the report in section 403.2, council decides to proceed, it shall certify to the county board of

1 elections the question of the creation, [or] division or
2 detachment of [such] the ward[,] or wards to be submitted to the
3 [qualified electors] registered voters of the ward or wards
4 [affected, and in the case of the detachment of territory to the
5 electors of the ward from which the territory is to be stricken
6 off] or parts thereof which are the subject of the report, at
7 the general or municipal election occurring not less than ninety
8 days [thereafter] after the report was approved by council.

9 (b) The [clerk of said court shall certify such order to
10 the] county board of elections [which] shall [thereupon] cause
11 [a proper] the question [to be submitted to the qualified
12 electors at such] of approving the creation, division or
13 detachment of a ward or wards to be placed on the ballot in the
14 ward or wards or parts that will be affected thereby, at the
15 appropriate election in the manner provided by the Pennsylvania
16 Election Code.

17 Section 405. Notice of Election; Review of Report.--[It
18 shall be the duty of the mayor of the said city to give at least
19 fifteen days' public notice, by advertisement in one or more
20 newspapers, of general circulation, that such an election will
21 be held, and of the time and place of holding the same.] (a)
22 ~~Council shall direct that an election notice by advertisement in~~ ←
23 ~~a newspaper be given~~ THE CITY SHALL PUBLISH A NOTICE OF ELECTION ←
24 IN A NEWSPAPER OF GENERAL CIRCULATION at least fifteen days
25 prior to the date that the question of approving the creation,
26 division or detachment of a ward or wards ~~are~~ IS to be presented ←
27 at the specified general or municipal election.

28 (b) The election notice shall contain a statement of the
29 issue to be submitted to the registered voters at the election,
30 including the ward, wards or parts thereof to be affected, and

the date upon which the election is to be held. The notice shall reference the report and specify that it is available for review and copying as a public record pursuant to the act of February 14, 2008 (P.L.6, No.3), known as the "Right-to-Know Law."

Section 406. Election Laws to Apply.--All [the electors, judges, inspectors and clerks, voting at and in attendance upon the election to be held under the provisions of this article, shall be subject to the penalties imposed by] matters relating to the election at which the question of approving the creation, division or detachment of a ward or wards is to be presented to the voters shall be governed by the applicable provisions of the Pennsylvania Election Code.

Section 407. Computing Vote; Return; [Order of Court;] Resubmission of Question.--[The officers of such election shall receive and count the votes in the manner prescribed by law, and shall forthwith make out a return on forms furnished by the board of elections, showing the number of votes for and against such new ward, or for or against such division or detachment of a ward, as the case may be, and shall deliver the same to the clerk of the court of quarter sessions within three days. The said clerk shall compute said return, and forthwith certify the result thereof to the court. If it appears that a majority of the votes so taken are for a new ward, or for a division or for the detachment of territory and its attachment to another ward, said court shall thereupon order and decree the creation of such new ward or wards, or such division, or such detachment and attachment agreeably to the lines marked out and returned by the commissioners.]

(a) The county board of elections shall tabulate and publish the results of the referendum in a newspaper OF GENERAL



1 CIRCULATION within thirty days of the election. A certified copy
2 of the results shall be placed on record among the minutes of
3 council.

4 (b) If a majority voted in favor of creating or dividing a
5 ward or wards, or the detachment of a part of a ward to be
6 attached to another, council shall proceed to create or divide a
7 ward or wards or detach a part of a ward to be attached to
8 another, in accordance with the report, and shall number the new
9 wards when necessary[, and order a certified copy of the whole
10 proceeding to be placed on record among the minutes of council].

11 (c) If a majority [of votes shall be] voted against [the new
12 ward, or against division or against detachment] creating or
13 dividing a ward or wards, or the detachment of a part of a ward
14 to be attached to another, no further action shall be had upon
15 [such proceeding] the question, nor shall any new [application
16 for such new ward or such division or detachment and attachment
17 be heard] petition on the same question be resubmitted until two
18 years from the date of [such] the election.

19 Section 408. Change of Ward Lines by [Court] Council.--
20 Whenever it shall appear to [the court of quarter sessions]
21 council in proceedings for the division of any ward, or the
22 creation of new wards, that any of the boundaries or divisions
23 thereof are uncertain for any cause, [the said court shall make
24 such order or decree as to] shall determine the relocation of
25 the line [as to it may appear proper, so that the same shall] to
26 conform as nearly as possible to the boundary lines which may
27 have been previously determined upon so long as the result is
28 that each ward in the city is composed of compact and contiguous
29 territory as nearly equal in population as practicable as
30 officially and finally reported in the most recent Federal

1 census, decennial or special.

2 Section 16. Article V and subdivision (a) heading of the act
3 are repealed:

4 [ARTICLE V

5 ANNEXATION OF TERRITORY

6 (a) Annexation of Boroughs, Townships and Parts
7 of Townships]

8 Section 16.1. Section 501 of the act, amended July 10, 1959
9 (P.L.519, No.138), is repealed:

10 [Section 501. Petition for Annexation of Boroughs or
11 Townships and Parts of Townships.--Any borough having a
12 population of less than ten thousand inhabitants, or any
13 township or part of a township, contiguous to any city, whether
14 wholly or partially within the same or different counties, may
15 become annexed to any such city in the following manner:

16 (a) In the case of a borough, the borough council may pass
17 an ordinance for such annexation, whenever three-fifths of the
18 taxable inhabitants of such borough shall present a petition,
19 accompanied with the written consent of a majority in number and
20 interest of property owners of the borough, asking for such
21 annexation.

22 (b) In the case of a township, or part thereof, whenever
23 three-fifths of the taxable inhabitants of such township or part
24 thereof shall present a petition to the council of said city,
25 accompanied with the written consent of a majority in number and
26 interest of property owners of such township or part of a
27 township, asking for such annexation.

28 (c) In case of part of a township, when there are no taxable
29 inhabitants residing therein, then whenever three-fifths of the
30 property owners in number and interest of property situated

1 therein shall present a petition to the council of said city
2 asking for such annexation.

3 In construing this section, a majority in interest of owners
4 of undivided interests in any piece of property shall be deemed
5 and treated as one person for the purpose of ascertaining the
6 number of petitioners.]

7 Section 16.2. Section 502 of the act is repealed:

8 [Section 502. Advertisement; Plots.--Before any such
9 petition is circulated or signed, notice thereof shall be given
10 by advertisement once a week for four weeks in two newspapers
11 published in or circulated throughout the territory to be
12 annexed. Such notice shall state the purpose of the petition and
13 the date it will be ready for signing. All such petitions shall
14 be accompanied by a plot or plots of the territory to be
15 annexed, showing all streets and highways, municipal or township
16 improvements and public buildings.]

17 Section 16.3. Section 503 of the act, amended October 5,
18 1967 (P.L.327, No.143), is repealed:

19 [Section 503. Ordinance of City; Filing Copy Thereof.--Upon
20 presentation to the council of such city of a certified copy of
21 the ordinance in case of a borough, or of the petition in the
22 case of a township or part thereof, together with the required
23 plots in any case, the council of said city may, by ordinance,
24 annex such borough, township, or part thereof to the said city.
25 Certified copies of the borough and city ordinances and the
26 petition and the plans shall be filed in the office of the clerk
27 of the court of quarter sessions of the county or counties
28 involved, and like copies shall be certified to the Department
29 of Community Affairs of the Commonwealth. Nothing contained in
30 subdivision (a) of this article shall be deemed to require any

1 city to annex any borough, township or part of any such
2 township.]

3 Section 16.4. Section 504 of the act is repealed:

4 [Section 504. Conclusiveness of Ordinance; Referendum;
5 Appeal.--Thirty days after the filing of the said annexation
6 ordinance by the said city council, such ordinance and the
7 action of the said city council shall be finally conclusive,
8 unless an appeal therefrom is taken within the said thirty days,
9 by petition to the court of quarter sessions of the county in
10 which the city is located, or unless a referendum petition is
11 filed as provided in this act.]

12 Section 16.5. Section 505 of the act, repealed in part June
13 3, 1971 (P.L.118, No.6), is repealed:

14 [Section 505. Hearing an Appeal; Notice; Appeal from Final
15 Order.--Where an appeal is taken by any person aggrieved by such
16 annexation ordinance of the city, the court shall fix a day for
17 hearing the same. Notice shall be given to all parties
18 interested in such manner as the court shall direct. From any
19 such final order or decree, any party in interest, aggrieved by
20 such order or decree, may have an appeal to the Supreme Court as
21 in other cases. Upon final determination and approval of the
22 annexation ordinance, the annexation shall take effect
23 immediately.]

24 Section 16.6. Section 506 of the act, added July 10, 1959
25 (P.L.519, No.138), is repealed:

26 [Section 506. Petition for Annexation of Boroughs Having Ten
27 Thousand or More Inhabitants.--Whenever electors, equal to at
28 least ten per centum of the highest vote cast for any office in
29 any borough having a population of ten thousand or more
30 inhabitants contiguous to a city at the last preceding general

1 election, or whenever ten per centum of the qualified electors,
2 residing within any part of a borough having a population of ten
3 thousand or more inhabitants contiguous to a city, shall
4 petition the council of such city for the annexation of the
5 borough, or part thereof, to the contiguous city, and for a
6 referendum on the question of such annexation, the council shall
7 cause a question to be submitted at the primary or general
8 election occurring at least sixty days thereafter, by certifying
9 a resolution, duly adopted, to the county board of elections of
10 the county or counties in which any part of the city or borough
11 is located, for submission of such question on the ballot or on
12 voting machines at such election, both in such borough and in
13 the city to which annexation is desired, in the manner provided
14 by the election laws of this Commonwealth.

15 Such question shall be in the following form:

16 Do you favor the annexation of the Yes
17 borough of
18 (or the part of the borough briefly No
19 described) to the city of ?

20 If a majority of the persons voting on such question in the
21 entire borough shall vote "yes," and a majority of the persons
22 voting on such question in the city shall vote "yes," then the
23 borough or part thereof, as the case may be, shall on the first
24 Monday of January next following, be and become a part of the
25 city.

26 If a majority of the persons voting on the question in the
27 borough or in the city shall vote "no," no further proceeding
28 shall be had, and it shall not be lawful to hold another
29 election upon the question until the second general or municipal
30 election thereafter occurring.

1 All petitions shall be accompanied by a plot or plots of the
2 territory to be annexed, showing all streets and highways,
3 municipal improvements and public buildings, and all petitions
4 for the annexation of a part of a borough shall include a
5 description of the part of the borough sought to be annexed.]

6 Section 16.7. Article V subdivision (b) heading and section
7 515 of the act are repealed:

8 [(b) Annexation of Outlying Lots in a Township

9 Section 515. Annexation of Outlying Lots; Appointment of
10 Viewers.--Upon application by petition to the court of quarter
11 sessions signed by a majority or more of the taxable
12 inhabitants, accompanied by the written consent of a majority of
13 the property owners in number and interest of any outlots or
14 sections of land in a township containing not more than one
15 hundred acres of land contiguous to the city, and being part of
16 the same county in which the city is situated, stating that they
17 desire the same to be annexed to said city, the desirability
18 therefor, and describing the lots or land to be annexed, with a
19 map or draft of the same, which petition shall be sworn to by
20 one or more of the petitioners, and accompanied by the petition
21 of the council of the city praying for the annexation of such
22 outlots or sections of land and containing a copy of the
23 resolution of the council of said city approving the annexation,
24 the said court shall thereupon appoint three viewers, who shall
25 be nonresidents of the city or of the township whose territory
26 is to be annexed, to inquire into and investigate the
27 allegations and facts stated in the said petition.]

28 Section 16.8. Section 516 of the act, amended October 5,
29 1967 (P.L.327, No.143), is repealed:

30 [Section 516. Notice of View; Report; Decree.--Notice of the

1 first hearing of the said viewers shall be given to the city,
2 and to at least one of the petitioners as the court may direct.
3 The said viewers, or a majority of them, shall make report to
4 said court at its next session after their appointment. If they
5 report that they find the statements and facts of said petition
6 to be true, and recommend the annexation as prayed for, and if
7 no appeal is taken within thirty days therefrom, the said court
8 shall thereupon make an order or decree to carry the annexation
9 into effect. The city clerk shall forward a certified copy of
10 said decree to the Department of Community Affairs of the
11 Commonwealth.]

12 Section 16.9. Section 517 of the act, amended October 5,
13 1967 (P.L.327, No.143) and repealed in part June 3, 1971
14 (P.L.118, No.6), is repealed:

15 [Section 517. Appeal; Hearing; Notice; Decree.--Within
16 thirty days after filing of such report, any person aggrieved
17 thereby may take an appeal, by petition to the court of quarter
18 sessions, setting forth his complaint, and thereupon the court
19 shall fix a day for hearing the same. Notice of such appeals
20 shall be given to all parties interested by publication once in
21 one newspaper, in accord with the provisions of section one
22 hundred and nine of this act. After such hearing, the court
23 shall decide whether the proceedings are in conformity with this
24 act, and make an order or decree either dismissing the appeal
25 and approving such annexation or sustaining the appeal and
26 dismissing the annexation. When the court of quarter sessions
27 makes an order to carry such annexation into effect, where no
28 appeal is taken, and upon final determination and approval of
29 the annexation ordinance, where an appeal has been taken, the
30 said outlots or sections of land shall at once and thereafter be

1 a part of said city as fully as if the same had been originally
2 a part thereof. A certified copy of any final decree or order
3 approving such annexation shall be forwarded by the city clerk
4 to the Department of Community Affairs.]

5 Section 16.10. Section 518, Article V subdivision (c)
6 heading and section 525 of the act are repealed:

7 [Section 518. Compensation of Viewers.--The viewers herein
8 provided for shall be allowed five dollars per day for each and
9 every day actually spent by them in the performance of their
10 duties, together with their actual necessary expenses. The costs
11 of the proceedings in all cases shall be paid by the city.

12 (c) Annexation of Part of a Borough

13 Section 525. Petition for Annexation of Territory in a
14 Borough; Ordinance of City.--Territory in a borough contiguous
15 to a city or separated therefrom by a river or stream may be
16 detached from the borough and annexed to the city in the
17 following manner:

18 A petition signed by owners of the land in the territory
19 proposed to be detached and annexed, and described in the
20 petition, shall be presented to the borough authorities, who, if
21 they find that the petition is signed by either a majority of
22 freehold owners or by the owners of two-thirds of the area of
23 the territory described, and that the assessed valuation of the
24 territory described is not in excess of five per centum of the
25 assessed valuation of the borough, may, by ordinance, detach the
26 described territory, subject to the acceptance of the detached
27 portion by the city of the third class, and upon notice from the
28 council of the borough that it has ordained the detachment of
29 the described territory of the borough for the purpose of having
30 it annexed to the city, the city may, by ordinance, annex the

1 portion of the borough so proposed to be detached.]

2 Section 16.11. Section 526 of the act, amended October 5,
3 1967 (P.L.327, No.143), is repealed:

4 [Section 526. Filing of Plans.--Upon such annexation by
5 ordinance, a plan of the territory annexed shall be filed by the
6 city council in the office of the county commissioners and with
7 the clerk of the court of quarter sessions and thereupon the
8 detachment and annexation shall be effective: Provided, however,
9 That if there be no delay through litigation or causes beyond
10 the control of the councils, the plan shall be filed, as herein
11 required, within thirty days after the passage of the annexation
12 ordinance by the city council, and, if the proceedings are not
13 thus completed, they shall be void in their entirety and of no
14 effect. A copy of the plan filed shall be likewise forwarded to
15 the Department of Community Affairs of the Commonwealth.]

16 Section 16.12. Article V subdivision (d) heading , sections
17 535 and 536 and subdivision (e) heading of the act are repealed:

18 [(d) Indebtedness and Public Property when Borough or
19 Township is Annexed

20 Section 535. Apportionment of Indebtedness of Borough or
21 Township; Taxes to be Uniform.--All the indebtedness of each
22 borough or township annexed to a contiguous city under the
23 provisions of this act, as well as the indebtedness of the city
24 to which the same is annexed, shall be paid by the city as
25 enlarged by such annexation; and all territory included within
26 the limits of the same shall be liable for the payment of the
27 floating and bonded indebtedness, and the interest thereon, of
28 all the territory included within such enlarged city; and all
29 taxes thereafter levied therefor shall be uniform throughout the
30 territorial limits of such enlarged city.

1 Section 536. Property of Annexed Territory to Become
2 Property of City.--All of the public property owned by any such
3 borough or township annexed to any city shall become and remain
4 the public property of the said city.

5 (e) Apportionment of Indebtedness when Part of a Township
6 or Outlying Lots are Annexed]

7 Section 16.13. Section 540 of the act, amended October 5,
8 1967 (P.L.327, No.143), is repealed:

9 [Section 540. Adjustment of Indebtedness when Part of
10 Township is Annexed.--Where any part of any township or outlying
11 lots thereof are annexed to any city, the township officers of
12 that part of the said township not annexed, and the city council
13 of the said city, shall make a just and proper adjustment and
14 apportionment of all public property owned by the said township
15 at the time of said annexation, both real and personal,
16 including funds as well as indebtedness, if any, to and between
17 the said township and the city. In making such adjustment and
18 apportionment of the property and indebtedness, the township and
19 the city shall be entitled respectively to share in a division
20 of the property and indebtedness in the proportion that the
21 assessed valuation of the land remaining in the township bears
22 to the assessed valuation of the land annexed: Provided,
23 however, That where indebtedness was incurred by the township
24 for an improvement located wholly within the annexed part of the
25 township, the whole of such indebtedness shall be assumed by the
26 city, and where any part of any such improvement is located
27 within the annexed part of the township, the part of such
28 indebtedness representing the part of the improvement located
29 within the territory annexed, shall be assumed by the city, and
30 the adjustment and apportionment of any remaining debt, and the

1 public property of the township shall be made as above provided.
2 The adjustment and apportionment as made shall be reduced to
3 writing, and duly executed and acknowledged by the proper
4 officials, and filed in the office of the clerk of the court of
5 quarter sessions of the county in which said city is located. A
6 copy of such adjustment and apportionment shall be forwarded by
7 the city clerk to the Department of Community Affairs of the
8 Commonwealth.]

9 Section 16.14. Sections 541, 542 and 543 of the act are
10 repealed:

11 [Section 541. Appointment of Commission; Contents of
12 Report.--In case the said council of the said city and the
13 township's authorities cannot make such amicable apportionment
14 and adjustment of their property and indebtedness within six
15 months after any such annexation, then, in that case, the said
16 council or any officer of said township may present a petition
17 to the court of quarter sessions of the county in which the said
18 city is located. Whereupon the said court shall appoint three
19 disinterested commissioners, residents and taxpayers of said
20 county not residing in the said city nor in the said township,
21 who, after hearing, due notice of which shall be given to the
22 city and township interested by publication once in one or more
23 newspapers, at least twenty days before said hearing, in accord
24 with the provisions of section one hundred and nine of this act,
25 shall make report to the court, making an apportionment and
26 adjustment according to the provisions of this act of all the
27 property as well as indebtedness, if any, to and between the
28 said city and the said township, said report to state the
29 amount, if any, that shall be due and payable from the city to
30 the township, or from the township to the city, as well as the

1 amount of indebtedness, if any, that shall be assumed by the
2 city or township, or both of them.

3 Section 542. Notice of Filing of Report; Exceptions;
4 Confirmation.--The commissioners shall give the city and the
5 township at least five days' notice of the filing of their
6 report. Unless exceptions are filed thereto by the city or by
7 the township within thirty days after filing thereof, the same
8 shall be confirmed by the court absolutely. Any sum awarded by
9 the report to the city or to the township shall be a legal and
10 valid claim in its favor against the city or township charged
11 therewith, and the amount of debt, if any, apportioned to any
12 city or township shall be a legal and valid claim against such
13 city or township charged therewith. Any property, real or
14 personal, given and adjudged to the city or the township shall
15 become and be the property of the city or the township to
16 whichever one the same is given and adjudged. Upon such report
17 being confirmed, such claim or indebtedness charged against any
18 city or township may be collected in the same manner as a
19 judgment is collected against any city or township.

20 Section 543. Compensation of Commissioners; Costs.--The
21 commissioners shall be allowed five dollars per day for each day
22 actually spent by them in the performance of their duties,
23 together with their actual necessary expenses. All costs and
24 expenses of such proceedings shall be apportioned by the court
25 to and between the said city and the said township as it shall
26 deem proper.]

27 Section 16.15. Section 544 of the act, repealed in part June
28 1971 (P.L.118, No.6), is repealed:

29 [Section 544. Disposition of Exceptions; Appeal.--In case
30 exceptions are filed to the report of the commissioners, the

1 court shall dispose of the same, taking testimony if deemed
2 advisable, and the decision of the court thereon shall be final
3 and binding on the several cities and townships, unless an
4 appeal is taken.]

5 Section 16.16. Section 545, Article V subdivision (f)
6 heading, sections 550 and 551 and subdivision (g) heading of the
7 act are repealed:

8 [Section 545. Jurisdiction when Territory is in Two or More
9 Counties.--In cases where a city or township is situated in two
10 or more counties, the court of quarter sessions of the county in
11 which the city is located shall have exclusive jurisdiction over
12 the matter, but the same shall be heard by a judge, not a
13 resident of either of the judicial districts affected, who shall
14 be called to preside specially in the matter, and, in such
15 cases, the court shall appoint the commissioners hereinbefore
16 provided for from both or from three of such counties.

17 (f) Apportionment of Indebtedness when Part of a
18 Borough is Annexed

19 Section 550. Apportionment of Indebtedness; Decree of
20 Court.--The court of quarter sessions having jurisdiction of the
21 city, in cases where any part of a borough is annexed to a city,
22 upon a petition of the borough or city, may hear evidence and
23 consider the indebtedness and assessed valuation of the borough
24 and the city and the assessed valuation of the territory
25 annexed, and may enter a decree making such adjustment of the
26 indebtedness and the manner and time of the payment thereof as
27 to the court may seem meet and proper.

28 Section 551. Collection of Taxes Assessed Prior to
29 Annexation.--Any taxes assessed prior to the going into effect
30 of the proceedings shall be paid to the borough, and the

1 collection and enforcement thereof shall be as though the land
2 had not been detached.

3 (g) Wards]

4 Section 16.17. Section 560 of the act, amended October 5,
5 1967 (P.L.327, No.143), is repealed:

6 [Section 560. Distribution of Annexed Territory Among Wards;
7 New Wards; Ward Officers.--Within thirty days from the effective
8 date of any annexation, the city council shall cause a petition
9 to be presented to the court of quarter sessions of the county
10 in which the said city is located, praying for the distribution
11 of the annexed territory among the wards of the said city, or
12 for the creation of a new ward or wards out of the same, and to
13 make such order or decree as may be necessary to constitute such
14 ward or wards an election district or election districts, or add
15 to or create new election districts in a ward or wards to which
16 such territory is attached, and the said court shall, in case of
17 the creation of a new ward or wards, appoint the election and
18 other officers of the same, and name the place or places of
19 holding the first election in the said ward or wards for ward
20 officers, and, for that purpose, may order a special election,
21 if said court shall deem the same necessary, to be conducted in
22 the manner provided by the Pennsylvania Election Code. The
23 officers elected at such special election shall hold their
24 respective offices until their successors, elected at the next
25 succeeding municipal election, shall be duly qualified. Any
26 decree of court creating a new ward or wards shall be entered in
27 full upon the records of said court and certified copies
28 thereof, under the seal of the court, shall be delivered by the
29 clerk of said court to and be filed by the city clerk of the
30 city and the secretary of the school district in which said ward

1 or wards become located. The clerk of the court of quarter
2 sessions shall likewise certify copies thereof to the Secretary
3 of the Commonwealth and to the Department of Community Affairs.]

4 Section 16.18. Article V subdivision (h) heading of the act,
5 amended August 6, 1963 (P.L.511, No.268), is repealed:

6 [(h) Annexation of Property Owned by a City]

7 Section 16.19. Section 561 of the act, amended October 5,
8 1967 (P.L.327, No.143), is repealed:

9 [Section 561. If any city owns land contiguous to said city
10 on January 1, 1963, the city may annex said territory in the
11 following manner:

12 A bill may be introduced in council to annex said land,
13 setting forth a description of the territory to be annexed and
14 the courses and distances of the boundaries of such territory.
15 If said bill becomes an ordinance by action of council, a copy
16 thereof shall be certified to the Department of Community
17 Affairs.]

18 Section 16.20. Section 562 of the act, added May 27, 1957
19 (P.L.210, No.104), is repealed:

20 [Section 562. Upon such annexation by ordinance, a plan of
21 the territory annexed shall be filed by the city council in the
22 office of the county commissioners and with the clerk of the
23 court of quarter sessions, and thereupon the annexation shall
24 become effective.

25 The annexation proceedings authorized by these sections are
26 in addition to, and not in substitution of, proceedings
27 otherwise provided by law for annexation of territory, and may
28 be followed without reference to or compliance with such other
29 provisions.]

30 Section 16.21. Article V subdivision (i) heading, section

1 570, subdivision (j) heading and section 580 of the act, added
2 July 10, 1959 (P.L.521, No.139), are repealed:

3 [(i) Terms and Salaries of Officials and Employes
4 of Annexed Territory

5 Section 570. Annexation Officials and Employes.--In case of
6 annexation, all salaried public officials of territory annexed
7 who have theretofore been elected for a definite term shall
8 continue to receive during the term for which they were elected
9 the same salaries as they would have received except for such
10 annexation, and it shall be the duty of the mayor of such city
11 to assign to such public officials the performance of such
12 suitable services and duties as will be in the public interest
13 of the city and particularly of the annexed portion thereof. In
14 case of nonelective employes of such annexed borough or
15 township, they shall, so far as practicable, be employed at
16 corresponding duties by the city in accordance with rules and
17 regulations to be established by city ordinance. Tax collectors
18 holding office at the date of annexation shall continue to
19 perform the duties and receive the emoluments of office for the
20 full term for which they were elected, but upon the expiration
21 of such term, the office shall be abolished within such
22 territory and the duties thereof shall be merged with that of
23 the collector of taxes of such city of the third class.

24 (j) Ordinances

25 Section 580. Annexation Ordinances.--In case of annexation,
26 all ordinances governing the annexed territory shall remain in
27 full force and effect over the annexed territory until
28 appropriate ordinances are passed by the Council of the city of
29 the third class integrating ordinances of the annexed territory
30 with those of the city of the third class.]

1 Section 17. Article VI heading of the act is reenacted to
2 read:

3 ARTICLE VI

4 CITY BOUNDARIES

5 Section 18. Sections 601, 602, 603, 604, 605 and 606 of the
6 act are amended to read:

7 Section 601. Navigable Stream Boundaries.--Whenever any city
8 is bounded by the nearest margin of a navigable stream, and an
9 opposite [township, borough, or city] municipal corporation is
10 also bounded by the nearest margin of the same stream, the
11 boundaries of [such] the city shall extend to the center line of
12 the stream. Nothing contained in this section shall be construed
13 to repeal any local or special law providing otherwise.

14 Section 602. Court to Establish Disputed Boundaries.--[The
15 court of quarter sessions, upon petition of any interested
16 political subdivision] (a) In any case in which a city or any
17 municipal corporation contiguous to the city disputes the
18 boundary between them, the court of common pleas, upon petition
19 of the city or the contiguous municipal corporation, may
20 ascertain and establish the disputed [boundaries between any
21 such parties. Whenever the] boundary.

22 (b) In any dispute [involves] involving the boundaries of
23 counties, the provisions of [the County Code shall apply to that
24 extent.] this article shall not supersede the application of the
25 relevant provisions of the act of August 9, 1955 (P.L.323,
26 No.130), known as "The County Code."

27 Section 603. Petition to Court; Commissioners; Report.--Upon
28 [such] petition in accordance with section 602(a), the court
29 shall appoint [as] three impartial commissioners [three
30 impartial qualified electors], who shall have authority to

1 employ a professional engineer or surveyor. After giving notice
2 to INTERESTED parties [affected] by publication once in at least
3 one newspaper OF GENERAL CIRCULATION, in conformity with section
4 [one hundred and nine of this act, they shall view the disputed
5 boundaries] interested 109, OR as directed by the court, the
6 commissioners shall hold a hearing and view the disputed
7 boundaries. A majority of the commissioners shall make [a
8 prompt] their report and recommendations to the court, [which
9 report shall be] accompanied [with] by a plot or draft of the
10 lines and boundaries proposed [boundary, if the same cannot be
11 fully described] to be ascertained and established if they
12 cannot be fully designated by natural lines[. The] or
13 boundaries. Upon the filing of the report, it shall be confirmed
14 nisi, and the court [shall] may make [such] further order
15 [thereupon as to] as it shall [seem] deem just and reasonable.

16 Section 604. [Reviews;] Exceptions and [Issues.--Any person
17 affected may petition the court for a review, or may except to
18 the report of the commissioners. When matters of fact are in
19 dispute, the court may frame an issue and certify the same for
20 trial to the court of common pleas.] Procedure.--Exceptions to
21 the report may be filed by any interested person or municipal
22 corporation within thirty days after the filing of the report,
23 and the court shall set a day for the hearing of the exception.
24 Notice of the hearing shall be given as the court may direct.
25 After hearing, the court may sustain the exceptions or dismiss
26 them and confirm the report or refer the report back to the same
27 or new commissioners with authority to make another report. If
28 no exceptions are filed within thirty days after the filing of
29 the report, the court shall confirm the report absolutely. When
30 any report is confirmed absolutely, the court shall enter a

1 decree establishing the lines and boundaries as shown in the
2 report.

3 Section 605. Pay and Expenses of Commissioners.--The
4 commissioners shall each receive [five dollars per day, for each
5 day necessarily employed in the performance of their duties, as
6 well as mileage at the rate of ten cents per mile for each mile
7 necessarily traveled, and reasonable expenses incurred for
8 surveying] reasonable compensation as established by the court
9 and reasonable expenses incurred for surveying services, to be
10 paid equally by the [political subdivisions interested] city and
11 any interested municipal corporation.

12 Section 606. Boundary Monuments.--[Whenever a boundary is
13 established pursuant to the preceding sections of] If a
14 boundary, ascertained and established pursuant to this article,
15 [the court shall cause such part of the same as] cannot be fully
16 described by natural lines, the court shall cause it to be
17 marked with permanent monuments, placed at intervals not
18 exceeding fifteen hundred feet[,] and at the end of any course[,
19 and the]. The expense of placing [the said] these monuments,
20 [when] as approved by the court, shall be borne equally by the
21 [political subdivisions interested, and the court shall compel
22 payment of the same according to law] city and any interested
23 municipal corporation.

24 Section 19. Article VII heading of the act is reenacted to
25 read:

26 ARTICLE VII

27 ELECTED OFFICERS AND ELECTIONS

28 Section 20. Sections 701, 702, 703 and 704 of the act are
29 amended to read:

30 Section 701. Elected Officers; Term; Eligible to Reelection;

Vacancies Where Elected Officer Fails to Qualify.--[The] (a)
(1) Except as provided in subsection (c), the elected officers
of each city shall be a mayor, four [councilmen] council
members, a controller, and a treasurer.

(2) Except as provided in section [seven hundred and two of
this act] 702 with respect to the first election of members of
council, each [of such officers] elected officer shall serve for
a term of four years from the first Monday of January next
succeeding his or her election[,] until the first Monday of
January in the fourth year thereafter.

(3) Any such officer shall be eligible to reelection.

(b) Any person elected to a city office who fails to qualify
[within thirty days after the first Monday of January following
his election] in accordance with the provisions of sections 904
and 905 and, as applicable, section 1001, 1201, 1401 or 1701,
shall be ineligible to qualify thereafter. A vacancy shall then
exist in the [said] office and a person shall be appointed to
fill [said] the vacancy in the manner provided by this act.

(c) In accordance with this subsection, two additional
council members may be elected to form a seven-member council
comprised of six council members and the mayor, or a city that
has opted for a seven-member council may reestablish a five-
member council comprised of four council members and the mayor,
in accordance with the following:

(1) Upon petition of at least five per centum of the
registered voters of the city or pursuant to a resolution of
council, and after approval by a majority of those voting at the
next municipal or general election, there shall be elected two
additional council members, so that the council shall be
comprised of six council members and the mayor.

1 (2) The referendum petition or resolution of the council
2 certified by the city clerk shall be filed with the county board
3 of elections not later than the thirteenth Tuesday before the
4 next municipal or general election. The county board of
5 elections shall place the question before the electors as
6 provided by the Pennsylvania Election Code. The form of the
7 question shall be as follows:

8 Should two additional council members be elected to serve in
9 this city, so that council shall be comprised of six council
10 members and the mayor?

11 Yes

No

12 (3) The county board of elections shall tabulate and publish
13 IN A NEWSPAPER OF GENERAL CIRCULATION the results of the
14 referendum within thirty days of the election.

15 (4) In no event shall the question of additional council
16 members be voted on more than once in any three-year period.

17 (5) At the first municipal election following approval at a
18 general election of the question providing for the election of
19 two additional council members, one of the additional council
20 members shall be elected for a term of four years and one for a
21 term of two years, each to serve from the first Monday of
22 January after the election. At the first general election
23 following approval at a municipal election of the question
24 providing for the election of two additional council members,
25 one of the additional council members shall be elected for a
26 term of three years and one for a term of one year, each to
27 serve from the first Monday of January after the election. After
28 that time, the additional council members shall be elected for
29 terms of four years each to serve from the first Monday of
30 January after the election.



1 (5.1) IN CITIES DIVIDED INTO WARDS, THE TWO NEW COUNCIL
2 MEMBERS ELECTED IN ACCORDANCE WITH CLAUSE (5) SHALL REPRESENT
3 THE CITY AT LARGE. NO SOONER THAN FOUR YEARS AFTER THE ELECTION
4 ADDING TWO ADDITIONAL COUNCIL MEMBERS, THE CITY MAY CHANGE THE
5 REPRESENTATION OF EITHER OR BOTH OF THE TWO ADDITIONAL SEATS
6 FROM AT-LARGE TO WARD REPRESENTATION IN ACCORDANCE WITH ARTICLE
7 IV OR ANY OTHER LAW.

8 (6) In cities in which the electorate has opted for a seven-
9 member council, comprised of six council members and the mayor,
10 the city shall return to a five-member council, including the
11 mayor, upon petition of at least five per centum of the
12 registered voters of the city or pursuant to a resolution of the
13 council, and after approval by a majority of electors voting at
14 the next municipal or general election. The referendum petition
15 or resolution shall be filed with the county board of elections
16 not later than the thirteenth Tuesday before the next municipal
17 or general election. The county board of elections shall place
18 the question before the electors as provided under the
19 Pennsylvania Election Code. The form of the question shall be as
20 follows:

21 Should this city return to a five-member council, comprised
22 of four council members and the mayor?

23 Yes No

24 (7) The county board of elections shall tabulate and publish
25 IN A NEWSPAPER OF GENERAL CIRCULATION the results of the
26 referendum within thirty days of the election. In no event shall
27 the question of reducing the seven-member council be voted on
28 more than once in any five-year period.

29 (8) At the first municipal election following approval of
30 the question providing for the return to a five-member council,

1 to be comprised of four council members and the mayor, four
2 council members shall be elected to serve from the first Monday
3 of January after the election, when the terms of the six council
4 members serving on the seven-member council shall cease. The
5 four candidates receiving the highest number of votes for the
6 office of council member shall be elected. The two candidates
7 receiving the first and second highest number of votes shall
8 serve for a term of four years. The two candidates receiving the
9 third and fourth highest number of votes shall serve for a term
10 of two years. After that time, council members shall be elected
11 as provided in subsection (a).

12 Section 702. First Elections in Newly Created Cities.--(a)
13 At the first municipal election occurring at least ninety days
14 after the date of the letters patent issued by the Governor
15 incorporating [and] the city, the [qualified electors of such]
16 registered voters of the city shall elect [a mayor, a treasurer,
17 and a controller] city officials as set forth in section 701(a)
18 (1). [At such election, the electors of such city shall also
19 elect four councilmen.]

20 (b) The two candidates for [such office] council receiving
21 respectively the highest number of votes at [such] the election
22 shall serve for a term of four years from the first Monday of
23 January next succeeding their election until the first Monday of
24 January in the fourth year thereafter[, and the two candidates
25 at such election].

26 (c) The two candidates for council receiving the next
27 highest number of votes shall serve for a term of two years from
28 the first Monday of January next succeeding their election until
29 the first Monday of January in the second year thereafter.

30 Section 703. Nominations and Elections.--All matters

1 relating to nominations of candidates and election of city
2 officers shall be governed by the applicable provisions of the
3 Pennsylvania Election Code.

4 Section 704. Certificates of Election.--[Whenever an
5 election shall have been held for city officers, for regular
6 terms of service] Upon the election of city officers in
7 accordance with this article, it shall be the duty of the
8 [officer-elect to procure from the] county board of elections to
9 issue, and of the officer-elect to procure, a certificate of
10 election [as issued by the board, according to law, and to lay
11 the same before]. The officer-elect shall present the
12 certificate of elections to council on the date and time fixed
13 by law for [their] its organization[; and the said]. The
14 certificate shall be filed among the city archives, and its
15 presentation shall be noted in the minutes.

16 Section 21. Article VIII heading of the act is reenacted to
17 read:

18 ARTICLE VIII

19 VACANCIES IN OFFICE

20 Section 22. Section 801 of the act, amended August 21, 1953
21 (P.L.1292, No.364), is amended to read:

22 Section 801. Vacancies in Council and Office of Mayor.--[If
23 a vacancy exists in the city council, whether as to the office
24 of mayor or one or more of the other members of council, the
25 city council shall, by a majority of its remaining members, fill
26 such vacancy, within thirty days thereafter, by electing a
27 qualified person to serve until that first Monday of January
28 when his successor who shall have been elected by the qualified
29 electors at the next municipal election, occurring at least
30 thirty days after such vacancy exists, is duly sworn into office

1 for the remainder of the term of the person originally elected
2 to said office.

3 In case vacancies should exist whereby the offices of three
4 or four of the five members of the city council become vacant,
5 the remaining one or two members shall fill such vacancies, one
6 at a time, giving each new appointee such reasonable notice of
7 his appointment as will enable him to meet and act with the then
8 qualified member or members of the city council in making
9 further appointments until three members of city council have
10 been qualified, whereupon the said three members shall fill the
11 remaining vacancies at a meeting attended by the said three
12 members of said city council, such appointees to receive a
13 majority of the votes of the said three members present at any
14 such meeting. The person or persons selected to fill such
15 vacancy or vacancies shall hold their offices as herein
16 provided.

17 If, by reason of a tie vote, or otherwise, such vacancy shall
18 not have been filled by the remaining members of city council
19 within the time as limited herein, the court of common pleas,
20 upon the petition of ten or more qualified electors shall fill
21 such vacancy by the appointment of a qualified person, for the
22 portion of the unexpired term as above provided.

23 If at any time vacancies should occur or exist in the
24 membership of all five members of city council, the court of
25 common pleas shall appoint a city council, including a mayor, of
26 persons properly qualified, who shall serve as herein provided.]

27 (a) Within thirty days of a vacancy in the office of mayor or
28 other member of city council, or if an elected mayor or council
29 member has failed to qualify pursuant to section 701 prior to
30 taking office, the council shall, by a majority of its remaining

1 members, appoint a qualified person to fill the vacant office.

2 (b) If council does not fill a vacancy within thirty days in
3 accordance with subsection (a), or if vacancies should exist in
4 the offices of a majority or more of the members of the city
5 council, including the position of mayor, the president judge of
6 the court of common pleas having jurisdiction within the city
7 shall fill the vacancy or vacancies upon either the petition of
8 ten or more qualified electors of the city or the petition of a
9 majority of the remaining members of council.

10 (c) A person appointed under subsection (a) or (b) shall
11 serve for the lesser of the following periods:

12 (1) The remainder of the unexpired term of the office to
13 which ~~he or she~~ THE PERSON is appointed.

14 (2) Until the first Monday of January after the next
15 municipal election occurring at least thirty days after the
16 vacancy occurred.

17 (d) If necessary to fill the unexpired term of the person
18 originally elected to an office that has become vacant, a person
19 shall be elected at the municipal election referred to in
20 subsection (c) to serve from the first Monday of January after
21 that election for the remainder of the unexpired term.

22 Section 23. Section 802 of the act, amended May 6, 1957
23 (P.L.104, No.45), is amended to read:

24 Section 802. Vacancy in Office of Controller or of
25 Treasurer.--[If a vacancy occurs in the office of city
26 controller or in the office of city treasurer, the city council
27 shall fill such vacancy, within thirty days thereafter, by
28 choosing a city controller or a city treasurer, as the case may
29 be, to serve until his successor is elected by the qualified
30 electors at the next municipal election, occurring at least two

1 hundred days after such vacancy occurs, and is duly sworn into
2 office. The person so elected shall serve for the remainder of
3 the term of the person originally elected to such office.

4 If by reason of a tie vote or otherwise, such vacancy shall
5 not have been filled by the members of city council within the
6 time as limited herein, the court of common pleas upon the
7 petition of ten or more qualified electors shall fill such
8 vacancy by the appointment of a qualified person for the portion
9 of the unexpired term as above provided.] (a) Within thirty

10 days after a vacancy occurs in the office of city controller or
11 in the office of city treasurer, or if an elected city
12 controller or city treasurer has failed to qualify pursuant to
13 section 701 prior to taking office, the council shall appoint a
14 qualified person to fill the vacant office.

15 (b) If council does not fill a vacancy within thirty days in
16 accordance with subsection (a), the president judge of the court
17 of common pleas having jurisdiction within the city shall fill
18 the vacancy upon the petition of ten or more registered voters
19 of the city.

20 (c) A person appointed under subsection (a) or (b) shall
21 serve for the lesser of the following periods:

22 (1) For the remainder of the unexpired term of the
23 controller or treasurer whose office has become vacant.

24 (2) Until the first Monday of January after the next
25 municipal election occurring at least two hundred days after
26 such vacancy occurs.

27 (d) If necessary to fill the unexpired term of the
28 controller or treasurer whose office has become vacant, a person
29 shall be elected at the municipal election referred to in
30 subsection (c) to serve from the first Monday of January after

1 that election for the remainder of the unexpired term.

2 (e) In any case in which a person is elected or appointed to
3 fill an office for which a bond is required and if, within
4 fourteen days of the date that person is scheduled to take the
5 oath of office at the organizational meeting of council, ~~he or~~ ←
6 ~~she~~ THE PERSON fails to post a bond, the office shall be deemed ←
7 to be vacant and the resulting vacancy shall be filled in the
8 manner provided by this act.

9 Section 24. Article IX heading of the act is reenacted to
10 read:

11 ARTICLE IX

12 GENERAL PROVISIONS RELATING TO CITY

13 OFFICERS AND EMPLOYES

14 Section 25. Sections 901, 902, 903, 904, 905, 906, 907, 908
15 and 909 of the act are amended to read:

16 Section 901. Appointment and Removal of Officers and
17 Employes; Removal from Elective Office; Employes Not to Hold
18 Elective Office.--(a) Council shall have the power of
19 appointment and dismissal of all city officers and employes,
20 other than elected officers, and shall provide for the removal
21 of officers of the city whose offices are established by
22 ordinance, except where otherwise provided by this act.

23 (b) In the case of persons holding an elective city office,
24 whether elected thereto or duly appointed to fill a vacancy in
25 the elective office, the following shall apply:

26 (1) They shall be removed from office in accordance with the
27 Constitution of this Commonwealth, as follows:

28 (i) By impeachment;

29 (ii) By the Governor for reasonable cause after due notice
30 and full hearing on the advice of two-thirds of the Senate; or

1 (iii) Upon conviction of misbehavior in office, or of any
2 infamous crime.

3 (2) Provisions of this act or other provisions of law
4 requiring a forfeiture of office upon the conviction of a crime
5 shall apply only if the court determines that the conviction is
6 for misbehavior in office or for an infamous crime.

7 (3) Nothing in this section shall prevent title to elected
8 city offices from being tried by proceedings of quo warranto as
9 provided by law.

10 (c) In the case of persons who are appointees to city
11 offices or positions, other than to elective offices, the
12 following shall apply:

13 (1) They may be removed by the appointing power, except as
14 limited by law or the constitution.

15 (2) They shall be removed on conviction of misbehavior in
16 office or of any infamous crime.

17 (d) Except as otherwise provided by law, a person may not
18 concurrently hold elective city office and be an employe of the
19 same city.

20 Section 902. Officers and Employes; Number; Duties;
21 Compensation.--[Council shall] (a) Except as otherwise provided
22 by this act, council may prescribe, by ordinance, the number,
23 duties, and compensation of the officers and employes of the
24 city. [No payment of such compensation shall be made from the
25 city treasury or be in any way authorized, to any person except
26 an officer or employe elected or appointed in pursuance of law.
27 No ordinance shall be passed giving any extra compensation to
28 any officer, servant, employe or contractor, without previous
29 authority of law.]

30 (b) With regard to compensation paid to any officer or

employee of the city, the following shall apply:

(1) No payment shall be authorized from the city treasury to any officer or employee of the city unless that officer or employee has been elected or appointed in accordance with law.

(2) Unless previously authorized by law, no ordinance shall give extra compensation to any officer or employee of the city.

(c) Any officer drawing or countersigning any [warrant] document authorizing payment, or passing or paying any voucher contrary to this section, shall be guilty of a misdemeanor[,]
and, upon conviction thereof, shall [forfeit his office,] be subject to forfeiting his or her office in accordance with section 901(b) (2) and be sentenced to pay a fine not exceeding five thousand dollars, or to undergo imprisonment not exceeding one year, or both, at the discretion of the court.

Section 903. [Salaries of Officers not to be Increased After Election] Changes in Salary, Compensation and Emoluments of Officers.--(a) No city shall increase or diminish the salary, compensation, or emoluments of any elected officer after [his] the officer's election. Any change in salary, compensation or emoluments of the elected office shall become effective at the beginning of the next term of the member of council or other elected official.

(b) Nothing in subsection (a) shall be construed to limit retirement benefits applicable to all employees and officers.

Section 904. Offices to be Held until Qualification of Successors.--Any officer of any city, who has been elected or appointed and has qualified, shall hold [said] office until [his] ~~or her~~ THE OFFICER'S successor is elected or appointed and [duly qualifies.] takes the oath of office, provides any necessary bond and takes any other necessary actions required by



law to qualify to assume office. Should any elected official
fail to appear at the organizational meeting of the city council
to demonstrate his or her qualifications for office and to take
the oath of office, such official shall fully qualify for office
and shall take the oath of office within fourteen days of the
date of the organizational meeting of the council or the office
of that elected official shall be deemed to be vacant and the
vacancy shall be filled in the manner provided by this act. When
the terms of office of more than one council at-large member
expire, and more than one seated council member are to be
replaced as the result of an election, and only one of the newly
elected council members fails to qualify to assume office, those
members whose terms have expired and who are to be replaced
shall draw lots to determine which of them shall continue to
serve on council until ~~his or her~~ THE MEMBER'S successor duly
qualifies for and takes the oath of office. No person continuing
to hold office pursuant to this section after the first Monday
of January which would have marked the end of ~~his or her~~ THE
PERSON'S term shall participate in the deliberations concerning
or in any vote appointing ~~his or her~~ THE PERSON'S successor.

Section 905. Oath of Office; Violation of Oath; Penalty.--

(a) All officers of the city, whether elected or appointed,
shall, before entering upon their respective duties, take and
subscribe [the oath prescribed by section 1 of article VII of
the Constitution of this Commonwealth. Any person refusing to
take such oath shall forfeit his office. Any person guilty of a
violation of his oath shall be guilty of a misdemeanor, and,
upon conviction, shall forfeit his office, and be sentenced to
pay a fine not exceeding one thousand dollars, or to undergo an
imprisonment not exceeding one year, or both, at the discretion

of the court.] an oath or affirmation of office pursuant to 53 Pa.C.S. § 1141 (relating to form of oaths of office).

(b) Any person refusing to take the oath shall be deemed not to have met the qualifications to hold office. Any person who violates his or her oath shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars or to undergo imprisonment not exceeding one year, or both, at the discretion of the court, and shall be subject to forfeiting his or her office in accordance with section 901.

Section 906. Bond to be Given by Officers and Agents.--
[Council] In addition to the requirements for bonding that may be imposed by this act or any other law, council may require from all officers and agents of the city, elected or appointed, lawful bonds with corporate sureties for the faithful performance of their duties. No officer or agent required by law or ordinance to give bond, as aforesaid, shall be sworn into office or enter upon the duties thereof until such bond shall have been duly approved by the proper authority.

Section 907. Surety Bonds; [Premiums.--When any officer or employe of any city is required to give a bond for the faithful performance of this duties, such bond shall be endorsed by a surety company, and the city shall pay the premium on such bond. The bonds of city officers and employes hereafter given shall be with corporate sureties and not with individual or personal sureties.] Insurance; Premiums.--(a) Unless otherwise provided by this act or any other provision of law, the following shall apply when any elected or appointed officer or employe of any city is required to give a bond:

(1) The bond shall be for the faithful performance of the

duties of the elected or appointed officer or employee.

(2) The bond shall be endorsed by a surety or other company authorized by law to act as a surety and that is qualified to do business in this Commonwealth.

(3) The bonds of elected or appointed officers and employees shall be with corporate sureties and not with individual or personal sureties.

(4) The city shall pay the premium on the bond, unless all or a portion of the premium on the bond is to be paid by the Commonwealth or political subdivisions other than the city, or unless provisions are otherwise made in law for payment of the premium on the bond, in which case the city shall pay the unpaid portion of the premium.

(5) The bond shall be approved by the city solicitor.

(6) In addition to any other conditions required by law, the bond shall be in such sum and with such conditions as council may direct.

(b) Except as may be otherwise provided in section 1402, when any elected or appointed officer or employee of any city is required to give a bond for the faithful performance of his or her THE OFFICER'S OR EMPLOYEE'S duties, council may, in lieu of the bond, purchase one or more blanket bonds for elected or appointed officers or employees or it may purchase insurance provided that the insurance covers the same events of loss and insures the city against the same misconduct as the bond in compliance with this act.

(c) In addition to any bond required by this act for the faithful performance of official duties by any elected or appointed officer or employee of any city or any insurance in lieu of the bond, council may require city officers or employees

1 who as part of their official duties handle money or have money
2 in their possession at any time to be covered by adequate
3 insurance which provides the types of protection against loss as
4 may be designated by council, which may include, but need not be
5 limited to, protection against loss through robbery, burglary or
6 larceny. The cost of the insurance shall be paid by the city and
7 the amount of the insurance shall be fixed by council.

8 Section 908. Officers not to Become Surety on Bonds Given to
9 City; Penalty.--No member of the council, or any other city
10 officer, shall become surety [in] on any bond or obligation
11 given to the city by any agent or contractor[,] for the faithful
12 performance of any trust, agency, or contract. Any person
13 violating any of the provisions of this section shall be guilty
14 of a misdemeanor[,] and, upon conviction, shall [forfeit HIS] be ←
15 subject to forfeiting his or her THE PERSON'S office in ←
16 accordance with section 901 and be sentenced to pay a fine not
17 exceeding one hundred dollars.

18 Section 909. Moneys and Accounts to be Delivered by Officer
19 to Successor.--Every officer of the city receiving or having in
20 ~~his or her~~ [HIS] THE OFFICER'S possession any money, accounts, ←
21 property, documents or effects belonging to the city shall, upon
22 termination of ~~his or her~~ [HIS] THE OFFICER'S office, deliver ←
23 the same to the city or to his or her qualified successor. Any
24 person violating the provisions of this section shall[, upon
25 summary conviction thereof before an alderman or justice of the
26 peace, be sentenced to pay a fine of not less than one hundred
27 dollars or more than three hundred dollars, and, in default of
28 payment, undergo imprisonment not exceeding ninety days. Such
29 failure to deliver shall, for each day thereof, be a separate
30 and distinct offense.] be subject to prosecution in accordance

1 with the applicable provisions of 18 Pa.C.S. (relating to crimes
2 and offenses). Nothing set forth in this section may limit any
3 other remedies at law or at equity available to the city.

4 Section 26. Sections 910, 911, 912, 913, 914 and 915 of the
5 act are repealed:

6 [Section 910. Receipt of Bribe by Officer or Employee of
7 City; Penalty.--Any member of council, or other city officer or
8 employe, who shall solicit, demand, or receive, or consent to
9 receive, directly or indirectly, for himself or for another,
10 from any company, corporation, or persons, any moneys, office,
11 appointment, employment, testimonial, reward, thing of value or
12 enjoyment or of personal advantage, or promise thereof, for his
13 vote or official influence, or for withholding the same, or with
14 an understanding, expressed or implied, that his vote or
15 official action shall be in any way influenced thereby, or who
16 shall solicit or demand such money or other advantage, matter,
17 or thing, aforesaid, for another, as the consideration of his
18 vote or official influence, or for withholding the same, or who
19 shall give or withhold his vote or influence in consideration of
20 the payment or promise of such money, advantage, or thing to
21 another, shall be guilty of bribery, a felony, and, upon
22 conviction thereof, shall be sentenced to pay a fine not
23 exceeding ten thousand dollars, and to undergo imprisonment for
24 a period not exceeding five years, and shall be forever
25 incapable of holding any place of profit or trust in this
26 Commonwealth.

27 Section 911. Bribery of Officers or Employes; Penalty.--Any
28 person who shall, directly or indirectly, offer, give, or
29 promise any money or anything of value, testimonial, privilege,
30 or personal advantage to any member of council or other city

1 officer or employe, to influence him in the performance or
2 nonperformance of any of his public or official duties, shall be
3 guilty of bribery, and, upon conviction thereof, shall be
4 sentenced to pay a fine not exceeding ten thousand dollars, and
5 to undergo imprisonment for a period not exceeding five years,
6 and shall be forever incapable of holding any place of profit or
7 trust in this Commonwealth.

8 Section 912. City Property not to be Used by Officers for
9 Gain; Penalty.--No portion of the property of the city shall be
10 used for private gain by any officer of the city, councilman,
11 agent or employe of said city, or any department thereof; nor
12 shall the same be wilfully used or injured, or be sold or
13 disposed of in any manner by any officer, councilman, agent or
14 employe, without the consent of the council. Any person
15 violating any of the provisions of this section shall be guilty
16 of a misdemeanor, and, upon conviction, shall be sentenced to
17 pay a fine not exceeding five hundred dollars, or to undergo
18 imprisonment not exceeding one year, or both, at the discretion
19 of the court. Upon such conviction, the party offending shall be
20 forthwith removed from his office or employment, and shall not
21 thereafter be eligible to election or appointment to any place
22 of profit or trust under said city, or any department thereof.

23 Section 913. City not to Engage in Private Construction.--No
24 official, officer, agent or employe of any city or of any
25 department, office, institution or agency thereof, shall dispose
26 of, or authorize or permit the disposal of, any services,
27 materials, supplies or labor belonging to, or paid or contracted
28 for by, the city or any of its departments, offices,
29 institutions or agencies, in any building, installing, laying or
30 other work of construction of any manner of thing, whether

1 gratuitously or for a consideration, for private rather than
2 public benefit, within or without the city's boundaries, unless
3 such disposal is expressly or by necessary implication
4 authorized or required by law. This section is intended to
5 prohibit encroachment of officials, officers, agents or employes
6 of a city upon the markets of legitimate private enterprise
7 engaged in all types of construction work. Any official,
8 officer, agent or employe of a city or any department, office,
9 institution or agency thereof, violating the provisions of this
10 section, shall, upon summary conviction thereof, forfeit and pay
11 to the city a fine of not less than one hundred nor more than
12 three hundred dollars for each such offense, or in default
13 thereof undergo imprisonment for not more than ninety days; and
14 each day's violation shall constitute a separate and distinct
15 offense.

16 Section 914. Warrants or Claims not to be Purchased by
17 Officers; Penalty.--No member of the council or other officer of
18 such city, shall purchase any warrant, order, or claim for labor
19 or supplies furnished to said city, nor be interested, directly
20 or indirectly, in the purchase of the same for any sum less than
21 the amount specified therein. Any such person violating any of
22 the provisions of this section shall be guilty of a misdemeanor,
23 and, upon conviction thereof, shall forfeit his office and be
24 sentenced to pay a fine not exceeding one hundred dollars.

25 Section 915. Imposition of Penalties.--Whenever any offense
26 punishable under this article IX shall also be punishable under
27 the Penal Code of 1939, the penalties imposed, other than
28 forfeiture of office or right to hold office, shall be only
29 those prescribed by said Penal Code.]

30 Section 27. Section 916 of the act, amended September 26,

1 1951 (P.L.1515, No.379), is amended to read:

2 Section 916. [City Leagues] Pennsylvania League of Cities
3 and Municipalities and Other Municipal Affairs Organizations.--
4 Any city may unite with other cities, or with the cities of two
5 or more classes, or with any other municipalities, and may form
6 and organize [leagues] a league of said cities[,] and
7 municipalities and hold annual conventions for the study and
8 consideration of such municipal affairs as concern and pertain
9 to the cities and municipalities comprising the league. [Each] A
10 city that is a member of [a] the league may send delegates
11 thereto and pay the necessary expenses incident to their
12 attending [said] the annual convention, [and] pay dues to the
13 league, appropriate moneys to join and participate in any of the
14 various business and training programs of the league designed to
15 address municipal needs in a cost-efficient manner and provide a
16 fund for the necessary costs and expenses of the league and
17 league conventions and the work carried on by [said] the league.
18 Each delegate shall submit to the city controller for approval
19 an itemized account of ~~his or her~~ **[HIS]** THE DELEGATE'S expenses ←
20 to be paid [him] under the authority of this section. Council is
21 hereby authorized to appropriate [monies] moneys for like
22 support of and participation in other organizations at the
23 national and State level concerned with municipal affairs.

24 Section 28. Section 917 of the act is amended to read:

25 Section 917. Powers of Subpoena; Compelling Testimony.--[In
26 any case where an official or officer of the city or any agency
27 thereof created or authorized by this act is specifically
28 empowered to conduct hearings and investigations, such officer,
29 official or agency] (a) This section applies to any of the
30 following that are specifically empowered to conduct hearings

1 and investigations:

2 (1) an officer or official of the city; or

3 (2) a city agency created or authorized to be created by
4 this act.

5 (b) The officer, official or city agency referred to in
6 subsection (a) shall have authority, for the purposes of [such]
7 hearings or investigations, to issue subpoenas for the
8 attendance and giving of testimony of [such] witnesses as are
9 subject to the subpoenas of the courts of record of this
10 Commonwealth, and to issue subpoenas duces tecum as to [such]
11 the witnesses.

12 (c) In the case of [any] a city agency, [such] the subpoenas
13 shall [issue] be issued in the name of the city and of the
14 agency upon the signature of the presiding officer [thereof] of
15 the city and the official seal, if any, of the agency. [Any
16 person refusing to obey the orders of any such subpoena shall,
17 upon summary conviction thereof before an alderman of the city,
18 be fined not less than ten nor more than three hundred dollars,
19 and in default of payment thereof shall be imprisoned for a
20 period not in excess of thirty days. All such fines shall be
21 paid to the city treasurer for the use of the city.]

22 (d) Subpoenas shall be served by any adult person as
23 directed by the city or city agency, in accordance with the
24 rules of civil procedure, and return of service shall be filed
25 in accordance with law and applicable rules of court.

26 (e) Subpoenas issued by any officer or official of the city
27 or any city agency shall be enforced in the same manner, and
28 violations of a subpoena shall be subject to the same penalties
29 as provided by general law for subpoenas of the courts of common
30 pleas of the Commonwealth.

1 Section 29. Section 918 of the act, added August 1, 1963
2 (P.L.459, No.244), is amended to read:

3 Section 918. Consolidation or Integration of Fire and Police
4 Personnel Prohibited.--No city shall consolidate, integrate or
5 in any manner reorganize the paid members of the fire [bureau]
6 force and the paid members of the police [bureau] force into one
7 bureau or organization.

8 ~~Section 30. The act is amended by adding a section to read:~~ ←

9 ~~Section 919. Limitation Upon Employee Witnesses. A city may~~
10 ~~regulate the circumstances under which a city police officer,~~
11 ~~firefighter, engineer, housing inspector, building inspector or~~
12 ~~other employee may provide expert testimony in a civil action or~~
13 ~~proceeding to which the city is not a party if the transaction~~
14 ~~giving rise to the action or proceeding occurred within the city~~
15 ~~and the employee's knowledge of the facts giving rise to the~~
16 ~~action or proceeding was acquired in the course of the employee's~~
17 ~~performance of his or her job related duties for the city.~~

18 SECTION 30. (RESERVED). ←

19 Section 31. Article X and subdivision (a) headings of the
20 act are reenacted to read:

21 ARTICLE X

22 THE COUNCIL

23 (a) General Provisions

24 Section 32. Section 1001 of the act, amended July 27, 1973
25 (P.L.230, No.60), is amended to read:

26 Section 1001. Qualifications of [Councilmen.--The
27 councilmen] Council Members.--(a) The council members shall be
28 at least [twenty-one] eighteen years of age[,] and shall be
29 elected by the electors at large[. They shall have been
30 residents of the city wherein they shall be elected throughout

1 one year next before their election, and shall reside therein
2 throughout their terms of service.], subject to the creation of
3 wards pursuant to Article IV.

4 (b) Council members shall reside in the city from which
5 elected and shall have resided in the city continuously for at
6 least one year before their election. Prior to being sworn in to
7 office and as a condition to qualifying for office, each elected
8 council member shall present a signed affidavit to the city
9 clerk that states the person resides in the city from which
10 elected and has resided in the city continuously for at least
11 one year preceding the person's election.

12 (c) No officer of the United States or of the Commonwealth
13 of Pennsylvania (except notaries public or officers of the
14 militia), nor any county officer, nor any officer of any school
15 district embraced in the territory of [said] the city, nor any
16 officer or employe of [said] the city, or of any department
17 [thereof, nor any member or employe of a municipality authority
18 of which the city is a member] of the city, shall serve as a
19 [councilman during his continuance or] council member while
20 continuing to hold the incompatible office or employment, except
21 as hereinafter provided.

22 Section 33. Section 1002 of the act is amended to read:

23 Section 1002. Vesting of Legislative Power.--The legislative
24 power of every city shall be vested in a council composed of the
25 mayor and [four councilmen] council members.

26 Section 34. Section 1003 of the act, amended April 9, 1957
27 (P.L.53, No.27), is amended to read:

28 Section 1003. Organization of Council.--[The] On the first
29 Monday of January following the regular municipal election, the
30 members of council shall assemble [in their] at the usual place

1 of meeting[,] for the purpose of organizing[, at ten o'clock in
2 the forenoon of the first Monday of January next succeeding the
3 regular municipal election]. If the first Monday is a legal
4 holiday, the meeting shall be held the first day following [at
5 the time herein prescribed]. The mayor shall be the president of
6 the council, and a member [thereof] of the council, and shall
7 have the same rights and duties, including the introduction of
8 bills and the making of motions, as pertain to [councilmen.]
9 other council members. The vice president of city council shall
10 be the member of city council designated as the director of the
11 department of accounts and finance or, if a member of city
12 council is not the director of that department, the member of
13 council appointed by the council as its vice president.

14 Section 35. Sections 1004 and 1005 of the act are amended to
15 read:

16 Section 1004. Oath of [Councilmen] Council Members; Quorum;
17 Rules.--(a) The members of council shall take the oath of
18 office provided for [by this act, which oath may be administered
19 by the city clerk or any other person authorized to administer
20 oaths. Three] in section 905.

21 (b) A majority of the whole number of members of council
22 shall constitute a quorum, but a smaller number may compel the
23 attendance of absent members, under penalties to be prescribed
24 by ordinance. Only members physically present at a meeting place
25 within the city shall be counted in establishing a quorum.

26 (c) The council may, consistent with law, determine [its own
27 rules] and adopt rules for its procedure and conduct of
28 business.

29 Section 1005. Meetings of Council; Notice; Participation by
30 Telecommunication Device.--(a) The council shall hold stated

1 meetings at least once in each month, and at such other times as
2 may be fixed by ordinance, and continue them so long as the
3 transaction of the public business demands. The mayor [may, and
4 upon request of two councilmen must, call special meetings of
5 council upon], as president of council, may call special
6 meetings of council. A special meeting of council shall be
7 called by the mayor upon the request of two council members in
8 the case of a five-member council, or upon the request of three
9 council members in the case of a seven-member council. In
10 addition to any notice required by 65 Pa.C.S. Ch. 7 (relating to
11 open meetings), twenty-four hours' notice of a special meeting
12 shall be given to each member[, which notice shall state whether
13 such meeting is to be convened for special or general business.
14 If called for special business, only such business shall be
15 considered as is stated in the notice. Such notice may be waived
16 by unanimous consent of council]. A special meeting can be a
17 special purpose meeting or a general purpose meeting, as
18 advertised. NOTICE OF A SPECIAL MEETING SHALL STATE THE NATURE
19 OF THE BUSINESS TO BE CONDUCTED AT THE MEETING. ←

20 (b) Council may provide for the participation of council
21 members in meetings of council by means of telecommunication
22 devices, such as telephones or computer terminals, which permit,
23 at a minimum, audio communication between locations, provided
24 that:

25 (1) a majority of the whole number of members of council are
26 physically present at the advertised meeting place within the
27 city AND A QUORUM IS ESTABLISHED AT THE CONVENING OR RECONVENING ←
28 OF THE MEETING. IF AFTER THE CONVENING OR RECONVENING OF THE
29 MEETING A MEMBER HAS BEEN DISQUALIFIED FROM VOTING AS A MATTER
30 OF LAW BUT IS STILL PHYSICALLY PRESENT, COUNCIL MEMBERS

PARTICIPATING BY TELECOMMUNICATION DEVICE IN ACCORDANCE WITH
THIS SECTION SHALL BE COUNTED TO MAINTAIN A QUORUM;

(2) the telecommunication device used permits the member OR
MEMBERS of council not physically present at the meeting to hear
the comments of and speak to the other members of council and of
the general public who are physically present;:

(I) SPEAK TO AND HEAR THE COMMENTS AND VOTES, IF ANY, OF THE
MEMBERS OF COUNCIL WHO ARE PHYSICALLY PRESENT AS WELL AS OTHER
MEMBERS OF COUNCIL WHO MAY NOT BE PHYSICALLY PRESENT AND WHO ARE
ALSO USING A TELECOMMUNICATION DEVICE TO PARTICIPATE IN THE
MEETING; AND

(II) SPEAK TO AND HEAR THE COMMENTS OF THE PUBLIC WHO ARE
PHYSICALLY PRESENT AT THE MEETING;

(3) the telecommunication device used permits members of
council and the members of the public who are physically present
at the meeting to speak to and hear the comments and vote, if
any, of the member OR MEMBERS of council who ~~is~~ ARE not
physically present at the meeting; and
nothing in this subsection may be construed to limit the
protections and prohibitions contained in section 202 of the
Americans with Disabilities Act of 1990 (Public Law 101-336, 104
Stat. 327), and the Federal rules and regulations adopted in
implementation of that act.

(4) COUNCIL MAY ONLY AUTHORIZE PARTICIPATION BY
TELECOMMUNICATION DEVICE FOR ONE OR MORE OF THE FOLLOWING
REASONS FOR PHYSICAL ABSENCE:

(I) ILLNESS OR DISABILITY OF THE MEMBER OF COUNCIL;

(II) CARE FOR THE ILL OR NEWBORN IN THE MEMBER'S IMMEDIATE
FAMILY;

(III) EMERGENCY;

1 (IV) FAMILY OR BUSINESS TRAVEL; AND

2 (5) NOTHING IN THIS SUBSECTION MAY BE CONSTRUED TO LIMIT THE
3 PROTECTIONS AND PROHIBITIONS CONTAINED IN ANY LAW OR REGULATION
4 RELATING TO THE RIGHTS OF THE DISABLED.

5 (c) All meetings of council, whether regular or special,
6 shall be open to the public. The council shall be a continuous
7 body, and it shall be lawful for any council to complete any
8 unfinished business or legislation begun by the preceding
9 council.

10 Section 36. Sections 1006, 1007, 1008, 1009, 1010 and 1011
11 of the act are repealed:

12 [Section 1006. Ordinances; Resolutions; Rules and
13 Regulations; Imposition of Fines.--The council of every city
14 shall pass ordinances, resolutions, rules and regulations in
15 accordance with the provisions of this act, and not inconsistent
16 therewith, as may be necessary to carry into effect the
17 requirements thereof, and may impose fines and penalties for the
18 violation of such ordinances, rules and regulations, recoverable
19 in the manner hereinafter provided for the recovery of fines and
20 penalties for the violation of city ordinances and subject to
21 like limitations as to the amount thereof.

22 Section 1007. Voting; No Veto; Vote Necessary to Pass
23 Ordinance.--Each of the five members of council, shall vote on
24 all questions coming before the council, except as hereafter
25 provided. The mayor shall have no right of veto. Except as
26 otherwise provided in this act, an affirmative vote of three
27 members shall be necessary in order to pass any ordinance,
28 resolution, rule or regulation.

29 Section 1008. Journal of Proceedings; Recording and
30 Withholding of Vote.--The council shall keep a journal of its

1 proceedings, which shall be in the possession of the city clerk,
2 and which shall at all times be open to public inspection. Upon
3 every vote, the yeas and nays shall be called and recorded by
4 the city clerk. Every motion, resolution, or ordinance shall be
5 reduced to writing before the vote is taken thereon. No member
6 in attendance shall withhold his vote on any measure, bill or
7 question unless the council excuse him and enter the reason upon
8 the journal.

9 Section 1009. Disclosures of Interest by Councilman.--A
10 member who has a personal or private interest in any question,
11 measure or bill proposed or pending before the council shall
12 disclose the fact to council, and shall not vote thereon, nor
13 take any part in the discussion of the same. If such interested
14 person shall vote without disclosing his interest in such
15 question, measure or bill, he shall forfeit his office, and
16 council may avoid the enactment or transaction or not, as it
17 deems best.

18 Section 1010. Ordinances and Resolutions; Signing by Mayor
19 and City Clerk.--Every legislative act of the council shall be
20 by resolution or ordinance, and every ordinance which shall have
21 passed said council shall be signed by the mayor and attested by
22 the city clerk.

23 Section 1011. Bills; Titles.--All proposed ordinances shall
24 be presented to council in written form as bills and shall be
25 numbered serially for the calendar year. They shall not be so
26 altered or amended on their passage through council as to change
27 their original purpose. No ordinances, except general
28 appropriation ordinances, shall be passed containing more than
29 one subject, which shall be expressed in its title.]

30 Section 36.1. Section 1012 of the act, amended July 30, 1975

1 (P.L.130, No.64), is repealed:

2 [Section 1012. Reading of Bills; Final Passage.--The title
3 of every bill shall be read when introduced and on final
4 passage, except as to amendments or other changes which shall be
5 read at length. A complete copy of every bill introduced shall
6 be available for public inspection at the clerk's office during
7 regular office hours. No bill shall be passed finally on the
8 same day on which it was introduced. At least three days shall
9 intervene between its introduction and its final passage. Upon
10 final passage, ordinances shall be numbered serially.]

11 Section 36.2. Section 1013 of the act is repealed:

12 [Section 1013. Payments not Authorized by Law.--No ordinance
13 shall be passed providing for the payment of any money by the
14 city without previous authority of law. Any officer drawing or
15 countersigning any warrant or passing any voucher for a payment
16 not authorized by law, or making such payment, shall be guilty
17 of a misdemeanor, and, upon conviction thereof, shall be
18 sentenced to pay a fine not exceeding five thousand dollars, and
19 undergo imprisonment not exceeding one year.]

20 Section 36.3. Section 1014 of the act, amended December 1,
21 1977 (P.L.242, No.78), is repealed:

22 [Section 1014. Time of Taking Effect of Ordinances;
23 Publication; Recording; Proof and Evidence; Notice of Building,
24 Housing, Fire Prevention, Electrical, Plumbing and Zoning
25 Ordinances and Other Standard or Nationally Recognized Codes,
26 Maps and Plans.--All ordinances shall, unless otherwise provided
27 therein or by law, take effect in ten days after their passage,
28 upon their being signed by the mayor and attested by the city
29 clerk. Every proposed ordinance, except as otherwise herein
30 provided, prescribing a penalty for the violation thereof shall

1 be forthwith published not more than sixty days nor less than
2 seven days prior to passage in at least one and not more than
3 two newspapers printed or circulated within the city, in the
4 manner provided by section one hundred and nine of this act.
5 Publication of any proposed ordinance shall include either the
6 full text thereof or the title and a brief summary prepared by
7 the city solicitor setting forth all the provisions in
8 reasonable detail and a reference to a place within the city
9 where copies of the proposed ordinance may be examined. If the
10 full text is not included a copy thereof shall be supplied to
11 the same newspaper of general circulation in the city at the
12 time the public notice is published. If the full text is not
13 included an attested copy thereof shall be filed in the county
14 law library or other county office designated by the county
15 commissioners who may impose a fee no greater than that
16 necessary to cover the actual costs of storing said ordinances.
17 In the event substantial amendments are made in the proposed
18 ordinance or resolution, before voting upon enactment, council
19 shall within ten days readvertise in one newspaper of general
20 circulation in the city, a brief summary setting forth all the
21 provisions in reasonable detail together with a summary of the
22 amendments. All ordinances shall, within one month after their
23 passage, be certified and recorded by the city clerk, in a book
24 provided by the city for that purpose, which shall be at all
25 times open to the inspection of citizens. Any and all city
26 ordinances, or portions thereof, the text of which, prior to the
27 effective date of this amending act, shall have been attached to
28 the city ordinance book, shall be considered in force just as if
29 such ordinances, or portions thereof, had been recorded directly
30 upon the pages of such ordinance book: Provided, That all other

1 requirements of this act applicable to the enactment, approval,
2 advertising and recording of such ordinance, or portions
3 thereof, were complied with within the time prescribed by this
4 act. All ordinances, resolutions, motions or other proceedings
5 of council may be proved by the certificate of the city clerk
6 under the corporate seal, and when printed or published in book
7 or pamphlet form by authority of the city, shall be read and
8 received as evidence in all courts and elsewhere without further
9 proof. At least one week and not more than three weeks prior to
10 the first reading of any proposed building code, ordinance,
11 housing code, ordinance, fire prevention code, ordinance,
12 electrical code, ordinance, plumbing code, ordinance, or zoning
13 ordinance, or any standard or nationally recognized code,
14 ordinance, or any changes or variations of any standard or
15 nationally recognized code, or parts thereof, by council, an
16 informative notice of intention to consider such ordinance and a
17 brief summary setting forth the principal provisions of the
18 proposed ordinance in such reasonable detail as will give
19 adequate notice of its contents, and a reference to the place or
20 places within the city where copies of the proposed building
21 code, housing code, fire prevention code, electrical code,
22 plumbing code, or zoning ordinance or any standard or nationally
23 recognized code may be examined or obtained, shall be published
24 in the manner herein provided for the publication of ordinances.
25 Such building code, ordinance, housing code, ordinance, fire
26 prevention code, ordinance, electrical code, ordinance, plumbing
27 code, ordinance, or zoning ordinance or any standard or
28 nationally recognized code, ordinance, shall not be published
29 after adoption, but not less than three copies thereof shall be
30 made available for public inspection, and use during business

1 hours for at least three months after adoption, and printed
2 copies thereof shall be supplied upon demand, at cost. In any
3 case in which maps, plans or drawings of any kind are to be
4 adopted as part of an ordinance, council may, instead of
5 publishing the same as part of the ordinance, refer, in
6 publishing the ordinance or a summary thereof, to the place
7 where such maps, plans or drawings are on file and may be
8 examined.]

9 Section 36.4. Section 1014.1 of the act, added July 10, 1957
10 (P.L.631, No.340), is repealed:

11 [Section 1014.1. Codification of Ordinances.--(a) When a
12 city of the third class shall have caused to be prepared a
13 consolidation, codification or revision, containing minor
14 nonsubstantive changes of the general body of its ordinances,
15 the city council may adopt the consolidation, codification or
16 revision, containing minor nonsubstantive changes, as an
17 ordinance, in the same manner that is now prescribed by law for
18 the adoption of its ordinances except as hereinafter provided.

19 (b) A consolidation, codification or revision, containing
20 minor nonsubstantive changes of city ordinances, to be enacted
21 as a single ordinance, shall be introduced in the city council
22 at least thirty days before its final enactment and, at least
23 fifteen days before its final enactment, notice of the
24 introduction thereof specifying its general nature and content
25 shall be given by advertisement in a newspaper of general
26 circulation in the city.

27 (c) When the consolidation, codification or revision,
28 containing minor nonsubstantive changes, is enacted as an
29 ordinance, it shall not be necessary to advertise the entire
30 text thereof, but it shall be sufficient to publish or advertise

1 the table of contents thereof in the manner provided by law for
2 the advertising of ordinances, and to state in the advertisement
3 if it be the case that the consolidation, codification or
4 revision, containing minor nonsubstantive changes, contains a
5 penalty or penalties. The advertisement shall indicate a place
6 within the city where a copy thereof may be examined.

7 (d) The procedure set forth in this section for the
8 consolidation, codification or revision, containing minor
9 nonsubstantive changes of city ordinances as a single ordinance,
10 may also be followed in enacting a complete group or body of
11 ordinances repealing or amending existing ordinances as may be
12 necessary in the course of preparing a consolidation,
13 codification or revision containing minor nonsubstantive changes
14 of the city ordinances.

15 (e) The consolidation, codification or revision, containing
16 minor nonsubstantive changes, may contain matter which, when it
17 becomes effective as an ordinance, will operate to adopt by
18 reference any building, fire prevention or other standard or
19 model code or zoning ordinance and zoning map.]

20 Section 37. Section 1015 of the act is amended to read:

21 Section 1015. Attendance of Witnesses and Production of
22 Books Before Council or Committee [Thereof] of Council.--(a)
23 The council of any city may compel the attendance of
24 witnesses[,] and the production of books, papers, and other
25 evidence[,] at any meeting of the body or any committee
26 [thereof] of the council. For that purpose, subpoenas may
27 [issue] be issued, signed by the mayor or the [chairman]
28 chairperson of the committee, in any pending case of inquiry[,]
29 or investigation, [or impeachment,] and the [same] subpoenas may
30 be served and executed in any part of this Commonwealth. Any

1 member of council and the city clerk shall have power to
2 administer oaths to [such] the witnesses. If any witness shall
3 refuse to testify as to any fact within ~~his or her~~ [HIS] THE ←
4 WITNESS'S knowledge, or to produce any books or papers within
5 ~~his or her~~ [HIS] THE WITNESS'S possession or under ~~his or her~~ ←
6 [HIS] THE WITNESS'S control[,] required to be used as evidence ←
7 in [any such] THE case, the city clerk shall [forthwith] report ←
8 the facts relating to [such] the refusal to the court of common
9 pleas. All questions arising upon [such] the refusal, and also
10 upon any new evidence[,] not included in [said] the clerk's
11 report (which new evidence may be offered in behalf of or
12 against such witness), shall at once be heard by [said] the
13 court. If the court determines that the testimony or evidence
14 required by [such] the witness is legal and properly
15 competent[,] and ought to be given or produced by [him] the
16 witness, then [said] the court shall make an order commanding
17 [such] the witness to testify or produce books or papers, or
18 both, as the case may be. If [such] the witness shall
19 thereafter, in disobedience of [such] the order of the court,
20 refuse to testify or to produce the books or papers[, as
21 aforesaid], then the [said] court shall have power to order the
22 commitment of [such] the witness for contempt.

23 (b) Any person[,] so called as a witness[,] and examined
24 under oath[,] shall be liable to indictment, conviction[,] and
25 punishment for perjury[,] in the same manner and to the same
26 extent as if the witness had been called and examined before any
27 committee of the Legislature, or in any judicial proceeding
28 before any of the courts of record, in accordance with existing
29 laws. [No] A person outside of [such] the city, subpoenaed [as
30 aforesaid] under this section, shall be [required to respond to

1 the same until he has been furnished with] entitled to be
2 reimbursed for mileage to and from [said] the city[,] at the
3 [rate of ten cents per mile] maximum mileage rate periodically
4 established by the United States Internal Revenue Service, and a
5 per diem allowance [of three dollars] as established by council
6 for the person's time [his presence is desired] in [said] the
7 city.

8 Section 38. Section 1016 of the act, amended May 11, 1959
9 (P.L.307, No.54), is amended to read:

10 Section 1016. Salaries.--[Councilmen] (a) Council members
11 shall receive for their services during their term of service
12 annual salaries, to be fixed by ordinance, payable in [monthly
13 or semi-monthly instalments] regular installments. Councils may,
14 by the ordinance fixing [said] the salaries, provide for the
15 assessment and retention [therefrom] from the salaries of
16 reasonable fines for absence from regular or special meetings of
17 council or [councilmanic] committees of the council.

18 (b) As an alternative to the annual salary method for
19 establishing the compensation payable to members of the city
20 council, the council may provide that the members of council
21 will receive compensation on a per-meeting-attended basis,
22 provided that the compensation shall only be payable for duly
23 advertised public meetings in which a council member
24 participated. If council has provided that members of council
25 will receive compensation on a per-meeting basis, council may
26 provide for the forfeiture of up to one-twelfth of the annual
27 compensation of any council member or impose another appropriate
28 penalty for each unexcused absence from regularly scheduled
29 legislative council sessions.

30 (c) The salary paid to any [councilman] council member shall

[not be less than two hundred and fifty dollars per year.] be in
accordance with this subsection:

(1) For the term of city [councilmen] council members in
newly created cities, and until [thereafter] changed by
ordinance, [the salary of] each [councilman shall be] council
member may receive a salary as follows:

[In cities of fifteen thousand inhabitants or under by the
last United States census, each councilman shall receive a
salary of nine hundred dollars per annum; where said population
is between fifteen thousand and thirty thousand, one thousand
eight hundred dollars per annum; in cities having a population
above thirty thousand, three thousand six hundred dollars per
annum.]

(i) not more than one thousand eight hundred seventy-five
dollars per year in cities having a population of less than five
thousand;

(ii) not more than two thousand five hundred dollars per
year in cities having a population of five thousand or more, but
less than ten thousand;

(iii) not more than three thousand two hundred fifty dollars
per year in cities having a population of ten thousand or more,
but less than fifteen thousand;

(iv) not more than four thousand one hundred twenty-five
dollars per year in cities having a population of fifteen
thousand or more, but less than twenty-five thousand;

(v) not more than four thousand three hundred seventy-five
dollars per year in cities having a population of twenty-five
thousand or more, but less than thirty-five thousand; and

(vi) not more than five thousand dollars per year in cities
having a population of thirty-five thousand or more.

1 (2) The compensation to be received by [councilmen shall not
2 be increased or diminished after their election; but succeeding
3 councils may change all compensation, said change to take effect
4 as to councilmen taking office at least six months after the
5 passage of the ordinance providing for such change.] council
6 members and elected officials in cities other than newly created
7 cities shall be fixed by ordinance of council finally enacted at
8 least two days prior to the last day fixed by law for candidates
9 to withdraw their names from nominating petitions previous to
10 the day of the municipal election.

11 Section 39. The act is amended by adding a section to read:

12 Section 1016.1. Appointment of City Clerk.--(a) The council
13 of each city shall appoint a city clerk who shall be an at-will
14 employe with no property interest in his or her THE CITY CLERK'S
15 position and whose compensation shall be fixed by ordinance.

16 (b) Council may by ordinance or resolution prescribe duties
17 of the city clerk in addition to those established by law. The
18 city clerk shall have the power of a notary public to administer
19 oaths in any matter pertaining to the business of the city or in
20 any legal proceeding in which it is interested.

21 (c) The records of council shall be in the actual or
22 constructive custody of the city clerk and shall be subject to
23 inspection and copying if permitted by the laws of the
24 Commonwealth governing open or public records generally. IN
25 ACCORDANCE WITH THE ACT OF FEBRUARY 14, 2008 (P.L.6, NO.3),
26 KNOWN AS THE "RIGHT-TO-KNOW LAW."

27 Section 40. Section 1017 of the act, repealed in part April
28 28, 1978 (P.L.202, No.53), is repealed:

29 [Section 1017. Enforcement of Ordinances; Recovery and
30 Payment Over of Fines and Penalties.--All actions, prosecutions,

1 complaints, and proceedings for the violation of the ordinances
2 of the city, and for fines, penalties, and forfeitures imposed
3 thereby, shall be instituted in the corporate name of the city,
4 and be conducted in the manner prescribed by law.

5 No warrant shall be issued except upon complaint, upon oath
6 or affirmation, specifying the ordinance for the violation of
7 which the same is issued. All process shall be directed to and
8 be served by any policeman or constable of the city, who shall
9 execute the same as may be provided by law.

10 Warrants shall be returnable forthwith. Every summons shall
11 be returnable in not less than five nor more than eight days
12 from the date thereof. Upon such return, like proceedings shall
13 be had in all cases as are directed by law for summary
14 convictions, or proceedings for the recovery of penalties,
15 before justices of the peace, with the same right of appeal from
16 any final judgment entered.]

17 Section 40.1. Section 1018 of the act is repealed:

18 [Section 1018. Cost of Maintenance of Prisoners in County
19 Jails.--When a prisoner shall be committed to any county jail or
20 prison in this Commonwealth, either for the nonpayment of a fine
21 or penalty imposed for the violation of any city ordinance, or
22 while awaiting a hearing upon any charge for the violation of
23 any city ordinance, the cost of proceedings and the expenses of
24 maintaining such prisoner during his confinement by virtue of
25 any such commitment, shall be paid by the city, whose ordinances
26 were alleged to have been violated, or to which any such fines
27 or penalties are payable. The county in which such city is
28 located shall not be liable for any such maintenance, or to any
29 officer, magistrate, alderman, or person for any costs of such
30 proceedings.]

1 Section 41. Article X of the act is amended by adding a
2 subdivision to read:

3 (a.1) Ordinances

4 Section 1018.1. Ordinances and Resolutions.--(a) With
5 regard to ordinances, the following shall apply:

6 (1) The council of every city shall enact ordinances, in
7 accordance with the provisions of this act, as may be necessary
8 to carry out the requirements of this act and may impose fines
9 and penalties for the violation of the ordinances, recoverable
10 in the manner provided in this act for the recovery of fines and
11 penalties for the violation of city ordinances and subject to
12 limitations as to the amount of the fines and penalties.

13 (2) Every legislative act of the council shall be by
14 ordinance, and the legislative acts shall include, but not be
15 limited to, tax ordinances, general appropriation ordinances and
16 all ordinances that exercise the police power of the city,
17 regulate land use, development and subdivision, impose building,
18 plumbing, electrical, property maintenance, housing and similar
19 standards, and otherwise regulate the conduct of persons or
20 entities within the city and impose penalties for the violation
21 of the ordinances.

22 (3) A proposed ordinance may be introduced by any council
23 member, and council may require that the introduction of a
24 proposed ordinance by a council member be by motion.

25 (b) With regard to resolutions, the following shall apply:

26 (1) The council of every city shall adopt resolutions in
27 accordance with the provisions of this act.

28 (2) The purposes for which resolutions may be adopted shall
29 include, but not be limited to, ceremonial or congratulatory
30 expressions of the good will of the council, statements of

public policy of the council, approval of formal agreements of the city, except when the agreements arise under a previously approved purchasing system of the city, approval of the acquisition, disposition and leasing of real property and the approval, when required, of administrative rules and regulations arising under State statutes or city ordinances.

(3) WHEN EMINENT DOMAIN PROCEEDINGS ARE INSTITUTED BY RESOLUTION, NOTICE OF THE RESOLUTION, INCLUDING A DESCRIPTION OF THE SUBJECT PROPERTIES, SHALL BE PUBLISHED ONCE IN ONE NEWSPAPER OF GENERAL CIRCULATION NOT MORE THAN SIXTY DAYS NOR FEWER THAN SEVEN DAYS PRIOR TO ADOPTION.

Section 1018.2. Voting; No Veto; Vote Necessary to Enact Ordinances or Adopt Resolutions.--(a) Members of council present or participating via a telecommunication device shall vote on all questions coming before the council, except as may be required by the provisions of any public official ethics law which may from time to time be applicable to members of city council and except as may be excused by a simple majority vote of the members of council present at any meeting of the council for such cause as they may determine to be appropriate and which cause shall be entered upon the journal.

(b) The mayor shall have no right of veto.

(c) Except as otherwise provided in this act, no ordinance may be enacted or resolution adopted by the council without an affirmative vote of a majority of the whole number of the members of council.

Section 1018.3. Journal of Proceedings; Recording and Withholding of Vote.--The council shall keep a journal of its proceedings, which shall be in the possession of the city clerk and which shall at all times be open to public inspection. Upon

1 every vote, the yeas and nays shall be called and recorded by
2 the city clerk. An ordinance shall and a resolution may be
3 reduced to writing before the vote is taken on the ordinance or
4 resolution. A member of council shall not withhold his or her
5 vote on any question coming before the council, unless permitted
6 to do so in accordance with section 1018.2(a).

7 Section 1018.4. Signing and Attesting Ordinances.--Every
8 legislative act of the council shall be by ordinance, and every
9 ordinance enacted by council shall be signed by the mayor and
10 attested by the city clerk.

11 Section 1018.5. Proposed Ordinances; Titles.--All proposed
12 ordinances shall be presented to council in written form as
13 bills and shall be numbered serially for the calendar year. No
14 ordinances, except general appropriation ordinances, may be
15 enacted containing more than one subject, which shall be
16 reasonably identified in its title. No ordinance shall be so
17 altered or amended upon enactment by council as to change the
18 original purpose. The title of an ordinance shall not be
19 considered in the construction or interpretation of the
20 ordinance by a court of competent jurisdiction.

21 Section 1018.6. Reading of Proposed Ordinances; Final
22 Enactment.--(a) The title of every proposed ordinance shall be
23 read at least twice, once when introduced and again before final
24 enactment by council except as to amendments or other changes to
25 the proposed ordinance, which shall be read at length.

26 (b) A complete copy of every ordinance introduced shall be
27 available for public inspection at the clerk's office during
28 regular office hours.

29 (c) No ordinance shall be finally enacted by council on the
30 same day on which it was introduced, and at least three days

1 shall intervene between its introduction and its final enactment
2 by council.

3 (d) Upon enactment, ordinances shall be numbered serially.

4 Section 1018.7. Payments not Authorized by Law.--No
5 ordinance may be enacted or resolution be adopted providing for
6 the payment of any money by the city without previous authority
7 of law. Any officer executing a document authorizing payment or
8 passing a voucher for a payment not authorized by law, or making
9 the payment, shall upon conviction be guilty of a misdemeanor
10 and subject to punishment in accordance with the applicable
11 provisions of 18 Pa.C.S. (relating to crimes and offenses).

12 Section 1018.8. Time of Taking Effect of Ordinances.--All
13 ordinances, except those pertaining to the subjects set forth in
14 section 1050(b), and unless otherwise provided by law, shall
15 take effect on the tenth day after enactment, upon being signed
16 by the mayor and attested by the city clerk.

17 Section 1018.9. Publication of Proposed Ordinances.--(a)
18 Every proposed ordinance, except as otherwise provided in this
19 act, shall be published in a newspaper OF GENERAL CIRCULATION
20 not more than sixty days nor less than seven days prior to
21 enactment.

22 (b) Except as otherwise provided in law, the publication of
23 a proposed ordinance shall include either the full text or the
24 title of the ordinance AND A SUMMARY OF THE ORDINANCE SETTING
25 FORTH THE PROVISIONS IN REASONABLE DETAIL and a reference to a
26 place within the city where copies of the proposed ordinance may
27 be examined. If the full text is not published, the newspaper in
28 which the proposed ordinance is published shall, upon request,
29 be furnished a copy of the ordinance.

30 (c) In the event substantial amendments are made in the

~~proposed ordinance, council shall within ten days from the date~~
~~of final enactment readvertise in a newspaper~~ BEFORE VOTING UPON
~~ENACTMENT, COUNCIL SHALL WITHIN TEN DAYS READVERTISE IN ONE~~
~~NEWSPAPER OF GENERAL CIRCULATION a brief summary setting forth~~
~~all the provisions in reasonable detail together with a summary~~
~~of the amendments.~~

Section 1018.10. Filing of Proposed Ordinances.--(a) If the
full text is not published, an attested copy of the proposed
ordinance 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 the proposed ordinances.

(b) The date of filing the proposed ordinance with the
county shall not affect the effective date of the ordinance or
the validity of the process of enactment of the ordinance, nor
shall a failure to file within the time provided be deemed a
defect in the process of the enactment or adoption of the
ordinance.

Section 1018.11. Records of Ordinances Maintained by the
City Clerk.--(a) All ordinances shall, within one month after
their enactment, be certified and recorded by the city clerk in
a book provided by the city for that purpose which shall be at
all times open to the inspection of citizens. A standard or
nationally recognized code or any portion of the standard or
nationally recognized code enacted by reference need not be
recorded in or attached to the ordinance book, but shall be
deemed to have been legally recorded if the ordinance by which
the code was enacted by reference shall have been recorded, with
an accompanying notation stating where the full text of the code
shall have been filed.

1 (b) At the close of each year, with the advice and
2 assistance of the city solicitor, the city clerk shall bind,
3 compile or codify all the ordinances of the city, or true copies
4 of the ordinances, which then remain in force and effect.

5 (c) The city clerk shall also properly index the record
6 books, compilation or codification of ordinances.

7 (d) The retention of ordinances shall be in accordance with
8 53 Pa.C.S. Pt. III Ch. 13 Subch. F (relating to records).

9 (e) A city ordinance, or portions of a city ordinance, the
10 text of which prior to the effective date of this act shall have
11 been attached to the city ordinance book, shall be considered in
12 force as if the ordinance, or portions of the ordinance, had
13 been recorded directly upon the pages of the ordinance book.

14 Section 1018.12. Proof and Evidence.--All ordinances,
15 resolutions, motions or other proceedings of council may be
16 proved by the certificate of the city clerk under the corporate
17 seal and, when printed or published in book or pamphlet form by
18 authority of the city, shall be read and received as evidence in
19 all courts and elsewhere without further proof.

20 Section 1018.13. Standard or Nationally Recognized Codes.--

21 (a) In the same manner as other ordinances, and except as
22 otherwise provided in this act or the Pennsylvania Construction
23 Code Act, council may enact, by reference to a standard or
24 nationally recognized code, all or any portion of the standard
25 or nationally recognized code as an ordinance of the city. Three
26 copies of the proposed standard or nationally recognized code,
27 portion of the code or amendment to the code shall be filed in
28 the office of the city clerk at least ten days before the city
29 council considers the proposed ordinance and upon enactment
30 shall be kept with the ordinance book and available for public

1 use, inspection and examination.

2 (b) (1) Except as otherwise provided by the Pennsylvania
3 Construction Code Act, and regulations adopted pursuant to the
4 act, an ordinance adopting by reference any standard or
5 nationally recognized code shall be enacted within sixty days
6 after its introduction and shall encompass subsequent changes in
7 the code unless otherwise specified in the ordinance.

8 (2) An ordinance which incorporates standard or nationally
9 recognized code amendments by reference shall become effective
10 after the same procedure and in the same manner as is specified
11 in this section for original adoption of the code.

12 (c) An ordinance that incorporates by reference standard
13 technical regulations or code shall be subject to the provisions
14 of the Pennsylvania Construction Code Act, if applicable.

15 Section 1018.14. Maps, Plans or Drawings.--Except as may be
16 otherwise provided under the Pennsylvania Municipalities
17 Planning Code, if maps, plans or drawings of any kind are to be
18 adopted as part of an ordinance, the council may, instead of
19 publishing the maps, plans or drawings as part of the ordinance,
20 make reference in publishing the ordinance or a summary of the
21 ordinance to the place where the maps, plans or drawings are on
22 file and may be examined. Once enacted as part of an ordinance,
23 a map, plan or drawing shall be amended by ordinance.

24 Section 1018.15. Codification of Ordinances.--(a) City
25 council may prepare a consolidation or codification of the
26 general body of city ordinances or the ordinances on a
27 particular subject. City council may adopt the consolidation or
28 codification as an ordinance of the city in the same manner
29 prescribed for the adoption of its ordinances, except as
30 follows:

1 (1) A consolidation or codification to be enacted as a
2 single ordinance shall be introduced in the city council at
3 least thirty days before its final enactment; and at least
4 fifteen days before final enactment, notice of introduction of
5 the consolidation or codification specifying its general nature
6 and content shall be given by advertisement in a newspaper OF
7 GENERAL CIRCULATION.

8 (2) The required advertised notice of the proposed adoption
9 of the consolidation or codification shall include a listing of
10 its table of contents, and the advertisement shall indicate a
11 place within the city where a copy of the proposed consolidation
12 or codification may be examined.

13 (b) The procedure for the consolidation or codification of
14 city ordinances as a single ordinance may also be followed in
15 enacting a complete group or body of ordinances repealing or
16 amending existing ordinances as may be necessary in the course
17 of preparing a consolidation or codification of the city
18 ordinances, except that the advertisement giving notice of the
19 proposed adoption shall list, in lieu of a table of contents,
20 the titles only of each of the ordinances in the complete group
21 or body of ordinances.

22 (c) The consolidation or codification may contain matter,
23 which, when it becomes effective as an ordinance, will operate
24 to adopt by reference any building, fire prevention or other
25 standard or model code or zoning ordinance and zoning map in
26 accordance with section 1018.13 and, if applicable, section
27 1018.14.

28 Section 1018.16. Enforcement of Ordinances; Recovery and
29 Payment of Fines and Penalties.--(a) Actions, prosecutions,
30 complaints and proceedings for the violation of the ordinances

1 of the city and for fines, penalties and forfeitures imposed
2 shall be instituted in the corporate name of the city and be
3 conducted in the manner prescribed by law.

4 (b) Unless otherwise provided by law, proceedings for the
5 violation of the ordinances of the city shall be conducted as
6 summary conviction proceedings, or proceedings for the recovery
7 of penalties, before magisterial district judges, with the same
8 right of appeal from any final judgment entered.

9 Section 1018.17. Penalty.--A person who violates any
10 ordinance enacted under the authority of this act for which no
11 penalty is otherwise specified commits a summary offense and,
12 upon conviction, shall be sentenced to pay a fine not exceeding
13 one thousand dollars or undergo imprisonment not exceeding
14 ninety days, or both, at the discretion of the court.

15 Section 42. Article X subdivision (b) heading of the act is
16 amended to read:

17 (b) [Initiative] Initiating Ordinances
18 by Electors

19 Section 43. Sections 1030, 1031, 1032, 1033, 1034, 1035,
20 1036, 1037, 1038, 1039, 1040 and 1041 of the act are amended to
21 read:

22 Section 1030. Initiation of Proposed Ordinances by Petition;
23 Exceptions.--[Any] (a) Except as provided in subsection (b), a
24 proposed ordinance may be submitted to the council by a petition
25 signed by the electors of any city[, as hereinafter provided,
26 except:

27 (a) Proposed ordinances relating to any matter, subject or
28 thing, which is not the subject of a referendum vote as provided
29 in subdivision (c) of this article; or

30 (b) Proposed ordinances to repeal, amend, or modify any

1 ordinance which has been subject to the provisions of the
2 referendum as provided in subdivision (c) of this article.] in
3 accordance with this subdivision.

4 (b) The following proposed ordinances may not be submitted
5 to council by petition in accordance with this subdivision:

6 (1) Proposed ordinances dealing with the subjects set forth
7 in section 1050(b).

8 (2) Proposed ordinances to repeal, amend or modify an
9 ordinance which took effect after having been subject to the
10 provisions of the referendum for reconsideration of the
11 ordinance.

12 Section 1031. Petition; Notice.--[The city clerk, upon the
13 written request of one hundred qualified electors of the city,
14 directed to him, asking for the preparation of a petition for
15 the submission of any proposed ordinance to the council of such
16 city, and accompanied by a copy of the proposed ordinance, shall
17 prepare such petition within ten days, and in the meantime
18 notice shall be published, at least one time, in one newspaper,
19 in the manner provided by section one hundred and nine of this
20 act, that such petition will be ready for signing at the
21 expiration of ten days from the presentation of said request.
22 This notice shall state the purpose for which the petition is
23 made, the place where and when it may be signed. Fifteen days
24 shall be allowed for signatures.] If the city clerk receives a
25 written request for the preparation of a petition for the
26 submission of a proposed ordinance to the city council by at
27 least one hundred qualified electors of the city and the request
28 is accompanied by a copy of the proposed ordinance, the city
29 clerk shall, within ten days after receiving the request, do
30 each of the following:

1 (1) Prepare the requested petition.

2 (2) Publish notice at least one time in a newspaper OF
3 GENERAL CIRCULATION that provides, at a minimum, the following
4 information:

5 (i) The date on which the request for the petition was
6 received and that the petition will be ready for signing at the
7 expiration of ten days from that date.

8 (ii) The purpose for which the petition is made.

9 (iii) The place at which and the dates and times during
10 which the petition may be signed, with fifteen days, exclusive
11 of Saturdays, Sundays and holidays, being allowed for
12 signatures.

13 Section 1032. Signing; Oath.--[The signing] A petition for
14 the submission of a proposed ordinance shall be [done] signed in
15 the city clerk's office only. The petition shall be retained
16 [there] in the city clerk's office at all times [during the] for
17 a period of fifteen days. Each signer shall add to ~~his or her~~
18 **[HIS] THE SIGNER'S** signature his or her place of residence by
19 street and number[,] and shall make oath before the city clerk
20 that ~~he or she~~ **[HE] THE SIGNER** is a qualified elector of the
21 city and resides at the address given. The city clerk shall keep
22 ~~his or her~~ **[HIS] THE CITY CLERK'S** office open for the purpose of
23 permitting voters to sign [such] the petition [from eight
24 o'clock ante meridian to ten o'clock post meridian of each day
25 except Sundays and holidays] at least from nine o'clock ante
26 meridian through seven o'clock post meridian, prevailing time,
27 Monday through Friday, except holidays. [He] The city clerk
28 shall not permit any person to sign [such] petitions after [ten
29 o'clock post meridian] seven o'clock post meridian, prevailing
30 time, on the last day for signing the same.

1 Section 1033. Number of Signatures; Examination and
2 Certificate by City Clerk.--[At the expiration of the fifteen
3 days aforesaid, and within ten days thereafter,] Within ten days
4 after the period of time for signing the petition has elapsed,
5 the city clerk shall examine [such] the petition[,] and, from
6 the record of registered voters of the city, ascertain whether
7 or not [said] the petition is signed by voters equal to twenty
8 per centum of all votes cast for all candidates for mayor at the
9 last preceding municipal election at which a mayor was elected.
10 If necessary, the council [shall] may allow the city clerk extra
11 help for [that] the purpose of complying with this section. The
12 city clerk shall attach to [said] the petition his or her
13 certificate showing the result of [said] the examination. If
14 less than the required twenty per centum is certified, the
15 petition shall fail and shall be filed in the office of the city
16 clerk.

17 Section 1034. Submission to Council.--If the petition [shall
18 be] is certified to contain signatures equalling the required
19 twenty per centum of said votes cast as aforesaid, the clerk
20 shall submit the same to the council without delay.

21 Section 1035. Actions by Council; Notices.--If the petition
22 accompanying the proposed ordinance [be] is signed by electors
23 equal in number to twenty per centum of the votes cast for all
24 candidates for mayor at the last preceding municipal election at
25 which a mayor was elected, the council shall either:

26 (a) [Pass said] enact the proposed ordinance without
27 alteration[,] within twenty days (except as otherwise provided
28 herein)[,] after attachment of the clerk's certificate to the
29 accompanying petition; or

30 (b) [Forthwith, after the clerk shall attach to the petition

1 accompanying such ordinance his certificate of sufficiency, the
2 council shall call a special election] call for a referendum to
3 be held at the time of the next general, municipal or primary
4 election occurring at least ninety days thereafter[;], and at
5 [such] which election[, such] the proposed ordinance shall be
6 submitted without alteration to the vote of the electors of the
7 [said] city, after attachment of the clerk's certificate to the
8 accompanying petition. Notice of [such] the election [shall be
9 given as provided by the Pennsylvania Election Code.] and the
10 text of the question to be submitted to the electors shall be
11 published in the same manner as publication is required in
12 section 1201 of the Pennsylvania Election Code.

13 Section 1036. Form of Ballot [or Ballot Label] on Submission
14 to Vote.--[The ballots or ballot labels used when voting upon
15 said ordinance shall be supplied by the county board of
16 elections, and shall contain a question, stating the nature of
17 the proposed ordinance, followed by the words "yes" and "no" and
18 shall be as provided in the Pennsylvania Election Code. The
19 votes shall be counted and returns thereof made and computed as
20 provided in section ten hundred and sixty-two of this act.] The
21 question to be submitted to the electors on the proposed
22 ordinance shall be framed to state the nature of the proposed
23 ordinance, followed by the words "yes" and "no," and the
24 question shall be placed on the ballots which shall be counted,
25 returned and computed in accordance with section 1062 and the
26 election laws of the Commonwealth.

27 Section 1037. Effect of Majority Vote.--If the majority of
28 the qualified electors voting on the proposed ordinance shall
29 vote in favor [thereof, such] of the ordinance, the ordinance
30 shall [thereupon] become a valid and binding ordinance of [said]

1 the city.

2 Section 1038. No Repeal Within Two Years.--[Any] An
3 ordinance so proposed by petition, whether [passed] enacted by
4 council or adopted by a vote of the electors, [cannot] shall not
5 be repealed or amended within two years of its effective date
6 except by a vote of the electors.

7 Section 1039. Number of Proposed Ordinances to be Submitted;
8 [Special] Elections Limited.--Any number of proposed ordinances
9 may be voted upon at the same election, in accordance with the
10 provisions of this subdivision[: Provided, That]. Proposed
11 ordinances on the same subject matter shall not be submitted by
12 petition [oftener] more frequently than once [in] every three
13 years.

14 Section 1040. Submission for Repeal by Council.--The council
15 may submit a proposition for the repeal or amendment of [any
16 such] an ordinance to be voted upon at any succeeding municipal,
17 general or primary election[, occurring at least ninety days
18 [thereafter] after council's submission of the proposition.
19 Should [such] the submitted proposition[, so submitted,] receive
20 a majority of the votes cast [thereon] on the proposition at
21 [such] the election, [such] the ordinance shall [thereby] be
22 repealed or amended accordingly.

23 Section 1041. Publication of Proposed Ordinance; Repeal or
24 Amendment.--Whenever any proposed ordinance is to be submitted
25 to the voters of the city at any election, or any ordinance is
26 submitted by council for repeal or amendment, notice [thereof]
27 of the election and text of the question to be submitted to the
28 electors shall be published [as required by] in the same manner
29 as publication is required in section 1201 of the Pennsylvania
30 Election Code.

Section 44. Article X subdivision (c) heading of the act is amended to read:

(c) [Referendum] Reconsidering Ordinances by Electors

Section 45. Sections 1050, 1051, 1052, 1053, 1054, 1055 and 1056 of the act are amended to read:

Section 1050. [Referendum; Exceptions.--No] Time Ordinances Go Into Effect.--(a) Except as provided in subsection (b), no ordinance [passed] enacted by council shall go into effect before ten (10) days from the time of its final [passage, except] enactment by council.

(b) Ordinances dealing with the following subjects may be made effective upon final enactment:

[(a)] (1) Ordinances expressly required to be [passed] enacted by the general laws of the State or by the provisions of any act of Assembly, or the provisions of which and the matters to be carried out [thereunder] under the ordinance are subject to the approval of an officer or tribunal of the [State Government;] Commonwealth.

[(b)] (2) Ordinances providing for tax levies or fees, annual and other appropriations[,] and for the exercise of the right of eminent domain[;]_.

[(c)] (3) Ordinances for the preservation of the public peace, health, morals, safety[,] and in the exercise of the police powers of the city government, and for the prevention and abatement of nuisances[;]_.

[(d)] (4) Any ordinance providing for an election to increase indebtedness, and any other ordinance which by law must be submitted to an election before it shall take effect[;]_.

[(e)] (5) Ordinances for the opening, paving, grading[,] or other improvement of streets or highways, when the improvement

1 is petitioned for by a majority in number or interest of the
2 abutting property owners[;].

3 [(f)] (6) Ordinances for the construction of sewers[,] and
4 for the purpose of keeping the streets, highways[,] and
5 sidewalks in good order and repair and in a safe and passable
6 condition[;].

7 Section 1051. Petition; Reconsideration of Ordinance.--[If,
8 during such period of ten days from the time of its final
9 passage, a petition signed by electors of the city equal in
10 number to at least twenty per centum of the entire vote cast for
11 all candidates for mayor at the last preceding municipal
12 election at which a mayor was elected, protesting against the
13 passage of any ordinance other than those excepted from the
14 provisions of this subdivision by the foregoing section, is
15 presented to the council, said ordinance shall be suspended from
16 going into operation, and council shall reconsider such
17 ordinance.] With the exception of ordinances dealing with the
18 subjects set forth in section 1050(b), an ordinance shall be
19 suspended from going into operation and shall be reconsidered by
20 council if, within ten days after its final enactment, there is
21 presented to council, in accordance with this subdivision, a
22 petition protesting against enactment of the ordinance which
23 shall be signed by electors of the city equal in number to at
24 least twenty per centum of the entire vote cast for all
25 candidates for mayor at the last preceding municipal election at
26 which a mayor was elected.

27 Section 1052. Preparation of Petition by City Clerk;
28 Notice.--[Such] A petition under section 1051 shall be prepared
29 by the city clerk immediately upon receipt by [him] the clerk of
30 the written request of one hundred qualified electors of the

1 city asking that the [same] petition be prepared. Upon its
2 preparation, [he] the clerk shall give notice by [one insertion
3 in one of the daily newspapers, if one be published in the city,
4 and, if not, then in a weekly or daily newspaper published in
5 the county, that such] publication in a newspaper OF GENERAL ←
6 CIRCULATION that the petition is ready for signing and the
7 purpose of the petition, giving the place where and time when it
8 may be signed. The [said] signing shall be done only in the city
9 clerk's office, where the petition shall be retained during the
10 period of ten days after the [passage] enactment of the [said]
11 ordinance.

12 Section 1053. Additional Petitions.--In order to facilitate
13 the signing of [such] the petition, the city clerk shall cause
14 to be made at least two additional similar petitions for signing
15 by the qualified electors, and the signing of [such] the
16 additional similar petitions shall have the same force and
17 effect as the signing of the original petition. The city clerk
18 is hereby authorized to employ at least two persons to take
19 charge of [said] the additional petitions[; the]. The city clerk
20 and [said] the persons hired are hereby empowered to administer
21 the oath [hereinafter] required to be taken by the electors.
22 This section also shall apply [as well] to petitions initiating
23 ordinances under subdivision (b).

24 Section 1054. Signatures; Oath; Time of Signing.--Each
25 signer of a petition under section 1051 shall add to ~~his or her~~ ←
26 **[HIS] THE SIGNER'S** signature ~~his or her~~ **[HIS] THE SIGNER'S** place ←
27 of residence by street and number[,] and shall make an oath
28 before the city clerk, or other person authorized [as aforesaid]
29 under section 1053, that [he] the signer is a qualified elector
30 of the city and resides at the address given. The city clerk



1 shall keep ~~his or her~~ **[HIS]** THE CITY CLERK'S office open for the
2 purpose of receiving signatures to the petitions [from eight
3 o'clock ante meridian to ten o'clock post meridian of each day
4 except Sundays and holidays. He] at least from nine o'clock ante
5 meridian through seven o'clock post meridian, prevailing time,
6 Monday through Friday. The city clerk shall not permit [any] a
7 person to sign [any of the said petitions] a petition after
8 [ten] seven o'clock post meridian, prevailing time, of the tenth
9 day following the [passage] enactment of the ordinance on which
10 the referendum vote is [prayed for] requested.

11 Section 1055. Presentation of Petition to Council.--At the
12 expiration of [said] ten days, the [said] petition shall be
13 [deemed and taken to be] filed with and presented to the
14 council, and [it shall be the duty of] the city clerk [to lay
15 the same before] shall present the petition to the council at
16 its first meeting [thereafter] after expiration of the ten-day
17 period.

18 Section 1056. Ascertainment of Number of Signers; Report.--
19 After [its] presentation of the petition to council, the city
20 clerk shall ascertain from the record of registered voters of
21 the city whether or not [said] the referendum petition is signed
22 by voters equal to twenty per centum of all the votes cast for
23 mayor at the last preceding municipal election at which a mayor
24 was elected. If necessary, the council [shall allow him] may
25 allow the clerk extra help for that purpose, and, after [he] the
26 clerk has made [said] the examination, [he] the clerk shall
27 report the result [thereof] to council.

28 Section 46. Sections 1057 and 1058 of the act are repealed:

29 [Section 1057. Ordinances Granting Franchises.--No franchise
30 or consent to occupy the public streets, highways, or other

1 places in any city of the third class shall be given or granted
2 to any person or persons, railroad, railway, gas, water, light,
3 telephone or telegraph company, or to any public utility
4 corporation, except by ordinance, and no ordinance for such
5 purpose shall go into effect before thirty days after it has
6 been filed with the Public Utility Commission.

7 Section 1058. Petition against Ordinances; Suspension.--If,
8 within said thirty days, a petition prepared, advertised, and
9 perfected in all respects complying with the provisions of this
10 subdivision (except that the petitioners shall have thirty days
11 in which to prepare said petition), is addressed to the council,
12 signed by registered electors of the city equal in number to at
13 least twenty per centum of all the votes cast for mayor at the
14 last preceding municipal election at which a mayor was elected,
15 protesting against the passage of said ordinance, the latter
16 shall be suspended, and it shall be the duty of the city clerk
17 to examine said petition and ascertain, from the registry of
18 voters, whether or not said petition is signed by the required
19 number of electors. If necessary, the council shall allow the
20 city clerk extra help for said purpose. Upon such examination he
21 shall report the result to council.]

22 Section 47. Sections 1059, 1060, 1061, 1062, 1063 and 1064
23 of the act are amended to read:

24 Section 1059. Effect of Petition; Submission to Voters.--
25 If[,] in any case[,] it shall appear that the [petitions]
26 petition provided for in this subdivision [have] has not been
27 signed by the requisite number of voters, no action shall be
28 taken, but the [ordinances] ordinance shall be [deemed and]
29 taken to be in full force from the time or times [they each] it
30 would have gone into effect had there been no petition against

1 the [same. But in case such petitions are] ordinance. If the
2 petition is signed by electors equal to twenty per centum of all
3 the votes cast for mayor as aforesaid, the council shall
4 reconsider [such] the ordinance, and if the [same] ordinance is
5 not entirely repealed by council on reconsideration, the council
6 shall call a [special election,] referendum to be held at the
7 time of the next general [or], municipal or primary election
8 occurring not less than sixty days [therefrom] after the
9 reconsideration. At [such] the election, the [said] ordinance
10 shall be submitted without alteration in accordance with the
11 Pennsylvania Election Code.

12 Section 1060. Certification [of] to County Board of
13 Elections; Ballots or Ballot Labels; Expense of Elections.--The
14 city clerk, after consultation with the city solicitor, shall
15 certify to the county board of elections a copy of the ordinance
16 and the proceedings of council directing the referendum vote,
17 and the county board of elections shall cause the question to be
18 printed for use in the election districts of the city. The
19 preparation of ballots or ballot labels for and the holding of
20 [special elections] a referendum shall be as provided in the
21 Pennsylvania Election Code. Any number of ordinances may be
22 referred and voted on at the same election.

23 Section 1061. Form of Ballot or Ballot Label.--The ballot
24 used when voting upon [such] the ordinance shall contain a
25 question stating the nature of the referred ordinance followed
26 by the words "yes" and "no" and shall be as provided in the
27 Pennsylvania Election Code.

28 Section 1062. Computing and Filing Returns.--The officers
29 holding [said elections] an election shall keep tally sheets and
30 make returns of votes on the referendum question in the same

manner as tally sheets are kept and returns made in elections of officers and the submission of other questions as provided by the Pennsylvania Election Code. The returns shall be filed with the county board of elections which shall compute the returns and certify the results [thereof] to the city council. The returns and certifications of [all special elections] a referendum question shall be made as provided in the Pennsylvania Election Code.

Section 1063. Effect of the Vote.--If it shall appear that more persons have voted for [said] the ordinance than against it, the ordinance shall take immediate and full effect [without more] from the date the results are certified to the city council. If the vote is against [said] the ordinance, [it] the ordinance shall be [lost] nullified and of no effect.

Section 1064. Publication of Ordinance Before Election.--Before any referendum [election] is held on any ordinance[, a copy] in accordance with this subdivision, the city shall provide notice of the ordinance which is to be submitted to the vote of the people [shall be published as required] by publishing a copy of the ordinance in a newspaper OF GENERAL CIRCULATION. Publication in accordance with this section shall be in addition to publication requirements of the Pennsylvania Election Code.

Section 48. Article XI heading of the act is reenacted to read:

ARTICLE XI

THE EXECUTIVE DEPARTMENT

Section 49. Sections 1101, 1102, 1103 and 1104 of the act are amended to read:

Section 1101. Executive Departments.--[The executive and

administrative powers, authority, and duties in each city shall be distributed into and among five departments, as follows:

1. Department of Public Affairs.

2. Department of Accounts and Finance.

3. Department of Public Safety.

4. Department of Streets and Public Improvements.

5. Department of Parks and Public Property.] The city may

have a department of administration and other departments as

council shall establish by ordinance. All of the administrative

functions, powers and duties of the city shall be allocated and

assigned within the departments established by council by

ordinance or, in the absence of an ordinance making this

allocation, among five departments, as follows:

(1) Department of Public Affairs.

(2) Department of Accounts and Finance.

(3) Department of Public Safety.

(4) Department of Streets and Public Improvements.

(5) Department of Parks and Public Property.

Section 1102. Determination of Powers and Duties of

Departments.--[The council shall determine] Subject to the

restrictions and limitations of this act and other laws, the

council may, by ordinance, do all of the following:

(1) Determine the powers and duties to be performed by[, and assign them to, the appropriate] each department[; shall prescribe].

(2) Prescribe the powers and duties of officers and employes[; may assign].

(3) Assign particular officers and employes, including directors of departments, to one or more of the departments[; may require].

1 (4) Require an officer or employe to perform duties in two
2 or more departments[; and may make].

3 (5) Make such other rules and regulations as may be deemed
4 necessary or proper for the efficient and economical conduct of
5 the business of the city.

6 Section 1103. Designation of [Departments] Department
7 Directors; Changes.--Unless otherwise provided by ordinance in
8 accordance with sections 1101 and 1102, the following shall
9 apply:

10 (1) The mayor shall be director of the department of public
11 affairs and as such shall have supervision over the city police.
12 In the event that council either does not create a department of
13 public affairs or appoints a person other than the mayor as the
14 director of the department of public affairs, the mayor shall
15 retain the same powers of supervision over city police as he or ←
16 she THE MAYOR would possess had the mayor been appointed ←
17 director of the department of public affairs.

18 (2) The council shall, at [the biennial] its organization
19 meeting, designate[, by majority vote, one councilman] by
20 resolution one council member to be director of the department
21 of accounts and finance, one to be director of the department of
22 public safety, one to be director of the department of streets
23 and public improvements, and one to be director of the
24 department of parks and public property. [Such] The designation
25 may be changed at council's discretion.

26 Section 1104. Department Directors Responsible for City
27 Property and Supplies; Perpetual Inventory Reports.--The
28 director of each department shall be responsible for the
29 personal property and supplies of the city within [his] the
30 director's department[, and]. Each department director shall

1 prepare and maintain a perpetual inventory of [such] the
2 personal property and supplies[. He shall] for which the
3 director is responsible and, from time to time during the fiscal
4 year, file the inventory with the city clerk [a copy of such
5 inventory from time to time during the fiscal year, and shall
6 make available to the director of accounts and finance a copy of
7 such inventory to assist him in the preparation of the proposed
8 budget ordinance. He shall furnish a copy of such inventory to
9 the council upon request.] or other official designated by
10 council. The city clerk or other designated official with whom
11 the inventory is filed shall, upon request, furnish a copy of
12 the inventory to the chief fiscal officer and to council.

13 Section 50. The act is amended by adding a section to read:

14 Section 1105. Quarterly Reports from Directors of
15 Departments.--At the close of each quarter of the fiscal year,
16 each department director shall prepare and submit to the
17 director of the department of accounts and finance, if one
18 exists, or to the business administrator or other official
19 designated by council, a comprehensive and detailed report of
20 all expenditures and operations of the director's department
21 during the quarter. The person to whom the quarterly reports are
22 submitted shall review and consolidate the quarterly reports and
23 shall prepare and submit to council a consolidated report on the
24 expenditures and operations of the entire city government,
25 together with his or her recommendations, not later than the
26 second meeting of council after the close of each quarter.

27 Section 51. Article XII heading of the act is reenacted to
28 read:

29 ARTICLE XII

30 THE MAYOR

1 Section 52. Section 1201 of the act, amended July 27, 1973
2 (P.L.230, No.60), is amended to read:

3 Section 1201. Qualifications.--The mayor shall be at least
4 [twenty-one] eighteen years of age[,] and shall be elected at
5 large by the qualified electors of the city. ~~He or she~~ [HE] THE ←
6 PERSON shall have been a resident of the city wherein he or she
7 shall be elected for at least one year[, next before his
8 election,] before ~~his or her~~ THE PERSON'S election and shall ←
9 reside in the city throughout ~~his or her~~ [HIS] THE PERSON'S ←
10 term of service. Prior to being sworn in to office, and as a
11 condition to qualifying for office, the elected mayor shall
12 present a signed affidavit to the city clerk that states the
13 person resides in the city from which elected and has resided in
14 the city continuously for at least one year preceding the
15 person's election.

16 Section 53. Section 1202 of the act is amended to read:

17 Section 1202. Chief Executive; Inauguration.--The mayor
18 shall be the chief executive of the city. [He shall be
19 inaugurated and take the oath of office provided for by this act
20 at ten o'clock in the forenoon of the first Monday of January
21 next succeeding his election, or as soon thereafter as possible]
22 The mayor shall be inaugurated and take the oath of office in
23 accordance with sections 904 and 905 on the first Monday of
24 January following the regular municipal election. If the first
25 Monday is a legal holiday, the mayor shall be inaugurated and
26 take the oath the first day following or as soon after that day
27 as possible.

28 Section 54. Section 1203 of the act, amended July 11, 1996
29 (P.L.647, No.109), is amended to read:

30 Section 1203. Execution of Laws; Powers of Sheriff

1 Conferred; Emergency Powers.--[(a) It shall be the duty of the
2 mayor and the chief executive of cities adopting the city
3 manager form of government to be vigilant and active in causing
4 the ordinances of the city, and the laws of the Commonwealth
5 relating to the government of the city, to be executed and
6 enforced.

7 (b)] (a) In accordance with the powers granted in this act,
8 the mayor shall have the authority to cause the ordinances of
9 the city, and all general laws applicable to the ordinances, to
10 be executed and enforced.

11 (b) The mayor shall annually report to the council and the
12 public on the work of the previous year and on the condition and
13 requirements of the city government and shall, from time to
14 time, make such recommendations for action by the council as he ←
15 or she THE MAYOR may deem in the public interest. ←

16 (c) In order to enable [him] the mayor effectually to
17 preserve the public peace within the city, all the powers which
18 are devolved by the laws of this Commonwealth upon sheriffs, to
19 prevent and suppress mobs, riots, and unlawful and tumultuous
20 assemblies, are hereby conferred upon [him] the mayor.

21 (d) When the mayor [or chief executive] considers that a
22 state of emergency exists, [he] the mayor may issue [his] a
23 proclamation, which shall be in writing and copies of which
24 shall be made available to all news media[,] and to each member
25 of city council, declaring a state of emergency [for a period
26 not to].

27 (e) Upon the issuance of a proclamation declaring a state of
28 emergency under subsection (d), the following shall apply:

29 (1) The state of emergency shall not exceed five days,
30 unless extended by action of council.

1 (2) In the case of a declaration of a state of emergency by
2 the mayor [or chief executive] for either a citywide or site-
3 specific emergency, city agencies may temporarily implement
4 their emergency assignments without regard to procedures
5 required by other laws pertaining to the incurring of
6 obligations and the employment of temporary workers. [In his]

7 (3) The proclamation [he] may prohibit, for all or any part
8 of the city in which there is a clear and present danger to life
9 or property through civil disorder[;]:

10 [(1) Any] (i) a person being on the public streets[,] or in
11 the public parks or at any other public place during the hours
12 declared by [him] the mayor to be a period of curfew;

13 [(2) The] (ii) the assembling or gathering of a group of
14 people, in such numbers to be designated by [him] the mayor,
15 upon the public streets, parks or other public places;

16 [(3) The] (iii) the entry or departure of persons into or
17 from any restricted area;

18 [(4) The] (iv) the sale, purchase, or dispensing of any
19 commodities or goods[, as] designated by [him] the mayor;

20 [(5) The] (v) the transportation, possession or use of
21 gasoline, kerosene, or other combustible, flammable or explosive
22 liquids or materials, except in connection with the normal
23 operation of motor vehicles, normal home use[,] or legitimate
24 commercial use; or

25 [(6) Any] (vi) any other [such] activities as [he] the
26 mayor reasonably believes [should be prohibited to help
27 preserve] would cause a clear and present danger to the
28 preservation of life, health, property or the public peace.

29 [(c)] (f) The proclamation of an emergency shall describe
30 any restricted area with particularity and shall specify the

1 hours during which such restrictions are to be in effect.

2 [(d)] (g) Any person violating [such] a proclamation of
3 emergency shall be guilty of a summary offense and shall, upon
4 conviction, be sentenced [to pay a fine not to exceed three
5 hundred dollars (\$300) or to undergo imprisonment not to exceed
6 thirty days, or both] as provided by law.

7 Section 55. Sections 1204 and 1205 of the act are amended to
8 read:

9 Section 1204. Official Seal of Mayor.--Council shall provide
10 an official seal for the mayor [and prescribe the form thereof]
11 in such form as the mayor may reasonably request, which shall
12 not be changed during the mayor's term of office.

13 Section 1205. Supervision of Conduct of City Officers.--The
14 mayor shall supervise the conduct of all city officers, examine
15 the grounds of all reasonable complaints against any of them,
16 and cause all of their violations or neglect of duty to be
17 promptly punished or reported [to the council] for correction in
18 the manner council may direct. For the purposes [aforesaid, he]
19 of this section, the mayor is hereby empowered to issue
20 subpoenas and compulsory processes, under ~~his or her~~ [HIS] THE ←
21 MAYOR'S official seal, for the attendance of [such] persons and ←
22 the production of [such] books and papers as [he] the mayor may ←
23 deem necessary[, and shall have like enforcement of such
24 subpoenas as is]. A subpoena shall be enforced in the manner
25 provided for council in section [one thousand fifteen of this
26 act] 1015.

27 Section 56. Section 1206 of the act, amended September 29,
28 1955 (P.L.653, No.177), is amended to read:

29 Section 1206. [Quarterly Reports from Directors of
30 Department;] Report of Mayor to Council; Information from

1 Directors of Departments.--[The director of each department of
2 the city shall prepare and submit to the Director of the
3 Department of Accounts and Finance, at the close of each quarter
4 of the fiscal year, a comprehensive and detailed report of all
5 expenditures and operation of his department during the quarter.
6 The Director of the Department of Accounts and Finance shall
7 review and consolidate such quarterly reports and shall prepare
8 and submit to council a consolidated report on the expenditures
9 and operations of the entire city government, together with his
10 recommendations, not later than the second meeting of council
11 after the close of each quarter.] The mayor shall have the
12 authority, at all times, to call upon any official of the city
13 or heads of departments for any information as to the affairs
14 under their control and management as [he] the mayor may
15 require. [He] The mayor may likewise report upon any and all
16 matters of city government as frequently to council as [he] the
17 mayor deems conducive to the interest and welfare of the city.

18 Section 57. Section 1207 of the act, amended August 21, 1953
19 (P.L.1292, No.364) and repealed in part April 28, 1978 (P.L.202,
20 No.53), is amended to read:

21 Section 1207. [Criminal and Civil Jurisdiction; Docket;
22 Fees.--He] Power to Take Acknowledgments and Oaths and to
23 Formalize Marriages.--The mayor shall be empowered to take
24 acknowledgments of any instruments in writing[,] pertaining to
25 the business of the city, solemnize marriages[,] and to
26 administer oaths and affirmations[,] as to city business[,] and
27 shall attest all [his facts with his official seal] ~~or her~~ THE
28 MAYOR'S acts with the mayor's official seal, if any. ←

29 Section 58. Section 1208 of the act, amended May 11, 1959
30 (P.L.307, No.54), is amended to read:

1 Section 1208. Salary.--(a) (1) The mayor of each city
2 shall receive for ~~his or her~~ [HIS] THE MAYOR'S services during
3 the term of service an annual salary to be fixed by ordinance,
4 payable in [such] equal [instalments] installments as council
5 shall provide.

6 (2) The council shall, by ordinance, fix the amount of
7 salary to be paid to the mayor for ~~his or her~~ [HIS] THE MAYOR'S
8 services[,] and may provide for the assessment and retention
9 [therefrom] from the salary of reasonable fines for absence from
10 regular or special meetings of council or [councilmanic]
11 committees of council.

12 (3) The amount of the mayor's salary [in cities] shall not
13 be less than two thousand five hundred dollars.

14 (b) Until changed by ordinance, the salary of mayors in
15 newly created cities [shall] may be as follows: [In cities
16 having a population of fifteen thousand or under, by the last
17 United States census, one thousand two hundred dollars per
18 annum; in cities having a population of over fifteen thousand,
19 and less than thirty thousand inhabitants, two thousand four
20 hundred dollars per annum; in cities having a population
21 exceeding thirty thousand, four thousand eight hundred dollars
22 per annum.

23 The amount of compensation for the mayor in any of the said
24 cities shall not be increased or diminished after his election.
25 Succeeding councils may change the amount of the mayor's
26 compensation, but such change shall not affect the compensation
27 of the mayor then in office or of any person taking office as
28 mayor within six months of final passage of the ordinance
29 providing for such change.]

30 (1) in cities with a population of less than five thousand,

a maximum of two thousand five hundred dollars a year;

(2) in cities with a population of five thousand or more but less than ten thousand, a maximum of five thousand dollars a year;

(3) in cities with a population of ten thousand or more but less than fifteen thousand, a maximum of seven thousand five hundred dollars a year; and

(4) in any city with a population in excess of fifteen thousand, the salary of the mayor shall not exceed five hundred dollars a year per thousand population or fraction of a thousand, the population to be determined by the latest official census figures.

(c) The compensation to be received by a mayor in cities other than newly created cities shall be fixed by ordinance of council enacted at least two days prior to the last day fixed by law for candidates to withdraw their names from nominating petitions previous to the day of the municipal election. The compensation to be received by the mayor shall not be increased or diminished after ~~his or her~~ THE MAYOR'S election unless the increase or decrease was included in an ordinance enacted at least two days prior to the last day fixed by law for candidates to withdraw their names from nominating petitions previous to the day of the municipal election.

(d) (1) Subject to clause (2) and notwithstanding any other provisions of law, a mayor may receive an honorarium, fee or reimbursement of expenses related to the performance of a marriage ceremony in this Commonwealth, if the mayor first notifies council in writing of ~~his or her~~ THE MAYOR'S intention to perform marriage ceremonies. A notification pursuant to this clause shall remain in effect for the term of the mayor or until

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1 such time as the notification is rescinded by the mayor.

2 (2) The honorarium or fee shall not exceed one hundred fifty
3 dollars for each ceremony performed. The mayor shall keep
4 accurate accounts of the fees received relating to the
5 performance of marriage ceremonies and provide council each
6 quarter with a report of moneys received for that period. The
7 quarterly report shall include the amount of money received, the
8 names of persons from whom money was received along with the
9 date and the location of the performed ceremony and shall be
10 considered a public record.

11 (3) The receipt of a fee under this subsection shall not be
12 considered a violation of 65 Pa.C.S. Ch. 11 (relating to ethics
13 standards and financial disclosure) and shall not be considered
14 compensation under this act.

15 Section 59. Section 1209 of the act is amended to read:

16 Section 1209. Acting Mayor; Powers and Duties.--[The member
17 of city council who shall be designated as the director of the
18 department of accounts and finance shall be vice president of
19 the city council, and acting mayor of the city during the
20 absence or inability of the mayor to act; and, during such
21 absence or inability, he] During the absence of the mayor or the
22 inability of the mayor to act, the vice president of city
23 council shall be the acting mayor who shall exercise all the
24 rights and powers of the mayor. In the event of a vacancy in the
25 office of the mayor by reason of death, resignation, or
26 otherwise, the vice president of council shall, in like manner,
27 act as the mayor and shall, while acting as mayor, receive the
28 compensation of mayor but not [of director of accounts and
29 finance or councilman during such incumbency] his or her
30 compensation as a council member, until the successor of the

1 mayor is duly [elected] appointed and qualified [as hereinbefore
2 provided] in accordance with section 901. In case of the absence
3 or inability of the [director of accounts and finance to act]
4 vice president of council to act as mayor, the council shall
5 designate another one of its members to act as mayor.

6 SECTION 59.1. ARTICLE XII-A HEADING OF THE ACT, ADDED JULY
7 7, 2011 (P.L.307, NO.75), IS REENACTED TO READ: ←

8 ARTICLE XII-A

9 CITY ADMINISTRATOR OR MANAGER

10 SECTION 59.2. SECTIONS 1201-A AND 1202-A OF THE ACT, ADDED
11 JULY 7, 2011 (P.L.307, NO.75), ARE REENACTED TO READ:

12 SECTION 1201-A. OFFICE OF CITY ADMINISTRATOR OR MANAGER.

13 CITY COUNCIL MAY, AT ITS DISCRETION AT ANY TIME, BY
14 ORDINANCE, ENACTED BY A MAJORITY VOTE OF ALL MEMBERS ELECTED TO
15 COUNCIL, CREATE THE OFFICE OF CITY ADMINISTRATOR OR MANAGER AND
16 MAY IN LIKE MANNER ABOLISH THE SAME. THE APPOINTED OFFICE OF
17 CITY ADMINISTRATOR WHEN REFERENCED IN THIS ARTICLE MAY ALSO BE
18 REFERRED TO AS CITY MANAGER, AND A REFERENCE TO A CITY
19 ADMINISTRATOR SHALL BE DEEMED A REFERENCE TO A CITY MANAGER.

20 SECTION 1202-A. APPOINTMENT; SELECTION; REMOVAL.

21 IN A CITY IN WHICH THE OFFICE OF CITY ADMINISTRATOR HAS BEEN
22 CREATED, COUNCIL SHALL APPOINT A PERSON TO FILL THAT OFFICE
23 INITIALLY, AND THEREAFTER, WHENEVER A VACANCY EXISTS IN THE
24 OFFICE. THE APPOINTMENT OF A PERSON TO FILL THE OFFICE OF CITY
25 ADMINISTRATOR SHALL BE BY AN AFFIRMATIVE VOTE OF A MAJORITY OF
26 ALL THE MEMBERS OF COUNCIL. COUNCIL SHALL SELECT A CITY
27 ADMINISTRATOR ON THE BASIS OF EXECUTIVE AND ADMINISTRATIVE
28 QUALIFICATIONS, EDUCATION AND EXPERIENCE AND MAY GIVE SPECIAL
29 CONSIDERATION TO APPLICANTS WITH TRAINING AND EXPERIENCE IN
30 MUNICIPAL GOVERNMENT OPERATION. THE CITY ADMINISTRATOR SHALL

SERVE AT THE PLEASURE OF COUNCIL, SUBJECT TO CONTRACTUAL RIGHTS THAT MAY ARISE UNDER AN EMPLOYMENT AGREEMENT THAT MAY BE ENTERED IN ACCORDANCE WITH SECTION 1203-A.

SECTION 59.3. SECTION 1203-A OF THE ACT, ADDED JULY 7, 2011 (P.L.307, NO.75), IS AMENDED TO READ:

SECTION 1203-A. EMPLOYMENT AGREEMENT.

COUNCIL MAY ENTER INTO AN EMPLOYMENT AGREEMENT WITH THE CITY ADMINISTRATOR. THE EMPLOYMENT AGREEMENT MAY SET FORTH THE TERMS AND CONDITIONS OF EMPLOYMENT, AND THE AGREEMENT MAY PROVIDE THAT IT SHALL REMAIN IN EFFECT FOR A SPECIFIED PERIOD TERMINATING NO LATER THAN TWO YEARS AFTER THE EFFECTIVE DATE OF THE AGREEMENT OR THE DATE OF THE [ORGANIZATION] ORGANIZATIONAL MEETING OF COUNCIL FOLLOWING THE NEXT MUNICIPAL ELECTION, WHICHEVER SHALL FIRST OCCUR. AN EMPLOYMENT AGREEMENT ENTERED INTO PURSUANT TO THIS SECTION MAY SPECIFY CONDITIONS UNDER WHICH A CITY ADMINISTRATOR WOULD BE ENTITLED TO SEVERANCE COMPENSATION, BUT IN NO EVENT SHALL AN EMPLOYMENT AGREEMENT GUARANTEE EMPLOYMENT THROUGH THE TERM OF THE AGREEMENT OR CONFER UPON THE CITY ADMINISTRATOR ANY LEGAL REMEDY BASED ON SPECIFIC PERFORMANCE. ANY EMPLOYMENT AGREEMENT WITH A CITY ADMINISTRATOR EXECUTED ON OR AFTER A MUNICIPAL ELECTION BUT BEFORE THE FIRST MEETING IN JANUARY THE YEAR AFTER THE MUNICIPAL ELECTION SHALL BE VOID.

SECTION 60. SECTIONS 1204-A AND 1205-A OF THE ACT, ADDED JULY 7, 2011 (P.L.307, NO.75), ARE REENACTED TO READ:

SECTION 1204-A. RESIDENCY AND ELECTIVE CITY OFFICE.

AT THE TIME A PERSON IS APPOINTED TO FILL THE OFFICE OF CITY ADMINISTRATOR, THE APPOINTEE NEED NOT BE A RESIDENT OF THE CITY. AFTER APPOINTMENT, THE CITY ADMINISTRATOR MAY RESIDE OUTSIDE THE CITY ONLY WITH THE APPROVAL OF COUNCIL. THE CITY ADMINISTRATOR SHALL NOT HOLD ANY ELECTIVE CITY OFFICE.

1 SECTION 1205-A. POWERS AND DUTIES.

2 (A) POWERS AND DUTIES GENERALLY.--COUNCIL MAY, BY ORDINANCE,
3 VEST IN THE CITY ADMINISTRATOR POWERS AND DUTIES RELATING TO THE
4 GENERAL MANAGEMENT OF CITY BUSINESS AND TO THE ENFORCEMENT OF
5 CITY ORDINANCES AND REGULATIONS. THE POWERS AND DUTIES CONFERRED
6 UPON A CITY ADMINISTRATOR IN ACCORDANCE WITH THIS SECTION SHALL
7 NOT BE CONSTRUED AS DIMINISHING POWERS GRANTED TO OTHER CITY
8 OFFICERS BY STATUTE OR ORDINANCE.

9 (B) SPECIFIC POWERS.--THE POWERS AND DUTIES THAT MAY BE
10 CONFERRED UPON A CITY ADMINISTRATOR BY COUNCIL MAY INCLUDE, BUT
11 SHALL NOT BE LIMITED TO, ANY OR ALL OF THE FOLLOWING:

12 (1) TO BE THE CHIEF ADMINISTRATIVE OFFICER OF THE CITY
13 RESPONSIBLE TO THE CITY COUNCIL AS A WHOLE FOR THE PROPER AND
14 EFFICIENT ADMINISTRATION OF THE AFFAIRS OF THE CITY.

15 (2) TO DIRECT AND SUPERVISE THE ADMINISTRATION OF ALL
16 DEPARTMENTS AND FUNCTIONS OF THE CITY, EXCEPT AS OTHERWISE
17 PROVIDED BY ORDINANCE OR LAW.

18 (3) EXCEPT AS OTHERWISE PROVIDED BY THIS ACT, TO APPOINT
19 CITY EMPLOYEES ON THE BASIS OF MERIT SYSTEM PRINCIPLES AND
20 SUSPEND, REMOVE OR OTHERWISE DISCIPLINE EMPLOYEES, SUBJECT TO
21 THE FOLLOWING:

22 (I) THE CITY ADMINISTRATOR MAY MAKE RECOMMENDATIONS
23 TO COUNCIL CONCERNING APPOINTMENTS OR REMOVALS AT THE
24 DEPARTMENT HEAD LEVEL.

25 (II) PRIOR TO ANY ACTION BEING TAKEN WITH REGARD TO
26 APPOINTMENTS OR REMOVALS AT THE DEPARTMENT HEAD LEVEL,
27 THE CITY ADMINISTRATOR SHALL CONFER WITH COUNCIL.

28 (III) COUNCIL MUST CONFIRM APPOINTMENTS OR REMOVALS
29 AT THE DEPARTMENT HEAD LEVEL.

30 (4) TO DESIGNATE A QUALIFIED ADMINISTRATIVE OFFICER OF

1 THE CITY TO PERFORM THE CITY ADMINISTRATOR'S DUTIES DURING
2 THE CITY ADMINISTRATOR'S TEMPORARY ABSENCE OR DISABILITY. IN
3 THE EVENT THE CITY ADMINISTRATOR FAILS OR IS UNABLE TO MAKE
4 SUCH DESIGNATION, OR, IF THE ABSENCE OR DISABILITY CONTINUES
5 MORE THAN 30 DAYS, THE COUNCIL MAY, BY RESOLUTION, APPOINT AN
6 OFFICER OF THE CITY TO PERFORM THE DUTIES OF THE CITY
7 ADMINISTRATOR DURING THE CITY ADMINISTRATOR'S ABSENCE OR
8 DISABILITY UNTIL THE CITY ADMINISTRATOR IS ABLE TO RETURN TO
9 WORK.

10 (5) TO NEGOTIATE CONTRACTS FOR THE CITY, SUBJECT TO THE
11 APPROVAL OF CITY COUNCIL, MAKE RECOMMENDATIONS CONCERNING THE
12 NATURE AND LOCATION OF MUNICIPAL IMPROVEMENTS AND EXECUTE
13 MUNICIPAL IMPROVEMENTS AS DETERMINED BY THE CITY COUNCIL.

14 (6) TO SEE THAT ALL TERMS AND CONDITIONS IMPOSED IN
15 FAVOR OF THE CITY OR ITS INHABITANTS IN ANY STATUTE,
16 FRANCHISE OR CONTRACT ARE FAITHFULLY KEPT AND PERFORMED, AND
17 UPON KNOWLEDGE OF ANY VIOLATION, CALL THE SAME TO THE
18 ATTENTION OF THE CITY COUNCIL.

19 (7) TO ATTEND ALL MEETINGS OF THE CITY COUNCIL WITH THE
20 RIGHT TO TAKE PART IN THE DISCUSSIONS, BUT WITHOUT THE RIGHT
21 TO VOTE.

22 (8) TO RECOMMEND TO THE CITY COUNCIL FOR ADOPTION SUCH
23 MEASURES AS THE ADMINISTRATOR MAY DEEM NECESSARY OR
24 EXPEDIENT, KEEP THE COUNCIL ADVISED OF THE FINANCIAL
25 CONDITION OF THE CITY AND MAKE REPORTS TO THE COUNCIL AS
26 REQUESTED BY IT.

27 (9) TO INVESTIGATE AT ANY TIME THE AFFAIRS OF ANY
28 OFFICER OR DEPARTMENT OF THE CITY THAT IS UNDER THE
29 ADMINISTRATOR'S JURISDICTION.

30 (10) TO PREPARE AND SUBMIT THE ANNUAL CITY BUDGET FOR

REVIEW AND APPROVAL BY THE CITY COUNCIL. THE RECOMMENDED BUDGET SHALL BE SUBMITTED TO CITY COUNCIL FOR ITS REVIEW NO LATER THAN THE LAST STATED MEETING IN NOVEMBER. THE BUDGET SO SUBMITTED SHALL BE ACCOMPANIED BY AN ENABLING ORDINANCE, TOGETHER WITH SUCH EXPLANATORY COMMENT OR STATEMENT AS THE ADMINISTRATOR MAY DEEM DESIRABLE. THE BUDGET DOCUMENT SHALL BE IN SUCH FORM AS IS REQUIRED BY LAW FOR CITY BUDGETS AND SHALL CONTAIN SUCH ADDITIONAL DOCUMENTATION OR EXPLANATION OF THE VARIOUS ITEMS OF EXPENDITURE AND REVENUE AS MAY BE REQUIRED BY COUNCIL.

(11) TO PERFORM SUCH OTHER DUTIES AS MAY BE DESIGNATED BY THE CITY COUNCIL IN THE ENABLING ORDINANCE.

Section ~~60~~ 61. Article XIII heading of the act is ~~amended to~~ read REPEALED:

[ARTICLE XIII

CITY ~~{CLERK}~~ ADMINISTRATOR OR MANAGER

Section ~~61~~ 62. Sections 1301, 1302 and 1303 of the act are ~~amended to~~ read REPEALED:

[Section 1301. ~~{Appointment; Compensation; Removal.--The council of each city shall appoint a city clerk on the first Monday of May, one thousand nine hundred and fifty-two, and on the first Monday of May every fourth year thereafter, and fix his compensation by ordinance. He shall serve for a term of four years and until his successor is duly appointed and qualified.}~~ Office of City Administrator or Manager.--City council may, at its discretion at any time, by ordinance enacted by a majority vote of all members elected to council, establish the office of city administrator or manager and may in like manner abolish the same. The appointed office of city administrator when referenced in this act may also be referred to as the office of city

1 ~~manager and a reference to a city administrator shall be deemed~~
2 ~~a reference to a city manager.~~

3 Section 1302. †Power to Administer Oaths; Duties.--The city ←
4 clerk shall have the power of a notary public to administer
5 oaths in any matter pertaining to the business of said city, or
6 in any legal proceeding in which it is interested. He shall also
7 perform such other duties as shall be prescribed for his office
8 by law, ordinance or resolution of council.‡ ~~Appointment;~~ ←

9 ~~Selection; Removal. In a city in which the office of city~~
10 ~~administrator has been established, council shall appoint a~~
11 ~~person to fill that office initially, and thereafter, whenever a~~
12 ~~vacancy exists in the office. The appointment of a person to~~
13 ~~fill the office of city administrator shall be by an affirmative~~
14 ~~vote of a majority of all the members of council. Council shall~~
15 ~~select a city administrator on the basis of executive and~~
16 ~~administrative qualifications, education and experience and may~~
17 ~~give special consideration to applicants with training and~~
18 ~~experience in municipal government operation. The city~~
19 ~~administrator shall serve at the pleasure of council, subject to~~
20 ~~contractual rights that may arise under an employment agreement~~
21 ~~that may be entered in accordance with section 1303.~~

22 Section 1303. †Records Open to Inspection.--The records and ←
23 documents of city council of every city shall be kept in the
24 office of the city clerk and shall be open to the inspection of
25 any taxpayer thereof, his, her, or its agent, upon demand
26 therefor during office hours.‡ ~~Employment Agreement. Council~~ ←
27 ~~may enter into an employment agreement with the city~~
28 ~~administrator. The employment agreement may set forth the terms~~
29 ~~and conditions of employment and the agreement may provide that~~
30 ~~it shall remain in effect for a specified period terminating no~~

~~later than two years after the effective date of the agreement or the date of the organization meeting of council following the next municipal election, whichever shall first occur. An employment agreement entered into pursuant to this section may specify conditions under which a city administrator would be entitled to severance compensation. In no event, however, shall an employment agreement guarantee employment through the term of the agreement or confer upon the city administrator any legal remedy based on specific performance.~~

Section 62. The act is amended by adding sections to read:

~~Section 1304. Residency; Elective City Office. At the time a person is appointed to fill the office of city administrator, he or she need not be a resident of the city. After his or her appointment, the city administrator may reside outside the city only with the approval of council. The city administrator shall not hold any elective city office.~~

~~Section 1305. Powers and Duties. (a) Council may, by ordinance, vest in the city administrator powers and duties relating to the general management of city business and to the enforcement of city ordinances and regulations. The powers and duties conferred upon a city administrator in accordance with this section shall not be construed as diminishing powers granted to other city officers by statute or ordinance.~~

~~(b) The powers and duties that may be conferred upon a city administrator by council may include, but shall not be limited to, any or all of the following:~~

~~(1) To be the chief administrative officer of the city responsible to the city council as a whole for the proper and efficient administration of the affairs of the city.~~

~~(2) To direct and supervise the administration of all~~

~~departments and functions of the city, except as otherwise
provided by ordinance or law.~~

~~(3) Except as otherwise provided by this act, to appoint
city employes on the basis of merit system principles and
suspend, remove or otherwise discipline employes, subject to the
following:~~

~~(i) The city administrator may make recommendations to
council concerning appointments or removals at the department
head level.~~

~~(ii) Prior to any action being taken with regard to
appointments or removals at the department head level, the city
administrator shall confer with council.~~

~~(iii) Council must confirm appointments or removals at the
department head level.~~

~~(4) To designate a qualified administrative officer of the
city to perform the city administrator's duties during his or
her temporary absence or disability. In the event the city
administrator fails or is unable to make such designation, or if
the absence or disability continues more than thirty days, the
council may, by resolution, appoint an officer of the city to
perform the duties of the city administrator during his or her
absence or disability until the city administrator is able to
return to work.~~

~~(5) To negotiate contracts for the city, subject to the
approval of city council, and make recommendations concerning
the nature and location of municipal improvements and execute
municipal improvements as determined by the city council.~~

~~(6) To see that all terms and conditions imposed in favor of
the city or its inhabitants in any statute, franchise or
contract are faithfully kept and performed. Upon knowledge of~~

~~any violation, call the same to the attention of the city council.~~

~~(7) To attend all meetings of the city council with the right to take part in the discussions, but without the right to vote.~~

~~(8) To recommend to the city council for adoption such measures as the administrator may deem necessary or expedient, keep the council advised of the financial condition of the city and make reports to the council as requested by it.~~

~~(9) To investigate at any time the affairs of any officer or department of the city that is under the administrator's jurisdiction.~~

~~(10) To prepare and submit the annual city budget for review and approval by the city council. The recommended budget shall be submitted to city council for its review no later than the last stated meeting in November. The budget so submitted shall be accompanied by an enabling ordinance, together with such explanatory comment or statement as the administrator may deem desirable. The budget document shall be in such form as is required by law for city budgets and shall contain such additional documentation or explanation of the various items of expenditure and revenue as may be required by council.~~

~~(11) To perform such other duties as may be designated by the city council in the enabling ordinance.~~

Section 63. Article XIV heading of the act is reenacted to read:

ARTICLE XIV

THE CITY TREASURER

Section 64. Section 1401 of the act, amended July 27, 1973 (P.L.229, No.59), is amended to read:

1 Section 1401. Qualifications.--The city treasurer shall be
2 [a competent] an accountant, at least twenty-one years of age,
3 and shall have been a resident of the city for at least one year
4 [next prior to his] before his or her THE PERSON'S election. He- ←
5 or she [HE] THE ELECTED TREASURER shall reside in the city ←
6 throughout his or her term of office. Prior to being sworn in to
7 office, and as a condition to qualifying for office, the elected
8 treasurer shall present a signed affidavit to the city clerk
9 that states the person resides in the city from which elected
10 and has resided in the city continuously for at least one year
11 preceding the person's election.

12 Section 65. Section 1402 of the act, amended July 2, 1953
13 (P.L.318, No.67), is amended to read:

14 Section 1402. Bond; Insurance; Salary.--[The city treasurer
15 shall give lawful fidelity bond to the Commonwealth, with a
16 surety company authorized by law to act as surety, to be
17 approved by the city council, in such sum as it may by ordinance
18 direct, conditioned for the accounting for and paying over all
19 moneys received by him in his capacity as city treasurer and the
20 safekeeping and payment over of all public moneys entrusted to
21 his care, and that as tax collector of city, county, institution
22 district, and school taxes he shall account for and pay over all
23 moneys received by him as taxes, penalties and interest. The
24 city treasurer shall in addition furnish adequate insurance
25 protection against any and all losses of said funds through
26 fire, burglary, larceny, theft, robbery or forgery. Such
27 insurance shall be approved by the city council in such sum as
28 it may by ordinance direct. The city treasurer and his surety
29 shall be discharged from further liability on any bond as tax
30 collector, as soon as all tax items contained in the duplicates

1 delivered to him are either: (1) collected and paid over, or (2)
2 certified to the city council for entry as liens in the office
3 of the prothonotary, or as claims in the tax claim bureau, as
4 the case may be, or (3) returned to the county treasurer or city
5 treasurer for sale, or (4) in the case of taxes, not levied upon
6 real estate, a record of those which remain uncollected is filed
7 with the tax authority. The city treasurer shall be required to
8 give, in addition to insurance as aforesaid, but one bond which
9 shall include his duties as city treasurer and collector of
10 city, county, institution district, and school taxes, and shall
11 cover the full term of his office. Should any of the taxing
12 districts be of the opinion at any time that the bond and
13 insurance as aforesaid provided by the city treasurer is not
14 sufficient in amount as to the surety and insurance thereon, the
15 said taxing district may petition the court of quarter sessions
16 having jurisdiction in the city to have the city treasurer
17 furnish additional bond and insurance as aforesaid. Thereupon,
18 the city treasurer shall furnish such additional bond and
19 insurance, if any, as the said court may prescribe. The premium
20 of the bond or bonds and insurance shall be paid by the city or
21 shared pro rata by the taxing districts interested, as the case
22 may be, according to their respective tax interests. The
23 treasurer shall not in any event be required to provide bond or
24 bonds and insurance in an amount in excess of the taxes to be
25 collected by him. The bond or bonds and insurance provided by
26 the city treasurer shall or be for the use of the city and the
27 taxing districts involved. He shall, as city treasurer, receive
28 a fixed annual salary, to be provided by ordinance. His
29 compensation as tax collector for the city, county, institution
30 district and school district shall be as provided for in the

Local Tax Collection Law.] (a) The city treasurer shall give
lawful fidelity bond, covering the full term of his or her
office, for the faithful performance of his or her official
duties, including his or her duties as tax collector of city,
county, institution district and school taxes. In addition to
being subject to such other conditions as council may direct,
the bond of the city treasurer shall be conditioned upon the
following:

(1) The accounting for and paying over of all moneys
received in his or her capacity as city treasurer.

(2) The accounting for and paying over of all moneys
received as taxes, penalties and interest in his or her capacity
as tax collector of city, county, institution district and
school taxes.

(3) The safekeeping and payment over of all public moneys
entrusted to his or her care.

(b) Council may require two bonds from the city treasurer:

(1) A bond for the faithful performance by the city
treasurer of his or her official duties other than those of tax
collector.

(2) A bond covering the duties of the city treasurer as
collector of city, county, institution district and school
taxes.

In lieu of the bond required for the faithful performance by the
city treasurer of his or her official duties other than those of
tax collector, council may purchase insurance, provided that the
insurance covers the same events of loss and insures the county
against the same misconduct as the bond in compliance with this
act.

(c) The city treasurer and his or her surety shall be

discharged from further liability on any bond as tax collector,
as soon as each of the tax items contained in the duplicates
delivered to the city treasurer has been:

(1) collected and paid over;

(2) assigned to third party assignees;

(3) certified to the city council for entry as liens in the
office of the prothonotary or as claims in the tax claim bureau,
as the case may be;

(4) returned to the county treasurer or city treasurer for
sale; or

(5) in the case of taxes not levied upon real estate, a
record of those which remain uncollected is filed with the tax
authority.

(d) Council may require the city treasurer to be covered by
insurance protection in accordance with section ~~907.1(e)~~ 907(C).

(e) Should any of the taxing districts be of the opinion at
any time that the bond or insurance provided by the city
treasurer is not sufficient in amount, the taxing district may
petition the court of common pleas having jurisdiction in the
city to have the city treasurer furnish additional bond and
insurance. Thereupon, the city treasurer shall furnish
additional bond and insurance, if any, as the court may
prescribe. The premium on the bond or on the bonds and insurance
shall be shared pro rata by the taxing districts interested, as
the case may be, according to their respective tax interests
pursuant to the act of May 25, 1945 (P.L.1050, No.394), known as
the "Local Tax Collection Law." The treasurer shall not in any
event be required to provide bond or bonds and insurance in an
amount in excess of the taxes to be collected by him or her. The
bond or bonds and insurance provided by the city treasurer shall



1 be for the use of the city and the taxing districts involved.

2 (f) The city treasurer shall receive a fixed annual salary
3 to be provided by ordinance. His or her compensation as tax
4 collector for the city, county, institution district and school
5 district shall be as provided for in the "Local Tax Collection
6 Law."

7 Section 66. The act is amended by adding sections to read:

8 Section 1402.1. City Treasurer to be Tax Collector.--Except
9 as otherwise provided by the act of December 31, 1965 (P.L.1257,
10 No.511), known as "The Local Tax Enabling Act," the city
11 treasurer, by virtue of his or her office, shall be the
12 collector of the city, county, school and institution district
13 taxes assessed or levied in the city by the proper authorities
14 therein. As tax collector, the city treasurer shall maintain and
15 keep an office which may be the same as that of the city
16 treasurer for the purpose of receiving taxes during regular
17 business hours.

18 Section 1402.2. Date of Delivery of Duplicate; Collection.--
19 The council of each city and the county and county institution
20 district authorities, now empowered or which may be hereafter
21 empowered to levy taxes upon persons and property within the
22 city, shall, within thirty days after the adoption of the budget
23 or within thirty days after receipt of the assessment roll from
24 the county, whichever is later, make out and deliver their
25 respective duplicates of taxes assessed to the city treasurer to
26 be collected. The proper school authorities shall make out and
27 deliver the school duplicates of their respective taxes in such
28 city at the time and in the manner provided by the school laws
29 of this Commonwealth. All duplicates of taxes placed in the
30 hands of PROVIDED TO OR RECEIVED BY the treasurer shall at all



1 times be open to proper inspection of the ~~taxpayers~~ PUBLIC and ←
2 of the proper auditing and examining officers of the city,
3 county or school district, as the case may be, and shall be
4 delivered by the treasurer at the expiration of ~~his or her~~ THE ←
5 TREASURER'S term to ~~his or her~~ THE TREASURER'S successor. ←

6 Section 1402.3. Tax Liens; Schedule of Uncollected Taxes;
7 Liability for False Return.--Upon the settlement of the
8 duplicates of city, county, institution district and school
9 taxes which by law are made a lien on real estate, the city
10 treasurer as collector of taxes shall make out schedules of the
11 city, county, school or institution district taxes uncollected
12 upon the duplicates with a brief description of the properties
13 against which the same are assessed, for the purpose of having
14 the same entered for lien or sold according to law. The failure
15 of the city treasurer to collect the taxes from personal
16 property, when the same could have been collected, shall not
17 impair the lien thereof or affect any sale made for the
18 collection thereof. In case the city treasurer shall make any
19 wilfully false return, ~~he or she~~ THE CITY TREASURER shall be ←
20 liable to any person or persons injured thereby.

21 Section 67. Sections 1403, 1404, 1405, 1406, 1407 and 1408
22 of the act are amended to read:

23 Section 1403. Receipt and Payment of Moneys; Daily
24 Transmittal of Receipts; Duplicates.--The city treasurer shall
25 demand and receive all moneys payable to the city from [whatever
26 source, and shall issue a receipt in every case to the person
27 making such payment, and shall pay all warrants duly
28 countersigned by the director of accounts and finance and the
29 city controller] such sources as the city council may from time
30 to time entrust to the city treasurer and shall issue a receipt

1 when requested in every case to the person making such payment
2 and shall pay all documents authorizing payment duly
3 countersigned. All receipts for money received on behalf of the
4 city by the treasurer shall be numbered serially and made in
5 duplicate at least, and all such duplicates shall daily, not
6 later than the next succeeding business day, be transmitted by
7 the city treasurer to the city controller.

8 Section 1404. Method of Keeping Accounts.--The accounts of
9 the city treasurer shall be kept in such manner as to clearly
10 exhibit all the items of receipts and expenditures of the city,
11 [and] the sources from which the moneys are received and the
12 objects for which the same are disbursed. ~~He or she~~ [HE] THE ←
13 CITY TREASURER shall keep separate and distinct accounts of the
14 receipts and expenditures of the city, including, but not
15 limited to, the sinking fund, and [the water and lighting] each
16 department[, respectively] providing a utility service, and also
17 of every special fund [which may come into his hands].

18 Section 1405. Moneys Appropriated Only to be Paid Out.--No
19 money shall be paid out of the city treasury unless the same
20 shall have been previously approved, duly authorized and
21 appropriated by council to the purpose for which it is to be
22 drawn, which shall be explicitly mentioned in the [warrant
23 therefor] document authorizing payment.

24 Section 1406. Depositories of City Funds Entrusted to the
25 Treasurer by City Council.--The treasurer shall keep the public
26 funds in [such] banks or financial depositories as council may
27 direct, under [such] restrictions and safeguards as council may
28 provide, and shall verify ~~his or her~~ [his] THE TREASURER'S ←
29 accounts whenever required, to the satisfaction of council.

30 No treasurer complying with the provisions of this section

1 and any ordinance of the city, nor ~~his or her~~ [HIS] THE
2 TREASURER'S surety or sureties, shall be chargeable with losses
3 of city funds caused by the insolvency or negligence of any
4 [such] city depositories.

5 Section 1407. Delivery of City Property in ~~His or Her~~ [HIS]
6 TREASURER'S Possession to Successor.--The city treasurer shall,
7 upon the termination of ~~his or her~~ [HIS] THE TREASURER'S office,
8 deliver to the city or to ~~his or her~~ [HIS] THE TREASURER'S duly
9 qualified successor all moneys, accounts, property or effects in
10 ~~his or her~~ [HIS] THE TREASURER'S possession belonging to the
11 city.

12 Section 1408. [Assistants and Employes.--] Appointment of
13 Deputy Treasurer and Employes; Powers; Responsibility.--(a) The
14 city treasurer [shall] may appoint [all] the following:

15 (1) A deputy treasurer who, in the case of the sickness,
16 absence or inability of the city treasurer to act, shall have
17 the same powers and shall perform the same duties as are imposed
18 by law upon the city treasurer and such appointment shall be in
19 compliance with the requirements of the act of May 25, 1945
20 (P.L.1050, No.394), known as the "Local Tax Collection Law."

21 (2) All the assistants and employes of [his] the city
22 treasurer's office, whose number and compensation shall be fixed
23 by council[,] and who, in all other respects, shall be
24 considered as employes of the city.

25 (b) All persons appointed pursuant to this section shall be
26 covered by a bond, blanket bond or insurance in accordance with
27 section 907.1 907.

28 Section 68. Article XV heading of the act is reenacted to
29 read:

30 ARTICLE XV

1 THE CITY ENGINEER

2 Section 69. Article XV subdivision (a) heading of the act is
3 repealed:

4 [(a) General Provisions]

5 Section 70. Sections 1501, 1502, 1503, 1504 and 1505 of the
6 act are amended to read:

7 Section 1501. [Election of the City Engineer; Term; Bond;
8 Filling of Vacancies.--The council of each city shall, on the
9 first Monday of May, one thousand nine hundred and fifty-two,
10 and on the first Monday of May every fourth year thereafter, or
11 as soon thereafter as practicable in each of said years, appoint
12 a city engineer, who shall be a registered engineer in civil
13 engineering. He shall serve for a term of four years from the
14 said first Monday of May and until his successor is qualified.
15 He shall receive a fixed annual salary to be provided by
16 ordinance. He shall give lawful bond to the city, with a surety
17 or other company authorized by law to act as surety, to be
18 approved by council, in such sum as it shall by ordinance
19 direct, conditioned for the faithful performance of his official
20 duties. Vacancies in said office shall be filled by council for
21 the unexpired term.] Appointment of City Engineer.--Council
22 shall provide for the manner of appointment and compensation of
23 the city engineer, who shall be a registered professional
24 engineer in this Commonwealth and shall serve at the pleasure of
25 council. Nothing contained herein shall prohibit council from
26 designating an engineering firm of registered professional
27 engineers from performing the duties and functions of the city
28 engineer.

29 Section 1502. Control of Engineering Matters.--The city
30 engineer shall have the [superintendence, direction and control

1 of the engineering matters of the city, and no department of the
2 city shall employ or retain any additional engineer, except with
3 the previous assent of council. Assistants and employes in the
4 office of the city engineer shall be appointed in accordance
5 with the civil service provisions of this act. The provisions of
6 this article shall not apply to any board of commissioners of
7 water-works of any city wherein the title to the water-works
8 therein located is in the name of the commissioners of water-
9 works.] supervision, direction and control of the engineering
10 matters of the city, and no department of the city shall employ
11 or retain any additional engineer, except with the previous
12 assent of council.

13 Section 1503. Duties[; Preparation of Plans.--The city
14 engineer shall perform such duties as the council shall
15 prescribe with reference to the construction, reconstruction,
16 maintenance and repair of all streets, pavements, sewers,
17 bridges, culverts and other engineering work. He shall prepare
18 plans, specifications, and estimates for all such work
19 undertaken by such city, and shall, whenever required, furnish
20 council, the committees thereof, the mayor, public boards, or
21 heads of departments, with reports, information or estimates on
22 any city engineering work, or on questions submitted by any of
23 them in their official capacity.]--As authorized by council,
24 engineering work undertaken by the city shall be performed or
25 supervised by the city engineer or by another registered
26 professional engineer employed by the city for a particular
27 purpose. The duties of the city engineer may include, but need
28 not be limited to, the following:

29 (1) Preparing plans, specifications and estimates, and
30 undertaking other engineering work related to constructing,

reconstructing, maintaining and repairing streets, pavements,
sewers, bridges, culverts and other municipal improvements.

(2) Making reports, giving estimates, supplying information
and responding to questions concerning city engineering work to
city officials and employes, provided that council may regulate
the manner, number and method of making these requests.

(3) Conducting, supervising or directing surveys relating to
city property and improvements authorized by law or as directed
by council.

(4) Preparing a topographical survey of the city or a
general plan of city streets, marking the lines of streets, both
those already opened and those intended to be opened for public
use, as council may deem necessary.

(5) Surveying, making a draft or plan of and laying out new
or proposed streets, as council may deem necessary.

(6) Reporting a grade for any proposed or new streets, as
council may deem necessary.

(7) Making reports, from time to time, as deemed expedient
by the city engineer or as council shall direct, of the surveys
and plans of city streets in convenient sections without
awaiting the completion of the entire survey.

(8) Keeping and maintaining books and records, and providing
for certified copies of the same, as may be directed or
authorized by council OR REQUIRED BY LAW.

Section 1504. [Certificate of Commencement and of Completion
of Municipal Improvements.--The city engineer shall immediately
after the completion of any municipal improvement, the cost and
expense of which, in whole or in part, is to be paid by the
abutting property, make certificate in which he shall state the
day or time on which the particular improvement was completed,



1 and shall file the same with the city clerk, who shall enter the
2 said day or time of completion in a book to be kept by him for
3 said purposes; and the said day or time mentioned in said
4 certificate shall be conclusive on all parties as to the time
5 the said work was completed. The time of completion of the work,
6 referred to in this section and in other parts of this act,
7 shall be taken to mean the time of the completion of the whole
8 contract for the improvement. He shall also furnish to the city
9 clerk a certificate showing the time on which any such
10 particular improvement was commenced, and such certificate shall
11 be conclusive evidence of the time when the said improvement was
12 begun. An entry of such date shall be made by said clerk in the
13 books aforesaid.] Certifying Commencement and Completion of
14 Municipal Improvements.--Within a reasonable time after the
15 completion of any municipal improvement, the cost and expense of
16 which, in whole or in part, is to be paid by the abutting
17 property owner or owners, the city engineer, or employes
18 designated by the city engineer, shall certify the day or time
19 on which the particular improvement was commenced and the day or
20 time on which the particular improvement was completed, shall
21 file the same with the city clerk WHO SHALL MAINTAIN A
22 CENTRALIZED BOOK OR LISTING OF CERTIFICATES OF COMMENCEMENT AND
23 COMPLETION, and shall provide notice of the filing to the city
24 solicitor. The day or time of completion of the work, referred
25 to in this section and in other parts of this act, shall mean
26 the time of the completion of the whole contract for the
27 improvement. Information filed with the clerk certifying the day
28 or time of the commencement and completion of the work shall be
29 conclusive evidence of the day or time when the improvement was
30 begun and completed.



1 Section 1505. [Surveys.--The city engineer shall have the
2 charge and direction of all surveys and regulations authorized
3 by any act of Assembly, or ordinance of such city, and shall
4 perform such other duties as council shall direct.] Surveys;
5 Entering Upon the Lands of Others.--For the purposes of carrying
6 out authorized surveys, laying out streets or of other
7 engineering work of the city, the city engineer or other persons
8 engaged in city engineering work shall have full power and
9 authority to enter upon the lands and premises of any person or
10 persons within the city.

11 Section 71. Article XV subdivision (b) heading, sections
12 1515, 1516, 1517, 1518, 1519, 1520 and 1521, subdivision (c)
13 heading and sections 1530, 1531, 1532, 1533, 1534, 1535, 1536,
14 1537 and 1538 are repealed:

15 [(b) Real Estate Registry

16 Section 1515. Council to Provide for Registry of Real
17 Estate.--For the purpose of procuring accurate information in
18 reference to the ownership of all real estate, the council of
19 each city shall provide, by ordinance, for a registry thereof in
20 accordance with this subdivision.

21 Section 1516. Preparation of Books, Plans and Maps.--The
22 city engineer of any city in which such registry shall be
23 established shall cause to be made all such necessary books,
24 maps and plans as will show the situation and dimensions of each
25 property therein, which books, maps or plans shall be so
26 prepared as to show the city number, and name of the owner or
27 owners thereof, with blank spaces for the owner of each lot,
28 with provision for the names of future owners, and dates of
29 future transfer of title. For such purpose, the city engineer
30 shall have free access, without charge, to any of the public

1 records wherein the necessary information may be obtainable
2 therefor. He may also cause search to be made in any other place
3 for any muniments or evidence of title, not reported to him as
4 hereinafter provided, and requisite for the completion of said
5 books, maps or plans.

6 Section 1517. Preservation of Records.--The said books, maps
7 and plans shall be carefully preserved in the office of the
8 engineer, and shall be so kept, by additions from time to time,
9 or otherwise, as to show the ownership of every lot or piece of
10 real estate, or subdivision thereof, within the city limits,
11 with the successive transmissions of title, from the date of the
12 commencement of such plans; but nothing herein or in this
13 article shall invalidate any municipal or tax claim by reason of
14 the fact that the same is not assessed or levied against the
15 registered owner.

16 Section 1518. Certified Copies of Entries Admissible as
17 Evidence.--Certified copies, signed by the city engineer, of any
18 of the entries in said books, or upon said maps or plans, shall
19 be received in evidence in the same manner as the books, maps
20 and plans themselves might be admissible for such purposes; and
21 may be also furnished to any person desiring the same, for such
22 fee or compensation for the use of the city as may be fixed by
23 ordinance.

24 Section 1519. Duties Imposed on Owners of Real Estate when
25 Registry Established; Penalty.--All owners of unregistered real
26 estate within the city limits, within thirty days from the date
27 of the approval of the ordinance establishing such registry, and
28 every subsequent purchaser, devisee, or person acquiring title
29 by partition or otherwise, to any real estate therein, within
30 thirty days after acquiring such title, shall furnish to the

1 said engineer, at his office, descriptions of their respective
2 properties, upon blanks to be furnished by the city, and, at the
3 same time, present their conveyance to be stamped by said
4 engineer, without charge, as evidence of the registration
5 thereof. Any person or persons neglecting or refusing to comply
6 with the provisions of this section, for a period of thirty days
7 after public notice of the requirements thereof, shall be liable
8 to a penalty of five dollars, to be recovered, with costs of
9 suit, in the name and for the use of the city, as penalties for
10 the violation of city ordinances are recoverable: Provided,
11 however, That such registration may within said thirty day
12 period be also effected by the recorder of deeds of the county,
13 in accordance with existing law.

14 Section 1520. Registry of Properties Sold at Judicial
15 Sales.--The sheriffs of the respective counties in which such
16 cities are situated shall present for registry the deeds of all
17 properties within the city limits sold by them at judicial
18 sales, whether by execution, in partition, or otherwise.

19 Section 1521. Filing of Municipal Claims.--Each city's
20 registry may be used as the lawful and proper source of property
21 owners' or reputed owners' names for the purpose of filing
22 municipal claims as liens or of reviving municipal liens.

23 (c) Topographical Survey

24 Section 1530. Council May Authorize Topographical Survey.--
25 Any city may, by ordinance, cause a topographical survey
26 thereof, to be made by its city engineer, or by such other civil
27 engineer and assistants as they may employ for that purpose.

28 Section 1531. Plan of Streets and Highways; Surveys;
29 Grades.--The city engineer, upon being duly authorized, shall
30 procure and keep in his office such necessary plot or other

1 books as shall be necessary for the purpose of entering or
2 recording thereon all the streets and highways of the city,
3 already opened or to be hereafter opened. He shall survey and
4 mark the lines of all the streets and highways of the city,
5 already opened or intended to be opened for public use, and
6 survey and lay out new streets and highways, as council may deem
7 necessary, for a regular and convenient city plan, and, if
8 specially directed, he shall report a grade for any proposed new
9 streets. For the said purposes, the city engineer and his
10 assistants or any other person engaged in such engineering work
11 for the city shall have full power and authority to enter upon
12 the lands and premises of any person or persons within the said
13 city.

14 Section 1532. Return of Draft of Completed Survey to
15 Council; Inspection.--When the survey shall be completed, the
16 said engineer shall make or cause to be made a draft or plan
17 thereof, with every provision and explanation necessary for a
18 full understanding of the same, distinctly designated where new
19 streets and highways are thereafter to be opened, and shall
20 return the same to the council. It shall remain in the office of
21 the city clerk, and open to inspection by those interested,
22 until finally approved as hereinafter provided.

23 Section 1533. Notice of Return; Objections; Alterations;
24 Approval; Recording.--Council shall give at least thirty days'
25 previous notice by publication once in at least two newspapers
26 of general circulation, if there be that many, as required by
27 section one hundred and nine of this act, and by posting at
28 least ten handbills upon lands or territory contained in the map
29 or plan returned for approval, that on a certain day or days, to
30 be fixed by the said council, the said council will hear any

1 objection that may be made to said draft or plans by any
2 freeholder or citizen of said city, or interested person. The
3 council at the time appointed, or at any subsequent time within
4 three months, shall determine whether any and what alterations
5 shall be made in the said plan or draft. When the same is
6 finally approved, whether as returned or as altered and changed,
7 said council may direct that the same be entered and recorded in
8 the plot-book of street plans, in the office of the city
9 engineer.

10 Section 1534. Notation of Grades on Plans.--In case the city
11 engineer is directed to report grades for said streets or
12 highways, the same shall be noted on said draft or plan, and be
13 returned with his surveys; and said grades shall be subject to
14 alterations and changes by council, in the manner aforesaid; and
15 when approved by the said council shall become part of the
16 plans, and be entered and recorded as aforesaid.

17 Section 1535. Effect of Recording.--Upon the recording of
18 such plan or draft in the street plan book, and the passage of
19 an ordinance approving said street drafts or plans and grades,
20 or of either, as the case may be, therein designating the book
21 and page, or pages, at or in which the said plan or plans are
22 recorded, thereafter all the streets and highways, as designated
23 upon said approved plan and recorded as aforesaid, shall be
24 adjudged and taken to be laid out and located streets and
25 highways.

26 Section 1536. Deviation from Established Plans; Liability of
27 City.--In case the council shall thereafter change or alter, or
28 should they by themselves or their officers deviate from the
29 regulations of the streets or highways, so as aforesaid
30 established, and damages thereby accrue to the property of any

1 person or persons in consequence thereof, the said city shall be
2 liable for the payment of such damages.

3 Section 1537. Sectional Surveys.--Sectional surveys or
4 drafts may be returned to the council by said engineer at any
5 time, and be confirmed as aforesaid, and with like force and
6 effect.

7 Section 1538. Reports of Partial Surveys; Confirmation.--The
8 said engineer may, from time to time as he shall deem expedient
9 and the said council shall direct, make report of the surveys,
10 plans and regulations by him made, in convenient sections,
11 without awaiting the completion of the entire survey, and shall
12 make duplicate drafts and plans of said section in the manner
13 hereinbefore prescribed. The same proceedings shall be had for
14 the final confirmation of such partial or sectional drafts and
15 plans as is herein directed in relation to the confirmation of
16 the entire survey, and with like effect and force.]

17 Section 72. Article XVI heading of the act is reenacted to
18 read:

19 ARTICLE XVI

20 THE CITY SOLICITOR

21 Section 73. Sections 1601, 1602, 1603 and 1604 of the act
22 are amended to read:

23 Section 1601. Appointment of City Solicitor[; Term;
24 Compensation; Bond; Filling of Vacancies.--The council of each
25 city shall, on the first Monday of May, one thousand nine
26 hundred and fifty-two, and on the first Monday of May every
27 fourth year thereafter, or as soon thereafter as practicable in
28 each of said years, appoint a city solicitor, who shall be
29 learned in the law and admitted to practice in the Supreme Court
30 of the Commonwealth, and shall maintain an office in the city.

1 He shall serve for a term of four years from the said first
2 Monday of May and until his successor is qualified. He shall
3 receive a fixed annual salary to be provided by ordinance. He
4 shall give lawful bond to the city, with a surety or other
5 company authorized by law to act as surety, to be approved by
6 council, in such sum as they shall by ordinance direct,
7 conditioned for the faithful performance of his official duties.
8 Vacancies in said office shall be filled by council for the
9 unexpired term.].--Council shall provide for the manner of
10 appointment and compensation of the city solicitor, which may be
11 a law firm.

12 Section 1602. Direction of [Law] Legal Matters.--The city
13 solicitor shall have the [superintendence,] direction[,] and
14 control of the [law] legal matters of the city. No department of
15 the city shall employ or retain any additional counsel in any
16 matter or cause, except with the [previous] prior assent of
17 council.

18 Section 1603. Duties.--The city solicitor shall [prepare]
19 oversee the preparation of all bonds, obligations, contracts,
20 leases, conveyances, and assurances to which the city or any
21 department thereof may be party, as may be directed by
22 resolution or ordinance, and shall [commence and prosecute]
23 oversee the commencement and prosecution of all and every suit
24 or suits, action or actions, brought by the city, and the filing
25 of municipal claims and liens, for or on account of any of the
26 estates, rights, trusts, privileges, claims, or demands[,] of
27 the same, as well as [defend] oversee the defense of all actions
28 or suits against the [said] city or any officer thereof, wherein
29 or whereby any of the estates, rights, privileges, trusts,
30 ordinances, or acts of the city or any department thereof, may

1 be brought in question before any court. ~~He or she~~ [HE] THE CITY ←
2 SOLICITOR shall have like duties before any administrative
3 agency or other judicial or quasi-judicial body. ~~He or she~~ [HE] ←
4 THE CITY SOLICITOR shall do all and every professional act
5 incident to the office which ~~he or she~~ [HE] THE CITY SOLICITOR ←
6 may be lawfully authorized and required to do by the mayor, or
7 by any ordinance or resolution of the council, and shall perform
8 such other duties as council may direct.

9 Section 1604. Written Opinions to be Furnished.--[The city
10 solicitor shall, whenever required, furnish the council, the
11 mayor, or any elected city official, with his opinion, in
12 writing, upon any question of law which may be submitted by any
13 of them in their official capacities.] (a) Subject to
14 regulation by council in accordance with subsection (b), the
15 city solicitor shall furnish a written opinion on questions of
16 law submitted, in their official capacities, by any of the
17 following:

18 (1) The council.

19 (2) The mayor.

20 (3) Any other elected city official.

21 (4) Any appointed city official designated by council as
22 authorized to request a written legal opinion.

23 (b) The city council may provide for the regulation of the
24 manner in which questions are presented to the city solicitor by
25 any elected or appointed city official and may limit the
26 questions submitted in such manner as the city council may
27 direct.

28 Section 74. Sections 1605 and 1606 of the act are repealed:

29 [Section 1605. City Lien Docket.--The city solicitor shall
30 keep in his office a city lien docket, which shall be open to

1 public inspection, and in which he shall cause to be entered all
2 claims for curbing, paving, or repaving sidewalks, assessments
3 of damages, contributions for opening streets, or parts thereof,
4 for grading, paving, and macadamizing the same, for water and
5 lighting frontage tax and water and lighting rates, sewerage,
6 city taxes, and other matters that may be the subject of claim
7 on the part of the city, which have or shall be returned to the
8 solicitor as remaining due and unpaid after the period
9 prescribed by law or ordinance for the payment of such claims.

10 Nothing contained herein shall be deemed to alter or replace the
11 administration and effect of the Real Estate Tax Sale Law in any
12 city wherein said law is in operation.

13 Section 1606. Department Heads to Furnish Statements of
14 Claim.--It shall be the duty of the head of each department,
15 wherein any such claim shall originate, to furnish to the city
16 solicitor, within the period prescribed by law or ordinance, a
17 statement of all claims for curbing, paving, et cetera, which
18 remain due or unpaid, a certified copy of which the said heads
19 of departments shall at the same time furnish to the director of
20 accounts and finance.]

21 Section 75. Section 1607 of the act is amended to read:

22 Section 1607. Satisfaction of Liens Due City.--Upon the
23 payment of any lien or other debt of record due the city, to any
24 city employe or city official or other person authorized to
25 receive the [same] payment, that person shall [forthwith forward
26 to the city solicitor a satisfaction piece therein], as soon as
27 practicable, notify the city solicitor; and it shall be the duty
28 of the city solicitor or his [assistant forthwith] or her
29 designee, as soon as practicable, to cause satisfaction to be
30 entered upon the proper record [thereof] of the lien or debt of

1 record.

2 Section 76. Section 1608 of the act is repealed:

3 [Section 1608. Return and Payment of Money and Fees

4 Received.--The city solicitor shall, at least once in every

5 month, make a return to the director of accounts and finance,

6 under oath or affirmation, of each item of moneys received by or

7 through him, or his assistants, by virtue of his office, or on

8 account of any matter connected therewith. Immediately upon

9 making such return, he shall pay over the amount in his hands to

10 the city treasurer. He shall, in like manner, pay into the city

11 treasury all fees received by him in his official capacity, but

12 this provision shall not be taken to include the judgment fee or

13 commission allowed him in his capacity of attorney.]

14 Section 77. Sections 1609 and 1610 of the act are amended to
15 read:

16 Section 1609. Assistant Solicitor.--[The council of each

17 city may] Council may, at its discretion, appoint one or more

18 assistant city solicitors[, whose term of office shall be

19 concurrent with that of the city solicitor, and whose] to assist

20 the solicitor in the performance of all duties and shall provide

21 for the compensation [shall be fixed by resolution, and who

22 shall assist the solicitor in the performance of all duties

23 prescribed for him] of assistant solicitors by resolution.

24 Section 1610. Special Counsel.--Council may, at its

25 discretion, retain special counsel for particular proceedings or

26 matters of the city and [fix his] shall provide for the

27 compensation of special counsel by resolution.

28 Section 78. Article XVII heading of the act is amended to

29 read:

30 ARTICLE XVII

1 THE CITY CONTROLLER AND INDEPENDENT AUDITOR

2 Section 79. Article XVII of the act is amended by adding a
3 subdivision heading to read:

4 (a) City Controller

5 Section 80. Section 1701 of the act, amended July 27, 1973
6 (P.L.234, No.62), is amended to read:

7 Section 1701. Qualifications; Bond; Compensation.--(a) The
8 city controller or any deputy or temporary deputy controller
9 shall be [a competent] an accountant, at least twenty-one years
10 of age, shall have been a resident of the city for at least one
11 year [next before his election] before his or her election, and
12 shall reside in the city throughout his or her term of office.

13 Prior to being sworn in to office, and as a condition to
14 qualifying for office, the elected city controller shall present
15 a signed affidavit to the city clerk that states the person
16 resides in the city from which elected and has resided in the
17 city continuously for at least one year immediately before the
18 person's election.

19 (b) The city controller shall give bond in accordance with
20 section ~~907.1~~ 907 for the faithful performance of his or her
21 official duties as the city controller. The bond shall cover the
22 full term of his or her office and shall be conditioned upon the
23 following:

24 (1) The accounting for and paying over of all moneys
25 received in his or her capacity as city controller.

26 (2) The safekeeping and payment over of all public moneys
27 entrusted to his or her care.

28 (c) The city controller shall receive a fixed annual salary,
29 to be set by ordinance, in an amount not less than the
30 compensation paid to members of council.



1 Section 81. Sections 1702 and 1703 of the act are repealed:
2 [Section 1702. Bond.--He shall give lawful bond to the city,
3 with a surety or other company authorized by law to act as
4 surety, to be approved by the council, in such sum as it may by
5 ordinance direct, conditioned for the honest and faithful
6 discharge of his official duties.

7 Section 1703. Compensation.--He shall receive a fixed annual
8 salary, to be provided by ordinance, which shall not be less
9 than the compensation paid to members of council.]

10 Section 82. Section 1704 of the act, amended May 6, 1957
11 (P.L.100, No.42) and December 14, 1967 (P.L.828, No.355), is
12 amended to read:

13 Section 1704. [Examination and Audit of Accounts].--(a)]
14 Powers and Duties.--(a) The city controller shall countersign
15 all documents authorizing the payment of moneys out of the city
16 treasury when satisfied of the legality of the payment.

17 (b) The city controller shall have the power to administer
18 oaths or affirmations in relation to any matter touching the
19 authentication of any account, claim or demand of or against the
20 city, but shall not receive any fee therefor.

21 (c) The city controller shall have the power to examine[,
22 audit and settle all] the following accounts:

23 (1) All accounts whatsoever in which the city is concerned,
24 either as debtor or creditor[, and shall also, annually or as
25 often as he desires or is directed to do so by council, examine
26 and audit the].

27 (2) The accounts of all city bureaus, officers, and
28 departments which collect, receive, and disburse public
29 moneys[, or who are charged with the management, control, or
30 custody thereof[, and in every case he shall make report of such

1 examination, audit and settlement to the council. He shall
2 likewise audit and report upon the].

3 (3) The accounts of [any such] a city officer upon the
4 death, resignation, removal or expiration of the term of the
5 [said officers] officer. [He shall likewise audit and report
6 upon the]

7 (4) The accounts of any library to which the city makes
8 appropriations, [those of] any institution owned by the city,
9 and [those of] Pennsylvania National Guard units to which the
10 city makes appropriations.

11 [(b) He shall likewise audit, or with the consent of council
12 cause to be made by an accountant an annual audit of, all the
13 accounts of any municipal officer in any department of the city
14 government who may be charged with the duty, or who may perform
15 the services, of receiving and disbursing the funds of any
16 association, society, or organization of municipal employes or
17 persons, directly or indirectly connected with the municipal
18 government, for the benefit, relief, or pensioning of firemen,
19 policemen, or other municipal employes or persons as aforesaid.

20 (c) All such audits shall be made within as short a time as
21 possible after the close of the fiscal year, and be annually
22 reported to council at its first meeting in March, as other
23 reports of the controller are made, and shall be filed with the
24 court of quarter sessions within ninety days of the close of the
25 fiscal year.

26 (d) Council may provide for an audit of any or all accounts
27 by an independent certified public accountant.

28 (e) Brief abstracts or summaries of the reports of such
29 accounts and financial statements or such other reports thereof
30 as council may require shall be published at least once a week

1 for two weeks in one newspaper, in accordance with the
2 provisions of section one hundred and nine of this act. The
3 expense and cost of such publication shall be paid out of the
4 funds of the various associations, organizations, or societies,
5 as their other expenses are paid.]

6 (d) In the same manner in which subpoenas may be issued and
7 enforced, in accordance with section 917, the city controller
8 shall have power to issue and pursue enforcement of subpoenas to
9 obtain the attendance both of officers whose accounts the
10 controller is authorized to examine and of any person or persons
11 whom it may be necessary to examine as witnesses.

12 (e) The city controller may present council with annual or
13 periodic statements concerning the results of the controller's
14 examination of accounts, WHICH SHALL BE PUBLIC RECORDS PURSUANT ←
15 TO THE ACT OF FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN AS THE
16 "RIGHT-TO-KNOW LAW".

17 Section 83. The act is amended by adding sections to read:

18 Section 1704.1. Deputy Controller; Employees.--The controller
19 may appoint a deputy controller and may select individuals to
20 serve as assistants and employees in the controller's office. The
21 number of the assistants and employees permitted, if any, shall
22 be fixed by council. Assistants and employees in the controller's
23 office shall, in all other respects, be considered employees of
24 the city. A deputy controller, assistants and employees appointed
25 hereunder shall be bonded, and their compensation shall be fixed
26 by council.

27 Section 1704.2. Temporary Deputy Controller.--In case of the
28 sickness, absence or inability of a city controller, and when no
29 deputy shall have been appointed by the controller, the council
30 may appoint a temporary deputy controller to serve during the

sickness, absence or inability of such controller, or until the
controller shall appoint a deputy. A temporary deputy controller
shall be bonded and receive such compensation as fixed by
council.

Section 1704.3. Continuation of Office.--The appointment of
an independent auditor in accordance with subdivision (b) shall
not abolish the office of controller. The elected controller
shall continue to exercise those powers retained for the
controller in this subdivision.

Section 84. Article XVII of the act is amended by adding a
subdivision heading to read:

(b) Independent Auditor

Section 85. The act is amended by adding sections to read:

Section 1704.11. Appointment of an Independent Auditor.--The
council shall provide, by resolution, for the appointment of an
independent auditor. The independent auditor may be a certified
public accountant or a firm of certified public accountants.

Section 1704.12. Powers and Duties of the Independent
Auditor.--(a) The independent auditor shall conduct an annual
audit of all accounts of city officers, departments and offices
which collect, receive and disburse public moneys and other
funds or are charged with the management, control or custody
thereof on which ~~he or she~~ THE INDEPENDENT AUDITOR is required
to report pursuant to this subdivision. The annual audit, as
directed by council, shall also include any accounts subject to
examination by the controller pursuant to subdivision (a).

(b) The independent auditor shall have and possess the
powers expressly provided in this subdivision and, in relation
to accounts which the independent auditor is authorized to
audit, shall have the same power as the city controller to issue



1 subpoenas to obtain the attendance of officers and witnesses.

2 Section 86. Section 1705 of the act, amended March 2, 1970
3 (P.L.71, No.31), is amended to read:

4 Section 1705. Annual Report to Council; Filing Copy in Court
5 and Appeal [Therefrom].--(a) The [city controller] independent
6 auditor appointed in accordance with this subdivision shall make
7 a report to council, at [its] council's first meeting in March
8 in each year, of the audits [which he shall have] made of the
9 accounts of the officers having charge, custody, control or
10 disbursement of such public moneys and other funds, showing the
11 balance in their hands respectively, and, within ninety days of
12 the close of the fiscal year, the [city controller] independent
13 auditor shall file a copy of the [said] annual report to council
14 with the clerk of the court or the prothonotary, as may be
15 provided by local rules of court.

16 (b) The independent auditor shall also prepare, annually, an
17 intelligible summary of the report or reports made pursuant to
18 this section, showing the fiscal condition of the affairs of the
19 city. Council may require advisory interim reports from the
20 independent auditor. REPORTS PREPARED UNDER THIS SECTION AND ALL ←
21 SUMMARIES THEREOF SHALL BE PUBLIC PURSUANT TO THE ACT OF
22 FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN AS THE RIGHT-TO-KNOW LAW.

23 (c) It shall be lawful for the city or any taxpayer thereof
24 on its behalf or any officer whose account is settled or audited
25 to appeal from the settlement or audit to the court of common
26 pleas of the county within forty-five days after the [said]
27 annual report to council has been filed. If the appellant is a
28 taxpayer or any officer charged as aforesaid, he shall file a
29 bond, with one or more sufficient sureties, conditioned to pay
30 all costs thereafter accruing in case a decision shall not be

1 obtained more favorable to the party on whose behalf the appeal
2 shall be taken than that contained in the [said] report. [The
3 city controller shall also prepare an intelligible summary of
4 said reports, showing the fiscal condition of the affairs of the
5 city, and post one copy of said summary in a conspicuous place
6 in the city hall. Council may require advisory interim reports
7 from the city controller.]

8 Section 87. Sections 1706, 1707, 1708 and 1709 of the act
9 are repealed:

10 [Section 1706. Power to Administer Oaths; Countersigning of
11 Warrants.--The city controller shall have the power to
12 administer oaths or affirmations in relation to any matter
13 touching the authentication of any account, claim, or demand of
14 or against the city, but shall not receive any fee therefor, and
15 shall countersign all warrants for the payment of moneys out of
16 the city treasury when satisfied of the legality of such
17 payment.

18 Section 1707. Power to Subpoena City Officers.--The city
19 controller shall have power to issue subpoenas to obtain the
20 attendance of officers whose accounts he is authorized to
21 adjust, audit, and settle, and also to subpoena any person or
22 persons whom it may be necessary to examine as witnesses, and in
23 case any city officer or any witness refuses to appear upon
24 being subpoenaed, he shall report such refusal to council, and
25 the council is hereby empowered to enact ordinances to compel
26 the attendance of city officers and witnesses before the said
27 city controller and to impose penalties in case of refusal.

28 Section 1708. Appointment of Deputy Controller; Powers;
29 Responsibility.--The city controller may appoint a deputy
30 controller, who in case of the sickness, absence, or inability

1 of such controller to act, shall have the same powers and shall
2 perform the same duties as are imposed by law upon the city
3 controller. In the case of such appointment, the said controller
4 shall be responsible and liable for the acts of such deputy.

5 Section 1709. Appointment of Temporary Deputy by Council;
6 Bond; Compensation.--In case of the sickness, absence, or
7 inability of a city controller, and when no deputy shall have
8 been appointed by him, the council of such city may appoint a
9 deputy controller to serve during the sickness, absence, or
10 inability of such controller, or until such controller shall
11 appoint a deputy, as aforesaid, who shall furnish such bond, and
12 receive such compensation, as shall be fixed by council.]

13 Section 88. Article XVIII heading of the act is reenacted to
14 read:

15 ARTICLE XVIII

16 ACCOUNTS AND FINANCES

17 Section 89. Section 1801 of the act, amended April 27, 1965
18 (P.L.21, No.18), is amended to read:

19 Section 1801. Fiscal Year.--The fiscal year of each city
20 shall begin on the first day of January and end on the last day
21 of December.

22 Section 90. Sections 1802, 1803 and 1804 of the act are
23 amended to read:

24 Section 1802. [Director of Accounts and Finance] Chief
25 Fiscal Officer; Bond; Administering Oaths.--[The director of
26 accounts and finance shall be the head of the Department of
27 Accounts and Finance. He shall furnish bond in such amount as
28 shall be fixed by ordinance. He] (a) Council shall provide for
29 a chief fiscal officer for the city. In filling the position of
30 chief fiscal officer, council may appoint, but shall not be

1 limited to appointing, the director of the department of
2 accounts and finance, if one is appointed pursuant to Article XI
3 or the city administrator, if one is appointed pursuant to
4 Article XIII.

5 (b) Council shall require that the chief fiscal officer
6 furnish a bond subject to section ~~907.1~~ 907. ←

7 (c) The chief fiscal officer shall have authority to
8 administer oaths and affirmations in relation to any matter
9 touching the authentication of every account with or claim or
10 demand of or against the city, but shall not be entitled to
11 receive any fee therefor.

12 Section 1803. Deputy.--[The director of accounts and finance
13 may appoint a deputy, subject to the approval of council, which
14 shall fix the salary of such deputy.] Council may authorize the
15 chief fiscal officer to appoint, subject to the approval of
16 council, a deputy chief fiscal officer whose compensation shall
17 be fixed by council. The deputy shall have power to administer
18 oaths and affirmations in all matters relating to the affairs of
19 [said] the office and shall furnish a bond subject to section
20 ~~907.1~~ 907. If no deputy has been appointed, council may appoint ←
21 a temporary deputy chief fiscal officer to serve during the
22 chief fiscal officer's illness, absence or inability to serve.
23 The temporary deputy chief fiscal officer may be required to
24 furnish bond as required by council. [The director of accounts
25 and finance shall in all cases be responsible and liable for the
26 actions and conduct of the said deputy.]

27 Section 1804. Regulations Concerning Appropriation.--(a) No
28 debt shall be created by any department of the city[,] except in
29 [pursuance of previous authority of law, ordinance, or
30 resolution] accordance with law.

1 **(b)** No money shall be paid out of the city treasury except
2 upon appropriation made according to law[,] and [on warrant]
3 pursuant to a document authorizing payment drawn by the proper
4 officer or officers in pursuance thereof.

5 **(c)** No work shall be hired to be done, no materials
6 purchased, no contracts made, and no order issued for the
7 payment of any moneys [in any amount which will cause the sums
8 appropriated to specific purposes to be exceeded], if doing so
9 would result in the total expenditure of money for a specific
10 purpose to exceed the amount appropriated for that purpose.

11 **(d)** In every case in which an appropriation shall be
12 [exhausted] entirely expended, and the object of [which] the
13 appropriation is not completed, the [director of accounts and
14 finance] chief fiscal officer shall [immediately] on or before
15 the next regularly scheduled council meeting report the fact to
16 the city council and accompany [such] the report with a
17 statement of the moneys which have been drawn on [such] the
18 appropriation[,] and the particular purpose for which they were
19 drawn.

20 **(e)** The council may at any time by ordinance make
21 supplemental appropriations for any lawful purpose from any
22 funds on hand or estimated to be received within the fiscal year
23 and not appropriated to any other purpose, including the
24 proceeds of any borrowing now or hereafter authorized by law.

25 **(f)** The council shall have the power to authorize the
26 transfer of any unexpended balance, of any appropriation item,
27 or any portion thereof, but [such action shall be taken only on
28 the recommendation of a director of one of the departments]
29 council shall first seek comments from the director of the
30 department negatively affected by the proposed transfer pursuant

1 to this section.

2 [When a transfer of over five per cent of an appropriation
3 item is made within a department or when a transfer of over five
4 per cent of the total appropriation is made from one department
5 to another department, an affirmative vote of four members of
6 the council shall be required.]

7 (g) Consistent with this section, council shall determine
8 the manner and method of all intradepartmental and
9 interdepartmental financial transfers.

10 Section 91. Section 1804.1 of the act, amended July 10, 1980
11 (P.L.478, No.103) and December 13, 1982 (P.L.1149, No.263), is
12 amended to read:

13 Section 1804.1. Investment of City Funds.--(a) The council
14 shall have power to provide the following:

15 (1) [make] The investment of city sinking funds as
16 authorized by [the act of July 12, 1972 (P.L.781, No.185), known
17 as the "Local Government Unit Debt Act";] 53 Pa.C.S. Pt. VII
18 Subpt. B (relating to indebtedness and borrowing).

19 (2) [make] The investment of moneys in the general fund and
20 in special funds of the city other than the sinking funds as
21 authorized by this article[; and].

22 (3) [liquidate] The liquidation of any [such] investment, in
23 whole or in part, by disposing of securities or withdrawing
24 funds on deposit. Any action taken to make or to liquidate any
25 investment shall be made by the officers designated by action of
26 the council.

27 (b) The council shall invest city funds consistent with
28 sound business practice.

29 (c) The council shall provide for an investment program
30 subject to restrictions contained in this act and in any other

1 applicable statute and any rules and regulations adopted by the
2 council.

3 (d) Authorized types of investments for city funds shall be
4 any of the following:

5 (1) United States Treasury bills.

6 (2) Short-term obligations of the United States Government
7 or its agencies or instrumentalities.

8 (3) Deposits in savings accounts or time deposits, other
9 than certificates of deposit, or share accounts of institutions
10 insured by the Federal Deposit Insurance Corporation [or the
11 Federal Savings and Loan Insurance Corporation] or the National
12 Credit Union Share Insurance Fund [or the Pennsylvania Deposit
13 Insurance Corporation or the Pennsylvania Savings Association
14 Insurance Corporation] to the extent that such accounts are so
15 insured[,] and, for any amounts above the insured maximum,
16 provided that approved collateral as provided by law therefore
17 shall be pledged by the depository.

18 (4) Obligations of the United States of America or any of
19 its agencies or instrumentalities backed by the full faith and
20 credit of the United States of America, the Commonwealth of
21 Pennsylvania or any of its agencies or instrumentalities backed
22 by the full faith and credit of the Commonwealth, or of any
23 political subdivision of the Commonwealth of Pennsylvania or any
24 of its agencies or instrumentalities backed by the full faith
25 and credit of the political subdivision.

26 (5) Shares of an investment company registered under the
27 Investment Company Act of 1940 (54 Stat. 789, 15 U.S.C. § 80a-1
28 et seq.), whose shares are registered under the Securities Act
29 of 1933 (48 Stat. 74, 15 U.S.C. § 77a et seq.), provided that
30 the only investments of that company are in the authorized

investments for city funds listed in clauses (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 per centum 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 per centum of an institution's assets minus liabilities.

(7) Any investment authorized by 20 Pa.C.S. Ch. 73 (relating to [fiduciaries] municipalities investments) shall be an authorized investment for any pension or retirement fund.

(8) Repurchase agreements which are fully collateralized by obligations of the United States Government or its agencies or instrumentalities, which are free from other liens and backed by the full faith and credit of the United States or are rated in the highest category by a nationally recognized statistical rating organization.

(9) Deposits in investment pools established by the State Treasurer or established by local governments pursuant to 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental

1 cooperation) and related statutes, provided that the investment
2 pools are rated in the highest category by a nationally
3 recognized statistical rating organization.

4 (e) In making investments of city funds, the council shall
5 have authority to do any of the following:

6 (1) [To permit] Permit assets pledged as collateral under
7 subsection (d) (3), to be pooled in accordance with the act of
8 August 6, 1971 (P.L.281, No.72), relating to pledges of assets
9 to secure deposits of public funds.

10 (2) [To combine] Combine moneys from more than one fund
11 under city control for the purchase of a single investment,
12 provided that each of the funds combined for the purpose shall
13 be accounted for separately in all respects and that the
14 earnings from the investment are separately and individually
15 computed and recorded, and credited to the accounts from which
16 the investment was purchased.

17 (3) [To join] Join with one or more other political
18 subdivisions and municipal authorities in accordance with [the
19 act of July 12, 1972 (P.L.762, No.180), referred to as the
20 Intergovernmental Cooperation Law] 53 Pa.C.S. Ch. 23, Subch. A
21 (relating to intergovernmental cooperation), in the purchase of
22 a single investment, provided that the requirements of clause
23 (2) on separate accounting of individual funds and separate
24 computation, recording and crediting of the earnings therefrom
25 are adhered to.

26 Section 92. Sections 1805, 1806, 1807 and 1808 of the act
27 are amended to read:

28 Section 1805. Countersigning [Warrants;] Documents; Money
29 Available; Evidence Required.--(a) The [director of the
30 Department of Accounts and Finance] chief fiscal officer shall

1 countersign all [warrants upon the city treasury, the form
2 whereof shall be prescribed by council, and] documents, in the
3 form approved by council, authorizing payment from the city
4 treasury.

5 (b) In countersigning documents authorizing payment from the
6 city treasury, the chief fiscal officer shall not [suffer]
7 permit any appropriation made by the council to be overdrawn[.
8 No warrant shall be countersigned] and shall not countersign
9 unless there is money in the treasury to pay the same.

10 (c) Except in the case of [warrants for the payment of
11 moneys] documents authorizing payment to volunteer fire
12 companies, whenever a [warrant on the treasurer] document
13 authorizing payment from the city treasury shall be presented to
14 the [director of accounts and finance] chief fiscal officer to
15 be countersigned, the person presenting the same shall be[, by
16 the said director,] required to produce evidence of each of the
17 following:

18 (1) [That the] The amount expressed in the [warrant]
19 document authorizing payment is due [to] the person in whose
20 favor it is drawn.

21 (2) [That the] The supplies, services or other consideration
22 for payment of which the [warrant] document authorizing payment
23 is drawn have been furnished, performed or given according to
24 law and the terms of the contract, if any.

25 Section 1806. Record of Assets, Property, Trusts, Debts Due,
26 Receipts and Expenditures.--The [director of accounts and
27 finance] chief fiscal officer or other official or employe of
28 the city designated by council shall have charge and keep a
29 record of accounts, under appropriate titles, to show separately
30 and distinctly all of the assets and property whatsoever vested

1 in the city, and all trusts in care of the same, debts owing by
2 the city, and all of the receipts and expenditures of the
3 various departments.

4 Section 1807. Supervision of Accounts of Departments.--The
5 [director of accounts and finance] chief fiscal officer shall
6 have the supervision and control of the accounts of all of the
7 departments, and may require from them at any time a statement
8 in writing of all money or property of the city in their hands.

9 Section 1808. Suggestions [by Director] for Improvement of
10 City Finances.--The [director of accounts and finance] chief
11 fiscal officer may, from time to time, and shall, when the
12 council shall direct, suggest plans to the council for the
13 management and improvement of the city finances.

14 Section 93. Sections 1809 and 1810 of the act, amended June
15 22, 2000 (P.L.321, No.33), are amended to read:

16 Section 1809. Annual Budget; Presentation to Council;
17 Notice; Revision; Adoption.--[The director of accounts and
18 finance] (a) Each year, the chief fiscal officer shall, on
19 behalf of council, at the last stated meeting in November [in
20 each year] present to council for [first reading] introduction a
21 proposed budget ordinance for all funds showing the estimated
22 receipts, expenditures, and liabilities of every kind[,] for the
23 ensuing year, with the balance of unexpended appropriations[,]
24 and all other information of value as a basis for fixing the
25 levy and tax rate for the next fiscal year. Council shall[,]
26 upon [passing] introducing the [said] proposed budget ordinance
27 [on first reading,] fix a date for adoption thereof, which shall
28 be not later than the thirty-first day of December of [such]
29 that year.

30 (b) The several departments of the city government shall,

1 before the proposed budget ordinance is [presented] introduced,
2 as [above] provided in subsection (a), furnish to the council an
3 estimate of the probable receipts and expenditures and an
4 estimate of the amount required by each of [said] the
5 departments for the public service during the ensuing fiscal
6 year as a basis for making the annual appropriations thereto.

7 (c) When the proposed budget ordinance is submitted to
8 council and has [passed first reading] been introduced, the city
9 clerk shall forthwith make the same available for public
10 inspection at ~~his or her~~ [HIS] THE CITY CLERK'S office in the ←
11 city hall[,] and shall thereupon publish a notice to that effect
12 once in [at least one] a newspaper. ← ~~OF GENERAL CIRCULATION~~ in ←
13 accordance with the provisions of section [one hundred nine of ←
14 this act. Such] 109. The notice shall state the date fixed by ←
15 council for [adoption] enactment of the proposed budget
16 ordinance, and [such] notice shall be published at least twenty
17 days prior to the time fixed by council for [adoption] enactment
18 of the proposed budget ordinance. The proposed budget ordinance
19 shall be available for public inspection at the city clerk's
20 office for at least ten days after the aforesaid newspaper
21 notice [thereof] is published.

22 (d) The council shall, after making such changes and
23 modifications therein as appear proper, [adopt] enact the budget
24 and any appropriation measures required to put it into effect
25 upon the date fixed for [adoption] enactment thereof[: Provided,
26 That said], provided, however, that the budget shall reflect as
27 nearly as possible the estimated revenues and expenditures of
28 the city for the year for which the budget is prepared. [That
29 should] Should it appear upon any revision of the budget that
30 the estimated expenditures in the [adopted] enacted budget would

1 be increased more than ten per cent in the aggregate or more
2 than twenty-five per cent in any individual item over the
3 proposed budget, [such] the budget shall not be [adopted]
4 enacted with any [such] of the increases therein unless the same
5 be again made available for public inspection [and for protest
6 of such increases] for a period of at least ten days after
7 notice to that effect is published as hereinbefore provided.

8 Section 1810. Amending Budget; Notice.-- (a) During the
9 month of January [next following any municipal election]
10 following the expiration of a past fiscal year, in furthering
11 its fiduciary responsibility, the council of any city may amend
12 the budget and the levy and tax rate to conform [with] to its
13 amended budget ordinance. A period of ten days' public
14 inspection at the office of the city clerk of the proposed
15 amended budget ordinance, after notice by the city clerk to that
16 effect is published [once] in a newspaper, + OF GENERAL ←
17 CIRCULATION as provided in section [one hundred nine of this ←
18 act] 109 shall intervene between council's [first reading] ←
19 introduction of the proposed amended budget ordinance and the
20 [adoption] enactment thereof. Any amended budget ordinance must
21 be [adopted] enacted by council on or before the fifteenth day
22 of February.

23 [No such] (b) After introduction, no proposed amended budget
24 ordinance shall [after first reading] be revised upward in
25 excess of ten [percent] per centum in the aggregate thereof or
26 as to an individual item in excess of twenty-five per [cent]
27 centum of the amount of such individual item in the proposed
28 amended budget ordinance.

29 Section 94. Section 1811 of the act is amended to read:

30 Section 1811. Appropriations; Tax Rate; Limitations.--(a)

1 When all estimates for the receipts, liabilities, and
2 expenditures for the ensuing year shall be made, council shall
3 proceed to make the annual appropriations[,] and shall fix the
4 tax rate at such figure as will, in combination with all other
5 estimated receipts of the city, fully meet and cover the
6 aggregate amount of such estimates of liabilities and
7 expenditures for the ensuing year.

8 (b) No appropriation, however, shall be made for any purpose
9 until the interest accruing on the funded debt of the city and
10 the principal of [such] that part of [said] the debt as may be
11 coming due in that fiscal year, the salaries of officers, and
12 the ordinary and necessary expenses of the city shall first be
13 provided for, and no appropriation shall be made for any purpose
14 in excess of the estimated receipts and revenues for the fiscal
15 year for which such appropriations are made.

16 Section 95. Section 1811.2 of the act, amended October 5,
17 1967 (P.L.327, No.143) and repealed in part July 12, 1972
18 (P.L.781, No.185), is amended to read:

19 Section 1811.2. Borrowing in Anticipation of Current
20 Revenue.--[Cities] In accordance with 53 Pa.C.S. Pt. VII Subpt.
21 B (relating to indebtedness and borrowing), cities may borrow
22 money in anticipation of current revenues to an amount not
23 exceeding [such] the anticipated current revenues, which shall
24 be pledged for the payment of [such] the loan or loans, and may
25 issue notes or other [form] forms of obligation[, executed by
26 the director of the Department of Accounts and Finance and
27 attested by the mayor under the seal of the city, securing such
28 loans. Such notes or other form of obligation shall mature and
29 be payable during the current fiscal year in which such money is
30 borrowed. No such borrowing shall constitute an increase of

1 indebtedness within the meaning of Article nine, section eight
2 of the Constitution of Pennsylvania, or of the "Municipal
3 Borrowing Law" of June twenty-fifth, one thousand nine hundred
4 forty-one (Pamphlet Laws 159), or of any of the provisions of
5 this act, and shall not require the approval of the Department
6 of Community Affairs. Such notes shall bear interest at a rate
7 not exceeding six (6) per centum per annum, payable at maturity
8 or in advance, and may be sold at either public or private sale
9 for not less than par. If such loans are not repaid in whole or
10 in part during the fiscal year in which they are made, they, or
11 such amounts as remain unpaid, shall become an obligation upon
12 the following year's budget and shall be included therein and
13 paid not later than the thirty-first day of December of such
14 following year. The incurring of such obligations shall receive
15 the affirmative vote of not less than two-thirds of the members
16 of the city council] in evidence of the debt.

17 Section 96. Sections 1812 and 1813 of the act, amended June
18 22, 2000 (P.L.321, No.33), are amended to read:

19 Section 1812. Annual Reports; Publication; Filing Report
20 with Department of Community and Economic Development;
21 Penalty.--(a) The [director of accounts and finance] chief
22 fiscal officer shall make a report, verified by oath or
23 affirmation, to the council at a stated meeting in April in each
24 year of the public accounts of the city and of the trusts in its
25 care for the preceding fiscal year, exhibiting all of the
26 expenditures thereof, respectively, and the sources from which
27 the revenue and funds are derived and in what measures the same
28 have been disbursed. Each account shall be accompanied by a
29 statement in detail of the several appropriations made by
30 council, the amount drawn and encumbered on each appropriation,

1 and the unencumbered balance outstanding to the debit or credit
2 of such appropriation at the close of the fiscal year.

3 (b) [Such] The report, accompanied by a concise financial
4 statement setting forth the balance in the treasury at the
5 beginning of the fiscal year, all revenues received during the
6 fiscal year, by major classifications, all expenditures made
7 during the fiscal year, by major functions, and the current
8 resources and liabilities of the city at the end of the fiscal
9 year, the gross liability and the net debt of the city, the
10 amount of the assessed valuation of the taxable property in the
11 city, the assets of the city and the character and value
12 thereof, the date of the last maturity of the respective forms
13 of funded debt, and the assets in each sinking fund, shall be
14 published [once in not more than two newspapers printed or
15 circulated in such city, as required by section one hundred and
16 nine of this act] in a newspaper OF GENERAL CIRCULATION AS ←
17 REQUIRED BY SECTION 109 AT LEAST TEN DAYS PRIOR TO THE APRIL
18 MEETING SCHEDULED PURSUANT TO SUBSECTION (A). Before [such] the
19 report or statement is made or published, [the same] it shall be
20 approved by the [controller] independent auditor, who may
21 approve it subject to such exceptions as ~~he or she~~ [HE] THE ←
22 INDEPENDENT AUDITOR may have thereto[: Provided, Council];
23 provided, however, that council may cause [such] the statement
24 to be printed in pamphlet form in addition to the publications
25 made as aforesaid.

26 (c) The [director of accounts and finance] chief fiscal
27 officer shall also, annually, make report of the financial
28 condition of the city in the form above provided to the
29 Department of Community and Economic Development, within ninety
30 days after the close of the fiscal year, signed and duly

1 verified by the oath of the [director] chief fiscal officer and
2 approved by the [city controller] independent auditor, as above
3 provided. Any [director of accounts and finance] chief fiscal
4 officer appointed by the city refusing or [wilfully] willfully
5 neglecting to file such report shall, upon conviction thereof[,]
6 in a summary proceeding brought [at the instance of] by the
7 Department of Community and Economic Development, be sentenced
8 to pay a fine of five dollars for each day's delay beyond said
9 ninety days, and costs. All fines recovered shall be for the use
10 of the Commonwealth.

11 (d) The report to the Department of Community and Economic
12 Development shall be presented in a form as provided for in
13 section [one thousand eight hundred and thirteen of this act]
14 1813.

15 Section 1813. Committee to Prepare Uniform Forms.--(a) The
16 uniform financial report forms, specified in the foregoing
17 sections of this act, shall be prepared by a committee
18 consisting of four representatives of the Pennsylvania League of
19 Cities and Municipalities and the Secretary of Community and
20 Economic Development, or ~~his or her~~ [HIS] THE SECRETARY'S agent
21 or designee who shall be a person trained in the field of
22 municipal finance.

23 [Such] (b) The representatives shall be appointed by the
24 president of [said] the organization within sixty days after the
25 effective date of this act. Such representatives shall be chosen
26 from among finance officers of third class cities or other
27 officers of such cities who have knowledge of their fiscal
28 procedures[. As], and as far as possible, they shall be chosen
29 to represent cities in the various population groups within the
30 range of cities of the third class. The president of the

1 Pennsylvania League of Cities and Municipalities and other
2 designated participants shall supply to the Secretary of
3 Community and Economic Development the names and addresses of
4 [such] the representatives immediately upon their appointment.
5 [Said]

6 (c) The representatives shall serve without compensation,
7 but they shall be reimbursed by the Commonwealth for all
8 necessary expenses incurred in attending meetings of the
9 committee. The committee shall meet at the call of the Secretary
10 of Community and Economic Development, or ~~his or her~~ [HIS] THE ←
11 SECRETARY'S agent or designee, who shall serve as [chairman]
12 chairperson of the committee.

13 (d) It shall be the duty of the Secretary of Community and
14 Economic Development, or ~~his or her~~ [HIS] THE SECRETARY'S agent ←
15 or designee, to see to it that the forms required by this act
16 are prepared in cooperation with [said] the committee. In the
17 event that [said] the committee should for any reason fail to
18 furnish such cooperation, the Secretary of Community and
19 Economic Development, or ~~his or her~~ [HIS] THE SECRETARY'S agent ←
20 or designee, shall complete the preparation of the forms. After
21 their preparation, ~~he or she~~ [HE] THE SECRETARY OF COMMUNITY AND ←
22 ECONOMIC DEVELOPMENT, OR THE SECRETARY'S AGENT OR DESIGNEE,
23 shall issue [said] the forms and distribute them annually, as
24 needed, to the designated officers of each city of the third
25 class.

26 (e) No change or alteration in the forms prescribed shall be
27 made by the Secretary of Community and Economic Development or
28 ~~his or her~~ [HIS] THE SECRETARY'S agent OR designee, except by a ←
29 majority approval of the committee, unless upon reasonable
30 notice two or more representatives thereof fail to attend the

1 committee meetings. In voting upon any change or alteration,
2 each representative and the [chairman] chairperson of the
3 committee shall have one vote.

4 Section 97. Section 1814 of the act is amended to read:

5 Section 1814. Annual Reports to Council on Insurance and
6 Bonds.--The [director of accounts and finance] chief fiscal
7 officer shall prepare or cause to be prepared and submit to
8 council [at the first stated meeting in October of each year],
9 as council shall direct, a complete and itemized report of all
10 policies of insurance contracted for by the city[,] for the
11 information and consideration of council. The [director of
12 accounts and finance] chief fiscal officer shall make a like
13 report [at the same time each year], as council shall direct, of
14 all bonds given for the protection of the city in whole or in
15 part.

16 Section 98. Article XIX heading of the act is reenacted to
17 read:

18 ARTICLE XIX

19 CONTRACTS

20 ~~Section 99. Section 1901 of the act, amended or added~~ ←
21 ~~September 17, 1959 (P.L.906, No.359), October 4, 1978 (P.L.1045,~~
22 ~~No.239), July 1, 1981 (P.L.196, No.59), March 25, 1988 (P.L.289,~~
23 ~~No.32), April 3, 1992 (P.L.53, No.17) and July 11, 1996~~
24 ~~(P.L.647, No.109), is amended to read:~~

25 SECTION 99. SECTION 1901 OF THE ACT, AMENDED OR ADDED ←
26 SEPTEMBER 17, 1959 (P.L.906, NO.359), OCTOBER 4, 1978 (P.L.1045,
27 NO.239), JULY 1, 1981 (P.L.196, NO.59), APRIL 3, 1992 (P.L.53,
28 NO.17) AND NOVEMBER 3, 2011 (P.L.377, NO.91), IS AMENDED TO
29 READ:

30 Section 1901. [Power to Make Contracts; Regulations

1 ~~Concerning Contracts.---(a) Each city may make contracts for~~ ←
2 ~~carrying into execution the provisions of this act and the laws~~
3 ~~of the Commonwealth. The council shall, by ordinance, provide~~
4 ~~for and regulate the award of all contracts. All contracts or~~
5 ~~purchases not in excess of ten thousand dollars shall be by note~~
6 ~~or memorandum in writing, signed by the officer or employe~~
7 ~~making the purchase or contract.~~

8 ~~(b) All services and personal properties required by any~~
9 ~~city, or any department thereof, where the amount exceeds the~~
10 ~~sum of ten thousand dollars, shall be furnished and performed~~
11 ~~under written contract, and the contract shall be awarded and~~
12 ~~given to the lowest responsible bidder, after advertising two~~
13 ~~times, each publication on a different day, in not more than two~~
14 ~~newspapers, in accord with the provisions of section one hundred~~
15 ~~and nine of this act, and the bids shall not be opened until at~~
16 ~~least ten days have elapsed after the first advertisement. A~~
17 ~~notice of the advertisement for contracts or purchases shall~~
18 ~~also be posted at the city hall. (A) EACH CITY MAY MAKE~~ ←

19 ~~CONTRACTS FOR CARRYING INTO EXECUTION THE PROVISIONS OF THIS ACT~~
20 ~~AND THE LAWS OF THE COMMONWEALTH. THE COUNCIL SHALL, BY~~
21 ~~ORDINANCE, PROVIDE FOR AND REGULATE THE AWARD OF ALL CONTRACTS.~~
22 ~~ALL CONTRACTS OR PURCHASES NOT IN EXCESS OF THE BASE AMOUNT OF~~
23 ~~EIGHTEEN THOUSAND FIVE HUNDRED DOLLARS, SUBJECT TO ADJUSTMENT~~
24 ~~UNDER SECTION ONE THOUSAND NINE HUNDRED AND THREE POINT ONE OF~~
25 ~~THIS ACT, SHALL BE BY NOTE OR MEMORANDUM IN WRITING, SIGNED BY~~
26 ~~THE OFFICER OR EMPLOYE MAKING THE PURCHASE OR CONTRACT.~~

27 (B) ALL SERVICES AND PERSONAL PROPERTIES REQUIRED BY ANY
28 CITY, OR ANY DEPARTMENT THEREOF, WHERE THE BASE AMOUNT EXCEEDS
29 THE SUM OF EIGHTEEN THOUSAND FIVE HUNDRED DOLLARS, SUBJECT TO
30 ADJUSTMENT UNDER SECTION ONE THOUSAND NINE HUNDRED AND THREE

1 POINT ONE OF THIS ACT, SHALL BE FURNISHED AND PERFORMED UNDER
2 WRITTEN CONTRACT, AND THE CONTRACT SHALL BE AWARDED AND GIVEN TO
3 THE LOWEST RESPONSIBLE BIDDER, AFTER ADVERTISING TWO TIMES, EACH
4 PUBLICATION ON A DIFFERENT DAY, IN NOT MORE THAN TWO NEWSPAPERS,
5 IN ACCORD WITH THE PROVISIONS OF SECTION ONE HUNDRED AND NINE OF
6 THIS ACT, AND THE BIDS SHALL NOT BE OPENED UNTIL AT LEAST TEN
7 DAYS HAVE ELAPSED AFTER THE FIRST ADVERTISEMENT. A NOTICE OF THE
8 ADVERTISEMENT FOR CONTRACTS OR PURCHASES SHALL ALSO BE POSTED AT
9 THE CITY HALL.

10 (c) The amount of the contract shall in all cases, whether
11 of straight sale price, conditional sale, bailment lease, or
12 otherwise, be the entire amount which the city pays to the
13 successful bidder or his assigns in order to obtain the services
14 or property or both, and shall not be construed to mean only the
15 amount which is paid to acquire title or to receive any other
16 particular benefit or benefits of the whole bargain.

17 ~~(d) The contracts or purchases made by council involving an~~ ←
18 ~~expenditure of over ten thousand dollars, which shall not~~
19 ~~require advertising or bidding, as hereinbefore provided are as~~
20 ~~follows:~~ THE CONTRACTS OR PURCHASES MADE BY COUNCIL INVOLVING AN ←
21 EXPENDITURE IN EXCESS OF THE BASE AMOUNT OF EIGHTEEN THOUSAND
22 FIVE HUNDRED DOLLARS, SUBJECT TO ADJUSTMENT UNDER SECTION ONE
23 THOUSAND NINE HUNDRED AND THREE POINT ONE OF THIS ACT, WHICH
24 SHALL NOT REQUIRE ADVERTISING OR BIDDING, AS HEREINBEFORE
25 PROVIDED ARE AS FOLLOWS:

26 (1) Those for maintenance, repairs or replacements for
27 water, electric light or other public works of the city,
28 provided they do not constitute new additions, extensions or
29 enlargements of existing facilities and equipment, but a bond
30 may be required by council as in other cases of work done.

1 (2) Those made for improvements, repairs and maintenance of
2 any kind made or provided by any city through its own employees:
3 Provided, however, That this shall not apply to construction
4 materials used in a street improvement.

5 (3) Those where particular types, models or pieces of new
6 equipment, articles, apparatus, appliances, vehicles, or parts
7 thereof, are desired by council, which are patented and
8 manufactured or copyrighted products.

9 (4) Those involving any policies of insurance or surety
10 company bonds; those made for public utility service under
11 tariffs on file with the Pennsylvania Public Utility Commission;
12 those made with another political subdivision or a county, the
13 Commonwealth of Pennsylvania, the Federal government, any agency
14 of the Commonwealth or the Federal government, or any municipal
15 authority, including the sale, leasing or loan of any supplies
16 or materials by the Commonwealth or the Federal government, or
17 their agencies, but the price thereof shall not be in excess of
18 that fixed by the Commonwealth, the Federal government, or their
19 agencies.

20 (5) Those involving personal or professional services.

21 (6) Those made during a state of emergency declared by the
22 mayor or chief executive in accord with section one thousand two
23 hundred and three of this act.

24 (e) The acceptance of bids by advertising required herein
25 shall be made by public announcement at the meeting at which
26 bids are received by council or at a subsequent meeting, the
27 time and place of which shall be publicly announced when bids
28 are so received. If, for any reason, the award is not made at
29 either of the above meetings, the same business may be
30 transacted at a subsequent meeting, the time and place of which

1 shall be announced at the previous meeting held for such award.
2 At such third meeting, the council shall either award the
3 contract or shall reject all bids.

4 (f) Council may require that any bids so advertised be
5 accompanied by cash, by a certified or cashier's good faith
6 check or other irrevocable letter of credit in a reasonable
7 amount, or by a bond with corporate surety in a reasonable
8 amount. Whenever it is required that a bid be accompanied by
9 cash, certified check, cashier's good faith check or other
10 irrevocable letter of credit, no bid shall be considered unless
11 so accompanied. In the event any bidder shall, upon award of the
12 contract to him, fail to comply with the requirements
13 hereinafter stated as to a bond guaranteeing the performance of
14 the contract the good faith deposit by cash, certified check, or
15 bond, shall be forfeited to the city as liquidated damages.

16 (g) Where advertising is required herein, the successful
17 bidder shall be required to furnish a bond or irrevocable letter
18 of credit in an amount sufficient to council with suitable
19 reasonable requirements guaranteeing the performance of the
20 contract within twenty days after the contract has been awarded,
21 unless council prescribes a shorter period of not less than ten
22 days, and failure to furnish such security within such time
23 shall void the award. The provisions of this subsection
24 requiring successful bidders to furnish security shall not be
25 mandatory as to contracts for the purchase of motor vehicles or
26 other pieces of equipment but only as to those contracts which
27 involve furnishing of labor and materials. Council may in all
28 cases of contracts or purchases require security for
29 performance, delivery, or other terms.

30 (h) Where the roadway of a street is to be paved originally

1 and for the first time, or reconstructed by putting down a new
2 base, or a sewer is to be constructed, or grading done, such
3 work shall be done under written contract, after advertising as
4 provided in section one hundred and nine of this act, and such
5 contract shall be given to the lowest responsible bidder.

6 (i) The council may, by ordinance, provide for and regulate
7 the purchase of supplies and materials and the sale of personal
8 property.

9 (j) The council may also, by ordinance, provide a contingent
10 fund or funds for necessary repairs and incidental expenses, not
11 otherwise provided in the general appropriations, and such funds
12 may be expended without advertising for bids.

13 (k) Every contract for the construction, reconstruction,
14 alteration, repair, improvement or maintenance of public works
15 shall comply with the provisions of the act of March 3, 1978,
16 (P.L.6, No.3), known as the "Steel Products Procurement Act."

17 (l) No person, consultant, firm or corporation contracting
18 with a city for purposes of rendering personal or professional
19 services to the city shall share with any city officer or
20 employe, and no city officer or employe shall accept, any
21 portion of the compensation or fees paid by the city for the
22 contracted services provided to the city except under the
23 following terms or conditions:

24 (1) Full disclosure of all relevant information regarding
25 the sharing of the compensation or fees shall be made to the
26 council of the city.

27 (2) The council of the city must approve the sharing of any
28 fee or compensation for personal or professional services prior
29 to the performance of said services.

30 (3) No fee or compensation for personal or professional

1 services may be shared except for work actually performed.

2 (4) No shared fee or compensation for personal or
3 professional services may be paid at a rate in excess of that
4 commensurate for similar personal or professional services.]

5 Power to Make and Regulate the Awarding of Contracts.--(A) Each ←
6 city may make contracts for carrying into execution the
7 provisions of this act and the laws of this Commonwealth. In
8 addition to and consistent with the requirements of this
9 article, council shall, by ordinance, provide for and regulate
10 the procedures for the award of all contracts, including the
11 purchase of supplies and materials.

12 (B) CONTRACTS FOR THE SALE OF REAL AND PERSONAL PROPERTY ←
13 SHALL BE CONDUCTED IN CONFORMANCE WITH SECTION 2402.1.

14 Section 100. The act is amended by adding sections to read:

15 Section 1901.1. Contracts or Purchases in Excess of Twenty ←
16 five Thousand THE BASE AMOUNT OF EIGHTEEN THOUSAND FIVE HUNDRED ←
17 Dollars.--(a) Except as provided in section 1901.4(b), all
18 contracts or purchases in excess of twenty five thousand dollars ←
19 THE BASE AMOUNT OF EIGHTEEN THOUSAND FIVE HUNDRED DOLLARS, ←
20 SUBJECT TO ADJUSTMENT UNDER SECTION 1903.1, shall be subject to
21 advertising and competitive bidding as provided in this article.

22 (b) All services and personal properties required by any
23 city, or any department thereof, where the amount exceeds the
24 sum of twenty five thousand dollars BASE AMOUNT OF EIGHTEEN ←
25 THOUSAND FIVE HUNDRED DOLLARS, SUBJECT TO ADJUSTMENT UNDER
26 SECTION 1903.1, shall be furnished and performed under written
27 contract, and the contract shall be awarded and given to the
28 lowest responsible bidder after advertising, in a newspaper TWO ←
29 TIMES, EACH PUBLICATION ON A DIFFERENT DAY, IN NOT MORE THAN TWO
30 NEWSPAPERS OF GENERAL CIRCULATION, in accordance with the

provisions of section 109, and the bids shall not be opened until at least ten days have elapsed after the advertisement. A copy of the advertisement for contracts or purchases shall be posted in the city office designated by council.

Section 1901.2. Contracts or Purchases Not in Excess of ~~Twenty five Thousand~~ THE BASE AMOUNT OF EIGHTEEN THOUSAND FIVE HUNDRED Dollars.--With regard to all contracts or purchases not in excess of ~~twenty five thousand dollars~~ THE BASE AMOUNT OF EIGHTEEN THOUSAND FIVE HUNDRED DOLLARS, SUBJECT TO ADJUSTMENT UNDER SECTION 1903.1, the following shall apply:

(1) The purchases or contracts shall be evidenced by note or memorandum in writing, signed by the officer or employe making the purchase or contract.

(2) Council, or the officer designated by council, shall approve all purchases or contracts, except council need not approve those purchases or contracts within the category of small or routine purchases or incidental expenses, as defined by ordinance.

Section 1901.3. Determining Amount of a Contract.--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 city pays to the successful bidder or ~~his or her or its~~ THE SUCCESSFUL BIDDER'S 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.

Section 1901.4. Contracts or Purchases Not Requiring Advertising or Bidding.--(a) City contracts or purchases, if not in excess of ~~twenty five thousand dollars~~ THE BASE AMOUNT OF

EIGHTEEN THOUSAND FIVE HUNDRED DOLLARS, SUBJECT TO ADJUSTMENT
UNDER SECTION 1903.1, shall not require advertising or bidding.

(b) City contracts or purchases involving an expenditure of
over ~~twenty five thousand dollars~~ THE BASE AMOUNT OF EIGHTEEN
THOUSAND FIVE HUNDRED DOLLARS, SUBJECT TO ADJUSTMENT UNDER
SECTION 1903.1, which shall not require advertising or bidding
are as follows:

(1) Those for maintenance, repairs or replacements for
water, electric light or other public works of the city,
provided they do not constitute new additions, extensions or
enlargements of existing facilities and equipment, but security
may be required by council as in other cases of work done.

(2) Those made for improvements, repairs and maintenance of
any kind made or provided by any city through its own employes,
except that this exception shall not apply to construction
materials used in a street improvement.

(3) Those where particular types, models or pieces of new
equipment, articles, apparatus, appliances, vehicles or parts
thereof desired by council are patented or copyrighted products.

(4) Those involving any policies of insurance or surety
company bonds.

(5) Those made for public utility service and electricity,
natural gas or telecommunication services, provided that, in the
case of utilities not under tariff with the Pennsylvania Public
Utility Commission, contracts made without advertising and
bidding shall be made only after receiving written or telephonic
price quotations from at least three qualified and responsible
providers. In lieu of price quotations, a memorandum shall be
kept on file showing that fewer than three qualified providers
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 provider and the provider's representative, the type of service that 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.

(6) Those made with another political subdivision or a county, the Commonwealth of Pennsylvania, the Federal Government, any agency of the Commonwealth or the 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 shall not be in excess of that fixed by the Commonwealth, the Federal Government or their agencies.

(7) Those involving personal or professional services.

(8) Those made during a state of emergency declared by the mayor in accordance with section 1203 or those made during a disaster emergency declared by the Governor or during a local emergency in accordance with 35 Pa.C.S. Pt. V (relating to emergency management services).

(9) Those where the purchase is made under and in accordance with a cooperative purchasing program WHICH CONTAINS SEPARATE PUBLICATION REQUIREMENTS AND IS operated by the Commonwealth or any council of governments of which the city is a member.

Section 1901.5. Receipt, Opening, Award or Rejection of Bids.--(a) In any case in which advertisement and bidding are required, the advertisement shall specify the time by which and place at which bids will be received and the time and place for the opening ~~or disclosure~~ of bids.





1 (b) Bids received pursuant to advertisement shall be opened
2 ~~or disclosed~~ publicly by council or its designated agent. The
3 amount of each bid and any other relevant information as may be
4 specified by council, together with the name of each bidder,
5 shall be disclosed and recorded; and the record shall be open to
6 public inspection.

7 (c) At a public meeting of council, not more than sixty days
8 after the receipt of bids, council shall either award the
9 contract or shall reject all bids.

10 Section 1901.6. Bid, Performance and Payment Security.--(a)
11 The following shall apply to bid security:

12 (1) Council may require that bids received pursuant to
13 advertisement be accompanied by bid security, in a reasonable
14 amount, which shall be in the form of a certified or bank check
15 or a bond provided by a surety company authorized to do business
16 in this Commonwealth or another form of security as specified in
17 the advertisement for bids.

18 (2) In the event the successful bidder shall, upon award of
19 the contract, fail to comply with the requirements of subsection
20 (b) as to performance security, the bid security shall be
21 forfeited to the city as liquidated damages.

22 (b) The following shall apply to performance security:

23 (1) In the case of a contract that had been subject to
24 advertising and bidding, the successful bidder shall be required
25 to furnish performance security in the form of a bond or
26 irrevocable letter of credit in an amount equal to one hundred
27 per centum of the contract price with suitable reasonable
28 requirements guaranteeing the performance of the contract.
29 Performance security shall be provided within twenty days after
30 the contract has been awarded, unless council prescribes a

1 shorter period of not less than ten days. Failure to furnish
2 such security within the required time period shall void the
3 award.

4 (2) The provisions of this subsection requiring successful
5 bidders to furnish security shall not be mandatory as to
6 contracts for the purchase of motor vehicles or other pieces of
7 equipment but only as to those contracts which involve
8 furnishing of labor and materials. Council may in all cases of
9 contracts or purchases require security for performance,
10 delivery or other terms.

11 (c) In conformity with the act of December 20, 1967
12 (P.L.869, No.385), known as the "Public Works Contractors' Bond
13 Law of 1967," it shall be the duty of every city to require any
14 person, partnership, association or corporation entering into a
15 contract with such city for the construction, erection,
16 installation, completion, alteration, repair of or addition to
17 any public work or improvement of any kind whatsoever, where the
18 amount of the contract is in excess of ten thousand dollars,
19 before commencing work under the contract, to provide payment
20 security in a form acceptable to and approved by the city, which
21 may include, but need not be limited to, a bond, Federal or
22 Commonwealth-chartered lending institution irrevocable letters
23 of credit and restrictive or escrow accounts in the lending
24 institutions, equal to one hundred per centum of the contract
25 amount. The payment security shall be solely for the protection
26 of claimants supplying labor or materials to the prime
27 contractor to whom the contract was awarded, or to any of the
28 prime contractor's subcontractors, in the prosecution of the
29 work provided for in the contract. The payment security shall be
30 conditioned for the prompt payment of all material furnished or

1 labor supplied or performed in the prosecution of the work under
2 the contract.

3 Section 1901.7. Compliance With Other Laws.--Every contract
4 subject to this article shall comply, as applicable, with the
5 provisions of the act of August 15, 1961 (P.L.987, No.442),
6 known as the "Pennsylvania Prevailing Wage Act," the act of
7 December 20, 1967 (P.L.869, No.385), known as the "Public Works
8 Contractors' Bond Law of 1967," the act of January 23, 1974
9 (P.L.9, No.4), referred to as the Public Contract Bid Withdrawal
10 Law, the act of March 3, 1978 (P.L.6, No.3), known as the "Steel
11 Products Procurement Act," the act of February 17, 1994 (P.L.73,
12 No.7), known as the "Contractor and Subcontractor Payment Act,"
13 62 Pa.C.S. Chs. 37 Subch. B (relating to motor vehicles), 39
14 (relating to contracts for public works) and 45 (relating to
15 antibid-rigging).

16 Section 1901.8. Prohibitions.--No person, consultant, firm
17 or corporation contracting with a city for purposes of rendering
18 personal or professional services to the city shall share with
19 any city officer or employe, and no city officer or employe
20 shall accept, any portion of the compensation or fees paid by
21 the city for the contracted services provided to the city.

22 Section 1901.9. Lowest Responsible Bidder.--For purposes of
23 this article, the lowest responsible bidder need not be the
24 bidder submitting the lowest dollar amount bid. The city may
25 also consider the quality of goods or services supplied, ease of
26 repair, compatibility with other city equipment or services,
27 responsiveness, past performance of the bidder and any other
28 reasonable factors specified in the advertisement for bids.

29 Section 101. Section 1902 of the act, amended ~~March 25, 1988~~ ←
30 ~~(P.L.289, No.32)~~ NOVEMBER 3, 2011 (P.L.377, NO.91), is amended ←

1 to read:

2 ~~Section 1902. Evasion of Advertising Requirements. No~~ ←
3 ~~{member or members of council} elected or appointed official or~~
4 ~~officials of any city shall evade the provisions of [the~~
5 ~~preceding section as to] this article requiring advertising for~~
6 ~~bids by purchasing or contracting for services and personal~~
7 ~~properties piecemeal for the purpose of obtaining prices under~~
8 ~~[ten] twenty five thousand dollars, upon transactions which~~
9 ~~should, in the exercise of reasonable discretion and prudence,~~
10 ~~be conducted as one transaction amounting to more than [ten]~~
11 ~~twenty five thousand dollars. This provision is intended to make~~
12 ~~unlawful the practice of evading advertising requirements by~~
13 ~~making a series of purchases or contracts, each for less than~~
14 ~~the advertising requirement price, or by making several~~
15 ~~simultaneous purchases or contracts, each below said price,~~
16 ~~when, in either case, the transactions involved should have been~~
17 ~~made as one transaction for one price. Any [members of council~~
18 ~~who so vote] elected or appointed official who acts in violation~~
19 ~~of this provision [and who know], knowing that the transaction~~
20 ~~upon which [they so vote] he or she acts is or ought to be a~~
21 ~~part of a larger transaction and that it is being divided in~~
22 ~~order to evade the requirements as to advertising for bids,~~
23 ~~shall be jointly and severally subject to surcharge for ten per~~
24 ~~centum of the full amount of the contract or purchase. Wherever~~
25 ~~it shall appear that [a member of council may have voted] an~~
26 ~~elected or appointed official may have acted in violation of~~
27 ~~this section but the purchase or contract on which he [so voted~~
28 ~~was not approved by council] or she acted was not executed, this~~
29 ~~section shall be inapplicable.~~

30 SECTION 1902. EVASION OF ADVERTISING REQUIREMENTS.--NO ←

1 [MEMBER OR MEMBERS OF COUNCIL] ELECTED OR APPOINTED OFFICIAL OR
2 OFFICIALS OF ANY CITY SHALL EVADE THE PROVISIONS OF [THE
3 PRECEDING SECTION AS TO] THIS ARTICLE REQUIRING ADVERTISING FOR
4 BIDS BY PURCHASING OR CONTRACTING FOR SERVICES AND PERSONAL
5 PROPERTIES PIECEMEAL FOR THE PURPOSE OF OBTAINING PRICES UNDER
6 THE BASE AMOUNT OF EIGHTEEN THOUSAND FIVE HUNDRED DOLLARS,
7 SUBJECT TO ADJUSTMENT UNDER SECTION [ONE THOUSAND NINE HUNDRED
8 AND THREE POINT ONE OF THIS ACT] 1903.1, UPON TRANSACTIONS WHICH
9 SHOULD, IN THE EXERCISE OF REASONABLE DISCRETION AND PRUDENCE,
10 BE CONDUCTED AS ONE TRANSACTION AMOUNTING TO MORE THAN THE BASE
11 AMOUNT OF EIGHTEEN THOUSAND FIVE HUNDRED DOLLARS, SUBJECT TO
12 ADJUSTMENT UNDER SECTION [ONE THOUSAND NINE HUNDRED AND THREE
13 POINT ONE OF THIS ACT] 1903.1. THIS PROVISION IS INTENDED TO
14 MAKE UNLAWFUL THE PRACTICE OF EVADING ADVERTISING REQUIREMENTS
15 BY MAKING A SERIES OF PURCHASES OR CONTRACTS, EACH FOR LESS THAN
16 THE ADVERTISING REQUIREMENT PRICE, OR BY MAKING SEVERAL
17 SIMULTANEOUS PURCHASES OR CONTRACTS, EACH BELOW SAID PRICE,
18 WHEN, IN EITHER CASE, THE TRANSACTIONS INVOLVED SHOULD HAVE BEEN
19 MADE AS ONE TRANSACTION FOR ONE PRICE. ANY [MEMBERS OF COUNCIL
20 WHO SO VOTE] ELECTED OR APPOINTED OFFICIAL WHO ACTS IN VIOLATION
21 OF THIS PROVISION [AND WHO KNOW], KNOWING THAT THE TRANSACTION
22 UPON WHICH [THEY SO VOTE] THE ELECTED OR APPOINTED OFFICIAL ACTS
23 IS OR OUGHT TO BE A PART OF A LARGER TRANSACTION AND THAT IT IS
24 BEING DIVIDED IN ORDER TO EVADE THE REQUIREMENTS AS TO
25 ADVERTISING FOR BIDS, SHALL BE JOINTLY AND SEVERALLY SUBJECT TO
26 SURCHARGE FOR TEN PER CENTUM OF THE FULL AMOUNT OF THE CONTRACT
27 OR PURCHASE. WHEREVER IT SHALL APPEAR THAT [A MEMBER OF COUNCIL
28 MAY HAVE VOTED] AN ELECTED OR APPOINTED OFFICIAL MAY HAVE ACTED
29 IN VIOLATION OF THIS SECTION BUT THE PURCHASE OR CONTRACT ON
30 WHICH [HE SO VOTED WAS NOT APPROVED BY COUNCIL] THE ELECTED OR

1 APPOINTED OFFICIAL ACTED WAS NOT EXECUTED, THIS SECTION SHALL BE
2 INAPPLICABLE.

3 SECTION 101.1. SECTION 1903.1 OF THE ACT, ADDED NOVEMBER 3,
4 2011 (P.L.377, NO.91), IS REENACTED TO READ:

5 SECTION 1903.1. ADJUSTMENTS TO BASE AMOUNT BASED ON CONSUMER
6 PRICE INDEX FOR ALL URBAN CONSUMERS.--

7 (A) ADJUSTMENTS TO THE BASE AMOUNTS SPECIFIED UNDER SECTIONS
8 1901, 1902 AND 1909 SHALL BE MADE AS FOLLOWS:

9 (1) THE DEPARTMENT OF LABOR AND INDUSTRY SHALL DETERMINE THE
10 PERCENTAGE CHANGE IN THE CONSUMER PRICE INDEX FOR ALL URBAN
11 CONSUMERS: ALL ITEMS (CPI-U) FOR THE UNITED STATES CITY AVERAGE
12 AS PUBLISHED BY THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF
13 LABOR STATISTICS, FOR THE TWELVE-MONTH PERIOD ENDING SEPTEMBER
14 30, 2012, AND FOR EACH SUCCESSIVE TWELVE-MONTH PERIOD
15 THEREAFTER.

16 (2) IF THE DEPARTMENT DETERMINES THAT THERE IS NO POSITIVE
17 PERCENTAGE CHANGE, THEN NO ADJUSTMENT TO THE BASE AMOUNTS SHALL
18 OCCUR FOR THE RELEVANT TIME PERIOD PROVIDED FOR IN THIS SECTION.

19 (3) (I) IF THE DEPARTMENT DETERMINES THAT THERE IS A
20 POSITIVE PERCENTAGE CHANGE IN THE FIRST YEAR THAT THE
21 DETERMINATION IS MADE UNDER PARAGRAPH (1), THE POSITIVE
22 PERCENTAGE CHANGE SHALL BE MULTIPLIED BY EACH BASE AMOUNT, AND
23 THE PRODUCTS SHALL BE ADDED TO THE BASE AMOUNTS, RESPECTIVELY,
24 AND THE SUMS SHALL BE PRELIMINARY ADJUSTED AMOUNTS.

25 (II) THE PRELIMINARY ADJUSTED AMOUNTS SHALL BE ROUNDED TO
26 THE NEAREST ONE HUNDRED DOLLARS (\$100) TO DETERMINE THE FINAL
27 ADJUSTED BASE AMOUNTS FOR PURPOSES OF SECTIONS 1901 AND 1902.

28 (4) IN EACH SUCCESSIVE YEAR IN WHICH THERE IS A POSITIVE
29 PERCENTAGE CHANGE IN THE CPI-U FOR THE UNITED STATES CITY
30 AVERAGE, THE POSITIVE PERCENTAGE CHANGE SHALL BE MULTIPLIED BY

1 THE MOST RECENT PRELIMINARY ADJUSTED AMOUNTS, AND THE PRODUCTS
2 SHALL BE ADDED TO THE PRELIMINARY ADJUSTED AMOUNT OF THE PRIOR
3 YEAR TO CALCULATE THE PRELIMINARY ADJUSTED AMOUNTS FOR THE
4 CURRENT YEAR. THE SUMS THEREOF SHALL BE ROUNDED TO THE NEAREST
5 ONE HUNDRED DOLLARS (\$100) TO DETERMINE THE NEW FINAL ADJUSTED
6 BASE AMOUNTS FOR PURPOSES OF SECTIONS 1901 AND 1902.

7 (5) THE DETERMINATIONS AND ADJUSTMENTS REQUIRED UNDER THIS
8 SECTION SHALL BE MADE IN THE PERIOD BETWEEN OCTOBER 1 AND
9 NOVEMBER 15 OF THE YEAR FOLLOWING THE EFFECTIVE DATE OF THIS
10 SUBSECTION AND ANNUALLY BETWEEN OCTOBER 1 AND NOVEMBER 15 OF
11 EACH YEAR THEREAFTER.

12 (6) THE FINAL ADJUSTED BASE AMOUNTS AND NEW FINAL ADJUSTED
13 BASE AMOUNTS OBTAINED UNDER PARAGRAPHS (3) AND (4) SHALL BECOME
14 EFFECTIVE JANUARY 1 FOR THE CALENDAR YEAR FOLLOWING THE YEAR IN
15 WHICH THE DETERMINATION REQUIRED UNDER PARAGRAPH (1) IS MADE.

16 (7) THE DEPARTMENT SHALL PUBLISH NOTICE IN THE PENNSYLVANIA
17 BULLETIN PRIOR TO JANUARY 1 OF EACH CALENDAR YEAR OF THE ANNUAL
18 PERCENTAGE CHANGE DETERMINED UNDER PARAGRAPH (1) AND THE
19 UNADJUSTED OR FINAL ADJUSTED BASE AMOUNTS DETERMINED UNDER
20 PARAGRAPHS (3) AND (4) AT WHICH COMPETITIVE BIDDING IS REQUIRED
21 UNDER SECTION 1901 AND ADVERTISING IS REQUIRED UNDER SECTION
22 1902 OR SEPARATE BIDS ARE REQUIRED UNDER SECTION 1909 FOR THE
23 CALENDAR YEAR BEGINNING THE FIRST DAY OF JANUARY AFTER
24 PUBLICATION OF THE NOTICE. THE NOTICE SHALL INCLUDE A WRITTEN
25 AND ILLUSTRATIVE EXPLANATION OF THE CALCULATIONS PERFORMED BY
26 THE DEPARTMENT IN ESTABLISHING THE UNADJUSTED OR FINAL ADJUSTED
27 BASE AMOUNTS UNDER THIS SECTION FOR THE ENSUING CALENDAR YEAR.

28 (8) THE ANNUAL INCREASE IN THE PRELIMINARY ADJUSTED BASE
29 AMOUNTS OBTAINED UNDER PARAGRAPHS (3) AND (4) SHALL NOT EXCEED
30 THREE PERCENT.

Sections 102. Sections 1904 and 1905 of the act are repealed:

[Section 1904. Reference of Expenditures for Approval by Council.--Any expenditures or transactions, exclusive of compensation paid to city employees, in any department, office or bureau of the city, which may reasonably seem likely to exceed the sum of five hundred dollars over a period of sixty days, shall not be undertaken or proceeded upon except after reference thereof to council and approval by council by ordinance or resolution. Council may approve, revise, or refuse to approve any such referred expenditure or transaction. No official, agent or employe of the city shall knowingly violate the provisions of this section, and any person so violating shall forfeit and pay to the use of the city a penalty of one hundred dollars for each offense.

Section 1905. Personal Interest in Contracts.--In any case where a city officer or official elected or appointed knows or by the exercise of reasonable diligence could know that he is interested to any appreciable degree, either directly or indirectly, in any contract for the sale or furnishing of any personal property for the use of the city, or for any services to be rendered for such city, involving the expenditure by the city of more than three hundred dollars in any year, he shall notify council thereof; and any such contract shall not be passed and approved by council except by an affirmative vote of at least four members thereof. In case the interested officer is a member of council, he shall refrain from voting upon said contract. The provisions of this section shall not apply to cases where such officer or official is an employe of the person, firm or corporation to which money is to be paid in a

1 capacity with no possible influence on the transaction and in
2 which he cannot possibly be benefited thereby, either
3 financially or in any other material manner. Any officer or
4 official who shall knowingly violate the provisions of this
5 section shall be liable to the city upon his bond, if any, or
6 personally, to the extent of the damage shown to be sustained
7 thereby by the city, to ouster from office, and shall be guilty
8 of a misdemeanor; and upon conviction thereof, shall be
9 sentenced to pay a fine not exceeding five hundred dollars, or
10 imprisonment not exceeding one year, or both.]

11 Section 103. Section 1906 of the act, amended August 21,
12 1953 (P.L.1292, No.364), is amended to read:

13 Section 1906. Designation of Appropriations; Certification
14 in Excess of Appropriation; Contracts for Governmental Services
15 for More than One Year.--[Every contract involving an
16 appropriation of money shall designate the item of appropriation
17 on which it is founded, and the estimated amount of the
18 expenditure thereunder shall be charged against such item, and
19 so certified by the director of accounts and finance on the
20 contract before it shall take effect as a contract. The payments
21 required by such contract shall be made from the fund
22 appropriated therefor. In any case where the lowest responsible
23 bid is in excess of the item of appropriation on which the
24 contract is to be founded, the item of appropriation may be
25 increased by council in the amount necessary to cover the bid,
26 and the contract may be awarded and certified without any
27 additional advertising. If the director of accounts and finance
28 shall certify any contract in excess of the appropriation made
29 therefor, the city shall not be liable for such excess, but the
30 director of accounts and finance shall be liable for the same,

1 which may be recovered in an action at law by the contracting
2 party aggrieved. But nothing] With regard to any contract,
3 council may direct the city administrator, chief fiscal officer,
4 or other designated official or employe to furnish information
5 concerning the availability of appropriated funds to satisfy
6 required payments under the contract. Nothing herein contained
7 shall prevent the making of contracts for governmental services
8 for a period exceeding one year, but any contract so made shall
9 be executory only for the amounts agreed to be paid for such
10 services to be rendered in succeeding fiscal years.

11 [It shall be the duty of the director of accounts and finance
12 to certify contracts for the payment of which sufficient
13 appropriations have been made.]

14 Section 104. Section 1907 of the act, amended April 3, 1992
15 (P.L.53, No.17), is repealed:

16 [Section 1907. Security for the Protection of Labor and
17 Materialmen.--It shall be the duty of every city to require any
18 person, copartnership, association, or corporation, entering
19 into a contract with such city for the construction, erection,
20 installation, completion, alteration, repair of, or addition to,
21 any public work or improvement of any kind whatsoever, where the
22 amount of such contract is in excess of one thousand five
23 hundred dollars, before commencing work under such contract, to
24 execute and deliver to such city, in addition to any other
25 security which may now or hereafter be required by law to be
26 given in connection with such contract, an additional bond or
27 irrevocable letter of credit for the use of any and every
28 person, copartnership, association, or corporation interested,
29 in a sum not less than fifty per centum and not more than one
30 hundred per centum of the contract price, as such city may

1 prescribe, conditioned for the prompt payment of all material
2 furnished and labor supplied or performed in the prosecution of
3 the work, whether or not the said material or labor enter into
4 and become component parts of the work or improvement
5 contemplated. Such additional security shall be deposited with
6 and held by the city for the use of any party interested
7 therein. Every such additional security shall provide that every
8 person, copartnership, association, or corporation who, whether
9 as subcontractor or otherwise, has furnished material or
10 supplied or performed labor in the prosecution of the work as
11 above provided, and who has not been paid therefor, may sue in
12 assumpsit on said additional security, in the name of the city,
13 for his, their, or its use and prosecute the same to final
14 judgment for such sum or sums as may be justly due him, them, or
15 it, and have execution thereof: Provided, however, That the city
16 shall not be liable for the payment of any costs or expense of
17 any suit. The surety or sureties on a bond under this section
18 must be authorized to do business in this Commonwealth.]

19 Section 105. Section 1908 of the act is repealed:

20 [Section 1908. Purchasing Department.--Each city may, by
21 ordinance, provide for the establishment of a purchasing
22 department, which shall have supervision over the purchase and
23 distribution of all supplies purchased. The said department
24 shall be attached to the department of accounts and finance or
25 such other department as council may determine, and shall be
26 operated in accordance with rules and regulations to be adopted
27 by council, the rules to include the manner in which quotations
28 shall be secured on the supplies purchased. The said department
29 shall assist council at all times in eliminating waste and
30 extravagance in the purchase and distribution of the supplies of

1 the city.]

2 Section 106. Section 1908.1 of the act, added December 10,
3 1974 (P.L.815, No.270), is amended to read:

4 Section 1908.1. Purchase Contracts for Petroleum Products;
5 Fire Company, Etc., Participation.--The council of each city
6 shall have power to permit, subject to [such] any terms and
7 conditions as [it] the city may impose, [and as hereinafter
8 specifically provided, shall, prescribe] any fire company,
9 rescue company and ambulance company in the city to participate
10 in purchase contracts for petroleum products entered into by the
11 city. [Any such company desiring to participate in such purchase
12 contracts shall file] Fire company, rescue company and ambulance
13 company participation in purchase contracts for petroleum
14 products shall be subject to the condition that all prices shall
15 be F.O.B. destination. If permitted by council, a fire company,
16 rescue company or ambulance company may participate in
17 designated petroleum product contracts entered into by the city,
18 subject to the fire company, rescue company or ambulance
19 company:

20 (1) Having filed with the city clerk a request that it be
21 authorized to participate in contracts for the purchase of
22 petroleum products of the city [and agreeing].

23 (2) Having agreed that it will be bound by [such] any terms
24 and conditions [as] imposed by the city [may, and as hereinafter
25 specifically provided, shall, prescribe and].

26 (3) Having agreed that it will be responsible for payment
27 directly to the vendor under each purchase contract. [Among such
28 terms and conditions, the city shall prescribe that all prices
29 shall be F.O.B. destination.]

30 Section 107. Section 1909 of the act, amended ~~March 25, 1988~~ ←

1 ~~(P.L.289, No.32)~~ NOVEMBER 3, 2011 (P.L.377, NO.91), is amended
2 to read:

3 Section 1909. Separate Bids for Plumbing, Heating,
4 Ventilating and Electrical Work, Elevators and [Moving Stairs]

5 Escalators.--In the preparation of specifications for the
6 erection, construction, and alteration of any public building,
7 when the entire cost of such work shall exceed ~~{ten} twenty five~~ ←

8 ~~thousand dollars~~ THE BASE AMOUNT OF EIGHTEEN THOUSAND FIVE ←

9 HUNDRED DOLLARS, SUBJECT TO ADJUSTMENT UNDER SECTION [ONE
10 THOUSAND NINE HUNDRED AND THREE POINT ONE OF THIS ACT] 1903.1,

11 the architect, engineer, or other person preparing such
12 specifications[,] shall prepare only the following separate
13 specifications[;]: (1) plumbing, (2) heating, (3) ventilating,
14 (4) electrical work, (5) elevators and [moving stairs]

15 escalators, and (6) one complete set of specifications for all
16 the other work to be done in such erection, construction and
17 alteration. The project manager, construction manager or other
18 person or persons authorized by council to enter into contracts
19 for the erection, construction, or alteration of such public
20 buildings shall receive separate bids upon each of the [said]
21 branches of work, and the city council or the appropriate city
22 officer shall award the contract for the same to the lowest

23 responsible bidder for each of [said] the branches, including
24 the balance of the work, in addition to the plumbing, heating,
25 ventilating and electrical work and elevators and [moving
26 stairs] escalators. Where it is desired to install an air
27 conditioning unit, the heating and ventilating so involved may
28 be regarded as one branch of work having only one set of
29 specifications, and bids may be received and a contract awarded
30 thereon as hereinbefore provided.

1 Section 108. Sections 1910, 1911 and 1912 of the act are
2 amended to read:

3 Section 1910. Acceptance by Contractor of [Workmen's]
4 Workers' Compensation Act.--[All contracts executed by any city,
5 or any officer or bureau or board thereof, which involve the
6 construction or doing of any work involving the employment of
7 labor, shall contain a provision that the contractor shall
8 accept, in so far as the work covered by any such contract is
9 concerned, the provisions of the Workmen's Compensation Act and
10 any reenactments, supplements or amendments thereto, and that
11 the said contractor will insure his liability thereunder, or
12 file with the city with whom the contract is made a certificate
13 of exemption from insurance from the Department of Labor and
14 Industry of this Commonwealth.

15 Every officer of any city, or bureau or department thereof,
16 who shall sign, on behalf of the said city, any contract
17 requiring in its performance the employment of labor, shall
18 require, before the said contract shall be signed, proof that
19 the said contractor with whom the contract is made shall have
20 accepted the Workmen's Compensation Act and any reenactments,
21 supplements or amendments thereto, and proof that the said
22 contractor has insured his liability thereunder in accordance
23 with the terms of the said act, or that the said contractor has
24 had issued to him a certificate of exemption from insurance from
25 the Department of Labor and Industry of this Commonwealth.

26 Any contract executed in violation of the provisions of this
27 section shall be null and void.]

28 (a) All contracts executed by any city which involve the
29 construction or performance of any work involving the employment
30 of labor shall contain a provision that the contractor shall

1 accept, and file with the city proof of compliance with or
2 exemption from, insofar as the work covered by the contract is
3 concerned, the act of June 2, 1915 (P.L.736, No.338), known as
4 the "Workers' Compensation Act."

5 (b) A certificate of exemption from issuance may be issued
6 on the basis of either individual self-insurance or group self-
7 insurance.

8 (c) A contractor shall file with the city any proof that the
9 Department of Labor and Industry, with respect to certain
10 employees, has accepted the application to be excepted from the
11 provisions of the "Workers' Compensation Act" on religious
12 grounds.

13 (d) Any contract executed in violation of this section is
14 void.

15 Section 1911. Contracts for Improvements; Assignment of
16 Assessments.--Where the whole or any part of the cost of an
17 improvement is to be paid by assessments upon the property
18 abutting or benefited, the city may enter into an agreement with
19 the contractor [that he], pursuant to which the contractor shall
20 take an assignment of [such] the assessments in payment of the
21 amount due [him] under the terms of [his] the contract, and, in
22 such case, the city shall not be otherwise liable under such
23 contract[, whether said assessments are collectible or not].

24 Section 1912. Architects and Engineers in Employ of City;
25 Prohibitions from Bidding on Public Works; Penalty.--(a) It
26 shall be unlawful for any architect or engineer[,] in the employ
27 of any city[,] to bid on any public work of the city.

28 (b) It shall be unlawful for the officers of any city,
29 charged with the duty of letting any public work, to award a
30 contract to any [such] architect or engineer[,] in the employ of

1 the city.

2 (c) Any person or persons violating these provisions, or any
3 of them, shall be guilty of a misdemeanor[,] and, on conviction
4 thereof, shall [forfeit his] be subject to forfeiting his or her ←
5 THE PERSON'S office, in accordance with section 901, and be ←
6 sentenced to pay a fine not exceeding five hundred dollars, or
7 to undergo imprisonment for not less than six months, or both,
8 in the discretion of the court. Any contract made in violation
9 of the provisions of this section shall be null and void.

10 (d) The provisions of this section shall be in addition to
11 any prohibition in 65 Pa.C.S. Ch. 11 (relating to ethics
12 standards and financial disclosure).

13 Section 109. Sections 1913, 1914 and 1915 of the act are
14 repealed:

15 [Section 1913. Contracts With Transportation Companies.--
16 Subject to the provisions of the Public Utility Law, any city,
17 of the one part, and any person operating a public
18 transportation service within the limits of such city, of the
19 other part, may enter into contracts with each other affecting,
20 fixing, and regulating the franchises, powers, duties, and
21 liabilities of such companies, and the regulations and
22 respective rights of the contracting parties. Such contracts
23 may, inter alia, provide for payments by the companies to the
24 city in lieu of the performance of certain duties or the payment
25 of license fees or charges imposed in favor of such city, by the
26 charters of the respective companies, or by any general law or
27 ordinance, for the appointment by the city of a certain number
28 of persons to act as directors of such company, in conjunction
29 with the directors elected by the stockholders of such company,
30 and, further, may provide for the ultimate acquisition by the

city, upon terms mutually satisfactory, of the leaseholds,
property, and franchises of the contracting companies.

Section 1914. Contracts for Relocation of Railroads.--

Subject to the provisions of the Public Utility Law, any city
may enter into contracts with any of the railroad companies,
whose roads enter its limits, whereby the said railroad
companies may relocate, change or elevate their railroads within
said limits, in such manner as, in the judgment of the proper
authorities of such city, may be best adapted to secure the
safety of lives and property, and promote the interest of said
city; and, for that purpose, may do all such acts as may be
necessary and proper to effectually carry out such contracts.
Any such contracts, made by any railroad company or companies as
aforesaid with any city, are hereby fully ratified and
confirmed. Nothing herein contained shall affect any contract
made, or hereafter to be made, with any railroad company, from
apportioning the expenses of altering and adjusting the grades
of existing railroads and intersecting streets in any city so as
to dispense with grade crossings.

Section 1915. Contracts with Street Railways for Exclusive
Right to Lay Tracks.--In case any city shall deem it necessary
for the public benefit and convenience to secure the removal of
any street railway tracks already laid, or prevent the laying of
such tracks already authorized to be laid, or to change the
route of any street railway on any street or streets, or portion
of a street or streets, within its corporate limits, and such
purpose or purposes can be accomplished by agreement with the
street railway company or motor power company owning, leasing or
operating such tracks, the said parties may, subject to the
provisions of the Public Utility Law, enter into a contract, for

1 a period not exceeding fifty years, for such considerations and
2 upon such terms and conditions, and containing such
3 stipulations, reservations and covenants as may be agreed upon
4 between the respective parties thereto; and such contract may
5 include a covenant providing that, during the continuance
6 thereof, municipal consent shall not be granted to any other
7 company to use or occupy the street, streets, or portions of a
8 street or streets, covered by such contract, for street railway
9 or passenger transportation purposes; which covenants shall be
10 enforceable by bill in equity against such city, in case of
11 attempted breach thereof; and such contract may also provide for
12 the laying or relaying of such tracks upon such terms and under
13 such contingencies and conditions as may be agreed upon. When
14 such contract shall have been made, it shall form a part of the
15 charter of the company, with like force and effect as to all its
16 terms, conditions, stipulations, restrictions, covenants, and
17 provisions as to change of routes as if the same formed a part
18 of the original charter of such company; and no removal of
19 tracks already laid, or postponement of or delay in the time of
20 beginning or completing the work of laying tracks already
21 authorized to be laid, and no change of route therein provided
22 for, shall operate or be construed to deprive or divest any such
23 company, entering into such contract, of any of the rights,
24 franchises, or privileges possessed by it at the time of
25 entering into such contract, so as to operate in favor of any
26 company subsequently formed and seeking to occupy, for street
27 railway purposes, the street, streets, or portions of a street
28 or streets, covered by such contract. Nothing in this section
29 contained, nor any contract made in pursuance thereof, shall be
30 construed to limit or affect in any way, or impose any

1 additional liability for the exercise of, the right of a
2 railroad company to lay its tracks, over, upon, under, and
3 across such street or streets, or portions thereof.]

4 Section 110. The act is amended by adding a section to read:

5 Section 1916. Contracts with Passenger or Transportation
6 Companies.--Except as may be prohibited by 66 Pa.C.S. Pt. I
7 (relating to public utility code) or Federal or other state
8 regulation of transportation or commerce, a city may, as it
9 deems necessary for the public benefit and convenience, contract
10 with a person or persons owning a public transportation service,
11 railroad company, street railway, motor power company, or
12 passenger or transportation company.

13 ~~Section 111. Section 1917 of the act, amended July 11, 1996~~ ←
14 ~~(P.L.647, No.109), is amended to read:~~

15 ~~Section 1917. Sales of Real and Personal Property. [No city~~
16 ~~personal property shall be disposed of by sale or otherwise~~
17 ~~except upon approval of council by ordinance or resolution. In~~
18 ~~cases where council shall approve a sale of city personal~~
19 ~~property, it shall estimate the sale value of the entire lot to~~
20 ~~be disposed of. If council shall estimate such sale value to be~~
21 ~~less than one thousand dollars, it shall require a notice of the~~
22 ~~proposed sale to be posted for at least ten days on the bulletin~~
23 ~~board in the city hall, describing and itemizing the property to~~
24 ~~be sold and directing that bids may be made thereon at the~~
25 ~~office of the city clerk. Thereafter, council may sell such~~
26 ~~property, in whole or in part, for the best price or prices~~
27 ~~obtainable. If council shall estimate the sale value to be one~~
28 ~~thousand dollars or more, the entire lot shall be advertised for~~
29 ~~sale once in at least one newspaper, in accordance with the~~
30 ~~provisions of section one hundred nine of this act, and sale of~~

~~the property so advertised shall be made to the best responsible bidder; and the bids shall not be opened until at least ten days after the said advertisement. Council may sell any such property at auction, but the provisions as to notice contained in this section shall be likewise observed as to the holding of such auction sales. The provisions of this section shall not be mandatory where city personal property is to be traded in or exchanged for new city personal property.] Sales of real and personal property shall be conducted in conformance with section 2402.1(b).~~

SECTION 111. SECTION 1917 OF THE ACT, AMENDED JUNE 28, 2011 (P.L.75, NO.15), IS REPEALED:

[SECTION 1917. SALES OF PERSONAL PROPERTY.--NO CITY PERSONAL PROPERTY SHALL BE DISPOSED OF BY SALE OR OTHERWISE EXCEPT UPON APPROVAL OF COUNCIL BY ORDINANCE OR RESOLUTION. IN CASES WHERE COUNCIL SHALL APPROVE A SALE OF CITY PERSONAL PROPERTY, IT SHALL ESTIMATE THE SALE VALUE OF THE ENTIRE LOT TO BE DISPOSED OF. IF COUNCIL SHALL ESTIMATE SUCH SALE VALUE TO BE LESS THAN ONE THOUSAND DOLLARS, IT SHALL REQUIRE A NOTICE OF THE PROPOSED SALE TO BE POSTED FOR AT LEAST TEN DAYS ON THE BULLETIN BOARD IN THE CITY HALL, DESCRIBING AND ITEMIZING THE PROPERTY TO BE SOLD AND DIRECTING THAT BIDS MAY BE MADE THEREON AT THE OFFICE OF THE CITY CLERK. THEREAFTER, COUNCIL MAY SELL SUCH PROPERTY, IN WHOLE OR IN PART, FOR THE BEST PRICE OR PRICES OBTAINABLE. IF COUNCIL SHALL ESTIMATE THE SALE VALUE TO BE ONE THOUSAND DOLLARS OR MORE, THE ENTIRE LOT SHALL BE ADVERTISED FOR SALE ONCE IN AT LEAST ONE NEWSPAPER, IN ACCORDANCE WITH THE PROVISIONS OF SECTION ONE HUNDRED NINE OF THIS ACT, AND SALE OF THE PROPERTY SO ADVERTISED SHALL BE MADE TO THE BEST RESPONSIBLE BIDDER; AND THE BIDS SHALL NOT BE OPENED UNTIL AT LEAST TEN DAYS AFTER THE

1 SAID ADVERTISEMENT. COUNCIL MAY SELL ANY SUCH PROPERTY AT
2 AUCTION, BUT THE PROVISIONS AS TO NOTICE CONTAINED IN THIS
3 SECTION SHALL BE LIKEWISE OBSERVED AS TO THE HOLDING OF SUCH
4 AUCTION SALES. AN AUCTION MAY BE CONDUCTED BY MEANS OF AN ONLINE
5 OR ELECTRONIC AUCTION SALE. DURING AN ELECTRONIC AUCTION SALE,
6 BIDS SHALL BE ACCEPTED ELECTRONICALLY AT THE TIME AND IN THE
7 MANNER DESIGNATED IN THE ADVERTISEMENT. DURING THE ELECTRONIC
8 AUCTION, EACH BIDDER SHALL HAVE THE CAPABILITY TO VIEW THE
9 BIDDER'S BID RANK OR THE HIGH BID PRICE. BIDDERS MAY INCREASE
10 THEIR BID PRICES DURING THE ELECTRONIC AUCTION. THE RECORD OF
11 THE ELECTRONIC AUCTION SHALL BE ACCESSIBLE FOR PUBLIC
12 INSPECTION. THE PURCHASE PRICE SHALL BE PAID BY THE HIGH BIDDER
13 IMMEDIATELY OR AT A REASONABLE TIME AFTER THE CONCLUSION OF THE
14 ELECTRONIC AUCTION AS DETERMINED BY COUNCIL. IN THE EVENT THAT
15 SHIPPING COSTS ARE INCURRED, THEY SHALL BE PAID BY THE HIGH
16 BIDDER. A CITY THAT HAS COMPLIED WITH THE ADVERTISING
17 REQUIREMENTS OF THIS SECTION MAY PROVIDE ADDITIONAL PUBLIC
18 NOTICE OF THE SALE BY BIDS OR AUCTION IN ANY MANNER DEEMED
19 APPROPRIATE BY COUNCIL. THE ADVERTISEMENT FOR ELECTRONIC AUCTION
20 SALES AUTHORIZED IN THIS SECTION SHALL INCLUDE THE INTERNET
21 ADDRESS OR MEANS OF ACCESSING THE ELECTRONIC AUCTION AND THE
22 DATE, TIME AND DURATION OF THE ELECTRONIC AUCTION. THE
23 PROVISIONS OF THIS SECTION SHALL NOT BE MANDATORY WHERE CITY
24 PERSONAL PROPERTY IS TO BE TRADED-IN OR EXCHANGED FOR NEW CITY
25 PERSONAL PROPERTY.]

26 Section 112. Section 1918 of the act, amended October 17,
27 1974 (P.L.775, No.254), is repealed:

28 [Section 1918. Street Construction and Improvement by City
29 Employes.--Whenever a city uses the work or services of its
30 employes in the construction or improvement, of any public

1 street within the territorial limits, it shall be subject to the
2 limitations and duties imposed by this article in the purchase
3 of any materials for such construction or improvement. The
4 provisions of this section shall not be construed to affect or
5 limit the provisions of Article XXIX of this act.]

6 Section 113. Section 1919 of the act, amended July 1, 1994
7 (P.L.373, No.55), is ~~amended to read:~~ ←

8 ~~Section 1919. [Sales] Sale of Real and Personal Property to~~
9 ~~Certain Entities. Any [provision of this act requiring~~
10 ~~advertising for bids and sale to the highest bidder] requirement~~
11 ~~for advertising for bids and sale to the highest bidder imposed~~
12 ~~by this act or by a city pursuant to section 2402.1(b) shall not~~
13 ~~apply where city real or personal property is to be sold to a~~
14 ~~county, city, borough, town, township, home rule municipality,~~
15 ~~institution district, school district, volunteer fire company,~~
16 ~~volunteer ambulance service or volunteer rescue squad located~~
17 ~~within the city, or municipal authority [pursuant to the]~~
18 ~~created under 53 Pa.C.S. Ch.56 (relating to municipal~~
19 ~~authorities) or under the former act of May 2, 1945 (P.L.382,~~
20 ~~No.164), known as the "Municipality Authorities Act of 1945," a~~
21 ~~housing authority created pursuant to the act of May 28, 1937~~
22 ~~(P.L.955, No.265), known as the "Housing Authorities Law," an~~
23 ~~urban redevelopment authority created pursuant to the former act~~
24 ~~of May 24, 1945 (P.L.991, No.385), known as the "Urban~~
25 ~~Redevelopment Law," a parking authority [pursuant to the]~~
26 ~~created under 53 Pa.C.S. Ch. 55 (relating to parking~~
27 ~~authorities) or under the former act of June 5, 1947 (P.L.458,~~
28 ~~No.208), known as the "Parking Authority Law," a port authority~~
29 ~~pursuant to the act of December 6, 1972 (P.L.1392, No.298),~~
30 ~~known as the "Third Class City Port Authority Act," or a~~

1 ~~corporation not for profit [engaged in community industrial~~
2 ~~development. Any provision of this act requiring advertising for~~
3 ~~bids and sale to the highest bidder shall not apply where real~~
4 ~~property is to be sold to a corporation not for profit]~~
5 ~~organized as a public library for its exclusive use as a~~
6 ~~library, [to] a medical service corporation not for profit, [to]~~
7 ~~a corporation not for profit engaged in community industrial~~
8 ~~development, a housing corporation not for profit, [to] the~~
9 ~~Commonwealth or [to] the Federal Government or a nonprofit~~
10 ~~museum or historical society for its exclusive use as a~~
11 ~~nonprofit museum or historical society. When real or personal~~
12 ~~property is to be sold [to a corporation not for profit~~
13 ~~organized as a public library for its exclusive use as a library~~
14 ~~or to a medical service corporation not for profit or to a~~
15 ~~housing corporation not for profit] pursuant to this section,~~
16 ~~council may elect to accept a nominal consideration for the sale~~
17 ~~as it shall deem appropriate. Real property sold pursuant to~~
18 ~~this section shall be subject to the condition that when the~~
19 ~~property is not used for the purposes of the conveyance, the~~
20 ~~property shall revert to the city. REPEALED:~~



21 [SECTION 1919. SALES OF REAL AND PERSONAL PROPERTY TO
22 CERTAIN ENTITIES.--ANY PROVISION OF THIS ACT REQUIRING
23 ADVERTISING FOR BIDS AND SALE TO THE HIGHEST BIDDER SHALL NOT
24 APPLY WHERE CITY REAL OR PERSONAL PROPERTY IS TO BE SOLD TO A
25 COUNTY, CITY, BOROUGH, TOWN, TOWNSHIP, HOME RULE MUNICIPALITY,
26 INSTITUTION DISTRICT, SCHOOL DISTRICT, VOLUNTEER FIRE COMPANY,
27 VOLUNTEER AMBULANCE SERVICE OR VOLUNTEER RESCUE SQUAD LOCATED
28 WITHIN THE CITY, OR MUNICIPAL AUTHORITY PURSUANT TO THE ACT OF
29 MAY 2, 1945 (P.L.382, NO.164), KNOWN AS THE "MUNICIPALITY
30 AUTHORITIES ACT OF 1945," A HOUSING AUTHORITY PURSUANT TO THE

1 ACT OF MAY 28, 1937 (P.L.955, NO.265), KNOWN AS THE "HOUSING
2 AUTHORITIES LAW," AN URBAN REDEVELOPMENT AUTHORITY PURSUANT TO
3 THE ACT OF MAY 24, 1945 (P.L.991, NO.385), KNOWN AS THE "URBAN
4 REDEVELOPMENT LAW," A PARKING AUTHORITY PURSUANT TO THE ACT OF
5 JUNE 5, 1947 (P.L.458, NO.208), KNOWN AS THE "PARKING AUTHORITY
6 LAW," A PORT AUTHORITY PURSUANT TO THE ACT OF DECEMBER 6, 1972
7 (P.L.1392, NO.298), KNOWN AS THE "THIRD CLASS CITY PORT
8 AUTHORITY ACT," OR A CORPORATION NOT FOR PROFIT ENGAGED IN
9 COMMUNITY INDUSTRIAL DEVELOPMENT. ANY PROVISION OF THIS ACT
10 REQUIRING ADVERTISING FOR BIDS AND SALE TO THE HIGHEST BIDDER
11 SHALL NOT APPLY WHERE REAL PROPERTY IS TO BE SOLD TO A
12 CORPORATION NOT FOR PROFIT ORGANIZED AS A PUBLIC LIBRARY FOR ITS
13 EXCLUSIVE USE AS A LIBRARY, TO A MEDICAL SERVICE CORPORATION NOT
14 FOR PROFIT, TO A HOUSING CORPORATION NOT FOR PROFIT, TO THE
15 COMMONWEALTH OR TO THE FEDERAL GOVERNMENT. WHEN REAL PROPERTY IS
16 TO BE SOLD TO A CORPORATION NOT FOR PROFIT ORGANIZED AS A PUBLIC
17 LIBRARY FOR ITS EXCLUSIVE USE AS A LIBRARY OR TO A MEDICAL
18 SERVICE CORPORATION NOT FOR PROFIT OR TO A HOUSING CORPORATION
19 NOT FOR PROFIT, COUNCIL MAY ELECT TO ACCEPT A NOMINAL
20 CONSIDERATION FOR THE SALE AS IT SHALL DEEM APPROPRIATE. REAL
21 PROPERTY SOLD PURSUANT TO THIS SECTION SHALL BE SUBJECT TO THE
22 CONDITION THAT WHEN THE PROPERTY IS NOT USED FOR THE PURPOSES OF
23 THE CONVEYANCE, THE PROPERTY SHALL REVERT TO THE CITY.]

24 Section 114. Article XX heading of the act is amended to
25 read:

26 ARTICLE XX

27 POLICE [BUREAU] FORCE

28 Section 115. Sections 2001 and 2002 of the act, amended
29 December 27, 1967 (P.L.893, No.403), are amended to read:

30 Section 2001. Appointment, Number, Rank, Compensation and

1 Qualifications of [Policemen] Police Officers.--(a) The council
2 shall fix, by ordinance, the number, grades and compensation of
3 the members of the city police force, who shall, except as
4 provided in section 2002, be appointed in accordance with the
5 civil service provisions of this act[, and no].

6 (b) No member of the city police force having been promoted
7 in conformity with the civil service provisions of this act
8 shall be demoted in rank or discharged from the police force
9 except upon proper cause shown as set forth under the civil
10 service provisions of this act.

11 (c) No [policeman shall] police officer, after his or her
12 appointment and qualification, shall hold at the same time the
13 office of constable.

14 (d) Council shall [prescribe all necessary] promulgate rules
15 and regulations for the organization and government of the
16 police force. [The minimum annual starting salary or
17 compensation to be paid the members of the police force by any
18 city shall be four thousand five hundred dollars (\$4,500), with
19 minimum annual increments of three hundred dollars (\$300) for
20 the first three years of such employment. If the annual salary
21 or compensation of any policeman employed by the city on the
22 effective date of this amending act is less than four thousand
23 five hundred dollars (\$4,500), such salary or compensation shall
24 be increased to four thousand five hundred dollars (\$4,500), and
25 such policeman shall receive minimum annual increments of three
26 hundred dollars (\$300) for the next three years of such
27 employment.]

28 Section 2002. Designation of Chief and Other Officers.--The
29 [mayor shall designate, from the force, the chief and other
30 officers who shall serve as such officers until their successors

1 are appointed and qualified. The chief of police shall be
2 designated by the mayor and may be demoted without cause in the
3 same manner, but not to any rank lower than the rank which he
4 held at the time of his designation as chief of police.] chief
5 of police, or any deputy police chief, shall be designated by ←
6 the mayor from within or without the ranks, each of whom THE ←
7 RANKS AND may be demoted without cause in the same manner, but
8 not to any rank lower than the rank which was held at the time
9 of his or her designation as chief of police or deputy police ←
10 chief, if these officers were employees of the police force
11 before their employment as police chief or deputy police chief. ←
12 IN THE EVENT THAT NO QUALIFIED OFFICER FROM WITHIN THE RANKS HAS
13 APPLIED FOR SUCH DESIGNATION, THE CHIEF OF POLICE SHALL BE
14 DESIGNATED BY THE MAYOR FROM WITHOUT THE RANKS. The officers,
15 other than the chief of police or deputy police chief, shall be
16 designated in accordance with Article XLIV.

17 Section 116. Sections 2003, 2005, 2006, 2007, 2008 and 2009
18 of the act are amended to read:

19 Section 2003. Extra [Policemen] Police Officers;
20 Compensation.--[The mayor, whenever, in his judgment] Whenever
21 in the judgment of the mayor it is necessary for the public
22 safety or to preserve order, the mayor may appoint extra
23 [policemen] police officers to serve for such period as the
24 council may designate, not exceeding thirty days, whose
25 compensation shall be fixed by council.

26 Section 2005. Powers of [Policemen] Police Officers to
27 Arrest.--[Policemen] Police officers shall be ex-officio
28 constables of the city, and shall and may[, within the city or]
29 enforce the laws of this Commonwealth or otherwise perform the
30 functions of their office in accordance with 42 Pa.C.S. §§ 8952

1 (relating to primary municipal police jurisdiction) and 8953
2 (relating to statewide municipal police jurisdiction) and upon
3 property owned or controlled by the city or by a [municipality]
4 municipal authority [of] created by the city [within the
5 Commonwealth], without warrant and upon view, arrest and commit
6 for hearing any and all persons guilty of breach of the peace,
7 vagrancy, riotous or disorderly conduct or drunkenness, or who
8 may be engaged in the commission of any unlawful act tending to
9 imperil the personal security or endanger the property of the
10 citizens, or violating any of the ordinances of [said] the city
11 for the violation of which a fine or penalty is imposed.

12 Section 2006. Service of Process; Fees; Payment into
13 Treasury.--[Policemen] Police officers shall have authority to
14 serve and to execute [within the city or upon property owned or
15 controlled by the city or by a municipality authority of the
16 city within the Commonwealth all] criminal process or processes
17 issued for the violation of city ordinances [which may be issued
18 by the mayor or any alderman,] and shall charge the same fees
19 and costs as pertain by law to the constables of the city for
20 similar services, but the [said] fees and costs shall be
21 [received and collected by the mayor or alderman, and by him]
22 paid into the city treasury monthly as herein provided.

23 Section 2007. Supervision by Mayor.--[Policemen] The chief
24 of police shall obey the orders of the mayor and make report to
25 ~~him or her~~ [HIM] THE MAYOR, which report shall be [laid by him
26 before council monthly] presented monthly by the mayor to
27 council. [The mayor shall exercise a constant supervision and
28 control over their conduct.]

29 Section 2008. Extra Compensation Prohibited; Exception;
30 Penalty.--No [policeman] police officer shall ask, demand or

1 receive any compensation or reward whatsoever for ~~his or her~~ ←
2 **[HIS]** THE POLICE OFFICER'S services other than that provided by ←
3 ordinance, except rewards offered for the arrest of persons
4 accused of crime committed outside of the city in which [they
5 hold office, and witness fees and mileage as provided by law for
6 their appearance in any court of record] such officer is
7 employed. Any [policeman] police officer violating any of the
8 provisions of this section shall be guilty of a misdemeanor [in
9 office, and, upon conviction, shall be sentenced to pay a fine
10 not exceeding fifty dollars, or undergo imprisonment not
11 exceeding thirty days, or both, at the discretion of the court,]
12 of the third degree and upon conviction shall be sentenced to
13 pay a fine or undergo imprisonment, or both, at the discretion
14 of the court to be followed by dismissal from office.

15 Section 2009. Compensation or Insurance for Volunteer
16 [Policemen] Police Officer.--Each city may make necessary
17 appropriations to provide compensation or insurance for
18 volunteer [policemen] police officers injured or killed while
19 engaged in the performance of such duties as may be assigned to
20 them in the city.

21 Section 117. Section 2010 of the act, amended April 6, 1998
22 (P.L.236, No.44), is amended to read:

23 Section 2010. School Crossing Guards.--(a) Upon request of
24 the board of school directors of the school district in which a
25 city is located, the city council may appoint school crossing
26 guards who shall have the duty of controlling and directing
27 traffic at or near schools [and who shall be in suitable and
28 distinctive uniform. School crossing guards shall be authorized
29 only in the management of traffic and pedestrians in and around
30 areas identified by the city police department and the school

1 district superintendent]. They shall serve at the pleasure of
2 the city council, except as noted in subsection (b)[, and shall
3 not come within the civil service provisions of this act and
4 shall not be entitled to participate in any city pension plan or
5 plans now in effect or hereafter effective]. The compensation of
6 the school crossing guards, if any, shall be fixed by the city
7 council and shall be jointly paid by the city council and the
8 board of school directors, in a ratio to be determined by the
9 city council and board of school directors. If the city council
10 and board of school directors are unable to determine the ratio
11 of compensation of the school crossing guards to be paid by the
12 council and the board, each shall pay one-half of the
13 compensation of [such police. Auxiliary policemen, appointed as
14 prescribed by general law, may be designated to serve as school
15 crossing guards] the school crossing guards.

16 (b) A city council may [approve] enact an ordinance allowing
17 a board of school directors to assume the hiring and oversight
18 of the school crossing guards. Before city council may [approve]
19 enact such an ordinance, the board of directors of the school
20 district shall [approve] adopt a resolution requesting the
21 authority to assume the hiring and oversight of the school
22 crossing guards. The ordinance enacted by council shall outline
23 how the city police department will provide any necessary
24 training and assistance of the school crossing guards while on
25 duty. [Such school crossing guards will be authorized only in
26 the management of traffic and pedestrians in and around areas
27 identified by the city police department and the school district
28 superintendent or his or her designee. The school crossing
29 guards shall not come within the civil service provision of this
30 act, nor shall they] School crossing guards shall not fall under

1 the bargaining unit of the school district nor be classified as
2 an employe as defined under section 1101-A of the act of March
3 10, 1949 (P.L.30, No.14), known as the "Public School Code of
4 1949," or under any benefits as provided under the "Public
5 School Code of 1949[,]." [or under any plans hereafter
6 effective. Once] After the ordinance [receives] is enacted by
7 city council [approval], the school district shall assume the
8 cost of compensation, including fixing such compensation, if
9 any, of the school crossing guards. [Auxiliary policemen,
10 appointed as prescribed by general law, may be hired by the
11 school district to serve as school crossing guards.] The board
12 of school directors shall notify the city council, mayor and
13 police chief or commissioner of those hired to serve as school
14 crossing guards and request the necessary training or assistance
15 be provided as outlined by the ordinance.

16 (c) Whether the city council appoints school crossing guards
17 upon the request of the board of school directors or whether the
18 city council enacts an ordinance allowing a board of school
19 directors to assume the hiring and oversight of the school
20 crossing guards, the following shall apply to school crossing
21 guards:

22 (1) Their duties and authority shall be restricted to the
23 management of traffic and pedestrians in and around areas
24 identified by the city police force and the school district
25 superintendent or his or her designee.

26 (2) They shall be in suitable and distinctive uniform while
27 performing their duties as school crossing guards.

28 (3) They shall not come within the civil service provisions
29 of this act.

30 (4) They shall not be entitled to participate in any city or

1 school district pension or benefit plan or plans now in effect
2 or hereafter effective.

3 (5) Auxiliary police officers, appointed as prescribed by
4 general law, may be designated by city council or hired by the
5 school district, as applicable, to serve as school crossing
6 guards.

7 Section 118. Article XXI heading of the act is reenacted to
8 read:

9 ARTICLE XXI

10 FIRE BUREAU

11 Section 119. Section 2101 of the act is amended to read:

12 Section 2101. Organization of Fire Bureau; Maintenance;
13 Apparatus.--[Each city may organize a fire bureau, with or
14 without pay, make] With regard to a city fire bureau, council
15 shall have the authority to:

16 (1) by ordinance, establish and organize a fire bureau;

17 (2) make appropriations for the maintenance of the same[,
18 prescribe];

19 (3) promulgate rules and regulations for the government of
20 the officers and companies belonging thereto[,]; and

21 (4) purchase equipment and apparatus for the extinguishment,
22 prevention and investigation of fires and for the public safety.

23 Section 120. Section 2101.1 of the act, added July 1, 1994
24 (P.L.373, No.55), is amended to read:

25 Section 2101.1. Appointment and Demotion of Fire Chief and
26 Deputy Fire Chief.--The mayor, by and with approval and consent
27 of council, shall appoint the fire chief [and ~~any~~ deputy fire ←
28 chief, ~~each of whom~~] WHO may be demoted without cause ~~in the~~ ←
29 ~~same manner~~ but not to any rank lower than the rank which ~~he or~~ ←
30 ~~she~~ [HE] THE FIRE CHIEF OR DEPUTY FIRE CHIEF held WITHIN THE ←

1 DEPARTMENT at the time of [his] ~~or her~~ designation as fire chief ←
2 [or deputy fire chief ~~if these officers were employees of the~~ ←
3 ~~fire bureau before their employment as fire chief or deputy fire~~
4 ~~chief.].~~ IN THE EVENT THAT NO QUALIFIED EMPLOYE OF THE FIRE ←
5 BUREAU HAS APPLIED FOR SUCH APPOINTMENT, THE FIRE CHIEF SHALL BE
6 APPOINTED BY THE MAYOR, BY AND WITH APPROVAL AND CONSENT OF
7 COUNCIL, FROM WITHOUT THE RANKS.

8 Section 121. Section 2102 of the act, amended November 9,
9 1965 (P.L.670, No.328), is amended to read:

10 Section 2102. Paid Bureau; Election of Officers and
11 Companies.--When a paid fire bureau is organized by any city,
12 the council, except as provided by section 2101.1, may provide,
13 by ordinance, for the election or appointment of the officers
14 and companies belonging thereto, in accordance with civil
15 service provisions where applicable. The minimum annual starting
16 salary or compensation to be paid the officers and [firemen]
17 firefighters by any city shall be [four thousand five hundred
18 dollars (\$4,500), with minimum annual increments of three
19 hundred dollars (\$300) for the first three years of such
20 employment. If the annual salary or compensation of any fireman
21 employed by the city on the effective date of this amending act
22 is less than four thousand five hundred dollars (\$4,500), such
23 salary or compensation shall be increased to four thousand five
24 hundred dollars (\$4,500), and such fireman shall receive minimum
25 annual increments of three hundred dollars (\$300) for the next
26 three years of such employment] established by the city council.

27 Section 122. Section 2103 of the act, amended July 19, 1957
28 (P.L.1012, No.448), is amended to read:

29 Section 2103. Platoon System; Hours of Service; Vacation;
30 Sick Leave.--(A) The director of the department having charge ←

1 of the fire bureau in [each city shall] a city may divide the
2 officers and members of companies of the uniformed fire force in
3 the employ of [such cities] the city, and any other [firemen]
4 firefighters and drivers regularly employed and paid by the
5 city, excepting the chief engineer and assistant chiefs, and
6 those employed subject to call, into [two] shifts, bodies or
7 platoons to perform service during such hours as the director
8 shall fix[, except as herein otherwise provided. The hours of
9 day service shall not exceed ten, commencing at eight o'clock in
10 the morning; the hours of night service shall not exceed
11 fourteen, commencing at six o'clock in the afternoon; and the
12 hours of day service shall not exceed fifty hours in any one
13 calendar week, and the hours of night service shall not exceed
14 seventy hours in any one calendar week, unless the hours of day
15 and night service shall be equalized, in which case neither the
16 hours of day or night service shall exceed fifty-six in any one
17 calendar week: Provided, That for the duration of any war in
18 which the United States is engaged, and six months thereafter,
19 the hours of service may exceed the number hereinbefore provided
20 as the maximum number of hours of service, and in such cases,
21 council shall provide for the payment of extra compensation for
22 any hours of service, at the same rate as paid for regular
23 service in excess of such maximum hours of service. The employes
24 of such fire forces shall be allowed to have at least twenty-
25 four consecutive hours of rest in every calendar week, to have
26 an annual vacation of not less than fourteen working days, and
27 shall be entitled to twenty-one days sick leave annually without
28 diminution of the salary or compensation fixed by ordinance. In
29 those instances in which sick leave exceeds four days at any one
30 time, it shall be necessary for the employe to present evidence

1 satisfactory to the director of the department showing either
2 injury, hospitalization, or illness attended to by a physician].
3 In cases of riot, serious conflagration, times of war, public
4 celebrations, or other such emergency, the [chief engineer of
5 the bureau of fire, or the assistant chief deputy, or chief]
6 fire chief or officer in charge at any fire shall have the power
7 to assign all the members of the fire force to continuous
8 duty[,] or to continue any member thereof on duty, if necessary.
9 [No member of any of said shifts, bodies or platoons shall be
10 required to perform continuous day service or continuous night
11 service for a longer consecutive period than two weeks, nor be
12 kept on duty continuously longer than ten hours in the day
13 shifts, bodies or platoons or fourteen hours in the night
14 shifts, bodies or platoons, excepting as may be necessary to
15 equalize the hours of duty and service, and also excepting in
16 cases of emergency, as above provided.]

17 (B) NO SCHEDULE SHALL REQUIRE A MEMBER OF ANY SHIFT, BODY OR ←
18 PLATOON TO PERFORM CONTINUOUS SERVICE FOR A CONSECUTIVE PERIOD
19 OF TWENTY-FOUR HOURS, EXCEPTING IN CASES OF EMERGENCY OR AS
20 OTHERWISE AGREED THROUGH COLLECTIVE BARGAINING OR AN AWARD
21 PURSUANT TO THE ACT OF JUNE 24, 1968 (P.L.237, NO.111), REFERRED
22 TO AS THE POLICEMEN AND FIREMEN COLLECTIVE BARGAINING ACT.

23 (C) THE PROVISIONS OF SUBSECTION (B) SHALL NOT BE DEEMED TO
24 ALTER OR AFFECT ANY WORK SCHEDULES IN EXISTENCE PRIOR TO THE
25 EFFECTIVE DATE OF THIS SUBSECTION.

26 Section 123. Sections 2104, 2105, 2106, 2107 and 2108 of the
27 act are amended to read:

28 Section 2104. Fire Marshal; Powers.--Every city may, by
29 ordinance, provide for the creation of the office of fire
30 marshal who shall be appointed by the mayor, by and with the

1 approval and consent of council, biennially. The fire marshal
2 and [his] any authorized assistants[, if council shall provide
3 for such assistants,] shall inspect all constructions or
4 buildings within the city or upon property owned or controlled
5 by the city or a [municipality] municipal authority of the city
6 within the Commonwealth[, whether public, private, or business,]
7 and shall enforce all laws of the Commonwealth and ordinances of
8 the city relating to such constructions or buildings, for the
9 prevention, containment, or investigation of fire and
10 firehazards, both as to the constructions or buildings and as to
11 the contents or occupancies thereof. The fire marshal or ~~his or~~ ←
12 ~~her~~ [HIS] THE FIRE MARSHAL'S assistants shall report to the ←
13 director of public safety or to council or other designated
14 official, as council shall by ordinance provide, any faulty or
15 dangerous construction or building or like condition in any
16 building[,] that may constitute a fire hazard[,] or any proposed
17 use or occupation of any construction, building or premises[,]
18 which would create or increase a hazard of fire. [He] The fire
19 ~~marshall~~ MARSHAL shall investigate and keep a permanent record ←
20 of the cause, origin and circumstances of every fire and the
21 damage resulting therefrom occurring within ~~his or her~~ [HIS] THE ←
22 FIRE MARSHAL'S jurisdiction immediately after the occurrence of
23 [such] the fire. The [said] records of the fire marshal shall be
24 open to public inspection[.] ~~except records relating to or~~ ←
25 ~~resulting in a criminal investigation or otherwise excepted from~~
26 ~~a public record pursuant to~~ EXCEPT AS EXEMPTED IN ACCORDANCE ←
27 WITH the act of February 14, 2008 (P.L.6, No.3), known as the
28 "Right-to-Know Law." The fire marshal shall submit to council an
29 annual report consolidating the information contained in [said
30 records at the first stated meeting in March of each year] the

1 records as directed by council. [He shall request the mayor or
2 any alderman of the city to investigate, under the act, approved
3 the seventeenth day of April, one thousand eight hundred sixty-
4 nine (Pamphlet Laws 74), the origin of any fire he deems
5 suspicious; and shall be equally subject to appointment and
6 removal and to all the powers and duties under the act, approved
7 the twenty-seventh day of April, one thousand nine hundred
8 twenty-seven (Pamphlet Laws 450, Number 291), as amended, as is
9 the chief of the fire department] If the fire is deemed
10 suspicious, the fire marshal shall have the authority to
11 investigate the same.

12 Section 2105. Obstructing Fire Marshal; Fine.--It shall be
13 unlawful for any person to obstruct or prevent or attempt to
14 obstruct or prevent the fire marshal in the discharge of ~~his or~~ ←
15 ~~her~~ [HIS] THE FIRE MARSHAL'S duties. Council may, by ordinance, ←
16 establish the types or grades of such criminal conduct[,] and
17 may establish fines[,] or imprisonment [in default of payment
18 thereof,] or both for such violations. No fine so ordained shall
19 exceed [three hundred] one thousand dollars for any single
20 violation, and no imprisonment [in default of payment of such a
21 fine] shall exceed ninety days.

22 Section 2106. Investigation of Cause of Fire; Power of the
23 Mayor.--The mayor of any city may, whenever in his or her
24 judgment the occasion demands it, issue a subpoena, in the name
25 of the Commonwealth of Pennsylvania, to any person or persons
26 requiring [them to attend] the attendance of the person or
27 persons before [him] the mayor or the fire marshal at [such] the
28 time and place as may be named in [said] the subpoena, then and
29 there to testify, under oath or affirmation, which the fire
30 marshal in the absence of the mayor is hereby empowered to

1 administer, as to the origin of any fire occurring within the
2 bounds of such city[,] and also as to any facts or circumstances
3 that may be deemed important to secure the detection and
4 conviction of any party or parties guilty of the offense of
5 arson or attempted arson.

6 Section 2107. Fire Chief Ex-officio Fire Marshal.--The fire
7 chief of any city shall be ex-officio fire marshal thereof in
8 any city wherein the office is not separately filled [by
9 council] pursuant to ordinance, and in [such] that case all the
10 powers and duties herein given to or imposed upon [such] the
11 fire marshal shall be enjoyed and exercised by [such] the fire
12 chief [of the fire department].

13 Section 2108. Compensation Insurance for Injured Volunteer
14 [Firemen] Firefighters or Special Fire Police.--Each city may
15 make [such] appropriations as may be necessary to secure
16 insurance or compensation for volunteer [firemen] firefighters
17 killed or injured while engaged in the performance of their
18 duties or as special fire police.

19 Section 124. Section 2109 of the act, added June 16, 1993
20 (P.L.97, No.21), is amended to read:

21 Section 2109. Salary of Nonunion City Fire Officers.--[Any]
22 A fire chief or head of a fire department of a city who has been
23 removed from bargaining units under the act of June 24, 1968
24 (P.L.237, No.111), referred to as the Policemen and Firemen
25 Collective Bargaining Act, by rulings of the Pennsylvania Labor
26 Relations Board shall receive not less than the same dollar
27 increase, including fringe benefits but excluding overtime and
28 festive holiday pay, as received by the highest-ranking fire
29 officer participating in the bargaining unit.

30 Section 125. Article XXII heading of the act is amended to

1 read:

2 ARTICLE XXII

3 [BUREAU OF MINE INSPECTION AND]

4 SURVEYS AND SURFACE SUPPORT

5 IN COAL MINING AREAS

6 Section 126. Sections 2201 and 2202 of the act are repealed:

7 [Section 2201. Ordinance Creating.--Any city within the
8 limits of the anthracite or of the bituminous coal regions of
9 the Commonwealth may, by ordinance, create a bureau of mine
10 inspection and surface support.

11 Section 2202. Bureau, How Constituted.--The bureau shall
12 consist of one practical mining engineer, to be appointed by the
13 mayor, with consent of the council, and such assistants, clerks,
14 and employes as the council may provide. The officers and
15 employes of the bureau shall receive such compensation as may be
16 prescribed by council.]

17 Section 127. Sections 2203, 2204, 2205, 2206 and 2207 of the
18 act are amended to read:

19 Section 2203. [Inspection of Mines] Survey of Mines.--
20 [Members of the bureau may enter, inspect, examine] For the
21 purpose of conducting a survey as may be required by council,
22 the city engineer or other registered professional engineer
23 employed by the city, may enter and survey any mine or colliery,
24 within the limits of the city, in whole or in part, at all
25 reasonable times, either by day or night, but not so as to
26 impede nor obstruct the workings of the mine or colliery; and
27 may take with them [such] other persons [as may be] necessary
28 for the purpose of making [an examination or] a survey. The
29 owner, operator, or superintendent of such mine or colliery
30 shall furnish the means necessary for [such] the entry,

1 [inspection, examination,] survey and exit.

2 Section 2204. Operators to Furnish Maps; Contents.--The
3 owner, operator, or superintendent of every coal mine or
4 colliery within the limits of the city, in whole or in part,
5 [within three months after the passage of an ordinance by any
6 city creating such bureau,] shall, at the request of council,
7 make or cause to be made and furnished to [such bureau] the city
8 engineer an accurate map or plan of the workings or excavations
9 of [such] each coal mine or colliery, or parts thereof, within
10 the limits of [said] the city[, on a scale of one hundred feet
11 to the inch. The map or plan shall exhibit the workings or
12 excavations in every seam of coal on a separate sheet, and the
13 tunnels and passages connecting with such workings or
14 excavations. It shall show in degrees the general inclination of
15 the strata, with any material deflection therein in the workings
16 or excavations, and shall also show the tidal elevations of the
17 bottom of every shaft, slope, tunnel, and gangway, and of any
18 other point in the mine or on the surface where such elevation
19 shall be deemed necessary by the bureau. The map or plan shall
20 show the number of the last survey station and date of each
21 survey on the gangways or the most advanced workings].

22 Section 2205. Extensions to be Placed on Maps.--[Every mine
23 owner, operator, or superintendent shall place or cause to be
24 placed upon the map of the bureau, at least] Not less than once
25 in every three months, a map that has been provided to a city,
26 at the request of council, pursuant to section 2204, shall be
27 updated at the direction of the mine owner, operator or
28 superintendent. The updated map shall show all the extensions
29 made in any mine, wholly or partially within the limits of
30 [such] the city, and not already so placed upon the map, except

1 those made within thirty days immediately preceding the time of
2 placing [such] the extensions upon the [said] map.

3 Section 2206. Certain Surface Supports Not to be Removed.--

4 It shall be unlawful for any person, [copartnership]
5 partnership, association, or corporation to dig, mine, remove,
6 or carry away the coal, rock, earth, or other minerals or
7 materials forming the natural support of the surface beneath the
8 streets and places of any city[, in the anthracite region or in
9 the bituminous region,] to such an extent and in such a manner
10 as to thereby remove the necessary support of the surface,
11 without having first placed or constructed an artificial
12 permanent support sufficient to uphold and preserve the
13 stability of the surfaces of such streets and places.

14 Section 2207. Penalty for Surface Support Violations.--Any
15 person, corporation or association[, being the owner, lessee or
16 operator of any coal mine, and] violating the provisions of this
17 article concerning surface support of streets and places within
18 the city shall be guilty of a misdemeanor[, and, upon

19 conviction thereof, shall be sentenced for such offense to pay a
20 fine not exceeding one thousand dollars, or [to undergo]

21 imprisonment [in the county jail] for a period not exceeding
22 ninety days, or both, and each [five day continuance in any] day
23 in which such violation continues shall constitute an additional
24 and separate offense [and be likewise punishable upon conviction
25 thereof].

26 Section 128. Section 2208 of the act is repealed:

27 [Section 2208. General Penalties.--Any owner, operator or
28 superintendent of any coal mine or colliery who shall violate
29 any of the provisions of this article, except those requiring
30 surface support of streets and places within the city, shall,

1 upon summary conviction thereof before a justice of the peace or
2 an alderman of the city, be fined not less than fifty dollars
3 nor more than three hundred dollars, and in default of payment
4 thereof, shall be imprisoned for not more than ninety days for
5 each such violation. Each five day continuance in any such
6 violation shall constitute an additional and separate offense
7 and be likewise punishable upon summary conviction thereof. All
8 fines imposed under this section shall be paid into the treasury
9 of the city.]

10 Section 129. Section 2209 of the act is reenacted to read:

11 Section 2209. Enactment of Ordinances.--Council may enact
12 such ordinances as may be necessary for the enforcement of the
13 provisions of this article and provide penalties for the
14 violation thereof.

15 Section 130. Article XXIII and subdivision (a) headings of
16 the act are reenacted to read:

17 ARTICLE XXIII

18 PUBLIC HEALTH

19 (a) Board of Health

20 Section 131. Section 2301 of the act is amended to read:

21 Section 2301. Board of Health[; Incompatibility].--Each city
22 shall have a board of health. Council may, by ordinance, create
23 a board of health [as herein provided], or, in lieu thereof,
24 council shall be the board of health. [The board of health shall
25 have five members appointed by council, who shall serve without
26 compensation. Except as otherwise herein provided, membership on
27 the board of health shall be incompatible with every other city
28 office.] If council is the board of health, members of council
29 shall receive no additional compensation for serving on the
30 board.

1 Section 132. Section 2302 of the act, amended June 16, 1993
2 (P.L.97, No.21), is amended to read:

3 Section 2302. [Qualifications; Term; Removal.--The] Members
4 of Appointed Boards of Health.--(a) Council shall appoint five
5 members to a board of health created by ordinance. Appointed
6 members shall serve without compensation. Except, in the case of
7 an appointed member who is a licensed or certified health care
8 professional that has his or her principal office in the city,
9 members of the appointed board of health shall be residents of
10 the city. [At least one, and whenever possible two,]

11 (b) Two members of the board shall be [currently] a licensed
12 or certified health care professional unless council cannot
13 identify two such professionals who are willing to serve, in
14 which case, one member shall be a licensed or certified health
15 care professional. If no licensed or certified health care
16 professional can be identified to serve on the board, council
17 may, in lieu thereof, appoint any individual who has experience
18 or is knowledgeable of public health issues.

19 (c) Health care professionals pursuant to this section must
20 be licensed or certified by the State Board of Medicine, the
21 State Board of Examiners of Nursing Home Administrators, the
22 State Board of Podiatry, the State Board of Veterinary Medicine,
23 the State Board of Occupational Therapy Education and Licensure,
24 the State Board of Osteopathic Medicine, the State Board of
25 Pharmacy, the State Board of Physical Therapy [or], the State
26 Board of Nursing [to be engaged in a medical, medically related
27 or health care profession or business and shall be a resident or
28 have an office in the city. If a licensed or certified medical
29 or health care professional cannot be identified to serve on the
30 board, council may appoint any individual who has experience or

1 is knowledgeable of public health issues], the State Board of
2 Social Workers, Marriage and Family Therapists and Professional
3 Counselors, the State Board of Chiropractic, the State Board of
4 Dentistry, the State Board of Optometry, the State Board of
5 Psychology or the State Board of Speech-Language and Hearing
6 Examiners.

7 [Upon] (d) After the creation of the board, by ordinance,
8 council shall designate [for] one appointee for a term of one
9 year, [for] another for a term of two years, and so on up to
10 five; thereafter, one member of the board shall be appointed
11 annually to serve for a term of five years from the first Monday
12 of [April] January succeeding ~~his or her~~ [HIS] THE MEMBER'S
13 appointment. ←

14 (e) Council may remove appointed members of the board for
15 official misconduct or neglect of duty.

16 (f) All vacancies on appointed boards shall be filled by
17 council appointing a qualified person to membership on the board
18 for the unexpired term of the person whose membership had been
19 vacated.

20 Section 133. Sections 2303, 2304, 2305, 2306, 2307, 2308,
21 2309, 2310 and 2311 of the act are amended to read:

22 Section 2303. Oath of Office; Organization; Secretary.--(a)
23 Each member of the board of health shall take the oath of office
24 prescribed in section [nine hundred and five of this act] 905.

25 (b) The board of health shall organize annually on the first
26 Monday of January[. The board] and shall elect a president
27 annually from among [the] its members. [and]

28 (c) Council shall appoint a secretary of the board of health
29 who is not a member of the board of health. [board member. The
30 secretary shall take the aforesaid oath and shall give a

1 fidelity bond with corporate surety to the city in such amount
2 as council requires.] The secretary shall receive [such] a
3 salary as approved by council [shall approve].

4 Section 2304. Duties of Secretary.--The secretary of the
5 board shall have the power and ~~his or her~~ THE SECRETARY'S duty ←
6 shall be as follows:

7 (1) To keep the minutes of the proceedings of the board[,
8 shall keep] and accurate accounts of the expenditures of the
9 board.

10 (2) To [, shall] draw all requisitions for the payment of
11 moneys on account of the board of health from appropriations
12 made by the council to the board and shall present the same to
13 the president of the board for ~~his or her~~ [HIS] THE PRESIDENT'S ←
14 approval.

15 (3) To [, shall] render statements of the expenditures to
16 the board at each stated meeting or as frequently as the board
17 may require.

18 (4) To [, shall] prepare, under the directions of the board,
19 the annual report to council, together with the estimate of
20 appropriations needed for the ensuing year.

21 (5) To [He shall] make such reports to the State Department
22 of Health as are required by law or by rule or regulation of the
23 [Department] department.

24 (6) To [, and shall] make such other reports and perform
25 such other duties as are required [of him] by law or by the
26 board of health.

27 Section 2305. Health Officer; Qualifications; Oath [and
28 Bond.--The board shall appoint as].--(a) Council shall, by
29 ordinance, determine the manner and method of selection of a
30 health officer who shall be a person with some experience or

1 training in public health work [in accordance with rules and
2 regulations of the Advisory Health Board of] and who shall be
3 or, within six months of taking the oath of office, shall become
4 certified for the office of health officer by the State
5 Department of Health[, and who shall not enter upon his duties
6 until he has been certified for the office of health officer by
7 the State Department of Health]. The health officer shall take
8 the oath required of members of the board. [, and shall give
9 bond with corporate surety approved by council to the city for
10 the faithful performance of his duties. The amount of the bond
11 shall be fixed by council.] The health officer shall be the
12 agent of the board of health but shall not serve as a member of
13 the board of health.

14 (b) City council may appoint, as the principal health
15 officer of the city, the manager or chief administrator employed
16 and compensated by a nonprofit corporation which may be
17 appointed as a board of health in accordance with subdivision
18 (c). The manager or chief administrator, to be eligible for
19 appointment, must be a reputable physician of at least five
20 years' experience in the practice of his or her profession or in
21 public health work. The principal health officer, appointed
22 pursuant to this subsection, shall have all the powers and
23 authority and duties now or hereafter to be conferred or
24 prescribed by law upon principal health officers.

25 Section 2306. Duties of Health Officer.--(a) The duties of
26 the health officer shall include the following:

27 (1) [It shall be the duty of the health officer to] attend
28 all [stated] regular and special meetings of the board of
29 health; [and to]

30 (2) be available for the prompt performance of ~~his or her~~



1 [HIS] THE HEALTH OFFICER'S official duties [at all times. He
2 shall];

3 (3) quarantine places of communicable diseases in accordance
4 with law and with the rules and regulations of the State
5 Department of Health or of the city board of health[.];

6 (4) [He shall] execute all laws and rules or regulations for
7 the disinfection of quarantined places[.];

8 (5) [He shall] serve written notice on teachers and persons
9 in charge of public, parochial, Sunday and other schools[,]
10 requiring the exclusion from school of children who are
11 suffering from, or who reside with persons who are suffering
12 from, communicable diseases[, and shall];

13 (6) make sanitary inspections[, and shall] subject to
14 constitutional standards in a similar manner as provided in
15 section 2308; and

16 (7) execute the orders of the board of health and all other
17 laws, rules and regulations and orders pertaining to ~~his or her~~
18 [HIS] THE HEALTH OFFICER'S office.

19 (b) The health officer [He] shall[, in the performance of
20 his duties, have the power and authority of a policeman of the
21 city] to the extent of ~~his or her~~ THE HEALTH OFFICER'S duties
22 have the power to issue citations for the violation of
23 applicable laws or ordinances.

24 Section 2307. Duties of Board of Health.--[The board of
25 health shall enforce the laws of the Commonwealth and the rules,
26 regulations and orders of the State Department of Health.] (a)
27 The board of health shall undertake to prevent or diminish the
28 introduction or further spread of infectious or contagious
29 diseases[, and otherwise to protect and increase the public
30 health by regulating communication with places of infection or

1 contagion, by isolating carriers of infection or contagion or
2 persons who have been exposed to any infectious or contagious
3 disease, by abating or removing all nuisances which the board
4 shall deem prejudicial to the public health, and by enforcing
5 the vaccination laws; and the board shall make all such rules
6 and regulations as to it appear proper for the preservation or
7 improvement of the public health, consistent with this article
8 and the laws of the Commonwealth.

9 (b) In carrying out its duties under this act, the board of
10 health shall, if authorized, enforce the laws of the
11 Commonwealth that are relevant to and relate to its duties.

12 (c) The board of health shall transmit to the State
13 Department of Health all of its reports and publications and
14 such other information regarding public health in the city as
15 may be requested or required by the [Department] department.

16 Section 2308. Powers of Board of Health.--The board of
17 health shall have authority:

18 (1) [To employ] If authorized by council, to employ agents
19 and employes at rates of compensation approved by council. [at
20 such rates or salaries as council shall approve.

21 (2) To establish and staff emergency hospitals, with the
22 consent of council, in case of the [prevalance] prevalence or
23 threat of any contagious or infectious disease or other serious
24 peril to public health, and to provide for and regulate the
25 management of such hospitals.

26 (3)] (2) To enter upon any premises whatsoever within the
27 city as a body or by committee or by its agents or employes,
28 which premises are suspected of infectious or contagious disease
29 or of any other nuisance prejudicial to the public health, or of
30 the danger of them, for the purpose of examining the premises or

1 of preventing, confining or abating public nuisances.

2 (i) In the event that entry upon any premises is refused by
3 an owner, an agent of an owner, or tenant, the board of health
4 shall obtain an administrative search warrant from any
5 magisterial district judge within the judicial district wherein
6 lies the premises to be inspected.

7 (ii) It shall be sufficient to support the issuance of a
8 warrant for the board of health to provide to the magisterial
9 district judge evidence of any of the following:

10 (A) Reasonable standards and an administrative plan for
11 conducting inspections.

12 (B) The condition of the premises or general area and the
13 passage of time since the last inspection.

14 (C) Facts, supported by an oath or affirmation, alleging
15 that probable cause exists that a law, regulation or ordinance
16 subject to enforcement by the board of health has been violated.

17 [(4)] (3) To conduct investigations and to hold public
18 hearings in the performance of its duties and powers, wherein
19 the president and secretary of the board shall have full power
20 to administer oaths and affirmations but shall receive no fee
21 therefor. For such purposes, the board of health may require the
22 attendance of witnesses and their books and papers.

23 [(5) To establish a force of sanitary police for the
24 enforcement of its rules and regulations, whenever in the
25 opinion of the board the public health of the city requires. To
26 fix the number of such police and the duration of their service
27 and to have the exclusive control and direction of them. The
28 mayor shall detail police from the regular police force or make
29 new appointments in order to provide a sanitary police force,
30 and upon the expiration of the need for such a force the members

1 thereof shall be returned to duty as regular policemen, or, if
2 newly appointed, be dismissed as the mayor may direct, but no
3 permanent increase of the police force shall be made thereby
4 unless council so ordains.

5 (6)] (4) To publish and enforce its rules and regulations as
6 approved by council.

7 [(7) To] (5) If approved by council, to provide for or
8 cooperate in providing for general and gratuitous vaccination,
9 disinfection and other public health control programs, and
10 likewise to make available medical relief in such ways as in its
11 opinion will benefit the public health.

12 [(8) To certify to council expenditures in excess of
13 council's appropriations therefor, necessarily incurred by the
14 board by reason of an epidemic, or upon approval of council, for
15 any other immediate and serious peril to public health. Council
16 shall thereupon appropriate sufficient money to meet such
17 additional expenditures.

18 (9)] (6) To [prevent, abate or remove] provide, in
19 accordance with subdivision (b), for the prevention, abatement
20 and removal of conditions found by it to be detrimental to the
21 public health as public, not private, nuisances[,] or to declare
22 and certify to council [such] the conditions and the premises or
23 ways or places harboring [them] the condition to be public, not
24 private, nuisances.

25 [(10) To prescribe regulations for the erection or operation
26 of bone boiling establishments or of repositories of dead
27 animals in the city, and in accordance therewith, to permit or
28 refuse to permit such erections or operations within the city.
29 Any person who shall erect or operate any such establishment or
30 repository in the city without the permission of the board of

1 health, or in violation of its regulations pertaining thereto,
2 shall forfeit and pay to the city the sum of three hundred
3 dollars for every such offense, and the like amount for each
4 month's continuance thereof, to be collected by an action before
5 an alderman of the city, and shall also be subject to indictment
6 for the common law offense of creating and maintaining a
7 nuisance. Nothing herein shall limit the remedies of injunction
8 or abatement as to any such establishment.

9 (11) To determine whether or not the keeping or slaughtering
10 of stock animals or fowls in or about any dwelling or part
11 thereof, or in the yard, lot or adjoining property of any such
12 building within the city or parts thereof, is or may become
13 detrimental to the public health. Council may prohibit any such
14 keeping or slaughtering which the board certifies to it as
15 detrimental, or the board may issue permits in accordance with
16 regulations adopted by it for the keeping of such animals or
17 fowls within the city or parts thereof. No such permit shall
18 extend beyond the calendar year within which it was issued, and
19 the fee for each permit shall be one dollar.]

20 Section 2309. Effect of Rules and Regulations.--[The rules
21 and regulations of the board of health may be approved by
22 council, and when printed and advertised by council as required
23 by this act in the case of ordinances, shall have the force of
24 ordinances of the city; and all penalties, fines or imprisonment
25 prescribed therein for violations thereof, together with the
26 expenses necessarily incurred in carrying the rules and
27 regulations into effect and the costs of proceedings incident
28 thereto, shall be recoverable for the use of the city, as
29 provided for in the case of other city ordinances.] Rules and
30 regulations adopted by the board of health shall be presented to

1 city council for its approval. City council shall have the
2 authority to approve, by ordinance, the rules and regulations
3 submitted by the board of health. Upon approval by council, the
4 rules and regulations of the board of health shall have the
5 force and effect of ordinances of the city. The ordinance
6 approving the rules and regulations may incorporate them by
7 reference. Council shall provide a place for the public to view
8 the rules and regulations. The ordinance approving the rules and
9 regulations shall prescribe the penalties, fines or imprisonment
10 for violations thereof.

11 Section 2310. Fees and Penalties.--All fees and penalties
12 collected or received by the board or any officer thereof [in
13 his] acting in an official capacity shall be paid [monthly] as
14 received to the city treasurer for the use of the city.

15 Section 2311. Proceedings of Board to be Public.--The
16 proceedings of the board shall be public ~~and its journal of~~ ←
17 proceedings shall be open to [the] PUBLIC inspection [of any ←
18 taxpayer].

19 Section 134. Article XXIII subdivision (b) heading of the
20 act is amended to read:

21 (b) [Abatement of] Public Nuisances Detrimental
22 to Public Health

23 Section 135. Sections 2320 and 2321 of the act are amended
24 to read:

25 Section 2320. [Definition.--] Determination of Public
26 Nuisances.--(a) Any condition or usage whatsoever in or about
27 the buildings, structures or land, or the streets or private
28 ways and places, or elsewhere, within the city, whether public
29 or private, [which] if determined by the board of health [shall
30 find] to be detrimental to the public health [is hereby declared

1 to be] shall constitute a public nuisance. Whenever in this
2 subdivision the words "public nuisance" or "nuisance" are used
3 they shall be deemed to mean a nuisance detrimental to the
4 public health, unless a different meaning is specified.

5 (b) The powers of investigation and entering upon premises
6 vested in the board of health and its agents and employes
7 pursuant to its orders shall be available for the determination
8 of public nuisances.

9 Section 2321. [Procedure for the] Abatement of Public
10 Nuisances by Designated Department.--[Whenever the board of
11 health shall determine, after such examination, investigation or
12 hearing as shall suffice to inform its judgment, that a public
13 nuisance exists or is about to exist, it may order the nuisance
14 to be removed, abated, suspended, altered, or otherwise
15 prevented or avoided. Notice of such order, bearing the official
16 title of the board and the number of days for compliance
17 therewith and the alternative remedy of the board in case of
18 non-compliance, shall be served upon the person, if any, whom
19 the board deems responsible therefor or concerned therein, and
20 upon the owner or abutting owner of the land, premises or other
21 places whereon such a nuisance is or is about to be, if any. In
22 case no such party or parties can be discovered by the board,
23 the order shall be served by posting a copy or copies thereof
24 conspicuously upon the premises for a period of at least ten
25 days.] (a) If, in accordance with this subdivision, the board
26 of health determines that a public nuisance exists, it shall
27 report its determination, along with any request for summary
28 abatement, to the department designated by council in section
29 2702-A, relating to the report and investigation of a public
30 nuisance.

1 (b) Notwithstanding any other provision of Article XXVII-A,
2 the department designated to abate public nuisances shall
3 proceed as follows:

4 (1) The report to the designated department that the board
5 of health has determined that public nuisance exists shall be
6 deemed a determination by the designated department that a
7 public nuisance exists as required by section 2702-A(d) (1).

8 (2) Summary abatement, if requested by the board of health,
9 shall be pursued if the designated department finds that the
10 criteria set forth in section 2702-A(d) (2) exists.

11 (3) If summary abatement is not pursued, the designated
12 department shall proceed with abatement with prior notice in
13 accordance with Article XXVII-A.

14 Section 136. Sections 2322, 2323 and 2324 of the act are
15 repealed:

16 [Section 2322. Contents of Notice.--The notice of the
17 board's order shall clearly specify:

18 1. The place and manner of the nuisance or anticipated
19 nuisance as determined by the board;

20 2. The nature or condition thereof;

21 3. The board's order with respect to the nuisance or
22 anticipated nuisance;

23 4. The names of the persons found by the board to be
24 responsible therefor or concerned therewith and the name of the
25 owner, if any, of the land or premises involved;

26 5. The date of the board's order and the number of days
27 therefrom allowed for compliance with it;

28 6. The alternative remedy of the board in case of non-
29 compliance;

30 7. Notice that the persons affected thereby may apply,

1 within the time set for compliance with the order, to the board
2 for a hearing, and may request such stay of execution or
3 modification or rescission of the said order as they shall
4 believe just and proper;

5 8. The signature of the president of the board, attested by
6 the secretary.

7 Section 2323. Hearing; Disposition.--If any person affected
8 thereby shall apply for a hearing within the time provided, the
9 board shall promptly notify all interested parties of the time
10 and place of the hearing. The board shall enter upon its minutes
11 such facts and proofs as it may receive, and its proceedings on
12 such hearing and thereafter may rescind, modify or reaffirm its
13 order and require execution of the original or of a new or
14 modified order, as it shall determine and direct. The persons
15 affected shall be notified of the board's final order, and
16 within ten days from the mailing of such notice may appeal
17 therefrom to the court of quarter sessions, which appeal may
18 operate as a supersedeas if the court, upon proper cause shown,
19 so orders, and provided the appellants post bond, approved by
20 the court, for the use of the city, with sufficient surety to
21 cover all the expense and costs of executing the board's order.

22 Section 2324. Abatement of Public Nuisances by Board of
23 Health or City.--In any case where the persons ordered by the
24 board of health to abate or prevent a public nuisance or
25 anticipated public nuisance refuse or neglect to do so within
26 the time specified in the original or any subsequent order of
27 the board, then, unless the said order shall have been suspended
28 by appeal to the court and proper bond posted, the board may
29 direct its health officer and employes to execute the said
30 order; or if the execution of the said order requires the

1 grading, paving or repaving of private alleys or any similar
2 work upon any property whatsoever within the city or any other
3 work or service that may best be performed or contracted for by
4 the agencies and employes of the city itself, then the board
5 shall certify its order to the city council and council shall
6 thereupon proceed to cause the execution of the order. In any
7 case where the board of health or the council thus abates or
8 prevents or causes the abatement or prevention of a public
9 nuisance, the cost and expense of such work, services and
10 materials shall be charged to the persons affected in their
11 proper proportions; and upon non-payment of such charges, the
12 city may file a lien therefor upon the affected premises in the
13 name of and for the use of the city, as provided by law for
14 municipal claims, in addition to the other remedies available
15 for the collection of debts due the city. The lien shall attach
16 as of the time the work was commenced, which shall be fixed by
17 the certificate of the health officer or of the city engineer
18 filed with the city clerk.]

19 Section 137. Article XXIII subdivision (c) heading of the
20 act is reenacted to read:

21 (c) Corporations Acting as Boards of Health

22 Section 138. Section 2330 of the act is amended to read:

23 Section 2330. Board of Directors of Corporation to be
24 Appointed Members of Board of Health.--[Whenever any corporation
25 not for profit has been or shall hereafter be chartered, whose
26 principal corporate purpose is or shall be substantially to
27 preserve and promote the health of the public of any city, and
28 the control and elimination of disease, and such corporation, in
29 the opinion of the council of such city and the State Department
30 of Health, shall have at its disposal sufficient means to render

1 its assistance of value to the city in the administration of its
2 public health affairs, and is properly organized and managed,
3 said council may, by ordinance, appoint the members of the board
4 of directors for such corporation as the board of health of such
5 city for a term of five years. The said board of directors shall
6 not be more than nine or less than five in number, and at least
7 two of the members shall be reputable physicians with not less
8 than five years' experience in the practice of their profession.

9 When, by limitation in the charter or by-laws of such
10 corporation, the office of any member of the board of directors
11 shall terminate, such person's membership in the board of health
12 shall also terminate and a vacancy in such membership exist, to
13 be filled as hereinafter provided. Whenever the number of
14 directors of such corporation shall be increased, subject,
15 however, to the aforesaid maximum limitation of nine, the
16 council of said city may appoint any person added to the
17 corporation's board of directors as an additional member of the
18 board of health for a term equal in the unexpired term of the
19 other members, subject, also, to termination resulting from
20 limitations in the corporation's charter or by-laws as

21 aforesaid.] (a) City council may, by ordinance, appoint the
22 members of a board of directors of a nonprofit corporation as
23 the board of health for the city for a term of five years
24 provided that the nonprofit corporation:

25 (1) Has as its principal purpose to substantially preserve
26 and promote the health of the public of the city and to control
27 and eliminate disease.

28 (2) Has sufficient means to render valuable assistance to
29 the city's public health affairs in the opinion of city council
30 and the State Department of Health.

1 (3) Is properly organized and managed.

2 (4) Has no fewer than five and no more than nine members on
3 the board of directors.

4 (5) Has at least two reputable physicians on the board with
5 each having no less than five years' experience in the practice
6 of his or her profession.

7 (b) When the office of any member of the board of directors
8 terminates pursuant to the nonprofit corporation's charter or
9 bylaws, the office of the member of the board of health shall
10 also terminate with the resulting vacancy to be filled as
11 hereinafter provided.

12 (c) If the number of the board of directors of the nonprofit
13 corporation increases, subject to the limitation of a maximum of
14 nine members, city council may appoint any person added to the
15 corporation's board of directors as an additional member of the
16 board of health for a term equal to the unexpired term of the
17 other members. This additional appointment shall be subject to
18 any subsequent termination resulting from a limitation in the
19 corporation's charter and bylaws.

20 Section 139. Section 2331 of the act is repealed:

21 [Section 2331. Councilmen and School Directors Eligible for
22 Appointment.--Members of council of such city, not more than two
23 in number, and one member of the board of directors of the
24 school district of such city, if they are also members of the
25 board of directors of said corporation, shall be eligible to
26 appointment as members of the board of health of said city.]

27 Section 140. Sections 2332, 2333, 2334 and 2335 of the act
28 are amended to read:

29 Section 2332. Power of Board.--The board of health [so
30 appointed] under this subdivision shall have all the power and

1 authority and perform the duties now or hereafter conferred and
2 prescribed by law upon boards of health of cities.

3 Section 2333. Health Officer.--[If the board of directors of
4 such corporation shall employ as manager or chief administrator
5 of the activities and operations of the corporation a reputable
6 physician of five years' experience in the practice of his
7 profession, or in public health work, for a compensation to be
8 paid out of the corporation's funds, it shall be lawful for such
9 council to appoint such manager or chief administrator as the
10 principal health officer of such city, with all the powers and
11 authority and duties now or hereafter to be conferred or
12 prescribed by law upon principal health officers.] Pursuant to
13 section 2305(b), city council may appoint the manager or chief
14 administrator of a nonprofit corporation as the principal health
15 officer of the city.

16 Section 2334. Secretary.--The secretary of the board of
17 directors of [such] the nonprofit corporation under this
18 subdivision may serve as secretary of [such] the board of
19 health.

20 Section 2335. Filling of Vacancies.--[As the five year terms
21 of members of such board of health expire, and as vacancies
22 therein occur, the council of such city may appoint successors
23 to those whose terms shall have so expired for further terms of
24 five years, and appoint persons to fill vacancies in both cases
25 by selection of the then members of such board of directors,
26 including, in the case of vacancies, the persons in the said
27 board of directors who may be selected to fill the vacancies
28 therein. Such appointment in the case of a vacancy shall be for
29 the unexpired portion of the five year term.] City council may
30 appoint successors for vacancies on the board of health that

occur as five-year terms of board members expire. The successors shall serve for five-year terms. City council may also appoint successors to vacancies on the board of health that occur for any other reason, but in such case the appointment shall be for the unexpired portion of the five-year term. Successors, whether appointed for a five-year term or the unexpired portion of a five-year term, shall be selected from the members of the nonprofit corporation's board of directors.

Section 141. Section 2336 of the act is repealed:

[Section 2336. Appointment and Removal of Health Employees.-- The council of such city shall, in all cases where possible, follow the recommendations of said board of health as to appointment and removal of all persons having to do with the administration of the public health affairs of the city. Such appointees shall be required to pass any civil service examination required by any civil service commission lawfully established in such city.]

Section 142. Section 2337 of the act is amended to read:

Section 2337. No Compensation for Members.--The members of [such] the board of health under this subdivision shall serve without compensation from the city. [This subdivision (c) shall be effective only under the circumstances set forth in section two thousand three hundred and thirty.]

Section 143. The act is amended by adding a section to read:

Section 2338. Applicability of Subdivision.--This subdivision (c) shall be effective only under the circumstances set forth in section 2331.

Section 144. Article XXIII subdivision (d) heading of the act is amended to read:

(d) [Penalties] Penalty

1 Section 145. Section 2340 of the act is amended to read:

2 Section 2340. Penalty.--Any person violating any provision
3 of this article or any order or regulation of the board of
4 health made under the authority of this article, or of any law,
5 or regulation or ordinance therein referred to or authorized, or
6 who shall obstruct or interfere with any person in the execution
7 of any order or regulation of [said] the board, or wilfully and
8 illegally omit to obey any [such] order or regulation of the
9 board, shall be guilty of a [misdemeanor, and, upon conviction,
10 shall be sentenced to pay a fine not exceeding one hundred
11 dollars, or undergo imprisonment not exceeding ninety days, or
12 both, at the discretion of the court.] summary offense
13 punishable in accordance with section 1018.10.

14 Section 146. Article XXIV heading of the act is reenacted to
15 read:

16 ARTICLE XXIV

17 CORPORATE POWERS

18 Section 147. Section 2401 of the act is repealed:

19 [Section 2401. Existing Powers Saved.--The corporate powers
20 and the duties of the officers of cities, now in existence by
21 virtue of the laws of the Commonwealth, and not repealed by this
22 act, shall be and remain as now provided by law.]

23 Section 148. Section 2402 of the act is amended to read:

24 Section 2402. Powers of [City] Cities.--(a) Each city is
25 hereby declared to be a body corporate and politic, and shall
26 have perpetual succession, and may:

27 1. Sue and be sued;

28 [2. Purchase and hold real and personal property for the use
29 of the city;

30 3. Lease, sell and convey any real or personal property

1 owned by the city, and make such order respecting the same as
2 may be conducive to the interests of the city;

3 4. Make all contracts, and do all other acts in relation to
4 the property and affairs of the city necessary to the exercise
5 of its corporate or administrative powers;

6 5] 2. Have and use a corporate seal, and alter the same at
7 pleasure. Every such seal shall have upon it the word
8 "Pennsylvania," the name of the city, and the year of its
9 original incorporation;

10 [6] 3. Display the flag of the Commonwealth or of any
11 county, city, borough or other municipality in the Commonwealth
12 on the public buildings of the city.

13 [7. To appropriate] 4. Appropriate money for the exercise
14 of powers expressed or implied in this act or any other
15 applicable law, and for like uses to accept gifts or grants of
16 money, other property or services from public or private
17 sources.

18 (b) The powers [hereby] granted in this act shall be
19 exercised [by the mayor and councilmen] in the manner herein
20 provided and consistent with section 1018.1. ←

21 Section 149. Section 2402.1 of the act, added September 21,
22 1959 (P.L.922, No.370), is amended to read:

23 Section 2402.1. [Sale of Real Estate.--The title to real
24 estate sold by any city after June 28, 1947, if the sale was
25 authorized by an ordinance or resolution of the city council of
26 said city, and not attacked in any proceeding instituted within
27 six years of the effective date of this amendment and the title
28 to real estate sold after the effective date of this amendment,
29 if the sale was authorized by an ordinance or resolution of the
30 city council of said city and is not attached in any proceeding

1 instituted within six years after date of such sale, is hereby
2 declared to be good and valid and free and clear of any defects
3 and any such person who is grantee thereunder, and his heirs,
4 successors and assigns, shall hold and may convey such real
5 estate and all conveyances made after June 28, 1947, are hereby
6 ratified and confirmed. Nothing in this section shall be
7 construed to apply to property which the city acquired other
8 than by purchase.] City Property and Affairs.--(a) In
9 exercising its discretion to make decisions that further the
10 public interest under terms it deems most beneficial to the
11 city, council shall have the power and authority, SUBJECT TO ANY ←
12 RESTRICTIONS, LIMITATIONS OR EXCEPTIONS AS SET FORTH IN THIS
13 ACT, to do any of the following:
14 (1) Purchase, hold, use and manage real and personal
15 property in a manner decided by council. ←
16 (2) EXCHANGE PERSONAL PROPERTY. ←
17 ~~(2)~~ (3) Lease, sell and convey real and personal property ←
18 owned by the city in a manner decided by council. ←
19 ~~(3)~~ (4) Make contracts and do all other acts respecting city ←
20 property and affairs as council may deem conducive to the public
21 interest and necessary to the exercise of the city's corporate
22 and administrative powers.
23 ~~(b) In providing for the manner of selling real and personal~~ ←
24 ~~property of the city, council shall have the authority to~~
25 ~~determine, in the exercise of reasonable discretion, the method~~
26 ~~of sale and the selling price most beneficial to the public~~
27 ~~interest. In the exercise of this authority, council shall have~~
28 ~~the authority by ordinance to establish conditions pursuant to~~
29 ~~which city owned real or personal property shall be sold,~~
30 ~~including sale to the highest bidder after advertising for bids.~~



1 (B) NO REAL ESTATE OWNED BY THE CITY MAY BE SOLD EXCEPT UPON
2 APPROVAL OF COUNCIL BY RESOLUTION. ADDITIONALLY, NO REAL ESTATE
3 OWNED BY THE CITY SHALL BE SOLD FOR A CONSIDERATION IN EXCESS OF
4 ONE THOUSAND FIVE HUNDRED DOLLARS, EXCEPT TO THE HIGHEST BIDDER
5 AFTER DUE NOTICE BY ADVERTISEMENT FOR BIDS OR ADVERTISEMENT OF A
6 PUBLIC AUCTION IN ONE NEWSPAPER OF GENERAL CIRCULATION IN THE
7 CITY. THE ADVERTISEMENT SHALL BE PUBLISHED ONCE NOT LESS THAN
8 TEN DAYS PRIOR TO THE DATE FIXED FOR THE OPENING OF BIDS OR
9 PUBLIC AUCTION, AND THE DATE FOR OPENING BIDS OR PUBLIC AUCTION
10 SHALL BE ANNOUNCED IN THE ADVERTISEMENT. THE AWARD OF CONTRACTS
11 SHALL BE MADE ONLY BY PUBLIC ANNOUNCEMENT AT A REGULAR OR
12 SPECIAL MEETING OF COUNCIL OR AT THE PUBLIC AUCTION. ALL BIDS
13 SHALL BE ACCEPTED ON THE CONDITION THAT PAYMENT OF THE PURCHASE
14 PRICE IN FULL SHALL BE MADE WITHIN SIXTY DAYS OF THE ACCEPTANCE
15 OF BIDS. THE CITY COUNCIL SHALL HAVE THE AUTHORITY TO REJECT ALL
16 BIDS WHICH IT DEEMS TO BE LESS THAN THE FAIR MARKET VALUE OF THE
17 REAL PROPERTY. IN THE CASE OF A PUBLIC AUCTION, THE CITY COUNCIL
18 MAY ESTABLISH A MINIMUM BID BASED ON THE FAIR MARKET VALUE OF
19 THE REAL PROPERTY. IF NO COMPLIANT BIDS ARE RECEIVED AFTER
20 ADVERTISEMENT, THE APPLICABLE PROCEDURES IN THE ACT OF OCTOBER
21 27, 1979 (P.L.241, NO.78), ENTITLED, AS AMENDED, "AN ACT
22 AUTHORIZING POLITICAL SUBDIVISIONS, MUNICIPALITY AUTHORITIES AND
23 TRANSPORTATION AUTHORITIES TO ENTER INTO CONTRACTS FOR THE
24 PURCHASE OF GOODS AND THE SALE OF REAL AND PERSONAL PROPERTY
25 WHERE NO BIDS ARE RECEIVED," SHALL BE FOLLOWED. REAL ESTATE
26 OWNED BY A CITY MAY BE SOLD AT A CONSIDERATION OF ONE THOUSAND
27 FIVE HUNDRED DOLLARS OR LESS WITHOUT ADVERTISEMENT OR
28 COMPETITIVE BIDDING ONLY AFTER COUNCIL ESTIMATES THE VALUE
29 THEREOF UPON RECEIPT OF AN APPRAISAL BY A QUALIFIED REAL ESTATE
30 APPRAISER. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,

1 THIS SECTION SHALL NOT APPLY, IF COUNCIL IS EXERCISING ITS
2 AUTHORITY TO EXCHANGE CITY REAL PROPERTY FOR REAL PROPERTY OF
3 EQUAL OR GREATER VALUE, PROVIDED THAT THE PROPERTY BEING
4 ACQUIRED BY THE CITY IS TO BE USED FOR MUNICIPAL PURPOSES. IF
5 COUNCIL CHOOSES TO EXERCISE ITS POWER OF REAL PROPERTY EXCHANGE
6 PURSUANT TO THIS SECTION, IT SHALL BE BY RESOLUTION ADOPTED BY
7 COUNCIL. NOTICE OF THE RESOLUTION, INCLUDING A DESCRIPTION OF
8 THE PROPERTIES TO BE EXCHANGED, SHALL BE PUBLISHED ONCE IN ONE
9 NEWSPAPER OF GENERAL CIRCULATION NOT MORE THAN SIXTY DAYS NOR
10 FEWER THAN SEVEN DAYS PRIOR TO ADOPTION.

11 (C) NO CITY PERSONAL PROPERTY SHALL BE DISPOSED OF, BY SALE
12 OR OTHERWISE, EXCEPT UPON APPROVAL OF COUNCIL BY RESOLUTION.
13 COUNCIL SHALL ESTIMATE THE SALE VALUE OF THE ENTIRE LOT TO BE
14 DISPOSED OF. IF COUNCIL SHALL ESTIMATE THE SALE VALUE TO BE LESS
15 THAN ONE THOUSAND DOLLARS, COUNCIL MAY SELL THE PROPERTY, IN
16 WHOLE OR IN PART, FOR THE BEST PRICE OR PRICES OBTAINABLE. IF
17 COUNCIL SHALL ESTIMATE THE SALE VALUE TO BE ONE THOUSAND DOLLARS
18 OR MORE, THE ENTIRE LOT SHALL BE ADVERTISED FOR SALE IN
19 ACCORDANCE WITH THE PROVISIONS OF SECTION 109, AND SALE OF THE
20 PROPERTY ADVERTISED SHALL BE MADE TO THE BEST RESPONSIBLE
21 BIDDER. THE BIDS SHALL NOT BE OPENED UNTIL AT LEAST TEN DAYS
22 AFTER THE ADVERTISEMENT. THE PROVISIONS OF THIS SUBSECTION SHALL
23 NOT BE MANDATORY WHERE CITY PERSONAL PROPERTY IS TO BE TRADED IN
24 OR EXCHANGED FOR OTHER PERSONAL PROPERTY. COUNCIL MAY SELL ANY
25 PERSONAL PROPERTY AT AUCTION PURSUANT TO SUBSECTION (D), BUT
26 SHALL OBSERVE THE SAME NOTICE REQUIREMENTS AS CONTAINED IN THIS
27 SUBSECTION.

28 ~~(c)~~ (D) In regards to the sale of personal property of the
29 city, an auction may be conducted by means of an online or
30 electronic auction sale. During an electronic auction sale, bids



shall be accepted electronically at the time and in the manner
designated in the advertisement PURSUANT TO THE NOTICE
REQUIREMENTS IN SUBSECTION (C). During the electronic auction,
each bidder shall have the capability to view the bidder's bid
rank or the high bid price. Bidders may increase their bid
prices during the electronic auction. The record of the
electronic auction shall be accessible for public inspection.
The purchase price shall be paid by the high bidder immediately
or at a reasonable time after the conclusion of the electronic
auction as determined by council. In the event that shipping
costs are incurred, they shall be paid by the high bidder. A
city that has complied with the advertising requirements of this
section, and in accordance with the provisions of section 109
SUBSECTION (C), may provide additional public notice of the sale
by bids or auction in any manner deemed appropriate by council.
The NEWSPAPER advertisement for electronic auction sales
authorized in this section shall include the Internet address or
means of accessing the electronic auction and the date, time and
duration of the electronic auction.

(E) ANY REQUIREMENT FOR ADVERTISING FOR BIDS AND SALE TO THE
HIGHEST BIDDER IMPOSED BY THIS ACT OR BY A CITY PURSUANT TO THIS
SECTION SHALL NOT APPLY WHERE CITY REAL OR PERSONAL PROPERTY IS
SOLD TO THE FOLLOWING, PROVIDED THAT WHEN ANY REAL PROPERTY IS
NO LONGER USED FOR THE PURPOSE OF THE CONVEYANCE, THE REAL
PROPERTY SHALL REVERT TO THE CITY:

(1) THE FEDERAL GOVERNMENT, THE COMMONWEALTH, A
MUNICIPALITY, HOME RULE MUNICIPALITY, INSTITUTION DISTRICT OR
SCHOOL DISTRICT.

(2) A VOLUNTEER FIRE COMPANY, VOLUNTEER AMBULANCE SERVICE OR
VOLUNTEER RESCUE SQUAD LOCATED WITHIN THE CITY OR PROVIDING

1 EMERGENCY SERVICES IN THE CITY.

2 (3) A MUNICIPAL AUTHORITY, A HOUSING AUTHORITY CREATED
3 PURSUANT TO THE ACT OF MAY 28, 1937 (P.L.955, NO.265), KNOWN AS
4 THE "HOUSING AUTHORITIES LAW," AN URBAN REDEVELOPMENT AUTHORITY
5 CREATED PURSUANT TO THE ACT OF MAY 24, 1945 (P.L.991, NO.385),
6 KNOWN AS THE "URBAN REDEVELOPMENT LAW," A PARKING AUTHORITY
7 CREATED UNDER 53 PA.C.S. CH. 55 (RELATING TO PARKING
8 AUTHORITIES) OR UNDER THE FORMER ACT OF JUNE 5, 1947 (P.L.458,
9 NO.208), KNOWN AS THE "PARKING AUTHORITY LAW," OR A PORT
10 AUTHORITY PURSUANT TO THE ACT OF DECEMBER 6, 1972 (P.L.1392,
11 NO.298), KNOWN AS THE "THIRD CLASS CITY PORT AUTHORITY ACT."

12 (4) A NONPROFIT CORPORATION ENGAGED IN COMMUNITY INDUSTRIAL
13 DEVELOPMENT.

14 (5) A NONPROFIT CORPORATION ORGANIZED AS A PUBLIC LIBRARY.

15 (6) A NONPROFIT MEDICAL SERVICE CORPORATION.

16 (7) A NONPROFIT HOUSING CORPORATION.

17 (8) A NONPROFIT MUSEUM OR HISTORICAL ORGANIZATION.

18 (F) WHEN REAL OR PERSONAL PROPERTY IS SOLD PURSUANT TO
19 SUBSECTION (E) (5), (6) OR (7), THE CITY MAY ACCEPT SUCH NOMINAL
20 CONSIDERATION AS IT SHALL DEEM APPROPRIATE.

21 Section 150. Section 2402.2 of the act, amended July 31,
22 1968 (P.L.943, No.290), is repealed:

23 [Section 2402.2. Typewritten, Printed, Photostated and
24 Microfilmed Records Valid; Recording or Transcribing Records.--
25 All city records, required to be recorded or transcribed, shall
26 be deemed valid if typewritten, printed, photostated or
27 microfilmed, and where recording in a specified book of record
28 is required, except minutes of the proceedings of the council,
29 such records may be recorded or transcribed in a mechanical or
30 key-operated post binder book, or bound book with pages being

1 consecutively numbered by transcribing directly upon the pages
2 of such book of record or may be attached to such book of record
3 by stapling or by glue or any other adhesive substance or
4 material, and all records heretofore recorded or transcribed in
5 any manner authorized by this section are validated. The minutes
6 of proceedings of the council shall, in the manner prescribed by
7 this section for other records, be recorded in a bound book.

8 When any record shall be recorded or transcribed after the
9 effective date of this amendment by attaching such record or a
10 copy thereof to the book of record as hereinabove provided, the
11 city seal shall be impressed upon each page to which such record
12 is attached, each impression thereof covering both a portion of
13 the attached record and a portion of the page of the book of
14 record to which such record is attached.]

15 Section 151. Section 2403 of the act, amended, added or
16 repealed in part August 24, 1953 (P.L.1337, No.380), May 20,
17 1957 (P.L.178, No.86), June 20, 1957 (P.L.346, No.188), June 24,
18 1959 (P.L.482, No.108), June 30, 1959 (P.L.496, No.121), May 23,
19 1961 (P.L.216, No.116), June 14, 1961 (P.L.370, No.204), June 8,
20 1965 (P.L.104, No.72), December 16, 1965 (P.L.1120, No.434),
21 November 24, 1967 (P.L.618, No.280), February 24, 1970 (P.L.63,
22 No.27), March 25, 1970 (P.L.225, No.92), July 29, 1971 (P.L.250,
23 No.61), October 4, 1978 (P.L.950, No.188), November 26, 1978
24 (P.L.1399, No.330), October 5, 1979 (P.L.195, No.64), November
25 1, 1979 (P.L.455, No.92), December 21, 1998 (P.L.1013, No.135)
26 and June 27, 2008 (P.L.196, No.31), is amended to read:

27 Section 2403. [Specific Powers.--In addition to other powers
28 granted by this act, the council of each city shall have power,
29 by ordinance:

30 1.] Payment of Debts and Expenses.--[To] Council may provide

1 for the payment of the debts and expenses of the city, and to
2 appropriate money therefor.

3 [1.1. Creation of Capital Reserve Fund for Anticipated
4 Capital Expenditures.--To create and maintain a separate capital
5 reserve fund for any anticipated legal capital expenditures,
6 which fund shall be designated for a specific purpose or
7 purposes at the time of its creation. The money in the fund
8 shall be used, from time to time, for the construction, purchase
9 or replacement of or addition to municipal buildings, equipment,
10 machinery, motor vehicles or other capital assets of the city as
11 specified at the time of the creation of the fund and for no
12 other purpose: Provided, That it may be used for capital
13 expenditure other than the purpose or purposes specified at the
14 time it was created, if city council by a four-fifths vote shall
15 declare that the original purpose or purposes have become
16 impracticable, inadvisable or impossible, or that conditions
17 have arisen in the city which make other capital expenditures
18 more urgent than those for which the fund was created.

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

30 2. Hiring of Employes; Salaries.--To provide for and

1 regulate the manner of hiring and discharging employes and
2 laborers, and the fixing of their salaries or compensation.

3 3. Creation of Necessary Offices, Boards or Departments.--To
4 create any office, public board, or department which it may deem
5 necessary for the good government and interests of the city,
6 and, unless otherwise provided by this act, appoint the members
7 of any board, bureau or commission; to prescribe the powers
8 thereof, and to regulate and prescribe the terms, duties and
9 compensation of all such officers, and of all officers who are
10 members of any public board or any department so created, but no
11 ordinance shall be passed increasing or diminishing the salary
12 or compensation of any officer, or of any member of any board,
13 bureau or commission, after his or their appointment. The
14 provisions of this clause as to the creation of any public
15 board, bureau or commission, and prescribing the duties thereof,
16 shall not apply to the creation of any board of commissioners of
17 water-works of any city wherein the title to the water-works
18 therein located is in the name of the commissioners of water-
19 works.

20 4. Lock-ups and Police Stations.--To provide for the
21 erection, lease or purchase of lock-ups and police stations for
22 the detention and confinement of persons arrested for any cause,
23 or of persons convicted under city ordinances and sentenced for
24 periods not in excess of ten days.

25 5. Market Houses and Milk Depots.--To purchase, lease and
26 own ground for, and to erect, maintain, and establish, market
27 houses, milk depots, and market places, for which latter purpose
28 parts of any streets, sidewalks or city property may be
29 temporarily used; to provide and enforce suitable general market
30 regulations; to contract with any person or persons or

1 association of persons, companies, or corporations, for the
2 erection and regulation of market houses, milk depots, and
3 market places, on such terms and conditions and in such manner
4 as the council may prescribe; to raise all necessary revenue
5 therefor as herein provided; and to levy and collect a license
6 tax from every person or persons who may be authorized by
7 council to occupy any portion of the streets, sidewalks or city
8 property for temporary market purposes.

9 6. Collection and Removal of Garbage.--To provide for and
10 regulate the collection, removal and disposal of garbage, ashes
11 and other waste or refuse material, either by contract or by
12 municipal conduct of such services, and to impose and collect,
13 by lien or otherwise, reasonable fees and charges therefor, and
14 to prescribe fines and penalties for the violation of ordinances
15 regulating such matters.

16 7. Comfort and Waiting Stations and Drinking Fountains;
17 Waiting Rooms in Court Houses.--To take, purchase or acquire,
18 property for the purpose of erecting, providing, maintaining,
19 and operating thereon comfort stations, waiting stations and
20 drinking fountains; and to construct and maintain such stations
21 and fountains on such property or in any of the streets or
22 public places within its corporate limits; to provide and equip
23 and maintain in the court house, in cooperation with the county
24 commissioners of the county wherein the city is situated,
25 whenever such city is the county seat, rest or waiting rooms and
26 provide attendants therefor. The cost of providing such waiting
27 and rest rooms, and of maintaining the same, including salaries
28 and all incidental expenses, shall be paid by the county, and by
29 the city, in such proportion as may be agreed upon.

30 8. Running at Large of Animals, Et Cetera.--To provide for

1 the erection of all needful pens, pounds, and other means of
2 confinement, within or without the city limits; to appoint
3 keepers thereof; and to regulate or prohibit the running or
4 being at large of stock and domestic animals, and fowls; and to
5 cause such as may be at large to be impounded and sold to
6 discharge the costs and penalties provided for the violations of
7 such prohibitions and the expenses of impounding and of keeping
8 the same and of such sale. To regulate the maintaining and care
9 of dogs within the city. To regulate or prohibit the keeping of
10 bee hives within the city.

11 9. Destruction of Dogs.--To destroy dogs found at large
12 contrary to the laws of the Commonwealth, or to prohibit or
13 regulate, by its own ordinance, the running at large of dogs,
14 cats or other animals, and, in the enforcement of such
15 regulations, to direct the killing of dogs, cats or other
16 animals, or their seizure and detention, including reasonable
17 charges therefor, or to provide for their sale for the benefit
18 of the city. The powers herein expressed shall be exercised in
19 conformity with the Dog Law of 1921.

20 10. Inspection and Regulation of Fireplaces, Chimneys, Et
21 Cetera; Smoke Regulations.--To regulate the construction and
22 inspection of fireplaces, chimneys, stoves, stovepipes, ovens,
23 boilers, kettles, forges, or any apparatus used in any building,
24 manufactory, or business, and to order the suppression or
25 cleaning thereof when deemed necessary; to regulate and control
26 the production and emission of unnecessary smoke or fly-ash from
27 any chimney or other source, except railroad locomotives.

28 11. Manufacture, Sale, Storage and Transportation of
29 Explosives; Offensive Business.--To regulate or prohibit the
30 manufacture, sale, storage, or transportation of inflammable or

1 explosive substances within the city, and to regulate or
2 prohibit dangerous, obnoxious, or offensive business with the
3 city.

4 12. Regulation of Division Fences, Party Walls,
5 Foundations.--To provide regulations for party walls and
6 division fences and for the foundations of buildings, to enter
7 upon the land or lands, lot or lots, of any person or persons,
8 within the city, at all reasonable hours, by its duly appointed
9 city engineer, or building inspectors, in order to enforce such
10 regulations and set out foundations; and to prescribe reasonable
11 fees for the service of city officers in the inspection and
12 regulation of party walls, division fences and foundations, and
13 to enforce the payment of the same. To provide fines or
14 penalties for violations of such regulations. In setting out
15 foundations and regulating party walls as to breadth and
16 thickness, the city shall cause the foundations to be laid
17 equally upon the lands of the persons between whom the party
18 wall is to be made, and the builder thereof or his successor in
19 interest shall be reimbursed one moiety of the charge of said
20 wall or for so much thereof as the next builder shall have
21 occasion to make use of before such next builder shall or may
22 use or break into said wall.

23 13. Public Wells, Cisterns, Aqueducts, and Reservoirs.--To
24 establish, make, and regulate public wells, cisterns, aqueducts,
25 and reservoirs, and to provide for filling the same.

26 14. Construction of Levees and Ferries; Deepening of
27 Channels.--Subject to the provisions of State law, to provide
28 for the construction and maintenance of levees and ferries
29 within the jurisdiction of the city and within the limits
30 thereof; to erect wharves on navigable waters adjacent to the

1 city, regulate the use thereof, collect wharfage, and establish
2 wharf and dock lines; to provide for protection against floods;
3 to construct and maintain docks, retaining walls, dams, or
4 embankments; and to remove obstructions from, deepen and widen
5 the channels of rivers and streams flowing through or adjacent
6 to the city.

7 15. Railroad Crossing; Flagmen; Speed of Locomotives.--

8 Subject to the provisions of the Public Utility Law, to provide
9 for and require the construction and maintenance of bridges or
10 other crossings over or under railroad tracks; and to enter into
11 contracts with railroad companies for the construction and
12 maintenance of the same; to require the erection of safety-gates
13 and the placing of flagmen or warning devices at the
14 intersection of railroads with streets; to forbid the
15 obstruction of the said crossings by locomotives or railroad
16 cars; and to regulate the rate of speed at which locomotives,
17 cars or trains shall pass upon or across the streets within the
18 built-up portions of the city.

19 15.1. Railroad Companies; Conveyances and Grants of Rights
20 of Way.--Subject to the provisions of the Public Utility Law, to
21 lease, license or grant rights of way to railroad companies
22 through tunnels or over bridges and viaducts, to enter into
23 agreements with railroad companies for the maintenance of any
24 such tunnels, bridges or viaducts, and to convey such tunnels,
25 bridges or viaducts to railroad companies that have paid in part
26 for their construction, where legal title to said tunnels,
27 bridges or viaducts is not vested in the city but will vest in
28 the city by operation of law or under the terms of any contract.

29 16. Nuisances and Obstructions.--To prohibit nuisances,
30 including, but not limited to, accumulations of garbage and

1 rubbish and the storage of abandoned or junked automobiles or
2 other vehicles on private or public property, and the carrying
3 on of any offensive manufacture or business, and to require the
4 removal of any nuisance or dangerous structure from public or
5 private places upon notice to the owner, and, upon his default,
6 to cause such removal and collect the cost thereof, together
7 with a penalty of ten per centum of such cost, from the owner,
8 by an action in assumpsit. The cost of removal and the penalty
9 may be entered as a lien against such property in accordance
10 with existing provisions of law. In the exercise of the powers
11 herein conferred, the city may institute proceedings in courts
12 of equity.

13 17. Regulation of Signs, Porches, Et Cetera.--To regulate,
14 by uniform rules and regulations, porches, porticoes, benches,
15 doorsteps, railings, bulk, bay or jut windows, areas, cellar
16 doors and cellar windows, signs and sign posts, boards, poles or
17 frames, awnings, awning posts, or other devices or things,
18 projecting over, under, into or otherwise occupying the
19 sidewalks or other portion of any of the streets, the building
20 of cellars and basement ways and other excavations through or
21 under the sidewalks, and boxes, bales, barrels, hogsheads,
22 crates, or articles of merchandise, lumber, coal, wood, ashes,
23 building materials, or any other article or thing whatsoever,
24 placed in or upon any of the said sidewalks or other portion of
25 said streets; and also to prevent and require or cause the
26 removal of, upon notice, all encroachments thereon. In the
27 exercise of the powers herein conferred, the city shall have the
28 same remedies, penalties and procedures as are expressed in
29 clause 16 of this article.

30 18. Trees.--To regulate the planting, trimming, care and

1 protection of shade trees in or extending over the streets.

2 19. Numbering of Buildings.--To require and regulate the
3 numbering of buildings and lots.

4 20. Cab-stands.--To establish stands for coaches, cabs,
5 omnibuses, carriages, wagons, automobiles, and other vehicles
6 for hire, and to enforce the observance and use thereof.

7 21. Police Force.--To establish and maintain a police force,
8 and define the duties of the same.

9 22. Police Protection, Et Cetera, Parks, Et Cetera;
10 Commitment of Professional Thieves.--To establish and enforce
11 suitable police regulations for the protection of persons and
12 property at public squares, parks, depots, depot grounds, and
13 other places of public resort, owned, controlled or managed by
14 the city or an agency or bureau thereof, whether within or
15 without the city, in whole or in part, and for the arrest and
16 commitment of professional thieves, and suspicious persons found
17 in any part of the city who can give no reasonable account of
18 themselves. The mayor or any alderman of the city shall have
19 jurisdiction to hear and determine violations of such ordinances
20 and to impose any judgment or penalty therefor as provided in
21 such ordinances.

22 23. Rewards for Apprehension of Certain Criminals.--To offer
23 rewards for the arrest and conviction of persons guilty of
24 capital or other crimes within the city.

25 24. Gaming, Prostitution, Et Cetera.--To restrain, prohibit,
26 and suppress houses of prostitution, gambling houses, gaming,
27 cock or dog fighting, and other disorderly or unlawful
28 establishments or practices, desecration of the Sabbath day,
29 commonly called Sunday, and all kinds of public indecencies.

30 25. Prevent Riots.--To prevent and restrain riots, noises,

1 disturbances, or disorderly assemblies in any street, house, or
2 place in the city.

3 26. Regulate Guns, Et Cetera.--To regulate, prohibit, and
4 prevent the discharge of guns, rockets, powder, or any other
5 dangerous instrument or combustible material within the city,
6 and to prevent the carrying of concealed deadly weapons.

7 27. Sale and Use of Fireworks.--To regulate or prohibit and
8 prevent the sale, use and discharge of fireworks, firecrackers,
9 sparklers, and other pyrotechnics.

10 28. Arrest of Vagrants.--To arrest, fine, or set at work on
11 the streets, or elsewhere, all vagrants found in said city.

12 29. Racing; Dangerous Practices; Et Cetera.--To prevent the
13 racing of horses, cars and other vehicles, fast driving or
14 riding in the streets or public places in the city, and all
15 games, practices, or amusements, therein likely to result in
16 danger or damages to any person or property.

17 30. Riding or Driving on Sidewalks.--To prevent or regulate
18 the riding or driving of animals, or the passage of any vehicle
19 over, along and across sidewalks, and to regulate the passing of
20 the same through the streets.

21 31. Regulations of Skating-Rinks, Theatres, Et Cetera.--
22 Subject to the provisions of general laws of the Commonwealth
23 regarding the same, to regulate all skating-rinks, operas,
24 theatres, concerts, shows, circuses, menageries, and all kinds
25 of public exhibitions for pay (except those for religious,
26 educational or charitable purposes); and to restrain and
27 prohibit, under fines or penalties, all exhibitions of indecent
28 or immoral character.

29 32. Bathing; Boat Houses and Bath Houses.--To regulate the
30 time and place of bathing in rivers and other public water in

1 and adjoining the said city, and to construct, maintain and
2 manage municipal boat houses and bath houses.

3 33. Prohibition of Fire Producing Devices in Certain Retail
4 Stores.--To prohibit the smoking or carrying of lighted
5 cigarettes, cigars, pipes or matches, and the use of matches or
6 fire producing devices, in retail stores arranged to accommodate
7 one hundred persons or more, or which employ ten or more
8 employes: Provided, That any such ordinance passed under this
9 provision shall not prohibit smoking in any restaurant room,
10 rest room, beauty parlor, executive office, or any room
11 designated for smoking in such store. To provide penalties for
12 the violation of such ordinances.

13 34. Appropriations to Post of Veterans.--To appropriate
14 annually to each camp of the United States War Veterans in the
15 city, and to each post of the American Legion, and to each post
16 of the Veterans of Foreign Wars, and to each post of the
17 Veterans of World War I of the U. S. A., Inc., and to each post
18 of the American Veterans of World War II (AMVETS), to each post
19 of the Catholic War Veterans, Inc., and to each detachment of
20 the Marine Corps League, and to each Naval Association, and to
21 each post of the Grand Army of the Republic, and to each post of
22 the Disabled American Veterans of the World War, and to each
23 chapter of the Military Order of the Purple Heart, and to each
24 post of the Jewish War Veterans, and to each organization of
25 American Gold Star Mothers, and to each post of the Italian
26 American War Veterans of the United States, Incorporated, and to
27 any other such organization of ex-service persons in the city,
28 incorporated under the laws of the Commonwealth, a sum not to
29 exceed three hundred dollars, to aid in defraying the expenses
30 of Memorial Day and Armistice Day. Where the Grand Army of the

1 Republic has ceased to exist or to function, such appropriation
2 may be made to the Sons of Union Veterans of the Civil War, or,
3 in the absence of such order, to a duly constituted organization
4 which conducts the decorating of the graves of Union veterans of
5 the Civil War. Such payments shall be made to defray actual
6 expenses only. Before any payment is made, the organization
7 receiving the same shall submit verified accounts of their
8 expenditures.

9 35. Support of National Guard Units.--To appropriate
10 annually a sum not exceeding seven hundred and fifty dollars for
11 the support and maintenance, discipline and training of any
12 dismounted company or similar unit of the National Guard, and a
13 sum not to exceed fifteen hundred dollars for the support and
14 maintenance of any mounted or motorized troop or similar unit of
15 the National Guard. Where such units are organized as a
16 battalion, regiment or similar organization, the total amount
17 due may be paid to the commanding officer of the battalion,
18 regiment or similar organization. Any moneys so appropriated
19 shall be paid by warrant drawn to the order of the commanding
20 officer of such company, battalion, regiment or similar
21 organization, only when it shall be certified to the city, by
22 the Adjutant General of the Commonwealth, that the said company
23 or companies have satisfactorily passed the annual inspection
24 provided by law. The moneys so appropriated shall be used and
25 expended solely and exclusively for the support and maintenance,
26 discipline and training of the said company, battalion,
27 regiment, or similar organization; and the commanding officer
28 shall account, by proper vouchers to the said city each year,
29 for the expenditure of the money so appropriated, and no
30 appropriation shall be made for any subsequent year until the

1 expenditure of the previous year is duly and satisfactorily
2 accounted for.

3 The accounts of such expenditures shall be subject to the
4 inspection of the Department of Military Affairs, and shall be
5 audited by the city controller in the manner provided by this
6 act for the audit of accounts of city moneys.

7 36. Appropriation of Money, Et Cetera, to Assist in Erection
8 of Armories.--To appropriate money or convey land, either
9 independently or in conjunction with any other political
10 subdivision, to the Commonwealth, for the purpose of assisting
11 the Armory Board of the State of Pennsylvania in the erection of
12 armories for the use of the National Guard, and to furnish
13 water, sewer services, light, or fuel free of cost to the
14 Commonwealth for use in any armory of the National Guard; and to
15 do all things necessary to accomplish the purpose of this
16 clause.

17 37. Eminent Domain for National Guard Purposes.--To take, by
18 right of eminent domain, for the purpose of appropriating to
19 itself for the use of the National Guard of Pennsylvania, such
20 public lands, ~~feasments~~ easements, and public property as may
21 be in its possession or control and used or held by it for any
22 other purpose. Such right, however, shall not be exercised as to
23 any street or wharf.

24 38. Lands for Armory Purposes.--To acquire, by purchase or
25 by gift, or by the right of eminent domain, any land for the use
26 of the National Guard of Pennsylvania; and to convey such lands
27 so acquired to the Commonwealth in order to assist the Armory
28 Board in the erection of armories. The power conferred by this
29 clause shall not be exercised to take any church property,
30 grave-yard, or cemetery. Lands within three miles outside the

1 limits of the city may be acquired in like manner for the use of
2 the National Guard.

3 39. Purchase of Burial Grounds for Deceased Service

4 Persons.--To appropriate money for and purchase plots of ground
5 in any cemetery or burial ground, within their respective
6 limits, for the interment of such deceased service persons as
7 shall hereafter die within such city, or shall die beyond such
8 city and shall have a legal residence within such city at the
9 time of their death, and whose bodies are entitled to be buried
10 by the county under the provisions of existing laws.

11 40. Payment of Rent for Veterans' Organizations.--By a two-
12 third vote of the council, to appropriate money to any
13 incorporated organization of veterans of any war in which the
14 United States was engaged, to be used in the payment of the rent
15 of any building or rooms in which such organization has its
16 regular meetings.

17 41. Rooms for Meetings of Veterans.--To furnish, upon
18 application, to each organization composed of veterans of the
19 Civil War, veterans of the Spanish American War, veterans of the
20 World War or World War II, veterans of any foreign war, and
21 children of veterans, a room or rooms in any public building of
22 such city, sufficient for the meeting of each of such
23 organizations at least once each month.

24 42. Care of Memorials.--To take charge of, care for,
25 maintain, and keep in good order and repair, at the expense of
26 the city, any soldiers' monument, gun or carriage, or similar
27 memorial, situate in the city, and not in the charge or care of
28 any person, body, or organization, and not put up or placed by
29 the Government of the United States, the Commonwealth of
30 Pennsylvania, the commissioners of the county, or by the

1 direction or authority of any other state of the Union, and to
2 receive from any person or organization any moneys or funds
3 which can be used for the benefit of such memorials, and to
4 expend the same.

5 43. Manufacture and Sale of Ice.--To manufacture ice, and to
6 sell the same to the inhabitants of the city at such rates as
7 shall be fixed by ordinance, and to erect, equip, and maintain
8 such buildings and other structures, and purchase or hire and
9 maintain such vehicles, as may be deemed necessary for such
10 purpose.

11 44. Inspection of Milk.--To provide for the inspection of
12 milk sold or consumed within the city and milk depots, and
13 dairies which offer milk or milk products for retail sale within
14 the city, under such rules and regulations as will protect the
15 people from adulteration and dilution of the same.

16 45. Municipal Music.--To appropriate money to defray the
17 expenses of musical entertainments held under the auspices of
18 the city, and for the purpose of having music in any public park
19 or place.

20 46. Regulation and Licensing of Auction Sales.--To regulate
21 and license sales of merchandise at public auction, other than
22 judicial sales, sales by executors or administrators, or sales
23 by or in behalf of licensed pawnbrokers of unredeemed pledges in
24 the manner provided by law.

25 47. Aid to Historical Societies.--To make annual
26 appropriations not exceeding one thousand dollars for the
27 support and maintenance of the principal historical society
28 located therein, which shall be incorporated under the laws of
29 the Commonwealth, shall maintain permanent quarters and shall
30 keep the same open to the public, shall have a membership of at

1 least one hundred persons who have paid into the treasury of the
2 society a membership fee of at least two dollars for the support
3 of the society, shall hold, annually, at least two regular
4 meetings that shall be open to the public, and shall at all
5 times maintain facilities for the free storage, deposit, and
6 inspection of official documents and records of the city, and
7 other proper public or historical archives and records.

8 48. Establishment of Institutions to Collect Educational
9 Collections.--To establish institutions authorized to collect
10 and hold certain scientific, educational and economic
11 collections, the object of each being the instruction of the
12 public concerning commerce, manufacturing, mining, and
13 agriculture; said institutions to have power to purchase or
14 accept by gift any real estate, money, or personal property
15 necessary for their use and promotion, and power to use, convey,
16 or transfer the same, as if they were bodies corporate, to be
17 governed by boards of trustees, nominated, appointed, and
18 confirmed in such manner as council may determine.

19 49. Sprinkling of Streets.--To cause any street, or part
20 thereof, not less than one block, to be sprinkled with water or,
21 if such street is paved, to be cleaned during such time as it
22 may be necessary, at the expense of the owners of property
23 abutting upon the same. Upon the petition of the owners of such
24 property, who shall represent a majority of the feet front on
25 the street or part thereof, it shall be the duty of council to
26 cause such sprinkling or cleaning to be done at the expense of
27 the owners of property abutting thereon. Council may cause such
28 sprinkling to be done with the water of the city, when water
29 works are owned or operated by the city, and the sprinkling
30 carts and apparatus owned by the city, or may contract for the

1 use of said carts and apparatus with the lowest responsible
2 bidder.

3 50. Electric Wires may be Placed Underground in Certain
4 Districts.--To define a reasonable district within which all
5 electric light wires, telephone and telegraph wires shall be
6 placed under ground in conduits owned and constructed either by
7 the municipality or by corporations owning such wires, or by
8 corporations organized for the purpose of laying such conduits
9 and renting space therein. In all cases in which such conduits
10 are owned by any private corporation, partnership, or
11 individual, there shall be reserved to the city, whether
12 expressed in the ordinance or not, the right to regulate, by
13 ordinance, the manner in which such conduit shall be used, and
14 the terms and conditions of such use, and also the right to take
15 such conduits, either by purchase, upon agreement of the owners
16 thereof and the city, or by condemnation proceedings; in which
17 latter case the proceedings for the assessment of damages shall
18 be the same as provided in this act for property taken, injured
19 or destroyed.

20 The court of quarter sessions upon the appeal of any person
21 may review any ordinance passed in pursuance of this clause, and
22 may annul such ordinance if deemed unreasonable, capricious or
23 arbitrary, such appeal to be taken within thirty days from the
24 approval of such ordinance.

25 51. Ambulances and Service; Maintenance.--To acquire, by
26 purchase, gift or bequest, or to operate and maintain ambulances
27 or ambulance service for the purposes of conveying sick and
28 injured persons in the city and the vicinity to and from
29 hospitals, or in lieu thereof, to hire a private ambulance
30 service, and, for such purposes, to appropriate and expend

1 moneys of the city; or to appropriate money annually toward a
2 nonprofit community ambulance service. All appropriations of
3 money heretofore made and contracts for hire of private
4 ambulance service heretofore entered into by any city are hereby
5 validated and confirmed.

6 52. Weighing and Measuring of Commodities.--To regulate the
7 weighing and measuring of every commodity sold in the city, in
8 all cases not otherwise provided for by law, including the
9 measuring of gas, water, and electric currents; to provide for
10 and regulate the inspection and weighing of hay, grain, and
11 coal, and the measuring of wood, bark, and fuel, to be used in
12 the city, and to designate the place or places of inspecting and
13 weighing the same; to regulate and prescribe the place or places
14 for exposing for sale hay, coal, bark and wood; to demand and
15 receive reasonable fees for such inspection, weighing and
16 measuring; for the regulation and stamping of weights and
17 measures; and the regulation and inspection of meters, except as
18 otherwise provided by law.

19 53. Insurance.--To make contracts of insurance with any
20 mutual or other fire insurance company, association or exchange,
21 duly authorized by law to transact insurance business in the
22 Commonwealth of Pennsylvania, on any building or property owned
23 by the city.

24 To make contracts of insurance with any insurance company, or
25 nonprofit hospitalization corporation, or nonprofit medical
26 service corporation, authorized to transact insurance business
27 within the Commonwealth, insuring its elected or appointed
28 officers, officials and employes, or any class or classes
29 thereof, or their dependents, under a policy or policies of
30 group insurance covering life, health, hospitalization, medical

1 service, or accident insurance, and to contract with any such
2 company granting annuities or pensions for the pensioning of
3 such persons; and, for such purposes, to agree to pay part or
4 all of the premiums or charges for carrying such contracts, and
5 to appropriate out of its treasury any money necessary to pay
6 such premiums or charges, or portions thereof. All contracts
7 procured hereunder shall conform and be subject to all the
8 provisions of any existing or future laws concerning group
9 insurance and group annuity contracts. The proper officer,
10 agency, board or commission of the city having authority to
11 enter into such contracts of insurance is hereby authorized,
12 enabled and permitted to deduct from the officer's or employe's
13 pay, salary or compensation, such part of the premium as is
14 payable by the officer or employe and as may be so authorized by
15 the officer or employe in writing.

16 53.1. Liability Insurance.--

17 54. Parking Lots.--To acquire by lease, purchase, or
18 condemnation proceedings, any land which in the judgment of city
19 council may be necessary and desirable for the purpose of
20 establishing and maintaining lots for the parking of motor
21 vehicles, and for no other use or purpose, and to regulate the
22 use thereof and to establish or designate, at the discretion of
23 council, areas exclusively reserved for parking by handicapped
24 individuals and to post signs regulating such areas.

25 55. Disorderly Conduct.--To define disorderly conduct within
26 the limits of the city and to provide for the imposition of
27 penalties for such conduct in such amounts, without limitation
28 except as in this act provided, as council shall establish, and
29 notwithstanding any statutes of the Commonwealth upon disorderly
30 conduct and the penalties therefor.

1 56. Official Expenses on City Business.--To make
2 appropriations for the reasonable expenses of city officials
3 actually incurred in the conduct of city business.

4 57. Insurance Against Burglary, Etc.--To insure against
5 burglary or theft of city property, or against fire and other
6 calamities, and against public liability.

7 58. To Provide Against Hazards of War.--To build or
8 establish bomb shelters or assist in so doing to provide against
9 all hazards of war and their consequences; and for all such
10 purposes, to have the power of eminent domain, to cooperate with
11 any other unit and agency of government, Federal, State, or
12 local, in every lawful way, for purposes of defense and against
13 the hazards of war.

14 59. Municipality Authorities; Cooperation with Other
15 Political Subdivisions.--To form municipality authorities as
16 authorized by law. To cooperate with other political
17 subdivisions in the conduct of city affairs as authorized by
18 law.

19 60. Local Self-Government.--In addition to the powers and
20 authority vested in each city by the provisions of this act, to
21 make and adopt all such ordinances, by-laws, rules and
22 regulations, not inconsistent with or restrained by the
23 Constitution and laws of this Commonwealth, as may be expedient
24 or necessary for the proper management, care and control of the
25 city and its finances, and the maintenance of the peace, good
26 government, safety and welfare of the city, and its trade,
27 commerce and manufactures; and also all such ordinances, by-
28 laws, rules and regulations as may be necessary in and to the
29 exercise of the powers and authority of local self-government in
30 all municipal affairs; and the said ordinances, by-laws, rules

1 and regulations to alter, modify, and repeal at pleasure; and to
2 enforce all ordinances inflicting penalties upon inhabitants or
3 other persons for violations thereof, and impose penalties in
4 accordance with section 4131.1: Provided, however, That no
5 ordinance, by-law, rule or regulation shall be made or passed
6 which contravenes or violates any of the provisions of the
7 Constitution of the United States or of this Commonwealth, or of
8 any act of Assembly heretofore or that may be hereafter passed
9 and in force in said city.

10 61. Historical Property.--To acquire by purchase or by gift,
11 and to repair, supervise, operate and maintain ancient landmarks
12 and other property of historical or antiquarian interest, which
13 is either listed in the Catalogue of Historical Sites and
14 Buildings in Pennsylvania issued by the Joint State Government
15 Commission, or approved for acquisition by the Pennsylvania
16 Historical and Museum Commission as having historical
17 significance.

18 62. Appropriations for Handling, Storage and Distribution of
19 Surplus Foods.--The council of any city to which this act
20 applies may appropriate from city funds moneys for the handling,
21 storage and distribution of surplus foods obtained either
22 through a local, State or Federal agency.

23 All appropriations of moneys heretofore made by the council
24 of any city for the handling, storage and distribution of
25 surplus foods obtained, either through a local, State or Federal
26 agency, are hereby validated.

27 63. Junk Dealers and Junk Yards.--To regulate and license
28 junk dealers and the establishment and maintenance of junk yards
29 and scrap yards including, but not limited to, automobile junk
30 or grave yards.

64. Appropriations for Industrial Promotions.--To make appropriations to an industrial development agency as defined in section 3, act of May 31, 1956 (P.L.1911), known as the "Industrial Development Assistance Law," when the city is located within the area for which the agency has been authorized to make application to and receive grants from the Department of Commerce for the purposes specified in the "Industrial Development Assistance Law."

65. Non-debt Revenue Bonds.--To issue non-debt revenue bonds pursuant to provisions of the act of June 25, 1941 (P.L.159), known as the "Municipal Borrowing Law," and its amendments, to provide sufficient moneys for and toward the acquisition, construction, reconstruction, 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, buildings, machinery and apparatus for manufacturing and distributing electric, gas or light, aeronautical facilities including but not limited to airports, terminals and hangars, park and recreational facilities, parking lots and public auditoriums 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.

66. 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

1 assist the departments or the authorities to meet costs of
2 operation, maintenance, capital improvements, and debt service,
3 and to enter into long-term agreements providing for the payment
4 of the said contributions.

5 67. Adoption and Amendment of Codes by Reference.--To
6 incorporate by reference the provisions of any code or portions
7 of any code, or any amendment thereof, properly identified as to
8 date and source, without setting forth in full the provisions to
9 be adopted: Provided, however, That no portion of any code which
10 limits the work to be performed to any type of construction
11 contractor, or labor or mechanic classification shall be
12 adopted. Not less than three copies of such code, portion, or
13 amendment which is incorporated or adopted by reference, shall
14 be filed with the clerk of the city and kept with the city
15 ordinance book, and available for public use, inspection and
16 examination. The filing requirements herein prescribed shall not
17 be deemed to be complied with unless the required copies of such
18 codes, portion, or amendment or public record are filed with the
19 clerk of such city at least ten days before council considers
20 the proposed ordinance.

21 Any ordinance adopted by reference to any code shall be
22 enacted within sixty days after it is filed with the clerk of
23 the city, and shall only encompass the provisions of the code
24 effective as of the code date stated in the ordinance. Any
25 subsequent changes in the code shall be adopted by the city
26 before they may become effective as an ordinance of the city.

27 Any city that has adopted any code by reference may adopt
28 subsequent ordinances which incorporate by reference any
29 subsequent changes thereof, properly identified as to date and
30 source, as may be adopted by the agency or association which

1 promulgated the code.

2 Any ordinances which incorporate code amendments by reference
3 shall become effective after the same procedure and in the same
4 manner as is herein specified for original adoption of any such
5 code.

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

18 69. Emergency Services.--(a) The city shall be responsible
19 for ensuring that fire and emergency medical services are
20 provided within the city by the means and to the extent
21 determined by the city, including the appropriate financial and
22 administrative assistance for these services.

23 (b) The city shall consult with fire and emergency medical
24 services providers to discuss the emergency services needs of
25 the city.

26 (c) The city shall require any emergency services
27 organizations receiving city funds to provide to the city an
28 annual itemized listing of all expenditures of these funds
29 before the city may consider budgeting additional funding to the
30 organization.]

Section 152. The act is amended by adding sections to read:

Section 2404. Creation of Capital and Operating Reserve

Funds.--(a) Council 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 council declares that conditions in the city make other expenses more urgent than those for which the fund was created. Council may appropriate moneys from the general city 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 city property or from any other source.

(b) With regard to an operating reserve fund the following shall apply:

(1) Council shall have the power to create and maintain a separate operating reserve fund in order to:

(i) minimize future revenue shortfalls and deficits;

(ii) provide greater continuity and predictability in the funding of vital government services;

(iii) minimize the need to increase taxes to balance the budget in times of fiscal distress; and

(iv) provide the capacity to undertake long-range financial planning and to develop fiscal resources to meet long-term needs.

(2) Council may annually make appropriations from the general city 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 city's general fund in the current fiscal year.

1 (3) Council may at any time by resolution make
2 appropriations from the operating reserve fund for the following
3 purposes only:

4 (i) to meet emergencies involving the health, safety or
5 welfare of the residents of the city;

6 (ii) to counterbalance potential budget deficits resulting
7 from shortfalls in anticipated revenues or program receipts from
8 whatever source; or

9 (iii) to provide for anticipated operating expenditures
10 related either to the planned growth of existing projects or
11 programs or to the establishment of new projects or programs if,
12 for each such project or program, appropriations have been made
13 and allocated to a separate restricted account established
14 within the operating reserve fund.

15 (c) The operating reserve fund shall be invested, reinvested
16 and administered in a manner consistent with the provisions of
17 this act relating to the investment of city funds generally.

18 Section 2405. Hiring of Employees; Salaries.--Council may
19 provide for and regulate the manner of hiring and discharging
20 employees and the fixing of their salaries or compensation,
21 consistent with applicable Federal and State law.

22 Section 2406. Creation of Necessary Offices or Boards.--In
23 addition to the city departments established in accordance with
24 Article XI, council may create any city office, or public board,
25 bureau or commission, which it may deem necessary for the good
26 government and interests of the city, and, with regard to an
27 office or membership on a board, bureau or commission, unless
28 otherwise provided by this act, council may make appointments
29 thereto and regulate and prescribe the terms, duties and
30 compensation thereof.

1 Section 2407. Lockups.--(a) Council may provide for lockup
2 facilities as deemed necessary for the detention and confinement
3 of persons.

4 (b) No city shall erect or construct a city jail or lockup,
5 or use any existing building or lockup for the first time that
6 will be or is located within five hundred feet of any public
7 school building.

8 Section 2408. Market Places.--Council may:

9 (1) Purchase, lease and own ground for market places;

10 (2) Erect, maintain, and establish market places;

11 (3) Provide for and enforce suitable general market
12 regulations;

13 (4) Contract with any person or persons or association of
14 persons, companies or corporations for the erection and
15 regulation of market places, on such terms and conditions and in
16 such manner as council may prescribe; and

17 (5) Levy and collect a license fee from every person or
18 persons who may be authorized by council to occupy any portion
19 of the streets, sidewalks or city property for temporary market
20 purposes.

21 Section 2409. Accumulation of Ashes, Garbage, Solid Waste
22 and Refuse Materials.--(a) Council in the manner authorized by
23 the act of July 7, 1980 (P.L.380, No.97), known as the "Solid
24 Waste Management Act," and the act of July 28, 1988 (P.L.556,
25 No.101), known as the "Municipal Waste Planning, Recycling and
26 Waste Reduction Act," may prohibit accumulations of ashes,
27 garbage, solid waste and other refuse materials upon private
28 property, including the imposition and collection of reasonable
29 fees and charges for the collection, removal and disposal
30 thereof.

1 (b) Council may collect and remove, by contract or
2 otherwise, ashes, garbage, solid waste and other refuse
3 materials and recyclables and prescribe penalties for the
4 enforcement thereof. Any contract with refuse haulers may be
5 made for an initial period not exceeding five years with
6 optional renewal periods of up to five years. This limitation
7 does not apply to contracts with any other county or municipal
8 corporation.

9 (c) Council may dispose of, by contract or otherwise, ashes,
10 garbage, solid waste or other refuse materials. Any contract
11 with the owner of a private facility for the disposal or
12 incineration of ashes, garbage, solid waste or other refuse
13 materials may be made for a period not exceeding twenty years.
14 This limitation does not apply to contracts with any county or
15 municipal corporation.

16 (d) Council may acquire any real property and erect,
17 maintain, improve, operate and lease, either as lessor or
18 lessee, facilities for incineration, landfill or other methods
19 of disposal, either inside or outside the limits of the city,
20 including equipment, either separately or jointly, with any
21 county or municipal corporation in order to provide for the
22 destruction, collection, removal and disposal of ashes, garbage,
23 solid waste or other refuse materials, for the collection and
24 storage of recyclable materials or for the composting of leaf
25 and yard waste. Council may provide for the payment of the cost
26 thereof out of the funds of the city. Council may acquire land
27 for landfill purposes, either amicably or by exercising the
28 power of eminent domain, and maintain lands and places for the
29 dumping of ashes, garbage, solid waste or other refuse
30 materials. If council acquires land outside the limits of the

1 city by exercising the power of eminent domain, the taking shall
2 be subject to the limitations in 26 Pa.C.S. § 206 (relating to
3 extraterritorial takings).

4 (e) Council may establish, alter, charge and collect rates
5 and other charges for the collection, removal and disposal of
6 ashes, garbage, solid waste, other refuse materials and
7 recyclable materials, and the cost of including the payment of
8 any indebtedness incurred for the construction, purchase,
9 improvement, repair, maintenance and operation of any facilities
10 therefore, and the amount due under any contract with any county
11 or municipal corporation furnishing the services or facilities.
12 The rates and other charges shall be collected pursuant to the
13 Municipal Claim and Tax Lien Law, or by an action in assumpsit.

14 (f) Council may make appropriations to any county or
15 municipal corporation for the construction, purchase,
16 improvement, repair, maintenance and operation of any facilities
17 for the collection, removal, disposal or marketing of ashes,
18 garbage, solid waste, other refuse materials, recyclable
19 materials or composted leaf and yard waste.

20 (g) A city shall not be subject to requirements otherwise
21 imposed by law for the sale of personal property owned by the
22 city when selling recyclable materials or materials separated,
23 collected, recovered or created by recycling, as provided in the
24 act of April 9, 1992 (P.L.70, No.21), entitled "An act excluding
25 the sale of recyclable material from political subdivision
26 personal property sale restrictions relating to advertising and
27 bidding."

28 Section 2410. Regulation of Pets and Feral Animals.--Council
29 may, by ordinance, prohibit and regulate the running at large of
30 dogs, cats, other pets and feral animals.

1 Section 2411. Inspection and Regulation of Fireplaces,
2 Chimneys, Et Cetera; Smoke Regulations.--In conformity with
3 Federal and State laws and regulations, council may regulate and
4 inspect fireplaces, chimneys and other sources of smoke and fly-
5 ash to control the production and emission of unnecessary smoke
6 and fly-ash.

7 Section 2412. Fireworks and Inflammable Articles.--In
8 conformity with Federal and State laws and regulations, council
9 may:

10 (1) Regulate and prohibit the manufacture of fireworks or
11 inflammable or dangerous articles.

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

15 (3) Adopt rules and regulations not inconsistent with State
16 regulations relating to the storage of inflammable articles.

17 (4) Impose other safeguards concerning inflammable articles
18 as may be necessary ~~including the discharge of rockets, powder~~ ←
19 ~~or any other dangerous instrument or combustible material within~~
20 ~~the city.~~

21 Section 2413. Regulation of Division Fences, Party Walls,
22 Foundations.--(a) Subject to the provisions of, and regulations
23 adopted pursuant to, the act of November 10, 1999 (P.L.491,
24 No.45), known as the "Pennsylvania Construction Code Act," and
25 other applicable law, council may provide regulations for party
26 walls and division fences and for the foundations of buildings,
27 and for entering upon the land or lands, lot or lots, of any
28 person or persons, within the city, at all reasonable hours, by
29 its duly appointed city engineer, or building inspectors, in
30 order to enforce the regulations and set out foundations.

1 Council may also prescribe reasonable fees for the service of
2 city officers in the inspection and regulation of party walls,
3 division fences and foundations, and may enforce the payment of
4 the same. Council may provide fines or penalties for violations
5 of an ordinance enacted pursuant to this section.

6 (b) In setting out foundations and regulating party walls as
7 to breadth and thickness, the city shall cause the foundations
8 to be laid equally upon the lands of the persons between whom
9 the party wall is to be made. The cost of the foundation and
10 party wall shall be divided proportionately among the property
11 owners sharing the same. The property owners shall either share
12 the expense when the foundation is laid and the party wall is
13 erected, or when the subsequent building is erected if all
14 buildings are not erected at the same time.

15 Section 2414. Nuisances.--Council may prohibit and abate
16 public nuisances in accordance with Article XXVII-A.

17 Section 2415. Regulation of Encroachments.--In compliance
18 with applicable State laws and city ordinances, council may
19 provide for the regulation of all encroachments in, under or
20 upon any of the sidewalks or other portion of the streets of the
21 city.

22 Section 2416. Shade Trees.--(a) Council may, by ordinance,
23 regulate the manner and method, if any, for the planting,
24 trimming, removing, maintaining and protection of shade trees
25 in, on and along or extending over the public streets, sidewalks
26 and rights-of-way of the city, and provide for penalties for
27 violations thereof. The cost of such activities may, at
28 council's discretion, be assessed against the owners of the
29 properties abutting the street, sidewalk or right-of-way upon
30 which any tree is located pursuant to Article XLV-A, except that

the cost and expense of caring for trees after they have been
planted shall be paid by the city.

(b) Council may, by ordinance, provide for the creation of a
shade tree commission, its composition, powers and duties and
delegate council's authority for regulating shade trees to the
commission. Alternatively, council may delegate its regulatory
powers for shade trees to an existing department. IF A SHADE
TREE COMMISSION IS ESTABLISHED, ITS MEETING SHALL BE SUBJECT TO
THE PROVISIONS OF 65 PA.C.S. CH. 7 (RELATING TO OPEN MEETINGS).

Section 2417. Numbering of Buildings.--Council may require
and regulate the numbering of buildings and lots.

Section 2418. Transportation Stands.--Council may establish
stands for taxis, buses, automobiles, and other vehicles for
hire, and enforce the observance and use thereof.

Section 2419. Police Force.--(a) Council shall have the
power to establish and maintain a police force, and define the
duties of the same in accordance with Article XX.

(b) Subject to the requirements of 53 Pa.C.S. Ch. 23 Subch.
A (relating to intergovernmental cooperation), council shall
have the power to provide for police services TO BE PERFORMED BY
MUNICIPAL POLICE OFFICERS by contract or by purchase of THE
police services or by joining or developing a consolidated
regional police service.

Section 2420. Police Regulations.--Council may establish and
enforce suitable police regulations for the protection of
persons and property.

Section 2421. Rewards.--Council may offer rewards for the
arrest and conviction of persons guilty of capital or other
crimes within the city.

Section 2422. Prevent Riots.--Council may prevent and

restrain riots, noises, disturbances or disorderly assemblies in any street, house or place in the city.

Section 2423. Regulate Discharge of Guns and Deadly Weapons.--To the extent permitted by Federal and other State law, council may regulate, prohibit, prevent the discharge of guns and prevent the carrying of concealed deadly weapons.

Section 2424. Racing; Dangerous Practices; Et Cetera.--With regard to streets and public places in the city, council may regulate or prohibit racing or fast driving of vehicles, and all games, practices or amusements likely to result in danger or damages to any person or property.

Section 2425. Bathing; Recreational Swimming Establishments; Boat Houses and Bath Houses.--To the extent permitted by the act of June 23, 1931 (P.L.899, No.299), known as the "Public Bathing Law," council may regulate the time and place of bathing in rivers and other public water in and adjoining the city, and may construct, maintain and manage municipal boat houses, bath houses and recreational swimming establishments.

Section 2426. Musical Entertainment.--Council may appropriate money to defray the expenses of musical entertainments held under the auspices of the city, and for the purpose of having music in any public park or place.

Section 2427. Aid to Historical Societies.--Council may make annual appropriations for the support and maintenance of the principal historical society located in the city, which shall be incorporated under the laws of the Commonwealth, shall maintain permanent quarters and shall keep the same open to the public.

Section 2428. Establishment of Institutions to Collect Educational Collections.--Council may establish institutions authorized to collect and hold certain scientific, educational

1 and economic collections, the object of each being the
2 instruction of the public concerning commerce, manufacturing,
3 mining and agriculture. The institutions may purchase or accept
4 by gift any real estate, money or personal property necessary
5 for their use and promotion. The institutions may use, convey,
6 or transfer the same as if they were bodies corporate, and these
7 institutions shall be governed by boards of trustees, nominated,
8 appointed and confirmed in the manner council may determine.

9 Section 2429. Ambulances and Rescue and Life Saving
10 Services.--Council may acquire, operate and maintain motor
11 vehicles for the purposes of conveying sick and injured persons
12 to and from hospitals, and it may appropriate moneys toward
13 ambulance and rescue and life saving services and make contracts
14 relating thereto.

15 Section 2430. Insurance.--(a) Council, in its discretion,
16 or as required by law or a collective bargaining agreement, may
17 make contracts of insurance and contracts for annuities or
18 pensions, including, but not limited to, the following:

19 (1) Contracts of insurance with any mutual or other fire
20 insurance company, association or exchange, duly authorized by
21 law to transact insurance business in the Commonwealth of
22 Pennsylvania, on any building or property owned by the city and
23 contracts to insure against burglary or theft of city property,
24 or against fire and other calamities, and against public
25 liability.

26 (2) Contracts of insurance with any insurance company, or
27 nonprofit hospitalization corporation, or nonprofit medical
28 service corporation, authorized to transact insurance business
29 within this Commonwealth, insuring elected or appointed
30 officers, officials and employes of the city, or any class or

classes thereof, or their dependents, under a policy or policies of group insurance covering life, health, hospitalization, medical service or accident insurance.

(3) Contracts to purchase annuities or pensions for elected or appointed officers, officials and employees, or any class or classes thereof.

(b) In the case of contracts for the benefit of elected or appointed officers, officials and employees of the city, or any class or classes thereof, or their dependents, the city may, as determined by council, or as required by law or a collective bargaining agreement, pay part or all of the premiums or charges for the contracts.

Section 2431. Parking Lots.--Council may acquire by lease, purchase, or condemnation proceedings, land which in its judgment may be necessary and desirable for the purpose of establishing and maintaining lots for the sole purpose of parking motor vehicles. Council may regulate the use of the land including the posting of signs and may establish or designate areas exclusively reserved for parking by persons with disabilities. Such regulation of parking lots shall be consistent with 75 Pa.C.S. (relating to vehicles) and the act of October 27, 1955 (P.L.744, No.222), known as the "Pennsylvania Human Relations Act."

Section 2432. Disorderly Conduct.--Council may, by ordinance, prohibit disorderly conduct within the limits of the city and provide for the imposition of penalties in accordance with this act. If an ordinance is enacted, it shall define disorderly conduct in a manner substantially similar to the provisions of 18 Pa.C.S. § 5503 (relating to disorderly conduct).

1 Section 2433. Official Expenses on City Business.--Council
2 may make appropriations for the reasonable expenses of city
3 officials actually incurred in the conduct of city business.

4 Section 2434. Municipality Authorities; Cooperation with
5 Other Political Subdivisions.--(a) The council may by
6 ordinance, individually or in cooperation with other
7 municipalities or school districts, form municipal authorities
8 as authorized by 53 Pa.C.S. Ch. 56 (relating to municipal
9 authorities).

10 (b) The council may by ordinance make cooperative agreements
11 with regard to the performance of a city's powers, duties and
12 functions in accordance with the provisions of 53 Pa.C.S. Ch. 23
13 Subch. A (relating to intergovernmental cooperation).

14 Section 2435. Local Self-Government.--The council of each
15 city shall have power to enact, make, adopt, alter, modify,
16 repeal and enforce in accordance with this act ordinances,
17 resolutions, rules and regulations, not inconsistent with or
18 restrained by the Constitution of Pennsylvania and laws of this
19 Commonwealth, that are either of the following:

20 (1) Expedient or necessary for the proper management, care
21 and control of the city and its finances, and the maintenance of
22 the peace, good government, safety and welfare of the city and
23 its trade, commerce and manufactures.

24 (2) Necessary to the exercise of the powers and authority of
25 local self-government in all municipal affairs.

26 Section 2436. Historical Property.--Council may acquire by
27 purchase or by gift, and may repair, supervise, operate and
28 maintain landmarks and other historical properties which are
29 either eligible for listing or listed in the National Register
30 of Historical Places, or certified by the Pennsylvania

Historical and Museum Commission as having historical significance.

Section 2437. Appropriations for Handling, Storage and Distribution of Surplus Foods.--(a) Council may appropriate from city funds moneys for the handling, storage and distribution of surplus foods obtained through a Federal, State or local agency.

(b) All appropriations of moneys previously made by the council of any city for the handling, storage and distribution of surplus foods obtained, through a local, Federal, State or local agency, are hereby validated.

Section 2438. Junk Dealers and Junk Yards.--Council may 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.

Section 2439. Appropriations for Industrial Promotions.--Council may make appropriations to an industrial development organization as defined in section 2301 of the act of June 29, 1996 (P.L.434, No.67), known as the "Job Enhancement Act," when the city is located within the area for which the industrial development organization has been authorized to make application to and receive grants from the Department of Community and Economic Development for the purposes specified in Chapter 23 of the "Job Enhancement Act."

Section 2440. Non-debt Revenue Bonds.--Consistent with and without limitation of any power conferred or duty imposed by 53 Pa.C.S. Pt. VII Subpt. B, (relating to indebtedness and borrowing), council may issue non-debt revenue bonds pursuant to provisions of 53 Pa.C.S. Pt. VII Subpt. B.

Section 2441. Appropriations for Urban Common Carrier Mass

1 Transportation.--Council may appropriate funds for urban common
2 carrier mass transportation purposes from current revenues and
3 make annual contributions to county departments of
4 transportation or to urban common carrier mass transportation
5 authorities to assist the departments or the authorities to meet
6 costs of operation, maintenance, capital improvements and debt
7 service, and to enter into long-term agreements providing for
8 the payment of the contributions.

9 Section 2442. Appropriation for Nonprofit Art Corporation.--
10 Council may appropriate moneys annually, not exceeding an amount
11 equal to one mill of the real estate tax to any nonprofit art
12 corporation for the conduct of its artistic and cultural
13 activities. For the purposes of this section, "nonprofit art
14 corporation" shall mean a local arts council, commission or
15 coordinating agency, or any other nonprofit corporation engaged
16 in the production or display of works of art, including the
17 visual, written or performing arts. Artistic and cultural
18 activities shall include the display or production of theater,
19 music, dance, painting, architecture, sculpture, arts and
20 crafts, photography, film, graphic arts and design and creative
21 writing.

22 Section 2443. Ratification and Validation of Real Estate
23 Sales.--All deeds conveying title to real estate or interests
24 therein from any city to any other party which are executed and
25 delivered pursuant to an ordinance or resolution of the city
26 council and which are not contested by an action filed in the
27 court of common pleas of the county in which the city is located
28 within six years of the date such deeds are recorded are hereby
29 declared to be valid and to have fully and effectively conveyed
30 the property and interests described therein in accordance with

1 the terms thereof. No such deed shall thereafter be subject to
2 attack in any court, agency or proceeding.

3 Section 2444. Maintenance and Validation of Certain
4 Records.--Except as otherwise may be required by any law
5 governing the recording of documents with the recorder of deeds,
6 all city records that are required to be recorded or copied
7 shall be deemed valid if recorded or transcribed by any digital,
8 photostatic, photographic, microphotographic, microfilm,
9 microcard, miniature photographic, optical, electronic or other
10 process which accurately reproduces the original and forms a
11 durable medium for recording, storing and reproducing the
12 original in accordance with standards, policies and procedures
13 for the creation, maintenance, transmission or reproduction of
14 images of records approved by the county or local government
15 records committees, as applicable, and as otherwise provided by
16 law. No city shall be required to retain original or paper
17 copies of any documents after the documents are archived by any
18 of the methods stated in this section or as otherwise provided
19 by law. Where recording in a specific book is required, except
20 for minutes or the proceedings of council, such records may be
21 recorded, transcribed or otherwise assembled in an appropriate
22 book, disk or other medium approved by resolution of council,
23 and all records heretofore recorded and assembled in any manner
24 are hereby validated.

25 Section 2445. Rights Within Streets and Rights-of-Way.--(a)
26 The power granted to a city in subsection (b) shall be exercised
27 in compliance with Federal and State law and shall be subject to
28 the power of the Pennsylvania Public Utility Commission, under
29 66 Pa.C.S. Pt. I (relating to public utility code) to regulate
30 the business, facilities and service of public utilities,

including determining the location and installation of utility facilities.

(b) Council may consent to a public or private corporation or any other person using city streets and other properties, whether such use is within, on or over the streets or public property in question, for transportation purposes or for the purpose of installing and maintaining pipes, wires, fibers, cables or any other utility or service medium. Council may define a reasonable district or reasonable districts within which all electric or telephone wires, cables or any other utility or service medium are to be placed underground. A city shall pay just compensation to any property owner whose land has been acquired by the city for use as a right-of-way for purposes of this section. Just compensation shall be determined pursuant to 26 Pa.C.S. (relating to eminent domain).

Section 2446. Emergency Services.--(a) The city shall be responsible for ensuring that fire and emergency medical services are provided within the city by the means and to the extent determined by the city, including the appropriate financial and administrative assistance for these services.

(b) The city shall consult with fire and emergency medical services providers to discuss the emergency services needs of the city.

(c) The city shall require any emergency services organizations receiving city funds to provide to the city an annual itemized listing of all expenditures of these funds before the city may consider budgeting additional funding to the organization.

Section 2447. Charitable Purposes.--(a) Council may, by ordinance, create a city bureau or agency which bureau or agency

1 may receive in trust, and city council may control for the
2 purposes of the trust, all estate, moneys, assets and property,
3 real and personal, which may have been or shall be bestowed upon
4 it by donation, gift, legacy, endowment, bequest, devise,
5 conveyance or other means, for charitable purposes.

6 (b) Council may make appropriations to the agency or bureau
7 for charitable purposes except as limited by the Constitution of
8 Pennsylvania and laws of this Commonwealth.

9 (c) As used in this section, "charitable purposes" shall
10 mean the relief of poverty, the advancement of education, the
11 promotion of health, governmental or municipal purposes, and
12 other purposes the accomplishment of which is beneficial to the
13 community.

14 Section 153. Article XXV heading of the act is reenacted to
15 read:

16 ARTICLE XXV

17 TAXATION

18 Section 154. Article XXV subdivision (a) heading of the act
19 is amended to read:

20 (a) Assessments [and Revisions] of Property for Taxation

21 Section 155. Sections 2501, 2502 and 2503 of the act are
22 repealed:

23 [Section 2501. Election of Assessor; Term; Removal;
24 Qualifications.--The council of each city on the first Monday of
25 January, one thousand nine hundred and fifty-two, and on the
26 first Monday of January in every fourth year thereafter, or as
27 soon thereafter as may be conveniently done, shall elect one
28 person, resident of the city for at least five years previous to
29 his election, a qualified elector thereof, and owner of real
30 estate therein, at the time of his election and during the

1 entire term of service, of the assessed value of at least five
2 hundred dollars, as city assessor, to serve for the term of four
3 years from the first Monday of January in the year in which he
4 is elected. Any assessor may be removed from office by council
5 and the vacancy thus occasioned may be filled in the manner
6 hereinafter provided. Council shall not permit any person
7 elected assessor to enter upon the duties of said office, nor
8 continue in office, when he does not have and possess all of the
9 qualifications aforesaid. For this purpose council shall have
10 power, by a majority vote of all the members elected thereto, to
11 declare the said office of assessor vacant at any time any
12 person has not or ceases to have the qualifications aforesaid
13 for the said office. They may thereupon fill the vacancy thus
14 occasioned, in the manner hereinafter provided for the filling
15 of vacancies.

16 Section 2502. Oath of Assessor; Filling of Vacancies.--The
17 said assessor shall, before entering upon his duties, take and
18 subscribe the oath prescribed for municipal officers, and file
19 the same with the city clerk. Any vacancy happening in said
20 office shall be filled by appointment by council, for the
21 unexpired term.

22 Section 2503. Assistant Assessors; Compensation of Assessors
23 and Assistants.--The council may, during each triennial year and
24 in the intervening years, appoint such assistant assessors, to
25 serve for such length of time as council may authorize, direct,
26 or appoint by ordinance. Such assistant assessors shall be
27 removable at the pleasure of council. The compensation or salary
28 of the city assessor, and of the assistant assessors, if any,
29 shall be fixed by ordinance.]

30 Section 156. Sections 2503.1 and 2504 of the act, amended or

1 added December 13, 1982 (P.L.1192, No.273), are repealed:

2 [Section 2503.1. Definitions.--The following words and
3 phrases when used in this act shall have, unless the context
4 clearly indicates otherwise, the meanings given to them in this
5 section:

6 "Base year," the year upon which real property market values
7 are based for the most recently citywide revision of assessment
8 of real property or other prior year upon which the market value
9 of all real property of the city is based. Real property market
10 values shall be equalized within the city and any changes by the
11 board of revision of taxes and appeals shall be expressed in
12 terms of such base year values.

13 "Board," the board of revision of taxes and appeals in cities
14 of the third class.

15 "Common level ratio," the ratio of assessed value to current
16 market value used generally in the county as last determined by
17 the State Tax Equalization Board pursuant to the act of June 27,
18 1947 (P.L.1046, No.447), referred to as the State Tax
19 Equalization Board Law.

20 "Established predetermined ratio," the ratio of assessed
21 value to market value established by the city council and
22 uniformly applied in determining assessed value in any year.

23 Section 2504. Assessment of Property; Duties of Assessor.--

24 (a) The assessor shall make, or cause to be made, during the
25 year one thousand nine hundred fifty-four, and every third year
26 thereafter, a full, just, equal, and impartial assessment of all
27 property, taxable according to the laws of this Commonwealth for
28 county purposes, and all matters and things within the city
29 subject by law to taxation for city purposes, and a just and
30 perfect list of all property exempt by law from taxation, with a

1 just valuation of the same. But nothing hereinbefore contained
2 shall be construed as making taxable for city purposes the
3 classes of personal property which by law are made taxable
4 exclusively for county purposes at the rate of four mills. With
5 his assessment he shall return such dimension, description, or
6 quality of each lot or parcel of land as will be sufficient to
7 identify the same, together with the number and kind of
8 improvements. At the triennial assessment, the assessor shall,
9 if council so directs by ordinance, classify all real estate in
10 the city, in such manner and upon such testimony as may be
11 adduced before him, so as to distinguish between the buildings
12 on land and the land exclusive of the buildings, and he shall
13 certify to the council the aggregate valuation of all real
14 estate subject to taxation for city purposes within each such
15 classification. At the next triennial assessment following the
16 effective date of this amending act, the assessor shall, if
17 council by ordinance so directs, classify all real estate in
18 such city in such manner and upon such testimony as may be
19 adduced before him so as to distinguish between the buildings on
20 land and the land exclusive of the buildings, and he shall
21 certify to the council the aggregate valuations of all real
22 estate subject to taxation for city purposes within each such
23 classification.

24 (b) In all cases he shall value, or cause to be valued, the
25 property at the actual value thereof. In arriving at actual
26 value the city may utilize the current market value or it may
27 adopt a base year market value. In arriving at such value the
28 price for which any property would separately bona fide sell, or
29 the price at which any property may bona fide actually have been
30 sold, either in the base year or the current taxable year, shall

1 be considered, but shall not be controlling. Instead such
2 selling price, estimated or actual, shall be subject to revision
3 by increase or decrease to accomplish equalization with other
4 similar property within the taxing district. It shall be the
5 further duty of the assessor to return annually a list of all
6 the inhabitants over eighteen years of age.

7 (c) The board shall assess real property at a value based
8 upon an established predetermined ratio which may not exceed one
9 hundred per centum of actual value. Such ratio shall be
10 established and determined by the city council after proper
11 notice has been given.

12 (d) In arriving at the actual value, all three methods,
13 namely, cost (reproduction or replacement, as applicable, less
14 depreciation and all forms of obsolescence) comparable sales and
15 income approaches, must be considered in conjunction with one
16 another.

17 (e) The board shall apply the established predetermined
18 ratio to the actual value of all real property to formulate
19 assessment roll.]

20 Section 157. Section 2504.1 of the act, added July 29, 1970
21 (P.L.640, No.215), is repealed:

22 [Section 2504.1. Temporary Tax Exemption for Residential
23 Construction.--(a) As used in this section, the word
24 "dwellings" means buildings or portions thereof intended for
25 permanent use as homes or residences.

26 (b) New single and multiple dwellings constructed for
27 residential purposes and improvements to existing unoccupied
28 dwellings or improvements to existing structures for purposes of
29 conversion to dwellings, shall not be valued or assessed for
30 purposes of real property taxes until (1) occupied, (2) conveyed

1 to a bona fide purchaser, or (3) one year from the first day of
2 the month in which falls the sixtieth day after which the
3 building permit was issued or, if no building permit or other
4 notification of improvement was required, then from the date
5 construction commenced. The assessment of any multiple dwelling
6 because of occupancy shall be upon such proportion which the
7 value of the occupied portion bears to the value of the entire
8 multiple dwelling.]

9 Section 158. Section 2505 of the act, amended October 4,
10 1978 (P.L.950, No.188), is repealed:

11 [Section 2505. Manner of Assessments.--The assessor may
12 assess real estate in the name or names of the registered owner,
13 actual owner (legal or equitable), reputed owner, owner of the
14 life estate, occupier, vendor, vendees, or any person who has or
15 has had any connection with the legal title thereof, or an
16 interest in the premises, or has charge or control thereof;
17 partnership property, in the name of the partnership or in the
18 name of the partners, or any of them; trust property, in the
19 name of the trustee or trustees, or any of them, or in the name
20 of the cestui que trust; property of a minor, in the name of the
21 minor or his guardian; property of a lunatic, in the name of the
22 lunatic or his guardian or committee; and property formerly
23 belonging to a person, since deceased, may be assessed in the
24 name of the decedent, or in the name of the estate of said
25 decedent, or of his administrator or administrators, executor or
26 executors, or his heirs generally, or in the name of any
27 administrator, executor, or heir; and in assessing the same in
28 the names of the executors, administrators or heirs, it shall
29 not be necessary to designate them by their christian or
30 surnames; and other property not herein provided for may be

1 assessed in the manner the same is assessed for county taxation.
2 This provision shall not prevent the collection, under existing
3 laws, of any tax assessed against property by a sufficient
4 designation or description, where the same has been assessed in
5 the name of any person or persons who are not the owners
6 thereof. Where lands of owners are part within and part without
7 the city limits, they shall be assessed in the same manner and
8 within the same jurisdiction as if the same were being assessed
9 for county purposes.]

10 Section 159. Sections 2506, 2508, 2509, 2510, 2511, 2512,
11 2513, 2514, 2515 and 2516 of the act are repealed:

12 [Section 2506. Duties of Assessors in Other Than Triennial
13 Years.--In the years between triennial assessments, the said
14 assessor shall perform the following duties with reference to
15 the assessment of property and other matters and subjects of
16 taxation, namely: He shall,

17 (a) Assess any property which has been omitted, and correct
18 any errors of law, fact or judgment which may have been made in
19 making the triennial assessment;

20 (b) Add to the assessment any property which has ceased to
21 be exempt and any property acquired since the triennial
22 assessment;

23 (c) Add to the value of any real estate the value of any new
24 building or other new improvements;

25 (d) Deduct from the value of any property any loss caused by
26 destruction, injury, or otherwise, howsoever;

27 (e) Where tracts as assessed at the triennial assessment
28 have been subdivided, equalize and apportion the assessment of
29 the lands thus subdivided upon the basis of the value as fixed
30 at the triennial assessments upon the whole lot or tracts;

1 (f) Where any borough, township, part of a borough or
2 township, or any tract or tracts of land, have been added to the
3 city, since the last triennial assessment, make a full and
4 impartial assessment of the property in the annexed district,
5 and return the same in a like manner as if it were a triennial
6 assessment;

7 (g) When any property has been transferred or disposed of,
8 make the proper changes, deductions or transfers upon the proper
9 assessment books and duplicates;

10 (h) Perform such other duties, as may be prescribed by
11 ordinance, necessary to the making of proper assessments or
12 valuations.

13 Section 2508. Omitted Property to be Assessed; Liability of
14 Owner for Back Taxes.--When the said assessor ascertains that
15 any property is omitted, he shall assess the same for the
16 omitted years, but not back further than and including the last
17 year of the preceding triennial assessment. The person or party
18 owning said omitted property shall be liable for the tax against
19 the property for the omitted year or years, at the tax rate
20 levied during the omitted year or years, and the proper
21 authorities shall make out the proper tax and place the amount
22 thereof in the hands of the city treasurer for collection.

23 Section 2509. Clerks; Power to Administer Oaths;
24 Inventories.--The assessor shall have the right to procure such
25 books, maps, et cetera, as may be necessary to the performance
26 of his duties, and, when authorized by council, may employ
27 clerks for the purpose of transcribing and making duplicate and
28 assessment books. He, and each of them, shall have power to
29 administer oaths, and to require, under oath, of every taxable
30 or person in charge or control of any property, an inventory of

1 his taxable property, with his estimate of the just, full, fair,
2 and impartial value thereof, and which, in his judgment, the
3 same would bring at a fair public sale thereof. Such estimate
4 shall not be conclusive, but shall be subject to revision by
5 increase, decrease or equalization with other property.

6 Section 2510. Information from Real Estate Registry Office;
7 Sufficiency of Descriptions.--Where any city has established a
8 registry of real estate by law, the assessor shall have the
9 right to obtain from the official in charge of said registry
10 such information as to the registered owners of real estate as
11 said department is able to furnish, and under such rules and
12 regulations as shall be established by ordinance of council. It
13 shall be a sufficient description of any real estate in any
14 assessment books or duplicates to designate the same by such
15 city lot number, other number or designation, as is used on the
16 registry.

17 Section 2511. Time of Completion of Assessments.--The
18 assessor shall complete his triennial assessment, and the annual
19 assessments in intervening years, on or before the first day of
20 September in each year, or as soon thereafter as practicable. He
21 may, with the approval of the board of revision and appeals, add
22 to the duplicates in the hands of the city treasurer any subject
23 of taxation omitted therefrom, and rectify any and all errors
24 and mistakes made therein.

25 Section 2512. Liability for Neglect.--Any assessor or
26 assessors who shall wilfully omit, neglect, or refuse to assess
27 any property liable to taxation shall be held responsible to the
28 city for any loss or damage caused thereby.

29 Section 2513. Ordinances to Regulate Assessments, Transfers,
30 Appeals, Et Cetera.--The council of each city may pass such

1 ordinances as it may deem proper and necessary, providing for
2 and regulating the manner of making the assessments, valuations,
3 and transfers, and the taking of appeals to the board of
4 revision and appeal, and regulating proceedings before said
5 board on any and all matters not specifically provided for in
6 this act.

7 Section 2514. Board of Revision of Taxes and Appeals.--The
8 council of each city shall constitute the board of revision of
9 taxes and appeals, and the city clerk shall serve as clerk
10 thereof.

11 Section 2515. New Assessments.--The council, in any years
12 other than a triennial year, if it shall deem a new assessment
13 necessary, may, on or before the first day of May, issue its
14 precept to the city assessor and by ordinance or resolution
15 require him to make out and return a full, just, and equal
16 assessment of property within the city, or such parts thereof as
17 may be deemed advisable.

18 Section 2516. Revision of Assessments.--The said board of
19 revision of taxes and appeals shall take and receive the
20 triennial and yearly assessment as returned by the city
21 assessor, and may revise, equalize, and alter such assessments,
22 in any and every year, by increasing or reducing the valuation
23 either in individual cases or by wards, or parts of wards;
24 rectify all errors, and add to the assessment book, and to the
25 duplicate thereof in the hands of the city treasurer, any
26 property or person subject to taxation omitted therefrom, and
27 any real estate in such city which has been exempt from
28 taxation, and has ceased to be occupied and used for the purpose
29 or purposes which entitled it to such exemption, as taxable for
30 the portion of the year commencing at the time when the right to

1 exemption ceases. Such property shall thereupon become subject
2 to taxation, at the rate fixed for the year, for the
3 proportionate part of the year during which it is not entitled
4 to exemption.]

5 Section 160. Section 2516.1 of the act, amended July 29,
6 1970 (P.L.640, No.215), is repealed:

7 [Section 2516.1. Additions and Revisions to Duplicates.--
8 Whenever in any city there is any construction of a building or
9 buildings not otherwise exempt as a dwelling after the city
10 council has prepared a duplicate of the assessment of city taxes
11 and the building is not included in the tax duplicate of the
12 city, the authority responsible for assessments in the city
13 shall, upon the request of the city council, direct the assessor
14 in the city to inspect and reassess, subject to the right of
15 appeal and adjustment provided by the act of Assembly under
16 which assessments are made, all taxable property in the city to
17 which major improvements have been made after the original
18 duplicates were prepared and to give notice of such
19 reassessments within ten days to the authority responsible for
20 assessments, the city and the property owner. The property shall
21 then be added to the duplicate and shall be taxable for city
22 purposes at the reassessed valuation for that proportionate part
23 of the fiscal year of the city remaining after the property was
24 improved. Any improvement made during the month shall be
25 computed as having been made on the first of the month. A
26 certified copy of the additions or revisions to the duplicate
27 shall be furnished by the city council to the city treasurer,
28 together with their warrant for collection of the same, and
29 within ten days thereafter the city treasurer shall notify the
30 owner of the property of the taxes due the city.]

1 Section 161. Section 2517 of the act is repealed:

2 [Section 2517. Hearing of Appeals.--The board of revision of
3 taxes and appeals may require the attendance of the assessor and
4 assistant assessors, or any of them, or other citizens, before
5 them for examination on oath or affirmation. It shall hear and
6 determine all appeals by taxpayers from the assessments made by
7 the city assessor, at such time and place as it may prescribe,
8 conformably with law as to notice to the taxable and his filing
9 of notice of intention to appeal.]

10 Section 162. Section 2518 of the act, amended December 13,
11 1982 (P.L.1192, No.273), is repealed:

12 [Section 2518. Notice to Taxables of Assessments; Appeals.--

13 (a) The assessor shall give, or cause to be given, printed or
14 written notice to each taxable of the city, whose property is
15 newly assessed, or whose last previous assessment has been
16 changed, of the amount of the present assessment, valuation and
17 ratio and the new assessment, valuation and ratio. The said
18 notice shall not be required to be given to any taxable whose
19 property assessment was not changed as a result of any triennial
20 assessment. The said notice shall also inform the taxable of the
21 requirements of this section as to appealing from any
22 assessment. Such notice may be served personally or by posting
23 on the premises or by mailing the same to the last known address
24 of the taxable.

25 (b) Notice similar to that provided for in subsection (a)
26 shall be given when the city changes the established
27 predetermined ratio.

28 (c) Any person dissatisfied or aggrieved by any assessment,
29 or any change thereof, made by the assessor, may appeal to the
30 said board of revision of taxes and appeals, by filing with the

1 board a statement in writing of intention to appeal, setting
2 forth:

3 (1) The assessment or assessments by which such person feels
4 aggrieved;

5 (2) The address to which the board shall mail notice of when
6 and where to appear for hearing.

7 (d) The statement of intention to appeal shall be filed with
8 the said board not later than thirty days after the notice of
9 assessment has been mailed to the taxable at his last known
10 address, or has been served upon him personally, or has been
11 posted upon the premises. No appeal shall be permitted except
12 upon such a statement of intention as herein required, nor may
13 any taxable appeal as to an assessment not designated in his
14 statement of intention to appeal. The board shall fix the time
15 and place of hearing appeals and shall give at least five days
16 notice to the taxable.

17 (e) Any triennial assessment made prior to the effective
18 date of this amending act, which did not change a property
19 assessment, is hereby validated irrespective of whether or not
20 written or printed notice of such assessment was given to the
21 taxable.]

22 Section 163. Section 2519 of the act is repealed:

23 [Section 2519. Power of Assessor to Administer Oaths.--For
24 the purposes of all hearings, and for all other purposes
25 necessary to the discharge of his duties, the assessor shall
26 have authority to administer oaths and affirmations touching any
27 matter relating thereto.]

28 Section 164. Sections 2520 and 2521 of the act, amended
29 December 13, 1982 (P.L.1192, No.273), are repealed:

30 [Section 2520. Custody of Assessment Books; Completion of

1 Work of Board.--(a) The board of revision of taxes and appeals
2 shall procure and have the custody and control of all books
3 relating to assessment of city taxes, and keep them arranged
4 according to wards and dates, and shall furnish the city
5 assessor the necessary books for making the assessment, which,
6 on the completion of such assessment, shall be returned to such
7 board of revision of taxes and appeals. The board shall complete
8 its labors, and the hearing and determination of all appeals, on
9 or before the first day of December of each year, or as soon
10 thereafter as practicable, after which the assessment shall be
11 copied, by wards, into a tax duplicate or duplicates for the use
12 of the city. The assessment, so corrected and copied, shall be
13 and remain a lawful assessment for the purpose of city taxation
14 until altered as provided in this article. The board shall give
15 notice in writing within five days after its disposition of each
16 appeal, advising the taxable of its decision.

17 (b) In any appeal of an assessment the board shall make the
18 following determinations:

19 (1) The current market value for the tax year in question.

20 (2) The common level ratio.

21 (c) The board, after determining the current market value of
22 the property for the tax year in question, shall then apply the
23 established predetermined ratio to such value unless the common
24 level ratio varies by more than fifteen per centum from the
25 established predetermined ratio, in which case the board shall
26 apply the common level ratio to the current market value of the
27 property for the tax year in question.

28 (d) Nothing herein shall prevent any appellant from
29 appealing any base year valuation without reference to ratio.

30 Section 2521. Appeals from Decisions of Board; Costs.--(a)

1 Any owner of taxable property who may feel aggrieved by the
2 decision of the board of revision of taxes and appeals as to the
3 assessment or valuation of his taxable property may appeal from
4 the decision of the board of revision of taxes and appeals to
5 the court of common pleas of the county within which such
6 property is situated, and, for that purpose, may present to said
7 court, or file in the prothonotary's office, within sixty days
8 after mailing notice to him that the board of revision of taxes
9 and appeals have held the appeals provided for by law and acted
10 on the said assessments and valuations, a petition signed by
11 him, his agent, or attorney, setting forth the facts of the
12 case. The court shall thereupon, after notice to the said board
13 of revision of taxes and appeals, hear the said appeal and the
14 proofs in the case, and make such orders and decrees touching
15 the matter complained of as to the judges of said court may seem
16 just and equitable, having due regard to the valuation and
17 assessment made of other property in such city. The costs of the
18 appeal and hearing shall be apportioned or paid as the court may
19 direct. The said appeals shall not, however, prevent the
20 collection of the taxes complained of, but in case the same
21 shall be reduced, then the excess shall be returned to the
22 person or persons who shall have paid the same.

23 (b) In any appeal of an assessment the court shall make the
24 following determinations:

25 (1) The current market value for the tax year in question.

26 (2) The common level ratio.

27 (c) The court, after determining the current market value of
28 the property for the tax year in question, shall then apply the
29 established predetermined ratio to such value unless the common
30 level ratio varies by more than fifteen per centum from the

1 established predetermined ratio, in which case the court shall
2 apply the common level ratio to the current market value of the
3 property for the tax year in question.

4 (d) Nothing herein shall prevent any appellant from
5 appealing any base year valuation without reference to ratio.]

6 Section 165. The act is amended by adding a section to read:

7 Section 2522. Assessment Powers.--(a) With regard to the
8 valuing and assessing of property for taxation within a city,
9 the following shall apply:

10 (1) If, on the effective date of this section, a city is
11 utilizing the county assessment office for the valuation and
12 assessment of property, the city shall continue to utilize the
13 county assessment office for this purpose.

14 (2) If clause (1) does not apply, council may appoint and
15 employ persons to value and assess property for taxation within
16 a city, following the procedures and methodologies set forth in
17 the assessment law or laws applicable in the county in which the
18 city is located, provided that the act of April 16, 1992
19 (P.L.155, No.28), known as the "Assessors Certification Act,"
20 shall apply to persons hired pursuant to this clause.

21 (3) If clause (2) applies, a city may subsequently elect to
22 utilize the county assessment office to value and assess
23 property.

24 (4) (i) A city, conducting its own assessments as
25 authorized by clause (2), or utilizing the county assessment
26 office pursuant to clause (1) or (3), may, by ordinance, adopt
27 an established predetermined ratio different from that used by
28 the county. The city shall apply the ratio selected to the
29 actual valuation supplied by the county to determine assessed
30 value for tax purposes. The established predetermined ratio

1 selected by the city may not exceed one hundred per centum of
2 actual value.

3 (ii) As used in this clause, "established predetermined
4 ratio" shall mean the ratio of assessed value to market value
5 established by the city council and uniformly applied in
6 determining assessed value in any year.

7 (5) A city that is utilizing the county assessment office in
8 accordance with clause (1) or which elects to utilize the county
9 assessment office in accordance with clause (3) may not
10 thereafter appoint and employ persons to value and assess
11 property in accordance with clause (2).

12 (b) In any case in which a city appoints persons to value
13 and assess property, the following shall apply:

14 (1) If the property being assessed is not wholly within the
15 city limits, it shall be assessed in the same manner and within
16 the same jurisdiction as if the same were being assessed for
17 county purposes.

18 (2) If a city has established a registry of real estate, it
19 may obtain for purposes of assessment, from the official in
20 charge of the registry, available information as to the
21 registered owners of real estate, under rules and regulations as
22 may be established by ordinance. It shall be a sufficient
23 description of any real estate in any assessment books or
24 duplicates to designate the same by such city lot number, other
25 number or designation, as is used on the registry.

26 (3) For purposes of assessment appeals, council shall
27 constitute the board of revision of taxes and appeals and the
28 city clerk shall serve as clerk thereof.

29 (4) Except as authorized in this section, the city shall not
30 exercise powers contrary to or in limitation or enlargement of

powers granted by statutes that provide the substantive rules governing the making of assessments and valuations of property which are applicable to the assessment of property for taxation purposes under the county assessment law or laws applicable in the county in which the city is located.

(5) A city conducting its own assessments pursuant to subsection (a) (2) shall establish and follow procedures that are consistent with similar procedures provided in the assessment law or laws applicable in the county in which the city is located, including, but not limited to, providing notice of an opportunity to appeal assessments, for taking appeals to and from the board of appeals and for the conduct of proceedings before the board.

(c) A temporary tax exemption for residential construction shall be subject to the following:

(1) New single and multiple dwellings constructed for residential purposes and improvements to existing unoccupied dwellings or improvements to existing structures for purposes of conversion to dwellings shall not be valued or assessed for purposes of real property taxes until:

(i) occupied;

(ii) conveyed to a bona fide purchaser; or

(iii) one year from the first day of the month in which falls the sixtieth day after which the building permit was issued or, if no building permit or other notification of improvement was required, then from the date construction commenced.

(2) The assessment of any multiple dwelling because of occupancy shall be upon such proportion which the value of the occupied portion bears to the value of the entire multiple

1 dwelling.

2 (3) As used in this subsection, the word "dwellings" means
3 buildings or portions thereof intended for permanent use as
4 homes or residences.

5 Section 166. The heading of subdivision (b) of Article XXV
6 of the act is reenacted to read:

7 (b) Levy and Collection

8 Section 167. Section 2531 of the act, amended November 19,
9 1959 (P.L.1519, No.534), August 3, 1967 (P.L.199, No.63), June
10 16, 1972 (P.L.443, No.135) and May 22, 1981 (P.L.71, No.20) and
11 repealed in part December 13, 1988 (P.L.1121, No.145), is
12 amended to read:

13 Section 2531. Tax Levies.--(a) Council may, by ordinance,
14 levy and, in accordance with this act, provide for the
15 collection of [the following taxes:

16 1. A tax for general revenue purposes on all persons and
17 property taxable according to the laws of the Commonwealth for
18 county purposes: the valuation of such property to be assessed
19 as hereinbefore provided.

20 2. An annual tax sufficient to pay interest and principal on
21 any indebtedness incurred pursuant to the act of July 12, 1972
22 (P.L.781, No.185), known as the "Local Government Unit Debt
23 Act," or any prior or subsequent act governing the incurrence of
24 indebtedness of the city.

25 3. A residence tax for general revenue purposes, not
26 exceeding five dollars annually, on all inhabitants above the
27 age of eighteen years. Any ordinance of council fixing the rate
28 of taxation for any year at a mill rate shall also include a
29 statement expressing the rate of taxation in dollars and cents
30 on each one hundred dollars of assessed valuation of taxable

1 property.

2 4. The council of any city may, by ordinance, in any year
3 levy separate and different rates of taxation for city purposes
4 on all real estate classified as land, exclusive of the
5 buildings thereon, and on all real estate classified as
6 buildings on land. When real estate tax rates are so levied, (i)
7 the rates shall be determined by the requirements of the city
8 budget as approved by council, (ii) higher rates may be levied
9 on land if the respective rates on lands and buildings are so
10 fixed so as not to constitute a greater levy in the aggregate
11 than a rate of twenty-five mills on both land and buildings, and
12 (iii) they shall be uniform as to all real estate within such
13 classification.

14 5. Where the city council by a majority action shall, upon
15 due cause shown, petition the court of quarter sessions for the
16 right to levy additional millage, the court, after such public
17 notice as it may direct and after hearing, may order a greater
18 rate than twenty-five mills but not exceeding five additional
19 mills to be levied.] taxes on all property within the city that
20 is made taxable for city purposes and subject to valuation and
21 assessment by the county assessment office or the city, as
22 provided in subdivision (a), as follows:

23 (1) A tax for general revenue purposes not exceeding thirty
24 mills.

25 (2) An annual tax sufficient to pay interest and principal
26 on any indebtedness incurred pursuant to 53 Pa.C.S. Pt. VII
27 Subpt. B (relating to indebtedness and borrowing) or any prior
28 or subsequent act governing the incurrence of indebtedness of
29 the city.

30 (3) An annual tax, not to exceed five mills, to light the

highways, roads and other public places in the city.

(4) An annual tax for the purpose of maintaining and operating recreation places and programs.

(5) An annual tax, not to exceed the sum of one-tenth of one mill, for the purpose of defraying the cost and expense of caring for shade trees and the administrative expenses connected therewith, or council may provide for such expenses by appropriation from the General Fund.

(b) Council may, by ordinance, levy and, in accordance with this act, provide for the collection of a residence tax for general revenue purposes, not exceeding five dollars annually, on all inhabitants who are eighteen years of age or older.

(c) With regard to the taxes authorized in subsection (a), the following shall apply:

(1) Special purpose levies authorized in this section shall not be included in calculating the thirty-mill limit imposed by subsection (a).

(2) Any ordinance fixing the rate of taxation for any year at a millage rate shall also include a statement expressing the rate of taxation in dollars and cents on each hundred dollars of assessed valuation of taxable property.

(3) The council of any city may, by ordinance, in any year levy separate and different rates of taxation for city purposes on all real estate classified as land, exclusive of the buildings thereon, and on all real estate classified as buildings on land. When real estate tax rates are so levied:

(i) The rates shall be determined by the requirements of the city budget as approved by council.

(ii) The respective rates levied on land and buildings do not have to be equal but must be so fixed so as not to

1 constitute a greater levy in the aggregate than a rate of thirty
2 mills on both land and buildings.

3 (iii) The rates shall be uniform as to all real estate
4 within such classification.

5 (4) Where the city council by a majority action shall, upon
6 due cause shown, petition the court of common pleas for the
7 right to levy additional millage for general revenue purposes,
8 the court, after such public notice as it may direct and after
9 hearing, may order a greater rate than thirty mills but not
10 exceeding five additional mills to be levied.

11 (5) (i) Notwithstanding council's power to authorize the
12 transfer of an unexpended balance of an appropriation item
13 pursuant to section 1804, when any moneys are collected for any
14 special purpose, no city treasurer or council member may apply
15 those moneys to any purpose other than that for which they were
16 collected.

17 (ii) Any city treasurer or council member who violates
18 subclause (i) commits a misdemeanor of the third degree, and, in
19 addition to the fine or penalty which may be imposed upon
20 conviction, shall be required to pay restitution in the amount
21 of moneys improperly spent.

22 Section 168. Section 2531.1 of the act, amended November 26,
23 1982 (P.L.759, No.214) and repealed in part December 13, 1988
24 (P.L.1121, No.145), is amended to read:

25 Section 2531.1. Exemptions from Taxation.--The council of
26 any city may, by ordinance or resolution, exempt any person
27 whose total income from all sources is less than [five] twelve
28 thousand dollars [(\$5,000)] (\$12,000) per annum from any per
29 capita or [resident's] residence tax levied under this act. This
30 exemption shall not apply to real property taxes.

1 Section 169. The act is amended by adding a section to read:

2 Section 2531.2. Certification of Schedule.--For the purpose
3 of delinquent tax collection and the filing of liens on property
4 upon which the taxes, assessed and levied, have not been paid
5 and have become delinquent, the treasurer shall certify
6 schedules of unpaid taxes. The certification shall be made to
7 the person designated by each taxing district for which the
8 treasurer collects taxes.

9 Section 170. Sections 2532, 2533 and 2534 of the act are
10 repealed:

11 [Section 2532. City Treasurer to Be Tax Collector.--The city
12 treasurer, by virtue of his office, shall be the collector of
13 the city, county, school, and institution district taxes,
14 assessed or levied in the city by the proper authorities
15 therein.

16 Section 2533. Oath of City Treasurer as Collector of
17 Taxes.--At the time the city treasurer enters upon his duties,
18 he shall take and subscribe his oath of office as collector of
19 city, county, school, and institution district taxes, which oath
20 shall be filed with the city clerk.

21 Section 2534. Office for Receipt of Taxes; Supplies.--The
22 city treasurer, as collector of taxes, shall keep his office in
23 the same place occupied by him as city treasurer, which shall be
24 kept open for the receipt of taxes at all times during business
25 hours. All printing and stationery supplies shall be furnished
26 by the proper authorities, respectively.]

27 Section 171. Section 2535 of the act, amended December 14,
28 1967 (P.L.828, No.355), is repealed:

29 [Section 2535. Date of Delivery of Duplicate; Collection.--
30 The council of each city and the county and county institution

1 district authorities, now empowered or which may be hereafter
2 empowered to levy taxes upon persons and property within the
3 city, shall, within thirty days after the adoption of the budget
4 or within thirty days after receipt of the assessment roll from
5 the county whichever is later, make out and deliver their
6 respective duplicates of taxes assessed to the city treasurer,
7 as the collector of the said taxes, which shall be collected by
8 the city treasurer, by virtue of his office as aforesaid. The
9 proper school authorities shall make out and deliver the school
10 duplicates of their respective taxes in such city at the time
11 and in the manner provided by the school laws of the
12 Commonwealth. All duplicates of taxes placed in the hands of
13 said treasurer shall at all times be open to proper inspection
14 of the taxpayers and of the proper auditing and examining
15 officers of said city, county or school district, as the case
16 may be, and shall be delivered by said treasurer at the
17 expiration of his term to his successor in office.]

18 Section 172. Sections 2536, 2537 and 2538 of the act are
19 repealed:

20 [Section 2536. Deposits.--The city treasurer as collector of
21 taxes shall pay over to himself as city treasurer, in accordance
22 with the provisions of the Local Tax Collection Law, all the
23 city taxes collected by him. He shall at the same time deposit
24 all the city taxes so paid over to him into a bank or financial
25 institution, which shall be a city depository named by the city
26 council. All such deposits shall be made in the name of the city
27 treasurer as such, or in the name of the city, as council may
28 provide.

29 Section 2537. Tax Liens; Schedule of Uncollected Taxes;
30 Liability for False Return.--Upon the settlement of the

1 duplicates of city, county, institution district, and school
2 taxes which by law are made a lien on real estate, the city
3 treasurer, as collector of said taxes, shall make out schedules
4 of said city, county, school, or institution district taxes
5 uncollected upon his duplicates, or those delivered to him by
6 his predecessor, with a brief description of the properties
7 against which the same are assessed, for the purpose of having
8 the same entered for lien or sold, according to law. The failure
9 of the said collector to collect the said taxes from personal
10 property, when the same could have been collected shall not
11 impair the lien thereof or affect any sale made for the
12 collection thereof. In case any such collector shall make any
13 wilfully false return, he shall be liable therefor to any person
14 or persons injured thereby.

15 Section 2538. Certification of Schedule.--The schedule of
16 unpaid city taxes shall be certified by the city treasurer, as
17 collector of taxes, to the city solicitor for filing in court,
18 with the like force and effect as if certified by the city
19 treasurer under existing laws. The schedule of unpaid school and
20 institution district taxes shall be certified to such officer or
21 person as is now, or shall hereafter be, designated to receive
22 the same for filing as a lien in court; and where no such person
23 is designated, the said schedule may be certified to the
24 solicitor of the authority levying the tax, who may cause the
25 said taxes to be registered as a lien in court, under existing
26 laws, and the certifying of the said schedules by the city
27 treasurer, as a collector, shall in all cases have the like
28 effect as if the same had been certified by the city treasurer,
29 as aforesaid.]

30 Section 173. Article XXV subdivision (c) heading of the act

1 is reenacted to read:

2 (c) Sales of Real Estate for Delinquent Taxes

3 Section 174. Section 2541 of the act, amended April 29, 1998
4 (P.L.294, No.47), is repealed:

5 [Section 2541. Public Sale of Property to Satisfy Tax
6 Claims.--(a) In addition to other remedies provided for the
7 collection of delinquent city taxes, the city treasurer may sell
8 at public sale, in the manner hereinafter provided, any property
9 upon which the taxes, assessed and levied, have not been paid
10 and have become delinquent, unless such property has already
11 been purchased and is held for the benefit of all the tax
12 levying authorities concerned.

13 (b) For purposes of this section, taxes shall be considered
14 delinquent thirty days after the final deadline for payment of
15 such taxes for the current tax year.]

16 Section 175. Section 2542 of the act is repealed:

17 [Section 2542. Time of Holding Sales.--Such sales shall be
18 made on the first Monday in June, in the year succeeding the
19 year in which the respective taxes are assessed and levied, or
20 on any day to which such sale may be adjourned, or on any first
21 Monday of June in any succeeding year.]

22 Section 176. The act is amended by adding a section to read:

23 Section 2542.1. Public Sale of Property to Satisfy Tax
24 Claims.--(a) Property upon which city real estate taxes have
25 not been paid and have become delinquent may become subject to
26 public sale in accordance with one of the following:

27 (1) The act of July 7, 1947 (P.L.1368, No.542), known as the
28 "Real Estate Tax Sale Law."

29 (2) The act of May 16, 1923 (P.L.207, No.153), referred to
30 as the Municipal Claim and Tax Lien Law.

1 (b) The remedies authorized in this section shall be in
2 addition to other remedies provided for the collection of
3 delinquent city taxes, including an action in assumpsit.

4 (c) Unless otherwise provided in the statutes referred to in
5 subsection (a), taxes shall become delinquent thirty days after
6 the final deadline for payment of such taxes for the current tax
7 year.

8 Section 177. Section 2543 of the act is amended to read:


9 Section 2543. Certification of Schedules [of Taxes.--Where
10 the treasurer has not already in his hands the duplicates of
11 said taxes, or certificates or schedules thereof, any receiver
12 or collector of taxes, or other person having such delinquent
13 taxes in his hands, shall certify to the city treasurer
14 schedules of all unpaid taxes, with descriptions of the property
15 assessed.] to Treasurer.--At the request of the treasurer, any
16 person acting on behalf of the city who possesses a schedule of
17 unpaid city taxes shall certify the schedule to the treasurer
18 along with the description of property against which the unpaid
19 taxes were assessed.

20 Section 178. Section 2544 of the act is repealed:

21 [Section 2544. Advertisement of Sales.--The city treasurer
22 shall advertise for sale any of the property upon which it
23 appears the taxes have not been paid, as shown by the duplicates
24 in his hands, or by the returns or schedules certified to him,
25 as aforesaid. Said advertisement shall be made, once a week for
26 three successive weeks prior to the day of sale, in at least two
27 newspapers of general circulation, printed and published in the
28 city, and, in case two newspapers are not published in said
29 city, then publication shall be made in two newspapers printed
30 and published in the county in which the city is situate. The

1 city treasurer shall also cause to be posted or tacked, in a
2 conspicuous place on each parcel or lot of land advertised for
3 sale, at least ten days prior to the day of sale, a notice
4 stating that said property will be sold by said treasurer, for
5 delinquent taxes, on a certain day and time, and at a certain
6 place within the city, for which posting of notice he shall
7 receive and tax as costs twenty-five cents for each notice. No
8 sale shall be valid where the taxes have been paid prior to said
9 advertisement, or where the taxes and costs have been paid after
10 advertisement and before sale.]

11 Section 179. Section 2546 of the act is amended to read:

12 Section 2546. Record of Sales [to be Kept; City May];
13 Purchase [Lands at Sale.--] and Resale.--(a) The treasurer
14 shall keep in ~~his or her~~ [HIS] THE TREASURER'S office, or in 
15 such other place as council may direct, a [book, in which he
16 shall enter] record of all the sales made [by him, giving a
17 description of each property sold, the name of the person as the
18 owner thereof as the same appears upon the duplicate, or has
19 been returned to him, the time of sale and the price at which
20 sold, together with the cost. The] pursuant to section 2542.1.

21 (b) Notwithstanding any other provision of law, the city
22 shall have the right to bid[, at any such sale, the amount of
23 taxes and costs, and, if necessary, purchase such lands] on and
24 purchase properties sold pursuant to section 2542.1.

25 (c) Properties purchased by the city under subsection (b)
26 may be sold in accordance with section 2402.1(b).

27 Section 180. Sections 2547 and 2548 of the act are repealed:

28 [Section 2547. Payment of Purchase Price by Purchaser;
29 Resale for Default.--Any purchaser or purchasers at said
30 treasurer's sale, except the city, as soon as the property is

1 struck down, shall pay the amount of the purchase money, or such
2 part thereof as may be necessary to pay all the taxes and costs,
3 as also one dollar and fifty cents for the use of the
4 prothonotary, for entering the report of the treasurer, filing
5 surplus bond, and acknowledgment of the treasurer's deed, as
6 hereinafter mentioned. In case said amount is not forthwith
7 paid, after the property is struck down, the sale may be avoided
8 and the property put up again by the city treasurer, at said
9 sale or at any subsequent sale.

10 Section 2548. Return of Sale.--The city treasurer shall
11 promptly make a report and return to the court of common pleas,
12 wherein he shall set forth, (a) a brief description of each
13 parcel of real estate sold; (b) the name of the person (where
14 known), in which the same is assessed; (c) the amount of tax,
15 and the year for which the same was assessed; (d) the time when
16 and the names of the newspapers in which the advertisement for
17 sale was made, with a copy of said advertisement; (e) the time
18 of sale; (f) the name of the purchaser; and (g) the price for
19 which each respective property was sold.]

20 Section 181. Section 2549 of the act, repealed in part June
21 3, 1971 (P.L.118, No.6), is repealed:

22 [Section 2549. Confirmation of Sale; Disposition of
23 Objections.--Upon the presentation of said report or return, if
24 it shall appear to said court that such sale has been regularly
25 conducted, under the provisions of this subdivision (c) of this
26 article, the said report and sales so made shall be confirmed
27 nisi; in case no objections or exceptions are filed to any such
28 sale in the office of the prothonotary within ninety days from
29 the date of such confirmation, a decree of absolute confirmation
30 shall be entered, as of course, by the prothonotary. Any

1 objections or exceptions to such a sale may raise the legality
2 of the taxes for nonpayment of which the real estate was sold or
3 the return thereof, or the validity of the sale for the reason
4 that the tax was actually paid, or question the regularity or
5 legality of the proceedings of the treasurer in any respect. In
6 case any objections or exceptions are filed, they shall be
7 disposed of according to the practice of the court, and, when
8 the same are overruled or set aside, a decree of absolute
9 confirmation shall be entered by the court. If such objections
10 or exceptions are sustained and the court deems the defect not
11 amendable, it shall, by its order or decree, invalidate the
12 sale. If no objections or exceptions are filed as herein
13 provided, or if such objections or exceptions are finally
14 overruled and the sale confirmed absolutely, the validity of the
15 assessment of the tax and the validity of the proceedings of the
16 treasurer, with respect to such sale, shall not thereafter be
17 inquired into judicially in equity or by civil proceedings by
18 the person or persons in whose name such property was sold, his,
19 her or their heirs, or his, her or their grantees or assigns,
20 subsequent to the date of the assessment of the taxes for which
21 such sale was made, and such sale, after the period of
22 redemption shall be terminated, shall be deemed to pass a good
23 and valid title to the purchaser as against the person or
24 persons in whose name such property was sold, provided the
25 purchaser has filed the bond for surplus moneys as hereinafter
26 provided.]

27 Section 182. Section 2550 of the act is repealed:

28 [Section 2550. Filing of Surplus Bond.--After any sale of
29 property or lands for delinquent taxes has been confirmed by the
30 court, as aforesaid, the purchaser or purchasers, where the bid

1 exceeds the taxes and costs as aforesaid, shall make and execute
2 to the said treasurer for the use of the persons entitled, a
3 bond for the surplus money that may remain after satisfying and
4 paying all the taxes and costs, as aforesaid, with warrant of
5 attorney to confess judgment annexed thereto. The treasurer
6 shall forthwith file said bond in the office of the prothonotary
7 of the proper county, at the number and term where said report
8 and return is filed. The surplus bond, filed as aforesaid, from
9 the time of the date of the deed for property thus sold, shall
10 bind as effectually, and in like manner as judgments, the land
11 by said treasurer sold, into whose hands or possession they may
12 come. The owners of said lands at the time of sale, their heirs
13 or assigns or other legal representatives, may, at any time
14 within five years after such sale, cause judgment to be entered
15 in said court upon said bond, in the name of said treasurer, for
16 the use of said owners, their heirs, assigns or legal
17 representatives, as the case may be. In case the moneys
18 mentioned in said bonds, with legal interest thereon from the
19 time it is demanded, be not paid within three months after such
20 entry, execution may forthwith issue for the recovery thereof.]

21 Section 183. Section 2551 of the act, amended August 17,
22 1951 (P.L.1262, No.299), is repealed:

23 [Section 2551. Acknowledgment and Delivery of Deeds.--When
24 the purchaser has paid the amount of his bid, or such portion
25 thereof as he is required to pay under this subdivision, and has
26 given the surplus bond as above required, the city treasurer
27 shall make the said purchasers, his or their heirs or assigns, a
28 deed in fee simple for the lands sold, as aforesaid, and the
29 said deed or deeds duly acknowledge in the court of common
30 pleas. Such acknowledgment shall be duly entered and recorded by

1 the prothonotary of said court in the treasurer's deed book. For
2 such service and the entry of the report of the city treasurer,
3 and filing surplus bond, the prothonotary shall receive the sum
4 of one dollar and fifty cents for each property sold.]

5 Section 184. Section 2552 of the act is repealed:

6 [Section 2552. Acknowledgment of Receipt of Redemption
7 Money.--Where the owner or other person interested in the land
8 thus sold shall redeem the same, and pay the satisfaction fee,
9 the city treasurer shall acknowledge the receipt of the
10 redemption moneys upon the margin of the acknowledgment of the
11 treasurer's deed, as the same is entered and recorded in the
12 prothonotary's office. Thereafter said deed shall be void and of
13 no effect. Thereupon such owner or persons interested shall be
14 entitled to have the treasurer's deed delivered up to him, her
15 or them by the purchaser for cancellation. The city treasurer
16 shall pay to said purchaser all the moneys he had paid at the
17 time of sale, together with the twenty-five per centum penalty
18 thereon; and shall enter upon the book of sales kept by him, as
19 hereinbefore provided, an acknowledgment or receipt showing that
20 the owner or party interested redeemed the same, giving date of
21 redemption and amount of money received.]

22 Section 185. Article XXV subdivision (d) heading and section
23 2560 of the act are repealed:

24 [(d) City Sales of Real Estate Purchased from Tax Claim Bureau

25 Section 2560. Real Estate Purchased from Tax Claim Bureau.--

26 Any city may, by ordinance, sell in the manner hereinafter
27 provided, any real estate owned by the city which has been
28 acquired by the city by purchase from a tax claim bureau at
29 public sales held by said bureau pursuant to the provisions of
30 the Real Estate Tax Sale Law, its amendments and supplements,

1 upon which real estate the city held at the time of such sale a
2 lien or liens for municipal improvements.]

3 Section 186. Section 2561 of the act, amended April 6, 1998
4 (P.L.236, No.44), is repealed:

5 [Section 2561. Sale Procedure.--(a) After an ordinance has
6 been passed authorizing and directing the sale of real estate as
7 provided for in section two thousand five hundred sixty, the
8 city treasurer shall advertise such proposed sale once a week
9 for three successive weeks in at least one newspaper of general
10 circulation in the city. The advertisement shall give a brief
11 description of the property to be sold sufficient to identify it
12 as to location and character, and the terms and conditions of
13 sale shall ask for sealed bids for the purchase thereof, direct
14 all bids to be sent to the city clerk on or before a certain
15 date, and give any other information relating to such bids as
16 may be necessary; shall announce that the bids shall be opened
17 and read at a public meeting of council to be held at a time
18 fixed, and that council shall have the right to reject any and
19 all bids. In lieu of the above contents of the advertisement,
20 the advertisement may give a brief description of the property
21 to be sold, sufficient to identify it as to location and
22 character, and provide for a public sale of the property to the
23 highest responsible bidder, at such time and place as shall be
24 designated by council, with the right reserved to council to
25 reject any and all bids.

26 (b) A city that elects to sell property to a nonprofit
27 corporation for community development or reuse may waive the
28 advertising and bidding requirements of subsection (a) only upon
29 entering into a written agreement with the nonprofit corporation
30 that requires the property to be used for industrial, commercial

1 or affordable housing purposes. This exemption shall not apply
2 to property on which existing governmental functions are
3 conducted.]

4 Section 187. Section 2562 of the act is repealed:

5 [Section 2562. Delivery of Deed.--If council accepts the
6 highest responsible bid for such property, the city treasurer
7 shall, within twenty days after such acceptance and upon the
8 receipt of the purchase money, deliver to the successful bidder,
9 his heirs or assigns, a deed in fee-simple for the property sold
10 as aforesaid, which shall be acknowledged by the mayor and
11 attested by the city clerk.]

12 Section 188. The act is amended by adding a section to read:

13 Section 2562.1. Conduct of Tax Sales.--The procedures and
14 requirements relating to the sale of property for delinquent
15 taxes, including, but not limited to, the advertisement for and
16 the time and conduct of the sale, the payment of the purchase
17 price and the distribution of proceeds, making the return and
18 confirmation of sale and the delivery of deed shall be governed
19 by the act of July 7, 1947 (P.L.1368, No.542), known as the
20 "Real Estate Tax Sale Law," or the Municipal Claim and Tax Lien
21 Law as utilized by the city in accordance with section 2542.1,
22 and by any applicable rules of court governing procedures for
23 tax sales.

24 Section 189. Article XXVI heading of the act is reenacted to
25 read:

26 ARTICLE XXVI

27 LICENSES AND LICENSE FEES

28 Section 190. Article XXVI subdivision (a) heading of the act
29 is repealed:

30 [(a) General Powers to License]

1 Section 191. Section 2601 of the act, amended October 4,
2 1978 (P.L.950, No.188), is amended to read:

3 Section 2601. [License Taxes for Revenue Purposes.--Council
4 may, by ordinance, levy and collect a license tax for general
5 revenue purposes, not exceeding one hundred dollars each,
6 annually, on all photographers, auctioneers, contractors,
7 druggists, hawkers, peddlers, produce or merchandise vendors,
8 bankers, brokers, other than real estate brokers, undertakers,
9 pawnbrokers, trading stamp or premium companies or dealers,
10 warehouses or storage houses or places, parking lot operators,
11 merchants of all kinds, persons selling or leasing goods upon
12 installments, grocers, confectioners, butchers, wholesale meat
13 dealers, restaurants, billiard parlors, bowling alleys, billiard
14 tables, pool tables, and other gaming tables and devices; all
15 motor buses and motor omnibuses, trackless trolley omnibuses and
16 street railway cars transporting passengers for pay or hire
17 within the limits of the city, or from such city only to points
18 within a radius of ten miles of the city's boundaries; all
19 skating rinks, operas, theatres, shows, circuses, menageries,
20 and all kinds of public exhibitions for pay, except those for
21 religious, educational or charitable purposes; all lumber
22 dealers, persons who work on commission and all persons who make
23 a business of buying lumber for sale at wholesale or retail; all
24 furniture dealers, saddle or harness dealers, stationers,
25 jewelers, livery or automobile or boarding-stable keepers; all
26 market-house companies and owners of market-houses, garage
27 companies, and owners of other than private garages, express
28 companies or agencies; and all persons operating vehicles upon
29 the streets of the city as carriers for hire or compensation,
30 which persons regularly pick up or deliver or otherwise

1 transport wholly within or to or from the city property at an
2 annual rate not in excess of ten dollars per vehicle so used,
3 but not to exceed one hundred dollars per annum from any person
4 so operating: Provided, however, That in lieu thereof, the city
5 may levy an annual license tax not in excess of one hundred
6 dollars upon any such person having a place of business located
7 within the city; and, where no other license tax is imposed, on
8 telegraph, telephone, steam-heating, gas, natural gas, water,
9 electric light or power companies, or agencies or individuals
10 furnishing communication, light, heat or power, by any of the
11 means enumerated, and to regulate the collection of the same. If
12 any person, firm or corporation conducts a business at more than
13 one location in a city, the business conducted at each location
14 shall be considered and assessed as a separate and independent
15 business, and shall be subject to a license tax: Provided, That
16 the word "business," as used in this sentence, shall not be
17 construed to mean or include any place of business at which the
18 principal business conducted is that of selling, storing or
19 distributing products manufactured by the firm, person or
20 corporation operating the business. The taxes assessed under
21 this section shall be in addition to all other taxes levied and
22 collected by the city, county, or Commonwealth.] Licensing and
23 Regulatory Powers.--In addition to all other powers granted by
24 this act and other laws, each city shall have the specific
25 licensing and regulatory authority provided by this article.

26 Section 192. The act is amended by adding a section to read:

27 Section 2601.1. Registration of Businesses or Occupations.--

28 (a) Council may, by ordinance, designate the types or kinds of
29 businesses or occupations located or carried out within the city
30 that are subject to annual registration with the city.

1 (b) Unless otherwise provided in this article, an ordinance
2 requiring registration in accordance with this section may
3 provide for an annual fee on businesses and occupations in an
4 amount reasonably related to the administration of the
5 registration program, not to exceed one hundred dollars.

6 Section 193. Sections 2602 and 2603 of the act are amended
7 to read:

8 Section 2602. Regulation of Motor Vehicles.--[Each city may
9 regulate the transportation by motor vehicles not operated on
10 tracks of passengers or property, for pay, within the limits of
11 the city, or from points in the city to points beyond the limits
12 of the city. In such regulation, the city may impose reasonable
13 license fees, make regulations for the operation of vehicles,
14 and may designate certain streets upon which such vehicles may
15 only be operated.] (a) Subject to subsection (b), a city may
16 regulate transportation by motor vehicle.

17 (b) A city shall have no authority to, and shall not,
18 regulate transportation by motor vehicle in a manner that is
19 preempted by or is inconsistent with applicable Federal and
20 State laws and regulations, policies or orders of Federal and
21 State regulatory agencies.

22 (c) The following words and phrases when used in this
23 section shall have the meanings given to them in this subsection
24 unless the context clearly indicates otherwise:

25 "Regulate." Licensing and making regulations for
26 transportation by motor vehicle, including the designation of
27 streets for transportation by motor vehicle.

28 "Transportation by motor vehicle." The transportation, for
29 pay, of passengers and property, within the limits of the city
30 or from points in the city to points beyond the limits of the

1 city, by a motor vehicle which is not operated on tracks.

2 Section 2603. Licensing of Plumbers.--Council may license
3 and provide for the collection of a license fee from all
4 persons, [copartnerships] partnerships, associations, or
5 corporations engaged or engaging in the business or work of
6 plumbing or house drainage, who shall have been certified as
7 being qualified to engage in such business, in such manner as
8 may be provided by ordinance or the laws of the Commonwealth.

9 Section 194. The act is amended by adding sections to read:

10 Section 2604. Power to Regulate and License Transient
11 Merchants.--(a) With regard to transient merchants, a city
12 shall have power, by ordinance, to regulate and license the
13 transient merchant, including, but not limited to, requiring
14 that a license be procured prior to commencement of transient
15 merchant activity.

16 (b) An ordinance adopted pursuant to subsection (a) may
17 impose a penalty not exceeding five hundred dollars for a
18 violation of its provisions and may provide for other means of
19 enforcement.

20 (c) The amount of a transient merchant license shall not
21 exceed two hundred fifty dollars for each month, or fractional
22 part thereof, during which any sale or solicitation is
23 continued.

24 (d) (1) The term "transient merchant" as used in this
25 section shall include all of the following:

26 (i) Transient wholesale and transient retail businesses for
27 the sale of goods, wares or merchandise within the city.

28 (ii) Transient charitable solicitors for the solicitation of
29 charitable contributions within the city.

30 (2) The term shall not include any of the following:

1 (i) Farmers selling their own produce.

2 (ii) Persons selling donated goods, wares and merchandise if
3 the proceeds of the sale are to be applied to any charitable or
4 philanthropic purpose.

5 (iii) A person selling bakery products, meat and meat
6 products or milk and milk products, if that person is the
7 manufacturer or producer of the products sold.

8 Section 2605. Regulation of Special Events.--(a) In
9 addition to other licensing and regulatory powers authorized in
10 this article, council shall have the authority, by ordinance, to
11 require a permit for and to reasonably regulate the conduct of a
12 special event, which may include, but is not limited to, a music
13 festival, concert, dance, circus, carnival, arts and craft show,
14 parade, public assembly, demonstration, performance, exhibition,
15 community event or block party.

16 (b) Regulation of a special event pursuant to this section
17 shall be for the purpose of protecting and preserving city and
18 public property or for the purpose of promoting or protecting
19 the public health, safety or welfare.

20 (c) Pursuant to this section a city may reasonably regulate
21 and require a permit for any of the following:

22 (1) A special event that will result in the obstruction of a
23 city street or sidewalk or that would compromise the ability of
24 the city to respond to a public safety emergency.

25 (2) A special event on any property wholly or partially
26 owned or maintained by the city.

27 (3) A special event on private property, if, in connection
28 with the event, the city will be providing city services,
29 including those relating to public safety, fire and sanitary
30 facilities, to a degree over and above that which the city

1 routinely provides.

2 Section 195. Article XXVI subdivision (b) heading, sections
3 2610, 2611 and 2612, subdivision (c) heading, sections 2620,
4 2621 and 2622, subdivision (d) heading, sections 2630, 2631,
5 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639 and 2640 and
6 subdivision (e) heading of the act are repealed:

7 [(b) Restrictions

8 Section 2610. Farmers.--No city shall levy or collect any
9 license fee from any farmer upon his sales of his own produce in
10 or about the streets of the city, but this provision shall not
11 be deemed to restrict in any other way a city's power to
12 regulate the conduct of such business.

13 Section 2611. Insurance Business.--No city shall levy or
14 collect any license fee upon insurance companies or their
15 agents, or insurance brokers, authorized to transact business
16 under the laws of the Commonwealth.

17 Section 2612. Persons Taking Orders by Samples.--No city
18 shall levy or collect any license fee or mercantile tax upon
19 persons taking orders for merchandise by sample, from dealers or
20 merchants for individuals or companies who pay a license or
21 mercantile tax at their chief places of business. Nothing in
22 this section shall authorize any person to sell by retail to
23 others than dealers or merchants.

24 (c) Transient Retail Merchants

25 Section 2620. Power to Regulate and License.--Every city
26 shall have power, by ordinance, to regulate and license each and
27 every transient wholesale and retail business within such city
28 for the sale of goods, wares, or merchandise, and to prohibit
29 the commencement or doing of any such business until or unless
30 the license required by such ordinance has been procured from

1 the proper authorities by the person, firm or corporation
2 desiring to commence such transient wholesale and retail
3 business, and to enforce such ordinances by penalties not
4 exceeding three hundred dollars and by other appropriate means.
5 The amount of such license shall not exceed two hundred dollars
6 for each month, or fractional part thereof, during which any
7 such sale is continued.

8 Section 2621. Exceptions.--Nothing contained in this
9 subdivision (c) shall be construed to apply (1) to farmers
10 selling their own produce, (2) to the sale of goods, wares, and
11 merchandise, donated by the owners thereof, the proceeds whereof
12 are to be applied to any charitable or philanthropic purpose, or
13 (3) to any manufacturer or producer in the sale of bread and
14 bakery products, meat and meat products, or milk and milk
15 products.

16 Section 2622. Commonwealth License Saved.--Nothing contained
17 in this subdivision (c) shall be construed to relieve any
18 person, partnership, or corporation from the duty of taking out
19 a license, or from the payment of any license tax imposed or
20 authorized by any other statute of this Commonwealth.

21 (d) Public Dances and Dance Halls

22 Section 2630. Definitions.--The term "public dance" or
23 "public ball," as used in this subdivision (d), shall be taken
24 to include any dance or ball conducted in connection with
25 instruction in dancing for hire, and any dance or ball to which
26 admission may be had by the payment of a fee or by the purchase,
27 possession, or presentation of a ticket or token, or in
28 connection with which a charge is made for caring for clothing
29 or other property, and any dance or ball to which the public
30 generally may gain admission with or without the payment of a

1 fee.

2 The term "dance hall" or "ball room," as used in this
3 subdivision, shall be taken to include any room, place, or space
4 in which a public dance or public ball, as herein defined, shall
5 be held, and any room, hall, or academy in which classes in
6 dancing are held and instruction in dancing is given for hire.

7 Section 2631. Permits for Dances; Fees.--No person, persons,
8 society, club, or corporation shall hold a public dance or
9 public ball, within the limits of any city, without having first
10 obtained a permit therefor from the mayor thereof, except for
11 dances held and conducted by regularly established instructors
12 in dancing in connection with such instruction.

13 The fee for such permit, which shall be paid at the time of
14 the issuing thereof, shall be one dollar for each public dance
15 or ball.

16 Section 2632. Dance Halls, Ball Rooms, and Academies to be
17 Licensed; Fees.--It shall be unlawful to hold or conduct any
18 public dance or public ball, or to hold or conduct classes in
19 dancing, or to give instructions in dancing for hire, in any
20 hall, ball room, or academy, within the limits of any city,
21 unless the dance hall or ball room or academy, in which the same
22 may be held, shall have been duly licensed for such purpose.

23 Application for such license shall be made by the proprietor
24 of such dance hall or ball room or academy to the mayor, who is
25 hereby authorized to issue the same.

26 The fee payable for each such license granted hereunder shall
27 be as follows:

28 In the case of dance halls maintained and conducted in
29 connection with regularly established instruction in dancing,
30 and exclusively used in such connection, the annual license fee

1 shall be ten dollars.

2 In the case of all other dance halls and ball rooms, the
3 annual license fee shall be fifteen dollars.

4 Each license granted hereunder shall expire on the first day
5 of June of each year.

6 The fee payable for each license granted hereunder shall be
7 for the whole or any portion of a calendar year, and all moneys
8 received by way of license fees hereunder shall be paid into the
9 general fund of the city.

10 Every licensed public dance hall or ball room or academy
11 shall post its license in a conspicuous place within the hall
12 where the dance is held.

13 Section 2633. Mayor to Investigate Applications.--It shall
14 be the duty of the mayor to cause an investigation of all
15 applications for public dance hall or ball room licenses to
16 determine whether or not the dance hall, ball room, or academy,
17 sought to be licensed, complies with the rules, regulations,
18 ordinances, and laws applicable thereto, and, in making such
19 investigation he shall, when desired, have the assistance of any
20 department of the government of the city.

21 Section 2634. Safe and Proper Places only to be Licensed.--
22 No license for a public dance hall or ball room or academy shall
23 be issued until it shall be ascertained that the place for which
24 it is issued complies with and conforms to all laws, ordinances,
25 health and fire regulations, applicable thereto, and is a safe
26 and proper place for the purpose for which it shall be used,
27 properly ventilated, and supplied with sufficient toilet
28 conveniences.

29 Section 2635. Revocation of Licenses.--The license of any
30 public dance hall or ball room or academy may be forfeited or

1 revoked by the mayor for disorderly or immoral conduct on the
2 premises, or upon proof that the dance hall, ball room, or
3 academy was frequented by disorderly or immoral persons, or for
4 the violation of any of the rules, regulations, ordinances, and
5 laws governing or applying to public dance halls, ball rooms, or
6 academies, or public dances. If at any time the license of a
7 public dance hall, ball room, or academy shall be forfeited or
8 revoked, at least three months shall elapse before another
9 license or permit shall be granted for dancing on the same
10 premises.

11 Section 2636. Licensed Places to be Kept Clean.--All public
12 dance halls or ball rooms or academies shall be kept at all
13 times in a clean, healthful, and sanitary condition, and all
14 stairways and other passages and all rooms connected with public
15 dance hall, ball room, or academy shall be kept open and well
16 lighted.

17 Section 2637. Inspection of Licensed Places; Power of Police
18 to Vacate.--All public dance halls, ball rooms, and academies
19 shall be subject to inspection by the police department of the
20 city at all reasonable times and whenever they are open for
21 dancing, instruction in dancing, or for any other purpose.

22 Any police officer shall have the power to cause the place,
23 hall, or room where any public dance or ball is given to be
24 vacated whenever any provision of any law or ordinance with
25 regard to public dances and public balls is being violated, or
26 whenever any indecent act shall be committed, or when any
27 disorder of a gross, violent or vulgar character shall take
28 place therein.

29 Section 2638. Persons Under Sixteen to be Excluded after
30 Nine O'clock Post Meridian.--It shall be unlawful, after nine

1 o'clock post meridian, to permit any person to attend or take
2 part in any public dance who has not reached the age of sixteen
3 years.

4 Section 2639. Halls to be Closed at One O'clock Ante
5 Meridian.--All public dances shall be discontinued, and all
6 public dance halls shall be closed, on or before the hour of one
7 o'clock ante meridian: Provided, however, That upon the
8 application of a bona fide organization or society, and upon an
9 investigation by the proper authority, the mayor may grant such
10 organization or society a permit to continue a dance until two
11 o'clock ante meridian.

12 Section 2640. Penalties.--Any person, persons, society,
13 club, or corporation who shall violate any of the provisions of
14 this subdivision (d), shall be subject to a penalty of twenty-
15 five dollars, to be recovered with costs in a summary
16 proceeding.

17 (e) Parking Lots for Profit]

18 Section 196. Section 2650 of the act, amended October 5,
19 1979 (P.L.195, No.64), is amended to read:

20 Section 2650. Regulation[; Revenue; Bonding] of Parking Lot
21 and Parking Garage Operators.--(a) For the purposes of
22 protecting the public [and of raising revenue], each city may
23 enact suitable ordinances regulating the business of operating
24 [for profit] for-profit parking lots and for-profit parking
25 garages within the city [and may require such lots to reserve
26 areas exclusively for parking by handicapped individuals.
27 License or permit fees may be charged and collected from the
28 operators of such parking lots]. Ordinances shall be consistent
29 with 75 Pa.C.S. (relating to vehicles). Each city may require
30 for-profit parking lots and for-profit parking garages to

1 reserve areas exclusively for parking by handicapped
2 individuals. Nothing in this section shall be construed to limit
3 the protections and prohibitions contained in section 202 of the
4 Americans with Disabilities Act of 1990 (Public Law 101-336, 104
5 Stat. 327), the act of October 27, 1955 (P.L.744, No.222), known
6 as the "Pennsylvania Human Relations Act," and the Federal and
7 State rules and regulations adopted in implementation of those
8 acts. License and permit requirements may be imposed on for-
9 profit parking lots and for-profit parking garages and license
10 or permit fees may be charged and collected from the operators
11 thereof.

12 (b) Any city adopting [such] a regulatory plan [shall
13 require from each operator a bond to be approved by council for
14 the protection of the public from loss of or damage to the
15 vehicles parked, stored or placed under the jurisdiction of such
16 parking lot operator.] applicable to for-profit parking lots and
17 for-profit parking garages shall have the authority to require
18 that each operator maintain insurance, from an insurer legally
19 authorized to conduct business in this Commonwealth, in amounts
20 not less than that which is prescribed by council for the
21 protection of the public from loss of or damage to the vehicles
22 parked, stored or placed under the jurisdiction of the operator
23 and against liability arising out of the ownership or use of the
24 parking lot or parking garage.

25 Section 197. The act is amended by adding sections to read:

26 Section 2651. Farmers.--No city shall levy or collect any
27 license fee from any farmer upon sales of the farmer's own
28 produce in or about the streets of the city. This section shall
29 not restrict in any other way a city's power to regulate the
30 conduct of a farmer's business.

1 Section 2652. Insurance Business.--No city shall levy or
2 collect any license fee upon insurance companies or their
3 agents, or insurance brokers, authorized to transact business
4 under the laws of this Commonwealth.

5 Section 2653. Persons Taking Orders By Samples.--No city
6 shall levy or collect any license fee or mercantile tax upon
7 persons taking orders for merchandise by sample, from dealers or
8 merchants for individuals or companies who pay a license or
9 mercantile tax at their chief places of business. Nothing in
10 this section shall authorize a person to sell by retail to
11 persons other than dealers or merchants without payment of a
12 license or permit fee.

13 Section 2654. Commonwealth License Saved.--Nothing contained
14 in this article shall be construed to relieve any person,
15 partnership or corporation from the duty of taking out a license
16 or from the payment of any license tax or fee imposed or
17 authorized by any other statute, nor shall any Commonwealth
18 license tax or fee preempt the registration, license or
19 regulatory powers of a city in accordance with this article,
20 unless the preemption is expressly authorized.

21 Section 198. Article XXVII heading of the act is amended to
22 read:

23 ARTICLE XXVII

24 [INDEBTEDNESS] REAL ESTATE REGISTRY

25 Section 199. Sections 2701 and 2703 of the act are repealed:

26 [Section 2701. No Unauthorized Debt to be Created.--No city
27 and no municipal department thereof shall create any debt,
28 except in pursuance of previous authority of law or ordinance.

29 Section 2703. Liability in Bond Transfers.--All certificates
30 of loans, issued by a city, shall be transferable by the legal

1 owners thereof without any liability on the part of the transfer
2 agents of the city to recognize or see to the execution of any
3 trust, whether expressed or implied, or constructive, to which
4 such loans may be subject, unless such transfer agents of the
5 city shall have previously received notice, in writing, signed
6 by or on behalf of the person for whom such loans appear by the
7 certificate thereof to be held in trust, that the proposed
8 transfer would be a violation of such trust.]

9 Section 200. The act is amended by adding a section to read:

10 Section 2704. Real Estate Registry.--(a) For the purpose of
11 procuring accurate information in reference to the ownership of
12 all real estate, the council of each city may provide, by
13 ordinance, for a real estate registry in accordance with the act
14 of October 9, 2008 (P.L.1400, No.110), known as the "Uniform
15 Municipal Deed Registration Act." If required by the ordinance,
16 every owner, subsequent purchaser, devisee or person acquiring
17 title by partition or otherwise to any real estate in the city
18 shall furnish, at the designated city office, descriptions of
19 their respective properties upon blanks to be furnished by the
20 city and, at the same time, present their conveyance to be
21 stamped by the designated city official or employee, without
22 charge, as evidence of its registration. A person who fails to
23 register real estate as required by this article shall be liable
24 for a penalty established by ordinance to be recovered, with
25 costs of suit, in the name and for the use of the city, as
26 penalties for the violation of city ordinances are recoverable.

27 (b) A registry established in accordance with this article
28 shall be in the form provided by council and may include books,
29 maps and plans. The registry shall show the location and
30 dimensions of each property in the city, as well as the street

number of and the name of the owner or owners of the properties,
and shall allow for the inclusion of the names of future owners
and dates of future transfer of title.

(c) A city official or employee charged with acquiring
information necessary to establish and maintain the registry
shall have free access, without charge, to any of the public
records wherein the information may be obtained. The official or
employee may also cause search to be made in any other place for
any documentary or other evidence of title, not reported to him
or her THE CITY OFFICIAL OR EMPLOYEE pursuant to this article, if
it is necessary for the completion of the registry.

(d) The registry shall be preserved in the manner council
shall designate, in accordance with 53 Pa.C.S. Ch. 13 Subch. F
(relating to records).

(e) The official or employee charged with the duty of
maintaining the registry may SHALL provide certified copies of
any of the entries thereto, and the copies shall be received in
evidence in the same manner as the original registry would be
admissible. Certified copies also may SHALL be furnished to any
person for a reasonable fee.

(f) The sheriff of the county in which the city is situated
shall present for registry the deeds of all properties within
the city limits sold by the sheriff at judicial sales, whether
by execution, in partition or otherwise.

(g) Each city's registry may be used as the lawful and
proper source of property owners' or reputed owners' names for
all lawful purposes including the filing of municipal claims.

(h) Nothing in this section shall invalidate any municipal
or tax claim by reason of the fact that the same is not assessed
or levied against the registered owner.

1 Section 201. The act is amended by adding an article to
2 read:

3 ARTICLE XXVII-A

4 NUISANCE ABATEMENT

5 Section 2701-A. Definitions.--The following words and
6 phrases, as used in this article, shall have, unless the context
7 clearly indicates otherwise, the meanings given to them in this
8 section:

9 "Abatement." The removal, stoppage or destruction by any
10 reasonable means of that which causes or constitutes a public
11 nuisance.

12 "Department." The department designated by the city council
13 to determine the existence of and to abate a public nuisance in
14 accordance with this article.

15 "Owner." With regard to the property on which the alleged
16 public nuisance exists, the owner of record based upon the
17 city's real estate registry, if the city maintains a registry,
18 or if the city does not maintain a real estate registry, on the
19 tax assessment records of the city, if any, or of the county in
20 which the city is located. The term may include any person in
21 whom is vested all or any part of the legal or equitable title
22 to the property or who has charge, care or control of the
23 property as agent, executor, administrator, assignee, receiver,
24 trustee, guardian, lessee or mortgagee in possession.

25 "Property." Any personal property or any real property and
26 any improvements thereto.

27 "Public nuisance."

28 (1) Any conduct or any property, or condition or use of
29 property, defined or declared to be a public nuisance under any
30 provision of this act or other law.

1 (2) Conduct or property, or the condition or use of property
2 if the department determines that it endangers the health or
3 safety of, or causes any hurt, harm, inconvenience, discomfort,
4 damage or injury to, any person or property in the city, by
5 reason of the conduct or property, or the condition or use of
6 the property, being any of the following:

7 (i) A menace, threat or hazard to the general health and
8 safety of the community.

9 (ii) A fire hazard.

10 (iii) A building or structure that is unsafe for occupancy
11 or use.

12 (iv) Property that is so inadequately or insufficiently
13 maintained that it diminishes or depreciates the enjoyment and
14 use of other property in its immediate vicinity to such an
15 extent that it is harmful to the community in which the property
16 is situated.

17 (3) Unauthorized accumulations of garbage and rubbish and
18 the unauthorized storage of abandoned or junked automobiles or
19 other vehicles on private or public property, and the carrying
20 on of any offensive manufacture or business.

21 "Summary abatement." Abatement of a public nuisance by the
22 city without prior notice to the owner of the property in
23 accordance with this article.

24 Section 2702-A. Report and Investigation of a Public
25 Nuisance.--(a) Council shall designate the department to which
26 reports of the existence of a possible public nuisance shall be
27 made.

28 (b) The designated department shall establish criteria for
29 investigating reports made to it to determine the existence of a
30 public nuisance. The reports may be submitted by any member of

1 the public, any city employee or elected or appointed city
2 official or result from inspections made by the department.

3 (c) If the department, either as a result of a report made
4 to it or an investigation made by it, reasonably believes the
5 reported property involves a building which appears to be
6 structurally unsafe, it shall notify the city's building
7 inspector or other appropriate official who shall cause the
8 property to be inspected, subject to constitutional standards in
9 a similar manner as provided in section 2308, and submit a
10 written report to the department.

11 (d) Upon completing its investigation and receiving any
12 written reports required by subsection (c), the department shall
13 determine all of the following:

14 (1) If a public nuisance exists.

15 (2) If the public nuisance is of such a severe and
16 substantial nature that it presents a clear, immediate and
17 substantial danger to public health or safety or to the health
18 or safety of any occupant of a property on which a public
19 nuisance exists or of any property in the vicinity of the public
20 nuisance, that it is sufficient to justify extraordinary and
21 immediate action without prior notice to the owner of the
22 property to avoid personal injury, death or substantial loss of
23 property.

24 (e) Following an investigation, the department shall retain
25 a copy of its findings including any reports made to it and any
26 photographs of the property or condition investigated, pursuant
27 to 53 Pa.C.S. Ch. 13 Subch. F (relating to records).

28 Section 2703-A. Summary Abatement.--(a) A city shall have
29 the power to utilize summary abatement in accordance with this
30 section.

1 (b) In the case of a reported public nuisance, the
2 department shall have authority to utilize summary abatement if
3 all of the following occur:

4 (1) The department determines the existence of the criteria
5 in section 2702-A(d)(1) and (2).

6 (2) The mayor, or the mayor's designee, provides express
7 authorization to utilize summary abatement.

8 (c) If summary abatement is implemented pursuant to
9 subsection (b), the department shall have the authority to enter
10 upon the property for the purpose of abatement without prior
11 notice to the owner of the property or to the holders of liens
12 thereon.

13 (d) The following shall apply:

14 (1) Within ten days following a summary abatement, the
15 department shall post on the property upon which the abatement
16 has occurred a notice describing the action taken to abate the
17 nuisance.

18 (2) Within twenty days following a summary abatement, the
19 department shall determine the identity of the owner of the
20 property by reference to the city's real estate registry, if the
21 city maintains a registry, or in the absence of a registry, by
22 reference to county assessment records and the identity of the
23 holders of all liens upon the property which are properly
24 indexed among the records of the county and provide to the owner
25 and to all lienholders written notice, by first class mail or
26 hand delivery, of the action taken to abate the nuisance.

27 (3) Within thirty days following a summary abatement, the
28 department shall file with the city treasurer or other financial
29 officer of the city designated by council a statement of costs
30 of the abatement, which shall include the administrative fee and

civil penalty provided by this article. After filing with the
city treasurer, notice of the statement of costs shall be
provided to the owner and lienholders in accordance with section
2704-A(b).

Section 2704-A. Prior Notice of Abatement.--(a) The
department shall have the authority to abate a public nuisance
with prior notice as provided by this section if, after
inspecting the property or condition reported to be a public
nuisance, subject to constitutional standards in a similar
manner as provided in section 2308, the department determines,
as provided for in section 2702-A(d)(1), that the public
nuisance exists.

(b) (1) If the department proceeds with abatement pursuant
to this section, it shall identify the owner of the property by
reference to the city's real estate registry, if the city
maintains a registry, or in the absence of a registry, by
reference to county assessment records, and shall immediately
serve a written notice on the owner by any of the following
methods:

(i) Personal service.

(ii) Leaving a copy of the notice at the usual place of
residence or business of the owner or the address of the owner
shown in the city's real estate registry or in the records in
the office of the recorder of deeds.

(iii) Mailing a copy by United States certified mail, return
receipt requested, to the owner at the owner's current address
shown in the city's real estate registry or in the records in
the office of the recorder of deeds.

(2) If service of the written notice is unable to be
perfected by any of the methods under clause (1), the department

1 shall publish a copy of the notice in a newspaper OF GENERAL
2 CIRCULATION once a week for two consecutive weeks and shall
3 provide a copy of the notice to the individual in possession of
4 the property on which the department has determined that the
5 public nuisance exists, or if there is no individual in
6 possession of the property, the department shall post a copy of
7 the notice at the structure, location or premises.

8 (3) The department shall determine from the records in the
9 offices of the recorder of deeds the identities of all
10 lienholders of the property and serve a written notice on all
11 lienholders by United States certified mail, return receipt
12 requested.

13 (c) The notice to the owner and lienholders shall state
14 clearly and concisely the findings and determination of the
15 department with respect to the existence of a public nuisance.
16 The notice shall further state that the public nuisance shall be
17 abated by the city at the expense of the owner unless it is
18 otherwise abated within thirty days of the notice or within any
19 extension of that period granted by the department.

20 (d) A person who is the owner of the premises, location or
21 structure at the time a notice to abate a public nuisance is
22 issued and served upon the person shall be responsible for
23 complying with the notice and shall be liable for any costs
24 incurred by the city in connection with the notice,
25 notwithstanding if the person conveyed ~~his or her~~ THE PERSON'S
26 interest in the property to another after the notice was issued
27 and served.

28 (e) It shall not be a defense to the determination that a
29 public nuisance exists that the property is boarded up or
30 otherwise enclosed.

1 Section 2705-A. Abatement by Owner.--(a) Within thirty days
2 after written notice has been provided pursuant to section 2704-
3 A(b) (1) or (2), the owner shall remove and abate the nuisance.

4 (b) The department, upon written application by the owner
5 within the thirty-day period referred to in subsection (a), may
6 grant additional time for the owner to effect the abatement of
7 the public nuisance, if the extension is limited to a specific
8 time period.

9 Section 2706-A. Appeal After Notice; Hearing.--(a) A city
10 shall, by ordinance, provide a procedure pursuant to which an
11 owner of the property who has been served with a notice pursuant
12 to section 2704-A(b) (1) or (2) may request and have a timely
13 hearing on the question of whether a public nuisance in fact
14 exists.

15 (b) Council, or a committee of three council members
16 appointed by council, shall constitute the public nuisance
17 appeals board which, if an appeal is taken, shall conduct the
18 hearing on the question of whether a public nuisance in fact
19 exists. The appeals board may uphold, amend or modify the
20 determination of the department or extend the time for
21 compliance with the department's order if the extension is
22 limited to a specific time period.

23 (c) An appeal under this section shall toll the running of
24 the period of time within which the nuisance is to be abated
25 until a decision is rendered by the appeals board.

26 Section 2707-A. Abatement by City After Notice; Statement of
27 Costs.--If a public nuisance has not been abated at the
28 expiration of thirty days after notice has been provided or
29 within the additional time as the department or appeals board
30 may grant, taking into consideration the provisions of section

1 2706-A(c), the department shall have the authority to enter upon
2 the property for the purpose of abatement. Upon abatement in
3 accordance with this section, the department shall file with the
4 city treasurer or other financial officer of the city designated
5 by council a statement of costs of the abatement which shall
6 include the administrative fee and civil penalty provided by
7 this article.

8 Section 2708-A. Assistance in Abatement.--In abating a
9 public nuisance, the department may call upon any of the city
10 departments or divisions for whatever assistance shall be deemed
11 necessary or may abate the public nuisance by private contract.

12 Section 2709-A. Salvage of Material.--If deemed practicable
13 by the department, the department may salvage and sell at
14 private or public sale any material derived from an abatement of
15 a public nuisance. Pursuant to ordinance, all of the following
16 shall apply to the proceeds obtained from the sale of any
17 material salvaged as a result of an abatement:

18 (1) The proceeds shall be deposited as directed by
19 ordinance.

20 (2) The proceeds may be applied against the amount of the
21 costs, fees and penalties relating to the abatement.

22 (3) If the amount of the proceeds exceeds the amount of the
23 costs, fees and penalties, any excess shall be paid to the
24 owner.

25 Section 2710-A. Notice of Assessment; Appeal of Charges.--

26 (a) Upon receipt of the statement of costs from the department,
27 either for a summary abatement pursuant to section 2703-A or for
28 an abatement with notice pursuant to section 2704-A, the
29 treasurer or other financial officer of the city designated by
30 council shall, in accordance with section 2704-A(b), give notice

1 of the amount set forth in the statement of costs to the owner
2 and lienholders of the property upon which the public nuisance
3 has been abated. The notice shall state that the city proposes
4 to assess against the property the amount set forth in the
5 notice and that objections to the proposed assessment must be
6 made in writing and received by the designated officer within
7 twenty days from the date of mailing the notice.

8 (b) Upon the expiration of the twenty-day period, if no
9 written objections have been received by the officer, the total
10 amount of costs, fees and penalties specified in the statement
11 of costs may be entered as a lien against the property on which
12 the nuisance was abated and shall be collected in the manner
13 provided for the collection of municipal claims and liens,
14 subject to rights of appeal provided in this section.

15 (c) If objections of the owner or a lienholder are received
16 by the designated officer prior to the expiration of the twenty-
17 day period, the officer shall refer the matter to the department
18 for administrative review.

19 (d) The city shall, by ordinance, provide a procedure by
20 which the department shall make a determination regarding any
21 timely filed objection and by which an appeal of the
22 department's determination may be made to the appeals board
23 referred to in section 2706-A(b).

24 (e) The determination of the appeals board shall be a final
25 administrative decision within the city.

26 (f) The department, in administrative review, or the appeals
27 board, on appeal, may reduce or cancel a proposed assessment if
28 it is determined that any of the following did not conform to
29 the provisions of this article:

30 (1) The notice to remove the nuisance.

1 (2) The work performed in abating the nuisance.

2 (3) The computation of charges.

3 (g) The department, in administrative review, or the appeals
4 board, on appeal, may reduce a proposed assessment by
5 eliminating the civil penalty portion of the statement of costs
6 if any of the following applies:

7 (1) The current owner did not own the property at the time
8 the notice required in section 2703-A was posted.

9 (2) The owner did not receive the notice to remove the
10 nuisance, did not have knowledge of the nuisance and could not,
11 with the exercise of reasonable diligence, have had knowledge of
12 the nuisance.

13 Section 2711-A. Personal Liability of Owner.--

14 Notwithstanding the right of the city to utilize in rem
15 proceedings to pursue collection of the costs, fees and
16 penalties in the statement of costs as a municipal claim, the
17 person who is the owner of the property at the time of a summary
18 abatement at which the notice required is given or, in the case
19 of an abatement pursuant to section 2704-A, the person who was
20 the owner of the property at the time notice of the existence of
21 the public nuisance was given shall be personally liable for the
22 amount of the assessment, including all interest, other charges
23 and, except as provided in section 2710-A(g), civil penalties.

24 Section 2712-A. Administrative Fee and Civil Penalties.--

25 Whenever a public nuisance is abated by the city, the statement
26 of the costs of the public nuisance shall include the city's
27 actual cost of abatement, plus an administrative fee, not to
28 exceed ten per centum, and a civil penalty. For the first
29 abatement of a nuisance upon any owner's property within the
30 city in any two-year period, the civil penalty shall be two

hundred fifty dollars. For second and subsequent abatements,
upon any properties of any owner within the city during any two-
year period, the civil penalty shall be five hundred dollars.
The increased civil penalty shall be imposed and collected
regardless of whether the second and subsequent nuisances upon
property or properties of an owner involve the same property or
are of the same or different characters.

Section 202. Article XXVIII heading of the act is amended to
read:

ARTICLE XXVIII

[PROCEDURE FOR THE EXERCISE OF EMINENT DOMAIN AND THE
ASSESSMENT OF DAMAGES AND BENEFITS BY VIEWERS]

EMINENT DOMAIN

Section 203. Sections 2801 and 2802 of the act are amended
to read:

Section 2801. Exercise of Eminent Domain.--[In the] (a) In
addition to all other purposes for which a city may exercise the
power of eminent domain as authorized by this act or by other
laws of the Commonwealth, and subject to the duty to provide
just compensation, a city may acquire property by eminent
domain, including entering upon, appropriating, taking, using
and occupying private lands and property for any of the
following public purposes:

(1) The laying out, opening, widening, extending, vacating,
grading, or changing the grades or lines[,] of streets[, the].

(2) The construction of bridges, and the piers, abutments
and approaches therefor[, the].

(3) The construction of slopes, embankments and storm water
sewers, including storm water drains[, the].

(4) The erection and extension of [water-works] waterworks,

1 wharves and docks, public buildings, public works, filtration
2 plants, sewage systems, sewage treatment works, [garbage] waste
3 disposal plants, [lands and places for the disposal of ashes and
4 other refuse materials] including disposal of garbage, ashes and
5 other refuse materials and transfer facilities, gas plants,
6 electric power and light plants, [houses of detention,
7 workhouses, poor farms, poor houses,] fire [engine] houses,
8 hospitals, public auditoriums, memorial buildings, public
9 transportation facilities, comfort stations, homeless shelters,
10 waiting stations, communications facilities, drinking fountains,
11 [and] libraries[, the] and other public buildings and public
12 works.

13 (5) The establishing of recreation places[, and].

14 (6) The changing of watercourses[, the].

15 (7) The acquisition of lands, easements and property for use
16 of the Pennsylvania National Guard[, and for all other purposes
17 authorized by this act and the laws of the Commonwealth, a city
18 may enter upon, appropriate, take, use, occupy, injure, or
19 destroy, private lands, property, toll bridges, or material. All
20 such action by the city shall be provided for by ordinance. A
21 copy of each such ordinance shall be recorded within thirty days
22 after its enactment in the office of the recorder of deeds in
23 and for the county or counties wherein such property is situate,
24 and shall be indexed in the name of the property owner affected
25 thereby. A copy of the ordinance shall be sent by registered
26 mail to each such property owner at his last known address.] in
27 accordance with sections 4413-A and 4414-A.

28 (b) Eminent domain proceedings shall be subject to and
29 conform with the provisions of 26 Pa.C.S. (relating to eminent
30 domain).

1 Section 2802. Restrictions as to Certain Property.--In
2 addition to the restrictions made by other provisions of this
3 act in particular cases or by any other provision of law, no
4 city shall exercise the right of eminent domain as against land
5 now occupied by any building which was used during the Colonial
6 or Revolutionary period as a place of Assembly by the Council of
7 the Colony of Pennsylvania, the Supreme Executive Council of the
8 Commonwealth of Pennsylvania, or the Congress of the United
9 States; or as against the land occupied by any fort, redoubt, or
10 blockhouse[,] erected during the Colonial or Revolutionary
11 period[,] or any building used as headquarters by the Commander-
12 in-Chief of the Continental Army, or as against the site of any
13 building, fort, redoubt, blockhouse, or headquarters[,] which
14 are preserved for their historic associations and not for
15 private profit. The Colonial and Revolutionary period shall be
16 [taken as] deemed to have ended on the third day of September,
17 one thousand seven hundred and eighty-three.

18 Section 204. The act is amended by adding a section to read:

19 Section 2803. Title Acquired.--Except as otherwise provided
20 in law, if land or other real or personal property is acquired
21 by a city in eminent domain proceedings or is acquired by gift,
22 purchase or otherwise, the title obtained by the city shall be
23 in fee simple absolute or like absolute ownership unless the
24 parties agree otherwise in writing and the agreement expressly
25 appears in a recorded deed affecting any real property acquired
26 by the city or in the notice of condemnation.

27 Section 205. Sections 2809 and 2823 of the act are repealed:

28 [Section 2809. Value of Land or Property not to be Assessed
29 as Benefits; Exception.--In all cases of the appropriation of
30 land or property for public use, other than for streets, it

1 shall not be lawful to assess any portion of the damage done to
2 or value of the land or property so appropriated, against the
3 other property adjoining or in the vicinity of the land or
4 property so appropriated.

5 Section 2823. Assessment of Damages and Benefits.--The
6 damages may be paid, in whole or in part, by the city, or may be
7 assessed, in whole or in part, upon the land or property
8 benefited. In the latter case, the viewers having first
9 determined the damages apart from the benefits shall assess the
10 total cost of the improvement, or so much thereof as may be just
11 and reasonable, upon the lands or properties peculiarly
12 benefited, including in the assessment all parties for which
13 damages have been allowed, and shall report the same to the
14 court. The total assessments for benefits shall not exceed the
15 total damages awarded or agreed upon.]

16 Section 206. Section 2824 of the act is reenacted to read:

17 Section 2824. Assessment Awards.--In proceedings to assess
18 damages and benefits, if the land or property is both benefited
19 and damaged by such improvements, the excess of damages over
20 benefits, or the excess of benefits over damages, or nothing in
21 case the benefits and damages are equal, shall be awarded to or
22 assessed against the owner of land and property affected
23 thereby.

24 Section 207. Section 2850 of the act is repealed:

25 [Section 2850. Title Acquired.--In all cases where land or
26 property is acquired by the city in eminent domain proceedings
27 other than for street purposes, or is acquired by gift, purchase
28 or otherwise, the title obtained by the city shall be in fee
29 simple or like absolute ownership: Provided, That in particular
30 instances a different title may by agreement or consent be

1 acquired.]

2 Section 208. Article XXIX heading of the act is reenacted to
3 read:

4 ARTICLE XXIX

5 STREETS

6 Section 209. The heading of subdivision (a) of Article XXIX
7 of the act is repealed:

8 [(a) Plans and Location]

9 Section 210. The act is amended by adding sections to read:

10 Section 2901. Map of Streets.--Council may authorize and
11 approve a comprehensive map of city streets which may, but need
12 not, be a part of an official map adopted in accordance with the
13 Municipalities Planning Code. If a comprehensive map of city
14 streets is adopted, any street subsequently laid out in
15 accordance with this act shall be deemed an amendment to the
16 comprehensive map.

17 Section 2902. Laying Out Streets.--(a) A city shall have
18 the power to and may lay out streets by any of the following
19 means:

20 (1) By identifying the street on a comprehensive map of city
21 streets, in an amendment to the comprehensive map or in a
22 recorded subdivision or land development plan.

23 (2) By an ordinance laying out any area for future opening
24 as a public street.

25 (b) If, at the time of the enactment of an ordinance in
26 accordance with subsection (a) (2), the lines of the laid-out
27 street include property not subject to use as a public
28 passageway, the ordinance shall be filed with the recorder of
29 deeds of the county where the city is located. The recorder of
30 deeds shall index the ordinance by name of city, the name of the

property owner and, if applicable, the parcel number of the property through which the proposed street is laid out.

Section 2903. Effect of Laying Out of Street.--With regard to land not previously used by the city as a passageway for public travel, the laying out and locating of a street in accordance with this article shall not, in and of itself, do any of the following:

(1) Authorize the entry upon or the appropriation of any property.

(2) Constitute the opening of any street or the taking or acceptance of any land.

(3) Obligate the city to improve or maintain the street or land.

Section 2904. Improvements Within Laid-out Streets.--No permit shall be issued for any building within the lines of any street laid out pursuant to this article. No person shall recover any damages for the taking for public use of any building or improvements constructed within the lines of any street after the same shall have been included in the general plan or official map, and any building or improvement shall be removed at the expense of the owner.

Section 211. Article XXIX subdivision (b) heading of the act is repealed:

[(b) Opening, Widening, Extending, Straightening and Vacating]

Section 212. Section 2915 of the act is amended to read:

Section 2915. Power to Open, Etc.--[Cities] (a) With regard to any street or any part of a street within city limits, a city may, with or without any petition of property owners, [may] do any of the following:

(1) [open] Open, widen, straighten, alter, extend and

1 improve[, and may].

2 (2) [establish] Establish or reestablish the grades [of,
3 and].

4 (3) [keep] Keep in order and repair and in safe passable
5 condition[, any street, or any part thereof, within the city
6 limits, or may].

7 (4) [vacate] Vacate and discontinue [the same] whenever
8 deemed expedient for the public good[,].

9 (5) With the approval of the Department of Transportation,
10 vacate highways laid out by the Commonwealth within the city
11 limits which have remained unopened for thirty years.

12 (b) [and] A city may provide for the payment of the cost
13 [thereof,] for any of the actions authorized in subsection (a),
14 either in whole or in part, from the general revenues of the
15 city. [Cities may vacate highways laid out by the Commonwealth
16 within their limits, which highways have remained unopened for
17 thirty years.]

18 Section 213. Section 2916 of the act, amended June 14, 1961
19 (P.L.362, No.197), is amended to read:

20 Section 2916. Ordinances [when no] When No Petition is
21 Presented.--[Any ordinance for] (a) An ordinance shall be
22 enacted for the opening, widening, straightening, extending or
23 vacating of any street, without petition of property owners,
24 [shall be adopted] by the affirmative vote of [at least four
25 members of any five member council, and under the mayor-council
26 plan A of government adopted pursuant to the Optional Third
27 Class City Charter Law, by the affirmative vote of at least five
28 members of a seven member council and by the affirmative vote of
29 at least seven members of a nine member council] a majority of
30 the whole number of members of the council plus one.

1 (b) [No such ordinance shall be finally adopted] An
2 ordinance pursuant to subsection (a) shall not be finally
3 enacted until the expiration of twenty-eight days from the date
4 of its introduction and, in the meantime, copies thereof shall
5 be published in [one or more of the newspapers of the city,] a
6 newspaper OF GENERAL CIRCULATION IN THE CITY once a week for
7 three consecutive weeks~~+,~~ immediately following the
8 introduction thereof[, and in case no newspaper is published in
9 the city, then in the same manner in one newspaper published in
10 the county].

11 Section 214. Sections 2917, 2918 and 2919 of the act are
12 amended to read:

13 Section 2917. Erection of Improvements Restricted.--Any
14 ordinance widening or straightening any street, or part thereof,
15 shall fix the new line or lines and may require that thereafter
16 no owner or builder shall erect any new building or rebuild or
17 alter the front of any building already erected without making
18 it conform to the new lines[. In], in which case the land
19 owner's right of action shall accrue only when the city actually
20 enters on and occupies the land within the [said lines, or the
21 said] lines or the building is located or relocated to conform
22 to [said] the lines.

23 Section 2918. Petition for Opening, Etc.--(a) A petition
24 may be presented to council for the opening, widening,
25 straightening, altering, extending, vacating, or [for the]
26 establishing or reestablishing of the grade of any street[,].

27 (b) A petition made pursuant to this section shall be signed
28 by a majority, in number and interest, of the owners of property
29 abutting on the line of the proposed improvement or vacation as
30 fixed at the time of presentation of the petition, and shall be

1 verified by the affidavit of one or more of the petitioners. The
2 majority in interest of owners of undivided interests in any
3 piece of property shall be deemed as one person for the purposes
4 of the petition.

5 Section 2919. Notice of [Ordinance and] Petition[;
6 Appeal].--[Upon the approval of] After the presentation of the
7 petition presented in accordance with section 2918, and
8 council's determination of the adequacy of the petition, but
9 before final enactment of any ordinance [passed] enacted
10 pursuant to [said] the petition, notice shall be [given, once a
11 week in one] published in a newspaper OF GENERAL CIRCULATION ←
12 ONCE A WEEK FOR THREE CONSECUTIVE WEEKS AS REQUIRED BY SECTION
13 109, [as required by section one hundred and nine of this act,]
14 and [by] handbills shall be posted in conspicuous places along
15 the line of the proposed improvement. The notice and handbills
16 shall state the fact [of the passage of the ordinance, and the
17 date thereof,] that the petition for the improvement was signed
18 by a majority in interest and number of the owners of property
19 abutting the line of the proposed improvement, and that any
20 person interested may [appeal to the court of common pleas of
21 the county within thirty days after the passage of the said
22 ordinance.] provide comments at a public hearing to be held at a
23 date, time and place as stated in the published notice and
24 handbills. If, after the hearing, council determines to proceed
25 with the consideration of an ordinance pursuant to the petition,
26 it shall publish notice of the ordinance and incorporate
27 reference to any maps or drawing, in accordance with subdivision
28 (a.1) of Article X.

29 Section 215. Sections 2920 and 2921 of the act are repealed:
30 [Section 2920. Appeal from Ordinance.--Any person interested

1 may, within thirty days from the passage of the ordinance,
2 appeal from the validity of the ordinance to the court of common
3 pleas questioning the legality of the petition for improvement
4 or of the said ordinance or of both. If said court shall find
5 the petition or ordinance materially defective under the law, it
6 shall declare the ordinance void, otherwise it shall approve the
7 same.]

8 Section 216. Section 2921 of the act, repealed in part June
9 3, 1971 (P.L.118, No.6), is repealed:

10 [Section 2921. Effect of Failure to Appeal.--The parties
11 interested shall not question the legality of the petition and
12 ordinance in any manner or matter or at any time whatever,
13 except as provided in section two thousand nine hundred and
14 twenty of this act.]

15 Section 217. Section 2922 of the act is amended to read:

16 Section 2922. Assessment of Damages and Benefits.--[In any
17 proceedings under this subdivision of this article,] If
18 necessary, in any proceedings to exercise one of the powers
19 given in section 2915, viewers shall be appointed, damages
20 awarded, and benefits assessed as provided in 26 Pa.C.S.
21 (relating to eminent domain) or as provided in this act for
22 [such proceedings] the assessment of benefits.

23 Section 218. Article XXIX subdivision (c) heading of the act
24 is repealed:

25 [(c) Grading, Paving, Macadamizing, Et Cetera]

26 Section 219. Sections 2930 and 2931 of the act are amended
27 to read:

28 Section 2930. Power to Grade, Pave, Macadamize, Et Cetera.--

29 (a) Every city may grade, pave, macadamize or otherwise[,]
30 improve any street, or part thereof, and the sidewalks thereof

when included as a part of the improvement, have the same set with curbstone, and provide for the drainage thereof.

(b) Every city may also provide for the improvement of any [highway, or] street, or any sections or parts thereof, in length, in the space between the curb, gutter, or [actual carriage-way line] cartway and the property line, either by an original work or improvement thereon, or by a change, repair, renewal, or alteration in the [said] street or curb, or in parking spaces, or shade trees, or by changing, altering, renewing, replanting, pruning, or otherwise [improving the same, in any or all of said particulars] making improvements therein.

Section 2931. Payment of Cost of Improvement.--The costs and expenses of [things] the improvements done under [section two thousand nine hundred and thirty of this act] section 2930 shall be paid, in whole or in part, by the city, or by the owners of real estate bounding and abutting thereon, which cost and expense upon the abutting real estate shall be assessed according to the foot-front rule, or according to the benefits, as council shall, by ordinance, determine, except that in case of grading only, the [said] costs and expense shall be assessed according to benefits.

Section 220. Sections 2932, 2933 and 2934 of the act are repealed:

[Section 2932. Assessment of Cost by Foot-Front Rule.--When the costs and expenses, or any part thereof, are to be paid for by the foot-front rule, the council shall assess or cause to be assessed the said cost and expenses upon the real estate bounding or abutting on the line of the improvement, by an equal assessment on said property in proportion to the number of feet the same fronts on the respective street, or part thereof, to be

1 improved. The council may provide for an equitable reduction
2 from the frontage of lots at all street, railroad, or like
3 intersections, or where, from the peculiar or pointed shape of
4 the lots, an assessment for the full frontage would be
5 inequitable.

6 Section 2933. Assessment of Costs According to Benefits.--
7 When the cost and expenses, or any part thereof, of any grading,
8 paving, macadamizing, or other improvement of any street, or
9 part thereof, is to be paid for by the owners of real estate
10 abutting or bounding thereon as aforesaid, according to
11 benefits, the same shall be assessed by viewers appointed by the
12 court of common pleas, as provided in this act for the
13 assessment of benefits by viewers.

14 Section 2934. Ordinance for Improvement at Expense of
15 Property Owners upon Petition.--Council may, by ordinance,
16 provide for the paving, macadamizing, grading, or other
17 improvement of any street, or part thereof, at the cost and
18 expense of the abutting property owners in whole or in part,
19 upon the petition therefor of a majority in number or interest
20 of the owners of property abutting or bounding on the line of
21 the proposed improvement, to be verified by the affidavit of one
22 or more of the petitioners. A majority in interest of owners of
23 undivided interests in any piece of property shall be deemed and
24 treated as one person for the purpose of said petition.]

25 Section 221. Section 2935 of the act, amended June 14, 1961
26 (P.L.362, No.197), is repealed:

27 [Section 2935. Ordinance for Improvement at Expense of
28 Property Owners without Petition.--Council may, by ordinance,
29 provide for the paving, macadamizing, grading or other
30 improvement of any street, or part thereof, at the cost and

1 expense of the abutting property owners, in whole or in part,
2 without petition therefor of abutting property owners if the
3 ordinance for such improvement has been passed by the
4 affirmative vote of four members of any five member council, and
5 under the mayor-council plan A of government adopted pursuant to
6 the Optional Third Class City Charter Law, by the affirmative
7 vote of at least five members of a seven member council and by
8 the affirmative vote of at least seven members of a nine member
9 council. Such ordinance shall not be passed in a less period
10 than twenty-eight days from the date of its introduction; and,
11 in the meantime, copies of such ordinance shall be published, in
12 one or more newspapers, once a week for three weeks, in the
13 manner required by section one hundred and nine of this act. The
14 requirements for such publication shall not, however, preclude
15 the amendment of any paving ordinance as to the kind of pavement
16 with which any street, or part thereof, or sidewalk, is proposed
17 to be paved.]

18 Section 222. Sections 2936 and 2937 of the act are repealed:

19 [Section 2936. Appeal from Ordinance.--Any person affected
20 may appeal from said ordinance in the manner and time and with
21 the effect provided for in sections two thousand nine hundred
22 twenty and twenty-one of this act.]

23 Section 2937. Assessment of Damages and Benefits.--In any
24 proceedings under this subdivision of this article where the
25 cost and expense of the improvement is not assessed by the foot-
26 front rule, viewers shall be appointed, damages awarded, and
27 benefits assessed as provided in this act, for such
28 proceedings.]

29 Section 223. Section 2938 of the act is amended to read:

30 Section 2938. Preparation of Streets for Paving or

1 Repairing.--(a) Council may provide, by ordinance, for the
2 laying, renewing, and repairing of all gas, water, steam, or
3 other pipes, or conduits[,] in any street, before the paving,
4 repaving, or repairing of the same, and for making the necessary
5 [house] connections with [said] the pipes[, and also for].

6 (b) With regard to main or lateral sewers, council may
7 provide for the necessary [house] connections and branches [with
8 and] leading into main or lateral sewers[: Provided, That in no
9 case, except as a sanitary measure, of which council shall be
10 the judge, shall council require such house connections to be
11 extended further from such sewers, or from such gas, water,
12 steam, or other pipes, or conduits, than to the inner line of
13 the curbstone of such street Council may,].

14 (c) With regard to connections requiring extensions from
15 sewers or from gas, water, steam or other pipes or conduits,
16 council may not require private utility companies to make
17 extensions beyond the inner line of the curbstone of the street
18 unless it determines that it is necessary to do so as a sanitary
19 measure.

20 (d) If, after notice to all companies, corporations,
21 persons, and owners affected[, and in default of compliance
22 therewith, cause said pipes to be laid, renewed, or repaired,
23 and said connection made,] of the necessity for the laying,
24 renewing and repairing of gas, water, steam or other pipes or
25 conduits in a street and the necessity of making necessary
26 connections, prior to the proposed paving, repaving or repairing
27 of the street, there is a failure to comply, council may perform
28 work and may collect the cost of paving[, and repairing all
29 pipes and pipe connections, from the companies, corporations, or
30 persons owning or operating the said gas, water, steam, and

1 other pipes or conduits,] or repaving, or repairing of the pipes
2 or conduits, with interest[; and the], from the companies,
3 corporations, persons and owners affected. The cost of the sewer
4 connections shall be a first lien against the land for whose
5 benefit [such] the connections are made. A separate lien may be
6 filed therefor, or [such] the sewer connection cost may be
7 included in any lien filed for the cost of [such] the street
8 improvement, and the lien and the proceedings thereon shall be
9 as in the case of other municipal liens.

10 Section 224. Section 2939 of the act, amended September 26,
11 1951 (P.L.1515, No.379), is amended to read:

12 Section 2939. Highways in Cities.--Wherever in this act a
13 city is given powers, rights and duties as to its streets or
14 sections thereof, the same shall extend as well to highways or
15 sections thereof which are also streets of the city, to the
16 extent that the city is legally responsible for them, pursuant
17 to agreement or otherwise, excepting damages to abutting
18 property owners for acts of the Commonwealth unless the city
19 shall assume them, under this act or the [State Highway Law.]
20 act of June 1, 1945 (P.L.1242, No.428), known as the "State
21 Highway Law." The use of the word "street" in this act shall to
22 that extent include highways.

23 Section 225. Article XXIX subdivision (d) heading of the act
24 is repealed:

25 [(d) Grade Crossings]

26 Section 226. Section 2950 of the act is amended to read:

27 Section 2950. [Consent of Public Utility Commission] Grade
28 Crossing; Pennsylvania Public Utility Commission; Jurisdiction;
29 Damages.--(a) Every city constructing a street across a
30 railroad shall construct the same above or below the grade

1 thereof, unless permitted by the Pennsylvania Public Utility
2 Commission to construct the same at grade.

3 (b) Any new construction of a street crossing a railroad, or
4 any vacation of any street crossing a railroad, shall be
5 constructed or vacated only in a manner consistent with the
6 rules and regulations and under the jurisdiction of the
7 Pennsylvania Public Utility Commission. The compensation for
8 damages to the owners of adjacent property taken, injured or
9 destroyed by the construction of a street crossing a railroad or
10 any vacation of any street crossing a railroad shall be
11 ascertained, fixed and paid in a manner consistent with 66
12 Pa.C.S. Pt. I (relating to public utility code).

13 Section 227. Section 2951 and Article XXIX subdivision (e)
14 heading of the act are repealed:

15 [Section 2951. Public Utility Commission; Jurisdiction;
16 Damages.--Any such crossings of a railroad by a street, or any
17 vacation of any street crossing a railroad, shall be constructed
18 or vacated only in the manner prescribed by, and under the
19 jurisdiction of, the Public Utility Commission. The compensation
20 for damages to the owners of adjacent property taken, injured or
21 destroyed shall be ascertained, fixed, and paid in the manner
22 prescribed in the Public Utility Law.

23 (e) Acquisition of Unobstructed View Across Lands]

24 Section 228. Section 2955 of the act is amended to read:

25 Section 2955. Acquisition of Unobstructed Views.--Any city
26 may acquire, by purchase or by the right of eminent domain, a
27 free and unobstructed view down and across lands located at or
28 near intersections or curves of streets, railroads or railways,
29 [or curves of any of them, as may be necessary,] to assure a
30 free and unobstructed view in all directions at [such places,]

1 the intersections or curves and to prevent the use of [such] the
2 lands over and across which the view was acquired for any
3 purpose or in any manner which may interfere with or obstruct
4 the vision of any person or persons traveling upon any [such]
5 street within the city. [Upon any such condemnation, the city
6 having instituted the condemnation proceedings shall file with
7 the recorder of deeds a plan, showing the property condemned and
8 such other detailed information as may be deemed necessary and,
9 after the same is filed, said city may, from time to time, abate
10 or remove, or cause to be abated or removed, any obstruction to
11 such view over and across such lands.

12 The proceedings for the condemnation of such view over and
13 across such lands, and for the assessment of damages for
14 property taken, injured or destroyed, shall be in the manner
15 provided in this act for property taken, injured or destroyed.

16 Upon the condemnation of a view over and across any lands for
17 the purposes aforesaid, the owner of such lands may make every
18 such use thereof as will not interfere with a free and
19 unobstructed view at such intersection or curve. Unless
20 specially provided for in such condemnation proceedings, such
21 condemnation shall not be construed to prevent the owner thereof
22 from using such land for pasture or the growing of grass, oats,
23 wheat, or other crops which will not obstruct the vision more
24 than wheat.]

25 Section 229. Article XXIX subdivision (f) heading of the act
26 is repealed:

27 [(f) Use of Abutting Lands]

28 Section 230. Section 2960 of the act is amended to read:

29 Section 2960. Use of Abutting Lands for Embankments, Slopes,
30 Fills, and Culverts.--In the grading of any street, or any part

1 thereof, cities are hereby authorized and empowered to use so
2 much of the lots and lands abutting on the [same] street for the
3 construction of embankments, slopes, fills and culverts, as may
4 be necessary [and proper] for the completion of the improvement.
5 [The assessment of] Compensation for damages, costs, and
6 expenses, resulting [thereby, shall be regarded as other
7 assessments of damages, costs, and expenses, caused by the
8 grading of streets, in cities and shall be assessed and paid as
9 is provided by this act in such cases] from the use of lots and
10 lands abutting on the street for the construction of
11 embankments, slopes, fills and culverts shall be made in the
12 same manner as compensation for using and occupying private
13 lands for the grading of streets in accordance with section
14 2801.

15 Section 231. Article XXIX subdivision (g) heading, section
16 2963, subdivision (h) heading, section 2965 and subdivision (i)
17 heading of the act are repealed:

18 [(g) Abandoned Turnpikes

19 Section 2963. Maintenance and Improvement of Condemned and
20 Abandoned Turnpikes.--When any turnpike, or part thereof,
21 situate in the same or more than one county, shall be condemned
22 for public use, free of tolls, and the assessment of damages
23 therefor shall have been paid by the county, or when any
24 turnpike company or association has abandoned its turnpike, or
25 any part thereof, or when any turnpike company or association
26 has been dissolved, such turnpike, or part thereof, located
27 within the limits of any city shall be maintained and improved
28 in the same manner as other streets of the city.

29 (h) Unlawful Assessments

30 Section 2965. Repayment of Assessments Paid to City by

1 Owners of Property Unlawfully Assessed.--Any city receiving
2 money in payment of an assessment levied under any provision of
3 this article shall repay the same or so much thereof as shall be
4 ordered to any parties bringing the action, within two years of
5 such payment or payments, upon the final determination of a
6 proper court in a proper issue that the assessment levied was
7 not such as the owner of the property so assessed was liable to
8 pay at the time council ordered the work to be done for which
9 the assessment was made, or within the said period of two years,
10 the city may repay such money voluntarily upon a showing that
11 the same was paid inadvertently, or such assessment or part
12 thereof was made erroneously.

13 (i) Streets or Roads Connecting City with Highways]

14 Section 232. Section 2970 of the act is amended to read:

15 Section 2970. Appropriation for Connections with Highways.--
16 Cities may, singly or jointly, with other political
17 subdivisions, appropriate and expend moneys for the improvement
18 of streets or roads beyond the limits of [such] the cities[,]
19 for the purpose of connecting improved streets in [such] the
20 cities with a highway [whenever that part of the connecting
21 street or road to be improved outside the city limits shall be
22 less than one mile in length].

23 Section 233. Article XXIX subdivision (j) heading of the act
24 is repealed:

25 [(j) Detours]

26 Section 234. Section 2975 of the act is amended to read:

27 Section 2975. [Streets not to be Closed to Vehicular
28 Traffic; Exceptions.--]Street Closings; Detours.--(a) The
29 following shall apply to the closing of a street to vehicular
30 traffic:

1 (1) No street shall be closed to vehicular traffic, except
2 upon order of the Department of Streets and Public Improvements,
3 [or, by order of the mayor] or other department of the city
4 having jurisdiction over public streets or, in cases of
5 emergency where immediate action is necessary to protect public
6 safety, by order of the mayor, the police or the fire marshal[,
7 in cases of emergency, wherein the safety of the public would be
8 endangered, nor shall any such].

9 (2) A street [be] may not remain closed for a longer period
10 than is necessary for the purpose for which [such] the order
11 [is] to close was issued.

12 (3) Except in cases of emergency, where immediate action is
13 necessary to protect public safety, no street shall be closed to
14 vehicular traffic when the same has been designated as a detour
15 by the Department of Transportation, unless the written consent
16 of the Secretary of Transportation has first been obtained or
17 unless council shall, by resolution duly recorded on its
18 minutes, declare the closing necessary for the safety of the
19 public.

20 (4) When any street which forms a part or section of a State
21 highway, or has been designated as a detour by the Department of
22 Transportation, is closed to vehicular traffic, the city shall
23 at once notify the Department of Transportation of the creation
24 of a detour, as hereinafter provided. When the detour is
25 removed, the Department of Transportation shall also be notified
26 at once of the removal.

27 (5) When any street shall be closed, it shall be the duty of
28 the official or department that authorized the closing to
29 designate a detour.

30 (6) While the detour is in use, legible signs shall be

1 erected and maintained at reasonable intervals, indicating the
2 proper direction, and the detour shall be maintained in safe and
3 passable condition.

4 (7) When the street that had been closed is opened for
5 traffic, all detour signs shall be removed.

6 (b) A city may enter into agreement with the owners of
7 private lands covering the acquisition of right of way
8 privileges for a detour over private property for the period
9 when a street shall be closed to traffic. In case no agreement
10 satisfactory to the parties can be reached, the city may proceed
11 with the construction of the detour, with the owner of the
12 property taken for the detour entitled to seek damages, if any,
13 in the same manner as damages are now ascertained for the
14 opening of streets in the city.

15 (c) In the exercise of the rights conferred by this section
16 relating to detours, council is hereby empowered to pay for the
17 necessary maintenance, subsequent repair and land rental out of
18 funds available for the construction and maintenance of city
19 streets.

20 (d) Any person who shall wilfully remove, deface, destroy or
21 disregard any barricade, light, danger sign, detour sign, signal
22 or warning of any other character whatsoever so legally erected
23 or placed or who shall drive on, over or across any street which
24 has been closed by proper authority commits a summary offense
25 punishable upon conviction thereof in accordance with section
26 1018.16, but with a mandatory fine of not less than five hundred
27 dollars (\$500) or more than the maximum fine authorized in
28 section 1018.16 for the second or any subsequent offense, and
29 shall pay the costs of prosecution together with the value of
30 the property so removed, defaced or destroyed, except that

persons who have no outlet due to the closing of a street may drive on, over or across the street, subject to reasonable conditions as may be prescribed by the city without being subject to the penalties imposed by this section.

(e) All fines collected under the provisions of this section shall be paid over to the treasurer of the city.

(f) In addition to the penalties provided in subsection (d), the city, its agents or contractors may, in an action at law, recover damages from any person or persons who have damaged a street when it is closed to vehicular traffic.

Section 235. Sections 2976, 2977 and 2978 of the act are repealed:

[Section 2976. Closing of Streets Designated as Detours by State.--No street shall be closed to vehicular traffic when the same has been designated as a detour by the Department of Highways of the Commonwealth, unless the written consent of the Secretary of Highways has first been obtained, or unless council shall, by resolution duly recorded on its minutes, declare such closing necessary for the safety of the public.

Section 2977. Notice of Detour on Streets Forming Part of Highway.--When any street which forms a part or section of a highway, is closed to vehicular traffic, the city shall at once notify the Department of Highways of the Commonwealth of the creation of a detour, as hereinafter provided. When such detour is removed, the Department of Highways shall also be notified at once of the removal.

Section 2978. Detours to be Provided when Streets Closed.--When any street shall be closed, as hereinbefore provided, it shall be the duty of the city authorities authorizing the closing to immediately designate or lay out a detour, on which

1 they shall erect, or cause to be erected and maintained while
2 such detour is in use, legible signs at each intersection
3 throughout its entire length, indicating the proper direction.
4 During the period when such detour is in use, it shall be the
5 duty of such authorities closing the street to maintain such
6 detour in safe and passable condition. It shall also be the duty
7 of the authorities closing the street and maintaining the detour
8 to immediately remove all detour signs when the street
9 originally closed is opened for traffic. Whenever necessary in
10 the creation of a detour, as aforesaid, the city authorities
11 responsible for laying out the detour may enter into agreement
12 with the owners of private lands, covering the acquisition of
13 right of way privileges over private property for the period
14 when the street shall be closed to traffic. In case no agreement
15 satisfactory to the parties can be reached, the authorities
16 responsible for the laying out of the detour may proceed with
17 the construction of the same, and either such authorities or the
18 owner of the property occupied may petition the court for the
19 appointment of viewers to ascertain the damages, if any, in the
20 same manner as damages are now ascertained for the opening of
21 streets in such city. In the exercise of the rights conferred by
22 this section, council is hereby empowered to pay for the
23 necessary maintenance, subsequent repair, and land rental out of
24 such funds as are available for the construction and maintenance
25 of the streets in their charge.]

26 Section 236. Section 2979 of the act, amended March 25, 1988
27 (P.L.260, No.29), is repealed:

28 [Section 2979. Penalties.--Any person who shall wilfully
29 remove, deface, destroy or disregard any barricade, light,
30 danger sign, detour sign, or signal, or warning of any other

1 character whatsoever so legally erected or placed, or who shall
2 drive on, over or across any street which has been closed by
3 proper authority, shall, upon conviction thereof in a summary
4 proceeding before a magistrate, alderman, or justice of the
5 peace, be sentenced to pay a fine of not less than two hundred
6 dollars nor more than five hundred dollars for the first
7 offense, and a mandatory fine of five hundred dollars for the
8 second or any subsequent offense, and the costs of prosecution
9 together with the value of the sign so removed, defaced or
10 destroyed, and, in default of the payment thereof, shall be
11 sentenced to imprisonment of not more than ten days: Provided,
12 however, That persons who have no outlet due to the closing of a
13 street may drive on, over or across such street, with the
14 consent in writing of, and subject to such conditions as may be
15 prescribed by, the authorities responsible for the closing or
16 their agents or contractors, without being subject to the
17 penalties imposed by this section.

18 In addition to the penalties herein provided, the authorities
19 responsible for the maintenance of a street which has been
20 closed to vehicular traffic, or their agents or contractors,
21 may, in an action at law, recover damages from any person or
22 persons who have damaged a street when it is closed to vehicular
23 traffic. All fines collected under the provisions of this
24 section shall be paid by the officer receiving the same to the
25 treasurer of the city.]

26 Section 237. Article XXIX subdivision (k) heading of the act
27 is repealed:

28 [(k) Boundary Streets]

29 Section 238. Sections 2985 and 2986 of the act are amended
30 to read:

1 Section 2985. Maintenance of Streets Forming Boundaries.--

2 Whenever any street is on the boundary line between any city and
3 [a township, such] any other municipal corporation, the street
4 shall be maintained jointly by the city and the [township] other
5 municipal corporation. For the purpose of maintaining any such
6 street, the [authorities] officers of any city are hereby
7 directed to enter into agreements with the [authorities of any
8 township] other municipal corporation providing the manner in
9 which the same shall be maintained[,] and providing for the
10 division of the cost of maintenance between the city and
11 [township] other municipal corporation. If any [such city or
12 township] other municipal corporation shall fail or refuse to
13 enter into any such contract, [any taxpayer thereof or the
14 corporate authorities of the city or township] the city or any
15 taxpayer of the other municipal corporation may present a
16 petition to the court of [quarter sessions] common pleas of the
17 county, setting forth the facts. The court, after hearing, of
18 which [such] notice shall be given to all parties interested as
19 the court may direct, shall make an order directing the manner
20 of such maintenance and the division of the cost of maintenance
21 between the city and the [township] other municipal corporation.

22 Section 2986. Streets, the Center Line of Which Is the
23 Boundary [between Municipalities in the Same County] Between a
24 City and Another Municipal Corporation.--Whenever [the center
25 line of] any street constitutes the dividing line between [any
26 city and a township located in the same county, the city may
27 enter into a contract with the commissioners of the county and
28 the commissioners or road supervisors of the township, as the
29 case may be, providing for the grading, curbing, and
30 macadamizing or paving, of the street; the cost of such

1 improvement, to be borne one-half by the city, and one-half by
2 the county and township, in equal portions.

3 The alteration or improvement shall be constructed, and
4 subsequent repairs shall be made, under the supervision of the
5 proper authorities of the city, in compliance with existing laws
6 governing the construction of such alterations or improvements
7 in said city, and in further compliance with plans and

8 specifications to be agreed upon, in writing, between said city
9 and the commissioners of the county and commissioners or road
10 supervisors of the said township. The cost of repairs shall be
11 borne one-half by the city, and one-half by the township, or by
12 the county and township, in equal portions, or such other

13 proportions as may be agreed upon by the county and township] a
14 city and another municipal corporation, the city may enter into
15 a contract with the other municipal corporation to provide for
16 the grading, curbing, draining, paving and macadamizing of the
17 street. The alterations and improvements shall be made under the
18 supervision of the city or other municipal corporation, or by
19 contract let by the city or the other municipal corporation, as
20 may be provided for in the contract between the city and the
21 other municipal corporation.

22 Section 239. Section 2987 of the act is repealed:

23 [Section 2987. Street, the Center Line of Which is the
24 Boundary between Municipalities in Different Counties.--Whenever
25 the center line of any street constitutes a dividing line
26 between a city and a township located in an adjacent county, the
27 city may enter into a contract with the commissioners of the
28 county and the commissioners or township supervisors of such
29 township, as the case may be, providing for the grading,
30 curbing, macadamizing, or paving of the street, the cost thereof

1 to be borne one-half by the city, and one-half by the township
2 and the county in which such township shall be situated, in
3 equal portions.

4 Such alteration or improvement shall be constructed, and
5 subsequent repairs shall be made, under the supervision of the
6 proper authorities of the city, in compliance with the
7 provisions of this act governing such construction or
8 improvement by the city, and in further compliance with plans
9 and specifications to be agreed upon in writing between such
10 city and the commissioners of the county and the commissioners
11 or township supervisors of the township. The cost of repairs
12 shall be borne one-half by the city, and one-half by the
13 township or by the county and township in equal portions or such
14 other proportion as may be agreed upon by the county and
15 township.

16 In all cases in which it shall be found impossible to enter
17 into such contract or agreement, either the city or the county
18 or township or any taxpayer thereof may present a petition to
19 the court of common pleas of either county, setting forth the
20 facts and circumstances, including the condition of the street
21 from which the necessity or desirability for the grading,
22 curbing, macadamizing, or paving appears, and the estimated cost
23 thereof, and that the said city or county or the township have
24 failed to agree upon terms of the said contract. Such court may,
25 after hearing all the parties concerned, make its order or
26 decree, defining the nature and character of the improvement
27 reasonably necessary or desirable to be made to the street, and
28 requiring the parties hereinabove specified to enter into a
29 contract or contracts for the making and constructing of the
30 same as herein provided for.

1 A copy of the said petition, duly certified, shall be served
2 upon the city, the county and the township concerned, other than
3 the petitioner, with notice of such day as may be fixed by the
4 court for the hearing. Thereupon, any or all of the parties
5 served with such notice shall be entitled, on or before such
6 date, to file in the said court its answers to the said
7 petition, setting forth its version of the facts or such other
8 matters in relation thereto as may be deemed necessary or proper
9 by it. The court, upon the date so fixed or at such other time
10 as it may appoint, shall hear the evidence of the parties, or it
11 may refer the matter to a master, who shall hear the testimony
12 of the parties and report his findings, in the same manner and
13 under the same procedure as provided by the rules in equity in
14 similar cases.

15 The court may reject, confirm, or modify the report of the
16 master and may make its decree or order directing the making of
17 such alterations or improvements to the street as may be deemed
18 reasonably necessary or desirable and providing for the sharing
19 of the cost of such improvements, one-half by the city, and one-
20 half by the county and township in equal portions. The said
21 order or decree may further provide that the repairs to such
22 alterations and improvements subsequently required shall be
23 borne one-half by the city, and one-half by the county or
24 township in equal portions, or such other proportions as between
25 the county and the township as such court may find to be legal
26 and proper. Thereupon the said grading, curbing, macadamizing,
27 or paving of the street shall proceed in accordance with the
28 decree or order of the said court in the same manner as if the
29 contract or agreement provided for in this section had been
30 entered into and duly executed.]

Section 240. Sections 2988 and 2989 of the act are amended to read:

Section 2988. Streets More Than Half of Whose Width is Within City.--(a) Whenever any street, more than one-half the width of which is within the limits of any city shall divide the [said] city from any other [municipality or township located within the same county, such] municipal corporation, the street may be improved by the city in the same manner as if the said street were entirely located within the limits of [said] the city.

(b) The property [abutting on the side of said street which is located outside the limits of the city making such], within and without the city, that abuts the street and benefits from the improvements [shall] may, for a depth of one hundred and fifty feet plus one-half the width of [said] the street, the total measured from its center line, be assessed for any and all municipal improvements to or on the [said] street in the same manner as [such] the property would be assessed under the provisions of this act if it were entirely located within the limits of [such] the city.

Section 2989. Assessment for Improvements on Property Outside Limits Where Street Entirely Within City.--Whenever any street, entirely within the limits of any city, shall divide the [said] city from any other [municipality or township located in the same county] municipal corporation, the property on the side of [said] the street, [opposite the present line of said city, shall] within and without the city, that abuts the street and benefits from the improvement may, for a depth of one hundred and fifty feet from said line, be assessed for any and all municipal improvements to or on the streets on which the [said]

property [shall abut] abuts, in the [manner provided by this act for such proceedings, as if the said property] same manner as the property would be assessed under the provisions of this act if it were entirely located within the limits of [said] the city.

Section 241. Section 2990 of the act is repealed:

[Section 2990. Street the Center Line of Which is the Dividing Line Between a City and Borough or Township of the First Class; Assessments.--Whenever the center line of any street constitutes the dividing line between a city and a borough, or a city and a township of the first class, located in the same county, the council of such city may, where such improvement is through built up property or properties duly plotted and laid out in lots for building purposes, and where two-thirds of the combined frontage of the two sides petition for the improvement, enter into a contract with the borough or township providing for the grading, curbing, draining, paving and macadamizing of such street. Such alterations and improvements shall be made under the supervision of the proper authorities of such city, borough, or township, or by contract let by such city, borough, or township, as may be provided for in the contract between the city and borough or township.

No ordinance or ordinances authorizing any such improvement, where the whole or any part of the cost of the improvement is to be assessed against abutting property, shall be finally adopted until the expiration of thirty days from the date of its introduction, and, in the meantime, copies thereof shall be published, once a week for two weeks, in one newspaper circulating in such city, borough, and township immediately following the introduction thereof, and at least five copies

1 thereof shall be posted along the line of the proposed
2 improvement.

3 The whole cost of such alterations and improvements, or any
4 part thereof, as may be agreed upon in the contract between the
5 city, borough, and township, may be collected from the owners of
6 property within the city, borough, and within the township,
7 abutting along the line of the improvement, by an equal
8 assessment on the foot front. Any portion of such cost not
9 assessed against abutting property shall be paid one-half by
10 each of the municipal divisions joining in the improvement.

11 Thirty days' notice of assessments of the whole cost or part
12 of the cost of any such improvement shall be given to each party
13 assessed, either by service on the owner or his agent, or posted
14 on the premises by the clerk or secretary of the city, borough,
15 or township making the improvement. If any assessment made by
16 the city shall remain unpaid at the expiration of the notice, it
17 shall be the duty of the city solicitor to collect the same,
18 with interest from the time of the completion of the
19 improvement, by action of assumpsit, or by a lien to be filed
20 and collected in the same manner as municipal claims. When an
21 owner has two or more lots against which there is an assessment
22 for the same improvement, all of such lots shall be embraced in
23 one claim.]

24 Section 242. Article XXX heading of the act is reenacted to
25 read:

26 ARTICLE XXX

27 SIDEWALKS

28 Section 243. Sections 3001 and 3002 of the act are amended
29 to read:

30 Section 3001. Power to Lay Out and Grade Sidewalks; Compel

1 Construction of Sidewalks.--Any city may lay out, ordain and
2 establish sidewalks, curbs, gutters and drains along any street,
3 and may, with or without petition, require owners of property
4 abutting on any street to construct, pave, curb, repave and
5 recurb the sidewalks, and keep the same in good repair along
6 [such] their property, at such grades, and under such
7 regulations and specifications as council may provide. The
8 written consent of the Department of Transportation shall first
9 be obtained if the highway is a State highway.

10 Section 3002. Construction by Cities Upon Failure of Owner
11 So to Do; Collection of Cost.--(a) Upon failure of any owner of
12 property abutting on any street to construct, pave, curb,
13 repave, recurb or maintain any sidewalk [after notice so to do,
14 the same may be done or caused to be done by the city, and the
15 cost thereof], in accordance with the notice required in
16 subsection (d), the city, itself or by contract, may complete
17 the construction, paving, curbing, repaving, recurbing or
18 maintenance.

19 (b) Costs incurred by the city pursuant to subsection (a)
20 may be levied against and collected from [such] the owner who
21 failed to complete the construction, paving, curbing, repaving,
22 recurbing or maintenance of the sidewalk pursuant to notice to
23 do so, together with a penalty of ten per centum of [such] the
24 costs and all charges and expenses[, which amount].

25 (c) The costs, penalties, charges and expenses provided for
26 in subsection (b) shall be a lien upon [such premises] the
27 property for which the notice to construct, pave, curb, repave,
28 recurb or maintain the sidewalk was given. The lien shall exist
29 from the time of the completion of the work, which [date shall
30 be fixed by certificate of the city engineer, filed with the

1 clerk, and may be collected by action in assumpsit, or such]
2 shall be certified in accordance with section 1504. The lien may
3 be filed and proceeded in as provided by law in the case of
4 municipal liens[, or the] or may be collected from the owner by
5 action in assumpsit. Alternatively, the cost may be borne by the
6 city in whole or in part[;] and if in part, the rest to be
7 collected [from the owner] as provided herein.

8 (d) The notice required [herein] by this section shall be
9 served upon the owner of property to construct, pave, curb,
10 repave, recurb or maintain a sidewalk, if that can be done
11 within the county; [when it cannot be done so] if this cannot be
12 done, then the notice may be served upon the owner's agent or
13 the party in possession; and if this cannot be done, then the
14 notice may be served by posting conspicuously upon the premises.
15 Council may, by ordinance, [establish the period of such notice
16 after service after which the owner shall be deemed to have
17 failed to comply therewith. Such period shall not be less than
18 ten days] provide that, upon service or posting of notice in
19 accordance with this section, an owner shall be deemed to have
20 failed to comply if the work is not completed within a specified
21 period, which may be more but shall not be less than forty-five
22 days after the service or posting.

23 Section 244. Section 3002.1 of the act, added August 11,
24 1967 (P.L.206, No.70), is amended to read:

25 Section 3002.1. Ordinances.--All reconstruction, repaving,
26 and recurbing of sidewalks may be provided for in the ordinance
27 providing for the original construction, paving and curbing of
28 sidewalks without the necessity for adopting a new ordinance
29 providing for [such] the reconstruction, repaving and recurbing.

30 Section 245. Section 3003 of the act is amended to read:

Section 3003. Emergency Repairs; Notice; Cost.--(a) Any city may make emergency repairs to sidewalks, within its corporate limits[, when, in the opinion of the officer or head of the department lawfully having charge of sidewalk repairs, a dangerous condition exists that can be repaired by an expenditure of not more than fifty dollars, upon failure of the owner of the property to make such repair within forty-eight hours after the service of notice upon such owner so to do. The notice shall be served as provided in this article for constructing and maintaining sidewalks and curbs. It shall expressly state that emergency repairs are required.] if the officer or designated individual representing the department in charge of repairs to sidewalks, upon inspection, determines that a substantial and immediate danger exists to the public health, safety and welfare, in which case the officer or individual shall prepare a written report of those conditions which shall be conclusive evidence of the existence of the emergency justifying the repair.

(a.1) This section is intended to provide an additional remedy for cities in connection with emergency repairs [where the actual cost of doing the work does not exceed fifty dollars. The certificate of the officer or head of the department in charge of repairs to sidewalks shall be conclusive evidence of the existence of the emergency justifying such repair] of sidewalks.

(b) A copy of the written report shall be served upon the abutting property owner, along with a notice to make emergency repairs to the sidewalk within forty-eight hours of service of the notice and report. The notice and copy of the report shall be served as provided in this article for constructing and

1 maintaining sidewalks and curbs. It shall expressly state that
2 emergency repairs are required. If the owner fails to make the
3 emergency repairs within the prescribed time, the city may make
4 the emergency repairs to the sidewalk.

5 (c) Upon the completion of any emergency repairs, the cost
6 thereof shall be a charge against the owner of the abutting
7 property, and shall be a lien, until paid, upon the abutting
8 property, provided a claim is filed therefor in accordance with
9 the law providing for the filing and collection of municipal
10 claims. The amount of the claim against the owner of the
11 abutting property may also be collected from the owner by an
12 action in assumpsit.

13 Section 246. Section 3004 of the act is repealed:

14 [Section 3004. Cost of Emergency Repairs to be a Lien.--Upon
15 the completion of any emergency repairs, the cost thereof shall
16 be a charge against the owner of the property, and shall be a
17 lien, until paid, upon the abutting property, provided a claim
18 is filed therefor in accordance with the law providing for the
19 filing and collection of municipal claims. Any such charge may
20 also be collected from the owner by an action in assumpsit.]

21 Section 247. Article XXXI heading of the act is amended to
22 read:

23 ARTICLE XXXI

24 BRIDGES [AND VIADUCTS]

25 Section 248. Article XXXI subdivision (a) heading of the act
26 is repealed:

27 [(a) Construction and Maintenance]

28 Section 249. Sections 3101, 3102 and 3103 of the act are
29 amended to read:

30 Section 3101. Construction and Maintenance of Bridges [and

1 Viaducts].--(a) Cities may locate, build and maintain bridges
2 [or viaducts, and], wholly or partially within the city limits,
3 along with the piers, abutments and approaches [therefor]
4 appurtenant to the bridges, to be used as public streets[, over
5 rivers, creeks, streams, railroads and private property, or over
6 and across any of them, whether the said viaducts or bridges be
7 wholly within, or partly without and partly within, the city
8 limits].

9 (b) As used in this article, a bridge shall mean a structure
10 built to span and provide passage over a valley, road, railroad
11 track, private property, river, creek, stream or any other body
12 of water or physical obstacle, and shall include viaducts
13 constructed from a series of spans or arches.

14 Section 3102. Ordinance for Location of Bridges;
15 Procedure.--Cities may enact ordinances fixing the location and
16 providing for the laying-out and opening of the routes or
17 locations for [said] bridges [and viaducts], which shall be
18 public streets; and the proceedings for the laying-out and
19 opening thereof, shall be the same as is provided by this act
20 for the laying-out and opening of streets.

21 Section 3103. Right to Appropriate Property; Assessment of
22 Damages.--In case the city has not agreed with the owner or
23 owners for the damages done, or likely to be done, by the
24 erection of [said] the bridge [or viaduct], the city may take
25 and appropriate the lands and property necessary, over and
26 across which to erect [said] the bridge [or viaduct], and the
27 measure of damages [and benefits caused by such] for the taking
28 and appropriation shall be assessed in the same manner and with
29 like proceedings as provided [by this act for property taken,
30 injured or destroyed] for property taken, injured or destroyed

1 under 26 Pa.C.S. (relating to eminent domain).

2 Section 250. Article XXXI subdivision (b) heading of the act
3 is repealed:

4 [(b) Joint Construction and Maintenance]

5 Section 251. Section 3110 of the act is amended to read:

6 Section 3110. [Contract] Agreement for Joint Construction
7 and Maintenance.--(a) The city may [contract] enter into an
8 agreement with any political subdivision or other public agency
9 whatsoever or public utility or any other person interested and
10 by law authorized thereto, or with any or all of them, for the
11 laying out, construction, improvement and maintenance of any
12 bridge [or viaduct], or for certain parts thereof, and for the
13 payment of any damages caused thereby.

14 (b) An agreement as authorized in subsection (a) shall
15 provide for the respective duties, obligations and
16 responsibilities of the parties thereto, including, but not
17 limited to, construction and maintenance of the bridge, or for
18 certain parts thereof, and for payments relating thereto and
19 damages caused thereby.

20 (c) After an agreement, as authorized in subsection (a), has
21 been entered into, the city in conjunction with the other
22 parties thereto, shall have the authority to have prepared plans
23 or specifications of the entire work, and thereafter advertise
24 for bids IN THE MANNER REQUIRED BY LAW, and award the contract ←
25 to the lowest responsible bidder. The city shall be liable to
26 the contractor for only such part of the contract price as it
27 has agreed to pay by the agreement, as authorized in subsection
28 (a), but it shall, in addition, be liable to the contractor for
29 any moneys actually paid into the city treasury by the other
30 parties pursuant to the terms of the agreement.

Section 252. Sections 3111, 3112 and 3113 of the act are repealed:

[Section 3111. Stipulations of Joint Contract; Maintenance.--The contracts provided for in the preceding section may stipulate that the city shall pay a certain part of the whole contract price or cost of the work, including damages; or may stipulate that the city shall construct, or pay for the construction of, a certain part of the work, and may otherwise provide for the payment of the damages. When any railroad company, street railway, or other persons interested, agrees to pay a certain part of the cost of the entire work, it shall pay such part into the proper city treasury. Upon said payment, the city treasurer shall be liable therefor, and he shall pay the same over to the contractor, as may be provided in the contract. The said agreements may also provide for the maintenance of the said bridges and viaducts after their erection.

Section 3112. Plans; Bids; Awarding of Contract.--After any joint contract has been entered into, the city in conjunction with the other parties thereto may have prepared plans or specifications of the entire work, and thereafter advertise for bids, and award the contract to the lowest responsible bidder. The city shall be liable to the contractor for only such part of the contract price as it has agreed to pay by the joint contract, but it shall, in addition, be liable to the contractor for any moneys actually paid into the city treasury by the other parties to the joint agreement.

Section 3113. Subsequent Contract With Railroad Which has not Contributed toward Cost.--No railroad, which has not contributed to the payment of the cost of construction of said viaduct or bridge, shall be permitted to run its line or lines

1 of tracks under said bridge or viaduct, unless it shall enter
2 into a contract with the city to thereafter pay a reasonable
3 amount, part or portion toward the keeping-up and maintaining of
4 the said structure, which amount shall be at the same rate, on
5 the same basis, as is paid by the other railroad companies.]

6 Section 253. Section 3114 of the act is reenacted to read:

7 Section 3114. Recording of Contract.--Any of the contracts
8 hereinabove provided for may be recorded in the office of the
9 recorder of deeds in the proper county. Such record shall be
10 notice to all persons who might be affected thereby.

11 Section 254. Section 3115 of the act is amended to read:

12 Section 3115. Power to Construct Boundary Bridges.--Whenever
13 a creek, over which a bridge may be necessary, shall be on the
14 division line of a city and another municipality [or township],
15 the city [shall unite] may enter into an intergovernmental
16 agreement pursuant to 53 Pa.C.S. Ch. 23, Subch. A (relating to
17 intergovernmental cooperation) with [such] the municipality [or
18 township in] for the construction and maintenance of a bridge[,]
19 and [pay an equal share of the expenses incident thereto] for
20 apportionment of the costs.

21 Section 255. Article XXXI subdivision (c) heading, section
22 3120, subdivision (d) heading and sections 3130, 3133 and 3134
23 of the act are repealed:

24 [(c) Acquisition of Existing Bridges

25 Section 3120. Power to Acquire Existing Bridge.--Any city
26 which is divided or separated in any of its territorial sections
27 or parts by intervening rivers or streams of water may purchase,
28 enter upon, take, use, hold and appropriate such bridge or
29 bridges, together with the approaches and appurtenances thereto,
30 lying within its corporate limits as shall have been erected and

are now in use over such rivers or streams of water so dividing and separating the sections or parts aforesaid.

(d) Acquisition of Toll-Bridges

Section 3130. Power to Acquire Toll-Bridges.--Any city may purchase, condemn, maintain, and use any public toll-bridge crossing any river or stream within the limits of such municipality, together with the approaches and appurtenances thereto; and may enter into contracts, as hereinafter provided, with the county commissioners of the proper county, whereby said county shall pay a portion of the cost thereof.

Section 3133. Contract with County for Purchase.--The city may enter into and unite in a contract with the county commissioners of the county in which said bridge is located upon such terms and conditions as may be agreed upon for the purchase, appropriation, or condemnation of said bridge. The contract may stipulate that the city and county shall pay a certain part or portion of the whole purchase price or damages allowed by condemnation proceedings. The amounts to be paid by the county shall be paid into the city treasury, and, upon said payment, the city treasurer shall be liable therefor, and it shall be held and applied solely for the said purpose or purposes. The said contracts may also provide for and include provisions for the maintenance, repair, and rebuilding of the said bridge, after its purchase or condemnation by the said city.

Section 3134. To Become a Public Bridge; Rentals for Other than Foot and Vehicle Travel.--Whenever any toll-bridge shall be so purchased or condemned, the city shall control, maintain, and use the said bridge as a public bridge, but may charge tolls or rentals for the use thereof, from railway, telephone, and

1 telegraph companies, and other persons making a use thereof for
2 other than ordinary public foot and vehicle travel. Where
3 contracts existed between such companies and persons and the
4 owners of the bridge at the time of such purchase or
5 condemnation, such contracts shall be preserved for the benefit
6 of the city and shall be assigned thereto.]

7 Section 256. The act is amended by adding a section to read:

8 Section 3135. Acquisition of Existing Bridges.--Any city may
9 purchase, condemn, maintain and use any public toll-bridge
10 crossing any river or stream within the limits of the
11 municipality, together with the approaches and appurtenances
12 thereto, and may enter into contracts with the county
13 commissioners of the proper county whereby the county shall pay
14 a portion of the cost thereof.

15 Section 257. Article XXXII heading of the act is amended to
16 read:

17 ARTICLE XXXII

18 SANITARY SEWERS

19 Section 258. Article XXXII subdivision (a) heading of the
20 act is repealed:

21 [(a) Construction]

22 Section 259. Section 3201 of the act, amended August 6, 1963
23 (P.L.525, No.280), is amended to read:

24 Section 3201. Construction of Sanitary Sewers; Cost; Eminent
25 Domain.--(a) Any city [may] shall have the power to construct
26 and reconstruct, or cause to be constructed or reconstructed, in
27 its streets, and over and across public and private lands or
28 property, sanitary sewers of all kinds, main or local, with
29 extensions thereof, and with lateral and branch sewers
30 therefrom, including house connections to the curb[, in its

streets, and over and across public and private lands or property, and pay the].

(b) The cost and expense [thereof] of construction and reconstruction in accordance with subsection (a) may be paid out of the general revenues or special funds raised for said purpose, or assess the same, in whole or in part, upon property benefited, improved or accommodated, as [hereinafter] provided for in Article XLV-A.

[For such purposes, the] (c) The city shall have the right of eminent domain to effectuate the purposes of this section. The damages for property taken, injured or destroyed shall be ascertained and paid as provided in [this act for such proceedings] 26 Pa.C.S. (relating to eminent domain).

Section 260. The act is amended by adding a section to read:

Section 3201.1. Required Connection; Fees.--In addition to paying for the cost and expense of construction or reconstruction in accordance with section 3201(b), a city may, by ordinance, require connection to a sanitary sewer system provided by the city or a municipal authority serving the city, and impose and charge to property owners who desire to or are required to connect to the sanitary sewer system a connection fee, a customer facilities fee, a tapping fee and other similar fees, as enumerated and defined by 53 Pa.C.S. § 5607(d)(24) (relating to purposes and powers of municipal authorities) as a condition of connection to a city-owned sewer collection, treatment or disposal facility.

Section 261. Section 3202 of the act is repealed:

[Section 3202. Fee for Tapping Where Sewer is Paid For by City.--Where the cost of constructing any sewer is paid for wholly or partially from city funds, the city may charge a

1 reasonable fee for tapping or connecting with said sewer.]

2 Section 262. Section 3203 of the act, amended August 6, 1963
3 (P.L.525, No.280), is repealed:

4 [Section 3203. Assessment of Cost of Local Part of Main
5 Sewers.--In the case of the construction of main sanitary
6 sewers, or of any sanitary sewer which can be used in part for
7 main sanitary sewerage purposes, and in part as a local sanitary
8 sewer, the city may provide for assessing the property
9 benefited, improved or accommodated with the local sanitary
10 sewerage part thereof, according to the foot-front, or the
11 assessed valuation of the said property for city purposes, or
12 according to benefits.]

13 Section 263. Section 3204 of the act is repealed:

14 [Section 3204. Costs of Main Sewers.--The cost of all main
15 sewers, or of any sewers used in part for main sewerage
16 purposes, over and above the amount thereof assessed for local
17 sewerage, shall be paid for from the city funds.]

18 Section 264. Section 3205 of the act, amended August 6, 1963
19 (P.L.525, No.280), is repealed:

20 [Section 3205. Assessment of Cost of Local Sewers.--Council
21 may also provide that the cost and expenses of local, lateral,
22 branch, including house connections to the curbs, and other
23 sanitary sewers may be assessed against the property benefited,
24 improved or accommodated according to the foot-front, or
25 according to the assessed valuation thereof for city purposes,
26 or according to benefits.]

27 Section 265. Section 3206 of the act is amended to read:

28 Section 3206. Construction of [Sewerage System and] Sanitary
29 Sewage Treatment Works; Assessment of Cost.--[Any city may
30 construct, or cause to be constructed, a sewerage system of

sewers in streets, with extensions thereof, and with lateral and branch sewers therefrom to and in other streets, and in public or private lands, at the same time as part of the same improvement and under the same contract, and the cost and expense thereof may be assessed as provided in this article.]

(a) Any city may construct or cause to be constructed sanitary sewage treatment works, and the same may likewise be a part of the same improvement and under the same contract as sanitary sewers.

(b) Sewage treatment works may be erected within or without the limits of the city. The city shall have authority to acquire, by eminent domain or otherwise, property within or, subject to the limitations in 26 Pa.C.S. § 206 (relating to extraterritorial takings), without the limits of the city deemed necessary for such treatment works and the sewers leading thereto.

Section 266. Sections 3207 and 3208 of the act, amended August 6, 1963 (P.L.525, No.280), are repealed:

[Section 3207. Reductions in Assessments for Corner or Irregular Shaped Lots.--Where council determines to construct local, lateral, and other sanitary sewers, and to assess the cost and expenses thereof according to the foot-front rule, they shall provide for a reduction of an equitable part from the frontage of the longest side of all corner lots, and at other places, where, from the peculiar or pointed shape of the lots, an assessment for the full frontage would be inequitable. If the owner of the property benefited, improved or accommodated by the sanitary sewers is not satisfied with the allowance or reduction, or refuses to accept the same, he shall have the right to appeal to the court of common pleas; and the

1 proceedings shall be as provided in this act for the assessment
2 of damages and benefits by viewers or by such other lawful
3 procedure as the court may determine.

4 Section 3208. Assessment of Cost by Viewers Appointed by
5 Council.--Where the council determines to construct main, local,
6 lateral, or branch sanitary sewers, and to assess the cost and
7 expense thereof according to benefits, in addition to the
8 remedies which now or may hereafter exist for the assessment of
9 the said cost and expense by viewers appointed by court, council
10 may appoint three disinterested freeholders as viewers, who, or
11 a majority of whom, shall assess the costs and expenses of said
12 sanitary sewers upon the lands benefited, improved or
13 accommodated thereby in proportion, as nearly as may be, to the
14 benefits which may result to each lot or parcel of land. Said
15 viewers, or a majority thereof, shall report their assessment to
16 the council, in the manner hereinafter set forth, and council
17 shall act thereon as hereinafter provided.]

18 Section 267. Sections 3209, 3210, 3211 and 3212 of the act
19 are repealed:

20 [Section 3209. Report of Council's Viewers; Notice;
21 Objections; Hearing.--Said viewers, or a majority of them, shall
22 make report in writing, specifying the amount assessed by them
23 upon each lot or parcel of land for main or local sewerage
24 separately, and file the same with the city clerk within such
25 time as the council shall direct. After the report is filed,
26 council shall cause not less than ten days' public notice to be
27 given, by publication once in two newspapers of the city, as
28 required by section one hundred and nine of this act, of the
29 object of such assessments, and that the same will come for
30 confirmation at a time to be specified in said notice.

1 Objections to the assessment shall be in writing and be filed
2 with the city clerk, and may be heard before the city council at
3 the time specified in the notice. Council may, after hearing
4 objections, modify, set aside, or confirm said assessments. If
5 council sets aside the first or any other assessment, they may
6 appoint other viewers, of the same qualifications as
7 hereinbefore provided, and cause new assessments to be made, and
8 the proceedings shall be the same as provided for the first
9 assessment.

10 Section 3210. Certification of Assessments for Collection;
11 Liens.--After making assessments for sewers, council may direct
12 that they be certified to the city treasurer, or to such party
13 as said assessments may be assigned to for collection. If such
14 assessments are not paid within such time as council may by
15 ordinance prescribe, it shall be lawful to file liens therefor
16 in the prothonotary's office of the proper county, as provided
17 by law. Said liens shall bear interest from the time the
18 assessments were payable, at the rate of six per centum, per
19 annum, until paid.

20 Section 3211. Rental Charge for Use of Sewers.--Cities may
21 provide by ordinance for the imposition and the collection of an
22 annual rental, rate or charge for the use of sewers, sewer
23 systems, or sewage treatment works as authorized by law.

24 Section 3212. Limitation of Amount of Sewer Rental Charge.--
25 Such annual rental, rate or charge shall not exceed the amount
26 authorized by law.]

27 Section 268. Section 3213 of the act, amended December 18,
28 1992 (P.L.1424, No.175), is repealed:

29 [Section 3213. Collection of Sewer Rentals.--(a) Council
30 shall provide for the collection of such annual rentals, rates

1 or charges.

2 (b) In the case of a city which has agreed to provide sewer
3 service to a residential dwelling unit in which the owner does
4 not reside, the city shall notify the owner and the tenant
5 within thirty days after the tenant's bill for that service
6 first becomes overdue. Such notification shall be provided by
7 first class mail to the address of the owner provided to the
8 city by the owner and to the billing address of the tenant,
9 respectively. Nothing herein shall be construed to relieve the
10 owner of liability for such service unless the city fails to
11 provide the notice required herein.]

12 Section 269. The act is amended by adding a section to read:

13 Section 3213.1. Rental Fees or Charges.--(a) All persons
14 whose property is connected to a sanitary sewer system shall pay
15 to the city, in addition to the cost of making the connection, a
16 monthly, quarterly, semiannual or annual charge. The charges
17 shall be imposed by the city in accordance with procedures
18 approved by council. Until paid, a charge shall constitute a
19 lien against the property connected to the sanitary sewer system
20 and the amount thereof may be recovered by due process of law
21 through an action in assumpsit in the name of the city against
22 the owner of the property charged or by a lien filed in the
23 nature of a municipal lien. All water utilities supplying water
24 to users within the boundaries of any city shall at the request
25 of the council furnish to the city, at reasonable times agreed
26 to by the city and water utilities, a list of all water meter
27 readings and flat-rate water bills, and the basis for each flat-
28 rate water charge, so that the data may be used in calculating
29 sewer rental fees. The city may pay to the utilities clerical
30 and other expenses incurred in the preparation of the lists.

1 (b) Nothing in this section shall be construed to repeal or
2 modify any of the provisions of 66 Pa.C.S. (relating to public
3 utilities).

4 (c) ~~All~~ SUBJECT TO SUBSECTION (D), ALL sanitary sewer ←
5 rentals received shall be deposited in a special fund to be used
6 only for the payment of the cost of administration,
7 construction, reconstruction, repair, operation and maintenance
8 of the sanitary sewer system.

9 (D) CITY COUNCIL MAY TRANSFER PART OF THE SANITARY SEWER ←
10 RENTALS IN THE SPECIAL FUND TO THE GENERAL FUND TO MEET
11 IMMEDIATE GENERAL FINANCIAL OBLIGATIONS OR TO ENSURE ADEQUATE
12 CASH FLOW FOR CITY OPERATIONS, PROVIDED, HOWEVER, THAT MONEY
13 TRANSFERRED FROM THE SPECIAL FUND TO THE GENERAL FUND SHALL BE
14 REPAID TO THE SPECIAL FUND AT SUCH TIME AS COUNCIL MAY
15 DETERMINE.

16 ~~(d)~~ (E) In the case of a city which has agreed to provide ←
17 sanitary sewer service to a residential dwelling unit in which
18 the owner does not reside, the city shall notify the owner and
19 the tenant within thirty days after the tenant's bill for that
20 service first becomes overdue. Such notification shall be
21 provided by first class mail to the address of the owner
22 provided to the city by the owner and to the billing address of
23 the tenant, respectively. Nothing herein shall be construed to
24 relieve the owner of liability for such service unless the city
25 fails to provide the notice required herein.

26 Section 270. Section 3214 of the act is repealed:

27 [Section 3214. Collection of Sewer Rentals.--Such annual
28 sewer rentals or charges shall be a lien on the properties
29 charged with the payment thereof from the date set in the
30 ordinance, and, if not paid after thirty days' notice, may be

1 collected by an action in assumpsit in the name of the city
2 against the owner of the property charged or by distress of
3 personal property on the premises or by a lien filed in the
4 nature of a municipal lien.]

5 Section 271. Section 3215 of the act, added August 6, 1963
6 (P.L.525, No.280), is repealed:

7 [Section 3215. Tapping Fees.--Each city may provide by
8 ordinance for charging a tapping fee whenever the owner of any
9 property connects such property with a sewer system constructed
10 or acquired by the city, which fee shall be in addition to any
11 charges assessed and collected against such property in the
12 construction or acquisition of such sanitary sewer by the city,
13 or any rental charges assessed by the city. In any case where
14 the property connected or to be connected with the sanitary
15 sewer system of the city is not equipped with a water meter, the
16 city may install such a meter at its own cost and expense. If
17 the property is supplied with water from the facilities of a
18 public water supply agency, the city shall not install such
19 meter without the consent and approval of the public water
20 supply agency.]

21 Section 272. Article XXXII subdivision (b) heading and
22 sections 3220, 3221 and 3222 of the act are repealed:

23 [(b) Acquisition of Existing Sewers

24 Section 3220. Purchase of Existing Sewers.--Any city, in
25 which any corporation created and existing under and by virtue
26 of the laws of this Commonwealth, or any person or persons or
27 unincorporated associations, have constructed and are
28 maintaining or may hereafter construct and maintain sewers,
29 culverts, conduits, and pipes, with the necessary inlets and
30 appliances, for surface, under-surface and sewage drainage, may

1 become the owner of such sewers, culverts, conduits, and pipes,
2 with the necessary inlets and appliances, for surface, under-
3 surface, and sewage drainage, and the property of such company,
4 person or persons, or unincorporated associations, by paying
5 therefor the actual value of the same at the time of taking by
6 the city.

7 Section 3221. Ascertainment of Price in Case of
8 Disagreement.--In case of disagreement as to the amount to be
9 paid, the same shall be ascertained in the manner provided by
10 this act in case of property taken, injured or destroyed.

11 Section 3222. Appointment of Viewers.--Whenever the amount
12 to be paid by any city to any corporation, person or persons, or
13 unincorporated association, for the acquisition of such sewers,
14 culverts, conduits, and pipes, with the necessary inlets and
15 appliances, shall have been ascertained in the manner provided
16 in the preceding section, the court of common pleas of the
17 proper county, or any law judge thereof in vacation, on
18 application thereto by petition by said city or any person
19 interested, shall appoint viewers who shall assess the costs and
20 expenses of the sewers, culverts, conduits, and pipes, with the
21 necessary inlets and appliances, acquired by said city, upon the
22 property benefited according to benefits, if sufficient can be
23 found, but if not, then the deficiency, when finally
24 ascertained, shall be paid by the city; and the proceedings of
25 said viewers, and the proceedings on their report, shall be as
26 provided in this act for the assessment of damages and
27 benefits.]

28 Section 273. The act is amended by adding a section to read:

29 Section 3222.1. Acquisition of Existing Sanitary Sewer
30 Systems.--(a) A city may, by ordinance, acquire all or part of

1 an existing sanitary sewer system or community subsurface
2 sanitary sewage collection and treatment system.

3 (b) Acquisition may be by any of the following means:

4 (1) By purchase, when the city and the owner can agree on a
5 price not exceeding the actual value of the sanitary sewer
6 system or part thereof to be transferred.

7 (2) By deed of dedication to the city by the owner of the
8 sanitary sewer system or part thereof.

9 (3) If the facilities are within the city, by the exercise
10 of eminent domain.

11 (c) If any sanitary sewer system or community subsurface
12 sanitary disposal collection and treatment system is acquired by
13 purchase or eminent domain under this section, the cost of
14 acquisition may be distributed or assessed under this act as
15 when a sanitary sewer system is constructed by the city.

16 (d) The rights, powers and duties of the city with respect
17 to acquired sanitary sewer systems are the same as exist with
18 respect to sanitary sewer systems constructed by the city.

19 Section 274. Article XXXII subdivision (c) heading of the
20 act is repealed:

21 [(c) Construction of Sewers Outside Cartway and Curb Lines]

22 Section 275. Section 3230 of the act, amended August 6, 1963
23 (P.L.525, No.280), is amended to read:

24 Section 3230. [Power to Construct] Sewers Outside Cartway
25 and Curb Lines.--(a) Cities may require and permit sanitary
26 sewers and sewer pipes to be laid and constructed outside the
27 cartway and the curb lines thereof in any street or highway.

28 The [said] sanitary sewers shall be for the service and use
29 of the property on the side of the street or highway in which
30 they are laid.

1 (b) The costs and expenses of any sanitary sewer laid and
2 constructed in accordance with subsection (a) may be assessed
3 against the property benefited, improved and accommodated by the
4 sanitary sewer.

5 Section 276. Section 3231 of the act, amended August 6, 1963
6 (P.L.525, No.280), is repealed:

7 [Section 3231. Collection of Costs and Expenses.--The costs
8 and expenses of any sanitary sewer laid and constructed as
9 aforesaid may be assessed against the property benefited,
10 improved and accommodated by the sanitary sewer and such costs
11 and expenses, when so assessed, shall be assessed and collected
12 in the same way and manner as the cost and expenses of other
13 sanitary sewers are assessed and collected in the respective
14 city in which the same are laid.]

15 Section 277. Article XXXII subdivision (d) heading of the
16 act is repealed:

17 [(d) Joint Sewers]

18 Section 278. Section 3240 of the act, amended August 6, 1963
19 (P.L.525, No.280), is amended to read:

20 Section 3240. Building Joint Sewers.--(a) Cities may
21 jointly with other municipalities or [townships or both]
22 municipal authorities build and construct sanitary sewers,
23 including trunk-line sewers or drains and sewage treatment
24 works, and may connect into such system existing sanitary
25 sewers, and may assess their respective portions of the cost
26 thereof, or so much thereof as may be legally assessable, upon
27 property benefited, improved and accommodated by the improvement
28 [either by viewers as is provided in the case of cities by
29 sections three thousand two hundred and eight, three thousand
30 two hundred and nine, and three thousand two hundred and ten of

1 this act or by the foot-front rule or assessed valuation, as
2 provided in section three thousand two hundred and three of this
3 act] pursuant to Article XLV-A. Any portion of the cost of
4 [such] an improvement not assessed or not assessable shall be
5 paid [by the respective cities, boroughs, and townships joining
6 as may be agreed upon] as agreed upon by the respective cities
7 and other municipalities or municipal authorities.

8 (b) The cities[, boroughs, and townships] and other
9 municipalities or municipal authorities joining or contemplating
10 joining in any such improvement, in order to facilitate the
11 securing of preliminary surveys and estimates and the building
12 of [such] the improvement, may by ordinance or resolution
13 provide for the appointment of a joint sewer board composed of
14 one representative from each of the cities[, boroughs, and
15 townships] and other municipalities or municipal authorities
16 joining which shall act generally as the advisory and
17 administrative agency in securing [such] surveys and estimates
18 and in the construction of [such] the improvement, and its
19 subsequent operation and maintenance. The members of [such] the
20 board shall serve for terms of six years each from the dates of
21 their respective appointments, and until their successors are
22 appointed. The joint sewer board shall organize by the election
23 of [chairman, vice-chairman] a chair, vice-chair, secretary, and
24 treasurer. The several cities[, boroughs, and townships] and
25 other municipalities or municipal authorities may, in the
26 ordinances and resolutions creating the joint sewer board,
27 authorize the board to appoint an engineer, a solicitor, and
28 [such] other assistants as are deemed necessary; and agree to
29 the share of the compensation of [such] the persons each city[,
30 borough, and township] and other municipalities or municipal

1 authorities is to pay. The members of the joint sewer board
2 shall receive [such] compensation for attending meetings of the
3 board, as shall be fixed in the budget prepared by the board for
4 submission to and adoption by the several cities[, boroughs, and
5 townships] and other municipalities or municipal authorities as
6 hereinafter provided[, and the]. The budget item providing for
7 the compensation to members for attending meetings shall not
8 exceed a total of two hundred and fifty dollars per year, and no
9 member shall be paid unless [he] the member actually attends,
10 and the fee for each [such] attendance shall be stipulated, and
11 the members, in addition thereto, shall be entitled to actual
12 expenses to be paid by the respective cities[, boroughs, and
13 townships] and other municipalities or municipal authorities
14 which [such] the members represent.

15 (c) The joint sewer board shall have power to adopt rules
16 and regulations to govern its proceedings, and shall prepare and
17 suggest any practical measures and plans by means of which the
18 joint improvement may be carried to successful completion; and
19 the future development of the system, so as to conform to a
20 general plan, assured and safeguarded. [It] The joint sewer
21 board shall have power to prepare a joint agreement or
22 agreements for submission to and adoption by the several
23 cities[, boroughs, and townships] and other municipalities or
24 municipal authorities defining the advisory and administrative
25 powers of the board; setting forth the consents of the several
26 cities[, boroughs, and townships] and other municipalities or
27 municipal authorities to the proposed improvement; the manner in
28 which preliminary and final plans, specifications, and estimates
29 for the proposed improvement shall be prepared and adopted; how
30 proposals for bids shall be advertised, and contracts let; the

1 manner in which the costs of the improvement and other
2 incidental and preliminary expenses in connection therewith, and
3 the future cost of operation and maintenance shall be equitably
4 shared, apportioned, and paid; and all such other matters
5 including the preparation and submission of annual and other
6 budgets as may be deemed necessary or required by law to carry
7 the proposed improvement to completion and to assure future
8 maintenance and operation thereof. [But nothing herein] Nothing
9 contained herein shall authorize the board to make any
10 improvement or expend any public moneys which has not first been
11 authorized by all of the cities[, boroughs, and townships] and
12 other municipalities or municipal authorities proceeding with
13 the improvement.

14 (d) In any case where it shall be necessary to acquire,
15 appropriate, injure, or destroy private property of any kind to
16 build any [such] joint sewer improvement, and the same cannot be
17 acquired by purchase or gift, the right of eminent domain shall
18 vest in the city[, borough, or township] or other municipalities
19 or municipal authorities where [such] the property is located.
20 In any case where it shall be necessary to acquire, injure, or
21 destroy property of any kind in any territory not within the
22 limits of any of the cities[, boroughs, or townships] and other
23 municipalities or municipal authorities joining in the
24 improvement[;] then, subject to the limitations in 26 Pa.C.S. §
25 206 (relating to extraterritorial takings), the right of eminent
26 domain shall be vested in any city[, borough, or township
27 adjacent to such territory where such property is located] and
28 other municipalities or municipal authorities joining in the
29 sewer improvement. Damages for any property taken, injured, or
30 destroyed shall be assessed as provided by the general laws

1 relating to the cities[, boroughs, and townships] and other
2 municipalities or municipal authorities exercising the right of
3 eminent domain[;] and pursuant to the procedures of 26 Pa.C.S.
4 (relating to eminent domain) if applicable, and shall be paid by
5 the several cities[, boroughs, and townships] and other
6 municipalities or municipal authorities joining in the same
7 proportion as other costs of the improvement.

8 (e) Each of the cities joining in [any such improvement] an
9 improvement authorized by this section shall have power to incur
10 or increase its indebtedness[, not exceeding the constitutional
11 limits, for the purpose of paying its share or portion of the
12 costs of such improvement in the manner provided by law for the
13 incurring of indebtedness] in accordance with 53 Pa.C.S. Pt.
14 VII, Subpt. B (relating to indebtedness and borrowing), for the
15 purpose of paying its share or portion of the costs of the
16 improvement.

17 Section 279. Section 3241 of the act is amended to read:

18 Section 3241. Approval of [Sanitary Water Board] Department
19 of Environmental Protection.--No [such] sewer or plant shall be
20 constructed until plans and specifications have been submitted
21 to the [Sanitary Water Board] Department of Environmental
22 Protection, and approved in accordance with provisions [of the
23 act of assembly providing for such approval] applicable law.

24 Section 280. Sections 3242, 3243 and 3244 of the act are
25 repealed:

26 [Section 3242. Connections with Sewers of Adjacent
27 Municipalities.--Any city may connect with an existing sewer,
28 owned by any adjacent municipality, for sewage purposes, in the
29 manner prescribed in the following sections of this subdivision
30 of this article.

1 Section 3243. Applications to Court.--Whenever any city
2 desires to connect with the existing sewer of any adjacent
3 municipality, and no agreement has been reached between such
4 city and the adjacent municipality, an application shall be made
5 by council to the court of quarter sessions of the county,
6 setting forth that fact.

7 Section 3244. Appointment of Viewers.--If the court shall be
8 of the opinion that such connection can be made without
9 impairing the usefulness of the existing sewer, it shall appoint
10 three viewers, who shall view the premises and investigate the
11 facts of the case, and shall assess the proportionate part of
12 the expense of building the original sewer upon such city, and
13 shall fix the proportion of the expense for repairs which each
14 municipality shall thereafter bear, and determine all other
15 questions liable to arise in connection therewith.]

16 Section 281. Section 3245 of the act, repealed in part June
17 3, 1971 (P.L.118, No.6), is repealed:

18 [Section 3245. Report of Viewers; Appeals to Court.--The
19 viewers shall report to the court the result of their
20 investigation, which report shall be confirmed within thirty
21 days, unless exceptions thereto be filed. After confirmation of
22 such report, or the disposal of any exceptions, any party
23 interested may appeal from the decision of the court of quarter
24 sessions.]

25 Section 282. The act is amended by adding a section to read:

26 Section 3245.1. Municipal Corporation; Municipal Authority;
27 Agreements for Connections; Appointment of Viewers.--(a) Any
28 city may by agreement connect with an existing sanitary sewer
29 owned by any municipal corporation or municipal authority for
30 either sanitary sewage collection or treatment purposes.

1 (b) When any city desires to connect with the existing sewer
2 of any municipal corporation or municipal authority and no
3 agreement has been reached between the city and the municipal
4 corporation or municipal authority, city council shall present a
5 petition to the court of common pleas setting forth those facts.
6 The court shall fix a day for a hearing and notify all
7 interested parties thereof. If, after the hearing, the court
8 determines that the connection can be made without impairing the
9 usefulness of the existing sanitary sewer system, the court
10 shall appoint three viewers to view the premises, investigate
11 the facts of the case, assess the necessary costs and expenses
12 of making the connection and assess the proportionate part of
13 the expense of building the original sanitary sewer system upon
14 the city. The court shall determine the proportion of the
15 expense for repairs which each municipal corporation, municipal
16 authority and the city shall bear and shall determine all other
17 questions liable to arise in connection therewith.

18 (c) The viewers shall report to the court the result of
19 their investigation, which report shall be confirmed within
20 thirty days, unless exceptions thereto are filed. After
21 confirmation of the report, or the disposal of any exceptions,
22 any party interested may appeal from the decision of the court
23 of common pleas.

24 Section 283. Article XXXII subdivision (e) heading of the
25 act is repealed:

26 [(e) Power to Furnish Sewerage Facilities Outside of City]

27 Section 284. Section 3250 of the act is amended to read:

28 Section 3250. Sewers Extended Outside of City.--[All cities,
29 wherein the title to the sewerage system therein located, is, or
30 shall hereafter be in the name of the city,] A city with a

1 sanitary sewer system may extend [such] the system and construct
2 sewers beyond the [bounds of the cities wherein they are located
3 into the county and municipalities of the county in the vicinity
4 of such cities,] city's boundaries into adjoining municipalities
5 in the county where the city is located and furnish sewer
6 facilities to, and permit the tapping and the connection
7 therewith by any and all corporations, institutions, persons and
8 municipalities in the [counties in which said cities are] county
9 where the city is located in accordance with law and the rules
10 and regulations of the Public Utility Commission. This section
11 does not authorize a city to extend a sewerage system or
12 construct sewers in territory outside the boundaries of such
13 cities in which sewerage facilities are furnished by a private
14 company or by a municipality authority.

15 Section 285. Article XXXIII and subdivision (a) headings,
16 sections 3301 and 3302, subdivision (b) heading and sections
17 3310, 3311, 3312, 3313, 3314 and 3315 of the act are repealed:

18 [ARTICLE XXXIII

19 COLLECTION BY INSTALMENT OF THE COST OF STREET

20 AND SEWER IMPROVEMENTS

21 (a) Street and Sewer Improvements

22 Section 3301. Payment of Assessments in Instalments.--
23 Whenever any ordinance is passed providing for the grading,
24 paving or other improvement of any street, or part thereof, or
25 for the construction of any sewer, the expense whereof is to be
26 defrayed by local assessments, it may be prescribed in such
27 ordinance that the assessments may be paid in not more than ten
28 equal instalments, payable at such times as may be fixed by
29 ordinance, the last thereof not to be more than ten years after
30 the completion of the work on the improvement for which it is

1 assessed. The instalments shall bear interest at the rate of not
2 more than six per centum per annum, commencing at such time as
3 may be fixed by ordinance. If any of said instalments shall
4 remain unpaid for two months after the same shall become due and
5 payable, the whole of the assessment remaining unpaid shall be
6 due and payable. Any person upon whom such assessment has been
7 made may pay all or as many as he chooses of such instalments
8 before the same are due.

9 Section 3302. Collection of Assessments.--All assessments
10 made in pursuance hereof shall be collected in the same manner
11 and with the same penalties as provided by law for the
12 collection of municipal claims.

13 (b) Street Improvements

14 Section 3310. Issue of Bonds for Payment of Cost of
15 Improvement.--In order to provide for the payment of the cost
16 and expense of the permanent paving and improvement of any
17 street, or part thereof, cities may in addition to other methods
18 provided, from time to time, issue their bonds in such sums as
19 may be required, in all to an amount not exceeding the cost and
20 expense of such improvement and interest thereon.

21 Said bonds shall bear the name of the street to be improved.
22 They shall bear interest at a rate not exceeding six per centum
23 per annum, payable semi-annually, on the first day of July and
24 January, and their maturity shall be fixed in accordance with
25 the Municipal Borrowing Law.

26 Section 3311. Disposition of Proceeds of Sale of Bonds;
27 Assessment on Properties.--Said bonds shall be negotiated at not
28 less than par as other bonds of said cities are negotiated, and
29 the proceeds thereof applied solely to the payment of the cost
30 of said improvement. The contract price of the same, and

1 interest thereon to the first day, when interest thereon is
2 payable, shall be taken as the cost of said improvement, to be
3 assessed on the property benefited, according to the provisions
4 of this act.

5 Section 3312. Entering of Assessments as Liens.--Such
6 assessments shall be entered in the proper municipal lien and
7 judgment docket in the prothonotary's office, and shall, if
8 filed within six months from the completion of the improvements,
9 without the issuing of a scire facias to revive, remain a first
10 lien upon the property assessed until fully paid, having
11 precedence of all other liens, except taxes, and shall not be
12 diverted by any judicial sale, unless the payment of the same is
13 provided for from the proceeds of such sale.

14 The assessment shall state the name of the city claimant, the
15 name of the owner or reputed owner, a reasonable description of
16 the property, the amount claimed to be due, for what improvement
17 the claim is made, and the time when the assessment was finally
18 confirmed or made.

19 Section 3313. Instalment Payment of Assessments.--Such
20 assessment shall be payable at the city treasurer's office in
21 equal semi-annual instalments, with interest, at the rate
22 provided in said bonds, from the date to which interest was
23 computed on the amount of the assessments, or so much as remains
24 unpaid from time to time, until all said assessments and
25 interest are fully paid. The money so received by the city
26 treasurer shall be applied to the sinking fund.

27 Section 3314. Collection of Unpaid Instalments.--In case of
28 default in the payment of any semi-annual instalment of said
29 assessment and interest for a period of sixty days after the
30 same shall become due and payable, the entire assessment and

1 accrued interest shall become due and payable, and the city
2 solicitor shall proceed to collect the same under the provisions
3 of laws creating and regulating municipal liens and proceedings
4 thereon.

5 Section 3315. Payment in Advance; Discharge of Lien as Part
6 of Property.--Any owner of property against whom an assessment
7 shall have been made for such improvement shall have the right
8 to pay the same, or any part remaining unpaid, in full with
9 interest thereon to the next semiannual payment due on said
10 assessment, and such payment shall discharge the lien. If any
11 owner shall subdivide any property after such lien attaches, he,
12 in like manner, may discharge the same upon any subdivided
13 portion thereof by paying the amount for which said part would
14 be liable.]

15 Section 286. Article XXXIV heading of the act is amended to
16 read:

17 ARTICLE XXXIV

18 [WATER-COURSES]

19 WATERCOURSES, FLOOD PROTECTION PROJECTS

20 AND STORM WATER SYSTEMS

21 Section 287. Section 3401 of the act is amended to read:

22 Section 3401. [Changing of Water-Courses] Establishing and
23 Changing Watercourses, Flood Protection Projects and Storm Water
24 Systems; Removing Obstructions [Therefrom.--Cities].--(a)
25 Subject to obtaining, if required, the authorization of the
26 Department of Environmental Protection and of the Federal
27 Government, a city may, by ordinance, [after the consent of the
28 Water and Power Resources Board and of the Federal government,
29 where required, has first been obtained, establish the lines,
30 change and] do any of the following:

1 (1) Realign, change or vacate the channels, beds, and mouths
2 of [water-courses] watercourses through lands, marshes or waters
3 in or adjacent to the city[; crib, wall, confine], subject to
4 the limitations in the act of August 7, 1936 (1st Sp.Sess.,
5 P.L.106, No.46), referred to as the Flood Control Law, the act
6 of June 22, 1937 (P.L.1987, No.394), known as "The Clean Streams
7 Law," the act of November 26, 1978 (P.L.1375, No.325), known as
8 the "Dam Safety and Encroachments Act," and 26 Pa.C.S. § 206
9 (relating to extraterritorial takings).

10 (2) Confine, pave or completely [inclose, and prevent]
11 enclose watercourses within the city.

12 (3) Prevent and remove obstructions [therefrom at the
13 expense of those causing the same; and, for such purposes, may
14 enter upon and condemn such property and materials as may be
15 necessary. Cities may construct] and encroachments from
16 watercourses and the banks of streams that threaten or do injure
17 the city or property therein, at the expense of those that
18 caused the obstruction or encroachment through proceedings at
19 law or equity.

20 (4) Construct and maintain dams [as hereinafter provided.
21 Cities may also, by ordinance, establish the lines of banks of
22 streams of water which pass through or along the boundary of
23 such cities, and by proceedings at law or equity prevent and
24 remove all such encroachments on the banks of streams and water-
25 courses as threaten to or do injure the city or the property
26 therein.] in a watercourse flowing through the city, or partly
27 within and partly outside its corporate limits, for the purpose
28 of improving the public health, safety and welfare in the city.

29 (5) Plan and provide for projects, infrastructure and
30 improvements as a means of managing and controlling storm water,

1 which may include, but need not be limited to, the transport,
2 storage and the infiltration of storm water and other innovative
3 techniques identified in the county-prepared watershed plans
4 pursuant to the act of October 4, 1978 (P.L.864, No.167), known
5 as the "Storm Water Management Act."

6 (6) Plan and provide for projects, infrastructure, and
7 improvements as a means of providing flood protection pursuant
8 to the Flood Control Law.

9 (b) A city may, for any of the purposes in this section,
10 purchase, acquire, enter upon, take, use and appropriate private
11 property and materials as necessary. Condemnation proceedings
12 shall be pursuant to the procedures in 26 Pa.C.S. (relating to
13 eminent domain), and any takings of property outside the limits
14 of the city shall be subject to the limitations in 26 Pa.C.S. §
15 206 (relating to extraterritorial takings).

16 Section 288. Sections 3402, 3403, 3404, 3405 and 3406 of the
17 act are repealed:

18 [Section 3402. Notice.--No ordinance for the establishment
19 of lines or the vacation or alteration of the course or channel
20 of any water-course shall be passed, until notice thereof has
21 been given, by publication of the proposed ordinance, at least
22 once a week for three consecutive weeks, in one newspaper in
23 accordance with the provisions of section one hundred nine of
24 this act.

25 Section 3403. Viewers to Assess Damages.--The city may, at
26 any time after the passage of the ordinance, present a petition
27 to the court of common pleas, setting forth the lines
28 established and the nature of the vacation or alteration
29 proposed in the course or channel of such water-course, together
30 with a description of the proposed improvements, and praying the

1 court to appoint three viewers to ascertain the damages, costs,
2 and expenses resulting therefrom, and to assess the damages,
3 costs, and expenses, for so much thereof as the viewers may deem
4 reasonable, upon the property benefited.

5 Section 3404. Appointment of Viewers.--The court, or any law
6 judge thereof in vacation, shall appoint three viewers from the
7 county board of viewers, and appoint a time, not less than
8 twenty nor more than thirty days thereafter, when the viewers
9 shall meet upon the line of the improvement and view the same
10 and the premises affected.

11 Section 3405. Proceedings to Assess Damages.--The
12 proceedings before such viewers for the allowances of damages
13 for property taken, injured or destroyed, and for the assessment
14 of benefits upon property benefited, shall be as provided in
15 this act for the assessment of damages and benefits in eminent
16 domain proceedings.

17 Section 3406. Discontinuance of Proceedings.--If any city
18 shall repeal any ordinance passed, or discontinue any proceeding
19 taken, providing for any such improvements, prior to the entry
20 upon, appropriation, or injury to any property or materials, the
21 city shall not be liable to pay any damages, but all costs upon
22 any such proceeding, together with any actual damage or injury
23 sustained by reason of such proceeding, shall be paid by the
24 city.]

25 Section 289. Sections 3407 and 3408 of the act are amended
26 to read:

27 Section 3407. [Liens.--When the court has entered its final
28 decree confirming the report or fixing the assessments, the]

29 Assessment of Benefits; Liens.--With regard to improvements made
30 pursuant to section 3401(a), a city may, if feasible, assess the

benefits upon property benefited by the improvements pursuant to
Article XLV-A. The assessments of benefits shall become liens
upon the property assessed. Claims therefor may be collected in
the same manner as municipal claims are collected, or they may
be collected by action of assumpsit, the lien of the judgment,
however, to be limited to the property assessed.

Section 3408. Waters Excepted.--Nothing contained in the
preceding sections of this article shall apply to any [water-
course] watercourse used by any municipality or water company as
a source of supply, unless [such] the municipality or water
company shall consent to [such] the vacation or alteration.

Section 290. Section 3409 of the act is repealed:

[Section 3409. Construction of Dams.--Whenever the consent
of the Water and Power Resources Board and of the Federal
government, whenever necessary, has been granted to any city to
construct and maintain a dam, in a public navigable river or
stream flowing through, or partly within and partly without its
corporate limits, for the purpose of improving the sanitary
conditions thereof, such city may purchase, acquire, enter upon,
take, use and appropriate private property, either within or
without its territorial limits, for that purpose. If the city
cannot agree with the owner or lessee of such private property
upon the compensation for the property appropriated or the
damages done, or when, by reason of the absence or legal
incapacity of any such owner or lessee, no such compensation can
be agreed upon, the court of common pleas of the county in which
such property may be situate, or any judge thereof in vacation,
on application thereto by petition by said city or such owner,
lessee, or any person affected, shall appoint viewers to view
and ascertain the damages done by reason thereof, and the

proceedings thereupon shall be as provided in this act in the case of property taken, injured or destroyed.]

Section 291. Article XXXV heading of the act is amended to read:

ARTICLE XXXV

[PUBLIC] UTILITY SERVICE

Section 292. Article XXXV subdivision (a) and subheading (1) headings and section 3501 of the act are repealed:

[(a) Water Supply

(1) General Provisions

Section 3501. Exclusive Right to Furnish Water to City; Frontage Tax.--Each city shall have the exclusive right, at all times, to supply the city with water, and such persons, partnerships, and corporations therein as may desire the same, at such prices, as may be agreed upon; and for that purpose to have, at all times, the unrestricted right, by ordinance, subject to the provisions of existing laws, to make, erect, and maintain all proper works, machinery, buildings, cisterns, reservoirs, pipes, conduits, for the raising, reception, conveyances, and distribution of water; or, in territory not supplied with water, to make contracts with and authorize any person, company, or association so to do and to give such person, company, or association the privilege of furnishing water, as aforesaid, for any length of time not exceeding ten years. Whenever an extension of a supply of water to portions of the city not previously supplied shall be made, it shall be lawful to charge all owners of houses, lots, and buildings on each side of the street a frontage tax for the local water supply part thereof according to the foot front or the assessed valuation of the property for city purposes or according to

benefits. This tax shall be collected and recovered in the manner provided by law for the recovery of municipal claims. The legal title to all waterworks heretofore vested in any city by equitable title shall, after the effective date of this act, be vested in such city. Said waterworks shall be operated, maintained, and managed in the same manner and subject to the same provisions as any waterworks, owned or acquired by cities.]

Section 293. The act is amended by adding a section to read:

Section 3501.1. Right to Furnish Water, Lighting, Electric, Gas or Other Similar Utility Service.--(a) A city may supply water, lighting, electric, gas or other similar utility service for public and private uses within the city. For these purposes, a city shall have the power to install, maintain, and operate all necessary facilities and to acquire property and make improvements as needed. In carrying out the authority granted by this section, a city may exercise all powers granted to it under this act or any other law deemed necessary to carry out the purposes of this section, including the power to acquire, by eminent domain or otherwise, and the power to temporarily use or lease, property.

(b) A city supplying water, lighting, electric, gas or other similar utility service shall have the authority to fix the rates and charges applicable thereto in accordance with section 3587.

(c) For the purposes of this section, a city shall have the authority to incur debt in accordance with 53 Pa.C.S. Pt. VII, Subpt. B (relating to indebtedness and borrowing).

Section 294. Article XXXV subheading (2) heading, sections 3505, 3506 and 3507, subheading (3) heading, sections 3515, 3516, 3517, 3518, 3519, 3520 and 3521, subheading (4) heading,

1 sections 3530, 3531 and 3532, subheading (5) heading and section
2 3540 of the act are repealed:

3 [(2) Acquisition by Eminent Domain

4 Section 3505. Appropriation of Lands and Waters.--Any city
5 desiring to erect water-works, or to improve its water supply,
6 may appropriate springs, streams, rivers, or creeks, and lands,
7 easements, and rights of way, within or without its limits; and,
8 for the purpose of conducting water obtained outside the limits
9 of the city, may lay pipes under and over any lands, rivers,
10 streams, bridges, highways, and under railroads. No water
11 appropriated under the provisions of this section shall be used
12 in such manner as to deprive riparian owners thereon of the free
13 use and enjoyment of the same for domestic or farm purposes.

14 Section 3506. Agreements as to Damages; Bonds.--Prior to any
15 such appropriation, the city shall attempt to agree with the
16 owner as to the damage done, or likely to be done. If the
17 parties cannot agree, or the owner cannot be found, or is under
18 legal incapacity, the city shall petition the court of common
19 pleas to fix the amount of its bond, with or without surety, as
20 the court may direct, conditioned for the payment to the owner
21 of the property of the damages for the taking thereof, when the
22 same shall have been ascertained, and shall file said bond, as
23 approved, in the said court.

24 Section 3507. Appointment of Viewers; Proceedings.--Upon
25 petition of either the property owner or city, the court shall
26 appoint three viewers from the county board of viewers, who
27 shall assess the damages for the property or rights
28 appropriated, and shall fix a time for their meeting, of which
29 notice shall be given to all parties interested by newspaper
30 publication, at least once in at least one newspaper, ten days

1 prior to such meeting, as required by section one hundred and
2 nine of this act, and the posting of hand bills along the line
3 of said improvement. The proceedings for the assessment of
4 damages shall be as provided in this act in case of property
5 taken, injured or destroyed.

6 (3) Acquisition by Purchase after Appraisement

7 Section 3515. Petition to Court Expressing Desire to Acquire
8 Water-Works.--Whenever any person, firm, or corporation shall
9 own any water-works or system which furnishes water within the
10 city, such city may present its petition to the court of common
11 pleas of the county, setting forth that the city is desirous of
12 owning and operating such water-works or system, and that it
13 will be necessary to issue bonds, to be secured by such water-
14 works or system, and that a value should be placed upon such
15 water-works or system, including all property, real and
16 personal, used in connection therewith. A city may acquire, by
17 agreement with the owner thereof, any water-works or system
18 which furnishes water within the city, or a part thereof, and
19 within nearby municipal subdivisions, or parts thereof.

20 Section 3516. Appointment of Engineers as Appraisers to Make
21 Valuation.--The court shall thereupon appoint three registered
22 engineers, in civil engineering, as appraisers, to value and
23 appraise such water-works or system, and the property used in
24 connection therewith, and the contracts or agreements with
25 municipalities or townships, who shall file their report in the
26 court within three months after their appointment, unless such
27 time be extended by the court.

28 Section 3517. Powers of Appraisers.--The appraisers shall
29 have access to the books and records of the person, firm, or
30 corporation, owning such water-works or system, to inform

1 themselves as to the income and value thereof. They shall have
2 power to administer oaths and are authorized to take the
3 testimony of witnesses. Their report shall be final if not
4 appealed from.

5 Section 3518. Appeal from Appraisalment.--Within ten days
6 after notice of the filing of any report, either party may
7 appeal from such appraisalment, alleging an undervaluation or
8 overvaluation of the property, and praying for a hearing before
9 the court. The court shall thereupon fix a time when such appeal
10 may be heard, of which time at least ten days' notice shall be
11 given to the parties, and, upon such hearing, the court shall
12 have power to modify such report, and either party may appeal
13 from the final confirmation of such report to the Superior or
14 Supreme Court.

15 Section 3519. Effect of Failure of Owner of Works to Accept
16 Price Fixed.--After the value is finally determined, the city
17 may buy such water-works or system at the valuation so fixed;
18 and the person, firm, or corporation owning the same shall,
19 within ten days after notice, file in court its consent to sell
20 and convey its water-works or system and property to the city at
21 the valuation fixed. And, in default thereof, such person, firm,
22 or corporation shall cease to have any exclusive privilege of
23 supplying the city, or the citizens thereof, with water, and the
24 city may install such water-works or system as may be necessary
25 for the accommodation of the public.

26 Section 3520. Issue of Bonds.--For the purpose of any
27 purchase authorized by this article, the city may issue general
28 obligation bonds or utility bonds or non-debt revenue bonds
29 issued as provided by the Municipal Borrowing Law.

30 Section 3521. Limit of Bond Issue.--Such bonds shall not

1 exceed in amount the value fixed by the appraisers or the court.
2 The proceeds of the sale of such bonds shall be used exclusively
3 for the purpose of paying for the property acquired.

4 (4) Acquisition of Competing Water Companies by Cities

5 Section 3530. Power to Acquire Companies Operating in Same
6 Territory.--Any city owning, operating, or controlling a system
7 of water-works for the supplying of water to persons,
8 partnerships, and corporations residing therein, and for
9 municipal purposes, whether the title to the said water-works be
10 in the name of commissioners of water-works or in the city
11 itself or otherwise, may acquire all the water-works, including
12 water pipes, mains, service attachments, fire hydrants, and
13 improvements of any water corporation or private individual
14 operating partly within and partly without the limits of the
15 said city, both so much as is included within the limits of the
16 said city, and so much as is without the limits of the said
17 city, serving the territory adjacent thereto, and acquire and
18 exercise all of the franchises and powers of said prior owner
19 both within and without the city limits.

20 No such municipal acquisition shall be valid until, upon
21 application filed by the city and formally joined in by the
22 proposed vendor water company, the Public Utility Commission
23 shall have found and determined, after public hearing, that the
24 granting of such application and the service contemplated by the
25 city is necessary or proper for the service, accommodation, and
26 convenience of the public. In any such proceeding, the entire
27 matter shall be before the commission, and no further specific
28 approvals of the said commission, which might otherwise be
29 required, shall be necessary.

30 Section 3531. Service Outside Limits Subject to Control of

1 Public Utility Commission.--The service of water by any such
2 city in the territory outside of the limits of the city shall be
3 subject to regulation and control by the Public Utility
4 Commission as to character of service, extensions, and rates,
5 with the same force and in like manner as though the city
6 serving in such territory were in fact a water corporation and
7 with respect to such territory outside of the limits of the
8 city, and shall have all the powers and be subject to all the
9 duties of a water corporation.

10 Section 3532. Different Rates Within and Without City.--
11 Inasmuch as the city may be serving its inhabitants at less than
12 the actual cost of service, including capital charges and
13 depreciation, because the plant may have been or may be built
14 and operated in part out of the funds raised by municipal
15 taxation, no rate, classification, rule, regulation, or
16 practice, put in operation by the city in the portion of its
17 territory supplied, located beyond the city limits shall be
18 considered as unjustly discriminatory solely by reason of the
19 fact that a different rate, classification, rule, regulation, or
20 practice is in operation within the boundaries of the
21 municipalities with respect to a similar service rendered.

22 (5) Power to Furnish Water to Consumers outside City

23 Section 3540. All cities wherein the title to the water-
24 works therein located is or shall hereafter be in the name of
25 the city may extend the water-pipes and improvements of any such
26 water-works, beyond the bounds of the cities wherein they are
27 located, into the county and municipalities of the county in the
28 vicinity of such cities; and furnish water to any and all
29 corporations, institutions, persons, and municipal subdivisions
30 in the counties in which said cities are located, in accordance

1 with law and the rules and regulations of the Public Utility
2 Commission. This section does not authorize a city to extend
3 water-pipes or supply water in territory, outside the boundaries
4 of such cities, which territory is being supplied with water by
5 a private company.]

6 Section 295. The act is amended by adding a section to read:

7 Section 3540.1. Power to Furnish Utilities to Consumers
8 Outside City.--A city that provides utility service in
9 accordance with section 3501.1 may provide utility service in
10 surrounding municipalities, or portions thereof, which are not
11 provided with such services by those surrounding municipalities,
12 local or regional public authorities or private companies,
13 subject to and in accordance with applicable law and the rules
14 and regulations of the Pennsylvania Public Utility Commission
15 with regard to the character of service, extensions and rates.

16 Section 296. Article XXXV subheading (6) heading, sections
17 3550, 3551, 3552 and 3553, subheading (7) heading, sections
18 3560, 3561, 3562, 3563 and 3564, subheading (8) heading and
19 sections 3570 and 3571 of the act are repealed:

20 [(6) Power to Lease Water-Works

21 Section 3550. Lease of Water-Works.--The council of any city
22 may, on behalf of such city, enter into a contract with any
23 private individual, copartnership, association, or corporation,
24 for the leasing of any water supply, works, systems, and
25 property, or both, of such private individual, copartnership,
26 association, or corporation.

27 Section 3551. Terms of Lease; Rental.--The said leasing may
28 be for such term of years and at such rental, as shall be agreed
29 upon by the city and the private individual, copartnership,
30 association, or corporation.

1 Section 3552. Operation of Property.--The property, so
2 acquired, shall be operated in the same manner as if the same
3 had been acquired by such city by purchase or condemnation
4 proceedings.

5 Section 3553. Rates.--The council of the city, subject to
6 the Public Utility Law, shall fix the rates to be charged for
7 the water furnished without the limits of such city to
8 individuals, copartnerships, associations, or corporations.

9 (7) Condemnation of Lands for Road Purposes and to
10 Prevent Contamination

11 Section 3560. Overflowing Roads; Acquisition of Lands to
12 Reconstruct Roads.--Whenever any city, in supplying water to the
13 public, shall find it necessary, in storing water, to occupy and
14 overflow with water portions of any turnpike or public road, or
15 whenever any public road leads into or crosses over any
16 reservoir used for the storage of water, the city shall cause
17 such turnpike or road to be reconstructed, at its own expense,
18 on a favorable location and in as perfect manner as the original
19 road, and, for such purposes, is authorized to condemn land
20 whenever an agreement as to the price cannot be had with the
21 owners.

22 Section 3561. Filing Maps and Plans.--After such change is
23 made, the city shall file in the court of quarter sessions of
24 the county a map or plan showing such change of road, and shall
25 furnish to the supervisors or other authorities of the township,
26 or municipal corporation, a copy of such map.

27 Section 3562. Condemnation of Lands to Prevent
28 Contamination.--Cities may acquire, by purchase or condemnation,
29 such lands along and contiguous to the streams of water or
30 reservoirs from which water is taken for public use, as may be

1 necessary to preserve the same from contamination.

2 Section 3563. Security for Payment of Damages.--No land
3 shall be taken, injured or destroyed for the uses mentioned in
4 this subdivision of this article until compensation therefor
5 shall have been paid, or secured, before such taking, injury or
6 destruction.

7 Section 3564. Condemnation Proceedings.--The damages
8 incurred in changing the location of any such turnpike or public
9 road, and in condemning land to preserve water from
10 contamination, shall be ascertained in the manner provided in
11 this act in case of property taken, injured or destroyed.

12 (8) Miscellaneous Provisions

13 Section 3570. Power of City to Patrol Through Private
14 Lands.--Any city owning and operating a water-works system is
15 hereby authorized and empowered to enter, by any of its
16 employes, upon private lands through which may pass any stream
17 or streams of water supplying such city, for the purpose of
18 patrolling the drainage area of such stream or streams, and
19 making investigations or inquiries pertaining to the condition
20 of the stream or streams, sanitary or otherwise. Any injury or
21 damage done to the property, so entered upon, shall be paid by
22 such city.

23 Section 3571. Leasing of Part of Water-Works for Yacht
24 Harbor.--The council, or the commission of water-works, or other
25 body of any city having charge and control of the water-works
26 property of any such city, may, subject to the approval of the
27 State Department of Health, and subject to proper restrictions,
28 lease, for a period of years, any portion of the real property,
29 not exceeding three acres, and any water area, under its
30 control, and not necessary or essential for the operation and

1 maintenance of such water-works, for the purpose of establishing
2 and maintaining a harbor for yachts and for the erection of
3 proper and suitable buildings in connection therewith, whenever
4 the occupation of the grounds and water areas so leased shall
5 not interfere with the operation of such water-works or in any
6 manner affect the sanitary conditions of any public water
7 supply.

8 Any such lease, before the same is executed, shall be
9 submitted to and be approved by the Department of Health.]

10 Section 297. Section 3572 of the act, added August 19, 1953
11 (P.L.1100, No.297), is repealed:

12 [Section 3572. Accumulation of Funds; Repair and Replacement
13 of Water Supply Systems.--Any city, which now has or may
14 hereafter acquire title to any water-works, shall create a
15 special fund and accumulate therein money to be expended
16 exclusively for the repairing and replacing of its water supply
17 system. The city shall annually place into the fund the
18 difference between ten (10) per cent of the net receipts
19 collected by it incidental to the supplying of water and water
20 service and the amount, if any, expended in repairing or
21 replacing its water supply system. The total amount in the
22 special fund shall not exceed in the aggregate ten (10) per cent
23 of the net receipts for any three years.

24 The provisions of this section shall not be construed to
25 limit the powers of the city to use receipts from water or water
26 services for purposes of repairing or replacing its water supply
27 system.]

28 Section 298. Article XXXV subdivision (b) heading, sections
29 3575 and 3576, subdivision (c) heading and sections 3580, 3581,
30 3582, 3583 and 3584 of the act are repealed:

1 [(b) Power and Light

2 Section 3575. Power to Furnish Light.--Cities shall have the
3 exclusive right, at all times, to supply the city with electric,
4 gas or other light, and such persons, partnerships, and
5 corporations therein as may desire the same, at such prices as
6 may be agreed upon; and shall have at all times, the
7 unrestricted right to make, erect, and maintain the necessary
8 buildings, machinery, and apparatus for manufacturing and
9 distributing the same, or, in territory not supplied with light,
10 to make contracts with and to authorize any person, company, or
11 association so to do, and to give such person, company, or
12 association the privilege of supplying gas or other light, as
13 aforesaid, for any length of time not exceeding ten years.

14 Section 3576. Street Lighting; Ornamental Lighting
15 Systems.--Cities may, by ordinance, provide for and regulate the
16 lighting of streets with gas or electric light, or light by
17 other means, and, upon petition of the majority of the property
18 owners in number or interest abutting on any street or section
19 thereof, may install ornamental lighting systems and assess the
20 costs of installation, maintenance, or operation entirely upon
21 the city, or entirely upon the abutting property owners, or
22 partly upon the abutting property owners and partly on the city.

23 (c) Water and Lighting Commission

24 Section 3580. Creation of Water and Lighting Department.--
25 Any city which now has or which may hereafter have the title to
26 any water, gas, or electric light works, by conveyance to the
27 same or by operation of law in its corporate name, or which may
28 hereafter erect or purchase water, gas, or electric light works,
29 under the provisions of this act, may create a department to be
30 called the water and lighting department, and, for the

1 organization and government of the same, the council may divide
2 the city into three districts for the election of a board of
3 commissioners, which districts shall be numbered one, two, and
4 three; one commissioner to be chosen from each respective
5 district, of which he shall be a resident at the time of his
6 election, and no member of council or person holding any city
7 office shall be eligible as a member of said board.

8 Section 3581. Election of Members of Commission.--The
9 council of such city creating such department, as aforesaid,
10 may, on the second Monday of April, or within thirty days
11 thereafter, elect one person from each of said districts as a
12 member of the board of commissioners of the water and lighting
13 department; and at the first election each member of council
14 shall vote for but two commissioners, and the three persons,
15 being one from each of said districts, having the highest number
16 of votes shall be declared elected. The commissioners so elected
17 shall serve for the term of one, two, and three years,
18 respectively, to be computed from the date of election, and
19 until their successors are duly elected and qualified. The term
20 of each shall be determined by lot at the first meeting of the
21 board, and thereafter on the second Monday of April of each
22 year, or within thirty days thereafter, the council shall elect
23 one commissioner to serve for the term of three years.

24 Section 3582. Compensation of Commissioners; Oath; Removal;
25 Filling of Vacancies.--The members of the board of
26 commissioners, created as aforesaid, shall receive such
27 compensation for their services as may be provided by ordinance.
28 Before entering upon their respective duties, they shall take
29 and subscribe the oath prescribed by this act for city officers,
30 and they shall be removable by council for misdemeanor in office

1 or neglect of duty. All vacancies occurring in the board shall
2 be filled by council for the unexpired term.

3 Section 3583. Duties of Board.--The board shall take charge
4 of the water and lighting department so created, and shall
5 employ and dismiss at pleasure a superintendent and a clerk, who
6 shall be secretary of the board, whose compensation shall be
7 fixed by council. The board shall employ such laborers,
8 mechanics and workmen as they may deem necessary for the
9 economical and efficient administration of said department. They
10 shall purchase such materials and supplies as may be required
11 for keeping the works in good repair, and have charge and
12 control of all constructions, repairs, enlargements and
13 extensions of the works, and shall conduct and manage the
14 affairs and business of the department in accordance with law
15 and the directions of council.

16 Section 3584. Estimates of New Work to be Furnished
17 Council.--The said board of commissioners shall, whenever called
18 upon by council, make and submit to them full estimates of the
19 cost, charges and expenses of any new work, enlargement,
20 extension of water or lighting supply, or alteration which
21 council may contemplate making relative to said works; and may,
22 at any time, submit to council any suggestions and estimates
23 they may see proper to make touching the improvement, extension,
24 or enlargement of said works, but no new construction,
25 reconstruction, extension, supply of water or light, or
26 enlargement of said works shall be undertaken by said
27 commissioner so created, or materials or supplies be purchased
28 therefor, without the previous consent and direction of
29 council.]

30 Section 299. Section 3585 of the act is amended to read:

1 Section 3585. Payment of Cost of [Extensions by Property
2 Owners; Frontage Tax] Extensions.--Whenever an extension of [a
3 supply of] pipes, wires or conduits is made to permit a city to
4 supply water or light, electric, gas or other similar utility
5 service to portions of the city not previously supplied [shall
6 be made by the said commissioners, they shall make out a full
7 statement of the number of feet of main pipes laid or extended
8 through any of the streets of the city in which main pipes were
9 not laid before the said extension, and shall file the same in
10 the department; and it shall be the duty of the clerk of said
11 department, forthwith, on receipt of said statement to make out
12 a list of all owners of houses, lots and buildings on each side
13 of the street through which said pipes are extended, and to
14 charge said owners, and each of them, for each and every house,
15 lot or building so situated in said streets, at such rate per
16 foot as council may by ordinance fix, for said mains extending
17 along the front of their respective houses, lots and buildings.
18 Nothing herein contained shall be construed to prevent council
19 from providing for the payment of water and gas pipes by the
20 city] with such service, an assessment of the costs thereof may
21 be made in accordance with Article XLV-A.

22 Section 300. Section 3586 of the act is repealed:

23 [Section 3586. Collection of Frontage Tax; Assessment of
24 Cost.--Said charge shall be called the frontage water tax, or
25 lighting tax, as the case may be, and shall be collected and
26 recovered in the manner provided by law for the recovery of
27 municipal claims. Whenever any pipes for the conveyance of water
28 or light shall be laid in any of the streets or highways within
29 such city, the owners of the ground in front of which the same
30 shall be laid shall pay for the expense thereof such sum for

1 each foot of the front of their ground upon such street as
2 council may, by ordinance, direct: Provided, That in all corner
3 lots an allowance shall be made of one-third the length of their
4 front, but such allowance shall be always and only on the street
5 having the longest front and in case both fronts are of equal
6 dimensions, the allowance shall be made in the street in which
7 the pipes shall be last laid, but in no case shall the allowance
8 exceed sixty feet on any corner lot: And provided further, That
9 when a corner lot shall have erected upon it two or more
10 separate tenements, there shall only be an allowance made equal
11 to one-third of the depth of the corner tenement and the yard
12 adjoining. The provisions of this and the foregoing section
13 shall not apply to any lot or piece of ground in such city upon
14 which there may be a supply of water or gas obtained from any
15 other source whatever, but if at any time the owner of such lot
16 or piece of ground shall desire to obtain a supply of water or
17 gas from the works of such city, then and in that case the
18 provisions of this section shall first be complied with.]

19 Section 301. Section 3587 of the act is amended to read:

20 Section 3587. Fixing Rates.--[The board of commissioners
21 may] Council shall fix, or may delegate to a city department the
22 power to fix, with the approval of council, [fix the water and
23 lighting rates, and the quantity to be used, and for that
24 purpose they shall, on the first Monday of March in each year,
25 establish the rates for the succeeding year, which rates shall
26 be submitted by them to council for its approval, and, when
27 approved, such rates shall not be changed for and during the
28 year, but if not approved, the existing rates shall continue
29 until modified by the commissioners, with the approval of
30 council] rates for the use of water or light, electric, gas or

other similar utility service and, in the case of consumers outside the city, the fixing of rates shall be subject to and in accordance with applicable law and the rules and regulations of the Pennsylvania Public Utility Commission.

Section 302. Section 3588 of the act, amended December 18, 1992 (P.L.1424, No.175), is amended to read:

Section 3588. Collection of [Lighting and Water] Utility Charges.--(a) Council shall provide, by ordinance, for the collection of [all the lighting and water] charges for the use of water or light, electric, gas or other similar utility service that may accrue, from time to time, to the city [for the use of the water or light], fixing the time when [such] the charges shall be payable, and the penalties for nonpayment thereof[; and such] . The charges shall be assessed to the respective owners of the real estate on which [such water or light] the utility service is used, and if the same shall not be paid in accordance with the provisions of [such] the ordinance, claims for the amounts due [shall be registered in the city lien docket in the same manner as provided by law in the case of unpaid city taxes on real estate, with the like force and effect as to the lien thereof.] may be filed as a lien and collected in accordance with the "Municipal Claim and Tax Lien Law."

(b) In the case of a city which has agreed to provide water service through a separate meter and separate service line to a residential dwelling unit in which the owner does not reside, the owner shall be liable to pay the tenant's bill for service rendered to the tenant by the city only if the city notifies the owner and the tenant within thirty days after the bill first becomes overdue. Such notification shall be provided by first class mail to the address of the owner provided to the city by

1 the owner and to the billing address of the tenant,
2 respectively. Nothing herein shall be construed to require a
3 city to terminate service to a tenant, provided that the owner
4 shall not be liable for any service which the city provides to
5 the tenant ninety or more days after the tenant's bill first
6 becomes due unless the city has been prevented by court order
7 from terminating service to that tenant.

8 Section 303. Section 3589 of the act is repealed:

9 [Section 3589. Report to Council; Accounts of City
10 Treasurer; Disposition of Surplus.--The board of commissioners
11 shall, annually at a stated meeting of council in the month of
12 January, report to said council a full statement of all the
13 repairs, alterations, reconstructions, new constructions,
14 expenditures, and everything relating to the management and cost
15 to the city of maintaining each of the said works. The city
16 treasurer shall keep his accounts in such manner as to show in
17 his monthly report, distinctly and separately, the entire amount
18 of revenue realized during each month from the water and
19 lighting departments of said city, respectively; and the
20 revenues derived from the said water and lighting departments
21 shall be applied exclusively to the purposes of said
22 departments, respectively; and the surplus, if any, to the
23 reduction of the debt thereof. Any surplus revenues from said
24 water and lighting departments, after the payment of all the
25 debts of said respective departments, shall be applied as
26 follows: The surplus from the water revenues, to the reduction
27 of the bonded indebtedness which has been created by the city
28 for the erection and construction of its water-works; and the
29 surplus from the lighting revenues, to the reduction of any
30 bonded indebtedness which has been created by the city for the

erection and construction of its lighting plant.]

Section 304. The act is amended by adding a section to read:

Section 3590. Disposition of Revenues.--The revenues derived from the city's furnishing of water, light, electric, gas or other similar utility service shall be applied as follows:

(1) to the purposes of the respective departments under the direction of which the utility service is provided;

(2) for the reduction of debt related to the provision of that service; and

(3) to any other city department that provides labor or materials for the maintenance and repair of property or facilities relating to the city's provision of a utility service.

Section 305. Article XXXVI heading is reenacted to read:

ARTICLE XXXVI

PUBLIC BUILDINGS AND WORKS

Section 306. Section 3601 of the act is amended to read:

Section 3601. [Hospitals, Jails, Poor Farms, Et Cetera.--

Each city may, by ordinance, erect] Public Buildings

Generally.--(a) With regard to public buildings, each city may, by ordinance, do any of the following:

(1) Erect, purchase, establish or maintain [hospitals, jails, workhouses, or houses of correction for juvenile or other offenders and prescribe regulations for the government thereof; and erect] all public buildings. [necessary for the use of the city, or of any department thereof; purchase, take, use, or occupy, private lands upon which to erect any of the said buildings; purchase, take, use, or occupy, within or without the limits of the respective city, whether within the county wherein is located the city, or within a county adjacent thereto, or

1 within both, private lands and buildings; establish and maintain
2 a general hospital, or hospitals, for the cure and treatment of
3 the sick and injured, or a hospital or hospitals for the
4 treatment and separation of persons suffering with contagious or
5 infectious diseases, and prescribe rules and regulations for the
6 government, management, and maintenance thereof; purchase, take,
7 use, or occupy, within the limits of the county of such city or
8 within a county adjacent thereto, or within both, private lands
9 upon which to establish and maintain a poor farm, with all
10 necessary and convenient buildings and appliances, where the
11 city may support and maintain such poor persons as such city is
12 by law required to support and maintain; acquire, by purchase,
13 or in other lawful manners, within or without the city, but
14 within the county or counties in which the city is located,
15 sufficient real estate for present and future use upon which to
16 erect workhouses or houses of detention, poor houses, garbage
17 and incinerating furnaces. The proceedings for the assessment of
18 damages for any property taken, occupied or used for any such
19 purpose shall be the same as provided in this act for property
20 taken, injured or destroyed.]

21 (2) Purchase, take, use, occupy, or acquire, by any lawful
22 means, including eminent domain, private lands, buildings and
23 property in order to erect, establish or maintain public
24 buildings.

25 (b) For purposes of this article, public buildings shall
26 include not only those buildings or structures which council
27 deems necessary for the use of the city, but also other
28 buildings and structures which are to be used for a public
29 purpose, including public auditoriums, public libraries, public
30 memorial buildings and monuments.

1 Section 307. Section 3602 of the act is repealed:

2 [Section 3602. Public Auditoriums, Libraries, Memorials and
3 Monuments.--Cities may take, purchase, or acquire, by any lawful
4 means, or through condemnation proceedings, property for the
5 purpose of erecting thereon public auditoriums, public
6 libraries, public memorial buildings, and monuments.]

7 Section 308. Section 3603 of the act is amended to read:

8 Section 3603. Payment of Cost of Erection and Maintenance.--
9 Cities may appropriate money [or issue bonds for the erection,
10 on said property purchased or acquired through condemnation
11 proceedings, public auditoriums, public libraries, public
12 memorial buildings, and monuments] and incur debt in accordance
13 with 53 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and
14 borrowing) for the purchase or acquisition through eminent
15 domain of private lands, buildings and property in order to
16 erect or establish public buildings. Cities may also appropriate
17 moneys for the operation and maintenance of [such public
18 auditoriums, public libraries, memorial buildings, and
19 monuments] public buildings.

20 Section 309. Section 3604 of the act is repealed:

21 [Section 3604. Proceedings for Assessment of Damages.--All
22 proceedings for the assessment of damages for property taken for
23 auditoriums, libraries, memorials and monuments shall be had in
24 the manner provided by this act for property taken, injured or
25 destroyed.]

26 Section 310. Sections 3605, 3606 and 3607 of the act are
27 amended to read:

28 Section 3605. Donation of Land by City for Library Purposes;
29 Contributions [toward Maintenance.--Cities may donate ground
30 thus acquired for a public library to any library association

1 provided said association will furnish the funds for the
2 erection of the library building, the plans of which are
3 approved by the city, but only in such cases where the said
4 library association is by its by-laws and charter compelled to
5 put back into the property and surplus earnings from the
6 operation of said library. Cities may make appropriations
7 towards the operating expense of such library.] toward
8 Maintenance.--In addition to the power to make appropriations,
9 donations and gifts for library purposes in accordance with the
10 act of June 14, 1961 (P.L.324, No.188), known as "The Library
11 Code," a city may acquire and donate land for library purposes
12 to a local library as defined in section 102 of "The Library
13 Code."

14 Section 3606. Rental of Public Auditoriums; Disposition of
15 Proceeds.--Cities, in the case of public auditoriums, may, by
16 order of council, charge a rental for the use of [said] the
17 public auditorium. All moneys derived from rental of [said] the
18 public auditoriums shall be paid into the general fund of the
19 city.

20 Section 3607. [Leasing of City Property as Memorials.--Each
21 city may lease real estate, the property of said city,] Long-
22 Term Improvement Leases.--(a) A city may lease city real estate
23 on long term improvement leases, at a nominal rental or
24 otherwise, to a [corporation of the first class] nonprofit
25 corporation, for the purpose of providing an auditorium for
26 dramatic, musical, artistic, literary, scientific or patriotic
27 societies or events, or for such other purposes as may be
28 approved, from time to time, by council.

29 (b) A long-term improvement lease shall be for a term of not
30 more than ninety-nine years, and may provide for a right of

1 renewal for a like term, and shall contain provision for the
2 improvement of the real estate by the lessee by the erection of
3 a suitable building or buildings of dignified and appropriate
4 architecture, absolute ownership of which building or buildings
5 shall revert to the city, free of any claim or charge, at the
6 end of the term of the lease or any renewal thereof.

7 (c) The building or buildings erected pursuant to a long-
8 term improvement lease may be used for any one or more of the
9 following purposes, which are hereby declared, in respect of
10 this subject matter, to be used for public purposes: As an
11 auditorium for dramatic, musical, artistic, literary, or
12 scientific events, including provision for the accommodation of
13 patriotic societies or groups, or such other accommodations and
14 features as may be approved, from time to time, by the city.

15 (d) The title to property subject to a long-term improvement
16 lease shall remain in the city, and for purposes of local
17 taxation, the property which is subject to a long-term
18 improvement lease and the leasehold estate created thereby shall
19 be deemed to be devoted to a public purpose and public use.

20 (e) The lessees under a long-term improvement lease shall be
21 exclusively liable for the maintenance and upkeep of the demised
22 premises, and shall be solely responsible for the maintenance
23 and operation thereof.

24 (f) Any long-term improvement lease may provide that the
25 lessor shall be entitled to receive a sum equal to the net
26 income of the demised premises after reasonable reserves and
27 proper amortization charges.

28 Section 311. Sections 3608, 3609, 3610, 3611 and 3612 of the
29 act are repealed:

30 [Section 3608. Term of Lease; Renewals; Improvements to be

1 Erected.--Every such lease shall be for a term of not more than
2 ninety-nine years, and may provide for a right of renewal for a
3 like term, and shall contain provision for the improvement of
4 the real estate by the erection of a suitable building or
5 buildings of dignified and appropriate architecture, absolute
6 ownership of which building or buildings shall revert to the
7 city, free of any claim or charge, at the end of the term of the
8 said lease or any renewal thereof.

9 Section 3609. Use of Buildings.--The building or buildings,
10 so erected, may be used for any one or more of the following
11 purposes, which are hereby declared, in respect of this subject
12 matter, to be used for public purposes: As an auditorium for
13 dramatic, musical, artistic, literary, or scientific events,
14 including provision for the accommodation of patriotic societies
15 or groups, or such other accommodations and features as may be
16 approved, from time to time, by the city.

17 Section 3610. Title in City; Exemption from Taxation;
18 Maintenance.--The title to the said property, as so improved,
19 shall remain in the city, and neither the said real estate, nor
20 the leasehold estate created by such lease, shall be subject to
21 local or other taxation.

22 The lessees shall be exclusively liable for the maintenance
23 and upkeep of the demised premises, and shall be solely
24 responsible for the maintenance and operation thereof.

25 Section 3611. Rental.--Any such lease may provide that the
26 lessor shall be entitled to receive a sum equal to the net
27 income of said demised premises after reasonable reserves and
28 proper amortization charges.

29 Section 3612. Location of City Jails Restricted.--No city
30 shall erect or construct a city jail or lock-up, or use any

1 existing building or lock-up for the first time, which will be
2 or is located within five hundred feet of any public school
3 building.]

4 Section 312. Article XXXVII heading of the act is reenacted
5 to read:

6 ARTICLE XXXVII

7 PARKS, PLAYGROUNDS, AND RECREATION CENTERS

8 Section 313. Section 3703 of the act, amended September 26,
9 1951 (P.L.1515, No.379), is amended to read:

10 Section 3703. Acquisition of Lands and Buildings.--Cities
11 may enter upon, take, use, purchase and acquire, by gift or by
12 the right of eminent domain, lands, property and buildings, for
13 the purpose of making, extending, enlarging, and maintaining
14 recreation places which shall consist of public parks, parkways,
15 playgrounds, playfields, gymnasiums, public baths, swimming
16 pools, or indoor recreation centers, may levy and collect such
17 special taxes as may be necessary to pay for the same, and make
18 appropriations for the improvement, maintenance, care,
19 regulation, and government of the same. Cities may designate and
20 set apart for use for any of the purposes specified in this
21 section lands and buildings owned by such cities and not
22 dedicated or devoted to other public use. Cities may also lease
23 lands and buildings in such cities for temporary use for [such]
24 these purposes. Lands, property and buildings outside the limits
25 of the city may be [acquired in like manner] purchased or
26 acquired for the recreation places[, and such lands may be
27 annexed to the city, in the manner provided by this act for the
28 annexation of territory to a city.] with the consent of the
29 governing body of the municipal corporation in which the lands,
30 property or buildings are situated.

1 Section 314. The act is amended by adding a section to read:

2 Section 3703.1. Powers of Council; Delegation.--(a) Council
3 shall have the power to equip, operate, supervise, and maintain
4 recreation places and to employ recreation directors or any
5 other officers or employees deemed necessary in order to carry
6 out the provisions of this article.

7 (b) In any case in which more than one-half the full costs
8 of the supervision and maintenance of the recreation places,
9 including the compensation of all the officers and employees
10 hired to carryout the provisions of this article, are borne by
11 the city, council shall have the authority to fix the
12 compensation of these officers and employes.

13 (c) Council may delegate all or part of its power under
14 subsection (a) to an existing body or board or to a recreation
15 board, as council shall determine.

16 Section 315. Section 3704 of the act, amended January 14,
17 1952 (1951 P.L.2032, No.570), is repealed:

18 [Section 3704. Creation of Recreation Board.--The authority
19 to supervise and maintain recreation places may be vested in any
20 existing body or board, or in a recreation board, as council
21 shall determine. Council may equip, operate, and maintain the
22 recreation places, as authorized by this act. Such authorities
23 may, for the purpose of carrying out the provisions of this
24 article, employ play leaders, recreation directors, supervisors,
25 superintendents, or any other officers or employes, as they deem
26 proper. Where more than one-half the full costs of the
27 supervision and maintenance of the recreation places, including
28 the compensation of all the officers and employes, are borne by
29 the city, the compensation of such officers and employes shall
30 be fixed by council: Provided, however, That in such cases,

1 council may delegate this power to the recreation commission.]

2 Section 316. Section 3705 of the act, amended October 4,
3 1978 (P.L.950, No.188), is amended to read:

4 Section 3705. [Composition of Board.--(a) If council shall
5 determine that the power to equip, operate, and maintain
6 recreation places, shall be exercised by a recreation board,
7 they may establish in said city such recreation board, which
8 shall possess all the powers, and be subject to all the
9 responsibilities of council under this article. Such] Creation
10 and Composition of Recreation Board.--Council may establish in
11 the city a recreation board, which shall possess the powers and
12 the responsibilities delegated to it by council in accordance
13 with section 3703.1(c). The recreation board, when established,
14 shall consist of [a minimum of five and a maximum of nine
15 persons, two of whom shall be members of and appointed by the
16 school board. The city] five or seven persons. The members of
17 the board shall be appointed by the mayor with the approval of
18 council and shall serve for terms no longer than five years and
19 the terms of the members shall be staggered in such a manner
20 that at least one expires annually. Members of [such] the
21 recreation board shall serve without pay. Vacancies in [such]
22 the board, occurring otherwise than by expiration of term, shall
23 be for the unexpired term and shall be filled in the same manner
24 as original appointments.

25 [(b) In addition to the establishment of a city recreation
26 board, the council may appoint persons to serve as members of a
27 school district recreation board established by the school
28 district wherein the city is located.]

29 Section 317. Sections 3706, 3707 and 3708 of the act are
30 amended to read:

1 Section 3706. [Organization of Board; Employees] Organization
2 of Board.--The members of a recreation board, established
3 pursuant to this article, shall elect their own [chairman] chair
4 and secretary and select all other necessary officers, to serve
5 for a period of one year[, and may employ such persons as may be
6 needed, as authorized by this article. Such] The board shall
7 have power to adopt rules and regulations for the conduct of all
8 business within its jurisdiction. MEETINGS OF THE BOARD SHALL BE ←
9 SUBJECT TO THE PROVISIONS OF 65 PA.C.S. CH.7 (RELATING TO OPEN
10 MEETINGS).

11 Section 3707. Joint Ownership and Maintenance.--[Any] A city
12 may, jointly with any [other cities, boroughs, or townships, or
13 any of them] one or more other municipalities, acquire property
14 for, and operate and maintain, any recreation [places] place.
15 Any city may join with any school district, in equipping,
16 operating, and maintaining recreation places, and may
17 appropriate money therefor.

18 Section 3708. [Issue of Bonds.--The city council may issue
19 general obligation bonds] Borrowing.--The city council may
20 borrow money and incur debt in accordance with 53 Pa.C.S. Pt.
21 VII Subpt. B (relating to indebtedness and borrowing) for the
22 purpose of acquiring lands or buildings for recreation places,
23 and for the equipment therefor.

24 Section 318. Section 3709 of the act, amended August 10,
25 1965 (P.L.318, No.168), is amended to read:

26 Section 3709. Maintenance and Tax Levy.--[All expenses
27 incurred in the operation of such] Expenses incurred in the
28 maintenance and operation of recreation places, established as
29 herein provided, [shall be payable] including the operation of
30 recreation programs therein, may be paid from the treasury of

1 the city. Council may annually appropriate, and cause to be
2 raised by taxation[, such tax for the purpose of maintaining and
3 operating recreation places. In lieu thereof, council may
4 annually appropriate moneys to any existing body or board, or to
5 a recreation board or commission, for the maintenance and
6 operation of recreation places.] in accordance with section
7 2531(a)(4), a tax for this purpose. The funds may be
8 appropriated, for the purposes of this section, to any existing
9 body or board, or to a recreation board or commission.

10 Section 319. The act is amended by adding a section to read:

11 Section 3709.1. City Trusts.--(a) In addition to all other
12 powers conferred by law, a city may receive in trust, and city
13 council may control for the purposes of the trust, all estate,
14 moneys, assets and property, real and personal, which may have
15 been or shall be bestowed upon it by donation, gift, legacy,
16 endowment, bequest, devise, conveyance or other means, for the
17 purpose of establishing or maintaining a public park or other
18 public purpose for the use and benefit of the citizens of the
19 city.

20 (b) In the event that a city trust has been or is created as
21 a result of any property or estate, whatsoever, having been
22 conveyed, bequeathed or devised or otherwise given or donated to
23 any city, in trust, for the purpose of establishing or
24 maintaining a public park or other public purpose for the use
25 and benefit of citizens of the city, control of the trust shall
26 be transferred to city council and, if necessary to carry out
27 the intention of this section, the court of common pleas in the
28 county in which a city is located may, upon petition of council,
29 transfer control of the trust to city council. City council may
30 delegate the supervision and operation of recreation places

1 subject to the trust to a recreation board in accordance with
2 section 3703.1. Nothing in this section shall limit any power of
3 the court to terminate or reform a trust under existing law.

4 Section 320. Sections 3710, 3711, 3712, 3713, 3714, 3715,
5 3716 and 3717 of the act are repealed:

6 [Section 3710. Leasing by City of its Parks or
7 Playgrounds.--Cities may enter into contracts and agreements
8 with any incorporated association, acting within its corporate
9 powers, for the use by the latter of any park or playground,
10 owned, leased, or occupied by said cities, for such period and
11 upon such terms as to maintenance, upkeep and improvement of
12 such ground as may be mutually agreed upon. No such contract or
13 agreement, however, shall permanently exclude the public of said
14 cities from the use and enjoyment of said parks and playgrounds.
15 The said cities shall at all times be invested with the power
16 and authority to adopt suitable rules and regulations concerning
17 the use and occupation of said parks and playgrounds by the
18 public generally, and by such incorporated associations
19 specially.

20 Section 3711. Sale of Coal Under Parks or Commons.--Council
21 may sell and lease, at the best price obtainable, and subject to
22 such conditions as it may deem necessary to impose for the
23 protection of the surface, the coal under any park or common
24 owned by and situate within the corporate limits of the city.
25 When any park, or common shall front on a river or other public
26 stream, such portion of the amount realized from the sale or
27 lease of such coal may be used for the erection of retaining
28 walls, as council shall deem necessary for the purpose. Before
29 any such coal shall be sold or leased, the proposed sale shall
30 be advertised, in accord with the provisions of section one

1 hundred and nine of this act, at least once a week in three
2 daily papers published in the city in which said coal is
3 situate, if there be so many, and in any other publication, as
4 council may determine; and sealed bids shall be received, and
5 the person, copartnership, association or corporation offering
6 the highest and best price shall be the purchaser, but council
7 shall have the right to reject all bids.

8 Section 3712. Use of Proceeds of Sale or Lease of Coal Under
9 Parks.--Whenever any city shall have sold or leased the coal
10 underlying any public park or common within the limits of said
11 city, the proceeds of said sale or lease, except as hereinbefore
12 otherwise provided, shall be applied only as follows: First. To
13 the improvement, policing, and lighting of the said park or
14 common, or the redemption of bonds issued for the improvement of
15 said park or common; Second. Any surplus of the said proceeds
16 may then be applied and used for the purchase and improvement of
17 other lands, within the limits of the city or immediately
18 adjacent thereto, for use as recreation places, or for the
19 building of bridges and construction of drains and sewers, or
20 for such other purposes as council may determine: Provided, That
21 no land shall be purchased for such use with said funds unless
22 the ordinance authorizing the purchase shall have been passed by
23 the affirmative vote of four members of council.

24 Section 3713. Application of Coal Rentals to Payment of
25 Costs of Improvements; Issue of Bonds.--Whenever hereafter any
26 such city shall have leased the coal under any public park or
27 common for a rental or royalty payable in periodical
28 instalments, in order to provide for the payment of the cost of
29 any such improvements authorized in the preceding sections, the
30 said city may, from time to time, issue general obligation

1 bonds. The issuance of any such bonds shall be in accordance
2 with the Municipal Borrowing Law.

3 Section 3714. Appointment of Directors of City Trusts.--

4 Whenever any property or estate, whatsoever, has been conveyed,
5 bequeathed or devised to any city, in trust, for the purpose of
6 establishing or maintaining a public park or other public
7 purpose for the use and benefit of citizens of such city, the
8 court of common pleas of the county in which such city is
9 located, on petition of council of said city, shall appoint five
10 persons as directors of city trusts, all of whom shall be
11 citizens of such city, and none of whom shall hold any office or
12 employment thereunder, who shall exercise and discharge all the
13 duties and powers of said city, however acquired, concerning
14 such property, conveyed, bequeathed or devised to such
15 charitable use, to the extent that the same has been or
16 hereafter may be, by statute or otherwise, vested in or
17 delegated to the said city or the officers thereof. The
18 directors of city trusts may delegate the supervision and
19 operation of such city trusts as are recreation places to the
20 authority determined by council for recreation places of the
21 city in accordance with section three thousand seven hundred
22 four of this act.

23 Section 3715. Term of Service; Removal; Vacancies.--The
24 persons so appointed shall serve as members of the board of
25 directors of city trusts during good behavior, subject, however,
26 to removal by the court of common pleas for dereliction or
27 neglect of duty, or for any other cause deemed by the said court
28 to be important for the conservation or administration of the
29 said trust thus imposed upon them.

30 All vacancies shall be, from time to time, filled by the said

1 court, on petition of the council, of said city, or any of its
2 citizens.

3 Section 3716. Duties of Directors.--The said directors of
4 trust shall carefully invest and preserve the trust funds; make
5 such rules and by-laws for the proper regulation of their
6 business not inconsistent with the terms annexed to any
7 conveyance, bequest or devise in any deed or last will and
8 testament of any decedent; appoint and employ as many agents and
9 employes as, in their judgment, shall be necessary for the
10 proper discharge of the said trust or trusts; and, in the name
11 and in accordance with the conditions of said trusts, do any and
12 all things requisite for the proper administration and
13 management of the property under their control.

14 Section 3717. Directors to be Agents of City; to Have no
15 Interest in Contracts.--The said directors, in the discharge of
16 their duties and within the scope of their powers, shall be
17 considered agents or officers of the city, but no compensation
18 or emolument whatever shall be received by them for any services
19 performed relating to the said trusts, nor shall any of them
20 have or acquire any personal interests in any contract whatever
21 made through them or their agents or employes.]

22 Section 321. Section 3718 of the act is amended to read:

23 Section 3718. [Appointment of Park Guards.--] Park
24 Rangers.--(a) The council of every city shall have power, under
25 the provisions of this article, to provide, by ordinance, for
26 the selection and employment of such number of persons as [they
27 deem necessary to act as park guards] are deemed necessary to
28 act as park rangers, fix their compensation and duties, and
29 provide for their [uniforming] uniforms.

30 (b) To the extent authorized by 53 Pa.C.S. Ch. 21 Subch. D

1 (relating to municipal police education and training), persons
2 appointed as park rangers, under any ordinance passed pursuant
3 to the provisions of subsection (a), shall have, in the parks
4 and playgrounds and other public places in the cities, and
5 beyond the limits of the cities when the cities have acquired
6 lands, properties and buildings for park and playground or other
7 public purposes, the same power, in preserving the peace,
8 maintaining order, and making arrests, as police officers have
9 in the cities.

10 (c) For purposes of the act of June 28, 1935 (P.L.477,
11 No.193), referred to as the Enforcement Officer Disability
12 Benefits Law (Heart and Lung Act), the term "park ranger," as
13 used herein, shall mean a park guard.

14 (d) Park rangers shall be under the supervision, control and
15 direction of the director of the Department of Parks and Public
16 Property, or, if none exists, any other department as council
17 directs.

18 Section 322. Sections 3719, 3720 and 3721, Article XXXVIII
19 and subdivision (a) headings and section 3801 of the act are
20 repealed:

21 [Section 3719. Powers of Park Guards.--Persons appointed as
22 park guards, under any ordinance passed pursuant to the
23 provisions of the preceding section, shall have, in the parks
24 and playgrounds and other public places in such cities, and
25 beyond the limits of such cities when such cities have acquired
26 such lands, properties and buildings for park and playground or
27 other public purposes, the same power, in preserving the peace,
28 maintaining order, and making arrests, as policemen have in such
29 cities.

30 Section 3720. Control of Park Guards.--Such park guards

1 shall be under the supervision, control, and direction of the
2 director of the Department of Parks and Public Property.

3 Section 3721. Sale of Unused and Unnecessary Land and
4 Buildings.--The council of each city is hereby vested with the
5 necessary power and authority to sell unused and unnecessary
6 lands and buildings that have been dedicated to park purposes by
7 public auction, upon sealed bids, or at private sale with
8 approval of the court of common pleas; Provided, nevertheless,
9 That before any such sale is made council shall advertise said
10 proposed sale twice in at least one newspaper in accordance with
11 section one hundred and nine of this act.

12 ARTICLE XXXVIII

13 SHADE TREES AND FORESTS

14 (a) Shade Trees

15 Section 3801. Shade Tree Commission.--Any city may, by
16 ordinance, create a commission to be known as the Shade Tree
17 Commission of such city; but in cities where the council of said
18 city shall not elect to create by ordinance such Shade Tree
19 Commission, the said council may exercise all the rights and
20 perform the duties and obligations imposed by this article upon
21 the Shade Tree Commission.]

22 Section 323. Section 3802 of the act, amended November 2,
23 1975 (P.L.459, No.128), is repealed:

24 [Section 3802. Composition of Commission.--The commission,
25 if ordained, shall be composed of not less than three nor more
26 than seven residents of the city, who shall be appointed by the
27 mayor, and shall serve without compensation.

28 One commissioner shall serve for a term of three years, one
29 for a term of four years, and one for a term of five years on
30 commissions of only three residents. Where the commission

1 consists of more than three members, the time sequence provided
2 for a three member commission shall be repeated.

3 On the expiration of the term of any commissioner, a
4 successor shall be appointed by the mayor to serve for a term of
5 five years.

6 Vacancies in the office of commissioner shall be filled by
7 the mayor for the unexpired term.

8 Should the governing body determine to increase the
9 membership of an already existing commission, the additional
10 members shall be appointed as provided in this section. If, at
11 any time, after increasing the membership of the commission the
12 governing body should determine to reduce the number of members
13 on the commission, such reduction shall be effectuated by
14 allowing the terms to expire and by making no new appointments
15 to fill the vacancy. Any increase or reduction in members shall
16 be by ordinance.]

17 Section 324. Sections 3803, 3804, 3805 and 3806 of the act
18 are repealed:

19 [Section 3803. Powers May Be Vested in Park Commission.--
20 Whenever in any city there exists a commission for the care of
21 public parks, the council may also, by ordinance, provide that
22 the park commission shall have all the powers and be subject to
23 all the duties prescribed by this article for the Shade Tree
24 Commission.

25 Section 3804. Powers of Commission.--The commission shall
26 have exclusive custody and control of the shade trees of the
27 city, and may plant, remove, maintain, and protect shade trees
28 on the streets and sidewalks in the city. The commission may
29 require the planting and replanting of shade trees along the
30 streets and sidewalks of the city, as council may direct. The

1 kind of tree and the alignment and locations of the trees shall
2 be determined by the commission or as council may direct, but
3 shall not prevent necessary or reasonable use of streets,
4 sidewalks, abutting property, or the conduct of business.

5 The commission may, with the approval of council, either
6 employ and pay superintendents, engineers, foresters, tree-
7 wardens, or other assistants, or may contract for personal and
8 professional services, for the proper performance of the duties
9 devolving upon it, and may make, publish, and enforce
10 regulations for the care and protection of the shade trees of
11 the city. No such regulation shall be in force until it has been
12 approved by the council, and until it has been published at
13 least twice in not more than two newspapers of the city.

14 Section 3805. Report of Commission.--The shade tree
15 commission shall annually report in full to the council, at
16 council's first stated meeting in October, of its transactions
17 and expenses for the last fiscal year of the city. The park
18 commission in cities wherein the park commission is authorized
19 to act as the shade tree commission, may incorporate such
20 transactions and expenses as a separate part of its regular
21 report to council.

22 Section 3806. Notices by Commission.--Whenever any shade
23 tree commission, or park commission, acting as a shade tree
24 commission, proposes to plant, transplant, or remove shade trees
25 on any street or sidewalk, notice of the time and place of the
26 meeting at which such work is to be considered shall be given in
27 not more than two newspapers published in the city, once a week
28 for two weeks immediately preceding the time of the meeting, in
29 accord with the provisions of section one hundred and nine of
30 this act. The notice shall specify in detail the streets or

1 sidewalks or portions thereof upon which trees are proposed to
2 be so planted, replanted, or removed.]

3 Section 325. Section 3807 of the act, amended August 21,
4 1953 (P.L.1292, No.364), is repealed:

5 [Section 3807. Payment by Owners.--The cost of furnishing,
6 planting, transplanting, or removing any shade trees in or along
7 the streets of the city, of the necessary and suitable guards,
8 curbing, or grading for the protection thereof, and of the
9 replacing of any pavement or sidewalk necessarily disturbed in
10 the execution of such work, shall be paid by the owner of the
11 real estate in front of whose property the work is done, except
12 that part of such cost may be certified by the commission to
13 council and to the city treasurer as a charge to be paid by the
14 city.

15 The amount each owner is to pay shall be ascertained and
16 certified by the commission to council and to the city
17 treasurer.]

18 Section 326. Sections 3808, 3809 and 3810, Article XXXVIII
19 subdivision (b) heading, sections 3820 and 3821, subdivision (c)
20 heading and sections 3830, 3831, 3832, 3833, 3834, 3835 and 3836
21 of the act are repealed:

22 [Section 3808. Assessments; Liens.--Upon the filing of the
23 certificate with the council, the city clerk shall cause thirty
24 days' written notice to be given by mail to the persons against
25 whose property an assessment has been made. The notice shall
26 state the amount of the assessment, and the time and place of
27 payment, and shall be accompanied with a copy of the
28 certificate. The expense of the notice shall be paid by the
29 city.

30 The amount assessed against the real estate shall be a lien

1 from the time of the filing of the certificate with the council,
2 and, if not paid within the time designated in the notice, a
3 claim may be filed and collected in the same manner as municipal
4 claims are filed and collected.

5 Section 3809. Maintenance by City; Tax Levy.--The cost and
6 expenses of caring for such trees after they have been planted
7 shall be paid by the city.

8 The needed amount shall each year be certified by the
9 commissioners to council in time for inclusion in the proposed
10 budget ordinance, and the funds provided by council shall be
11 drawn against, as required by the commission, in the same manner
12 as money appropriated for city purposes.

13 The city council may levy a special tax, not to exceed the
14 sum of one-tenth of one mill on the dollar on the assessed
15 valuation of the property in said city, for the purpose of
16 defraying the cost and expenses of caring for such shade trees
17 and the administrative expenses connected therewith, or it may
18 provide for such expenses by appropriations.

19 Section 3810. Penalties.--The commission, to the extent as
20 may be provided by ordinance of council, may assess penalties
21 for the violation of its regulations and of this article so far
22 as it relates to shade trees. Any penalty so assessed shall be a
23 lien upon the real estate of the offender and may be collected
24 as municipal claims are collected.

25 All penalties or assessments imposed under this article shall
26 be paid to the city treasurer, to be placed to the credit of the
27 commission, subject to be drawn upon by the commission for the
28 purposes authorized in this article.

29 (b) Memorial Trees

30 Section 3820. Memorial Trees.--Council may provide for or

1 authorize provision for memorial trees for residents of the city
2 who died while in the military service of the United States or
3 in consequence thereof. Council may make appropriations or
4 accept contributions for this purpose. Such trees shall bear
5 some permanent indication of their purpose.

6 Section 3821. Penalty for Injury to Memorial Trees.--Any
7 person wilfully, maliciously, or negligently destroying or
8 injuring any trees planted pursuant to the provisions of this
9 subdivision (b) shall be guilty of a misdemeanor, and upon
10 conviction, shall be liable to a fine not exceeding five hundred
11 dollars, or imprisonment not exceeding three months, or both, in
12 the discretion of the court.

13 (c) Forests

14 Section 3830. Acquisition of Land for Forest Purposes.--
15 Cities may acquire, by purchase, gift, or lease, and hold tracts
16 of land covered with forest or tree growth or suitable for the
17 growth of trees, and administer the same, under the direction of
18 the Department of Forests and Waters, in accordance with the
19 practices and principles of scientific forestry, for the benefit
20 of the city. Such tracts may be of any size suitable for the
21 purpose and may be located within or without the city limits.

22 Section 3831. Approval of Department of Forests and
23 Waters.--Before the passage of any ordinance for the acquisition
24 of land to be used as municipal forests, the mayor shall submit
25 to the Department of Forests and Waters and secure its approval
26 of the area and location of such land.

27 Section 3832. Ordinance Declaring Intention.--Whenever the
28 council deems it expedient to acquire any lands for the purposes
29 of municipal forests, it shall so declare in an ordinance
30 wherein shall be set forth all facts and conditions relating to

1 the proposed action.

2 Section 3833. Appropriations of Money.--All money necessary
3 for the purchase of such tracts shall be appropriated in the
4 same manner as appropriations for city purposes, and such funds
5 may be provided from the current revenue or by the proceeds of a
6 sale of general obligation bonds in accordance with the
7 Municipal Borrowing Law.

8 Section 3834. Rules and Regulations.--Upon the acquisition
9 of any municipal forests or lands suitable for such, the council
10 shall notify the Department of Forests and Waters, which shall
11 make such rules for the government and proper administration of
12 the same as may be necessary. The council shall publish such
13 rules, declare the uses of the forest in accordance with the
14 intent of this subdivision (c) of this article, and make such
15 provisions for its administration, maintenance, protection and
16 development as shall be deemed necessary or expedient. The rules
17 governing the administration of such forests shall have for
18 their main purpose the producing of a continuing city revenue by
19 the sale of forest products.

20 Section 3835. Appropriations and Revenues.--All moneys
21 necessary to be expended for the administration, maintenance,
22 protection, and development of such forests shall be
23 appropriated and applied as is now done for city purposes. All
24 revenue and emoluments arising from such forests shall be paid
25 into the city treasury to be used for general city purposes.

26 Section 3836. Use of Forests.--Municipal forests may be used
27 by the public as general outing or recreation grounds subject to
28 the rules governing their administration as municipal forests.]

29 Section 327. Section 3837 of the act, amended May 21, 1956
30 (1955 P.L.1639, No.548), is repealed:

1 [Section 3837. Ordinance of Sale; Exceptions.--Whenever the
2 council deems it expedient to sell any municipal forest, or part
3 thereof, it shall so declare in an ordinance wherein shall be
4 set forth all the facts and conditions relating to the proposed
5 action, which proposed ordinance shall be advertised once a week
6 for three weeks prior to its passage. No ordinance shall be
7 effective in legalizing such sale until it has been approved by
8 a majority vote of the people at the next ensuing general,
9 municipal or primary election: Provided, however, That the
10 provisions of this section shall apply only to lands acquired
11 for municipal forests as such, and shall not limit the power of
12 cities or water authorities to acquire, sell, exchange, lease,
13 transfer, manage or maintain lands required for the
14 conservation, development, utilization and disposal of water or
15 watersheds: And provided further, That cities or water
16 authorities may enter into agreements with the Department of
17 Forests and Waters providing for such conservation, development,
18 utilization and disposal of water or watersheds.

19 Section 328. Section 3838, Article XXXIX heading and section
20 3901 of the act are repealed:

21 [Section 3838. Appropriation for Forest Work.--Cities may
22 appropriate moneys to any forest protection association
23 cooperating in forest work with the State Department of Forests
24 and Waters, or to be expended in direct cooperation with said
25 department in forest work.

26 ARTICLE XXXIX

27 WHARVES AND DOCKS

28 Section 3901. Power to Erect and Maintain Wharves;
29 Regulation; Charges.--Cities may erect and maintain wharves in
30 navigable waters within or adjacent to the city, regulate the

1 use thereof, fix and collect wharfage, for all public wharves,
2 and docks within their limits in accordance with a regular
3 schedule of charges, establish wharf and dock lines, and
4 construct and maintain docks, retaining walls, dams and
5 embankments. They may regulate the anchoring of all manners of
6 vessels within their limits and the depositing of freight on
7 public wharves and docks. Cities may, pursuant to ordinance,
8 purchase or condemn such land or other property as they may need
9 for the purposes of wharves and docks.]

10 Section 329. Section 3902 of the act, amended July 1, 1959
11 (P.L.501, No.127), is repealed:

12 [Section 3902. Erection of Market-Houses and Railway Tracks
13 on Wharves; Charges; Licenses.--Cities may erect and maintain
14 market-houses and terminal sheds or stations on their wharves,
15 for the receipt and distribution of freight, express, and cargo;
16 construct railroad and street railway tracks or other facilities
17 on said wharves to provide for the convenient handling of such
18 freight or express or cargo; and collect rents, tolls, or
19 charges for the use of such market-houses, terminal stations,
20 tracks, wharves and other facilities. Cities may enter into
21 contracts and agreements with any person for the use by such
22 person of any tracks, terminal stations, wharves or other
23 facilities, for such period and upon such terms as to
24 maintenance, upkeep and improvements, as may be mutually agreed
25 upon. Such cities shall, at all times, be invested with the
26 power and authority to adopt suitable rules and regulations
27 concerning the use and occupation of the tracks, terminal
28 stations, wharves or other facilities, by such persons and by
29 the public. No such contract or agreement shall permanently
30 exclude the public of said cities from the use and enjoyment of

1 said tracks, terminal stations, wharves or other facilities, nor
2 shall any exclusive lease be granted for a term exceeding
3 twenty-five years.

4 No structure so erected, and no right granted under the
5 powers herein conferred, shall interfere with the general public
6 use of wharves for water-borne commerce.]

7 Section 330. Sections 3903, 3904 and 3905 and Article XL
8 heading of the act are repealed:

9 [Section 3903. Use of Unnecessary Wharves or Landings for
10 Other Municipal Purposes.--Whenever any city, by ordinance,
11 declares that any public landing, or public wharf, or part
12 thereof, fronting on any navigable water and lying within its
13 limits, has become unnecessary for use for public landing or
14 public wharf purposes, the city make take, enter upon, and
15 occupy for use for any other public purposes whatsoever, the
16 public landing, or public wharf, or part thereof, so found
17 unnecessary for such purposes, any limitation of use thereof by
18 the municipality arising from donation, dedication,
19 appropriation, statute, or otherwise, to the contrary
20 notwithstanding.

21 Section 3904. Appropriation of Wharves and Landings for
22 General Purposes.--Cities are vested with the right of eminent
23 domain for the purpose of appropriating, for such general public
24 uses, all such public landings or public wharves, or parts
25 thereof, so found unnecessary for such purposes, together with
26 any easements, property and property rights connected therewith.

27 Section 3905. Assessment of Damages.--All damages arising
28 from the exercise of the power of eminent domain hereunder shall
29 be ascertained and awarded in the manner provided by this act
30 for property taken, injured or destroyed.

1 ARTICLE XL

2 CITY PLANNING]

3 Section 331. Article XLI heading of the act, amended July
4 29, 1971 (P.L.250, No.61), is repealed:

5 [ARTICLE XLI

6 ZONING, BUILDING, HOUSING, FIRE PREVENTION, PLUMBING
7 AND ELECTRICAL ORDINANCES, AND PUBLIC NUISANCES]

8 Section 332. Article XLI subdivision (a), (b) and (c)
9 headings of the act are repealed:

10 [(a) The Zoning Ordinances

11 (b) Procedure for Adoption of Zoning Ordinance

12 (c) Board of Adjustment]

13 Section 333. Article XLI subdivision (d) heading and
14 sections 4130, 4131, 4131.1, 4132 and 4133 of the act, amended
15 or added December 21, 1998 (P.L.1013, No.135), are repealed:

16 [(d) Building, Housing, Property Maintenance,

17 Fire Prevention, Plumbing and Electrical Ordinances

18 Section 4130. Building Ordinance, Housing Ordinance,
19 Property Maintenance Ordinance, Fire Prevention Ordinance,
20 Electrical Ordinance and Plumbing Ordinance.--Each city may
21 enact a building ordinance, a housing ordinance, a property
22 maintenance ordinance, a fire prevention ordinance, an
23 electrical ordinance, and a plumbing ordinance, which may
24 provide for the following matters:

25 (a) A system of specifications and regulations to insure the
26 structural safety and the incombustibility of buildings and
27 housing constructed, reconstructed, altered, enlarged, repaired
28 or maintained within the city.

29 (b) A system of specifications and regulations for the
30 setting out, construction, alteration, repair, maintenance,

1 occupation, sanitation, ventilation, lighting, electric wiring,
2 water supply, toilet facilities, drainage, plumbing, use and
3 inspection of all buildings and housing or parts of buildings
4 and housing, and the walls and foundations thereof, constructed,
5 erected, altered, designated, or used, in whole or in part, for
6 human habitation, and for the sanitation and inspection of land
7 appurtenant thereto.

8 Section 4131. Form of Building Ordinance, Housing Ordinance,
9 Property Maintenance Ordinance, Fire Prevention Ordinance, and
10 Plumbing Ordinance; Passage.--The building ordinance, the
11 housing ordinance, the property maintenance ordinance, the fire
12 prevention ordinance, the electrical ordinance and the plumbing
13 ordinance may adopt any standard or nationally recognized
14 building code, any standard or nationally recognized housing
15 code, any standard or nationally recognized property maintenance
16 code, any standard or nationally recognized fire prevention
17 code, any standard or nationally recognized electrical code, or
18 any standard or nationally recognized plumbing code, or any
19 variations or changes or parts thereof, published and printed in
20 book form, covering any or all of the above items, without
21 incorporating such code in the ordinance, or any city may enact
22 any such building code, housing code, property maintenance code,
23 fire prevention code, electrical code, or plumbing code, or any
24 changes or variations or parts thereof, as its building
25 ordinance, as its housing ordinance, as its property maintenance
26 ordinance, as its fire prevention code, as its electrical code
27 or as its plumbing code. In either event, the building ordinance
28 or code, the housing ordinance or code, the property maintenance
29 ordinance or code, the fire prevention ordinance or code, the
30 electrical ordinance or code, and the plumbing ordinance or

1 code, or any changes or variations or parts thereof, need not be
2 advertised after passage, but notice of its consideration, in
3 reasonable detail shall be published as required by section one
4 thousand fourteen of this act. Not less than three copies of the
5 building ordinance, the housing ordinance, the property
6 maintenance ordinance, the fire prevention ordinance, the
7 electrical ordinance or the plumbing ordinance adopted by
8 council shall be made available to public inspection and use
9 during business hours for at least three months after its
10 adoption. The procedure herein set forth relating to the
11 adoption of such building ordinances, housing ordinances,
12 property maintenance ordinances, fire prevention ordinances,
13 electrical ordinances and plumbing ordinances may likewise be
14 adopted in amending, supplementing or repealing any of the
15 provisions of such ordinances.

16 Section 4131.1. Penalties.--(a) Except as provided for in
17 subsection (b), the building ordinance, the housing ordinance,
18 the property maintenance ordinance, the fire prevention
19 ordinance, the electrical ordinance and the plumbing ordinance
20 may provide penalties of fine not exceeding one per month on a
21 property and limited to no more than one thousand dollars for
22 the first two continual and uncorrected violations of the same
23 subsection of such ordinance on the same property and not
24 exceeding five thousand dollars for the third and any subsequent
25 continual and uncorrected violation of the same subsection of
26 such ordinance on the same property.

27 (b) If a violation of the building ordinance, the housing
28 ordinance, the property maintenance ordinance, the fire
29 prevention ordinance, the electrical ordinance or the plumbing
30 ordinance is found to pose a threat to the public's health,

1 safety or property, then penalties of fine may be provided for
2 as follows:

3 (i) not exceeding one citation per five calendar days for a
4 continual and uncorrected violation of the same subsection of
5 such ordinance on the same property;

6 (ii) limited to no less than five hundred dollars and no
7 more than one thousand dollars for the first two continual and
8 uncorrected violations of the same subsection of such ordinance
9 on the same property and no less than one thousand dollars and
10 not exceeding ten thousand dollars for the third and any
11 subsequent continual and uncorrected violation of the same
12 subsection of such ordinance on the same property, or
13 imprisonment for any term not exceeding ninety days, or both.

14 (c) For violations of any ordinance not specified in
15 subsection (a) or (b), a penalty may be imposed on any person
16 who violated such ordinance which shall include a fine of not
17 more than one thousand dollars, or a term of imprisonment of not
18 more than ninety days, or both.

19 Section 4132. Building Inspectors, Housing Inspectors,
20 Property Maintenance Inspectors, Fire Prevention Inspectors,
21 Electrical Inspectors, and Plumbing Inspectors.--Council may
22 appoint building inspectors, housing inspectors, property
23 maintenance inspectors, fire prevention inspectors, electrical
24 inspectors and plumbing inspectors and fix their compensation.
25 Such inspectors shall have the right to enter upon and inspect
26 any and all premises at all reasonable hours for the
27 administration and enforcement of the building ordinance, the
28 housing ordinance, the property maintenance ordinance, the fire
29 prevention ordinance, the electrical ordinance and the plumbing
30 ordinance. Any fees payable to them under the building

1 ordinance, the housing ordinance, the property maintenance
2 ordinance, the fire prevention ordinance, the electrical
3 ordinance and the plumbing ordinance shall be paid by them to
4 the city treasurer for the use of the city as promptly as may
5 be.

6 Section 4133. Actions to Restrain Violations.--The city may,
7 in addition to the penalties provided by its building ordinance,
8 its housing ordinance, its property maintenance ordinance, its
9 fire prevention ordinance, its electrical ordinance and its
10 plumbing ordinance, bring actions at law or in equity to prevent
11 or restrain, correct or abate any violations of its building
12 ordinance, its housing ordinance, its property maintenance
13 ordinance, its fire prevention ordinance, its electrical
14 ordinance and its plumbing ordinance.]

15 Section 334. Article XLI subdivision (e) heading and
16 sections 4140, 4141, 4142 and 4143 of the act are repealed:

17 [(e) Abatement of Public Nuisances

18 Section 4140. Petition for Removal of Public Nuisances;
19 Viewers; Vacating Public Alleys, Lanes or Passageways, Declared
20 Public Nuisances by Board of Health.--The council of any city
21 may, by resolution, authorize and empower the mayor of such city
22 to present a petition to the court of common pleas, setting
23 forth that any property, building, premises, business or
24 occupation, specifying the same fully and describing the same
25 accurately, located within said city has become a public
26 nuisance, injurious or dangerous to the community and to the
27 public health. Upon the presentation and hearing of such
28 petition, if the nuisance complained of be not a public
29 nuisance, per se, then the court may appoint three viewers, from
30 the county board of viewers, to go upon the premises where said

1 nuisance is alleged to exist--at a time to be fixed in the order
2 appointing the same, of which time due notice shall be given to
3 all persons affected, which shall be not less than twenty nor
4 more than thirty days from the date of the order making such
5 appointment--and shall thereupon, being first duly sworn, view
6 the property, premises, building, business or occupation, shall
7 hear the parties, their witnesses and counsel, and shall make
8 due report thereof to the court appointing them. In any case
9 where the board of health shall have declared any public alley,
10 lane or passageway or a part thereof to be a public nuisance,
11 any two or more owners of property adjacent or abutting thereof
12 may petition council that such public alley, lane or passageway
13 or part thereof be vacated in accordance with the procedure
14 provided in this subdivision for the abatement of public
15 nuisances; except that the viewers shall not question the
16 finding of the board of health, but shall determine whether or
17 not the said alley, lane or passageway or part thereof should be
18 vacated. Council may, with or without the aforesaid petition,
19 proceed for the vacating of any such public alley, lane or
20 passageway or part thereof, except that in no case shall any
21 such alley, lane or passageway be vacated in such a way or to
22 such an extent as to deprive any lot abutting thereon of its
23 sole means of ingress and egress; nor shall any alley, lane or
24 passageway created by grant or contract and not therefore
25 accepted by the public be vacated.

26 Section 4141. Power to Viewers.--The viewers, appointed as
27 aforesaid, may:

28 First. Determine whether or not the property, premises,
29 building, business or occupation is a public nuisance, and, if
30 they shall find it is such a nuisance, shall so return in their

1 award; and

2 Second. Find what, if any, compensation shall be paid by the
3 said city to the owner or owners of said property, premises,
4 building, business or occupation for the abatement of the same,
5 and if the findings of the said viewers be in favor of the said
6 city and direct the abatement of said nuisance, then judgment
7 shall be entered upon their award within thirty days after the
8 same is filed, unless the said award be appealed from or
9 exceptions thereto be filed within thirty days. No execution or
10 other process for the collection of any sum of money awarded to
11 any person or persons, corporation or corporations, as
12 compensation for the abatement of any such nuisance, shall issue
13 until the said nuisance has been fully and completely abated,
14 and return thereof made to the court.

15 Section 4142. Appeals.--Any of the parties interested in any
16 proceedings provided by the preceding two sections may appeal to
17 the court of common pleas within thirty days from the date of
18 filing an award; such appeal to be in the same form as now
19 governs appeals from the awards of viewers appointed pursuant to
20 this act to assess damages for property taken, injured or
21 destroyed, the party appealing to pay the costs incurred and to
22 give bond, with one surety, for the payment of all costs which
23 may thereafter be incurred. Upon such appeal being perfected,
24 the court shall frame an issue, which issue shall be placed at
25 the head of the next trial list then open, and shall be tried by
26 the court and jury in the same manner as feigned issues are now
27 tried. Upon such trial the jury shall have power to find the
28 same facts as are provided may be found by the viewers. If the
29 jury shall find in favor of the city and award any compensation
30 to the owner or owners of said property, premises, buildings,

1 business or occupation, judgment shall be entered upon the
2 verdict. No execution or other process for the collection of
3 such judgment shall issue until the nuisance complained of shall
4 have been fully and completely abated, and return thereof made
5 to the court; upon which the court shall have the power to award
6 execution or other process necessary to enforce the collection
7 of the judgment.

8 Section 4143. Abatement of Public Nuisance after Award of
9 Viewers.--Whenever the award of viewers, or the verdict of a
10 jury, shall find that a public nuisance exists, and the owner or
11 owners of any property, premises, building, business or
12 occupation causing the same shall fail to abate the same within
13 sixty days from the date of the judgment, the authorities of
14 said city shall have full power and authority to enter upon said
15 property, premises or building where said nuisance exists and
16 abate the same, and shall not be liable in any form of action
17 for so doing. The cost and expense of abating the same shall be
18 deducted from any compensation awarded in said proceedings.]

19 Section 335. The act is amended by adding an article to
20 read:

21 ARTICLE XLI-A

22 UNIFORM CONSTRUCTION CODE, PROPERTY MAINTENANCE CODE,

23 AND RESERVED POWERS

24 Section 4101-A. Primacy of Certain Codes.--(a) The
25 Pennsylvania Construction Code Act and the Uniform Construction
26 Code adopted under section 301 of the Pennsylvania Construction
27 Code Act shall apply to the construction, alteration, repair and
28 occupancy of all buildings and structures within a city that are ←
29 used or intended for supporting or sheltering any occupancy.

30 (b) This article and any ordinance, rule, or regulation

adopted pursuant to this article shall not supersede or abrogate
the Pennsylvania Construction Code Act or the Uniform
Construction Code and shall be construed and read in pari
materia with them.

Section 4102-A. Changes in Uniform Construction Code.--A
city may propose and enact an ordinance to equal or exceed the
minimum requirements of the Uniform Construction Code in
accordance with AND SUBJECT TO THE REQUIREMENTS OF section 503
of the Pennsylvania Construction Code Act. ANY ORDINANCE
EXCEEDING THE PROVISIONS OF THE UNIFORM CONSTRUCTION CODE SHALL
BE REQUIRED TO MEET THE STANDARDS PROVIDED IN SECTION 503(J) (2)
OF THE PENNSYLVANIA CONSTRUCTION CODE ACT.

Section 4103-A. Public Nuisance.--Any building, housing or
property, or part thereof erected, altered, extended,
reconstructed, removed or maintained, contrary to any of the
provisions of any ordinance enacted for any of the purposes
specified in this article may be reported, in accordance with
Article XXVII-A, to the department designated to determine
whether a public nuisance exists and, if a public nuisance is
determined to exist, it may be abated in accordance with that
article, PROVIDED, HOWEVER, THAT A VIOLATION OF THE UNIFORM
CONSTRUCTION CODE OR ANY ORDINANCE THAT EQUALS OR EXCEEDS THE
UNIFORM CONSTRUCTION CODE SHALL BE SUBJECT TO THE PROVISIONS OF
THE PENNSYLVANIA CONSTRUCTION CODE ACT AND THE REGULATIONS
ADOPTED THEREUNDER BY THE DEPARTMENT OF LABOR AND INDUSTRY
RELATING TO ENFORCEMENT FOR NONCOMPLIANCE.

Section 4104-A. Property Maintenance Code.--(a)
Notwithstanding the primacy of the Uniform Construction Code, a
city may enact a property maintenance ordinance, including any
standard or nationally recognized property maintenance code or

any changes or variations or parts thereof, and it may, by reference, in accordance with section 1018.13, incorporate any standard or nationally recognized property maintenance code, or any variations or changes or parts thereof, published and printed in book form, without setting forth the text of the code in the ordinance.

(b) The full text of the property maintenance code need not be published but, in accordance with section 1018.9, it shall be sufficient to publish the title of the ordinance A SUMMARY SETTING FORTH THE PROVISIONS OF THE ORDINANCE IN REASONABLE DETAIL and a reference to a place within the city where copies of the proposed ordinance may be examined. Not fewer than three copies of the proposed property maintenance code, or portion thereof, or amendment thereto shall be made available to public inspection and use during business hours or a copy may. COPIES SHALL ALSO be made available to any interested party at the cost thereof, IN ACCORDANCE WITH THE ACT OF FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN AS THE "RIGHT-TO-KNOW LAW," or may be furnished or loaned without charge.

(c) A property maintenance code ordinance may provide for fines and penalties not exceeding one thousand dollars or imprisonment for any term not exceeding ninety days, or both, for violations thereof. The procedure herein set forth relating to the enactment of such ordinances may likewise be utilized in amending, supplementing or repealing any of the provisions of such ordinances.

(d) Council may appoint property maintenance inspectors who shall have the right to, subject to constitutional standards in a similar manner as provided in section 2308, enter upon and inspect any and all premises at all reasonable hours for the

administration and enforcement of the city's property
maintenance code or ordinance incorporating a standard or
nationally recognized property maintenance code. Any fees
payable to a property maintenance inspector under the ordinance
shall be paid by the property maintenance inspector to the city
treasurer for the use of the city as promptly as may be.

(e) In addition to the penalties provided by the property
maintenance ordinance, the city may institute appropriate
actions or proceedings at law or in equity to prevent or
restrain property maintenance violations.

(f) The powers of a city as provided in this section shall
be in addition to, but not limited to, the powers provided in
the act of November 26, 2008 (P.L.1672, No.135), known as the
"Abandoned and Blighted Property Conservatorship Act," and 53
Pa.C.S. Ch. 61 (relating to neighborhood blight reclamation and
revitalization).

Section 4105-A. Reserved Powers.--(a) Nothing in this
article shall be construed as limiting or restricting the police
power that a city is authorized to exercise in conformity with
the Pennsylvania Construction Code Act and the Uniform
Construction Code. To the extent that the Uniform Construction
Code or any replacement code remains applicable to cities, the
powers set forth in subsection (b) may be exercised by cities
only to the extent that those powers are not prohibited by or
inconsistent with the Pennsylvania Construction Code Act or the
Uniform Construction Code.

(b) If, as a result of legislative action or otherwise, the
Uniform Construction Code or any replacement code is no longer
made applicable to cities, the following powers are preserved
and may be exercised by a city:



~~(1) A city may enact~~ IF, AS A RESULT OF LEGISLATIVE ACTION
OR FINAL ORDER OF COURT, FOR WHICH THE TIME FOR APPEAL HAS
EXPIRED AND NO APPEAL HAS BEEN TAKEN OR FROM WHICH THERE IS NO
PENDING APPEAL, THE UNIFORM CONSTRUCTION CODE OR ANY REPLACEMENT
CODE IS NO LONGER APPLICABLE IN CITIES, A CITY MAY:

(1) ENACT and enforce ordinances to govern and regulate the
construction, reconstruction, alteration, extension, repair,
conversion, maintenance, occupation, sanitation, ventilation,
heating, egress, lighting, electric wiring, water supply, toilet
facilities, drainage, plumbing, fire prevention, fireproofing
including prescribing limitations wherein only buildings of
noncombustible material and fireproofed roofs are used in
construction, erection, or substantial reconstruction, use and
inspection of all buildings and housing or parts of buildings
and housing, and the roofs, walls and foundations thereof, and
all facilities and services in or about ~~such~~ THE buildings or
housing constructed, erected, altered, designed, or used, in
whole or in part, for any use or occupancy, and the sanitation
and inspection of land appurtenant thereto. ~~Such~~ THE codes may
be combined or separately enacted or combined with the property
maintenance code.

~~(2) A city may require~~ REQUIRE that before any work of
construction, reconstruction, alteration, extension, repair, or
conversion of any building is begun, approval of the plans and
specifications be secured.

~~(3) A city may incorporate~~ INCORPORATE any standard or
nationally recognized code, or any variations or changes or
parts thereof, published and printed in book form, without
incorporating the text of ~~such~~ THE code as provided in
subdivision (a.1) of Article X. The ordinances may provide for

1 fines and penalties not exceeding one thousand dollars or
2 imprisonment for any term not exceeding ninety days, or both,
3 for violations thereof. The procedure herein set forth relating
4 to the enactment of ~~such~~ THE ordinances may likewise be utilized ←
5 in amending, supplementing or repealing any of the provisions of
6 ordinances that incorporate any standard or nationally
7 recognized code, or any variations or changes or parts thereof.

8 (4) ~~Council may appoint~~ APPOINT building inspectors, housing ←
9 inspectors, property maintenance inspectors, fire prevention
10 inspectors, electrical inspectors and plumbing inspectors and
11 fix their compensation. ~~Such~~ THE inspectors shall have the right ←
12 to, subject to constitutional standards in a similar manner as
13 provided in section 2308, enter upon and inspect any and all
14 premises at all reasonable hours for the administration and
15 enforcement of the city's enacted codes or ordinances
16 incorporating standard or nationally recognized codes. Any fees
17 payable to an inspector under the ordinances shall be paid by
18 the inspector to the city treasurer for the use of the city as
19 promptly as may be.

20 (5) In addition to the penalties provided by ordinances, the
21 city may institute appropriate actions or proceedings at law or
22 in equity to prevent or restrain the unlawful construction,
23 reconstruction, alteration, extension, repair, conversion,
24 maintenance or use or occupation of property located within the
25 city, to restrain, correct or abate the violation and to prevent
26 the use or occupancy of the building, housing or structure.

27 Section 336. Article XLII heading of the act is reenacted to
28 read:

29 ARTICLE XLII

30 AERONAUTICS

Section 337. Section 4201 of the act is amended to read:

Section 4201. Power to Acquire Land for Aeronautical Purposes; Maintenance of Municipal Airports[, Etc.--With the approval of the Pennsylvania Aeronautics Commission, a].--A city may establish and maintain a municipal airport and may acquire, by lease, purchase or condemnation proceedings, subject to the limitations in 26 Pa.C.S. § 206 (relating to extraterritorial takings), any land lying either within or without the territorial limits of the city, and within or without the territorial limits of the county in which [such] the city is located, which, in the judgment of council, may be necessary and desirable for the purpose of establishing and maintaining municipal airports, landing fields, aviation easements or intermediate landing fields and other air navigation facilities.

Section ~~339~~ 338. Section 4202 of the act is repealed:

[Section 4202. Proceedings for Condemnation.--The proceedings for the condemnation of lands under the provisions of this article, and for the assessment of damages for property taken, injured or destroyed, shall be conducted in the manner provided by this act in the case of property taken, injured or destroyed. The title acquired by the city exercising the power to condemnation shall be a title in fee-simple.]

Section 339. Sections 4203, 4204 and 4205 of the act are amended to read:

Section 4203. Leasing of Land Acquired for Aeronautical Purposes.--Any city acquiring land for any aeronautical purposes may lease the same, or part thereof to any individual or corporation desiring to use the same for [the purpose of taking off or landing an aeroplane, or for other aeronautical purposes, on such terms and subject to such conditions and regulations as

1 may be provided. Any such city may enter into a contract, in the
2 form of a lease, providing for the use of said land, or any part
3 thereof, by the Government of the United States for air mail
4 delivery, or other aeronautical purposes, upon nominal rental or
5 without consideration] aeronautical purposes.

6 Section 4204. Operation of Facilities Jointly.--Any city may
7 operate and maintain municipal airports, landing fields or
8 intermediate landing fields and other air navigation facilities
9 jointly in accordance with [any other political subdivision or
10 with the Pennsylvania Aeronautics Commission, upon such terms
11 and conditions as may be agreed upon between the council and the
12 corporate authorities of the other contracting party or parties]
13 53 Pa.C.S. Ch.23 Subch. A (relating to intergovernmental
14 cooperation).

15 Section 4205. Appropriation for Support of Air Navigation
16 Facilities.--A city which does not own, lease, or operate
17 municipal airports, landing fields or intermediate landing
18 fields or other air navigation facilities[,] may appropriate
19 money for the support and maintenance of any such facilities,
20 situate either within or without the boundaries of the city, or
21 of the county or counties in which [such] the city is located.

22 Section 340. Article XLIII and subdivision (a) headings of
23 the act are reenacted to read:

24 ARTICLE XLIII

25 PENSIONS

26 (a) Police

27 Section 341. Section 4301 of the act, amended December 12,
28 1994 (P.L.1033, No.140), is amended to read:

29 Section 4301. Police Pension Fund[; Direction of].--(a)
30 Cities shall establish, by ordinance, a police pension fund[, to

1 be].

2 (b) The following shall apply to a police pension fund
3 established pursuant to this section:

4 (1) The fund shall be maintained by an equal and
5 proportionate monthly charge against each member of the police
6 force, which shall not exceed annually four per centum of the
7 pay of [such] the member and an additional amount not to exceed
8 one per centum of the pay of [such] the member to be paid by
9 [such] the member or the municipal corporation to provide
10 sufficient funds for payments required by subsection [(d) of
11 section 4303] (f) of section 4303 to surviving spouses even if
12 they remarry, or if no spouse survives or if such person
13 survives and subsequently dies, then to the child or children
14 under the age of eighteen years, of members of the police force
15 or of members retired on pension or who die in service[; which].

16 (2) The fund shall at all times be under the direction and
17 control of council but may be committed to the custody and
18 management of such officers of the city or [citizens thereof, or
19 corporations located therein] to such other persons or entities,
20 as may be designated by council[, and] by ordinance.

21 (3) The fund shall be applied, under such regulations as
22 council may, by ordinance, prescribe, for the benefit of such
23 members of the police force as shall receive honorable discharge
24 therefrom by reason of age or disability, surviving spouses even
25 if they remarry, or if no spouse survives or if such person
26 survives and subsequently dies, then to the child or children
27 under the age of eighteen years, of members of the police force
28 or of members retired on pension[; but such allowances as shall
29 be].

30 (4) Allowances made to those who are retired by reason of

1 the disabilities of age shall be in conformity with a uniform
2 scale, together with service increments as hereinafter provided.

3 (5) Any compensation paid to a corporate custodian of the
4 police pension fund shall be paid from the general fund of the
5 city.

6 Section 342. Section 4302 of the act, amended November 25,
7 1970 (P.L.754, No.246), is amended to read:

8 Section 4302. Retirement; Final Discharge.--[Such ordinance
9 shall prescribe a] (a) With regard to continuous service and
10 minimum retirement age requirements, the ordinance establishing
11 the police pension fund shall prescribe as follows:

12 (1) A minimum period of continuous service[,] of not less
13 than twenty years[, and, when].

14 (2) If any minimum retirement age is prescribed, a minimum
15 age of fifty years[, after which members of the force may retire
16 from active duty, and such members as are retired].

17 (b) Retired members, if not unfit by reason of age,
18 disability or otherwise, shall be subject to service[, from time
19 to time,] as a police reserve [until unfitted for such service,
20 when they may be finally retired by reason of age or disability]
21 under terms and conditions as may be established by council.

22 (c) With the approval of council, any member of the police
23 pension fund who is a contributor and who served in the armed
24 forces of the United States subsequent to September 1, 1940, and
25 who was not a member of the police pension fund prior to such
26 military service, shall be entitled to have full credit for each
27 year or fraction thereof, not to exceed five years of such
28 service upon [his] the member's payment to the police pension
29 fund of an amount equal to that which [he] the member would have
30 paid had he or she been a member during the period for which [he

1 desires] credit is desired, and ~~his or her~~ [HIS] THE MEMBER'S
2 payment to [such] the fund of an additional amount as the
3 equivalent of the contributions of the city on account of such
4 military service.

5 Section 343. Section 4302.1 of the act, added December 17,
6 1990 (P.L.715, No.178), is amended to read:

7 Section 4302.1. Limited Vested Benefit.--(a) The ordinance
8 establishing a police pension fund may provide for a limited
9 vested benefit if such would conform to section 305 of the act
10 of December 18, 1984 (P.L.1005, No.205), known as the "Municipal
11 Pension Plan Funding Standard and Recovery Act."

12 (b) Under [the provisions of the benefit, should] a limited
13 vested benefit, a member of the police pension fund, [before
14 completing] who has not completed the minimum [age and minimum]
15 period of continuous service [requirements but after having]
16 requirement and satisfied any applicable minimum age
17 requirement, but who has completed twelve years of full-time
18 service, [the member] shall be entitled to vest [his or her] THE
19 MEMBER'S retirement benefits subject to each of the following
20 conditions:

21 (1) [the] The member must file with the management board of
22 the police pension fund a written notice of [his or her] THE
23 MEMBER'S intention to vest[;].

24 (2) [the] The member must include in the notice, the date
25 the member intends to terminate [his or her] THE MEMBER'S
26 service as a full-time police officer[;].

27 (3) [the] The termination date shall be at least thirty days
28 later than the date of notice to vest[;].

29 (4) [the] The member must be in good standing with the
30 police department on the date of notice to vest[; and].

1 (5) [the] The board shall indicate on the notice to vest the
2 rate of the monthly pay of the member as of the date of [said] ←
3 THE notice to vest or the highest average annual salary which ←
4 the member received during any five years of service preceding
5 said date, whichever is the higher.

6 [(b)] (c) Upon reaching the date which would have been the
7 member's retirement date had the member continued [his or her] ←
8 THE MEMBER'S full-time employment with the police department,
9 the member shall notify the board, in writing, that the member
10 desires to collect his or her pension. The amount of retirement
11 benefits the member is entitled to receive under this section
12 shall be computed as follows:

13 (1) [the] The initial determination of the member's base
14 retirement benefits shall be computed on the salary indicated on
15 the notice to vest[; and].

16 (2) [the] The portion of the base retirement benefits due
17 the member shall be determined by applying to the base amount
18 the percentage that [his or her] THE MEMBER'S years of service ←
19 actually rendered bears to the years of service which would have
20 been rendered had the member continued to be employed by the
21 department until [his or her] THE MEMBER'S minimum retirement ←
22 date.

23 Section 344. Section 4303 of the act, amended or added
24 January 18, 1952 (1951 P.L.2105, No.596), October 22, 1955
25 (P.L.723, No.207), November 25, 1970 (P.L.754, No.246), October
26 4, 1978 (P.L.950, No.188), December 17, 1990 (P.L.715, No.178),
27 December 12, 1994 (P.L.1033, No.140) and June 19, 2002 (P.L.442,
28 No.65), is amended to read:

29 Section 4303. Allowances and Service Increments.--(a)
30 Payments for allowances shall [not] only be a charge on the

1 police pension fund and shall not be a charge on any other fund
2 under the control, or in the treasury, of the city [or under its
3 control save the police pension fund herein provided for].

4 (b) The basis of the apportionment of the pension shall be
5 determined by the rate of the monthly pay of the member at the
6 date of injury, death, honorable discharge, vesting under
7 section 4302.1 or retirement, or the highest average annual
8 salary which the member received during any five years of
9 service preceding injury, death, honorable discharge, vesting
10 under section 4302.1 or retirement, whichever is the higher, and
11 except as to service increments provided for in subsection [(b)
12 of this section] (d), shall not in any case exceed in any year
13 one-half the annual pay of [such] the member computed at [such]
14 the monthly or average annual rate, whichever is the higher.

15 [(a.1)] (c) The provisions of subsection [(a)] (b) providing
16 that the apportionment of the pension shall not in any case
17 exceed in any year one-half the annual pay of [such] the member
18 computed at [such] the monthly or average annual rate, whichever
19 is the higher, shall not apply to a city of the third class
20 whether operating under an optional charter adopted in
21 accordance with the act of July 15, 1957 (P.L.901, No.399),
22 known as the "Optional Third Class City Charter Law," or under a
23 home rule charter adopted in accordance with 53 Pa.C.S. Pt. III
24 Subpt. E (relating to home rule and optional plan government),
25 which had in effect pension plans prior to the effective date of
26 this subsection that provided pensions in an amount greater than
27 fifty per centum of salary.

28 [(b)] (d) In addition to the retirement allowance which is
29 authorized to be paid from the police pension fund by this act,
30 and notwithstanding the limitations therein placed upon such

1 retirement allowances and upon contributions, every contributor
2 who shall become entitled to the retirement allowance shall also
3 be entitled to the payment of a "service increment" in
4 accordance with and subject to the conditions hereinafter set
5 forth.

6 (1) Service increment shall be the sum obtained by computing
7 the number of whole years after having served the minimum
8 required by this act during which a contributor has been
9 employed by [such] the city and paid out of the city treasury,
10 including credit for military service as provided in section
11 4302, and multiplying the said number of years so computed by an
12 amount equal to one-fortieth of the retirement allowance which
13 has become payable to [such] the contributor in accordance with
14 the provisions of this act. In computing the service increment,
15 no employment after the contributor has reached the age of
16 sixty-five years shall be included, and no service increment
17 shall be paid in excess of one hundred dollars (\$100.00) per
18 month.

19 (2) Each contributor, from and after [the effective date of
20 this amendment] January 1, 1952, shall pay into the retirement
21 fund a monthly sum in addition to his or her retirement
22 contribution, which shall be equal to one-half of one per centum
23 of [his or her] THE CONTRIBUTOR'S salary[: Provided, That such], ←
24 provided, however, that the payment shall not exceed the sum of
25 one dollar (\$1.00) per month[: And provided, That such], and
26 further provided that the service increment contribution shall
27 not be paid after a contributor has reached the age of sixty-
28 five years.

29 (3) [Persons who are contributors] A PERSON WHO IS A ←
30 CONTRIBUTOR on the effective date of this amendment who [have] ←

1 HAS already reached the age of sixty-five years shall have [his
2 or her] THE PERSON'S service increment computed on the years of
3 employment prior to the date of reaching [his or her] THE
4 PERSON'S sixty-fifth birthday.

5 (4) Service increment contributions shall be paid at the
6 same time and in the same manner as retirement contributions,
7 and may be withdrawn in full, without interest, by persons who
8 leave the employment of [such] the city, subject to the same
9 conditions by which retirement contributions may be withdrawn,
10 or by persons who retire before becoming entitled to any service
11 increment.

12 (5) All members of the police force who are now contributors
13 to the retirement fund and all those employed by the city after
14 the effective date of this amendment, if required to become
15 contributors to the retirement fund, shall be subject to the
16 provisions of this act.

17 (6) After [the effective date of this clause] June 19, 2002,
18 a city may agree to make service increment payments in excess of
19 one hundred dollars (\$100) per month as long as [such] the
20 payments do not exceed five hundred dollars (\$500) per month,
21 and, in computing such service increments, no employment after
22 the contributor has reached the age of sixty-five years shall be
23 included[: Provided, That], provided that any agreement to
24 provide an increase in service increment payments shall include
25 a proportionate increase in the amount each contributor shall
26 pay into the retirement fund under clause (2), not to exceed
27 five dollars (\$5) per month.

28 [(c)] (e) The spouse of a member of the police force or a
29 member who retires on pension who dies or if no spouse survives
30 or if such person survives and subsequently dies or remarries,

1 then the child or children under the age of eighteen years of a
2 member of the police force or a member who retires on pension
3 who dies on or after [the effective date of this amendment]
4 August 1, 1963, shall, during the lifetime of the surviving
5 spouse, even if the surviving spouse remarries, or until
6 reaching the age of eighteen years in the case of a child or
7 children, be entitled to receive a pension calculated at the
8 rate of fifty per centum of the pension the member was receiving
9 or would have been receiving had [he] the member been retired at
10 the time of ~~his or her~~ [his] THE MEMBER'S death and may receive ←
11 the pension the member was receiving or would have been
12 receiving had [he] the member been retired at the time of ~~his or~~ ←
13 ~~her~~ [his] THE MEMBER'S death. ←

14 [(d)] (f) Any police officer who has less than ten years of
15 service and who dies or is totally disabled due to injuries or
16 mental incapacities not in line of duty and is unable to perform
17 the duties of a police officer, may be entitled to a pension of
18 twenty-five per centum of [his] the police officer's annual
19 compensation. For death or injuries received after ten years of
20 service the compensation may be fifty per centum of [his] the
21 police officer's annual compensation.

22 (g) The disability pension may be payable to the police
23 officer during ~~his or her~~ [his] THE POLICE OFFICER'S lifetime ←
24 and if [he shall die] the police officer dies, the pension
25 payment that [he] the police officer was receiving may be
26 continued to be paid to ~~his or her~~ [his] THE POLICE OFFICER'S ←
27 spouse if [such person] the spouse survives or if [such person]
28 the spouse subsequently dies or remarries, then the child or
29 children under the age of eighteen years of the police officer.

30 Section 345. Section 4303.1 of the act, amended June 30,

1 1969 (P.L.98, No.36), is amended to read:

2 Section 4303.1. Increase of Allowances After Retirement.--

3 (a) Any city may, at any time, at its discretion, upon the
4 recommendation of the persons having custody and management of
5 the police pension fund, increase the allowances of persons
6 receiving allowances of any kind from the police pension fund by
7 reason of and after the termination of the services of any
8 member of said fund. [Such increases]

9 (b) Increases made pursuant to this section shall be in
10 conformity with a uniform scale, which may be based on the cost
11 of living, but the total of any such allowances shall not at any
12 time exceed one-half of the current salary being paid
13 [patrolmen] patrol persons of the highest pay grade.

14 Section 346. Section 4303.2 of the act, added October 3,
15 1988 (P.L.735, No.104), is amended to read:

16 Section 4303.2. Total Disability.--(a) Notwithstanding any
17 provision of this act, any police officer who becomes totally
18 disabled due to injuries sustained in the line of duty shall be
19 deemed to be fully vested in the police pension fund, regardless
20 of the actual number of years of credited service, and shall be
21 eligible for immediate retirement benefits.

22 (b) Claims under this section shall be decided by the
23 governing body of the city. Proof of disability shall be by
24 competent medical evidence provided by the claimant. The
25 governing body of the city may at any time have the claimant
26 examined by its own physician.

27 (c) Claims under this section may be brought as the
28 regulations of the city council prescribe. Hearings and appeals
29 shall be as provided in Title 2 of the Pennsylvania Consolidated
30 Statutes (relating to administrative law and procedure).

1 (d) The pension fund shall be subrogated to the right of the
2 claimant to the extent of any payments made under the act of
3 June 2, 1915 (P.L.736, No.338), known as ["The Pennsylvania
4 Workmen's Compensation Act,"] the "Workers' Compensation Act,"
5 or the act of June 28, 1935 (P.L.477, No.193), referred to as
6 the Enforcement Officer Disability Benefits Law.

7 (e) Definition.--As used in this section, "total disability"
8 shall mean permanent mental or physical impairment which renders
9 the police officer unable to perform his or her duties.

10 Section 347. Section 4304 of the act is amended to read:

11 Section 4304. Inalienable Rights in Fund.--Whenever any
12 person shall become entitled to receive an allowance from the
13 police pension fund, and shall have been admitted to participate
14 therein, [he] the person shall not be deprived of his or her
15 right to an equal and proportionate participation therein [upon]
16 on the basis upon which ~~he or she~~ [he] THE PERSON first became
17 entitled thereto. ←

18 Section 348. Section 4305 of the act, amended October 4,
19 1978 (P.L.950, No.188), is amended to read:

20 Section 4305. Payments to Police Pension [Funds by City.--
21 There] Fund by City.--Unless otherwise required by the act of
22 December 18, 1984 (P.L. 1005, No. 205), known as the "Municipal
23 Pension Plan Funding Standard and Recovery Act," or by any other
24 provision of law, this section shall govern the payment to the
25 police pension fund of moneys raised by taxes levied by the
26 city:

27 (1) A city shall [be paid] pay annually to the [organization
28 or association, constituting and having in charge the
29 distribution of police pension funds in every city] police
30 pension fund, a sum of money sufficient to meet the requirements

1 of and to maintain [such police pension] the fund which sum in
2 no year shall be less than one-half of one per centum nor more
3 than three per centum of all city taxes levied by the city,
4 other than taxes levied to pay interest on or extinguish the
5 debt of the city [or any part thereof].

6 (2) Council may exceed the limitations imposed by this
7 section if an additional amount is deemed necessary to provide
8 sufficient funds for payments to surviving spouses of members
9 retired on pension or killed or who die in the service[:
10 Provided, however, That], provided, however, that the city may
11 annually pay into [said] the fund not less than one-half of one
12 per centum of all city taxes levied by the city, other than
13 taxes levied to pay interest on or extinguish the debt of the
14 city [or any part thereof].

15 Section 349. Sections 4306 and 4307 of the act are amended
16 to read:

17 Section 4306. [Designation of Organization to Manage Pension
18 Fund.--The organization, having in charge the distribution of
19 police pension funds, herein mentioned, shall consist only of
20 such as is by ordinance designated as the official and
21 authorized organization or association to hold, receive, and
22 distribute the funds of moneys for the purpose of pensioning the
23 police officers of the city.] Management of Police Pension
24 Fund.--Only the persons designated, in accordance with section
25 4301(b) (2), shall be authorized to make decisions to hold,
26 receive and distribute the moneys of the police pension fund.

27 Section 4307. Trusts for Benefit of Police Pension Fund.--
28 Any city may take, by gift, grant, devise or bequest, any money
29 or property, real, personal or mixed, in trust for the benefit
30 of [such] the pension fund, and the care, management, investment

1 and disposal of [such] the trust funds or property shall be
2 vested in such officer or officers of the city, for the time
3 being, as the council may designate, and [such] the care,
4 management and disposal shall likewise be directed by ordinance
5 and the [said] trust funds shall be governed thereby, subject to
6 such directions, not inconsistent therewith, as the donors of
7 [such] the funds and property may prescribe.

8 Section 350. Section 4308 of the act, amended October 4,
9 1978 (P.L.950, No.188), is amended to read:

10 Section 4308. Repayment Before Retirement.--[If for any
11 cause any] (a) If a contributing member of the police [force
12 contributing to the] pension fund shall cease to be a member of
13 the police force before [he becomes] becoming entitled to a
14 pension, the total amount of the contributions paid into the
15 pension fund by [such] the member shall be refunded to ~~him or~~
16 ~~her~~ [him] THE MEMBER in full, without interest.

17 (b) If [any such] a member shall have returned to ~~him or her~~
18 [him] THE MEMBER the amount contributed, and shall afterward
19 again become a member of the police force, [he] the member shall
20 not be entitled to the pension designated until twenty years
21 after ~~his or her~~ [his] THE MEMBER'S reemployment, unless [he
22 shall return] the member returns to the pension fund the amount
23 withdrawn, in which event the period of twenty years shall be
24 computed from the time the member first became a member of the
25 police force, excluding therefrom any period of time during
26 which the member was not employed by the police force.

27 (c) In the event of the death of a member of the police
28 force not in the line of service before the member becomes
29 entitled to [the pension aforesaid and such] a pension and if
30 the member is not survived by a spouse or family entitled to

1 payments as [hereinbefore] provided in this subdivision, the
2 total amount of contributions paid into the pension fund by the
3 member shall be paid over to ~~his or her~~ [his] THE MEMBER'S
4 estate. ←

5 Section 351. Section 4309 of the act, added December 17,
6 1990 (P.L.715, No.178), is amended to read:

7 Section 4309. Definitions.--As used in this subdivision, the
8 term "salary" is defined as the fixed amount of compensation
9 paid at regular, periodic intervals by the city to the member
10 and from which pension contributions have been deducted.

11 Section 352. Article XLIII subdivision (b) heading of the
12 act is amended to read:

13 (b) [Firemen] Firefighters

14 Section 353. Section 4320 of the act, amended October 4,
15 1978 (P.L.950, No.188), is amended to read:

16 Section 4320. [Firemen's] Firefighters' Pension Fund;
17 Management; Annuity Contracts.--(a) Except as hereinafter
18 provided, cities shall provide annuity contracts or establish,
19 by ordinance, a [firemen's] firefighters' pension fund[, to].

20 (b) The annuity contracts or pension fund shall be
21 maintained in part by an equal and proportionate monthly charge
22 against each member of the fire department, which shall not
23 exceed annually four per centum of the pay of such member, and
24 an additional amount not to exceed one per centum if deemed
25 necessary by the council to provide sufficient funds for
26 payments to surviving spouses of members retired on pension or
27 killed or who die in the service.

28 (c) In any case [where] in which there is an existing
29 organization or association for the benefit of fully paid
30 [firemen] firefighters, constituting and having in charge the

1 distribution of [firemen's] firefighters' pension funds, no
2 annuity contract shall be provided, nor shall any [firemen's]
3 firefighters' pension funds be established under the provisions
4 of this section unless and until the members of such
5 organization or association, by a two-thirds vote, elect to
6 transfer said existing fund into the pension fund required to be
7 established by this section.

8 (d) All pension funds established under the provisions of
9 this section shall be under the direction and control of a board
10 of managers [consisting of the mayor], which shall consist of
11 the following:

12 (1) Ex officio members as follows:

13 (i) the city administrator, if one has been appointed, or
14 the mayor if no city administrator has been appointed;

15 (ii) the director of accounts and finance[,];

16 (iii) the director of the department having charge of the
17 fire department, or in cities where no city administrator has
18 been appointed and the mayor is also the director of the
19 department having charge[,] of the fire department, then the
20 director of public safety[,];

21 (iv) the city controller; and

22 (v) the chief of the bureau of fire[, ex officio, and two].

23 (2) Two members of the fire department to be chosen by the
24 members of the fire department.

25 (e) If a city does not establish a department whose director
26 is named as an ex officio member of the board of managers, then
27 the director of another department or such officers of the city
28 as may be designated by council shall be substituted on the
29 board of managers.

30 (f) Of the first [managers] members so chosen by the members

1 of the fire department to the board of managers, one shall be
2 chosen for a term of two years and one for a term of four years.
3 Biennially thereafter one [manager] fire department member shall
4 be chosen for a term of four years to take the place of the one
5 whose term expires. In case of vacancy among the managers chosen
6 by the fire department, a successor shall be chosen for the
7 unexpired term.

8 (g) The fund shall be applied, under [such] regulations [as]
9 prescribed by the board of managers [shall prescribe], for the
10 benefit of such members of the fire department [as shall] who
11 receive honorable discharge therefrom by reason of service or
12 age or disability, surviving spouses of retired members and the
13 families of [such as may be] members who are killed or who die
14 in the service. All [such] pensions [as shall be allowed] to
15 those who are retired by reason of [the disabilities or of]
16 disability or service or age shall be in conformity with a
17 uniform scale, together with service increments as hereinafter
18 provided. Benefits [allowed] from [such] the fund to families of
19 [such as] members who are killed or who die in service shall
20 take into consideration the member's surviving spouse and ~~his or~~ ←
21 ~~her~~ [his] THE MEMBER'S minor children under eighteen years of ←
22 age, if any survive.

23 Section 354. Section 4320.1 of the act, added June 16, 1993
24 (P.L.97, No.21), is amended to read:

25 Section 4320.1. Limited Vested Benefit for Firefighters.--

26 (a) The ordinance establishing a firefighters' pension fund may
27 provide for a limited vested benefit if [such] it would conform
28 to section 305 of the act of December 18, 1984 (P.L.1005,
29 No.205), known as the "Municipal Pension Plan Funding Standard
30 and Recovery Act."

1 (a.1) Under [the provisions of the] a limited vested
2 benefit, [should] if a member of the firefighters' pension fund
3 [before completing the minimum age and] has not completed the
4 minimum period of continuous service [requirements but after
5 having] and any applicable minimum age requirement but has
6 completed twelve years of full-time service, and if, for any
7 reason, shall cease to be employed as a full-time firefighter,
8 the member shall be entitled to vest [his or her] THE MEMBER'S ←
9 retirement benefits subject to the following conditions:

10 (1) [the] The member must file with the management board of
11 the firefighters' pension fund a written notice of [his or her] ←
12 THE MEMBER'S intention to vest[;].

13 (2) [the] The member must include in the notice the date the
14 member intends to terminate his or her service as a full-time
15 firefighter[;].

16 (3) [the] The termination date shall be at least thirty days
17 later than the date of notice to vest[;].

18 (4) [the] The member must be in good standing with the fire
19 department on the date of notice to vest[; and].

20 (5) [the] The board shall indicate on the notice to vest the
21 rate of the monthly pay of the member as of the date of the
22 notice to vest or the highest average annual salary which the
23 member received during any five years of service preceding the
24 date, whichever is the higher.

25 (b) Upon reaching the date which would have been the
26 member's retirement date had the member continued his or her
27 full-time employment with the fire department, the member shall
28 notify the board in writing that the member desires to collect
29 his or her pension. The amount of retirement benefits the member
30 is entitled to receive under this section shall be computed as

1 follows:

2 (1) [the] The initial determination of the member's base
3 retirement benefits shall be computed on the salary indicated on
4 the notice to vest[; and].

5 (2) [the] The portion of the base retirement benefits due
6 the member shall be determined by applying to the base amount
7 the percentage that [his or her] THE MEMBER'S years of service ←
8 actually rendered bears to the years of service which would have
9 been rendered had the member continued to be employed by the
10 department until [his or her] THE MEMBER'S minimum retirement ←
11 date.

12 Section 355. Section 4321 of the act, amended July 1, 1992
13 (P.L.347, No.74), is amended to read:

14 Section 4321. Retirement; Final Discharge.--[Such
15 regulations shall prescribe a] (a) With regard to continuous
16 service and minimum age requirements, the ordinance establishing
17 or regulations governing the firefighters' pension fund shall
18 prescribe as follows:

19 (1) A minimum period of continuous service[,] of not less
20 than twenty years [and, when].

21 (2) If any minimum age is prescribed, a minimum age of fifty
22 years[, after which members of the department may retire on
23 pension from active duty, and such members as are retired].

24 (b) Retired members, if not unfit by reason of age,
25 disability or otherwise shall be subject to service, from time
26 to time, as a [firemen's] firefighters' reserve in cases of
27 emergency [until unfitted for such service, when they may be
28 finally discharged by reason of age or disability], under terms
29 and conditions as my be established by council.

30 (c) With the approval of council, all members of the

1 [firemen's] firefighters' pension fund who are contributors and
2 who served in the armed forces of the United States subsequent
3 to September 1, 1940, and who were not members of the
4 [firemen's] firefighters' pension fund prior to such military
5 service, shall be entitled to have full credit for each year or
6 fraction thereof, not to exceed five years of such service upon
7 their payment to the [firemen's] firefighters' pension fund of
8 an amount equal to that which they would have paid had they been
9 members during the period for which they desire credit, and
10 their payment to such fund of an additional amount as the
11 equivalent of the contributions of the city plus any interest
12 the city would have been required to pay on the contributions on
13 account of such military service. Upon the death of a member who
14 retires on pension or is killed in the service on or after
15 January 1, 1960, or who dies in the service on or after January
16 1, 1968, payments as hereinafter provided shall be made to the
17 member's surviving spouse during the life of the spouse.

18 Section 356. Section 4322 of the act, amended or added
19 October 4, 1978 (P.L.950, No.188), June 16, 1993 (P.L.97, No.21)
20 and June 19, 2002 (P.L.442, No.65), is amended to read:

21 Section 4322. Pensions and Service Increments.--(a) The
22 following apply:

23 (1) Payments of pensions shall [not] only be a charge on
24 [any fund in the] the firefighters' pension fund and shall not
25 be a charge on any other fund under the control, or in the
26 treasury, of the city [or under its control save the firemen's
27 pension fund herein provided for].

28 (2) The basis of the pension of a member shall be determined
29 by the monthly salary of the member at the date of vesting under
30 section 4320.1 or retirement, or the highest average annual

1 salary which [he] the member received during any five years of
2 service preceding retirement, whichever is the higher, whether
3 for disability, or by reason of age or service, and except as to
4 service increments provided for in subsection (b) of this
5 section, shall be one-half the annual salary of [such] the
6 member at the time of vesting under section 4320.1 or retirement
7 computed at [such] the monthly or average annual rate, whichever
8 is the higher.

9 (3) In the case of the payment of pensions to members for
10 permanent injury incurred in service, and to families of members
11 killed or who die in service, the amount and commencement of the
12 payment of pensions shall be fixed by regulations of the board.
13 [Such] These regulations shall not take into consideration the
14 amount and duration of [workmen's] workers' compensation allowed
15 by law. Payments to surviving spouses of members retired on
16 pension or killed in the service on or after January 1, 1960, or
17 who die in the service on or after January 1, 1968, shall be the
18 amount payable to the member or which would have been payable
19 had [he] the member been retired at the time of [his] the
20 member's death.

21 (a.1) The provisions of subsection (a) providing that the
22 basis of the pension shall be one-half the annual salary of
23 [such] the member at the time of vesting under section 4320.1 or
24 retirement computed at [such] the monthly or average annual
25 rate, whichever is the higher, shall not apply to a city of the
26 third class whether operating under an optional charter adopted
27 in accordance with the act of July 15, 1957 (P.L.901, No.399),
28 known as the "Optional Third Class City Charter Law," or under a
29 home rule charter adopted in accordance with 53 Pa.C.S. Pt. III
30 Subpt. E (relating to home rule and optional plan government),

1 which had in effect pension plans prior to the effective date of
2 this subsection that provided pensions in an amount greater than
3 fifty per centum of salary.

4 (b) In addition to the pension which is authorized to be
5 paid from the [firemen's] firefighters' pension fund by this act
6 and notwithstanding the limitations therein placed upon such
7 pensions and upon contributions, every contributor who shall
8 become entitled to the pension shall also be entitled to the
9 payment of a "service increment" in accordance with and subject
10 to the conditions hereinafter set forth.

11 (1) Service increment shall be the sum obtained by computing
12 the number of whole years after having served the minimum
13 required by this act during which a contributor has been
14 employed by [such] the city and paid out of the city treasury,
15 including credit for military service as provided in section
16 4321, and multiplying the said number of years so computed by an
17 amount equal to one-fortieth of the retirement allowance which
18 has become payable to such contributor in accordance with the
19 provisions of this act. In computing the service increment, no
20 employment after the contributor has reached the age of sixty-
21 five years shall be included, and no service increment shall be
22 paid in excess of one hundred dollars (\$100) per month.

23 (2) Each contributor, from and after the effective date of
24 this amendment, shall pay into the pension fund a monthly sum in
25 addition to ~~his or her~~ [his] THE CONTRIBUTOR'S pension
26 contribution, which shall not exceed the sum of one dollar (\$1)
27 per month[: And provided, That such], provided that the service
28 increment contribution shall not be paid after a contributor has
29 reached the age of sixty-five years.

30 (3) Any person who is a member of the department on the

1 effective date of this amendment who has already reached the age
2 of sixty-five years shall have his or her service increment
3 computed on the years of employment prior to the date of
4 reaching [his] the member's sixty-fifth birthday.

5 (4) Service increment contributions shall be paid at the
6 same time and in the same manner as pensions, and may be
7 withdrawn in full, without interest, by persons who leave the
8 employment of [such] the city, subject to the same conditions by
9 which retirement contributions may be withdrawn, or by persons
10 who retire before becoming entitled to any service increment.

11 (5) All members of the fire department who are now
12 contributors to the pension fund and all those employed by the
13 city after the effective date of this amendment, if required to
14 become contributors to the pension fund, shall be subject to the
15 provisions of this act.

16 (6) After the effective date of this clause, a city may
17 agree to make service increment payments in excess of one
18 hundred dollars (\$100) per month as long as such payments do not
19 exceed five hundred dollars (\$500) per month, and, in computing
20 such service increments, no employment after the contributor has
21 reached the age of sixty-five years shall be included[:
22 Provided, That], provided that any agreement to provide an
23 increase in service increment payments shall include a
24 proportionate increase in the amount each contributor shall pay
25 into the retirement fund under clause (2), not to exceed five
26 dollars (\$5) per month.

27 Section 357. Section 4322.1 of the act, amended June 30,
28 1969 (P.L.98, No.36), is amended to read:
29 Section 4322.1. Increase of Allowances After Retirement.--
30 (a) Any city may, at any time, at its discretion, upon the

27 Section 357. Section 4322.1 of the act, amended June 30,
28 1969 (P.L.98, No.36), is amended to read:

29 Section 4322.1. Increase of Allowances After Retirement.--
30 (a) Any city may, at any time, at its discretion, upon the

1 recommendation of the persons having custody and management of
2 the [firemen's] firefighters' pension fund, increase the
3 allowances of persons receiving allowances of any kind from the
4 fund by reason of and after the termination of the services of
5 any member of the fund.

6 [Such increases] (b) Increases made pursuant to this section
7 shall be in conformity with a uniform scale, which may be based
8 on the cost of living, but the total of any such allowances
9 shall not at any time exceed one-half of the current salary
10 being paid [firemen] firefighters of the highest pay grade.

11 Section 358. Section 4323 of the act, amended August 14,
12 1959 (P.L.709, No.246), is amended to read:

13 Section 4323. Causes for Forfeiture of Rights in Fund; Other

14 Employments.--(a) Whenever any person shall become entitled to
15 receive a pension from the [firemen's] firefighters' pension
16 fund, and shall have been admitted to participate therein, [he]
17 the person shall not thereafter be deprived of ~~his or her~~ [his] ←

18 THE PERSON'S right to participation therein [upon] on the basis

19 upon which [he] ~~the person first became entitled thereto, except~~ ←
20 ~~for one or [more] both of the following causes[, that is to~~
21 ~~say]:~~

22 ~~(1) Conviction of a felony or misdemeanor[, becoming an~~
23 ~~habitual drunkard, or failing].~~

24 ~~(2) Failing to comply with some general regulation relating~~
25 ~~to the management of [said] the fund which may be made by the~~

26 PERSON FIRST BECAME ENTITLED THERETO, [EXCEPT FOR ONE OR MORE] ←
27 OF THE FOLLOWING CAUSES, THAT IS TO SAY:

28 CONVICTION OF A FELONY OR MISDEMEANOR[, BECOMING AN HABITUAL
29 DRUNKARD, OR FAILING TO COMPLY WITH SOME GENERAL REGULATION
30 RELATING TO THE MANAGEMENT OF SAID FUND WHICH MAY BE MADE BY THE



1 managers, and which may provide that a failure to comply
2 therewith shall terminate the right to participate in the
3 pension fund.] UNLESS OTHERWISE REQUIRED BY THE ACT OF JULY 8,
4 1978 (P.L.752, NO.140), KNOWN AS THE "PUBLIC EMPLOYEE PENSION
5 FORFEITURE ACT."

6 (b) Any termination of a pension shall be only after [such]
7 due notice and hearing as shall be prescribed by regulation of
8 the managers.

9 Section 359. Section 4324 of the act, amended October 4,
10 1978 (P.L.950, No.188), is amended to read:

11 Section 4324. Payments to [Firemen's] Firefighters' Pension
12 [Funds] Fund by City.--[There] Unless otherwise required by the
13 act of December 18, 1984 (P.L.1005, No.205), known as the
14 "Municipal Pension Plan Funding Standard and Recovery Act," or
15 by any other provision of law, this section shall govern the
16 payment to the firefighters' pension fund of money raised by
17 taxes levied by the city:

18 (1) A city shall [be paid] pay to the [firemen's]
19 firefighters' pension [funds by every city] fund annually [the]
20 a sum of money not less than one-half of one per centum nor more
21 than three per centum of all city taxes levied by the city,
22 other than taxes levied to pay interest on or extinguish the
23 debt of the city [or any part thereof].

24 (2) Council may exceed the limitations imposed by this
25 section if an additional amount is deemed necessary to provide
26 sufficient funds for payments to surviving spouses of members
27 retired on pension or killed or who die in the service[:
28 Provided, however, That], provided, however, that the city shall
29 annually pay into said fund not less than one-half of one per
30 centum of all city taxes levied by the city, other than taxes

1 levied to pay interest on or extinguish the debt of the city [or
2 any part thereof].

3 Section 360. Sections 4325 and 4326 of the act are amended
4 to read:

5 Section 4325. [Transfer of Funds] Transfers from Other
6 Pension Funds.--(a) In any city wherein the members of the fire
7 department are members of a pension fund not established solely
8 for the purpose of pensioning members of the fire department,
9 there shall be transferred from such other pension fund into the
10 [firemen's] firefighters' pension fund required to be
11 established by this act, the moneys contributed thereto by
12 members of the fire department who have not been retired, and a
13 just and equitable proportion of the moneys contributed by the
14 city to such other pension fund for the future retirement of
15 members of the fire department. [Such] The transfers may be made
16 by the transfer of securities. The amounts to be transferred
17 shall be amicably adjusted by the managers of the [firemen's]
18 firefighters' pension fund and the pension board having the
19 charge of such other pension fund. In case of disagreement as to
20 the amount [so] to be transferred, the disagreement shall be
21 resolved by the city council, whose action thereon shall be
22 final.

23 (b) Nothing contained in this section shall be construed to
24 relieve any existing pension fund of its liability to continue
25 the payment of pensions to retired members of the fire
26 department in accordance with the laws and regulations under
27 which such members were retired.

28 Section 4326. Trusts for Benefit of [Firemen's]
29 Firefighters' Pension Fund.--Any [such] city may take, by gift,
30 grant, devise or bequest, any money or property, real, personal

1 or mixed, in trust for the benefit of [such] the pension fund[,
2 and the]. The care, management, investment and disposal of
3 [such] the trust funds or property shall be vested in [such] the
4 officer or officers of [such] the city, for the time being, as
5 the [said] city may designate[, and such]. The care, management
6 and disposal shall likewise be directed by ordinance and the
7 [said] trust funds shall be governed thereby, subject to [such]
8 directions, not inconsistent therewith, as the donors of [such]
9 the funds and property may prescribe.

10 Section 361. Section 4327 of the act, amended July 20, 1968
11 (P.L.434, No.204), is amended to read:

12 Section 4327. Repayment Before Retirement.--(a) If [for any
13 cause any] a contributing member of the [fire department
14 contributing to the] firefighters' pension fund shall cease to
15 be a member of the fire department before he or she becomes
16 entitled to a pension, the total amount of the contributions
17 paid into the pension fund by [such] the member shall be
18 refunded [to him] in full without interest.

19 (b) If [any such] a member shall have returned to ~~him or her~~ ←
20 [him] THE MEMBER the amount contributed, and shall afterward ←
21 again become a member of the fire department, [he] the member
22 shall not be entitled to the pension designated until twenty
23 years after ~~his or her~~ [his] THE MEMBER'S reemployment, unless ←
24 [he shall return] the member returns to the pension fund the
25 amount withdrawn, in which event the period of twenty years
26 shall be computed from the time the member first became a member
27 of the fire department, excluding therefrom any period of time
28 during which the member was not employed by the fire department.

29 (c) In the event of the death of a member of the fire
30 department not in the line of service before the member becomes

1 entitled to [the] a pension [aforesaid] and [such] if the member
2 [is not survived by a widow] has no surviving spouse or family
3 entitled to payments as [hereinbefore] provided in this
4 subdivision, the total amount of contributions paid into the
5 pension fund by the member shall be paid over to ~~his or her~~
6 **[his]** THE MEMBER'S estate.

7 Section 362. Section 4328 of the act, added June 16, 1993
8 (P.L.97, No.21), is reenacted to read:

9 Section 4328. Definitions.--As used in this subdivision, the
10 term "salary" is defined as the fixed amount of compensation
11 paid at regular, periodic intervals by the city to the member
12 and from which pension contributions have been deducted.

13 Section 363. Article XLIII subdivision (c) heading of the
14 act, amended August 17, 1951 (P.L.1251, No.292), is amended to
15 read:

16 (c) Pension Funds for Employes Other Than [Policemen] Police
17 Officers and City-Paid [Firemen] Firefighters

18 Section 364. Section 4340 of the act, amended October 4,
19 1978 (P.L.950, No.188), is amended to read:

20 Section 4340. Pension Funds for Employes other than Police
21 or City-Paid [Firemen] Firefighters.--(a) Cities may create a
22 pension fund for the pensioning of employes [of said cities] who
23 are not members of the police force or city-paid fire department
24 [thereof], surviving spouses of retired members if council so
25 elects and the families of [such] employes as may be injured or
26 killed in the service, in the manner, under the conditions and
27 subject to the qualifications [following] set forth in this
28 subdivision.

29 (b) As used in this subdivision "employes" includes officers
30 and officials of the city, whether elected or appointed.

1 Section 365. Section 4341 of the act, amended June 21, 1984
2 (P.L.428, No.87), is amended to read:

3 Section 4341. Pension Board; Duties.--(a) In any city which
4 creates [such] a pension fund in accordance with this
5 subdivision, there shall be created a board to be known as the
6 pension board, [consisting of the mayor,] which shall consist of
7 the city administrator, if one has been appointed, or the mayor
8 if no city administrator has been appointed, the city
9 controller, the superintendent of finance, two employes to be
10 chosen by the employes contributing to the pension fund and, if
11 members of council participate in the pension fund and are
12 members of the fund, a member of council[,] chosen by council.

13 (b) It shall be the duty of [said] the board to register all
14 persons employed by the [said] city, and to administer the
15 collections and distribution of ~~pension~~ the PENSION fund [herein
16 provided for], and make such reasonable rules [in the premises]
17 as [such] the board may deem necessary [to carry into effect the
18 provisions of this act].

19 Section 366. Section 4342 of the act is amended to read:

20 Section 4342. Retirement Age.--[Every person, now or
21 hereafter employed by any] In a city which has created [such] a
22 pension fund and pension board [as hereinbefore provided,] in
23 accordance with this subdivision, an ~~employee~~ EMPLOYEE of the age
24 of sixty years, and upwards, who shall have been [so] employed
25 for a period of twenty years or more, shall, upon application to
26 the board of pensions [herein created,] be retired from service
27 and shall, subject to qualifications provided in this
28 subdivision during the remainder of [his or her] THE EMPLOYEE'S
29 life, receive the pension or compensation fixed by this [act,
30 subject to such qualifications as are herein contained]

1 subdivision.

2 Section 367. Section 4343 of the act, amended October 4,
3 1978 (P.L.950, No.188), is amended to read:

4 Section 4343. Retirement Allowance; Proof of Disability;

5 Joint and Single Coverage Members Defined.--(a) During the
6 lifetime of any person in the employment of any city creating

7 [such] THE pension fund and pension board [as hereinbefore

8 provided, he or she] IN ACCORDANCE WITH THIS SUBDIVISION, THE

9 PERSON shall be entitled to receive as a pension annually, from

10 the fund set aside for the purpose, fifty per centum of the

11 amount which would constitute the average annual salary or wages

12 which [he or she] THE PERSON received during the last or any

13 five years of [his or her] THE PERSON'S employment by the [said]

14 city, whichever is the higher, [said] THE pension to be paid in

15 semi-monthly payments. Should any persons so employed, after

16 twenty years of service, be dismissed, voluntarily retired, or

17 be in any manner deprived of [his or her] THE PERSON'S position

18 or employment, before attaining the age of sixty years, upon

19 continuing a monthly payment to the fund equal to the last

20 amount due and paid monthly while in active service, [said] THE

21 person shall be entitled to the pension above-mentioned,

22 notwithstanding [he or she] THE PERSON has not attained the age

23 of sixty years at the time of [his or her] THE PERSON'S

24 separation from the service of [such] THE city, but [said] THE

25 pension shall not commence until [he or she] THE PERSON has

26 attained the age of sixty years. Should any employe, however,

27 become totally and permanently disabled, after ten years of

28 service and before attaining the age of sixty years, [he or she]

29 THE PERSON shall be entitled to the [said] pension. Proof of

30 total and permanent disability shall consist of the sworn

1 statement of three practicing physicians, designated by the
2 board, that the employee is in a permanent condition of health
3 which would permanently disable [him or her] THE PERSON from
4 performing the duties of [his or her] THE PERSON'S position or
5 office.

6 (b) For the purpose of this article on pensions, the
7 following words shall have the meaning herein assigned to them:

8 (1) "Joint Coverage Member" of the retirement system shall
9 mean a city employee who shall have become a member of the
10 retirement system subsequent to the last date permitted by
11 [such] the city for statement or preference concerning social
12 security coverage, or who, having become a member on or before
13 [such] that date, shall have filed with the Retirement Board a
14 written statement that he or she elects social security coverage
15 under an agreement with the [Federal] Secretary of Health[,
16 Education and Welfare] and Human Services entered into by the
17 Commonwealth.

18 (2) "Single Coverage Member" of the retirement system shall
19 mean a city employee who shall have become a member of the
20 retirement system on or before the last date permitted by [such]
21 the city for statement of preference concerning social security
22 coverage and who either shall have filed with the Retirement
23 Board a written statement that he or she does not elect social
24 security coverage under any agreement with the [Federal]
25 Secretary of Health[, Education and Welfare] and Human Services
26 entered into by the Commonwealth, or shall not have filed with
27 the Retirement Board any written statement.

28 (c) Where a city has entered into an agreement with the
29 Commonwealth to place certain employees under the Federal Social
30 Security Act, the pension to be paid joint coverage members

1 according to the provisions of this section payable after the
2 age and upon that portion of annual compensation on which social
3 security benefits are payable, shall be reduced by an amount
4 equal to forty (40) per centum of the primary insurance amount
5 of social security paid or payable to the member. [Such] The
6 reduction shall be subject to the following provisions:

7 (1) Upon attainment of the age at which social security
8 benefits are payable by a beneficiary receiving a pension or
9 upon retirement of a contributor after attaining that age, ~~his~~ ←
10 ~~or her~~ [his] THE PERSON'S eligibility to the old age insurance ←
11 benefit and the primary insurance amount of social security upon
12 which the reduction in the pension shall be based, shall be
13 computed by the board in the manner specified in the Federal
14 Social Security Act, except that in determining such eligibility
15 and such amount only wages or compensation for services
16 performed in the employ of the city shall be included.

17 (2) The reduction shall not apply to a pension for total and
18 permanent disability payable under this section.

19 (3) Whenever the amount of the reduction from the pension
20 shall have been once determined, it shall remain fixed for the
21 duration of the pension, except that any decrease in the primary
22 insurance amount under the Social Security Act shall result in a
23 corresponding decrease in the amount of the reduction from the
24 pension.

25 (4) The total sum, including social security benefits, to be
26 received upon retirement by an employee who is a member of the
27 system at the time of the agreement shall not be less than the
28 allowance that would be paid by the retirement system in the
29 absence of the agreement.

30 (d) If council elects, by ordinance, to make such payments,

1 the surviving spouse of an employe who retired on pension or is
2 killed in the service on or after January 1, 1960, shall, during
3 ~~his or her~~ [his] THE SURVIVING SPOUSE'S lifetime or so long as
4 ~~he or she~~ [he] THE SURVIVING SPOUSE does not remarry, be
5 entitled to receive a pension calculated at the rate of fifty
6 per centum of the pension the member was receiving or would have
7 been entitled to had [he] the member been retired at the time of
8 ~~his or her~~ [his] THE MEMBER'S death.

9 Section 368. Section 4343.1 of the act, amended June 11,
10 1968 (P.L.160, No.90), is amended to read:

11 Section 4343.1. Retirement Allowances; Full Coverage;
12 Payments.--(a) Where a city has entered into an agreement with
13 the Commonwealth to place certain employes under the Federal
14 Social Security Act, the pension board may authorize any joint
15 coverage member of the retirement system to elect according to
16 the provisions of this section to receive compensation without
17 the reduction provided for in section 4343, provided [he] the
18 member shall make a lump-sum payment to the pension board, or
19 installment payments as may be approved by the board, equal to
20 the difference between the amount of the accumulated fund to ~~his~~
21 ~~or her~~ [his] THE MEMBER'S credit in the fund as of the last date
22 for which salary or wages was paid and the amount which would
23 have been to ~~his or her~~ [his] THE MEMBER'S credit in [such] THE
24 fund if contributions had been made on that portion of ~~his or~~
25 ~~her~~ [his] THE MEMBER'S salary or wages on which social security
26 allowances are payable, at the same rate as made on that portion
27 of ~~his or her~~ [his] THE MEMBER'S salary or wages in excess
28 thereof, from the time that [such] THE salary or wages became
29 subject to social security coverage. Such election shall be
30 made, in writing, in the form prescribed by the pension board,

1 and shall be accompanied by the lump-sum payment or an agreement
2 as to installment payments herein required.

3 (b) The pension board may authorize any such member to make
4 the election herein provided at any time, and if made prior to
5 retirement, [such] THE member shall, in addition to any lump-sum
6 or installment payments required, pay to the board contributions
7 on ~~his or her~~ [his] THE MEMBER'S entire salary or wages
8 thereafter received at the rate provided in this act for monthly
9 salary or wages in excess of that on which social security
10 allowances are payable.

11 Section 369. Section 4343.2 of the act, added July 11, 1996
12 (P.L.647, No.109), is amended to read:

13 Section 4343.2. Limited Vested Benefit.--(a) The ordinance
14 creating a pension fund in accordance with this subdivision may
15 provide for a limited vested benefit if [such] it would conform
16 to section 305 of the act of December 18, 1984 (P.L.1005,
17 No.205), known as the "Municipal Pension Plan Funding Standard
18 and Recovery Act."

19 (a.1) Under [the provisions of the benefit, should a member
20 of the pension fund terminate] a limited vested benefit, if a
21 member of the pension fund terminates employment before reaching
22 the date which would have been the member's earliest retirement
23 date had the member continued employment by meeting the minimum
24 age and minimum period of continuous service requirements but
25 after having completed twelve years of full-time service, the
26 member shall be entitled to vest [his or her] THE MEMBER'S
27 retirement benefits subject to the following conditions:

28 (1) [the] The member must file with the management board of
29 the pension fund a written notice of [his or her] THE MEMBER'S
30 intention to vest[;].

(2) [the] The member must include in the notice the date the member intends to terminate [his or her] THE MEMBER'S service as an employe[;].

(3) [the] The termination date shall be at least thirty days later than the date of notice to vest[;].

(4) [the] The member must be in good standing with the city on the date of notice to vest[; and].

(5) [the] The board shall indicate on the notice to vest the rate of monthly pay of the member as of the date of [said] THE notice to vest or the highest average annual salary which the member received during any five years of service preceding [said] THE date, whichever is the higher.

(b) Upon reaching the date which would have been the member's earliest retirement date had the member continued [his or her] THE MEMBER'S employment with the city, the member shall notify the board, in writing, that the member desires to collect his or her pension. The amount of retirement benefits the member is entitled to receive under this section shall be computed as follows:

(1) [the] The initial determination of the member's base retirement benefits shall be computed on the salary indicated on the notice to vest[; and].

(2) [the] The portion of the base retirement benefits due the member shall be determined by applying to the base amount the percentage that [his or her] THE MEMBER'S years of service actually rendered bears to the years of service which would have been rendered had the member continued to be employed by the city until [his or her] THE MEMBER'S earliest retirement date.

Section 370. Section 4344 of the act, amended October 4, 1978 (P.L.950, No.188), is amended to read:

1 Section 4344. Amount of Payments into Fund; Repayment before
2 Retirement.--The employes of any city, creating [such] a pension
3 fund and pension board in accordance with this subdivision,
4 shall pay into the board of pensions monthly an amount equal to
5 two per centum of their monthly salaries or wages, and if
6 council elects, by ordinance, to make [such] payments, an
7 additional amount not to exceed one per centum if deemed
8 necessary by council to provide sufficient funds for payments to
9 the surviving spouses of members who were retired on pension or
10 killed in the service, which shall be applied to the purposes of
11 the fund. Payment of the monthly amount or contribution herein
12 mentioned shall cease and be discontinued at the time the
13 beneficiary receives the pension herein provided. If for any
14 cause any employe contributing to the pension fund shall cease
15 to be an employe of the city before the [said] employe becomes
16 entitled to a pension, the total amount of the contributions
17 paid into the pension fund by [such] the employe shall be
18 refunded to [him or her] THE EMPLOYE in full, without interest. ←
19 If any [such] employe shall have returned to [him or her] THE ←
20 EMPLOYE the amount contributed as aforesaid, and shall afterward
21 reenter the employ of the city, [said] the employe shall not be
22 entitled to the pension designated until twenty years after
23 [said] reemployment, unless [he or she] THE EMPLOYE shall return ←
24 to the pension fund the amount withdrawn, in which event that
25 period of twenty years shall be computed from the time [said]
26 the employe first enters the service of the city. In the event
27 of the death of any [such] employe, before the [said] employe
28 becomes entitled to the pension aforesaid, the [said] total
29 amount of contributions paid into the pension fund by [said] the
30 employe shall be paid over to the estate of [said] the deceased

1 employee.

2 Section 371. Section 4344.1 of the act, amended July 21,
3 1959 (P.L.553, No.169), is amended to read:

4 Section 4344.1. Determination of Liability Upon Extension of
5 Social Security.--(a) Where a city has entered into an
6 agreement with the Commonwealth to place its employees under the
7 Federal Social Security Act, the pension board shall appoint an
8 actuary, and may fix [his] the employee's compensation. The
9 actuary shall determine the present value of the liability on
10 account of pensions payable under the provisions of section 4343
11 [of this act] to employees who are members of the system on the
12 effective date of the agreement, and shall offset the value of
13 any assets in the pension fund to determine the unfunded
14 liability. The city may make [such] the payments as it desires
15 toward the unfunded liability until the accumulated reserve
16 equals the present value of the liability. The actuary shall
17 also determine the amount which shall be contributed, annually,
18 into the fund on account of service of all new and original
19 members subsequent to the effective date of the agreement.

20 (b) Employees shall pay into the board of pensions, monthly,
21 an amount equal to three and one-half per centum of that portion
22 of monthly compensation on which social security allowances are
23 payable and five per centum of any monthly compensation in
24 excess of that on which social security allowances are payable.
25 The remainder of the needed annual contribution for service
26 subsequent to the date of the agreement, as determined by the
27 actuary, shall become the obligation of the city, and shall be
28 paid by it to the board of pensions by annual appropriations.
29 The provisions of this section shall, in all applicable cases,
30 supersede the provisions relating to contributions in section

1 4344 and section 4348 of this act.

2 Section 372. Section 4345 of the act is amended to read:

3 Section 4345. Payments by Laborers Optional.--Any person
4 holding a position in any [such] city as a laborer, at a per
5 diem wage, shall not be compelled to pay or contribute toward
6 the pension fund herein provided for, but shall have the option
7 or choice of so doing and, in that event only, of becoming
8 entitled to the pension provided by this act.

9 Section 373. Section 4346 of the act, amended August 17,
10 1951 (P.L.1251, No.292), is amended to read:

11 Section 4346. Heads of Departments to Certify List of
12 Employes.--The head of every department and office employing
13 persons entitled to receive a pension shall certify to the board
14 of pensions all persons so employed and the amount of salary or
15 wages which is paid to [said] employes, together with
16 dismissals, resignations, or terminations of service and, from
17 the records of their office or department, shall furnish [such]
18 other relevant information as the board of pensions shall
19 require. In the case of a volunteer [fireman] firefighter, "head
20 of department or office" shall mean the president or secretary
21 of the board of trustees of the volunteer fire company involved.

22 Section 374. Section 4347 of the act is amended to read:

23 Section 4347. Receipt, Investment and Payment of Funds.--It
24 shall be the duty of the board of pensions to receive and retain
25 and, when deemed advisable, to invest the funds payable in
26 accordance with the provisions of this subdivision [of this
27 article], and to pay over by warrant or check the amount due to
28 [said] employes.

29 Section 375. Sections 4348 and 4349 of the act, amended
30 August 17, 1951 (P.L.1251, No.292), are amended to read:

1 Section 4348. Appropriations and Contributions to Fund.--The
2 council may annually set aside, apportion, and appropriate, out
3 of all taxes and income of [such] the city, unto the board of
4 pensions, a sum sufficient to maintain the pensions or
5 compensations due hereunder on account of the city contributions
6 for all employes except volunteer [firemen] firefighters. On
7 account of volunteer [firemen] firefighters who become members
8 of the pension fund, the board of trustees of the volunteer fire
9 company employing and paying them shall annually contribute to
10 the board of pensions a sum equal to the same percentage of its
11 participating payroll as the amount contributed by the city for
12 the same year bears to its participating payroll.

13 Section 4349. Application.--(a) The benefits conferred by
14 this subdivision [of this article] shall apply to all persons
15 employed in any capacity by, or holding positions in, or, in the
16 case of a volunteer [fireman] firefighter, rendering services
17 recognized and accepted by, the cities creating a pension fund
18 and pension board in accordance with its provisions, but this
19 subdivision shall not apply to employes of [such] departments,
20 bureaus, or offices as are otherwise protected by pension
21 authorized by this act.

22 (b) Any volunteer [fireman] firefighter may become a member
23 of [such] a pension fund, as of the date of ~~his or her~~ [his] THE ←
24 VOLUNTEER FIREFIGHTER'S original employment or of the inception
25 of the pension fund, whichever is later, upon ~~his or her~~ [his] ←
26 THE VOLUNTEER FIREFIGHTER making back contributions, and if the
27 volunteer fire company or board of trustees thereof employing
28 and paying ~~his or her~~ [him] THE VOLUNTEER FIREFIGHTER agrees to ←
29 contribute and contributes to the pension fund, from time to
30 time, the sums hereinbefore required.

1 Section 376. Sections 4350 and 4351 of the act are reenacted
2 to read:

3 Section 4350. Computation of Time of Service.--The time of
4 service herein specified, namely, twenty years, shall be
5 computed from the time of the first or original employments,
6 said employment to consist of service to the city and need not
7 be continuous.

8 Section 4351. Funds Payable to be Free of Attachment.--The
9 compensation or pension herein mentioned shall not be subject to
10 attachment or execution, and shall be payable only to the
11 beneficiary designated, and shall not be subject to assignment
12 or transfer.

13 Section 377. Section 4352 of the act, amended August 17,
14 1951 (P.L.1251, No.292), is amended to read:

15 Section 4352. Definitions.--The term or phrase "employee,"
16 "employed," "employed by the city," or "in the employment of any
17 city," as used in this subdivision, is meant to include all
18 persons in the service of cities creating a pension fund and a
19 pension board in accordance with the provisions thereof, who are
20 not now otherwise protected by pensions authorized by this act,
21 and any volunteer [fireman] firefighter who becomes a member of
22 the pension fund.

23 "Volunteer [fireman] firefighter" shall mean a driver of
24 fire-fighting apparatus or ambulances, regularly employed and
25 paid by a volunteer fire company, rendering services recognized
26 and accepted by a city.

27 Section 378. Section 4353 of the act, amended July 5, 2005
28 (P.L.70, No.28), is reenacted to read:

29 Section 4353. Beneficiaries of Fund not to be Employed by
30 City.--No person or persons who shall have become a beneficiary

1 shall be employed by the said city in any capacity. Subject to
2 the provisions of section 4361, nothing herein shall be
3 construed as prohibiting a person or persons who shall have
4 become a beneficiary from serving in an elective city office.

5 Section 379. Article XLIII subdivision (d) heading and
6 section 4361 of the act, added July 5, 2005 (P.L.70, No.28), are
7 reenacted to read:

8 (d) Beneficiaries Serving in Elective Office

9 Section 4361. Right to a Pension if Salary Refused.--In any
10 city governed by the provisions of this act, the act of July 15,
11 1957 (P.L.901, No.399), known as the "Optional Third Class City
12 Charter Law," or 53 Pa.C.S. Pt. III Subpt. E (relating to home
13 rule and optional plan government), a beneficiary serving in an
14 elective city office shall not be prohibited from receiving a
15 pension for any month in which he or she does not accept a
16 salary from serving in the elective office.

17 Section 380. Article XLIV heading of the act is reenacted to
18 read:

19 ARTICLE XLIV

20 CIVIL SERVICE

21 Section 381. Section 4401 of the act is amended to read:

22 Section 4401. Examinations Required of All Appointees.--No
23 person or persons may be appointed to any [position whatever in
24 the police department, or in the engineering department or
25 electrical department, except as otherwise provided by law, or
26 in the position of building inspector, or as health officers
27 other than registered physicians, or as sanitary policemen or
28 inspectors of the health department] uniformed position in the
29 police or fire departments, excluding chiefs, deputy chiefs and
30 similar senior officers, without having first passed all the



1 examinations hereinafter provided for[,] and without having been
2 appointed in the manner and according to the terms and
3 provisions and conditions of this article.

4 Section 382. Section 4402 of the act, amended April 18, 1978
5 (P.L.37, No.19), is amended to read:

6 Section 4402. Appointment of Examining [Boards] Board.--
7 There shall be [the following civil service boards in each city:
8 (a) A board for] a civil service board in each city that shall
9 provide for and oversee the examination of applicants for
10 appointment to and promotion to any position in the police
11 [department; (b) a board for the examination of applicants for
12 appointment as health officers other than registered physicians,
13 or as sanitary policemen or inspectors of the health department;
14 (c) a board for the examination of applicants for appointment to
15 any position in the engineering or electrical departments,
16 except as otherwise provided for by law, or to the position of
17 building inspectors.

18 Each of said boards shall consist of three citizens, who
19 shall be elected] or fire departments. The board shall consist
20 of three citizens who shall be appointed by council for terms of
21 four years or until their successors are [elected and qualified]
22 appointed and qualified except for the initial appointment of
23 board members as provided for in section 4403. Any person who is
24 a registered elector of the city may be appointed to [one or
25 more of said boards] the board. No city officer, official or
26 employe shall be eligible for appointment to [any] the civil
27 service board.

28 Section 383. The act is amended by adding a section to read:

29 Section 4402.1. Existing Civil Service Positions.--All
30 nonuniformed employes in city positions that were subject to

civil service regulation immediately prior to the effective date
of this section shall continue to be subject to civil service
regulation otherwise provided in this article for uniformed
employees with regard to the nonuniformed positions.

Section 384. Section 4403 of the act is amended to read:

Section 4403. Terms; Filling of Vacancies; Compensation;
Quorum.--[At the first election in newly created cities, council
shall elect to each of said boards] In a city in which the civil
service board is first established, terms of members of the
board shall be staggered. Council shall initially appoint to the
board one person to serve for two years, one person to serve for
three years, and one person to serve for four years. Upon the
expiration of the term of any member [of any of said boards, in
any city, one person shall be elected] a successor shall be
appointed by the city council to serve upon [said] the board for
[the] a term of four years. If any vacancies occur, they shall
be filled by the city council for the unexpired term. Each of
[said] the members, before entering upon the duties of [his]
office, shall take and subscribe to the oath of office
prescribed by [this act] 53 Pa.C.S. § 1141 (relating to form of
oaths of office) and file the same, duly certified by the
officer administering it, with the [controller of the city] city
administrator or, in cities without a city administrator, the
city clerk. No salary or other compensation shall be paid to any
member of the [said boards] board. Two members of the board
shall constitute a quorum necessary for the transaction of
business of that board. [Said boards] The board shall organize
for the purpose of transacting all business immediately after
[their first appointment and, from time to time,] the first
appointments and thereafter as new appointments to [such] the

board are made. After organizing, the board shall elect one of its members as chairperson and one as secretary.

Section 385. The act is amended by adding sections to read:

Section 4403.1. Alternate Board Members.--Council may appoint no more than three qualified electors of the city to serve as alternate members of the civil service board. The term of office of the alternate members shall be four years. If, by reason of absence or disqualification of a member, a quorum is not reached, the chairperson shall designate as many alternate members of the board to sit on the board as may be needed to provide a quorum. When seated pursuant to this section, an alternate shall be entitled to participate in all proceedings and discussions of the board to the extent as provided by law for board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this act and as otherwise provided by law. Any alternate member of the board shall continue to serve on the board in all proceedings involving the matter or case for which the alternate was initially designated until the board has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates. Alternates shall hold no other office in the city. Any alternate may participate in any proceeding or discussion of the board but shall not be entitled to vote as a member of the board unless designated as a voting alternate member pursuant to this section.

Section 4403.2. Investigations and Subpoenas.--(a) The board shall have the power to make investigations concerning all matters relating to the administration and enforcement of its

1 rules and regulations. The chairperson shall be authorized to
2 administer oaths and affirmations for witnesses testifying in
3 matters before the board.

4 (b) The board shall have the power to issue subpoenas over
5 the signature of the chairperson or designee and to require the
6 attendance of witnesses and the production of records and papers
7 pertaining to matters before the board, including any background
8 investigation conducted pursuant to any applicable rules and
9 regulations.

10 Section 386. Section 4404 of the act is amended to read:

11 Section 4404. Rules and Regulations; Examinations.--[Each of
12 said boards shall prepare and adopt such rules and regulations
13 to cover the selection and appointment of all persons as
14 hereinbefore provided, to be hereafter employed or appointed in
15 said cities, as in the judgment of said boards shall be best
16 adapted to securing the best service for the public. Such rules
17 and regulations] (a) The board shall have the power and its
18 duty shall be to prepare and adopt rules and regulations,
19 subject to approval by council, which, in the board's
20 discretion, are best adapted to securing and maintaining the
21 best service for the public for the selection, appointment and
22 promotion of persons who are qualified to perform the work which
23 is the subject of the civil service examination as provided in
24 this article, and who are to be employed, appointed or promoted
25 by the city. The rules and regulations adopted by the board
26 shall provide for ascertaining and determining, so far as
27 possible, [the physical qualifications, habits, reputation,
28 standing, experience and education of all applicants for such
29 positions, respectively; and they] the knowledge, skills,
30 aptitude, mental and physical abilities, experience, education

1 and character of all applicants as these criteria would
2 reasonably apply to the respective positions; and the rules and
3 regulations shall provide for examinations upon any and all
4 subjects deemed proper or necessary by [said boards] the board
5 for the purpose of determining [their qualifications for the
6 position sought and applied for] the qualifications of
7 applicants for the respective positions sought and for which
8 application is made.

9 (b) The civil service board shall, in accordance with this
10 act, adopt rules and regulations concerning the following
11 matters that may include:

- 12 (1) minutes of proceedings;
- 13 (2) rules of procedure;
- 14 (3) records of examinations;
- 15 (4) annual report to council;
- 16 (5) notice of the rules and regulations and any amendments
17 or repeals to the rules and regulations;
- 18 (6) application forms;
- 19 (7) further provisions concerning the duties of the
20 chairperson and secretary;
- 21 (8) appointment of examiners; and
- 22 (9) other administrative matters.

23 Section 387. Section 4404.1 of the act, added October 19,
24 2010 (P.L.533, No.77), is amended to read:

25 Section 4404.1. Physical and Psychological Medical
26 Examinations.--(a) [A] The board may require that an applicant
27 conditionally appointed in accordance with section 4406 of this
28 act undergo a physical or psychological medical examination as a
29 condition of permanent appointment. Physical medical
30 examinations, if required, shall be under the direction of a

1 physician or other qualified medical professional. Psychological
2 medical examinations, if required, shall be under the direction
3 of a psychiatrist or psychologist.

4 (b) A physician, other qualified medical professional,
5 psychiatrist or psychologist shall be appointed by council and
6 shall render an opinion as to whether the conditional appointee
7 has a physical or mental condition which calls into question the
8 individual's ability to perform all of the essential functions
9 of the position for which the individual was conditionally
10 appointed.

11 (c) If the opinion rendered by the physician, other
12 qualified medical professional, psychiatrist or psychologist
13 calls into question the conditional appointee's ability to
14 perform all essential functions of a position, the director of
15 the department within which the position is to be filled shall
16 meet with the conditional appointee for the purpose of having
17 one or more interactive discussions on whether the conditional
18 appointee can, with or without reasonable accommodation, perform
19 all the essential functions of the position.

20 (d) If, at the conclusion of the interactive discussion
21 under subsection (c), the department director determines that
22 the conditional appointee is not qualified, the department
23 director shall give written notice to the conditional appointee
24 and the board.

25 (e) Nothing in this act shall be construed to authorize
26 physical or psychological medical examinations prior to
27 conditional appointment in accordance with section 4406 of this
28 act.

29 (f) As used in this section, the following definitions shall
30 apply:

1 "Medical examination" shall mean any examination, procedure,
2 inquiry or test designed to obtain information about medical
3 history or a physical or mental condition which might disqualify
4 an applicant if it would prevent the applicant from performing,
5 with or without reasonable accommodation, all of the essential
6 functions of the position.

7 "Physician" shall have the meaning given to it in 1 Pa.C.S. §
8 1991 (relating to definitions).

9 "Qualified medical professional" shall mean an individual, in
10 collaboration with or under the supervision or direction of a
11 physician, as may be required by law, who is licensed:

12 (1) as a physician assistant pursuant to the act of December
13 20, 1985 (P.L.457, No.112), known as the "Medical Practice Act
14 of 1985," or the act of October 5, 1978 (P.L.1109, No.261),
15 known as the "Osteopathic Medical Practice Act"; or

16 (2) as a certified registered nurse practitioner pursuant to
17 the act of May 22, 1951 (P.L.317, No.69), known as "The
18 Professional Nursing Law."

19 Section 388. Section 4405 of the act, amended October 19,
20 2010 (P.L.533, No.77), is repealed:

21 [Section 4405. Grading for Discharged Servicemen.--When any
22 person who was engaged in the military service of the United
23 States during any military engagement in which the United States
24 participated, and has an honorable discharge therefrom, shall
25 take any examination for appointment, the examination shall be
26 marked or graded in the same manner as provided for all other
27 examinations. When the examination of the discharged individual
28 is completed and graded, if the grade is passing, the grading or
29 percentage as the examination merits shall be increased by
30 fifteen per centum, and the total mark or grade shall represent

1 the final grade or classification of the discharged individual
2 and shall determine the individual's order of standing on the
3 eligibility list. For the purpose of this article:

4 (1) "Military service" means the army, navy, marines, air
5 force, coast guard, and any branch or unit thereof.

6 (2) "Servicemen" means members of the military service,
7 including women.

8 (3) "Military engagement" includes land, naval and air
9 engagements.]

10 Section 389. The act is amended by adding a section to read:

11 Section 4405.1. Veterans' Preference.--In accordance with 51
12 Pa.C.S. Ch. 71 (relating to veterans' preference) the following
13 shall apply to the appointment of a uniformed civil service
14 position:

15 (1) A veteran who meets the qualifications for and
16 conditions of the position under uniform eligibility rules,
17 which include successful passage of an examination, shall
18 receive an additional ten points on the examination pursuant to
19 51 Pa.C.S. § 7103(a) (relating to additional points in grading
20 civil service examinations).

21 (2) If, after the additional ten points are granted, a
22 veteran is on the list of three eligible applicants, the veteran
23 shall receive a preference in hiring over nonveterans on that
24 list.

25 (3) The preference provided by this section shall constitute
26 the only preference with regard to a uniformed civil service
27 position to which a veteran is entitled under this act.

28 Section 390. ~~Sections 4406 and 4406.1~~ SECTION 4406 of the
29 act, amended or added October 19, 2010 (P.L.533, No.77), ~~are~~ IS
30 amended to read:

←

←

Section 4406. Selection of Appointee from Certified List of Applicants.--[The boards] The following shall apply to civil service selection, conditional appointments and appointments and shall be incorporated by reference in the rules and regulations of the board:

(1) The civil service board shall make and keep, in numerical order, a list containing the names of all applicants for civil service positions in the city who [may] pass the required examinations, including any required physical fitness or agility examinations that are job-related and consistent with business necessity. [Where]

(2) Physical fitness or agility examinations shall be conducted on a pass-fail basis.

(3) Written and oral examinations used to establish an eligibility list shall offer the opportunity to achieve one hundred points.

(4) If both written and oral examination methods are used in conjunction with each other, the board, prior to initiating testing, shall establish what constitutes a passing score on each portion of the examination. If only a written examination method is used, the board shall establish the passing score before the examination is conducted.

(5) When more than one person takes examinations for any position at the same time, the names of all those successfully passing the examination shall be entered upon the eligibility list in the order of their respective [percentages] point totals, the highest coming first.

(6) The board shall furnish to council a certified copy of all lists so prepared and kept. [Wherever any vacancy shall occur in any civil service position in the city, the city

council] Such lists shall be maintained for a period of two years or until a new list is certified to council, whichever occurs first AND ARE PUBLIC RECORDS.



(7) Whenever council shall determine an appointment is to be made to a civil service position in the city, the director of the department in which the appointment is to be made shall make written application to the [president of the proper] chair of the board, who shall forthwith certify to the city council, in writing, the three names on the eligibility list of applicants for the position having the highest [percentage, but if there be] number of points, unless there are less than three eligible names on the list, in which event the board shall certify the names. The director of the department in which the appointment is to be made shall nominate to the city council a person from the eligibility list submitted to fill the vacancy.

(8) If the city council approves the nomination, the person nominated shall be conditionally appointed by council to fill the vacancy, and shall be assigned for service in the department, subject to any required physical or psychological medical examinations that may be required by the [appropriate examining] board as a condition of permanent appointment in accordance with section 4404.1 of this act.

(9) If the council does not approve the nomination, or if the appointee is determined by the medical examination process to be unqualified, then the director of the department in which the appointment is to be made shall submit another nomination for the position from the remaining names, if any[, and if]. If the nomination is not approved by the council, or if the appointee is determined by the medical examination process to be unqualified, the director shall submit the third name, if any.

1 (10) The person whose nomination by the director is approved
2 by the city council shall be appointed to fill the [position in
3 the department or as building inspector] civil service position
4 under consideration.

5 (11) The name of the person so appointed shall be
6 immediately stricken from the [eligibility] certified list of
7 the board, and, except as otherwise provided in this clause, the
8 names of the [rejected] nonappointed persons shall immediately
9 be restored to their proper place on the [eligibility list:
10 Provided, however, That if] certified list. If the name of any
11 applicant has been submitted to the council and been rejected
12 three times or the [appointee] council and the conditional
13 applicant has not been appointed for three such times or the
14 conditional applicant has been determined by the medical
15 examination process to be unqualified, then the name shall be
16 stricken from the [eligibility] certified list.

17 (12) Examinations for promotions for civil service positions
18 in the city shall be pursuant to section 4406.1 of this act.

19 (13) As used in this section, the term "medical examination"
20 shall have the meaning given it in section 4404.1 of this act.

21 SECTION 390.1. SECTION 4406.1 OF THE ACT, AMENDED NOVEMBER
22 9, 2011 (P.L.408, NO.99), IS AMENDED TO READ:

23 Section 4406.1. Promotions.--~~(a)~~ (A) The [civil service
24 boards may recommend those in the employ of a department for
25 promotion if the person recommended is competent for the higher
26 position. If an examination is required, the] city council shall
27 notify the [applicable] civil service board of a civil service
28 vacancy in the city which is to be filled by promotion and shall
29 request the certification of an eligibility list as provided in
30 this article. The board shall certify for each vacancy the names

1 of three persons on the eligibility list who have received the
2 highest average in the last preceding promotional examination
3 held within the period of two years preceding the date of the
4 request for the eligibility list. If three names are not
5 available, the board shall certify the names remaining on the
6 list. The city council shall make an appointment from the names
7 certified, based solely on the merits and fitness of the
8 candidates, unless the city council makes objections to the
9 board regarding one or more of the persons on the eligibility
10 list. The city council shall have power to determine in each
11 instance whether an increase in salary shall constitute a
12 promotion.

13 ~~(b) Notwithstanding subsection (a), the mayor or other~~ ←
14 ~~elected or appointed official of a city that has adopted one of~~
15 ~~the following shall retain the power to promote a candidate~~
16 ~~pursuant to that law:~~

17 ~~(1) An optional charter pursuant to the act of July 15, 1957~~
18 ~~(P.L.901, No.399), known as the "Optional Third Class City~~
19 ~~Charter Law."~~

20 ~~(2) An optional plan pursuant to 53 Pa.C.S. Chs. 30~~
21 ~~(relating to types of optional plans of government) and 31~~
22 ~~(relating to general provisions common to optional plans).~~

23 ~~(3) Any other law authorizing or permitting the mayor or~~
24 ~~other elected or appointed official to promote a candidate.~~

25 (B) NOTWITHSTANDING SUBSECTION (A), THE MAYOR OR OTHER ←
26 ELECTED OR APPOINTED OFFICIAL OF A CITY THAT HAS ADOPTED ONE OF
27 THE FOLLOWING SHALL RETAIN THE POWER TO PROMOTE A CANDIDATE
28 PURSUANT TO THAT LAW:

29 (1) AN OPTIONAL CHARTER PURSUANT TO THE ACT OF JULY 15, 1957
30 (P.L.901, NO.399), KNOWN AS THE "OPTIONAL THIRD CLASS CITY

1 CHARTER LAW."

2 (2) AN OPTIONAL PLAN PURSUANT TO 53 PA.C.S. CHS. 30
3 (RELATING TO TYPES OF OPTIONAL PLANS OF GOVERNMENT) AND 31
4 (RELATING TO GENERAL PROVISIONS COMMON TO OPTIONAL PLANS).

5 (3) ANY OTHER LAW AUTHORIZING OR PERMITTING THE MAYOR OR
6 OTHER ELECTED OR APPOINTED OFFICIAL TO PROMOTE A CANDIDATE.

7 (c) The provisions of this section shall not apply to the
8 mayor's designation or appointment of the chief of police or any
9 deputy police chief pursuant to section 2002 or the mayor's
10 designation or appointment of a fire chief or any deputy fire
11 chief pursuant to section 2101.1.

12 Section 391. Section 4407 of the act is amended to read:

13 Section 4407. [Tenure; Preference in Appointment to
14 Discharged Serviceman; Temporary Appointments.--] Tenure;
15 Temporary Appointments.--(a) All appointments made pursuant to
16 the provisions of this article shall be for and during good
17 behavior, and no employe hired pursuant to the provisions of
18 this article shall be removed or transferred for any political
19 reasons whatever. [Among those persons possessing qualifications
20 and eligibility for appointment, preference in appointment shall
21 be given to honorably discharged servicemen and their spouses
22 and surviving spouses as provided by law.

23 All persons holding appointments in said several departments
24 or as building inspectors of said cities, at the time this act
25 goes into effect, shall retain their positions without being
26 required to pass examination, and be removed only in accordance
27 with the provisions of this article.]

28 (b) In case of riot or emergency, temporary appointments to
29 positions in the civil service may be made without complying
30 with the provisions of this article.

1 Section 392. Section 4408 of the act, amended October 4,
2 1978 (P.L.950, No.188), is amended to read:

3 Section 4408. [Suspension and Discharge] Suspension,
4 Discharge and Discipline; Reduction of Employees; Appeals.--(a)

5 All employees subject to civil service shall be subject to
6 suspension, discharge and discipline by the director of the
7 department in which the employee works for misconduct[, or
8 violation of any law of this Commonwealth, [any] ordinance of
9 the city, or regulation of the department[, pending action by
10 the city council upon the charges made against any of such
11 employees. On hearing before the city council, where they may be
12 represented by counsel, they may be fined or suspended for a
13 period not exceeding thirty days with or without pay, or they
14 may be discharged by city council, if found guilty of the
15 charges made against them. The director of each such department
16 may, for misconduct or violation as aforesaid, suspend any
17 employe of such department for a period of ten days, with or
18 without pay, without preferring charges and without a hearing of
19 council; but no employe shall be suspended more than one time
20 for the identical or same violation or act of misconduct. If it
21 should become necessary to reduce the number of employees in said
22 department for purposes of economy, seniority rights shall
23 prevail, and any and all removals for such cause or causes shall
24 be from the members last appointed, and the member or members
25 serving the shortest time shall be removed first; but members
26 with longer times of service may be discharged for cause]. Any
27 employe aggrieved by the suspension, discharge or discipline
28 imposed by a department director more serious than a suspension
29 of three days without pay may request a hearing before the city
30 council, or by the civil service board if designated by

1 ordinance. At the hearing, the employe may be represented by
2 counsel.

3 (a.1) Any civil service employe aggrieved by the [action]
4 decision of the council [in fining, suspending or discharging
5 him shall have the right to appeal by petition to the court of
6 common pleas within thirty days after the suspension or after
7 receipt of written notice of such action by council which it
8 shall be the duty of the council to give and the court shall
9 hear the charges made against him de novo] or the civil service
10 board shall have the right to appeal in accordance with 2
11 Pa.C.S. Ch. 7 Subch. B (relating to judicial review of local
12 agency action). This review shall be exclusive. Where no such
13 appeal is taken within the time prescribed by law, the decision
14 by the city council or the civil service board shall become
15 final in accordance with the law. The issue before the court
16 shall be whether the action of the council or the civil service
17 board shall be affirmed or be modified in any respect or whether
18 the charges should be dismissed or whether the suspension or
19 demotion made by the director shall be affirmed or rescinded.
20 Where any [such] employe has been suspended and the charges are
21 dismissed or the suspension rescinded on appeal, ~~he or she~~ [he] ←
22 THE EMPLOYE shall receive full compensation for the entire
23 period of suspension.

24 (b) In any case in which a police officer or firefighter who
25 is a member of a bargaining unit is subject to suspension,
26 discharge or discipline, the police officer or firefighter shall
27 have the option of challenging the suspension, discharge or
28 discipline imposed by using the procedures provided in
29 subsection (a) or by a proceeding in grievance arbitration. A
30 choice to proceed either by subsection (a) or by grievance

1 arbitration shall foreclose the opportunity to proceed in the
2 alternative method.

3 Section 393. Sections 4409 and 4410 of the act are amended
4 to read:

5 Section 4409. [Secretaries of Boards; Compensation.--Each of
6 said civil service boards may] Secretary; Compensation.--The
7 civil service board shall appoint a secretary and prescribe [his ←
8 {duties. He] ~~or her~~ THE SECRETARY'S duties, and shall have the ←
9 power to change these duties. The secretary shall be subject to
10 removal at any time by the board [appointing him, and such board
11 shall have power to change his duties. The compensation to be
12 paid said secretaries and all necessary stationery and supplies
13 for said boards shall be such as council shall by ordinance
14 direct]. Council shall establish the compensation to be paid to
15 the secretary and all necessary stationery and supplies for the
16 use of the board shall be supplied by the city.

17 Section 4410. Review of Eligibility Lists.--The lists of
18 eligible names kept by [each] the civil service board shall be
19 annually examined by the board for the purpose of deleting
20 therefrom persons who are permanently unavailable for or
21 disqualified for the position or positions involved, either by
22 death, permanent removal from the area, written desire to be
23 removed therefrom, or by other permanent cause[,] in conformity
24 with the board's rules and regulations adopted pursuant to
25 section [four thousand four hundred four] 4404.

26 Section 394. The act is amended by adding an article to
27 read:

28 ARTICLE XLIV-A

29 VETERANS' AFFAIRS

30 (a) Support of Veterans' Organizations

1 Section 4401-A. Appropriations to Post of Veterans.--Council
2 may appropriate annually to organizations of veterans of the
3 United States armed services or veterans' parents to aid in
4 defraying the expenses of Memorial Day and Veterans Day, or
5 other expenses such as payment of rent of any building or rooms
6 where the organization has its regular meetings. Payments shall
7 be made to defray actual expenses only. Before any payment is
8 made, the organization receiving the same shall submit verified
9 accounts of their expenditures.

10 Section 4402-A. Rooms for Meetings of Veterans.--Council may
11 provide, upon application, to an organization composed of
12 veterans of the United States armed services, a facility in any
13 public building of the city, sufficient for the periodic meeting
14 of each of the organizations.

15 (b) Pennsylvania National Guard

16 Section 4411-A. Support of Pennsylvania National Guard
17 Units.--Council may appropriate annually a sum for the support
18 and maintenance, discipline and training of any troop, company
19 or similar unit of the Pennsylvania National Guard. If the units
20 are organized as a battalion, regiment or similar organization,
21 the total amount due may be paid to the commanding officer of
22 the battalion, regiment or similar organization. Any money
23 appropriated shall be paid by warrant drawn to the order of the
24 commanding officer of the company, battalion, regiment or
25 similar organization, only when it shall be certified to the
26 city, by the Adjutant General of the Commonwealth, that the
27 company has satisfactorily passed the annual inspection provided
28 by law. The money appropriated shall be used and expended solely
29 and exclusively for the support and maintenance, discipline and
30 training of the company, battalion, regiment or similar

1 organization; and the commanding officer shall account, by
2 proper vouchers to the city each year, for the expenditure of
3 the money appropriated. No appropriation shall be made for any
4 subsequent year until the expenditure of the previous year is
5 duly and satisfactorily accounted for. The accounts of the
6 expenditures shall be subject to the inspection of the
7 Department of Military Affairs, and shall be audited by the city
8 controller in the manner provided by this act for the audit of
9 accounts of city money.

10 Section 4412-A. Appropriation of Money, Et Cetera, to Assist
11 in Erection of Armories.--Council may appropriate money or
12 convey land, either independently or in conjunction with any
13 other political subdivision, to the Commonwealth, for the
14 purpose of assisting the State Armory Board in the erection of
15 armories for the use of the Pennsylvania National Guard, and to
16 furnish water, sewer services, light or fuel free of cost to the
17 Commonwealth for use in any armory of the Pennsylvania National
18 Guard. Council may do all things necessary to accomplish the
19 purpose of this section.

20 Section 4413-A. Eminent Domain for National Guard
21 Purposes.--Council may take, by right of eminent domain, for the
22 purpose of appropriating to itself for the use of the
23 Pennsylvania National Guard public lands, easements and public
24 property in its possession or control and used or held by it for
25 any other purpose. Such right, however, shall not be exercised
26 as to any street or wharf.

27 Section 4414-A. Lands for Armory Purposes.--Council may
28 acquire, by purchase or by gift, or by the right of eminent
29 domain, any land for the use of the Pennsylvania National Guard
30 and may convey lands so acquired to the Commonwealth in order to

1 assist the State Armory Board in the erection of armories. The
2 power conferred by this section shall not be exercised to take
3 any church property, graveyard or cemetery. Lands within three
4 miles outside the limits of the city may be acquired in like
5 manner for the use of the Pennsylvania National Guard provided
6 that if the land is acquired by eminent domain that the taking
7 shall be subject to the limitations in 26 Pa.C.S. § 206
8 (relating to extraterritorial takings).

9 (c) Burials and Memorials

10 Section 4421-A. Purchase of Burial Grounds for Deceased
11 Service Persons.--Council may appropriate money for and purchase
12 plots of ground in any cemetery or burial ground, within its
13 respective city limits, for the interment of deceased service
14 persons who die within the city, or die beyond the city but have
15 a legal residence within the city at the time of their deaths,
16 and whose bodies are entitled to be buried by the county under
17 the provisions of existing laws.

18 Section 4422-A. Care of Memorials.--Council may take charge
19 of, care for, maintain and keep in good order and repair, at the
20 expense of the city, any soldier's monument, gun or carriage or
21 similar memorial, situate in the city which is not in the charge
22 or care of any person, body or organization and which is not put
23 up or placed by the Government of the United States, the
24 Commonwealth or the commissioners of the county or by the
25 direction or authority of any other state. Council may receive
26 from any person or organization any money or funds which can be
27 used for the benefit of the memorials, and expend the money.

28 Section 4423-A. Memorial Trees.--Council may provide for or
29 authorize provision for memorial trees for residents of the city
30 who died while in the military service of the United States or

1 in consequence thereof. Council may make appropriations or
2 accept contributions for this purpose. Such trees shall bear
3 some permanent indication of their purpose.

4 Section 4424-A. Penalty for Injury to Memorial Trees.--Any
5 person wilfully, maliciously or negligently destroying or
6 injuring any trees planted pursuant to the provisions of section
7 4423-A shall be guilty of a misdemeanor and, upon conviction,
8 shall be liable to a fine not exceeding five hundred dollars, or
9 imprisonment not exceeding three months, or both, in the
10 discretion of the court.

11 Section 395. Article XLV heading and sections 4501, 4502,
12 4503, 4504 and 4505 of the act are repealed:

13 [ARTICLE XLV

14 CHARITIES AND WELFARE

15 Section 4501. Creation of Department of Charity.--Council,
16 by ordinance, may create a bureau for the purpose of
17 administering charity and for support of the poor, create any
18 office which may be deemed necessary for the proper government,
19 support, and management of said bureau, and regulate and
20 prescribe the powers, duties, and compensation of all such
21 officers. Such bureau shall have the care, management,
22 administration, and supervision of the charities, almshouses,
23 poorhouses, and the relief of the poor of the city, subject,
24 however, to the control of the council.

25 Section 4502. Power to Levy Special Tax.--Council may levy a
26 tax annually, not exceeding ten mills on the dollar, on all
27 persons and property taxable by the city for city purposes, for
28 the support of said bureau.

29 Section 4503. Hospitals; Appropriations; Free Treatment for
30 Poor.--Any city may acquire, by gift, devise, or bequest, lands,

1 chattels, securities and funds for the establishment and
2 maintenance of a hospital, for the purposes of caring for the
3 sick and injured residents of such city and the vicinity
4 thereof, and, for such purposes, to appropriate and expend money
5 of the city: Provided, That the poor residents of such city
6 shall receive free treatment to the extent that it is possible
7 to provide for same with the means available. Such hospital, or
8 any ward therein, may be named in accord with the wishes of any
9 person making a substantial donation thereto by will or
10 otherwise.

11 Section 4504. Appointment of Trustees for Gifts; Powers.--
12 Such gifts, devises, bequests and appropriated funds shall be
13 under the supervision of a board of trustees, to be appointed by
14 council, consisting of at least nine trustees, three of whom
15 shall be members of council, three of whom shall be licensed and
16 practicing physicians in such city and the vicinity thereof, and
17 the remainder of which board shall consist of residents of such
18 city and vicinity thereof. Said appointments shall at all times
19 be made subject to the approval of the orphans' court of the
20 county in which said city is situated. Said board of trustees
21 shall at all times be subject to the resolutions of council and
22 the jurisdiction of said court, which shall have power to remove
23 any of them upon petition of such city. Any vacancy in such
24 board may be filled by a new appointment in manner aforesaid.
25 Said board of trustees shall make reasonable rules for the
26 management of such hospital, and appoint and remove the
27 physicians, surgeons, nurses, and other employes necessary for
28 the conduct thereof.

29 Section 4505. Appropriations or Other Assistance for
30 Hospitals.--Council may make appropriations for the support or

1 assistance of hospitals within or near the city or, in lieu
2 thereof, council may provide for services to such hospitals at
3 the city's expense and with materials or equipment of the city.]

4 Section 396. The act is amended by adding an article to
5 read:

6 ARTICLE XLV-A

7 ASSESSMENTS FOR PUBLIC IMPROVEMENTS

8 Section 4501-A. Authority to Assess.--(a) In cases in which
9 one or more properties are benefited from a public improvement,
10 unless otherwise provided for in this act, a city shall be
11 authorized to assess, as provided in this article, all or any
12 portion of the costs of the public improvement, including any
13 related administrative fees, against those properties that are
14 benefited by the public improvement.

15 (b) Unless otherwise provided in this act, in addition to
16 the authority to assess the cost of public improvements against
17 properties benefited, a city shall have the power to pay for the
18 cost of public improvements, in whole or in part, from general
19 city funds or, if authorized, from a special city fund dedicated
20 to that purpose.

21 (c) If a city incurs indebtedness pursuant to 53 Pa.C.S. Pt.
22 VII Subpt. B (relating to indebtedness and borrowing) for the
23 purposes of funding the cost and expense of making public
24 improvements for which assessments can be made in accordance
25 with this article, and assessments are made, payments made on
26 the assessments must be applied to pay the debt service for the
27 indebtedness incurred for funding the cost and expense of making
28 the public improvements.

29 (d) As used in this article, unless the context clearly
30 indicates otherwise, the term "public improvement" may include,

but shall not be limited to, the building, paving, grading, rebuilding, repaving and regrading of streets, sidewalks, curbs and gutters; the creation, extension and renovation of water and sewerage collection, transmission, treatment and disposal systems; the creation, extension and renovation of storm, surface and subsurface drainage systems; the construction, reconstruction and repair of wharves and docks; the installation of pipes, wires and conduits relating to city-supplied utility services; the installation, maintenance or operation of ornamental street lighting; or the planting, maintaining, trimming, transplanting, removal and protection of shade trees.

Section 4502-A. Method of Assessment.--(a) In any case in which council elects to exercise the power to make assessments for a given public improvement as authorized in section 4501-A, it shall, by ordinance and in conformity with this article, establish the method and procedure pursuant to which assessments shall be made.

(b) Council may, by ordinance, determine to make the assessment by any means that results in fairly allocating all or a portion of the costs and expenses of the public improvement among all properties benefited thereby in reasonable proportion to the benefits conferred upon each property. The methods that may be used to make assessments in accordance with this subsection may include, but shall not be limited to, an equal assessment per front foot, lot, parcel, dwelling unit or square foot or by an assessment made by viewers.

(c) If the front foot method is used:

(1) The cost to be collected shall be divided by the total number of linear feet of street frontage of all properties benefited.

1 (2) The assessment against each property shall be that
2 portion of the cost which is determined by multiplying the
3 dividend under clause (1) by the number of linear feet for
4 street frontage of that property.

5 (3) Council shall have the power and its duty shall be, in
6 the case of corner or irregularly shaped lots or where special
7 conditions exist, to provide for an equitable adjustment, as
8 necessary, to prevent an unjust or excessive assessment.

9 (d) In order to pay for all or a portion of the cost or
10 expenses of a public improvement, council may determine to
11 assess properties benefited based upon a report of viewers.
12 Three disinterested persons shall be appointed by council as
13 viewers. A majority of the viewers shall assess the cost against
14 each property benefited in reasonable proportion to the benefits
15 conferred upon each property. The viewers, or a majority of
16 them, shall make a report in writing which shall specify the
17 amount assessed upon each property and shall present the report
18 directly to council or file it with the city clerk, as council
19 directs.

20 Section 4503-A. Notice of Assessment.--(a) After the
21 amounts to be assessed against the properties to be benefited by
22 the public improvement have been calculated pursuant to the
23 method and procedures as prescribed by ordinance, the city shall
24 give personal notice of the assessment to the owner of each
25 property that is being assessed. The notice shall also state
26 that the owner has thirty days from receipt of the notice to
27 appeal the assessment.

28 (b) An assessment made pursuant to this article shall become
29 effective thirty days after personal notice is given by any of
30 the following means:

1 (1) Personal service on the owner.

2 (2) Certified mail, addressee only, return receipt
3 requested, to the owner at the owner's last known address.

4 (3) Posting notice at or upon the property, after reasonable
5 attempts to give personal notice pursuant to clauses (1) and (2)
6 have failed.

7 Section 4504-A. Appeals to Court.--Within thirty days after
8 receipt of the notice of assessment, an owner of property shall
9 have the right to appeal the assessment to the court of common
10 pleas in the county in which the assessed property is located.
11 On appeal, unless the court finds fraud, mistake or illegality,
12 the court shall be restricted to determining the questions of
13 whether the property assessed received any special benefits from
14 the improvement and whether the assessment made exceeds the
15 special benefits received.

16 Section 4505-A. Benefits and Damages.--In any proceeding in
17 which damages to property are being sought as a result of a
18 public improvement for which an assessment of benefits has been
19 made, the excess of damages over benefits, or the excess of
20 benefits over damages, or nothing in case the benefits and
21 damages are equal, shall be awarded to or assessed against the
22 owner of land and property affected by the public improvement.

23 Section 4506-A. Return by City of Assessments Paid on
24 Property Unlawfully Assessed.--The following shall apply with
25 regard to the return of payments made on an unlawful assessment:

26 (1) If, after a timely appeal, a court makes a final
27 determination that a property was unlawfully assessed or that
28 the amount assessed exceeded, to a substantial amount, the
29 benefits received by the property assessed from the public
30 improvement, a city that received money in payment of the

1 assessment shall repay the money in an amount as ordered by the
2 court.

3 (2) Within two years of receiving payment of an assessment,
4 the city may repay such money voluntarily if the city determines
5 that the assessment or part thereof was made erroneously.

6 (3) Repayments to property owners pursuant to clause (1) or
7 (2) shall include interest from the date of payment of the
8 unlawful or erroneous assessment at the rate of interest that is
9 provided for in 53 Pa.C.S. § 8426 (relating to interest on
10 overpayment).

11 Section 4507-A. Payment of Assessments in Installments.--(a)
12 An ordinance providing for a public improvement the expense of
13 which is to be defrayed by an assessment against properties
14 benefited by the public improvement may authorize the payment of
15 the assessments in installments. The ordinance shall set a time
16 when the installment payments shall commence and shall specify
17 the length of time over which the installments may be extended
18 and whether payments are to be made by equal annual or more
19 frequent installments. The period during which installments may
20 be paid shall not exceed the lesser of ten years or the number
21 of years equal to the period of maturity of the bonds issued to
22 fund the public improvement.

23 (b) The ordinance shall set forth the rate of interest for
24 the installments, which shall not be more than ten per centum
25 per annum unless a bond is issued for the improvement, in which
26 case the maximum interest rate on the installment payments shall
27 be pursuant to section 9 of the Municipal Claim and Tax Lien
28 Law.

29 (c) The city shall enter into a written installment
30 agreement with each property owner that will pay the assessment

1 in installments, subject to the requirements of the ordinance
2 pertaining to such agreements and this article.

3 (d) If any of the installments shall remain unpaid for sixty
4 days after the same has become due and payable, the entire
5 unpaid assessment plus unpaid accrued interest and any costs
6 shall be due and payable and the city may proceed to collect
7 them by filing a lien in the same manner as municipal claims are
8 filed or by action in assumpsit.

9 (e) Any property owner upon whom an assessment has been made
10 may pay all or as many of the installments before they are due,
11 with interest and costs to the due date of the next installment.

12 Section 4508-A. Collection of Assessments.--(a) Council
13 shall have the power to authorize the city treasurer or other
14 city official to collect assessments.

15 (b) The following shall apply to the collection of
16 assessments:

17 (1) A city may collect an assessment that remains unpaid for
18 sixty days after personal notice was given pursuant to section
19 4503-A, unless an installment agreement has been entered into
20 pursuant to section 4507-A.

21 (2) An assessment made pursuant to this article may be
22 collected in the same manner as municipal claims in the
23 Municipal Claim and Tax Lien Law or by an action of assumpsit
24 against the owner of the property benefited.

25 (3) Interest on an unpaid assessment shall begin to accrue
26 from the time of completion of the improvement at a rate of ten
27 per centum per annum unless a bond is issued for the
28 improvement, in which case the maximum interest rate shall be
29 pursuant to section 9 of the Municipal Claim and Tax Lien Law.

30 (4) If a property owner has two or more lots against which

1 there is an assessment for the same improvement, all of the lots
2 may be embraced in one claim.

3 (5) Assessments, whether paid one time or by installments,
4 shall be payable at the office of the city treasurer or any
5 other place designated by ordinance.

6 Section 397. Article XLVI heading of the act is reenacted to
7 read:

8 ARTICLE XLVI

9 COLLECTION OF MUNICIPAL CLAIMS BY SUIT AND

10 COMPROMISE OF CLAIMS

11 Section 398. Section 4601 of the act, amended July 25, 1963
12 (P.L.283, No.153), is amended to read:

13 Section 4601. Collection of Municipal Claims by Suit.--In
14 addition to the remedies provided by this act or any other law
15 for the filing of liens for the collection of municipal claims,
16 INCLUDING, BUT NOT LIMITED TO, WATER RATES, SEWER RATES AND THE ←
17 REMOVAL OF NUISANCES, all cities may proceed for the recovery
18 and collection of municipal claims by action of assumpsit

19 against the person or persons who were the owner or owners of
20 the property at the time of the completion of the improvement, ←

21 OR AT THE TIME THE WATER OR SEWER RATES OR THE COST OF THE
22 REMOVAL OF NUISANCES FIRST BECAME PAYABLE, notwithstanding the

23 fact that there was a failure on the part of [any such] the
24 city, or its agents, to enter [any such] the municipal claim as
25 a lien against the property assessed for the improvement+ OR FOR ←

26 THE FURNISHING OF WATER OR SEWER SERVICES OR FOR THE REMOVAL OF
27 NUISANCES, and for the recovery of which the action of assumpsit

28 was brought+. [Any such] THE action in assumpsit shall be ←

29 commenced EITHER within six years after the completion of the ←

30 improvement from which [said] the claim arises OR WITHIN SIX ←

1 YEARS AFTER THE WATER OR SEWER RATES OR THE COST OF ABATING A
2 NUISANCE FIRST BECAME PAYABLE.

3 This section shall extend to all municipal claims [where the
4 improvement was] for improvements heretofore made, where the
5 action of assumpsit has been instituted under the provisions of
6 prior acts of Assembly, and where the claim was not barred by
7 the statute of limitations affecting actions of assumpsit.

8 Section 399. Section 4602 of the act is amended to read:

9 Section 4602. Compromise of Municipal Claims[; Court
10 Approval.--Whenever].--(a) If any city has any municipal claim
11 entered in the office of the prothonotary as a lien against real
12 estate, [which said] and if the claim has existed for ten years
13 or more, council may[, with the approval of the court of common
14 pleas,] agree with the owner of [such] the real estate to
15 accept, in compromise or reduction of the amount of the claim
16 and the interest charges, expenses and fees added thereto and
17 due thereon, any sum less than the whole of such amount so due.

18 (b) Upon receipt of the compromise amount as agreed upon,
19 the city shall cause the lien to be properly satisfied on the
20 record, which satisfaction shall be as effective as if the whole
21 amount of the claim, interest, charges, expenses and fees had
22 been paid, and the claim shall no longer be a lien against the
23 real estate or a claim against the owner thereof.

24 (c) The provisions of this section permitting compromise of
25 municipal claims shall not apply to or in any manner affect any
26 claims, the assessments for which are the sole basis of
27 improvement bonds issued by any political subdivision and which
28 are the security for the payment thereof, or any claims, the
29 assessments for which have heretofore been assigned by any
30 political subdivision to any contractor in payment of the amount

due the contractor under terms of the contract for the
improvement for which the assessment was levied.

Section 400. Sections 4603 and 4604 of the act are repealed:

[Section 4603. Satisfaction.--Upon receipt of the compromise amount so agreed upon and approved, the city shall cause the lien to be properly satisfied on the record, which satisfaction shall be as effective as if the whole amount of the claim, interest, charges, expenses and fees had been paid, and such claim shall no longer be a lien against the real estate or a claim against the said owner thereof.]

Section 4604. Certain Claims Excluded.--The provisions of sections four thousand six hundred two and four thousand six hundred three shall not apply to or in any manner affect any claims, the assessments for which are the sole basis of improvement bonds issued by any political subdivision and which are the security for the payment thereof, or any claims, the assessments for which have heretofore been assigned by any political subdivision to any contractor in payment of the amount due him under terms of the contract for the improvement for which the assessment was levied.]

Section 401. Article XLVII heading of the act is reenacted to read:

ARTICLE XLVII

ACTS OF ASSEMBLY REPEALED; SAVING CLAUSE

Section 402. Section 4701 of the act is amended to read:

Section 4701. Repeals and Saving Clause.--(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.

(b) The following acts and parts of acts of Assembly are hereby repealed as particularly set forth:

1 The act, approved the twenty-fifth day of March, one thousand
2 eight hundred seventy-eight (Pamphlet Laws 8), entitled "An act
3 authorizing cities of the third class to levy and collect taxes
4 for park purposes, and curing any defects in previous levies,"
5 absolutely.

6 The act, approved the thirty-first day of May, one thousand
7 nine hundred nineteen (Pamphlet Laws 358, Number 172), "An act
8 to amend section three, article five of the act, approved the
9 twenty-seventh day of June, one thousand nine hundred thirteen
10 (Pamphlet Laws 568), entitled 'An act providing for the
11 incorporation, regulation, and government of cities of the third
12 class; regulating nomination and election of municipal officers
13 therein; and repealing, consolidating, and extending existing
14 laws in relation thereto,' by adding thereto clause forty-nine
15 relative to the collection and disposal of garbage, ashes, and
16 other waste and refuse matter," absolutely.

17 The act, approved the fourth day of June, one thousand nine
18 hundred nineteen (Pamphlet Laws 373), entitled "An act to amend
19 section three, article five of the act, approved the twenty-
20 seventh day of June, one thousand nine hundred thirteen
21 (Pamphlet Laws, five hundred and sixty-eight), entitled 'An act
22 providing for the incorporation, regulation, and government of
23 cities of the third class; regulating nomination and election of
24 municipal officers therein; and repealing, consolidating, and
25 extending existing laws in relation thereto,' by adding thereto
26 clause forty-nine, relative to appropriations for municipal
27 music," absolutely.

28 The act, approved the tenth day of March, one thousand nine
29 hundred twenty-one (Pamphlet Laws 29, Number 10), entitled "An
30 act for the relief of certain county treasurers and county tax

1 collectors, in the settlement of county, poor, and State taxes,
2 in cities of the third class," absolutely.

3 The act, approved the twenty-second day of April, one
4 thousand nine hundred twenty-seven (Pamphlet Laws 358), entitled
5 "An act authorizing and empowering cities of the third class to
6 recognize the moral obligation of the city to pay just claims
7 against the city, although under existing laws no legal recovery
8 could be had against the city," absolutely.

9 Section seven hundred twenty-three of the act, approved the
10 first day of May, one thousand nine hundred twenty-nine
11 (Pamphlet Laws 905), entitled "An act for the protection of the
12 public safety; regulating the use of highways, and the operation
13 of vehicles, tractors, street cars, trackless trolley omnibuses,
14 bicycles, pedestrians, and the riding of animals upon the
15 highways of this Commonwealth; providing for the titling,
16 including liens, encumbrances, and legal claims; registration of
17 certain vehicles and licensing the operators thereof, upon
18 payment of prescribed fees; prescribing and limiting the powers
19 of local authorities to deal with the subject matter of this
20 act; conferring powers and imposing duties upon the Department
21 of Revenue, the Department of Highways, peace officers, mayors,
22 burgesses, magistrates, aldermen, justices of the peace, the
23 courts and the clerks thereof, owners of vehicles, and garage
24 keepers; providing that records are admissible as evidence;
25 imposing upon owners, counties, cities, boroughs, incorporated
26 towns, townships, within the Commonwealth, liability for damages
27 caused by the negligent operation of their motor vehicles;
28 imposing penalties; imposing certain costs upon counties;
29 providing for the disposition of fines, forfeitures, fees, and
30 miscellaneous receipts; making an appropriation and providing

1 for refunds," in so far as inconsistent with the provisions of
2 this act.

3 The act, approved the seventeenth day of May, one thousand
4 nine hundred twenty-nine (Pamphlet Laws 1801), entitled "An act
5 authorizing cities of the third class to provide, by ordinance,
6 for the payment for public work or improvements heretofore made
7 for or furnished to the city, and accepted and used by the city,
8 where no legal or valid contract was entered into as required by
9 law," absolutely.

10 The act, approved the twenty-second day of May, one thousand
11 nine hundred thirty-three (Pamphlet Laws 923), entitled "An act
12 to authorize cities of the third class to sue out writs of scire
13 facias on certain municipal claims, where more than five years
14 have elapsed since said claims were filed, and to reduce such
15 claims to judgment; and providing for the revival and collection
16 of such judgments," absolutely.

17 The act, approved the thirty-first day of May, one thousand
18 nine hundred thirty-three (Pamphlet Laws 1108, Number 272),
19 entitled "An act providing for the appointment, promotion,
20 reduction, removal and reinstatement of paid officers, firemen
21 and employes of fire departments and of fire alarm operators and
22 fire box inspectors in the bureaus of electricity in cities of
23 the third class; defining the powers and duties of civil service
24 commissions for such purposes; and fixing penalties,"
25 absolutely.

26 The act, approved the sixteenth day of May, one thousand nine
27 hundred thirty-five (Pamphlet Laws 176, Number 82), entitled "An
28 act requiring cities of the second and third class to allow
29 members of the police departments, twenty-four consecutive hours
30 of rest each week, and fourteen days vacation each year, except

1 in emergency cases," so far as it relates to cities of the third
2 class.

3 The act, approved the first day of May, one thousand nine
4 hundred thirty-nine (Pamphlet Laws 40), entitled "An act to
5 amend the title and the act, approved the sixteenth day of May,
6 one thousand nine hundred thirty-five (Pamphlet Laws, one
7 hundred seventy-six), entitled 'An act requiring cities of the
8 second and third class to allow members of the police
9 departments, twenty-four consecutive hours of rest each week,
10 and fourteen days vacation each year, except in emergency
11 cases,' extending the provisions of said act to cities of the
12 second class A," so far as it relates to cities of the third
13 class.

14 Sections six hundred eighty-two and six hundred ninety of the
15 act, approved the twenty-fourth day of June, one thousand nine
16 hundred thirty-nine (Pamphlet Laws 872), entitled "An act to
17 consolidate, amend and revise the penal laws of the
18 Commonwealth," so far as they relate to cities of the third
19 class and are inconsistent with the provisions of this act.

20 The act, approved the twenty-third day of May, one thousand
21 nine hundred forty-five (Pamphlet Laws 907), entitled "An act
22 authorizing cities of the third class, with the approval of the
23 court of common pleas, to accept less than the full amount of
24 certain municipal claims filed as a lien against real estate in
25 compromise settlements thereof," absolutely.

26 The act, approved the second day of May, one thousand nine
27 hundred forty-seven (Pamphlet Laws 149), entitled "An act
28 authorizing cities to enact ordinances prohibiting smoking or
29 the carrying of lighted cigarettes, cigars, pipes or matches or
30 using matches or other fire producing devices in certain retail

1 stores within such cities and to provide penalties therefor," so
2 far as it relates to cities of the third class.

3 (c) All other acts or parts of acts of Assembly supplied by
4 or inconsistent with the provisions of this act are hereby
5 repealed. It is the intention that this act shall furnish a
6 complete and exclusive system for the government and regulation
7 of cities of the third class, except as to the several matters
8 enumerated in section [one hundred and three of this act] 103.

9 [But nothing] (d) Nothing contained in this act shall be
10 construed to repeal any local or special laws; or to repeal the
11 provisions of 66 Pa.C.S. Pt. I, known as the Public Utility
12 [Law] Code; or any law relating to the Board of Commissioners of
13 Navigation for the River Delaware and its navigable tributaries;
14 or the provisions of any law, the enforcement of which is vested
15 in the Department of Health or the [Sanitary Water Board]
16 Department of Environmental Protection; or the provisions of any
17 law, the enforcement of which is vested in the Department of
18 [Forests and Waters] Conservation and Natural Resources [or the
19 Water and Power Resources Board]; or the provisions of 74
20 Pa.C.S. Pt. III, Ch. 59, Subch. B, known as the Airport Zoning
21 Act; [or any of the provisions of the act, approved the thirty-
22 first day of May, one thousand nine hundred thirty-three
23 (Pamphlet Laws 1108); or any of the provisions of the act,
24 approved the thirteenth day of May, one thousand nine hundred
25 thirty-seven (Pamphlet Laws 620); or any of the provisions of
26 the act, approved the second day of July, one thousand nine
27 hundred thirty-seven (Pamphlet Laws 2803),] ; or any of the
28 provisions of the act, approved [the twenty-third day of May,
29 one thousand nine hundred forty-five (Pamphlet Laws 903)] May
30 23, 1945 (P.L.903, No.362); or any amendments or supplements of

1 them; or any laws or parts of laws pertaining to civil defense.

2 (E) NOTHING IN THIS ACT SHALL BE CONSTRUED TO REPEAL ANY
3 PROVISION IN OR THE ACT OF FEBRUARY 14, 2008 (P.L.6, NO.3),
4 KNOWN AS THE "RIGHT-TO-KNOW LAW," ANY PROVISION OF 45 PA.C.S.
5 (RELATING TO LEGAL NOTICES) OR ANY PROVISION OF 65 PA.C.S.
6 (RELATING TO PUBLIC OFFICERS).

7 Section 403. Termination and continuation of civil service
8 boards. Civil service boards shall be terminated and continued
9 as follows:

10 (1) All civil service boards created prior to the
11 effective date of this section, and pursuant to the act,
12 whether for uniformed or nonuniformed employees, or pursuant
13 to the act of May 31, 1933 (P.L.1108, No.272) entitled "An
14 act validating sheriff's sales of real estate on judgments of
15 foreclosure in scire facias sur mortgage cases when the
16 release of the mortgagor from liability was not filed with
17 the praecipe," shall be abolished except as provided in
18 paragraph (2).

19 (2) No civil service board before which proceedings
20 under section 4408 of the act or under section 10 of the act
21 of May 31, 1933 (P.L.1108, No.272), have been initiated or
22 are pending as of the effective date of this section may be
23 abolished until the conclusion of those proceedings before
24 the respective board.

25 (3) Any civil service proceedings initiated after the
26 effective date of this section shall be before the new civil
27 service board created in accordance with Article XLIV of the
28 act.

29 Section 404. This act shall take effect in 60 days.