

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1530 Session of
2013

INTRODUCED BY HARPER, GINGRICH, ROSS, FREEMAN AND M. DALEY,
JUNE 13, 2013

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, JUNE 13, 2013

AN ACT

1 Amending the act of June 24, 1931 (P.L.1206, No.331), entitled
2 "An act concerning townships of the first class; amending,
3 revising, consolidating, and changing the law relating
4 thereto," further providing for filing and recording of
5 ordinances.

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

8 Section 1. Clause I of section 1502 of the act of June 24,
9 1931 (P.L.1206, No.331), known as The First Class Township Code,
10 reenacted and amended May 27, 1949 (P.L.1955, No.569), amended
11 July 1, 1969 (P.L.119, No.49) and June 23, 1976 (P.L.410, No.92)
12 and repealed in part April 28, 1978 (P.L.202, No.53), is amended
13 to read:

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

17 I. Ordinances and Resolutions. (a) To adopt resolutions
18 and ordinances prescribing the manner in which powers of the
19 township shall be carried out, and generally regulating the

1 affairs of the township. All such proposed ordinances, unless
2 otherwise provided by law, shall be published at least once in
3 one newspaper of general circulation in the township not more
4 than sixty days nor less than seven days prior to passage.
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 township solicitor setting forth all the provisions in
8 reasonable detail and a reference to a place within the township
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 a
11 newspaper of general circulation in the township at the time the
12 public notice is published. If the full text is not included an
13 attested copy thereof shall be filed in the county law library
14 or other county office designated by the county commissioners
15 who may impose a fee no greater than that necessary to cover the
16 actual costs of storing said ordinances. Filing with the county
17 may be completed by the submission of an electronic copy of the
18 ordinance through a method available, in the sole discretion of
19 the county, to permit receipt by the office storing municipal
20 ordinances. Upon request by the township, the county shall
21 notify the township of the method by which electronic copies may
22 be submitted. The county may store the ordinance electronically,
23 provided that the public is able to access the electronically
24 stored township ordinances during regular business hours at the
25 office or at a remote location. The township shall retain a
26 printed copy of the e-mail and ordinance as transmitted. The
27 date of such filing shall not affect the effective date of the
28 ordinance, the validity of the process of the enactment or
29 adoption of the ordinance. In the event substantial amendments
30 are made in the proposed ordinance or resolution, upon

1 enactment, the board shall within ten days readvertise in one
2 newspaper of general circulation in the township, a brief
3 summary setting forth all the provisions in reasonable detail
4 together with a summary of the amendments. In any case in which
5 maps, plans or drawings of any kind are adopted as part of an
6 ordinance, the commissioners may, instead of publishing the same
7 as part of the ordinance, refer, in publishing the ordinance, to
8 the place where such maps, plans or drawings are on file and may
9 be examined. No ordinance, or resolution of a legislative
10 character in the nature of an ordinance, shall be considered in
11 force until the same is recorded in the ordinance book of the
12 township. All township ordinances shall, within one month after
13 their passage, be recorded by the township secretary in a book
14 provided for that purpose, which shall be at all times open to
15 the inspection of citizens. A failure to record within the time
16 provided shall not be deemed a defect in the process of the
17 enactment or adoption of such ordinance. The entry of the
18 township ordinance in the ordinance book by the secretary shall
19 be sufficient without the signature of the president of the
20 board of commissioners or other person. Any and all township
21 ordinances or portions thereof, the text of which prior to the
22 effective date of this amendment shall have been attached to the
23 ordinance book, shall be considered in force just as if such
24 ordinances or portions thereof had been recorded directly upon
25 the pages of such ordinance book: Provided, That all other
26 requirements of this act applicable to the enactment, approval,
27 advertising and recording of such ordinances or portions thereof
28 were complied with within the time limit prescribed by this act.

29 (b) Whenever any township shall have caused to be prepared a
30 consolidation, codification or revision of the general body of

1 township ordinances, or the ordinances on a particular subject,
2 the board of township commissioners may adopt such
3 consolidation, codification or revision as an ordinance of the
4 township, in the same manner that is now prescribed by law for
5 the adoption of township ordinances, except as hereinafter
6 provided.

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

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

23 The procedure set forth in this section for the
24 consolidation, codification or revision of township ordinances
25 as a single ordinance may also be followed in enacting a
26 complete group or body of ordinances, repealing or amending
27 existing ordinances as may be necessary, in the course of
28 preparing a consolidation, codification or revision of the
29 township ordinances, except that in such case the advertisement
30 giving notice of the introduction shall list, in lieu of a table

1 of contents, the titles only of each of the ordinances in such
2 complete group or body of ordinances, and the notice following
3 enactment shall simply state that such group or body of
4 ordinances was passed finally.

5 (c) Complaint as to the legality of any ordinance or
6 resolution may be made to the court. In cases of the laying out
7 of streets over private property the court shall have
8 jurisdiction to review the propriety as well as the legality of
9 the ordinance.

10 (d) Any ordinance may be adopted by reference to a standard
11 or nationally recognized code, or to parts thereof, determined
12 by the board, or the provisions of the ordinance may be supplied
13 by reference to a typed or printed code, prepared under the
14 direction of or accepted by the board, or the provisions may
15 consist of a standard or nationally recognized code, or parts
16 thereof, and also further provisions typed or printed as
17 aforesaid: Provided, however, That no portion of any code which
18 limits the work to be performed to any type of construction
19 contractor, or labor or mechanic classification shall be
20 adopted.

21 Publication of such code, or amendments thereto, in full
22 shall not be required, but it shall be sufficient compliance
23 with this act, in such publication as is required, to set forth
24 briefly the substance of such proposed code and to give notice
25 of the place where such code is on file and may be examined. Not
26 less than three copies of such code, portion, or amendment which
27 is incorporated or adopted by reference, shall be filed with the
28 secretary of the township at least ten days before the board
29 considers the proposed ordinance and upon enactment kept with
30 the ordinance book, and available for public use, inspection and

1 examination.

2 Any ordinance adopted by reference to any code shall be
3 enacted within sixty days after it is filed with the secretary
4 of the township and, in the case of a standard or nationally
5 recognized code, shall encompass the provisions of the code
6 effective as of the code date stated in the ordinance.

7 Any township that has adopted any standard or nationally
8 recognized code by reference may adopt subsequent ordinances
9 which incorporate by reference any subsequent changes thereof,
10 properly identified as to date and source, as may be adopted by
11 the agency or association which promulgated the code.

12 Any ordinances which incorporate code amendments by reference
13 shall become effective after the same procedure and in the same
14 manner as is herein specified for original adoption of any such
15 code.

16 * * *

17 Section 2. This act shall take effect in 60 days.