

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 497 Session of
2013

INTRODUCED BY EICHELBERGER, ERICKSON, BLAKE, ROBBINS, WOZNIAK,
YAW, SCHWANK, FOLMER, FERLO, MENSCH, BREWSTER, YUDICHAK,
COSTA, SOLOBAY AND PILEGGI, FEBRUARY 13, 2013

SENATOR EICHELBERGER, LOCAL GOVERNMENT, AS AMENDED, JUNE
26, 2013

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."

TABLE OF CONTENTS

ARTICLE I

PRELIMINARY PROVISIONS

8 Section 101. Short Title.

9 Section 102. Definitions.

10 Section 103. Excluded Provisions.

11 Section 104. Construction of Act Generally to Preserve Existing
12 Situations.

13 Section 105. Constitutional Construction.

14 Section 106. Construction of References.

15 Section 107. Cities to Which Act Applies.

16 Section 108. Effective Date.

17 Section 109. Publication of Notices.

ARTICLE II

PROCEDURES FOR INCORPORATION

Section 200. Definitions.

Section 201. Creation of Cities.

Section 203.1. Incorporating Resolution.

Section 204. Resolution Certified to County Board of Election;
Form of Question.

Section 204.1. Notice of Election.

Section 205. Returns of Election.

Section 206. Effect of Vote Against Incorporating as City.

Section 207. Governor to Issue Letters Patent; Boundaries.

Section 208. Property of Entities Vested in City.

Section 209. Existing Governments Temporarily Preserved; City
Organization.

Section 210. Existing Liabilities, Debts and Claims Transferred
to New City.

ARTICLE III

CHANGE OF CORPORATE TITLE

Section 301. Resolution and Petition to Change Corporate Title.

Section 302. Hearing; Decree.

Section 303. Recording Decree.

Section 304. Existing Rights and Liabilities Preserved.

ARTICLE IV

CREATION AND DIVISION OF WARDS

Section 401. General Power of Council in Creation or Division
of Wards.

Section 401.1. Petition of Registered Voters.

Section 402. (Reserved).

Section 403. Appointment of Commission.

Section 403.1. Expenses of Commissioners.

Section 403.2. Report.

1 Section 404. Election.
2 Section 405. Notice of Election; Review of Report.
3 Section 406. Election Laws to Apply.
4 Section 407. Computing Vote; Return; Resubmission of Question.
5 Section 408. Change of Ward Lines by Council.
6 Section 409. Pennsylvania Election Code.

7 ARTICLE VI

8 CITY BOUNDARIES

9 Section 601. Navigable Stream Boundaries.
10 Section 602. Court to Establish Disputed Boundaries.
11 Section 603. Petition to Court; Commissioners; Report.
12 Section 604. Exceptions and Procedure.
13 Section 605. Pay and Expenses of Commissioners.
14 Section 606. Boundary Monuments.

15 ARTICLE VII

16 ELECTED OFFICERS AND ELECTIONS

17 Section 701. Elected Officers; Term; Eligible to Reelection;
18 Vacancies Where Elected Officer Fails to Qualify.
19 Section 702. First Elections in Newly Created Cities.
20 Section 703. Nominations and Elections.
21 Section 704. Certificates of Election.

22 ARTICLE VIII

23 VACANCIES IN OFFICE

24 Section 801. Vacancies in Council and Office of Mayor.
25 Section 802. Vacancy in Office of Controller or of Treasurer.

26 ARTICLE IX

27 GENERAL PROVISIONS RELATING TO CITY

28 OFFICERS AND EMPLOYES

29 Section 901. Appointment and Removal of Officers and Employes;
30 Removal From Elective Office; Employes Not to Hold

1 Elective Office.
2 Section 902. Officers and Employes; Number; Duties;
3 Compensation.
4 Section 903. Changes in Salary, Compensation and Emoluments of
5 Officers.
6 Section 904. Offices to be Held until Qualification of
7 Successors.
8 Section 905. Oath of Office; Violation of Oath; Penalty.
9 Section 906. Bond to be Given by Officers and Agents.
10 Section 907. Surety Bonds; Insurance; Premiums.
11 Section 908. Officers not to Become Surety on Bonds Given to
12 City; Penalty.
13 Section 909. Moneys and Accounts to be Delivered by Officer to
14 Successor.
15 Section 916. Municipal League and Other Municipal Affairs
16 Organizations.
17 Section 917. Powers of Subpoena; Compelling Testimony.
18 Section 918. Consolidation or Integration of Fire and Police
19 Personnel Prohibited.

20 ARTICLE X

21 THE COUNCIL

22 (a) General Provisions

23 Section 1001. Qualifications of Council Members.
24 Section 1002. Vesting of Legislative Power.
25 Section 1003. Organization of Council.
26 Section 1004. Oath of Council Members; Quorum; Rules.
27 Section 1005. Meetings of Council; Notice; Participation by
28 Telecommunication Device.
29 Section 1015. Attendance of Witnesses and Production of Books
30 Before Council or Committee of Council.

1 Section 1016. Salaries.

2 Section 1016.1. Appointment of City Clerk.

3 (a.1) Ordinances

4 Section 1018.1. Ordinances and resolutions.

5 Section 1018.2. Voting; no veto; vote necessary to enact

6 ordinances or adopt resolutions.

7 Section 1018.3. Journal of proceedings; recording and

8 withholding of vote.

9 Section 1018.4. Signing and attesting ordinances.

10 Section 1018.5. Proposed ordinances; titles.

11 Section 1018.6. Reading of proposed ordinances; final

12 enactment.

13 Section 1018.7. Payments not authorized by law.

14 Section 1018.8. Time of taking effect of ordinances.

15 Section 1018.9. Publication of proposed ordinances.

16 Section 1018.10. Filing of proposed ordinances.

17 Section 1018.11. Records of ordinances maintained by city

18 clerk.

19 Section 1018.12. Proof and evidence.

20 Section 1018.13. Standard or nationally recognized codes.

21 Section 1018.14. Maps, plans or drawings.

22 Section 1018.15. Codification of ordinances.

23 Section 1018.16. Enforcement of ordinances; recovery and

24 payment of fines and penalties.

25 Section 1018.17. Penalty.

26 (b) Initiating Ordinances by Electors

27 Section 1030. Initiation of Proposed Ordinances by Petition;

28 Exceptions.

29 Section 1031. Petition; Notice.

30 Section 1032. Signing; Oath.

1 Section 1033. Number of Signatures; Examination and Certificate
2 by City Clerk.
3 Section 1034. Submission to Council.
4 Section 1035. Actions by Council; Notices.
5 Section 1036. Form of Ballot on Submission to Vote.
6 Section 1037. Effect of Majority Vote.
7 Section 1038. No Repeal Within Two Years.
8 Section 1039. Number of Proposed Ordinances to be Submitted;
9 Elections Limited.
10 Section 1040. Submission for Repeal by Council.
11 Section 1041. Publication of Proposed Ordinance; Repeal or
12 Amendment.
13 (c) Reconsidering Ordinances by Electors
14 Section 1050. Time Ordinances Go Into Effect.
15 Section 1051. Petition; Reconsideration of Ordinance.
16 Section 1052. Preparation of Petition by City Clerk; Notice.
17 Section 1053. Additional Petitions.
18 Section 1054. Signatures; Oath; Time of Signing.
19 Section 1055. Presentation of Petition to Council.
20 Section 1056. Ascertainment of Number of Signers; Report.
21 Section 1059. Effect of Petition; Submission to Voters.
22 Section 1060. Certification to County Board of Elections;
23 Ballots or Ballot Labels; Expense of Elections.
24 Section 1061. Form of Ballot or Ballot Label.
25 Section 1062. Computing and Filing Returns.
26 Section 1063. Effect of the Vote.
27 Section 1064. Publication of Ordinance Before Election.
28 ARTICLE XI
29 THE EXECUTIVE DEPARTMENT
30 Section 1101. Executive Departments.

1 Section 1102. Determination of Powers and Duties of
2 Departments.
3 Section 1103. Designation of Department Directors; Changes.
4 Section 1104. Department Directors Responsible for City
5 Property and Supplies; Perpetual Inventory Reports.
6 Section 1105. Quarterly Reports from Directors of Departments.

7 ARTICLE XII

8 THE MAYOR

9 Section 1201. Qualifications.
10 Section 1202. Chief Executive; Inauguration.
11 Section 1203. Execution of Laws; Powers of Sheriff Conferred;
12 Emergency Powers.
13 Section 1204. Official Seal of Mayor.
14 Section 1205. Supervision of Conduct of City Officers.
15 Section 1206. Report of Mayor to Council; Information from
16 Directors of Departments.
17 Section 1207. Power to Take Acknowledgments and Oaths and to
18 Formalize Marriages.
19 Section 1208. Salary.
20 Section 1209. Acting Mayor; Powers and Duties.

21 ARTICLE XII-A

22 CITY ADMINISTRATOR OR MANAGER

23 Section 1201-A. Office of city administrator or manager.
24 Section 1202-A. Appointment; selection; removal.
25 Section 1203-A. Employment agreement.
26 Section 1204-A. Residency and elective city office.
27 Section 1205-A. Powers and duties.

28 ARTICLE XIV

29 THE CITY TREASURER

30 Section 1401. Qualifications.

1 Section 1402. Bond; Insurance; Salary.
2 Section 1402.1. City Treasurer to be Tax Collector.
3 Section 1402.2. Date of Delivery of Duplicate; Collection.
4 Section 1402.3. Tax Liens; Schedule of Uncollected Taxes;
5 Liability for False Return.
6 Section 1403. Receipt and Payment of Moneys; Daily Transmittal
7 of Receipts; Duplicates.
8 Section 1404. Method of Keeping Accounts.
9 Section 1405. Moneys Appropriated Only to be Paid Out.
10 Section 1406. Depositories of City Funds Entrusted to the
11 Treasurer by City Council.
12 Section 1407. Delivery of City Property in Treasurer's
13 Possession to Successor.
14 Section 1408. Appointment of Deputy Treasurer and Employes;
15 Powers; Responsibility.

16 ARTICLE XV

17 THE CITY ENGINEER

18 Section 1501. Appointment of City Engineer.
19 Section 1502. Control of Engineering Matters.
20 Section 1503. Duties.
21 Section 1504. Certifying Commencement and Completion of
22 Municipal Improvements.
23 Section 1505. Surveys; Entering Upon the Lands of Others.

24 ARTICLE XVI

25 THE CITY SOLICITOR

26 Section 1601. Appointment of City Solicitor.
27 Section 1602. Direction of Legal Matters.
28 Section 1603. Duties.
29 Section 1604. Written Opinions to be Furnished.
30 Section 1607. Satisfaction of Liens Due City.

1 Section 1609. Assistant Solicitor.

2 Section 1610. Special Counsel.

3 ARTICLE XVII

4 THE CITY CONTROLLER

5 AND INDEPENDENT AUDITOR

6 (a) City Controller

7 Section 1701. Qualifications; Bond; Compensation.

8 Section 1704. Powers and Duties.

9 Section 1704.1. Deputy Controller; Employees.

10 Section 1704.2. Temporary Deputy Controller.

11 Section 1704.3. Continuation of Office.

12 (b) Independent Auditor

13 Section 1704.11. Appointment of Independent Auditor.

14 Section 1704.12. Powers and Duties of Independent Auditor.

15 Section 1705. Annual Report to Council; Filing Copy in Court
16 and Appeal.

17 ARTICLE XVIII

18 ACCOUNTS AND FINANCES

19 Section 1801. Fiscal Year.

20 Section 1802. Chief Fiscal Officer; Bond; Administering Oaths.

21 Section 1803. Deputy.

22 Section 1804. Regulations Concerning Appropriation.

23 Section 1804.1. Investment of City Funds.

24 Section 1805. Countersigning Documents; Money Available;
25 Evidence Required.

26 Section 1806. Record of Assets, Property, Trusts, Debts Due,
27 Receipts and Expenditures.

28 Section 1807. Supervision of Accounts of Departments.

29 Section 1808. Suggestions for Improvement of City Finances.

30 Section 1809. Annual Budget; Presentation to Council; Notice;

Revision; Adoption.

Section 1810. Amending Budget; Notice.

Section 1811. Appropriations; Tax Rate; Limitations.

Section 1811.2. Borrowing in Anticipation of Current Revenue.

Section 1812. Annual Reports; Publication; Filing Report with

Department of Community and Economic Development;

Penalty.

Section 1813. Committee to Prepare Uniform Forms.

Section 1814. Annual Reports to Council on Insurance and Bonds.

ARTICLE XIX

CONTRACTS

Section 1901. Power to Make and Regulate Awarding of Contracts.

Section 1901.1. Contracts or Purchases in Excess of Base Amount

of Eighteen Thousand Five Hundred Dollars.

Section 1901.2. Contracts or Purchases Not in Excess of Base

Amount of Eighteen Thousand Five Hundred Dollars.

Section 1901.3. Determining Amount of Contract.

Section 1901.4. Contracts or Purchases Not Requiring

Advertising or Bidding.

Section 1901.5. Receipt, Opening, Award or Rejection of Bids.

Section 1901.6. Bid, Performance and Payment Security.

Section 1901.7. Compliance With Other Laws.

Section 1901.8. Prohibitions.

Section 1901.9. Lowest Responsible Bidder.

Section 1902. Evasion of Advertising Requirements.

Section 1903.1. Adjustment to Base Amount Based on Consumer

Price Index for All Urban Consumers.

Section 1906. Designation of Appropriations; Certification in

Excess of Appropriation; Contracts for Governmental

Services for More than One Year.

1 Section 1908.1. Purchase Contracts for Petroleum Products; Fire
2 Company, Etc., Participation.
3 Section 1909. Separate Bids for Plumbing, Heating, Ventilating
4 and Electrical Work, Elevators and Escalators.
5 Section 1910. Acceptance by Contractor of Workers' Compensation
6 Act.
7 Section 1911. Contracts for Improvements; Assignment of
8 Assessments.
9 Section 1912. Architects and Engineers in Employ of City;
10 Prohibitions from Bidding on Public Works; Penalty.
11 Section 1916. Contracts with Passenger or Transportation
12 Companies.
13 Section 1917. Sales of Real and Personal Property.
14 Section 1919. Sale of Real and Personal Property to Certain
15 Entities.

16 ARTICLE XX

17 POLICE FORCE

18 Section 2001. Appointment, Number, Rank, Compensation and
19 Qualifications of Police Officers.
20 Section 2002. Designation of Chief.
21 Section 2003. Extra Police Officers; Compensation.
22 Section 2005. Powers of Police Officers to Arrest.
23 Section 2006. Service of Process; Fees; Payment into Treasury.
24 Section 2007. Supervision by Mayor.
25 Section 2008. Extra Compensation Prohibited; Exception;
26 Penalty.
27 Section 2009. Compensation or Insurance for Volunteer Police
28 Officer.
29 Section 2010. School Crossing Guards.

30 ARTICLE XXI

FIRE BUREAU

Section 2101. Organization of Fire Bureau; Maintenance;

Apparatus.

Section 2101.1. Appointment and Demotion of Fire Chief.

Section 2102. Paid Bureau; Election of Officers and Companies.

Section 2103. Platoon System; Hours of Service.

Section 2104. Fire Marshal; Powers.

Section 2105. Obstructing Fire Marshal; Fine.

Section 2106. Investigation of Cause of Fire; Power of Mayor.

Section 2107. Fire Chief Ex-officio Fire Marshal.

Section 2108. Compensation Insurance for Injured Volunteer

Firefighters or Special Fire Police.

Section 2109. Salary of Nonunion City Fire Officers.

ARTICLE XXII

SURVEYS AND SURFACE SUPPORT

IN COAL MINING AREAS

Section 2203. Survey of Mines.

Section 2204. Operators to Furnish Maps; Contents.

Section 2205. Extensions to be Placed on Maps.

Section 2206. Certain Surface Supports Not to be Removed.

Section 2207. Penalty for Surface Support Violations.

Section 2209. Enactment of Ordinances.

ARTICLE XXIII

PUBLIC HEALTH

(a) Board of Health

Section 2301. Board of Health.

Section 2302. Members of Appointed Boards of Health.

Section 2303. Oath of Office; Organization; Secretary.

Section 2304. Duties of Secretary.

Section 2305. Health Officer; Qualifications; Oath.

1 Section 2306. Duties of Health Officer.
2 Section 2307. Duties of Board of Health.
3 Section 2308. Powers of Board of Health.
4 Section 2309. Effect of Rules and Regulations.
5 Section 2310. Fees and Penalties.
6 Section 2311. Proceedings of Board to be Public.
7 (b) Public Nuisances Detrimental
8 to Public Health
9 Section 2320. Determination of Public Nuisances.
10 Section 2321. Abatement of Public Nuisances by Designated
11 Department.
12 (c) Corporations Acting as Boards of Health
13 Section 2330. Board of Directors of Corporation to be Appointed
14 Members of Board of Health.
15 Section 2332. Power of Board.
16 Section 2333. Health Officer.
17 Section 2334. Secretary.
18 Section 2335. Filling of Vacancies.
19 Section 2337. No Compensation for Members.
20 Section 2338. Applicability of Subdivision.
21 (d) Penalty
22 Section 2340. Penalty.
23 ARTICLE XXIV
24 CORPORATE POWERS
25 Section 2402. Powers of Cities.
26 Section 2402.1. City Property and Affairs.
27 Section 2403. Payment of Debts and Expenses.
28 Section 2404. Creation of Capital and Operating Reserve Funds.
29 Section 2405. Hiring of Employes; Salaries.
30 Section 2406. Creation of Necessary Offices or Boards.

1 Section 2407. Lockups.
2 Section 2408. Market Places.
3 Section 2409. Accumulation of Ashes, Garbage, Solid Waste and
4 Refuse Materials.
5 Section 2410. Regulation of Pets and Feral Animals.
6 Section 2411. Inspection and Regulation of Fireplaces,
7 Chimneys, Et Cetera; Smoke Regulations.
8 Section 2412. Fireworks and Flammable Articles.
9 Section 2413. Regulation of Division Fences, Party Walls,
10 Foundations.
11 Section 2414. Nuisances.
12 Section 2415. Regulation of Encroachments.
13 Section 2416. Shade Trees.
14 Section 2417. Numbering of Buildings.
15 Section 2418. Transportation Stands.
16 Section 2419. Police Force.
17 Section 2420. Police Regulations.
18 Section 2421. Rewards.
19 Section 2422. Prevent Riots.
20 Section 2423. Regulate Discharge of Guns and Deadly Weapons.
21 Section 2424. Racing; Dangerous Practices; Et Cetera.
22 Section 2425. Bathing; Recreational Swimming Establishments;
23 Boat Houses and Bath Houses.
24 Section 2426. Musical Entertainment.
25 Section 2427. Aid to Historical Societies.
26 Section 2428. Establishment of Institutions to Collect
27 Educational Collections.
28 Section 2429. Ambulances and Rescue and Life Saving Services.
29 Section 2430. Insurance.
30 Section 2431. Parking Lots.

1 Section 2432. Disorderly Conduct.
2 Section 2433. Official Expenses on City Business.
3 Section 2434. Municipality Authorities; Cooperation with Other
4 Political Subdivisions.
5 Section 2435. Local Self-Government.
6 Section 2436. Historical Property.
7 Section 2437. Appropriations for Handling, Storage and
8 Distribution of Surplus Foods.
9 Section 2438. Junk Dealers and Junk Yards.
10 Section 2439. Appropriations for Industrial Promotions.
11 Section 2440. Non-debt Revenue Bonds.
12 Section 2441. Appropriations for Urban Common Carrier Mass
13 Transportation.
14 Section 2442. Appropriation for Nonprofit Art Corporation.
15 Section 2443. Ratification and Validation of Real Estate Sales.
16 Section 2444. Maintenance and Validation of Certain Records.
17 Section 2445. Rights Within Streets and Rights-of-Way.
18 Section 2446. Emergency Services.
19 Section 2447. Charitable Purposes.

20 ARTICLE XXV

21 TAXATION

22 (a) Assessments of Property for Taxation

23 Section 2522. Assessment Powers.

24 (b) Levy and Collections

25 Section 2531. Tax Levies.

26 Section 2531.1. Exemptions from Taxation.

27 Section 2531.2. Certification of Schedule.

28 (c) Sales of Real Estate for Delinquent Taxes

29 Section 2542.1. Public Sale of Property to Satisfy Tax Claims.

30 Section 2543. Certification of Schedules to Treasurer.

1 Section 2546. Record of Sales and Resale.

2 Section 2562.1. Conduct of Tax Sales.

3 ARTICLE XXVI

4 LICENSES AND LICENSE FEES

5 Section 2601. Licensing and Regulatory Powers.

6 Section 2601.1. Registration of Businesses or Occupations.

7 Section 2602. Regulation of Motor Vehicles.

8 Section 2603. Licensing of Plumbers.

9 Section 2604. Power to Regulate and License Transient

10 Merchants.

11 Section 2605. Regulation of Special Events.

12 Section 2650. Regulation of Parking Lot and Parking Garage

13 Operators.

14 Section 2651. Farmers.

15 Section 2652. Insurance Business.

16 Section 2653. Persons Taking Orders by Samples.

17 Section 2654. Commonwealth License Saved.

18 ARTICLE XXVII

19 REAL ESTATE REGISTRY

20 Section 2704. Real Estate Registry.

21 ARTICLE XXVII-A

22 NUISANCE ABATEMENT

23 Section 2701-A. Definitions.

24 Section 2702-A. Report and investigation of public nuisance.

25 Section 2703-A. Summary abatement.

26 Section 2704-A. Prior notice of abatement.

27 Section 2705-A. Abatement by owner.

28 Section 2706-A. Appeal after notice; hearing.

29 Section 2707-A. Abatement by city after notice; statement of

30 costs.

- 1 Section 2708-A. Assistance in abatement.
- 2 Section 2709-A. Salvage of material.
- 3 Section 2710-A. Notice of assessment; appeal of charges.
- 4 Section 2711-A. Personal liability of owner.
- 5 Section 2712-A. Administrative fee and civil penalties.

6 ARTICLE XXVIII

7 EMINENT DOMAIN

- 8 Section 2801. Exercise of Eminent Domain.
- 9 Section 2802. Restrictions as to Certain Property.
- 10 Section 2803. Title Acquired.
- 11 Section 2824. Assessment Awards.

12 ARTICLE XXIX

13 STREETS

- 14 Section 2901. Map of Streets.
- 15 Section 2902. Laying Out Streets.
- 16 Section 2903. Effect of Laying Out of Street.
- 17 Section 2904. Improvements Within Laid-Out Streets.
- 18 Section 2915. Power to Open, Etc.
- 19 Section 2916. Ordinances When No Petition is Presented.
- 20 Section 2917. Erection of Improvements Restricted.
- 21 Section 2918. Petition for Opening, Etc.
- 22 Section 2919. Notice of Petition.
- 23 Section 2922. Assessment of Damages and Benefits.
- 24 Section 2930. Power to Grade, Pave, Macadamize, Et Cetera.
- 25 Section 2931. Payment of Cost of Improvement.
- 26 Section 2938. Preparation of Streets for Paving or Repairing.
- 27 Section 2939. Highways in Cities.
- 28 Section 2950. Grade Crossing; Pennsylvania Public Utility
- 29 Commission; Jurisdiction; Damages.
- 30 Section 2955. Acquisition of Unobstructed Views.

1 Section 2960. Use of Abutting Lands for Embankments, Slopes,
2 Fills, and Culverts.
3 Section 2970. Appropriation for Connections with Highways.
4 Section 2975. Street Closings; Detours.
5 Section 2985. Maintenance of Streets Forming Boundaries.
6 Section 2986. Streets, the Center Line of Which Is the Boundary
7 Between City and Another Municipal Corporation.
8 Section 2988. Streets More Than Half of Whose Width is Within
9 City.
10 Section 2989. Assessment for Improvements on Property Outside
11 Limits Where Street Entirely Within City.

12 ARTICLE XXX

13 SIDEWALKS

14 Section 3001. Power to Lay Out and Grade Sidewalks; Compel
15 Construction of Sidewalks.
16 Section 3002. Construction by Cities Upon Failure of Owner So
17 to Do; Collection of Cost.
18 Section 3002.1. Ordinances.
19 Section 3003. Emergency Repairs; Notice; Cost.

20 ARTICLE XXXI

21 BRIDGES

22 Section 3101. Construction and Maintenance of Bridges.
23 Section 3102. Ordinance for Location of Bridges; Procedure.
24 Section 3103. Right to Appropriate Property; Assessment of
25 Damages.
26 Section 3110. Agreement for Joint Construction and Maintenance.
27 Section 3114. Recording of Contract.
28 Section 3115. Power to Construct Boundary Bridges.
29 Section 3135. Acquisition of Existing Bridges.

30 ARTICLE XXXII

SANITARY SEWERS

Section 3201. Construction of Sanitary Sewers; Cost; Eminent Domain.

Section 3201.1. Required Connection; Fees.

Section 3206. Construction of Sanitary Sewage Treatment Works; Assessment of Cost.

Section 3213.1. Rental Fees or Charges.

Section 3222.1. Acquisition of Existing Sanitary Sewer Systems.

Section 3230. Sewers Outside Cartway and Curb Lines.

Section 3240. Building Joint Sewers.

Section 3241. Approval of Department of Environmental Protection.

Section 3245.1. Municipal Corporation; Municipal Authority; Agreements for Connections; Appointment of Viewers.

Section 3250. Sewers Extending Outside of City.

ARTICLE XXXIV

WATERCOURSES, FLOOD PROTECTION PROJECTS

AND STORM WATER SYSTEMS

Section 3401. Establishing and Changing Watercourses, Flood Protection Projects and Storm Water Systems; Removing Obstructions.

Section 3407. Assessment of Benefits; Liens.

Section 3408. Waters Excepted.

ARTICLE XXXV

UTILITY SERVICE

Section 3501.1. Right to Furnish Water, Lighting, Electric, Gas or Other Similar Utility Service.

Section 3540.1. Power to Furnish Utilities to Consumers Outside City.

Section 3585. Payment of Cost of Extensions.

1 Section 3587. Fixing Rates.

2 Section 3588. Collection of Utility Charges.

3 Section 3590. Disposition of Revenues.

4 ARTICLE XXXVI

5 PUBLIC BUILDINGS AND WORKS

6 Section 3601. Public Buildings Generally.

7 Section 3603. Payment of Cost of Erection and Maintenance.

8 Section 3605. Donation of Land by City for Library Purposes;
9 Contributions toward Maintenance.

10 Section 3606. Rental of Public Auditorium; Disposition of
11 Proceeds.

12 Section 3607. Long-Term Improvement Leases.

13 ARTICLE XXXVII

14 PARKS, PLAYGROUNDS, AND RECREATION CENTERS

15 Section 3703. Acquisition of Lands and Buildings.

16 Section 3703.1. Powers of Council; Delegation.

17 Section 3705. Creation and Composition of Recreation Board.

18 Section 3706. Organization of Board.

19 Section 3707. Joint Ownership and Maintenance.

20 Section 3708. Borrowing.

21 Section 3709. Maintenance and Tax Levy.

22 Section 3709.1. City Trusts.

23 Section 3718. Park Rangers.

24 ARTICLE XLI-A

25 UNIFORM CONSTRUCTION CODE, PROPERTY MAINTENANCE CODE,
26 AND RESERVED POWERS

27 Section 4101-A. Primacy of certain codes.

28 Section 4102-A. Changes in Uniform Construction Code.

29 Section 4103-A. Public nuisance.

30 Section 4104-A. Property maintenance code.

1 Section 4105-A. Reserved powers.

2 ARTICLE XLII

3 AERONAUTICS

4 Section 4201. Power to Acquire Land for Aeronautical Purposes;
5 Maintenance of Municipal Airport.

6 Section 4203. Leasing of Land Acquired for Aeronautical
7 Purposes.

8 Section 4204. Operation of Facilities Jointly.

9 Section 4205. Appropriation for Support of Air Navigation
10 Facilities.

11 ARTICLE XLIII

12 PENSIONS

13 (a) Police

14 Section 4301. Police Pension Fund.

15 Section 4302. Retirement; Final Discharge.

16 Section 4302.1. Limited Vested Benefit.

17 Section 4303. Allowances and Service Increments.

18 Section 4303.1. Increase of Allowances After Retirement.

19 Section 4303.2. Total Disability.

20 Section 4304. Inalienable Rights in Fund.

21 Section 4305. Payments to Police Pension Fund by City.

22 Section 4306. Management of Police Pension Fund.

23 Section 4307. Trusts for Benefit of Police Pension Fund.

24 Section 4308. Repayment Before Retirement.

25 Section 4309. Definitions.

26 (b) Firefighters

27 Section 4320. Firefighters' Pension Fund; Management; Annuity
28 Contracts.

29 Section 4320.1. Limited Vested Benefit for Firefighters.

30 Section 4321. Retirement; Final Discharge.

1 Section 4322. Pensions and Service Increments.
2 Section 4322.1. Increase of Allowances After Retirement.
3 Section 4323. Causes for Forfeiture of Rights in Fund; Other
4 Employments.
5 Section 4324. Payments to Firefighters' Pension Fund by City.
6 Section 4325. Transfers from Other Pension Funds.
7 Section 4326. Trusts for Benefit of Firefighters' Pension Fund.
8 Section 4327. Repayment Before Retirement.
9 Section 4328. Definitions.
10 (c) Pension Funds for Employes Other Than
11 Police Officers and City-Paid Firefighters
12 Section 4340. Pension Funds for Employes other than Police or
13 City-Paid Firefighters.
14 Section 4341. Pension Board; Duties.
15 Section 4342. Retirement Age.
16 Section 4343. Retirement Allowance; Proof of Disability; Joint
17 and Single Coverage Members Defined.
18 Section 4343.1. Retirement Allowances; Full Coverage; Payments.
19 Section 4343.2. Limited Vested Benefit.
20 Section 4344. Amount of Payments into Fund; Repayment before
21 Retirement.
22 Section 4344.1. Determination of Liability Upon Extension of
23 Social Security.
24 Section 4345. Payments by Laborers Optional.
25 Section 4346. Heads of Departments to Certify List of Employes.
26 Section 4347. Receipt, Investment and Payment of Funds.
27 Section 4348. Appropriations and Contributions to Fund.
28 Section 4349. Application.
29 Section 4350. Computation of Time of Service.
30 Section 4351. Funds Payable to be Free of Attachment.

1 Section 4352. Definitions.
2 Section 4353. Beneficiaries of Fund not to be Employed by City.
3 (d) Beneficiaries Serving in Elective Office
4 Section 4361. Right to a Pension if Salary Refused.

5 ARTICLE XLIV

6 CIVIL SERVICE

7 Section 4401. Examinations Required of All Appointees.
8 Section 4402. Appointment of Examining Board.
9 Section 4402.1. Existing Civil Service Positions.
10 Section 4403. Terms; Filling of Vacancies; Compensation;
11 Quorum.
12 Section 4403.1. Alternate Board Members.
13 Section 4403.2. Investigations and Subpoenas.
14 Section 4404. Rules and Regulations; Examinations.
15 SECTION 4404.1. Physical and Psychological Medical
16 Examinations.
17 Section 4405.1. Veterans' Preference.
18 Section 4406. Selection of Appointee from Certified List of
19 Applicants.
20 Section 4406.1 Promotions.
21 Section 4407. Tenure; Temporary Appointments.
22 Section 4408. Suspension, Discharge and Discipline; Reduction
23 of Employees; Appeals.
24 Section 4409. Secretary; Compensation.
25 Section 4410. Review of Eligibility Lists.

26 ARTICLE XLIV-A

27 VETERANS' AFFAIRS

28 (a) Support of Veterans' Organizations
29 Section 4401-A. Appropriation to post of veterans.
30 Section 4402-A. Rooms for meetings of veterans.

(b) Pennsylvania National Guard

Section 4411-A. Support of Pennsylvania National Guard units.

Section 4412-A. Assistance in erection of armories.

Section 4413-A. Eminent domain for National Guard purposes.

Section 4414-A. Lands for armory purposes.

(c) Burials and Memorials

Section 4421-A. Purchase of burial grounds for deceased service persons.

Section 4422-A. Care of memorials.

Section 4423-A. Memorial trees.

Section 4424-A. Penalty for injury to memorial trees.

ARTICLE XLV-A

ASSESSMENTS FOR PUBLIC IMPROVEMENTS

Section 4501-A. Authority to assess.

Section 4502-A. Method of assessment.

Section 4503-A. Notice of assessment.

Section 4504-A. Appeals to court.

Section 4505-A. Benefits and damages.

Section 4506-A. Return by city of assessments paid on property unlawfully assessed.

Section 4507-A. Payment of assessments in installments.

Section 4508-A. Collection of assessments.

ARTICLE XLVI

COLLECTION OF MUNICIPAL CLAIMS BY SUIT AND

COMPROMISE OF CLAIMS

Section 4601. Collection of Municipal Claims by Suit.

Section 4602. Compromise of Municipal Claims.

ARTICLE XLVII

ACTS OF ASSEMBLY REPEALED; SAVING CLAUSE

Section 4701. Repeals and Savings Clause.

1 The General Assembly of the Commonwealth of Pennsylvania
2 hereby enacts as follows:

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

7 ARTICLE I

8 PRELIMINARY PROVISIONS

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

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

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

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

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

21 "Highway," a state highway of the Commonwealth of
22 Pennsylvania.

23 "Bill," any] "Bill." Any proposed ordinance introduced in
24 council.

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

26 "Highway." A State highway of the Commonwealth.

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

Charter and Optional Plans Law."

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

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

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

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

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

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

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

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

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

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

- 1 (b) The method of incurring and increasing [of] city
2 indebtedness;
- 3 (c) Conduct of elections;
- 4 (d) Public schools, except the collection of school taxes by
5 the city treasurer;
- 6 (e) [Aldermen] (Reserved);
- 7 (f) Constables;
- 8 (g) The giving of municipal consent to public [service
9 companies] utilities;
- 10 (h) Weights and measures;
- 11 (i) Validations of elections, bonds, ordinances, and acts of
12 corporate officers;
- 13 (j) Joint city and county buildings;
- 14 (k) Libraries;
- 15 (l) State highways;
- 16 (m) The joint or several authorities or duties pertaining to
17 cities as well as to other classes of political subdivisions by
18 virtue of general acts of Assembly.

19 Section 104. Construction of Act Generally to Preserve
20 Existing Situations.--(a) The provisions of this act, so far as
21 they are the same as those of existing laws, are intended as a
22 continuation of such laws and not as new enactments. The repeal
23 by this act of any act of Assembly, or part thereof, shall not
24 revive any act, or part thereof, heretofore repealed or
25 superseded, nor affect the corporate existence of any city
26 heretofore incorporated. The provisions of this act shall not
27 affect any act done, liability incurred, or right accrued or
28 vested, or affect any suit or prosecution pending or to be
29 instituted to enforce any right or penalty or punish any offense
30 under the authority of such repealed laws. All ordinances,

1 resolutions, regulations and rules made pursuant to any act of
2 Assembly repealed by this act[,] shall continue with the same
3 force and effect as if such act had not been repealed. Any
4 person holding office or position under or by virtue of any act
5 of Assembly repealed by this act shall continue to hold such
6 office or position until the expiration of the term thereof,
7 subject to the conditions and tenure attached to such office or
8 position prior to the passage of this act.

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

13 Section 105. Constitutional Construction.--The provisions of
14 this act shall be severable[, and, if]. If any of its provisions
15 shall be held to be unconstitutional, the decision so holding
16 shall not be construed to affect the validity of any of the
17 remaining provisions of this act. It is hereby declared as the
18 legislative intent that this act would have been adopted had
19 such unconstitutional provisions not been included therein.

20 Section 106. Construction of References.--Whenever in this
21 act reference is made to any act by title or otherwise, [such]
22 the reference shall be construed to apply to and include any
23 codification wherein the provisions of the act referred to are
24 substantially reenacted.

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

27 (1) All cities which have been incorporated under or which
28 have accepted the provisions of the act of [Assembly, approved
29 the twenty-third day of May, one thousand eight hundred and
30 seventy-four (Pamphlet Laws 230)] May 23, 1874 (P.L.230,

1 No.152), entitled "An act dividing cities of this State into
2 three classes; regulating the passage of ordinances; providing
3 for contracts for supplies and work for said cities; authorizing
4 the increase of indebtedness, and the creation of a sinking fund
5 to redeem the same; defining and punishing certain offenses in
6 all of said cities; and providing for the incorporation and
7 government of the cities of the third [class," and the
8 amendments thereto; (b) all] class."

9 (2) All cities which have been incorporated under the
10 provisions of the act of May [twenty-third, one thousand eight
11 hundred and eighty-nine (Pamphlet Laws 277)] 23, 1889 (P.L.277,
12 No.247), entitled "An act providing for the incorporation and
13 government of cities of the third [class," and the amendments
14 thereto; (c) all] class."

15 (3) All cities which have been incorporated under the
16 provisions of the act of [Assembly, approved June twenty-
17 seventh, one thousand nine hundred and thirteen (Pamphlet Laws
18 568)] June 27, 1913 (P.L.568, No.367), entitled "An act
19 providing for the incorporation, regulation, and government of
20 cities of the third class; regulating nomination and election of
21 municipal officers therein; and repealing, consolidating, and
22 extending existing laws in relation [thereto," and the
23 amendments thereto; (d) all] thereto."

24 (4) All cities formed by the consolidation of boroughs
25 having voted separately to become cities in accordance with the
26 provisions of the act[, approved May twenty-fourth, one thousand
27 nine hundred and seventeen (Pamphlet Laws 262)] of May 24, 1917
28 (P.L.262, No.143), entitled "An act to enable two or more
29 boroughs that are contiguous or in close proximity to be united
30 and to become one city, wherever each of said boroughs shall

1 have heretofore voted or shall hereafter vote to become a city
2 of the third class, under laws now enacted or which may
3 hereafter be enacted; and wherever each of said boroughs has
4 duly received or shall hereafter duly receive letters patent
5 constituting it a city of the third class, but where sufficient
6 time shall not have elapsed after the granting of such letters
7 patent for the holding of a municipal election; providing for
8 the consequences of such consolidation, the government of such
9 consolidated city, the payment of the indebtedness of each of
10 the united territories and the enforcement of debts and claims
11 due to and from each, and fixing the jurisdiction over the said
12 consolidated city in the courts of the county in which the
13 majority of its inhabitants shall [reside"; and (e) all]
14 reside."

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

17 (b) This act shall not be construed as a limitation on the
18 ability of a city to do any of the following:

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

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

27 Section 108. Effective Date.--This act shall go into effect
28 on the first day of July, one thousand nine hundred and thirty-
29 one. [This reenactment, revision, amendment and consolidation of
30 the laws relating to cities of the third class shall become

1 effective on the first Monday of January, one thousand nine
2 hundred fifty-two.]

3 Section 109. Publication of Notices.--Whenever, under the
4 provisions of this act, advertisement, notice, or publication is
5 required to be published in [one] a newspaper, [such] the
6 publication shall be made one time, unless the provision
7 requiring publication specifies otherwise, in [a] at least one
8 newspaper of general circulation, as defined [by the Newspaper
9 Advertising Act of May sixteen, one thousand nine hundred and
10 twenty-nine (Pamphlet Laws 1784), printed] in 45 Pa.C.S. § 101
11 (relating to definitions), published in the city, if there is
12 such a newspaper, and if not, then in a newspaper of general
13 circulation circulating generally in [such] the city. If such
14 notice is required to be published in more than one newspaper,
15 it shall be published in at least one newspaper of general
16 circulation, defined as aforesaid, [printed] published, if there
17 be such a newspaper, or circulating generally as above provided
18 in the city. When [such] the notice relates to any proceeding or
19 matter in any court, or the holding of an election for the
20 increase of indebtedness, or the issue and sale of bonds to be
21 paid by taxation, [such] the notice shall also be published in
22 the legal newspaper, if any, designated by the rules of court of
23 the proper county for the publication of legal notices and
24 advertisements, unless such publication be dispensed with by
25 special order of court: Provided, however, That ordinances,
26 auditor's statements, summaries of auditor's statements,
27 advertisements inviting proposals for public contracts and for
28 bids for materials and supplies, or lists of delinquent
29 taxpayers, shall be published only in newspapers of general
30 circulation, defined as aforesaid.

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

2 ARTICLE II

3 PROCEDURES FOR INCORPORATION

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

5 Section 200. Definitions.--The following words and terms, as
6 used in this article, shall have the meanings assigned to them
7 in this section, unless the context clearly indicates otherwise:

8 "Incorporation resolution." A resolution to submit, at any
9 general or municipal election, a referendum question to the
10 registered voters of a municipal corporation.

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

13 "Referendum question." The question of whether a municipal
14 corporation shall become incorporated as a city of the third
15 class to be known as the "City of"

16 Section 5. Section 201 of the act is amended to read:

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

27 (1) A single municipal corporation, having a population of
28 at least ten thousand according to the last preceding United
29 States census, may be incorporated as a city in accordance with
30 this article, if a majority of the registered voters in the

1 municipal corporation cast an affirmative vote in favor of the
2 referendum question.

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

11 Section 6. Sections 202 and 203 of the act are repealed:

12 [Section 202. Resolution to Submit Question to Electors.--
13 The corporate authorities of any town, township, or borough, or
14 of any contiguous towns, townships, or boroughs, as the case may
15 be, may, on their own motion, or, upon petition of two hundred
16 or more qualified electors thereof, shall, by resolution duly
17 passed and recorded among the minutes, submit the question
18 whether such town, township, or borough, or whether any
19 contiguous towns, townships, or boroughs, shall become a city of
20 the third class, to the qualified electors thereof, to be known
21 as the "City of"]

22 Section 203. Notice of Election.--The said corporate
23 authorities shall give notice by the publication of said
24 resolution, once a week for four successive weeks prior to the
25 next general or municipal election, in not more than two
26 newspapers of general circulation published or circulating
27 generally in said towns, townships, and boroughs, in accord with
28 the provisions of section 109 of this act.]

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

30 Section 203.1. Incorporating Resolution.--(a) The governing

1 body of a municipal corporation may adopt an incorporation
2 resolution.

3 (b) If two hundred or more registered voters of the
4 municipal corporation petition the governing body of the
5 municipal corporation for the adoption of a petition resolution,
6 the governing body shall adopt the same.

7 Section 8. Section 204 of the act is amended to read:

8 Section 204. Resolution Certified to County Board of
9 Election; Form of Question.--The [said corporate authorities
10 shall certify said] governing body of a municipal corporation
11 that adopts an incorporation resolution shall certify the
12 incorporation resolution to the county board of elections of the
13 proper county or counties[, who shall thereupon cause a proper
14 question to be submitted to the qualified electors at the said
15 general or municipal election in the said towns, townships, and
16 boroughs, in the manner required by the Pennsylvania Election
17 Code]. The county board of elections shall, at the general or
18 municipal election, in the manner required by the Pennsylvania
19 Election Code, submit a referendum question to the registered
20 voters of the municipal corporation that has certified an
21 incorporation resolution.

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

23 Section 204.1. Notice of Election.--Notice of the election
24 at which registered voters of a municipal corporation will be
25 voting on a referendum question shall be given by the secretary
26 or other person designated by the municipal corporation. The
27 notice required by this section shall be published once a week
28 for four successive weeks in a newspaper of general circulation
29 in the municipal corporation in which the referendum question
30 will be submitted to the registered voters.

1 Section 10. Section 205 of the act, amended October 5, 1967
2 (P.L.327, No.143), is amended to read:

3 Section 205. Returns of Election.--[The county board of
4 elections shall make return of the vote cast on the question
5 submitted to the clerk of the court of the proper county or
6 counties, and to the respective corporate authorities of the
7 towns, townships and boroughs submitting such questions. If a
8 majority of the votes cast in each such town, township and
9 borough on the question shall be in favor of creating a city,
10 then returns thereof shall also be made by the county board of
11 elections to the Secretary of the Commonwealth and the
12 Department of Community Affairs.] (a) In each county in which a
13 referendum question is submitted to the registered voters of a
14 municipal corporation, the county board of elections shall make
15 return of the vote cast on the referendum question to the clerk
16 of the court for that county, and to the governing body of the
17 municipal corporation in which registered voters voted on a
18 referendum question.

19 (b) The county board of elections also shall make returns of
20 the vote cast on the referendum to the Secretary of the
21 Commonwealth and the Department of Community and Economic
22 Development, if a majority of the votes cast by the registered
23 voters of the municipal corporation are in favor of
24 incorporating as a city.

25 Section 11. Sections 206, 207, 208, 209 and 210 of the act
26 are amended to read:

27 Section 206. Effect of Vote Against [City Charter.--Whenever
28 by the returns of the election in any town, township, or
29 borough, it shall appear that in any one there is a majority
30 against the city charter] Incorporating as City.--If the returns

1 show that a majority of registered voters in a municipal
2 corporation voted "no" on the referendum question, no further
3 proceeding shall be had, and it shall not be lawful to hold
4 another election upon the referendum question in [such town,
5 township, or borough] the municipal corporation until the third
6 general or municipal election thereafter occurring.

7 Section 207. Governor to Issue [Charter Where Vote for City
8 Charter] Letters Patent; Boundaries.--If [it shall appear by the
9 said returns that there is a majority of the votes cast on the
10 question in each town, township, and borough, aforesaid, in
11 favor of the city charter, the corporate authorities of all such
12 towns, townships, and boroughs] the returns show that a majority
13 of registered voters in a municipal corporation voted "yes" on
14 the referendum question, the governing body of the municipal
15 corporation shall, within sixty days after [such] the election,
16 furnish to the Secretary of the Commonwealth the necessary
17 information with respect to the boundaries of the new city, and
18 the Governor shall, as soon as may be, issue letters patent,
19 under the Great Seal of the Commonwealth, reciting the facts,
20 defining the boundaries of [said] the city, and constituting the
21 same a body corporate and politic by the name of the City
22 of.....

23 Section 208. Property of Entities Vested in City.--All of
24 the property and estates whatsoever, real and personal, of the
25 [towns, townships, and boroughs,] municipal corporations which
26 shall have [thus] become a city in accordance with this article
27 are hereby severally and respectively vested in the corporation
28 or body politic of [said] the city[, by the name, style, and
29 title given thereto] for the use and benefit of the citizens
30 thereof.

1 Section 209. Existing Governments [Preserved Temporarily;
2 Organization of City.--The governments of the said towns,
3 townships, and boroughs] Temporarily Preserved; City
4 Organization.--(a) The government of the municipal corporation
5 shall continue in full force and operation, until the first
6 Monday of January next succeeding the municipal election
7 provided for in section 702 [of this act], at which time the
8 officers of [said] the city chosen at [said] the municipal
9 election shall enter upon their respective terms of service, and
10 the city government shall be duly organized under this act.

11 (b) Whenever, in the organization of the city government of
12 any newly incorporated city, any person is [elected] appointed
13 by council to any office for which this act provides a definite
14 term and fixes a definite time for the election of persons
15 thereto, the person so [elected] appointed shall serve only for
16 such time as intervenes between [his election] the person's
17 appointment and the day fixed by this act for the regular
18 election or appointment of such officer for a full term.

19 Section 210. Existing Liabilities, Debts and Claims
20 Transferred to New City.--[All suits, prosecutions, debts, and
21 claims, whatsoever, of the said towns, townships and boroughs,
22 shall thereupon become transferred to the said city, which in
23 all suits pending shall be substituted as a party, and be under
24 the management and control thereof. All valid claims and demands
25 of whatsoever nature, whether payable presently or in the
26 future, existing against the said towns, townships, and boroughs
27 when the said charter shall go into operation, shall be
28 enforceable against the said city. The bonds and floating
29 indebtedness, and the interest thereon, of each of said towns,
30 townships and boroughs, contracted prior to such consolidation,

1 shall be paid by the said city thus organized and chartered, so
2 that the taxes shall be uniform throughout the territorial
3 limits of the whole city.] If a municipal corporation is
4 incorporated as a city in accordance with this article, the
5 following shall apply:

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

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

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

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

19 Section 12. Article II-A heading and sections 250, 251, 252,
20 253, 254 and 255 of the act, added September 17, 1959 (P.L.913,
21 No.363) are repealed:

22 [ARTICLE II-A

23 ALTERNATIVE PROCEDURE FOR INCORPORATION

24 Section 250. Appointment of Charter Commission.--The
25 corporate authorities of any town, township, or borough or of
26 any combination of contiguous towns, townships or boroughs may
27 and, upon petition of two hundred or more qualified electors
28 thereof, shall petition the court of quarter sessions of the
29 county in which such towns, townships or boroughs are situate,
30 for the appointment of a charter commission to study and make

1 recommendations on the adoption of a form of city government for
2 such towns, townships or boroughs. Whenever any such towns,
3 townships or boroughs, or combination thereof, are situate in
4 more than one county, the petition shall be brought to the court
5 of quarter sessions of the county in which the larger percentage
6 of the population thereof are resident.

7 The charter commission so appointed shall consist of not less
8 than nine nor more than fifteen members who shall be qualified
9 electors of the town, township or borough, and if the petition
10 is brought on behalf of more than one town, township or borough,
11 the charter commission shall be appointed from among qualified
12 electors of each of such towns, townships or boroughs.

13 In every case, at least three members of the charter
14 commission shall be appointed from among the members of the
15 governing bodies of the towns, townships or boroughs bringing a
16 petition, and when two or more towns, townships or boroughs are
17 party to the petition, the court shall appoint at least one
18 member of the charter commission from among the members of the
19 governing bodies of each of such towns, townships or boroughs.

20 Section 251. Powers and Duties of Charter Commission.--The
21 charter commission shall organize and function in accordance
22 with the provisions of the Optional Third Class City Charter
23 Law, and in so far as the same are applicable, shall exercise
24 the same powers and perform the same duties as are conferred or
25 imposed upon charter commissions elected under the provisions of
26 the Third Class City Charter Law.

27 Members of the charter commission shall serve without
28 compensation, but shall be reimbursed by the towns, townships or
29 boroughs for their necessary expenses incurred in the
30 performance of their duties. The corporate authorities of the

1 towns, townships or boroughs shall appropriate reasonable sums
2 of money necessary for such purpose and for the work of the
3 charter commission as provided in the Optional Third Class City
4 Charter Law.

5 The charter commission shall report its recommendations at
6 the time and in the manner provided in the Optional Third Class
7 City Charter Law. In its report, the charter commission shall
8 recommend adoption of either the "commission" form of city
9 government as provided in this act, or one of the optional forms
10 of city government provided in the Optional Third Class Charter
11 Law.

12 Section 252. Election on the Question.--Within five days
13 after the charter commission reports its recommendations, the
14 corporate authorities of such towns, townships or boroughs shall
15 certify a copy of the commission's report to the county board of
16 elections, which shall cause the question of adoption or
17 rejection to be placed upon the ballot or voting machines at
18 such time as the commission shall in its report specify. The
19 question shall be submitted to the electors in the manner and at
20 the time provided in the Optional Third Class City Charter Law
21 and shall be in the following form:

22 Shall the.....be incorporated into a
23 name of towns, townships or boroughs
24 city of the third class to be known as the city of.....
25 with a.....form of government providing for
26 name of form
27councilmen to be elected at large?
28 number of councilmen

29 Section 253. Return of Election; Effect of Vote.--(a) The
30 county board of elections shall make return of the vote cast on

1 the question as provided by law. If it appears that a majority
2 of the votes cast in each such town, township or borough on the
3 question shall be in favor of creating a city, the city shall be
4 incorporated as provided in this act.

5 (b) If, at such election, the electors have voted in favor
6 of adopting the commission form of government provided in this
7 act, the city officers shall be elected and the city shall be
8 organized and governed under the provisions of this act, the
9 same as though the election had been held under the provisions
10 of article II. of this act.

11 (c) If, at such election, the electors have voted in favor
12 of adopting one of the optional forms of government provided in
13 the Optional Third Class City Charter Law, the city shall be
14 governed under the applicable provisions of the Optional Third
15 Class City Charter Law, but the first city officers shall be
16 elected in accordance with the provisions of this subsection.

17 At the first municipal election occurring at least ninety
18 days after the date of the letters patent issued by the Governor
19 incorporating such city, the qualified electors of such city
20 shall elect the city officers appropriate to such optional form
21 of government. Except in the case of the first city council,
22 such officers shall be elected for the terms provided in the
23 Optional Third Class City Charter Law. The first councilmen
24 elected in such city shall be divided into two groups. One group
25 shall equal one more than one-half of all the councilmen and its
26 members shall serve for terms of four years. The second group
27 shall equal one less than one-half of all the councilmen and its
28 members shall serve for terms of two years. The members of the
29 first group shall be those councilmen receiving the greatest
30 number of votes at their election, and the members of the second

1 group shall be those councilmen receiving the next greatest
2 number of votes at their election. If two or more councilmen
3 received the same number of votes and one or more but not all of
4 them will be included in the first group, they shall draw lots
5 to determine which of them shall be included in the first group.
6 Thereafter, all councilmen shall be elected for the terms
7 provided in the Optional Third Class City Charter Law.

8 The governments of the towns, townships and boroughs,
9 comprising a city which elects its first officers under the
10 provisions of this subsection, shall continue in full force and
11 operation until the first Monday of January next succeeding such
12 election, at which time the officers of such city shall enter
13 upon their respective terms and the city government shall be
14 duly organized under the Optional Third Class City Charter Law.

15 (d) Whenever by the returns of the election in any town,
16 township or borough, it shall appear that in any one there is a
17 majority against the city charter and the form of city
18 government recommended by the charter commission, no further
19 proceedings shall be had and it shall not be unlawful to hold
20 another election upon the same question in such town, township
21 or borough during the period of four years following such
22 election, but the provisions of this subsection shall not affect
23 any proceedings under article II. of this act nor any subsequent
24 proceedings under the Optional Third Class City Charter Law.

25 Section 254. Proceedings are Additional.--The proceedings
26 authorized by this article are in addition to, and not in
27 substitution of, those proceedings authorized by article II. of
28 this act, but it shall not be lawful to institute proceedings
29 under either article while any proceedings under the other
30 article are unconcluded.

1 Section 255. Abandonment of Optional Form of Government.--
2 Whenever, under the provisions of this article, the electors of
3 any towns, townships or boroughs elect to incorporate a city
4 with one of the optional forms of government provided in the
5 Optional Third Class City Charter Law, and later, at an election
6 held for that purpose under the Optional Third Class City
7 Charter Law, elect to abandon such optional form of government,
8 the city shall cease to be governed by the provisions of such
9 charter plan and the Optional Third Class City Charter Law on
10 the first Monday of January following the next succeeding
11 municipal election, and shall thereafter be governed under the
12 provisions of this act. The reversion to the form of government
13 provided by this act shall take effect as provided in article
14 VI. of the Optional Third Class City Charter Law for transition
15 to an optional form of government in so far as applicable, and
16 in addition any city offices which are elective under this act
17 but are not elective under such optional form of government,
18 shall be filled at such municipal election.]

19 Section 13. Article III heading of the act is reenacted to
20 read:

21 ARTICLE III

22 CHANGE OF CORPORATE TITLE

23 Section 14. Sections 301, 302, 303 and 304 of the act are
24 amended to read:

25 Section 301. Resolution and Petition to Change Corporate
26 Title.--[Whenever the council of any city shall, by resolution,
27 decide to change the corporate title of such city, it shall
28 present its petition to the court of quarter sessions of the
29 county having jurisdiction over the municipal affairs of the
30 city, petitioning such court to change the corporate title

1 thereof in accordance with the resolution, a certified copy of
2 which shall be attached to such petition.] City council may
3 initiate proceedings to change the corporate title of a city by
4 doing each of the following:

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

7 (2) Presenting to the court of common pleas of the county in
8 which the city is located a petition, along with a certified
9 copy of the resolution, requesting the change in the corporate
10 title of the city.

11 Section 302. Hearing; Decree.--(a) Upon the presentation to
12 the court of [such] the petition and resolution in accordance
13 with section 301, the [said] court shall fix a day for a hearing
14 [thereof] on the question of the change in the corporate title
15 of the city and shall direct that notice of [such] the hearing
16 be published once a week for three weeks in [not more than two
17 newspapers] a newspaper of general circulation.

18 (b) At [such] the hearing, the court shall [hear the] permit
19 any resident of the city to give testimony [and argument of
20 persons both for and against] either in support of or opposition
21 to the change of the corporate title of [such] the city [and, if
22 the court is of the opinion that the corporate title of such
23 city should be changed as prayed for in the petition of the
24 council of said city, shall enter upon the proceedings its order
25 and decree changing the corporate title of such city in
26 accordance with the resolution of the council thereof; otherwise
27 the petition shall be dismissed].

28 (c) After hearing testimony, the court shall either order
29 and decree changing the corporate title of the city in
30 accordance with the petition and resolution of council or

1 dismiss the petition.

2 Section 303. Recording Decree.--[Upon the filing of a
3 certified copy of the decree of the court, changing the
4 corporate name of any city, in the office of the Secretary of
5 the Commonwealth and the recording thereof in the office of the
6 recorder of deeds of the county, the courts of which have
7 jurisdiction over the municipal affairs of the city, the
8 corporate title of said city shall thereafter be as set forth in
9 said decree.] A change in the corporate title of a city that is
10 ordered and decreed in accordance with section 302(c) shall not
11 become effective until a certified copy of the decree of court
12 is filed in the office of the Secretary of the Commonwealth and
13 is recorded in the office of the recorder of deeds of the county
14 in which the city is located.

15 Section 304. Existing Rights and Liabilities Preserved.--No
16 change in the corporate title of any city shall in any way
17 affect any liabilities incurred, rights accrued or vested,
18 obligations issued or contracted, or any suits or prosecutions
19 pending or instituted to enforce any right or penalty accrued or
20 punish any offense committed prior to [such] the change.

21 Section 15. Article IV heading of the act is reenacted to
22 read:

23 ARTICLE IV

24 CREATION AND DIVISION OF WARDS

25 Section 16. Section 401 of the act is amended to read:

26 Section 401. [Petition for Creation or Division of Wards.--
27 New wards may be created in cities, or wards therein may be
28 divided, by the court of quarter sessions, on application
29 thereto for that purpose, by the petition of at least one
30 hundred qualified electors of the district seeking to be created

1 as a new ward, or of the ward to be divided, or by the petition
2 of the council of the city. No new ward shall contain less than
3 three hundred qualified electors according to the last preceding
4 enumeration.] General Power of Council in Creation or Division
5 of Wards.--(a) In addition to reapportionment of wards pursuant
6 to 53 Pa.C.S. Ch. 9 (relating to municipal reapportionment) and
7 section 11 of Article IX of the Constitution of Pennsylvania,
8 council may, with or without a petition as provided in section
9 401.1 and subject to approval by the registered voters as
10 provided in section 407, create new wards, divide a ward or
11 wards or detach part of a ward and attach to another ward, in
12 accordance with this article.

13 (b) No new ward shall contain less than three hundred
14 registered voters according to the last general or municipal
15 election.

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

20 Section 17. The act is amended by adding a section to read:

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

25 (1) One hundred registered voters may petition council to
26 create or divide a ward if, in the case of a petition proposing
27 to create a ward, the petitioners reside in the portion of the
28 city which the petition proposes to create as a ward, or in the
29 case of a petition to divide a ward, the petitioners reside in
30 the ward which the petition proposes to divide.

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

5 (b) Council shall by motion approve by a majority of
6 council, and within ninety days of presentment of the petition,
7 determine whether to initiate proceedings under section 401. If
8 the motion is in favor of initiating proceedings, council shall
9 appoint a commission in accordance with section 403.

10 (c) In the event that council has not approved a motion
11 within ninety days after the presentment of a petition under
12 subsection (a), any ten registered voters may petition the court
13 of common pleas and contest the existing apportionment as
14 violating section 401. The proceedings before the court shall be
15 conducted in accordance with 53 Pa.C.S. §§ 906 (relating to
16 contest of reapportionment by governing body) and 907 (relating
17 to costs and expenses of contest).

18 Section 18. Sections 402 and 403 of the act are amended to
19 read:

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

28 Section 403. Appointment of Commission[; Report; Order of
29 Court.--Upon the presentation of any such petition praying for
30 the creation of a new ward out of parts of two or more wards, or

1 the division of a ward, or for the detaching from a ward of a
2 part or district thereof and attaching the same to another ward,
3 the said court shall appoint five impartial qualified electors,
4 residents of the city, but not of the wards to be affected
5 thereby, as commissioners to inquire into the propriety of
6 granting the prayer thereof: Provided, however, That in cities
7 having not more than three wards, said commissioners shall be
8 selected from the city at large, and may be residents of the
9 ward or wards to be affected thereby. The commissioners so
10 appointed, or any four of them, shall examine the premises and
11 make a draft of the new ward or wards proposed to be created, or
12 of the ward or wards to be divided, or of the wards affected,
13 showing the division or change thereof, or showing the lines as
14 any separation and attachment will affect them, as the case may
15 be, and showing clearly the number of qualified electors
16 contained within the proposed new ward. The commissioners shall
17 make report to the said court at its next term, together with
18 their recommendation.].--(a) If council initiates proceedings
19 pursuant to section 401, whether on its own volition or pursuant
20 to the petition of registered voters, it shall appoint five
21 impartial registered voters who are residents of the city as
22 commissioners, to make a report and recommendation concerning
23 the necessity, desirability and feasibility of proposed wards.
24 (b) Except as provided in subsection (c), commissioners
25 shall not be residents of the wards to be affected by the
26 petition.
27 (c) In cities having not more than three wards,
28 commissioners appointed under subsection (a) shall be selected
29 from the city at large, and may be residents of the ward or
30 wards to be affected thereby.

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

2 Section 403.1. Expenses of Commissioners.--Council shall
3 make appropriations for the reasonable expenses of the
4 commissioners incurred for their services pursuant to this
5 article. Each commissioner shall submit to the city controller
6 for approval an itemized account of the commissioner's expenses
7 to be paid under the authority of this section.

8 Section 403.2. Report.--(a) Commissioners appointed by
9 council in accordance with section 403(a) shall examine the
10 premises and prepare a report which shall include a draft of all
11 wards affected by the proposed creation, division or detachment,
12 showing the division or change thereof, or showing the lines of
13 wards as any separation and attachment will affect them, as the
14 case may be, and showing clearly the population contained within
15 the affected wards using figures officially and finally reported
16 in the most recent Federal census, decennial or special. The
17 report, upon completion, shall be submitted to council and shall
18 include a recommendation reflecting the decision of a majority
19 of its members concerning the proposed creation, division or
20 detachment of a ward or wards.

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

30 (c) Upon receipt of the report, council shall, by motion,

1 determine whether to submit the question of the proposed
2 creation, division or detachment of a ward or wards as provided
3 in the report to the registered voters of the city in accordance
4 with section 404.

5 Section 20. Sections 404, 405, 406, 407 and 408 of the act
6 are amended to read:

7 Section 404. Election[; Form of Ballot.--If a majority of
8 the commissioners appointed report favorably to such creation or
9 division, or the detaching from a ward of a part or district
10 thereof and attaching the same to another ward, the court shall
11 order].--(a) If based upon the report in section 403.2, council
12 decides to proceed, it shall certify to the county board of
13 elections the question of the creation, [or] division or
14 detachment of [such] the ward[,] or wards to be submitted to the
15 [qualified electors] registered voters of the ward or wards
16 [affected, and in the case of the detachment of territory to the
17 electors of the ward from which the territory is to be stricken
18 off] or parts thereof which are the subject of the report, at
19 the general or municipal election occurring not less than ninety
20 days [thereafter] after the report was approved by council.

21 (b) The [clerk of said court shall certify such order to
22 the] county board of elections [which] shall [thereupon] cause
23 [a proper] the question [to be submitted to the qualified
24 electors at such] of approving the creation, division or
25 detachment of a ward or wards to be placed on the ballot in the
26 ward or wards or parts that will be affected thereby, at the
27 appropriate election in the manner provided by the Pennsylvania
28 Election Code.

29 Section 405. Notice of Election; Review of Report.--[It
30 shall be the duty of the mayor of the said city to give at least

1 fifteen days' public notice, by advertisement in one or more
2 newspapers, of general circulation, that such an election will
3 be held, and of the time and place of holding the same.] (a)
4 The city shall publish a notice of election in a newspaper of
5 general circulation at least fifteen days prior to the date that
6 the question of approving the creation, division or detachment
7 of a ward or wards is to be presented at the specified general
8 or municipal election.

9 (b) The election notice shall contain a statement of the
10 issue to be submitted to the registered voters at the election,
11 including the ward, wards or parts thereof to be affected, and
12 the date upon which the election is to be held. The notice shall
13 reference the report and specify that it is available for review
14 and copying as a public record pursuant to the act of February
15 14, 2008 (P.L.6, No.3), known as the "Right-to-Know Law."

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

24 Section 407. Computing Vote; Return; [Order of Court;]
25 Resubmission of Question.--[The officers of such election shall
26 receive and count the votes in the manner prescribed by law, and
27 shall forthwith make out a return on forms furnished by the
28 board of elections, showing the number of votes for and against
29 such new ward, or for or against such division or detachment of
30 a ward, as the case may be, and shall deliver the same to the

1 clerk of the court of quarter sessions within three days. The
2 said clerk shall compute said return, and forthwith certify the
3 result thereof to the court. If it appears that a majority of
4 the votes so taken are for a new ward, or for a division or for
5 the detachment of territory and its attachment to another ward,
6 said court shall thereupon order and decree the creation of such
7 new ward or wards, or such division, or such detachment and
8 attachment agreeably to the lines marked out and returned by the
9 commissioners.]

10 (a) The county board of elections shall tabulate and publish
11 the results of the referendum in a newspaper of general
12 circulation within thirty days of the election. A certified copy
13 of the results shall be placed on record among the minutes of
14 council.

15 (b) If a majority voted in favor of creating or dividing a
16 ward or wards, or the detachment of a part of a ward to be
17 attached to another, council shall proceed to create or divide a
18 ward or wards or detach a part of a ward to be attached to
19 another, in accordance with the report, and shall number the new
20 wards when necessary[, and order a certified copy of the whole
21 proceeding to be placed on record among the minutes of council].

22 (c) If a majority [of votes shall be] voted against [the new
23 ward, or against division or against detachment] creating or
24 dividing a ward or wards, or the detachment of a part of a ward
25 to be attached to another, no further action shall be had upon
26 [such proceeding] the question, nor shall any new [application
27 for such new ward or such division or detachment and attachment
28 be heard] petition on the same question be resubmitted until two
29 years from the date of [such] the election.

30 Section 408. Change of Ward Lines by [Court] Council.--

1 Whenever it shall appear to [the court of quarter sessions]
2 council in proceedings for the division of any ward, or the
3 creation of new wards, that any of the boundaries or divisions
4 thereof are uncertain for any cause, [the said court shall make
5 such order or decree as to] council shall determine the
6 relocation of the line [as to it may appear proper, so that the
7 same shall] to conform as nearly as possible to the boundary
8 lines which may have been previously determined upon so long as
9 the result is that each ward in the city is composed of compact
10 and contiguous territory as nearly equal in population as
11 practicable as officially and finally reported in the most
12 recent Federal census, decennial or special.

13 Section 21. The act is amended by adding a section to read:

14 Section 409. Pennsylvania Election Code.--Nothing in this
15 article shall be construed as affecting the powers and duties of
16 the court of common pleas or the county board of elections and
17 restrictions on alteration of election districts as provided in
18 Article V of the act of June 3, 1937 (P.L.1333, No.320), known
19 as the "Pennsylvania Election Code."

20 Section 22. Article V and subdivision (a) heading of the act
21 are repealed:

22 [ARTICLE V

23 ANNEXATION OF TERRITORY

24 (a) Annexation of Boroughs, Townships and Parts
25 of Townships]

26 Section 23. Section 501 of the act, amended July 10, 1959
27 (P.L.519, No.138), is repealed:

28 [Section 501. Petition for Annexation of Boroughs or
29 Townships and Parts of Townships.--Any borough having a
30 population of less than ten thousand inhabitants, or any

1 township or part of a township, contiguous to any city, whether
2 wholly or partially within the same or different counties, may
3 become annexed to any such city in the following manner:

4 (a) In the case of a borough, the borough council may pass
5 an ordinance for such annexation, whenever three-fifths of the
6 taxable inhabitants of such borough shall present a petition,
7 accompanied with the written consent of a majority in number and
8 interest of property owners of the borough, asking for such
9 annexation.

10 (b) In the case of a township, or part thereof, whenever
11 three-fifths of the taxable inhabitants of such township or part
12 thereof shall present a petition to the council of said city,
13 accompanied with the written consent of a majority in number and
14 interest of property owners of such township or part of a
15 township, asking for such annexation.

16 (c) In case of part of a township, when there are no taxable
17 inhabitants residing therein, then whenever three-fifths of the
18 property owners in number and interest of property situated
19 therein shall present a petition to the council of said city
20 asking for such annexation.

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

25 Section 24. Section 502 of the act is repealed:

26 [Section 502. Advertisement; Plots.--Before any such
27 petition is circulated or signed, notice thereof shall be given
28 by advertisement once a week for four weeks in two newspapers
29 published in or circulated throughout the territory to be
30 annexed. Such notice shall state the purpose of the petition and

1 the date it will be ready for signing. All such petitions shall
2 be accompanied by a plot or plots of the territory to be
3 annexed, showing all streets and highways, municipal or township
4 improvements and public buildings.]

5 Section 25. Section 503 of the act, amended October 5, 1967
6 (P.L.327, No.143), is repealed:

7 [Section 503. Ordinance of City; Filing Copy Thereof.--Upon
8 presentation to the council of such city of a certified copy of
9 the ordinance in case of a borough, or of the petition in the
10 case of a township or part thereof, together with the required
11 plots in any case, the council of said city may, by ordinance,
12 annex such borough, township, or part thereof to the said city.
13 Certified copies of the borough and city ordinances and the
14 petition and the plans shall be filed in the office of the clerk
15 of the court of quarter sessions of the county or counties
16 involved, and like copies shall be certified to the Department
17 of Community Affairs of the Commonwealth. Nothing contained in
18 subdivision (a) of this article shall be deemed to require any
19 city to annex any borough, township or part of any such
20 township.]

21 Section 26. Section 504 of the act is repealed:

22 [Section 504. Conclusiveness of Ordinance; Referendum;
23 Appeal.--Thirty days after the filing of the said annexation
24 ordinance by the said city council, such ordinance and the
25 action of the said city council shall be finally conclusive,
26 unless an appeal therefrom is taken within the said thirty days,
27 by petition to the court of quarter sessions of the county in
28 which the city is located, or unless a referendum petition is
29 filed as provided in this act.]

30 Section 27. Section 505 of the act, repealed in part June 3,

1 1971 (P.L.118, No.6), is repealed:

2 [Section 505. Hearing an Appeal; Notice; Appeal from Final
3 Order.--Where an appeal is taken by any person aggrieved by such
4 annexation ordinance of the city, the court shall fix a day for
5 hearing the same. Notice shall be given to all parties
6 interested in such manner as the court shall direct. From any
7 such final order or decree, any party in interest, aggrieved by
8 such order or decree, may have an appeal to the Supreme Court as
9 in other cases. Upon final determination and approval of the
10 annexation ordinance, the annexation shall take effect
11 immediately.]

12 Section 28. Section 506 of the act, added July 10, 1959
13 (P.L.519, No.138), is repealed:

14 [Section 506. Petition for Annexation of Boroughs Having Ten
15 Thousand or More Inhabitants.--Whenever electors, equal to at
16 least ten per centum of the highest vote cast for any office in
17 any borough having a population of ten thousand or more
18 inhabitants contiguous to a city at the last preceding general
19 election, or whenever ten per centum of the qualified electors,
20 residing within any part of a borough having a population of ten
21 thousand or more inhabitants contiguous to a city, shall
22 petition the council of such city for the annexation of the
23 borough, or part thereof, to the contiguous city, and for a
24 referendum on the question of such annexation, the council shall
25 cause a question to be submitted at the primary or general
26 election occurring at least sixty days thereafter, by certifying
27 a resolution, duly adopted, to the county board of elections of
28 the county or counties in which any part of the city or borough
29 is located, for submission of such question on the ballot or on
30 voting machines at such election, both in such borough and in

1 the city to which annexation is desired, in the manner provided
2 by the election laws of this Commonwealth.

3 Such question shall be in the following form:

4 Do you favor the annexation of the Yes
5 borough of
6 (or the part of the borough briefly No
7 described) to the city of ?

8 If a majority of the persons voting on such question in the
9 entire borough shall vote "yes," and a majority of the persons
10 voting on such question in the city shall vote "yes," then the
11 borough or part thereof, as the case may be, shall on the first
12 Monday of January next following, be and become a part of the
13 city.

14 If a majority of the persons voting on the question in the
15 borough or in the city shall vote "no," no further proceeding
16 shall be had, and it shall not be lawful to hold another
17 election upon the question until the second general or municipal
18 election thereafter occurring.

19 All petitions shall be accompanied by a plot or plots of the
20 territory to be annexed, showing all streets and highways,
21 municipal improvements and public buildings, and all petitions
22 for the annexation of a part of a borough shall include a
23 description of the part of the borough sought to be annexed.]

24 Section 29. Article V subdivision (b) heading and section
25 515 of the act are repealed:

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

27 Section 515. Annexation of Outlying Lots; Appointment of
28 Viewers.--Upon application by petition to the court of quarter
29 sessions signed by a majority or more of the taxable
30 inhabitants, accompanied by the written consent of a majority of

1 the property owners in number and interest of any outlots or
2 sections of land in a township containing not more than one
3 hundred acres of land contiguous to the city, and being part of
4 the same county in which the city is situated, stating that they
5 desire the same to be annexed to said city, the desirability
6 therefor, and describing the lots or land to be annexed, with a
7 map or draft of the same, which petition shall be sworn to by
8 one or more of the petitioners, and accompanied by the petition
9 of the council of the city praying for the annexation of such
10 outlots or sections of land and containing a copy of the
11 resolution of the council of said city approving the annexation,
12 the said court shall thereupon appoint three viewers, who shall
13 be nonresidents of the city or of the township whose territory
14 is to be annexed, to inquire into and investigate the
15 allegations and facts stated in the said petition.]

16 Section 30. Section 516 of the act, amended October 5, 1967
17 (P.L.327, No.143), is repealed:

18 [Section 516. Notice of View; Report; Decree.--Notice of the
19 first hearing of the said viewers shall be given to the city,
20 and to at least one of the petitioners as the court may direct.
21 The said viewers, or a majority of them, shall make report to
22 said court at its next session after their appointment. If they
23 report that they find the statements and facts of said petition
24 to be true, and recommend the annexation as prayed for, and if
25 no appeal is taken within thirty days therefrom, the said court
26 shall thereupon make an order or decree to carry the annexation
27 into effect. The city clerk shall forward a certified copy of
28 said decree to the Department of Community Affairs of the
29 Commonwealth.]

30 Section 31. Section 517 of the act, amended October 5, 1967

1 (P.L.327, No.143) and repealed in part June 3, 1971 (P.L.118,
2 No.6), is repealed:

3 [Section 517. Appeal; Hearing; Notice; Decree.--Within
4 thirty days after filing of such report, any person aggrieved
5 thereby may take an appeal, by petition to the court of quarter
6 sessions, setting forth his complaint, and thereupon the court
7 shall fix a day for hearing the same. Notice of such appeals
8 shall be given to all parties interested by publication once in
9 one newspaper, in accord with the provisions of section one
10 hundred and nine of this act. After such hearing, the court
11 shall decide whether the proceedings are in conformity with this
12 act, and make an order or decree either dismissing the appeal
13 and approving such annexation or sustaining the appeal and
14 dismissing the annexation. When the court of quarter sessions
15 makes an order to carry such annexation into effect, where no
16 appeal is taken, and upon final determination and approval of
17 the annexation ordinance, where an appeal has been taken, the
18 said outlots or sections of land shall at once and thereafter be
19 a part of said city as fully as if the same had been originally
20 a part thereof. A certified copy of any final decree or order
21 approving such annexation shall be forwarded by the city clerk
22 to the Department of Community Affairs.]

23 Section 32. Section 518, Article V subdivision (c) heading
24 and section 525 of the act are repealed:

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

30 (c) Annexation of Part of a Borough

1 Section 525. Petition for Annexation of Territory in a
2 Borough; Ordinance of City.--Territory in a borough contiguous
3 to a city or separated therefrom by a river or stream may be
4 detached from the borough and annexed to the city in the
5 following manner:

6 A petition signed by owners of the land in the territory
7 proposed to be detached and annexed, and described in the
8 petition, shall be presented to the borough authorities, who, if
9 they find that the petition is signed by either a majority of
10 freehold owners or by the owners of two-thirds of the area of
11 the territory described, and that the assessed valuation of the
12 territory described is not in excess of five per centum of the
13 assessed valuation of the borough, may, by ordinance, detach the
14 described territory, subject to the acceptance of the detached
15 portion by the city of the third class, and upon notice from the
16 council of the borough that it has ordained the detachment of
17 the described territory of the borough for the purpose of having
18 it annexed to the city, the city may, by ordinance, annex the
19 portion of the borough so proposed to be detached.]

20 Section 33. Section 526 of the act, amended October 5, 1967
21 (P.L.327, No.143), is repealed:

22 [Section 526. Filing of Plans.--Upon such annexation by
23 ordinance, a plan of the territory annexed shall be filed by the
24 city council in the office of the county commissioners and with
25 the clerk of the court of quarter sessions and thereupon the
26 detachment and annexation shall be effective: Provided, however,
27 That if there be no delay through litigation or causes beyond
28 the control of the councils, the plan shall be filed, as herein
29 required, within thirty days after the passage of the annexation
30 ordinance by the city council, and, if the proceedings are not

1 thus completed, they shall be void in their entirety and of no
2 effect. A copy of the plan filed shall be likewise forwarded to
3 the Department of Community Affairs of the Commonwealth.]

4 Section 34. Article V subdivision (d) heading, sections 535
5 and 536 and subdivision (e) heading of the act are repealed:

6 [(d) Indebtedness and Public Property when Borough or
7 Township is Annexed

8 Section 535. Apportionment of Indebtedness of Borough or
9 Township; Taxes to be Uniform.--All the indebtedness of each
10 borough or township annexed to a contiguous city under the
11 provisions of this act, as well as the indebtedness of the city
12 to which the same is annexed, shall be paid by the city as
13 enlarged by such annexation; and all territory included within
14 the limits of the same shall be liable for the payment of the
15 floating and bonded indebtedness, and the interest thereon, of
16 all the territory included within such enlarged city; and all
17 taxes thereafter levied therefor shall be uniform throughout the
18 territorial limits of such enlarged city.

19 Section 536. Property of Annexed Territory to Become
20 Property of City.--All of the public property owned by any such
21 borough or township annexed to any city shall become and remain
22 the public property of the said city.

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

25 Section 35. Section 540 of the act, amended October 5, 1967
26 (P.L.327, No.143), is repealed:

27 [Section 540. Adjustment of Indebtedness when Part of
28 Township is Annexed.--Where any part of any township or outlying
29 lots thereof are annexed to any city, the township officers of
30 that part of the said township not annexed, and the city council

1 of the said city, shall make a just and proper adjustment and
2 apportionment of all public property owned by the said township
3 at the time of said annexation, both real and personal,
4 including funds as well as indebtedness, if any, to and between
5 the said township and the city. In making such adjustment and
6 apportionment of the property and indebtedness, the township and
7 the city shall be entitled respectively to share in a division
8 of the property and indebtedness in the proportion that the
9 assessed valuation of the land remaining in the township bears
10 to the assessed valuation of the land annexed: Provided,
11 however, That where indebtedness was incurred by the township
12 for an improvement located wholly within the annexed part of the
13 township, the whole of such indebtedness shall be assumed by the
14 city, and where any part of any such improvement is located
15 within the annexed part of the township, the part of such
16 indebtedness representing the part of the improvement located
17 within the territory annexed, shall be assumed by the city, and
18 the adjustment and apportionment of any remaining debt, and the
19 public property of the township shall be made as above provided.
20 The adjustment and apportionment as made shall be reduced to
21 writing, and duly executed and acknowledged by the proper
22 officials, and filed in the office of the clerk of the court of
23 quarter sessions of the county in which said city is located. A
24 copy of such adjustment and apportionment shall be forwarded by
25 the city clerk to the Department of Community Affairs of the
26 Commonwealth.]

27 Section 36. Sections 541, 542 and 543 of the act are
28 repealed:

29 [Section 541. Appointment of Commission; Contents of
30 Report.--In case the said council of the said city and the

1 township's authorities cannot make such amicable apportionment
2 and adjustment of their property and indebtedness within six
3 months after any such annexation, then, in that case, the said
4 council or any officer of said township may present a petition
5 to the court of quarter sessions of the county in which the said
6 city is located. Whereupon the said court shall appoint three
7 disinterested commissioners, residents and taxpayers of said
8 county not residing in the said city nor in the said township,
9 who, after hearing, due notice of which shall be given to the
10 city and township interested by publication once in one or more
11 newspapers, at least twenty days before said hearing, in accord
12 with the provisions of section one hundred and nine of this act,
13 shall make report to the court, making an apportionment and
14 adjustment according to the provisions of this act of all the
15 property as well as indebtedness, if any, to and between the
16 said city and the said township, said report to state the
17 amount, if any, that shall be due and payable from the city to
18 the township, or from the township to the city, as well as the
19 amount of indebtedness, if any, that shall be assumed by the
20 city or township, or both of them.

21 Section 542. Notice of Filing of Report; Exceptions;
22 Confirmation.--The commissioners shall give the city and the
23 township at least five days' notice of the filing of their
24 report. Unless exceptions are filed thereto by the city or by
25 the township within thirty days after filing thereof, the same
26 shall be confirmed by the court absolutely. Any sum awarded by
27 the report to the city or to the township shall be a legal and
28 valid claim in its favor against the city or township charged
29 therewith, and the amount of debt, if any, apportioned to any
30 city or township shall be a legal and valid claim against such

1 city or township charged therewith. Any property, real or
2 personal, given and adjudged to the city or the township shall
3 become and be the property of the city or the township to
4 whichever one the same is given and adjudged. Upon such report
5 being confirmed, such claim or indebtedness charged against any
6 city or township may be collected in the same manner as a
7 judgment is collected against any city or township.

8 Section 543. Compensation of Commissioners; Costs.--The
9 commissioners shall be allowed five dollars per day for each day
10 actually spent by them in the performance of their duties,
11 together with their actual necessary expenses. All costs and
12 expenses of such proceedings shall be apportioned by the court
13 to and between the said city and the said township as it shall
14 deem proper.]

15 Section 37. Section 544 of the act, repealed in part June
16 1971 (P.L.118, No.6), is repealed:

17 [Section 544. Disposition of Exceptions; Appeal.--In case
18 exceptions are filed to the report of the commissioners, the
19 court shall dispose of the same, taking testimony if deemed
20 advisable, and the decision of the court thereon shall be final
21 and binding on the several cities and townships, unless an
22 appeal is taken.]

23 Section 38. Section 545, Article V subdivision (f) heading,
24 sections 550 and 551 and subdivision (g) heading of the act are
25 repealed:

26 [Section 545. Jurisdiction when Territory is in Two or More
27 Counties.--In cases where a city or township is situated in two
28 or more counties, the court of quarter sessions of the county in
29 which the city is located shall have exclusive jurisdiction over
30 the matter, but the same shall be heard by a judge, not a

1 resident of either of the judicial districts affected, who shall
2 be called to preside specially in the matter, and, in such
3 cases, the court shall appoint the commissioners hereinbefore
4 provided for from both or from three of such counties.

5 (f) Apportionment of Indebtedness when Part of a
6 Borough is Annexed

7 Section 550. Apportionment of Indebtedness; Decree of
8 Court.--The court of quarter sessions having jurisdiction of the
9 city, in cases where any part of a borough is annexed to a city,
10 upon a petition of the borough or city, may hear evidence and
11 consider the indebtedness and assessed valuation of the borough
12 and the city and the assessed valuation of the territory
13 annexed, and may enter a decree making such adjustment of the
14 indebtedness and the manner and time of the payment thereof as
15 to the court may seem meet and proper.

16 Section 551. Collection of Taxes Assessed Prior to
17 Annexation.--Any taxes assessed prior to the going into effect
18 of the proceedings shall be paid to the borough, and the
19 collection and enforcement thereof shall be as though the land
20 had not been detached.

21 (g) Wards]

22 Section 39. Section 560 of the act, amended October 5, 1967
23 (P.L.327, No.143), is repealed:

24 [Section 560. Distribution of Annexed Territory Among Wards;
25 New Wards; Ward Officers.--Within thirty days from the effective
26 date of any annexation, the city council shall cause a petition
27 to be presented to the court of quarter sessions of the county
28 in which the said city is located, praying for the distribution
29 of the annexed territory among the wards of the said city, or
30 for the creation of a new ward or wards out of the same, and to

1 make such order or decree as may be necessary to constitute such
2 ward or wards an election district or election districts, or add
3 to or create new election districts in a ward or wards to which
4 such territory is attached, and the said court shall, in case of
5 the creation of a new ward or wards, appoint the election and
6 other officers of the same, and name the place or places of
7 holding the first election in the said ward or wards for ward
8 officers, and, for that purpose, may order a special election,
9 if said court shall deem the same necessary, to be conducted in
10 the manner provided by the Pennsylvania Election Code. The
11 officers elected at such special election shall hold their
12 respective offices until their successors, elected at the next
13 succeeding municipal election, shall be duly qualified. Any
14 decree of court creating a new ward or wards shall be entered in
15 full upon the records of said court and certified copies
16 thereof, under the seal of the court, shall be delivered by the
17 clerk of said court to and be filed by the city clerk of the
18 city and the secretary of the school district in which said ward
19 or wards become located. The clerk of the court of quarter
20 sessions shall likewise certify copies thereof to the Secretary
21 of the Commonwealth and to the Department of Community Affairs.]

22 Section 40. Article V subdivision (h) heading of the act,
23 amended August 6, 1963 (P.L.511, No.268), is repealed:

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

25 Section 41. Section 561 of the act, amended October 5, 1967
26 (P.L.327, No.143), is repealed:

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

30 A bill may be introduced in council to annex said land,

1 setting forth a description of the territory to be annexed and
2 the courses and distances of the boundaries of such territory.
3 If said bill becomes an ordinance by action of council, a copy
4 thereof shall be certified to the Department of Community
5 Affairs.]

6 Section 42. Section 562 of the act, added May 27, 1957
7 (P.L.210, No.104), is repealed:

8 [Section 562. Upon such annexation by ordinance, a plan of
9 the territory annexed shall be filed by the city council in the
10 office of the county commissioners and with the clerk of the
11 court of quarter sessions, and thereupon the annexation shall
12 become effective.

13 The annexation proceedings authorized by these sections are
14 in addition to, and not in substitution of, proceedings
15 otherwise provided by law for annexation of territory, and may
16 be followed without reference to or compliance with such other
17 provisions.]

18 Section 43. Article V subdivision (i) heading, section 570,
19 subdivision (j) heading and section 580 of the act, added July
20 10, 1959 (P.L.521, No.139), are repealed:

21 [(i) Terms and Salaries of Officials and Employes
22 of Annexed Territory

23 Section 570. Annexation Officials and Employes.--In case of
24 annexation, all salaried public officials of territory annexed
25 who have theretofore been elected for a definite term shall
26 continue to receive during the term for which they were elected
27 the same salaries as they would have received except for such
28 annexation, and it shall be the duty of the mayor of such city
29 to assign to such public officials the performance of such
30 suitable services and duties as will be in the public interest

1 of the city and particularly of the annexed portion thereof. In
2 case of nonelective employes of such annexed borough or
3 township, they shall, so far as practicable, be employed at
4 corresponding duties by the city in accordance with rules and
5 regulations to be established by city ordinance. Tax collectors
6 holding office at the date of annexation shall continue to
7 perform the duties and receive the emoluments of office for the
8 full term for which they were elected, but upon the expiration
9 of such term, the office shall be abolished within such
10 territory and the duties thereof shall be merged with that of
11 the collector of taxes of such city of the third class.

12 (j) Ordinances

13 Section 580. Annexation Ordinances.--In case of annexation,
14 all ordinances governing the annexed territory shall remain in
15 full force and effect over the annexed territory until
16 appropriate ordinances are passed by the Council of the city of
17 the third class integrating ordinances of the annexed territory
18 with those of the city of the third class.]

19 Section 44. Article VI heading of the act is reenacted to
20 read:

21 ARTICLE VI

22 CITY BOUNDARIES

23 Section 45. Sections 601, 602, 603, 604, 605 and 606 of the
24 act are amended to read:

25 Section 601. Navigable Stream Boundaries.--Whenever any city
26 is bounded by the nearest margin of a navigable stream, and an
27 opposite [township, borough, or city] municipal corporation is
28 also bounded by the nearest margin of the same stream, the
29 boundaries of [such] the city shall extend to the center line of
30 the stream. Nothing contained in this section shall be construed

1 to repeal any local or special law providing otherwise.

2 Section 602. Court to Establish Disputed Boundaries.--[The
3 court of quarter sessions, upon petition of any interested
4 political subdivision] (a) In any case in which a city or any
5 municipal corporation contiguous to the city disputes the
6 boundary between them, the court of common pleas, upon petition
7 of the city or the contiguous municipal corporation, may
8 ascertain and establish the disputed [boundaries between any
9 such parties. Whenever the] boundary.

10 (b) In any dispute [involves] involving the boundaries of
11 counties, the provisions of [the County Code shall apply to that
12 extent.] this article shall not supersede the application of the
13 relevant provisions of the act of August 9, 1955 (P.L.323,
14 No.130), known as "The County Code," and the act of July 28,
15 1953 (P.L.723, No.230), known as the "Second Class County Code,"
16 or any other law applicable to the fixing of county boundaries.

17 Section 603. Petition to Court; Commissioners; Report.--Upon
18 [such] petition in accordance with section 602(a), the court
19 shall appoint [as] three impartial commissioners [three
20 impartial qualified electors], who shall have authority to
21 employ a professional engineer or surveyor. After giving notice
22 to interested parties [affected] by publication once in at least
23 one newspaper of general circulation, in conformity with section
24 [one hundred and nine of this act, they shall view the disputed
25 boundaries] 109, or as directed by the court, the commissioners
26 shall hold a hearing and view the disputed boundaries. A
27 majority of the commissioners shall make [a prompt] its report
28 and recommendations to the court, [which report shall be]
29 accompanied [with] by a plot or draft of the lines and
30 boundaries proposed [boundary, if the same cannot be fully

1 described] to be ascertained and established if they cannot be
2 fully designated by natural lines[. The] or boundaries. Upon the
3 filing of the report, it shall be confirmed nisi, and the court
4 [shall] may make [such] further order [thereupon as to] as it
5 shall [seem] deem just and reasonable.

6 Section 604. [Reviews;] Exceptions and [Issues.--Any person
7 affected may petition the court for a review, or may except to
8 the report of the commissioners. When matters of fact are in
9 dispute, the court may frame an issue and certify the same for
10 trial to the court of common pleas.] Procedure.--Exceptions to
11 the report may be filed by any interested person or municipal
12 corporation within thirty days after the filing of the report,
13 and the court shall set a day for the hearing of the exception.
14 Notice of the hearing shall be given as the court may direct.
15 After hearing, the court may sustain the exceptions or dismiss
16 them and confirm the report or refer the report back to the same
17 or new commissioners with authority to make another report. If
18 no exceptions are filed within thirty days after the filing of
19 the report, the court shall confirm the report absolutely. When
20 any report is confirmed absolutely, the court shall enter a
21 decree establishing the lines and boundaries as shown in the
22 report.

23 Section 605. Pay and Expenses of Commissioners.--The
24 commissioners shall each receive [five dollars per day, for each
25 day necessarily employed in the performance of their duties, as
26 well as mileage at the rate of ten cents per mile for each mile
27 necessarily traveled, and reasonable expenses incurred for
28 surveying] reasonable compensation as established by the court
29 and reasonable expenses incurred for surveying services, to be
30 paid equally by the [political subdivisions interested] city and

1 any interested municipal corporation.

2 Section 606. Boundary Monuments.--[Whenever a boundary is
3 established pursuant to the preceding sections of] If a
4 boundary, ascertained and established pursuant to this article,
5 [the court shall cause such part of the same as] cannot be fully
6 described by natural lines, the court shall cause it to be
7 marked with permanent monuments, placed at intervals not
8 exceeding fifteen hundred feet[,] and at the end of any course[,
9 and the]. The expense of placing [the said] these monuments,
10 [when] as approved by the court, shall be borne equally by the
11 [political subdivisions interested, and the court shall compel
12 payment of the same according to law] city and any interested
13 municipal corporation.

14 Section 46. Article VII heading of the act is reenacted to
15 read:

16 ARTICLE VII

17 ELECTED OFFICERS AND ELECTIONS

18 Section 47. Sections 701, 702, 703 and 704 of the act are
19 amended to read:

20 Section 701. Elected Officers; Term; Eligible to Reelection;
21 Vacancies Where Elected Officer Fails to Qualify.--[The] (a)
22 (1) Except as provided in subsection (c), the elected officers
23 of each city shall be a mayor, four [councilmen] council
24 members, a controller, and a treasurer.

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

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

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

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

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

21 (2) The referendum petition or resolution of the council
22 certified by the city clerk shall be filed with the county board
23 of elections not later than the thirteenth Tuesday before the
24 next municipal or general election. The county board of
25 elections shall place the question before the electors as
26 provided by the Pennsylvania Election Code. The form of the
27 question shall be as follows:

28 Should two additional council members be elected to serve in
29 this city, so that council shall be comprised of six council
30 members and the mayor?

1	<u>Yes</u>	<u>No</u>
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2 (3) The county board of elections shall tabulate and publish
3 in a newspaper of general circulation the results of the
4 referendum within thirty days of the election.

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

7 (5) Terms of newly elected council members shall be as
8 follows:

9 (i) At the first municipal election following approval at a
10 general election of the question providing for the election of
11 two additional council members, one of the additional council
12 members shall be elected for a term of four years and one for a
13 term of two years, each to serve from the first Monday of
14 January after the election.

15 (ii) At the first general election following approval at a
16 municipal election of the question providing for the election of
17 two additional council members, one of the additional council
18 members shall be elected for a term of three years and one for a
19 term of one year, each to serve from the first Monday of January
20 after the election.

21 (iii) After that time, the additional council members shall
22 be elected for terms of four years each to serve from the first
23 Monday of January after the election.

24 (5.1) In cities divided into wards, the two new council
25 members elected in accordance with clause (5) shall represent
26 the city at large. No sooner than four years after the election
27 adding two additional council members, the city may change the
28 representation of either or both of the two additional seats
29 from at-large to ward representation in accordance with Article
30 IV or any other law.

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

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

16 Yes

No

17 (7) The county board of elections shall tabulate and publish
18 in a newspaper of general circulation the results of the
19 referendum within thirty days of the election. In no event shall
20 the question of reducing the seven-member council be voted on
21 more than once in any five-year period.

22 (8) At the first municipal election following approval of
23 the question providing for the return to a five-member council,
24 to be comprised of four council members and the mayor, four
25 council members shall be elected to serve from the first Monday
26 of January after the election, when the terms of the six council
27 members serving on the seven-member council shall cease. The
28 four candidates receiving the highest number of votes for the
29 office of council member shall be elected. The two candidates
30 receiving the first and second highest number of votes shall

serve for a term of four years. The two candidates receiving the third and fourth highest number of votes shall serve for a term of two years. After that time, council members shall be elected as provided in subsection (a).

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

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

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

Section 703. Nominations and Elections.--All matters relating to nominations of candidates and election of city officers shall be governed by the applicable provisions of the Pennsylvania Election Code.

Section 704. Certificates of Election.--[Whenever an election shall have been held for city officers, for regular terms of service] Upon the election of city officers in accordance with this article, it shall be the duty of the

1 [officer-elect to procure from the] county board of elections to
2 issue, and of the officer-elect to procure, a certificate of
3 election [as issued by the board, according to law, and to lay
4 the same before]. The officer-elect shall present the
5 certificate of election to council on the date and time fixed by
6 law for [their] its organization[; and the said]. The
7 certificate shall be filed among the city archives, and its
8 presentation shall be noted in the minutes.

9 Section 48. Article VIII heading of the act is reenacted to
10 read:

11 ARTICLE VIII

12 VACANCIES IN OFFICE

13 Section 49. Section 801 of the act, amended August 21, 1953
14 (P.L.1292, No.364), is amended to read:

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

26 In case vacancies should exist whereby the offices of three
27 or four of the five members of the city council become vacant,
28 the remaining one or two members shall fill such vacancies, one
29 at a time, giving each new appointee such reasonable notice of
30 his appointment as will enable him to meet and act with the then

1 qualified member or members of the city council in making
2 further appointments until three members of city council have
3 been qualified, whereupon the said three members shall fill the
4 remaining vacancies at a meeting attended by the said three
5 members of said city council, such appointees to receive a
6 majority of the votes of the said three members present at any
7 such meeting. The person or persons selected to fill such
8 vacancy or vacancies shall hold their offices as herein
9 provided.

10 If, by reason of a tie vote, or otherwise, such vacancy shall
11 not have been filled by the remaining members of city council
12 within the time as limited herein, the court of common pleas,
13 upon the petition of ten or more qualified electors shall fill
14 such vacancy by the appointment of a qualified person, for the
15 portion of the unexpired term as above provided.

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

20 (a) Within thirty days of a vacancy in the office of mayor or
21 other member of city council, or if an elected mayor or council
22 member has failed to qualify pursuant to section 701 prior to
23 taking office, the council shall, by a majority of its remaining
24 members, appoint a qualified person to fill the vacant office.

25 (b) If council does not fill a vacancy within thirty days in
26 accordance with subsection (a), or if vacancies should exist in
27 the offices of a majority or more of the members of the city
28 council, including the position of mayor, the president judge of
29 the court of common pleas having jurisdiction within the city
30 shall fill the vacancy or vacancies upon either the petition of

ten or more qualified electors of the city or the petition of a majority of the remaining members of council.

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

(1) The remainder of the unexpired term of the office to which the person is appointed.

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

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

Section 50. Section 802 of the act, amended May 6, 1957 (P.L.104, No.45), is amended to read:

Section 802. Vacancy in Office of Controller or of Treasurer.--[If a vacancy occurs in the office of city controller or in the office of city treasurer, the city council shall fill such vacancy, within thirty days thereafter, by choosing a city controller or a city treasurer, as the case may be, to serve until his successor is elected by the qualified electors at the next municipal election, occurring at least two hundred days after such vacancy occurs, and is duly sworn into office. The person so elected shall serve for the remainder of the term of the person originally elected to such office.

If by reason of a tie vote or otherwise, such vacancy shall not have been filled by the members of city council within the time as limited herein, the court of common pleas upon the petition of ten or more qualified electors shall fill such

1 vacancy by the appointment of a qualified person for the portion
2 of the unexpired term as above provided.] (a) Within thirty
3 days after a vacancy occurs in the office of city controller or
4 in the office of city treasurer, or if an elected city
5 controller or city treasurer has failed to qualify pursuant to
6 section 701 prior to taking office, the council shall appoint a
7 qualified person to fill the vacant office.

8 (b) If council does not fill a vacancy within thirty days in
9 accordance with subsection (a), the president judge of the court
10 of common pleas having jurisdiction within the city shall fill
11 the vacancy upon the petition of ten or more registered voters
12 of the city.

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

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

17 (2) Until the first Monday of January after the next
18 municipal election occurring at least two hundred days after
19 such vacancy occurs.

20 (d) If necessary to fill the unexpired term of the
21 controller or treasurer whose office has become vacant, a person
22 shall be elected at the municipal election referred to in
23 subsection (c) to serve from the first Monday of January after
24 that election for the remainder of the unexpired term.

25 (e) In any case in which a person is elected or appointed to
26 fill an office for which a bond is required and if, within
27 fourteen days of the date that person is scheduled to take the
28 oath of office at the organizational meeting of council, the
29 person fails to post a bond, the office shall be deemed to be
30 vacant and the resulting vacancy shall be filled in the manner

1 provided by this act.

2 Section 51. Article IX heading of the act is reenacted to
3 read:

4 ARTICLE IX

5 GENERAL PROVISIONS RELATING TO CITY

6 OFFICERS AND EMPLOYES

7 Section 52. Sections 901, 902, 903, 904, 905, 906, 907, 908
8 and 909 of the act are amended to read:

9 Section 901. Appointment and Removal of Officers and
10 Employees; Removal from Elective Office; Employees Not to Hold
11 Elective Office.--(a) Council shall have the power of
12 appointment and dismissal of all city officers and employes,
13 other than elected officers, and shall provide for the removal
14 of officers of the city whose offices are established by
15 ordinance, except where otherwise provided by this act.

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

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

21 (i) by impeachment;

22 (ii) by the Governor for reasonable cause after due notice
23 and full hearing on the advice of two-thirds of the Senate; or

24 (iii) upon conviction of misbehavior in office, or of any
25 infamous crime.

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

30 (3) Nothing in this section shall prevent title to elected

1 city offices from being tried by proceedings of quo warranto as
2 provided by law.

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

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

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

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

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

23 (b) With regard to compensation paid to any officer or
24 employe of the city, the following shall apply:

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

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

30 (c) Any officer drawing or countersigning any [warrant]

1 document authorizing payment, or passing or paying any voucher
2 contrary to this section, [shall be guilty of] commits a
3 misdemeanor[,] and shall, upon conviction [thereof, shall
4 forfeit his office], be subject to forfeiting office in
5 accordance with section 901(b)(2) and [be] sentenced to pay a
6 fine not exceeding five thousand dollars, or to undergo
7 imprisonment not exceeding one year, or both, at the discretion
8 of the court.

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

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

19 Section 904. Offices to be Held until Qualification of
20 Successors.--Any officer of any city, who has been elected or
21 appointed and has qualified, shall hold [said] office until
22 [his] the officer's successor is elected or appointed and [duly
23 qualifies.] takes the oath of office, provides any necessary
24 bond and takes any other necessary actions required by law to
25 qualify to assume office. Should any elected official fail to
26 appear at the organizational meeting of the city council to
27 demonstrate the official's qualifications for office and to take
28 the oath of office, the official shall fully qualify for office
29 and shall take the oath of office within fourteen days of the
30 date of the organizational meeting of the council or the office

1 of that elected official shall be deemed to be vacant and the
2 vacancy shall be filled in the manner provided by this act. When
3 the terms of office of more than one council at-large member
4 expire, and more than one seated council member are to be
5 replaced as the result of an election, and only one of the newly
6 elected council members fails to qualify to assume office, those
7 members whose terms have expired and who are to be replaced
8 shall draw lots to determine which of them shall continue to
9 serve on council until the member's successor duly qualifies for
10 and takes the oath of office. No person continuing to hold
11 office pursuant to this section after the first Monday of
12 January which would have marked the end of the person's term
13 shall participate in the deliberations concerning or in any vote
14 appointing the person's successor.

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

16 (a) All officers of the city, whether elected or appointed,
17 shall, before entering upon their respective duties, take and
18 subscribe [the oath prescribed by section 1 of article VII of
19 the Constitution of this Commonwealth. Any person refusing to
20 take such oath shall forfeit his office. Any person guilty of a
21 violation of his oath shall be guilty of a misdemeanor, and,
22 upon conviction, shall forfeit his office, and be sentenced to
23 pay a fine not exceeding one thousand dollars, or to undergo an
24 imprisonment not exceeding one year, or both, at the discretion
25 of the court.] an oath or affirmation of office pursuant to 53
26 Pa.C.S. § 1141 (relating to form of oaths of office).

27 (b) Any person refusing to take the oath shall be deemed not
28 to have met the qualifications to hold office. Any person who
29 violates the person's oath commits a misdemeanor and shall, upon
30 conviction, 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 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 employe.

(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 employes shall be with corporate sureties and not with individual or personal sureties.

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

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

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

11 (b) Except as may be otherwise provided in section 1402,
12 when any elected or appointed officer or employe of any city is
13 required to give a bond for the faithful performance of the
14 officer's or employe's duties, council may, in lieu of the bond,
15 purchase one or more blanket bonds for elected or appointed
16 officers or employes or it may purchase insurance provided that
17 the insurance covers the same events of loss and insures the
18 city against the same misconduct as the bond in compliance with
19 this act.

20 (c) In addition to any bond required by this act for the
21 faithful performance of official duties by any elected or
22 appointed officer or employe of any city or any insurance in
23 lieu of the bond, council may require city officers or employes
24 who as part of their official duties handle money or have money
25 in their possession at any time to be covered by adequate
26 insurance which provides the types of protection against loss as
27 may be designated by council, which may include, but need not be
28 limited to, protection against loss through robbery, burglary or
29 larceny. The cost of the insurance shall be paid by the city and
30 the amount of the insurance shall be fixed by council.

1 Section 908. Officers not to Become Surety on Bonds Given to
2 City; Penalty.--No member of the council, or any other city
3 officer, shall become surety [in] on any bond or obligation
4 given to the city by any agent or contractor[,] for the faithful
5 performance of any trust, agency, or contract. Any person
6 violating any of the provisions of this section [shall be guilty
7 of] commits a misdemeanor[,] and shall, upon conviction, [shall
8 forfeit his] be subject to forfeiting office in accordance with
9 section 901 and [be] sentenced to pay a fine not exceeding one
10 hundred dollars.

11 Section 909. Moneys and Accounts to be Delivered by Officer
12 to Successor.--Every officer of the city receiving or having in
13 [his] the officer's possession any money, accounts, property,
14 documents or effects belonging to the city shall, upon
15 termination of [his] office, deliver the same to the city or to
16 [his] the officer's qualified successor. Any person violating
17 the provisions of this section shall[, upon summary conviction
18 thereof before an alderman or justice of the peace, be sentenced
19 to pay a fine of not less than one hundred dollars or more than
20 three hundred dollars, and, in default of payment, undergo
21 imprisonment not exceeding ninety days. Such failure to deliver
22 shall, for each day thereof, be a separate and distinct
23 offense.] be subject to prosecution in accordance with the
24 applicable provisions of 18 Pa.C.S. (relating to crimes and
25 offenses). Nothing set forth in this section may limit any other
26 remedies at law or at equity available to the city.

27 Section 53. Sections 910, 911, 912, 913, 914 and 915 of the
28 act are repealed:

29 [Section 910. Receipt of Bribe by Officer or Employee of
30 City; Penalty.--Any member of council, or other city officer or

1 employe, who shall solicit, demand, or receive, or consent to
2 receive, directly or indirectly, for himself or for another,
3 from any company, corporation, or persons, any moneys, office,
4 appointment, employment, testimonial, reward, thing of value or
5 enjoyment or of personal advantage, or promise thereof, for his
6 vote or official influence, or for withholding the same, or with
7 an understanding, expressed or implied, that his vote or
8 official action shall be in any way influenced thereby, or who
9 shall solicit or demand such money or other advantage, matter,
10 or thing, aforesaid, for another, as the consideration of his
11 vote or official influence, or for withholding the same, or who
12 shall give or withhold his vote or influence in consideration of
13 the payment or promise of such money, advantage, or thing to
14 another, shall be guilty of bribery, a felony, and, upon
15 conviction thereof, shall be sentenced to pay a fine not
16 exceeding ten thousand dollars, and to undergo imprisonment for
17 a period not exceeding five years, and shall be forever
18 incapable of holding any place of profit or trust in this
19 Commonwealth.

20 Section 911. Bribery of Officers or Employees; Penalty.--Any
21 person who shall, directly or indirectly, offer, give, or
22 promise any money or anything of value, testimonial, privilege,
23 or personal advantage to any member of council or other city
24 officer or employe, to influence him in the performance or
25 nonperformance of any of his public or official duties, shall be
26 guilty of bribery, and, upon conviction thereof, shall be
27 sentenced to pay a fine not exceeding ten thousand dollars, and
28 to undergo imprisonment for a period not exceeding five years,
29 and shall be forever incapable of holding any place of profit or
30 trust in this Commonwealth.

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

16 Section 913. City not to Engage in Private Construction.--No
17 official, officer, agent or employe of any city or of any
18 department, office, institution or agency thereof, shall dispose
19 of, or authorize or permit the disposal of, any services,
20 materials, supplies or labor belonging to, or paid or contracted
21 for by, the city or any of its departments, offices,
22 institutions or agencies, in any building, installing, laying or
23 other work of construction of any manner of thing, whether
24 gratuitously or for a consideration, for private rather than
25 public benefit, within or without the city's boundaries, unless
26 such disposal is expressly or by necessary implication
27 authorized or required by law. This section is intended to
28 prohibit encroachment of officials, officers, agents or employes
29 of a city upon the markets of legitimate private enterprise
30 engaged in all types of construction work. Any official,

1 officer, agent or employe of a city or any department, office,
2 institution or agency thereof, violating the provisions of this
3 section, shall, upon summary conviction thereof, forfeit and pay
4 to the city a fine of not less than one hundred nor more than
5 three hundred dollars for each such offense, or in default
6 thereof undergo imprisonment for not more than ninety days; and
7 each day's violation shall constitute a separate and distinct
8 offense.

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

18 Section 915. Imposition of Penalties.--Whenever any offense
19 punishable under this article IX shall also be punishable under
20 the Penal Code of 1939, the penalties imposed, other than
21 forfeiture of office or right to hold office, shall be only
22 those prescribed by said Penal Code.]

23 Section 54. Section 916 of the act, amended September 26,
24 1951 (P.L.1515, No.379), is amended to read:

25 Section 916. [City Leagues] Pennsylvania Municipal League
26 and Other Municipal Affairs Organizations.--Any city may unite
27 with other cities, or with the cities of two or more classes, or
28 with any other municipalities, and may form and organize
29 [leagues] a league of said cities[,] and municipalities and hold
30 annual conventions for the study and consideration of such

1 municipal affairs as concern and pertain to the cities and
2 municipalities comprising the league. [Each] A city that is a
3 member of [a] the league may send delegates thereto and pay the
4 necessary expenses incident to their attending [said] the annual
5 convention, [and] pay dues to the league, appropriate moneys to
6 join and participate in any of the various business and training
7 programs of the league designed to address municipal needs in a
8 cost-efficient manner and provide a fund for the necessary costs
9 and expenses of the league and league conventions and the work
10 carried on by [said] the league. Each delegate shall submit to
11 the city controller for approval an itemized account of [his]
12 the delegate's expenses to be paid [him] under the authority of
13 this section. Council is hereby authorized to appropriate
14 [monies] moneys for like support of and participation in other
15 organizations at the national and State level concerned with
16 municipal affairs.

17 Section 55. Section 917 of the act is amended to read:

18 Section 917. Powers of Subpoena; Compelling Testimony.--[In
19 any case where an official or officer of the city or any agency
20 thereof created or authorized by this act is specifically
21 empowered to conduct hearings and investigations, such officer,
22 official or agency] (a) This section applies to any of the
23 following that are specifically empowered to conduct hearings
24 and investigations:

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

26 (2) a city agency created or authorized to be created by
27 this act.

28 (b) The officer, official or city agency referred to in
29 subsection (a) shall have authority, for the purposes of [such]
30 hearings or investigations, to issue subpoenas for the

1 attendance and giving of testimony of [such] witnesses as are
2 subject to the subpoenas of the courts of record of this
3 Commonwealth, and to issue subpoenas duces tecum as to [such]
4 the witnesses.

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

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

19 (e) Subpoenas issued by any officer or official of the city
20 or any city agency shall be enforced in the same manner, and
21 violations of a subpoena shall be subject to the same penalties
22 as provided by general law for subpoenas of the courts of common
23 pleas of the Commonwealth.

24 Section 56. Section 918 of the act, added August 1, 1963
25 (P.L.459, No.244), is amended to read:

26 Section 918. Consolidation or Integration of Fire and Police
27 Personnel Prohibited.--No city shall consolidate, integrate or
28 in any manner reorganize the paid members of the fire [bureau]
29 force and the paid members of the police [bureau] force into one
30 bureau or organization.

1 Section 57. Article X and subdivision (a) headings of the
2 act are reenacted to read:

3 ARTICLE X

4 THE COUNCIL

5 (a) General Provisions

6 Section 58. Section 1001 of the act, amended July 27, 1973
7 (P.L.230, No.60), is amended to read:

8 Section 1001. Qualifications of [Councilmen.--The
9 councilmen] Council Members.--(a) The council members shall be
10 at least [twenty-one] eighteen years of age[,] and shall be
11 elected by the electors at large[. They shall have been
12 residents of the city wherein they shall be elected throughout
13 one year next before their election, and shall reside therein
14 throughout their terms of service.], subject to the creation of
15 wards pursuant to Article IV.

16 (b) Council members shall reside in the city from which
17 elected and shall have resided in the city continuously for at
18 least one year before their election. Prior to being sworn in to
19 office and as a condition to qualifying for office, each elected
20 council member shall present a signed affidavit to the city
21 clerk that states the person resides in the city from which
22 elected and has resided in the city continuously for at least
23 one year preceding the person's election.

24 (c) No officer of the United States or of the Commonwealth
25 of Pennsylvania (except notaries public or officers of the
26 militia), nor any county officer, nor any officer of any school
27 district embraced in the territory of [said] the city, nor any
28 officer or employe of [said] the city, or of any department
29 [thereof, nor any member or employe of a municipality authority
30 of which the city is a member] of the city, shall serve as a

1 [councilman during his continuance or] council member while
2 continuing to hold the incompatible office or employment, except
3 as hereinafter provided.

4 Section 59. Section 1002 of the act is amended to read:

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

8 Section 60. Section 1003 of the act, amended April 9, 1957
9 (P.L.53, No.27), is amended to read:

10 Section 1003. Organization of Council.--[The] On the first
11 Monday of January following the regular municipal election, the
12 members of council shall assemble [in their] at the usual place
13 of meeting[,] for the purpose of organizing[, at ten o'clock in
14 the forenoon of the first Monday of January next succeeding the
15 regular municipal election]. If the first Monday is a legal
16 holiday, the meeting shall be held the first day following [at
17 the time herein prescribed]. The mayor shall be the president of
18 the council, and a member [thereof] of the council, and shall
19 have the same rights and duties, including the introduction of
20 bills and the making of motions, as pertain to [councilmen.]
21 other council members. Unless otherwise provided by ordinance in
22 accordance with section 1101, the vice president of city council
23 shall be the member of city council designated as the director
24 of the department of accounts and finance or, if a member of
25 city council is not the director of that department, the member
26 of council appointed by the council as its vice president.

27 Section 61. Sections 1004 and 1005 of the act are amended to
28 read:

29 Section 1004. Oath of [Councilmen] Council Members; Quorum;
30 Rules.--(a) The members of council shall take the oath of

1 office provided for [by this act, which oath may be administered
2 by the city clerk or any other person authorized to administer
3 oaths. Three] in section 905.

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

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

12 Section 1005. Meetings of Council; Notice; Participation by
13 Telecommunication Device.--(a) The council shall hold stated
14 meetings at least once in each month, and at such other times as
15 may be fixed by ordinance, and continue them so long as the
16 transaction of the public business demands. The mayor [may, and
17 upon request of two councilmen must, call special meetings of
18 council upon], as president of council, may call special
19 meetings of council. A special meeting of council shall be
20 called by the mayor upon the request of two council members in
21 the case of a five-member council, or upon the request of three
22 council members in the case of a seven-member council. In
23 addition to any notice required by 65 Pa.C.S. Ch. 7 (relating to
24 open meetings), twenty-four hours' notice of a special meeting
25 shall be given to each member[, which notice shall state whether
26 such meeting is to be convened for special or general business.
27 If called for special business, only such business shall be
28 considered as is stated in the notice. Such notice may be waived
29 by unanimous consent of council]. A special meeting can be a
30 special purpose meeting or a general purpose meeting, as

1 advertised. Notice of a special meeting shall state the nature
2 of the business to be conducted at the meeting.

3 (b) Council may provide for the participation of council
4 members in meetings of council by means of telecommunication
5 devices, such as telephones or computer terminals, which permit,
6 at a minimum, audio communication between locations, provided
7 that:

8 (1) A majority of the whole number of members of council are
9 physically present at the advertised meeting place within the
10 city and a quorum is established at the convening or reconvening
11 of the meeting. If after the convening or reconvening of the
12 meeting a member has been disqualified from voting as a matter
13 of law but is still physically present, council members
14 participating by telecommunication device in accordance with
15 this section shall be counted to maintain a quorum.

16 (2) The telecommunication device used permits the member or
17 members of council not physically present at the meeting to:

18 (i) speak to and hear the comments and votes, if any, of the
19 members of council who are physically present as well as other
20 members of council who may not be physically present and who are
21 also using a telecommunication device to participate in the
22 meeting; and

23 (ii) speak to and hear the comments of the public who are
24 physically present at the meeting.

25 (3) The telecommunication device used permits members of
26 council and the members of the public who are physically present
27 at the meeting to speak to and hear the comments and vote, if
28 any, of the member or members of council who are not physically
29 present at the meeting.

30 (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;

(iv) family or business travel.

(5) Nothing in this subsection may be construed to limit the
protections and prohibitions contained in any law or regulation
relating to the rights of the disabled.

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

Section 62. Sections 1006, 1007, 1008, 1009, 1010 and 1011
of the act are repealed:

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

Section 1007. Voting; No Veto; Vote Necessary to Pass
Ordinance.--Each of the five members of council, shall vote on
all questions coming before the council, except as hereafter

1 provided. The mayor shall have no right of veto. Except as
2 otherwise provided in this act, an affirmative vote of three
3 members shall be necessary in order to pass any ordinance,
4 resolution, rule or regulation.

5 Section 1008. Journal of Proceedings; Recording and
6 Withholding of Vote.--The council shall keep a journal of its
7 proceedings, which shall be in the possession of the city clerk,
8 and which shall at all times be open to public inspection. Upon
9 every vote, the yeas and nays shall be called and recorded by
10 the city clerk. Every motion, resolution, or ordinance shall be
11 reduced to writing before the vote is taken thereon. No member
12 in attendance shall withhold his vote on any measure, bill or
13 question unless the council excuse him and enter the reason upon
14 the journal.

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

24 Section 1010. Ordinances and Resolutions; Signing by Mayor
25 and City Clerk.--Every legislative act of the council shall be
26 by resolution or ordinance, and every ordinance which shall have
27 passed said council shall be signed by the mayor and attested by
28 the city clerk.

29 Section 1011. Bills; Titles.--All proposed ordinances shall
30 be presented to council in written form as bills and shall be

1 numbered serially for the calendar year. They shall not be so
2 altered or amended on their passage through council as to change
3 their original purpose. No ordinances, except general
4 appropriation ordinances, shall be passed containing more than
5 one subject, which shall be expressed in its title.]

6 Section 63. Section 1012 of the act, amended July 30, 1975
7 (P.L.130, No.64), is repealed:

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

17 Section 64. Section 1013 of the act is repealed:

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

26 Section 65. Section 1014 of the act, amended December 1,
27 1977 (P.L.242, No.78), is repealed:

28 [Section 1014. Time of Taking Effect of Ordinances;
29 Publication; Recording; Proof and Evidence; Notice of Building,
30 Housing, Fire Prevention, Electrical, Plumbing and Zoning

1 Ordinances and Other Standard or Nationally Recognized Codes,
2 Maps and Plans.--All ordinances shall, unless otherwise provided
3 therein or by law, take effect in ten days after their passage,
4 upon their being signed by the mayor and attested by the city
5 clerk. Every proposed ordinance, except as otherwise herein
6 provided, prescribing a penalty for the violation thereof shall
7 be forthwith published not more than sixty days nor less than
8 seven days prior to passage in at least one and not more than
9 two newspapers printed or circulated within the city, in the
10 manner provided by section one hundred and nine of this act.
11 Publication of any proposed ordinance shall include either the
12 full text thereof or the title and a brief summary prepared by
13 the city solicitor setting forth all the provisions in
14 reasonable detail and a reference to a place within the city
15 where copies of the proposed ordinance may be examined. If the
16 full text is not included a copy thereof shall be supplied to
17 the same newspaper of general circulation in the city at the
18 time the public notice is published. If the full text is not
19 included an attested copy thereof shall be filed in the county
20 law library or other county office designated by the county
21 commissioners who may impose a fee no greater than that
22 necessary to cover the actual costs of storing said ordinances.
23 In the event substantial amendments are made in the proposed
24 ordinance or resolution, before voting upon enactment, council
25 shall within ten days readvertise in one newspaper of general
26 circulation in the city, a brief summary setting forth all the
27 provisions in reasonable detail together with a summary of the
28 amendments. All ordinances shall, within one month after their
29 passage, be certified and recorded by the city clerk, in a book
30 provided by the city for that purpose, which shall be at all

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

1 Such building code, ordinance, housing code, ordinance, fire
2 prevention code, ordinance, electrical code, ordinance, plumbing
3 code, ordinance, or zoning ordinance or any standard or
4 nationally recognized code, ordinance, shall not be published
5 after adoption, but not less than three copies thereof shall be
6 made available for public inspection, and use during business
7 hours for at least three months after adoption, and printed
8 copies thereof shall be supplied upon demand, at cost. In any
9 case in which maps, plans or drawings of any kind are to be
10 adopted as part of an ordinance, council may, instead of
11 publishing the same as part of the ordinance, refer, in
12 publishing the ordinance or a summary thereof, to the place
13 where such maps, plans or drawings are on file and may be
14 examined.]

15 Section 66. Section 1014.1 of the act, added July 10, 1957
16 (P.L.631, No.340), is repealed:

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

25 (b) A consolidation, codification or revision, containing
26 minor nonsubstantive changes of city ordinances, to be enacted
27 as a single ordinance, shall be introduced in the city council
28 at least thirty days before its final enactment and, at least
29 fifteen days before its final enactment, notice of the
30 introduction thereof specifying its general nature and content

shall be given by advertisement in a newspaper of general circulation in the city.

(c) When the consolidation, codification or revision, containing minor nonsubstantive changes, is enacted as an ordinance, it shall not be necessary to advertise the entire text thereof, but it shall be sufficient to publish or advertise the table of contents thereof in the manner provided by law for the advertising of ordinances, and to state in the advertisement if it be the case that the consolidation, codification or revision, containing minor nonsubstantive changes, contains a penalty or penalties. The advertisement shall indicate a place within the city where a copy thereof may be examined.

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

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

Section 67. Section 1015 of the act is amended to read:

Section 1015. Attendance of Witnesses and Production of Books Before Council or Committee [Thereof] of Council.--(a) The council of any city may compel the attendance of witnesses[,] and the production of books, papers, and other

1 evidence[,] at any meeting of the body or any committee
2 [thereof] of the council. For that purpose, subpoenas may
3 [issue] be issued, signed by the mayor or the [chairman]
4 chairperson of the committee, in any pending case of inquiry[,]
5 or investigation, [or impeachment,] and the [same] subpoenas may
6 be served and executed in any part of this Commonwealth. Any
7 member of council and the city clerk shall have power to
8 administer oaths to [such] the witnesses. If any witness shall
9 refuse to testify as to any fact within [his] the witness's
10 knowledge, or to produce any books or papers within [his] the
11 witness's possession or under [his] the witness's control[,]
12 required to be used as evidence in [any such] the case, the city
13 clerk shall [forthwith] report the facts relating to [such] the
14 refusal to the court of common pleas. All questions arising upon
15 [such] the refusal, and also upon any new evidence[,], not
16 included in [said] the clerk's report (which new evidence may be
17 offered in behalf of or against such witness), shall at once be
18 heard by [said] the court. If the court determines that the
19 testimony or evidence required by [such] the witness is legal
20 and properly competent[,], and ought to be given or produced by
21 [him] the witness, then [said] the court shall make an order
22 commanding [such] the witness to testify or produce books or
23 papers, or both, as the case may be. If [such] the witness shall
24 thereafter, in disobedience of [such] the order of the court,
25 refuse to testify or to produce the books or papers[,], as
26 aforesaid], then the [said] court shall have power to order the
27 commitment of [such] the witness for contempt.

28 (b) Any person[,], so called as a witness[,], and examined
29 under oath[,], shall be liable to indictment, conviction[,], and
30 punishment for perjury[,], in the same manner and to the same

1 extent as if the witness had been called and examined before any
2 committee of the Legislature, or in any judicial proceeding
3 before any of the courts of record, in accordance with existing
4 laws. [No] A person outside of [such] the city, subpoenaed [as
5 aforesaid] under this section, shall be [required to respond to
6 the same until he has been furnished with] entitled to be
7 reimbursed for mileage to and from [said] the city[,] at the
8 [rate of ten cents per mile] maximum mileage rate periodically
9 established by the United States Internal Revenue Service, and a
10 per diem allowance [of three dollars] as established by council
11 for the person's time [his presence is desired] in [said] the
12 city.

13 Section 68. Section 1016 of the act, amended May 11, 1959
14 (P.L.307, No.54), is amended to read:

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

23 (b) As an alternative to the annual salary method for
24 establishing the compensation payable to members of the city
25 council, the council may provide that the members of council
26 will receive compensation on a per-meeting-attended basis,
27 provided that the compensation shall only be payable for duly
28 advertised public meetings in which a council member
29 participated. If council has provided that members of council
30 will receive compensation on a per-meeting basis, council may

provide for the forfeiture of up to one-twelfth of the annual compensation of any council member or impose another appropriate penalty for each unexcused absence from regularly scheduled legislative council sessions.

(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;

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

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

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

16 Section 69. The act is amended by adding a section to read:

17 Section 1016.1. Appointment of City Clerk.--(a) The council
18 of each city shall appoint a city clerk who shall be an at-will
19 employee with no property interest in the city clerk's position
20 and whose compensation shall be fixed by ordinance.

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

26 (c) The records of council shall be in the actual or
27 constructive custody of the city clerk and shall be subject to
28 inspection and copying in accordance with the act of February
29 14, 2008 (P.L.6, No.3), known as the "Right-to-Know Law."

30 Section 70. Section 1017 of the act, repealed in part April

1 28, 1978 (P.L.202, No.53), is repealed:

2 [Section 1017. Enforcement of Ordinances; Recovery and
3 Payment Over of Fines and Penalties.--All actions, prosecutions,
4 complaints, and proceedings for the violation of the ordinances
5 of the city, and for fines, penalties, and forfeitures imposed
6 thereby, shall be instituted in the corporate name of the city,
7 and be conducted in the manner prescribed by law.

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

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

20 Section 71. Section 1018 of the act is repealed:

21 [Section 1018. Cost of Maintenance of Prisoners in County
22 Jails.--When a prisoner shall be committed to any county jail or
23 prison in this Commonwealth, either for the nonpayment of a fine
24 or penalty imposed for the violation of any city ordinance, or
25 while awaiting a hearing upon any charge for the violation of
26 any city ordinance, the cost of proceedings and the expenses of
27 maintaining such prisoner during his confinement by virtue of
28 any such commitment, shall be paid by the city, whose ordinances
29 were alleged to have been violated, or to which any such fines
30 or penalties are payable. The county in which such city is

located shall not be liable for any such maintenance, or to any officer, magistrate, alderman, or person for any costs of such proceedings.]

Section 72. Article X of the act is amended by adding a subdivision to read:

(a.1) Ordinances

Section 1018.1. Ordinances and resolutions.

(a) Ordinances.--With regard to ordinances, the following shall apply:

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

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

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

(b) Resolutions.--With regard to resolutions, the following

1 shall apply:

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

4 (2) The purposes for which resolutions may be adopted
5 shall include, but not be limited to, ceremonial or
6 congratulatory expressions of the good will of the council,
7 statements of public policy of the council, approval of
8 formal agreements of the city, except when the agreements
9 arise under a previously approved purchasing system of the
10 city, approval of the acquisition, disposition and leasing of
11 real property and the approval, when required, of
12 administrative rules and regulations arising under State
13 statutes or city ordinances.

14 (3) When eminent domain proceedings are instituted by
15 resolution, notice of the resolution, including a description
16 of the subject properties, shall be published once in one
17 newspaper of general circulation not more than 60 days nor
18 fewer than seven days prior to adoption.

19 Section 1018.2. Voting; no veto; vote necessary to enact
20 ordinances or adopt resolutions.

21 (a) Voting generally.--Members of council present or
22 participating via a telecommunication device shall vote on all
23 questions coming before the council, except as may be required
24 by the provisions of any public official ethics law which may
25 from time to time be applicable to members of city council and
26 except as may be excused by a simple majority vote of the
27 members of council present at any meeting of the council for
28 such cause as they may determine to be appropriate and which
29 cause shall be entered upon the journal.

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

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

5 Section 1018.3. Journal of proceedings; recording and
6 withholding of vote.

7 The council shall keep a journal of its proceedings, which
8 shall be in the possession of the city clerk and which shall at
9 all times be open to public inspection. Upon every vote, the
10 yeas and nays shall be called and recorded by the city clerk. An
11 ordinance shall and a resolution may be reduced to writing
12 before the vote is taken on the ordinance or resolution. A
13 member of council shall not withhold the member's vote on any
14 question coming before the council, unless permitted to do so in
15 accordance with section 1018.2(a).

16 Section 1018.4. Signing and attesting ordinances.

17 Every legislative act of the council shall be by ordinance,
18 and every ordinance enacted by council shall be signed by the
19 mayor and attested by the city clerk.

20 Section 1018.5. Proposed ordinances; titles.

21 All proposed ordinances shall be presented to council in
22 written form as bills and shall be numbered serially for the
23 calendar year. No ordinances, except general appropriation
24 ordinances, may be enacted containing more than one subject,
25 which shall be reasonably identified in its title. No ordinance
26 shall be so altered or amended upon enactment by council as to
27 change the original purpose. The title of an ordinance shall not
28 be considered in the construction or interpretation of the
29 ordinance by a court of competent jurisdiction.

30 Section 1018.6. Reading of proposed ordinances; final

1 enactment.

2 (a) Reading.--The title of every proposed ordinance shall be
3 read at least twice, once when introduced and again before final
4 enactment by council. Amendments or other changes to the
5 proposed ordinance shall be read at length.

6 (b) Public availability.--A complete copy of every ordinance
7 introduced shall be available for public inspection at the
8 clerk's office during regular office hours.

9 (c) Time frame.--No ordinance shall be finally enacted by
10 council on the same day on which it was introduced, and at least
11 three days shall intervene between its introduction and its
12 final enactment by council.

13 (d) Numbering.--Upon enactment, ordinances shall be numbered
14 serially.

15 Section 1018.7. Payments not authorized by law.

16 No ordinance may be enacted or resolution be adopted
17 providing for the payment of any money by the city without
18 previous authority of law. Any officer executing a document
19 authorizing payment or passing a voucher for a payment not
20 authorized by law, or making the payment, commits a misdemeanor
21 and shall, upon conviction, be sentenced to pay a fine of not
22 more than \$5,000 and to imprisonment for not more than one year.

23 Section 1018.8. Time of taking effect of ordinances.

24 All ordinances, except those pertaining to the subjects set
25 forth in section 1050(b), and unless otherwise provided by law,
26 shall take effect on the tenth day after enactment, upon being
27 signed by the mayor and attested by the city clerk.

28 Section 1018.9. Publication of proposed ordinances.

29 (a) Publication required.--Every proposed ordinance, except
30 as otherwise provided in this act, shall be published in a

newspaper of general circulation not more than 60 days nor fewer than seven days prior to enactment.

(b) Contents.--Except as otherwise provided in law, the publication of a proposed ordinance shall include either the full text or the title and a summary of the ordinance setting forth the provisions in reasonable detail and a reference to a place within the city where copies of the proposed ordinance may be examined. If the full text is not published, the newspaper in which the proposed ordinance is published shall, upon request, be furnished a copy of the ordinance.

(c) Readvertisement.--In the event substantial amendments are made in the proposed ordinance, 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) Place of filing.--If the full text is not published, an attested copy of the proposed ordinance shall be filed when the summary of the ordinance is published 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. FILING WITH THE <-- COUNTY MAY BE COMPLETED BY THE SUBMISSION OF AN ELECTRONIC COPY OF THE ORDINANCE THROUGH A METHOD AVAILABLE, IN THE SOLE DISCRETION OF THE COUNTY, TO PERMIT RECEIPT BY THE OFFICE STORING MUNICIPAL ORDINANCES. UPON REQUEST BY THE CITY, THE COUNTY SHALL NOTIFY THE CITY OF THE METHOD BY WHICH ELECTRONIC COPIES MAY BE SUBMITTED. THE COUNTY MAY STORE THE ORDINANCE ELECTRONICALLY, PROVIDED THAT THE PUBLIC IS ABLE TO ACCESS THE

ELECTRONICALLY STORED CITY ORDINANCES DURING REGULAR BUSINESS
HOURS AT THE OFFICE OR AT A REMOTE LOCATION. THE CITY SHALL
RETAIN A PRINTED COPY OF THE E-MAIL AND ORDINANCE AS
TRANSMITTED.

(b) Date of filing.--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 city
clerk.

(a) Records.--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 is recorded, with an
accompanying notation stating where the full text of the code is
filed. A FAILURE TO RECORD WITHIN THE TIME PROVIDED SHALL NOT BE <--
DEEMED A DEFECT IN THE PROCESS OF THE ENACTMENT OR ADOPTION OF
SUCH ORDINANCE.

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

1 (c) Indexing.--The city clerk shall also properly index the
2 record books, compilation or codification of ordinances.

3 (d) Retention.--The retention of ordinances shall be in
4 accordance with 53 Pa.C.S. Ch. 13 Subch. F (relating to
5 records).

6 (e) Attachment.--A city ordinance or portions of a city
7 ordinance, the text of which prior to the effective date of this
8 act is attached to the city ordinance book, shall be considered
9 in force as if the ordinance or portions of the ordinance were
10 recorded directly upon the pages of the ordinance book.

11 Section 1018.12. Proof and evidence.

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

18 Section 1018.13. Standard or nationally recognized codes.

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

30 (b) Time frame.--

1 (1) Except as otherwise provided by the Pennsylvania
2 Construction Code Act, and regulations adopted pursuant to
3 the act, an ordinance adopting by reference any standard or
4 nationally recognized code shall be enacted within 60 days
5 after its introduction and shall encompass subsequent changes
6 in the code unless otherwise specified in the ordinance.

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

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

16 Section 1018.14. Maps, plans or drawings.

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

26 Section 1018.15. Codification of ordinances.

27 (a) Preparation authorized.--City council may prepare a
28 consolidation or codification of the general body of city
29 ordinances or the ordinances on a particular subject. City
30 council may adopt the consolidation or codification as an

ordinance of the city in the same manner prescribed for the
adoption of its ordinances, except as follows:

(1) A consolidation or codification to be enacted as a
single ordinance shall be introduced in the city council at
least 30 days before its final enactment; and at least 15
days before final enactment, notice of introduction of the
consolidation or codification specifying its general nature
and content shall be given by advertisement in a newspaper of
general circulation.

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

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

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

Section 1018.16. Enforcement of ordinances; recovery and

1 payment of fines and penalties.

2 (a) Enforcement.--Actions, prosecutions, complaints and
3 proceedings for the violation of the ordinances of the city and
4 for fines, penalties and forfeitures imposed shall be instituted
5 in the corporate name of the city and be conducted in the manner
6 prescribed by law.

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

13 Section 1018.17. Penalty.

14 A person who violates any ordinance enacted under the
15 authority of this act for which no penalty is otherwise
16 specified commits a summary offense and, upon conviction, shall
17 be sentenced to pay a fine of not more than \$1,000 or to
18 imprisonment for not more than 90 days, or both, at the
19 discretion of the court.

20 Section 73. Article X subdivision (b) heading of the act is
21 amended to read:

22 (b) [Initiative] Initiating Ordinances
23 by Electors

24 Section 74. Sections 1030, 1031, 1032, 1033, 1034, 1035,
25 1036, 1037, 1038, 1039, 1040 and 1041 of the act are amended to
26 read:

27 Section 1030. Initiation of Proposed Ordinances by Petition;
28 Exceptions.--[Any] (a) Except as provided in subsection (b), a
29 proposed ordinance may be submitted to the council by a petition
30 signed by the electors of any city[, as hereinafter provided,

1 except:

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

5 (b) Proposed ordinances to repeal, amend, or modify any
6 ordinance which has been subject to the provisions of the
7 referendum as provided in subdivision (c) of this article.] in
8 accordance with this subdivision.

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

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

13 (2) Proposed ordinances to repeal, amend or modify an
14 ordinance which took effect after having been subject to the
15 provisions of the referendum for reconsideration of the
16 ordinance.

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

1 submission of a proposed ordinance to the city council by at
2 least one hundred qualified electors of the city and the request
3 is accompanied by a copy of the proposed ordinance, the city
4 clerk shall, within ten days after receiving the request, do
5 each of the following:

6 (1) Prepare the requested petition.

7 (2) Publish notice at least one time in a newspaper of
8 general circulation that provides, at a minimum, the following
9 information:

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

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

14 (iii) The place at which and the dates and times during
15 which the petition may be signed, with fifteen days, exclusive
16 of Saturdays, Sundays and holidays, being allowed for
17 signatures.

18 Section 1032. Signing; Oath.--[The signing] A petition for
19 the submission of a proposed ordinance shall be [done] signed in
20 the city clerk's office only. The petition shall be retained
21 [there] in the city clerk's office at all times [during the] for
22 a period of fifteen days. Each signer shall add to [his] the
23 signer's signature [his] the signer's place of residence by
24 street and number[,] and shall make oath before the city clerk
25 that [he] the signer is a qualified elector of the city and
26 resides at the address given. The city clerk shall keep [his]
27 the city clerk's office open for the purpose of permitting
28 voters to sign [such] the petition [from eight o'clock ante
29 meridian to ten o'clock post meridian of each day except Sundays
30 and holidays] at least from nine o'clock ante meridian through

1 seven o'clock post meridian, prevailing time, Monday through
2 Friday, except holidays. [He] The city clerk shall not permit
3 any person to sign [such] petitions after [ten o'clock post
4 meridian] seven o'clock post meridian, prevailing time, on the
5 last day for signing the same.

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

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

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

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

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

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

1 election laws of the Commonwealth.

2 Section 1037. Effect of Majority Vote.--If the majority of
3 the qualified electors voting on the proposed ordinance shall
4 vote in favor [thereof, such] of the ordinance, the ordinance
5 shall [thereupon] become a valid and binding ordinance of [said]
6 the city.

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

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

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

28 Section 1041. Publication of Proposed Ordinance; Repeal or
29 Amendment.--Whenever any proposed ordinance is to be submitted
30 to the voters of the city at any election, or any ordinance is

submitted by council for repeal or amendment, notice [thereof]
of the election and text of the question to be submitted to the
electors shall be published [as required by] in the same manner
as publication is required in section 1201 of the Pennsylvania
Election Code.

Section 75. Article X subdivision (c) heading of the act is
amended to read:

(c) [Referendum] Reconsidering Ordinances by Electors

Section 76. 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[;].

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

4 [(e)] (5) Ordinances for the opening, paving, grading[,] or
5 other improvement of streets or highways, when the improvement
6 is petitioned for by a majority in number or interest of the
7 abutting property owners[;].

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

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

1 which a mayor was elected.

2 Section 1052. Preparation of Petition by City Clerk;
3 Notice.--[Such] A petition under section 1051 shall be prepared
4 by the city clerk immediately upon receipt by [him] the clerk of
5 the written request of one hundred qualified electors of the
6 city asking that the [same] petition be prepared. Upon its
7 preparation, [he] the clerk shall give notice by [one insertion
8 in one of the daily newspapers, if one be published in the city,
9 and, if not, then in a weekly or daily newspaper published in
10 the county, that such] publication in a newspaper of general
11 circulation that the petition is ready for signing and the
12 purpose of the petition, giving the place where and time when it
13 may be signed. The [said] signing shall be done only in the city
14 clerk's office, where the petition shall be retained during the
15 period of ten days after the [passage] enactment of the [said]
16 ordinance.

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

29 Section 1054. Signatures; Oath; Time of Signing.--Each
30 signer of a petition under section 1051 shall add to [his] the

1 signer's signature [his] the signer's place of residence by
2 street and number[,] and shall make an oath before the city
3 clerk, or other person authorized [as aforesaid] under section
4 1053, that [he] the signer is a qualified elector of the city
5 and resides at the address given. The city clerk shall keep
6 [his] the city clerk's office open for the purpose of receiving
7 signatures to the petitions [from eight o'clock ante meridian to
8 ten o'clock post meridian of each day except Sundays and
9 holidays. He] at least from nine o'clock ante meridian through
10 seven o'clock post meridian, prevailing time, Monday through
11 Friday. The city clerk shall not permit [any] a person to sign
12 [any of the said petitions] a petition after [ten] seven o'clock
13 post meridian, prevailing time, of the tenth day following the
14 [passage] enactment of the ordinance on which the referendum
15 vote is [prayed for] requested.

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

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

1 clerk has made [said] the examination, [he] the clerk shall
2 report the result [thereof] to council.

3 Section 77. Sections 1057 and 1058 of the act are repealed:

4 [Section 1057. Ordinances Granting Franchises.--No franchise
5 or consent to occupy the public streets, highways, or other
6 places in any city of the third class shall be given or granted
7 to any person or persons, railroad, railway, gas, water, light,
8 telephone or telegraph company, or to any public utility
9 corporation, except by ordinance, and no ordinance for such
10 purpose shall go into effect before thirty days after it has
11 been filed with the Public Utility Commission.

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

27 Section 78. Sections 1059, 1060, 1061, 1062, 1063 and 1064
28 of the act are amended to read:

29 Section 1059. Effect of Petition; Submission to Voters.--

30 If[,] in any case[,] it shall appear that the [petitions]

1 petition provided for in this subdivision [have] has not been
2 signed by the requisite number of voters, no action shall be
3 taken, but the [ordinances] ordinance shall be [deemed and]
4 taken to be in full force from the time or times [they each] it
5 would have gone into effect had there been no petition against
6 the [same. But in case such petitions are] ordinance. If the
7 petition is signed by electors equal to twenty per centum of all
8 the votes cast for mayor as aforesaid, the council shall
9 reconsider [such] the ordinance, and if the [same] ordinance is
10 not entirely repealed by council on reconsideration, the council
11 shall call a [special election,] referendum to be held at the
12 time of the next general [or], municipal or primary election
13 occurring not less than sixty days [therefrom] after the
14 reconsideration. At [such] the election, the [said] ordinance
15 shall be submitted without alteration in accordance with the
16 Pennsylvania Election Code.

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

28 Section 1061. Form of Ballot or Ballot Label.--The ballot
29 used when voting upon [such] the ordinance shall contain a
30 question stating the nature of the referred ordinance followed

1 by the words "yes" and "no" and shall be as provided in the
2 Pennsylvania Election Code.

3 Section 1062. Computing and Filing Returns.--The officers
4 holding [said elections] an election shall keep tally sheets and
5 make returns of votes on the referendum question in the same
6 manner as tally sheets are kept and returns made in elections of
7 officers and the submission of other questions as provided by
8 the Pennsylvania Election Code. The returns shall be filed with
9 the county board of elections which shall compute the returns
10 and certify the results [thereof] to the city council. The
11 returns and certifications of [all special elections] a
12 referendum question shall be made as provided in the
13 Pennsylvania Election Code.

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

20 Section 1064. Publication of Ordinance Before Election.--
21 Before any referendum [election] is held on any ordinance[, a
22 copy] in accordance with this subdivision, the city shall
23 provide notice of the ordinance which is to be submitted to the
24 vote of the people [shall be published as required] by
25 publishing a copy of the ordinance in a newspaper of general
26 circulation. Publication in accordance with this section shall
27 be in addition to publication requirements of the Pennsylvania
28 Election Code.

29 Section 79. Article XI heading of the act is reenacted to
30 read:

ARTICLE XI

THE EXECUTIVE DEPARTMENT

Section 80. 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].

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

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

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

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

11 Section 1103. Designation of [Departments] Department
12 Directors; Changes.--(a) The mayor shall be director of the
13 department of public affairs and as such shall have supervision
14 over the city police. In the event that council does not create
15 a department of public affairs, the mayor shall retain the
16 powers of supervision over city police.

17 [The] (b) Unless otherwise provided by ordinance in
18 accordance with sections 1101 and 1102, the council shall, at
19 [the biennial] its organization meeting, designate[, by majority
20 vote, one councilman] by resolution one council member to be
21 director of the department of accounts and finance, one to be
22 director of the department of public safety, one to be director
23 of the department of streets and public improvements, and one to
24 be director of the department of parks and public property.

25 [Such] The designation 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 81. 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 recommendations, not later than the second meeting
26 of council after the close of each quarter.

27 Section 82. Article XII heading of the act is reenacted to
28 read:

29 ARTICLE XII

30 THE MAYOR

1 Section 83. 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] The person
6 shall have been a resident of the city wherein [he shall be]
7 elected for at least one year[, next before his election,]
8 before the person's election and shall reside in the city
9 throughout [his] the person's term of service. Prior to being
10 sworn in to office, and as a condition to qualifying for office,
11 the elected mayor shall present a signed affidavit to the city
12 clerk that states the person resides in the city from which
13 elected and has resided in the city continuously for at least
14 one year preceding the person's election.

15 Section 84. Section 1202 of the act is amended to read:

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

27 Section 85. Section 1203 of the act, amended July 11, 1996
28 (P.L.647, No.109), is amended to read:

29 Section 1203. Execution of Laws; Powers of Sheriff
30 Conferred; Emergency Powers.--[(a) It shall be the duty of the

1 mayor and the chief executive of cities adopting the city
2 manager form of government to be vigilant and active in causing
3 the ordinances of the city, and the laws of the Commonwealth
4 relating to the government of the city, to be executed and
5 enforced.

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

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

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

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

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

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

30 (2) In the case of a declaration of a state of emergency by

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

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

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

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

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

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

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

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

28 [(c)] (f) The proclamation of an emergency shall describe
29 any restricted area with particularity and shall specify the
30 hours during which such restrictions are to be in effect.

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

6 Section 86. Sections 1204 and 1205 of the act are amended to
7 read:

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

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

25 Section 87. Section 1206 of the act, amended September 29,
26 1955 (P.L.653, No.177), is amended to read:

27 Section 1206. [Quarterly Reports from Directors of
28 Department;] Report of Mayor to Council; Information from
29 Directors of Departments.--[The director of each department of
30 the city shall prepare and submit to the Director of the

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

16 Section 88. Section 1207 of the act, amended August 21, 1953
17 (P.L.1292, No.364) and repealed in part April 28, 1978 (P.L.202,
18 No.53), is amended to read:

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

27 Section 89. Section 1208 of the act, amended May 11, 1959
28 (P.L.307, No.54), is amended to read:

29 Section 1208. Salary.--(a) (1) The mayor of each city
30 shall receive for [his] the mayor's services during the term of

1 service an annual salary to be fixed by ordinance, payable in
2 [such] equal [installments] installments as council shall
3 provide.

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

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

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

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

28 (1) in cities with a population of less than five thousand,
29 a maximum of two thousand five hundred dollars a year;

30 (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 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 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 such time as the notification is rescinded by the mayor.

(2) The honorarium or fee shall not exceed one hundred fifty

dollars for each ceremony performed. The mayor shall keep
accurate accounts of the fees received relating to the
performance of marriage ceremonies and provide council each
quarter with a report of moneys received for that period. The
quarterly report shall include the amount of money received, the
names of persons from whom money was received along with the
date and the location of the performed ceremony and shall be
considered a public record.

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

Section 90. Section 1209 of the act is amended to read:

Section 1209. Acting Mayor; Powers and Duties.--[The member
of city council who shall be designated as the director of the
department of accounts and finance shall be vice president of
the city council, and acting mayor of the city during the
absence or inability of the mayor to act; and, during such
absence or inability, he] During the absence of the mayor or the
inability of the mayor to act, the vice president of city
council shall be the acting mayor who shall exercise all the
rights and powers of the mayor. In the event of a vacancy in the
office of the mayor by reason of death, resignation, or
otherwise, the vice president of council shall, in like manner,
act as the mayor and shall, while acting as mayor, receive the
compensation of mayor but not [of director of accounts and
finance or councilman during such incumbency] any compensation
as a council member, until the successor of the mayor is duly
[elected] appointed and qualified [as hereinbefore provided] in
accordance with section 901. In case of the absence or inability

1 of the [director of accounts and finance to act] vice president
2 of council to act as mayor, the council shall designate another
3 one of its members to act as mayor.

4 Section 91. Article XII-A heading of the act, added July 7,
5 2011 (P.L.307, No.75), is reenacted to read:

6 ARTICLE XII-A

7 CITY ADMINISTRATOR OR MANAGER

8 Section 92. Sections 1201-A and 1202-A of the act, added
9 July 7, 2011 (P.L.307, No.75), are reenacted to read:

10 Section 1201-A. Office of city administrator or manager.

11 City council may, at its discretion at any time, by
12 ordinance, enacted by a majority vote of all members elected to
13 council, create the office of city administrator or manager and
14 may in like manner abolish the same. The appointed office of
15 city administrator when referenced in this article may also be
16 referred to as city manager, and a reference to a city
17 administrator shall be deemed a reference to a city manager.

18 Section 1202-A. Appointment; selection; removal.

19 In a city in which the office of city administrator has been
20 created, council shall appoint a person to fill that office
21 initially, and thereafter, whenever a vacancy exists in the
22 office. The appointment of a person to fill the office of city
23 administrator shall be by an affirmative vote of a majority of
24 all the members of council. Council shall select a city
25 administrator on the basis of executive and administrative
26 qualifications, education and experience and may give special
27 consideration to applicants with training and experience in
28 municipal government operation. The city administrator shall
29 serve at the pleasure of council, subject to contractual rights
30 that may arise under an employment agreement that may be entered

1 in accordance with section 1203-A.

2 Section 93. Section 1203-A of the act, added July 7, 2011
3 (P.L.307, No.75), is amended to read:

4 Section 1203-A. Employment agreement.

5 Council may enter into an employment agreement with the city
6 administrator. The employment agreement may set forth the terms
7 and conditions of employment, and the agreement may provide that
8 it shall remain in effect for a specified period terminating no
9 later than two years after the effective date of the agreement
10 or the date of the [organization] organizational meeting of
11 council following the next municipal election, whichever shall
12 first occur. An employment agreement entered into pursuant to
13 this section may specify conditions under which a city
14 administrator would be entitled to severance compensation, but
15 in no event shall an employment agreement guarantee employment
16 through the term of the agreement or confer upon the city
17 administrator any legal remedy based on specific performance.
18 Any employment agreement with a city administrator executed on
19 or after a municipal election but before the first meeting in
20 January the year after the municipal election shall be void.

21 Section 94. Sections 1204-A and 1205-A of the act, added
22 July 7, 2011 (P.L.307, No.75), are reenacted to read:

23 Section 1204-A. Residency and elective city office.

24 At the time a person is appointed to fill the office of city
25 administrator, the appointee need not be a resident of the city.
26 After appointment, the city administrator may reside outside the
27 city only with the approval of council. The city administrator
28 shall not hold any elective city office.

29 Section 1205-A. Powers and duties.

30 (a) Powers and duties generally.--Council may, by ordinance,

1 vest in the city administrator powers and duties relating to the
2 general management of city business and to the enforcement of
3 city ordinances and regulations. The powers and duties conferred
4 upon a city administrator in accordance with this section shall
5 not be construed as diminishing powers granted to other city
6 officers by statute or ordinance.

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

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

13 (2) To direct and supervise the administration of all
14 departments and functions of the city, except as otherwise
15 provided by ordinance or law.

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

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

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

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

28 (4) To designate a qualified administrative officer of
29 the city to perform the city administrator's duties during
30 the city administrator's temporary absence or disability. In

1 the event the city administrator fails or is unable to make
2 such designation, or, if the absence or disability continues
3 more than 30 days, the council may, by resolution, appoint an
4 officer of the city to perform the duties of the city
5 administrator during the city administrator's absence or
6 disability until the city administrator is able to return to
7 work.

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

12 (6) To see that all terms and conditions imposed in
13 favor of the city or its inhabitants in any statute,
14 franchise or contract are faithfully kept and performed, and
15 upon knowledge of any violation, call the same to the
16 attention of the city council.

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

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

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

28 (10) To prepare and submit the annual city budget for
29 review and approval by the city council. The recommended
30 budget shall be submitted to city council for its review no

1 later than the last stated meeting in November. The budget so
2 submitted shall be accompanied by an enabling ordinance,
3 together with such explanatory comment or statement as the
4 administrator may deem desirable. The budget document shall
5 be in such form as is required by law for city budgets and
6 shall contain such additional documentation or explanation of
7 the various items of expenditure and revenue as may be
8 required by council.

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

11 Section 95. Article XIII heading of the act is repealed:

12 [ARTICLE XIII

13 CITY CLERK]

14 Section 96. Sections 1301, 1302 and 1303 of the act are
15 repealed:

16 [Section 1301. Appointment; Compensation; Removal.--The
17 council of each city shall appoint a city clerk on the first
18 Monday of May, one thousand nine hundred and fifty-two, and on
19 the first Monday of May every fourth year thereafter, and fix
20 his compensation by ordinance. He shall serve for a term of four
21 years and until his successor is duly appointed and qualified.

22 Section 1302. Power to Administer Oaths; Duties.--The city
23 clerk shall have the power of a notary public to administer
24 oaths in any matter pertaining to the business of said city, or
25 in any legal proceeding in which it is interested. He shall also
26 perform such other duties as shall be prescribed for his office
27 by law, ordinance or resolution of council.

28 Section 1303. Records Open to Inspection.--The records and
29 documents of city council of every city shall be kept in the
30 office of the city clerk and shall be open to the inspection of

1 any taxpayer thereof, his, her, or its agent, upon demand
2 therefor during office hours.]

3 Section 97. Article XIV heading of the act is reenacted to
4 read:

5 ARTICLE XIV

6 THE CITY TREASURER

7 Section 98. Section 1401 of the act, amended July 27, 1973
8 (P.L.229, No.59), is amended to read:

9 Section 1401. Qualifications.--The city treasurer shall be
10 [a competent] an accountant, at least twenty-one years of age,
11 and shall have been a resident of the city for at least one year
12 [next prior to his] before the person's election. [He] The
13 elected treasurer shall reside in the city throughout [his] the
14 treasurer's term of office. Prior to being sworn in to office,
15 and as a condition to qualifying for office, the elected
16 treasurer shall present a signed affidavit to the city clerk
17 that states the person resides in the city from which elected
18 and has resided in the city continuously for at least one year
19 preceding the person's election.

20 Section 99. Section 1402 of the act, amended July 2, 1953
21 (P.L.318, No.67), is amended to read:

22 Section 1402. Bond; Insurance; Salary.--[The city treasurer
23 shall give lawful fidelity bond to the Commonwealth, with a
24 surety company authorized by law to act as surety, to be
25 approved by the city council, in such sum as it may by ordinance
26 direct, conditioned for the accounting for and paying over all
27 moneys received by him in his capacity as city treasurer and the
28 safekeeping and payment over of all public moneys entrusted to
29 his care, and that as tax collector of city, county, institution
30 district, and school taxes he shall account for and pay over all

1 moneys received by him as taxes, penalties and interest. The
2 city treasurer shall in addition furnish adequate insurance
3 protection against any and all losses of said funds through
4 fire, burglary, larceny, theft, robbery or forgery. Such
5 insurance shall be approved by the city council in such sum as
6 it may by ordinance direct. The city treasurer and his surety
7 shall be discharged from further liability on any bond as tax
8 collector, as soon as all tax items contained in the duplicates
9 delivered to him are either: (1) collected and paid over, or (2)
10 certified to the city council for entry as liens in the office
11 of the prothonotary, or as claims in the tax claim bureau, as
12 the case may be, or (3) returned to the county treasurer or city
13 treasurer for sale, or (4) in the case of taxes, not levied upon
14 real estate, a record of those which remain uncollected is filed
15 with the tax authority. The city treasurer shall be required to
16 give, in addition to insurance as aforesaid, but one bond which
17 shall include his duties as city treasurer and collector of
18 city, county, institution district, and school taxes, and shall
19 cover the full term of his office. Should any of the taxing
20 districts be of the opinion at any time that the bond and
21 insurance as aforesaid provided by the city treasurer is not
22 sufficient in amount as to the surety and insurance thereon, the
23 said taxing district may petition the court of quarter sessions
24 having jurisdiction in the city to have the city treasurer
25 furnish additional bond and insurance as aforesaid. Thereupon,
26 the city treasurer shall furnish such additional bond and
27 insurance, if any, as the said court may prescribe. The premium
28 of the bond or bonds and insurance shall be paid by the city or
29 shared pro rata by the taxing districts interested, as the case
30 may be, according to their respective tax interests. The

1 treasurer shall not in any event be required to provide bond or
2 bonds and insurance in an amount in excess of the taxes to be
3 collected by him. The bond or bonds and insurance provided by
4 the city treasurer shall or be for the use of the city and the
5 taxing districts involved. He shall, as city treasurer, receive
6 a fixed annual salary, to be provided by ordinance. His

7 compensation as tax collector for the city, county, institution
8 district and school district shall be as provided for in the

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

16 (1) The accounting for and paying over of all moneys
17 received as city treasurer.

18 (2) The accounting for and paying over of all moneys
19 received, including taxes, penalties and interest, as tax
20 collector of city, county, institution district and school
21 taxes.

22 (3) The safekeeping and payment over of all public moneys
23 entrusted to the treasurer's care.

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

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

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

30 In lieu of the bond required for the faithful performance by the

city treasurer of 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 the treasurer's 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(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

1 the case may be, according to their respective tax interests
2 pursuant to the act of May 25, 1945 (P.L.1050, No.394), known as
3 the "Local Tax Collection Law." The treasurer shall not in any
4 event be required to provide bond or bonds and insurance in an
5 amount in excess of the taxes to be collected by the treasurer.
6 The bond or bonds and insurance provided by the city treasurer
7 shall be for the use of the city and the taxing districts
8 involved.

9 (f) The city treasurer shall receive a fixed annual salary
10 to be provided by ordinance. Compensation as tax collector for
11 the city, county, institution district and school district shall
12 be as provided for in the "Local Tax Collection Law."

13 Section 100. The act is amended by adding sections to read:

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

24 Section 1402.2. Date of Delivery of Duplicate; Collection.--
25 The council of each city and the county and county institution
26 district authorities, now empowered or which may be hereafter
27 empowered to levy taxes upon persons and property within the
28 city, shall, within thirty days after the adoption of the budget
29 or within thirty days after receipt of the assessment roll from
30 the county, whichever is later, make out and deliver their

respective duplicates of taxes assessed to the city treasurer to be collected. The proper school authorities shall make out and deliver the school duplicates of their respective taxes in such city at the time and in the manner provided by the school laws of this Commonwealth. All duplicates of taxes provided to or received by the treasurer shall at all times be open to proper inspection of the public and of the proper auditing and examining officers of the city, county or school district, as the case may be, and shall be delivered by the treasurer at the expiration of the treasurer's term to the treasurer's successor.

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

Section 101. Sections 1403, 1404, 1405, 1406, 1407 and 1408 of the act are amended to read:

Section 1403. Receipt and Payment of Moneys; Daily Transmittal of Receipts; Duplicates.--The city treasurer shall demand and receive all moneys payable to the city from [whatever

1 source, and shall issue a receipt in every case to the person
2 making such payment, and shall pay all warrants duly
3 countersigned by the director of accounts and finance and the
4 city controller] such sources as the city council may from time
5 to time entrust to the city treasurer and shall issue a receipt
6 when requested in every case to the person making such payment
7 and shall pay all documents authorizing payment duly
8 countersigned. All receipts for money received on behalf of the
9 city by the treasurer shall be numbered serially and made in
10 duplicate at least, and all such duplicates shall daily, not
11 later than the next succeeding business day, be transmitted by
12 the city treasurer to the city controller.

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

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

29 Section 1406. Depositories of City Funds Entrusted to the
30 Treasurer by City Council.--The treasurer shall keep the public

1 funds in [such] banks or financial depositories as council may
2 direct, under [such] restrictions and safeguards as council may
3 provide, and shall verify [his] the treasurer's accounts
4 whenever required, to the satisfaction of council.

5 No treasurer complying with the provisions of this section
6 and any ordinance of the city, nor [his] the treasurer's surety
7 or sureties, shall be chargeable with losses of city funds
8 caused by the insolvency or negligence of any [such] city
9 depositories.

10 Section 1407. Delivery of City Property in [His] Treasurer's
11 Possession to Successor.--The city treasurer shall, upon [the
12 termination of his] leaving office, deliver to the city or to
13 [his] the treasurer's duly qualified successor all moneys,
14 accounts, property or effects in [his] the treasurer's
15 possession belonging to the city.

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

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

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

29 (b) All persons appointed pursuant to this section shall be
30 covered by a bond, blanket bond or insurance in accordance with

1 section 907.

2 Section 102. Article XV heading of the act is reenacted to
3 read:

4 ARTICLE XV

5 THE CITY ENGINEER

6 Section 103. Article XV subdivision (a) heading of the act
7 is repealed:

8 [(a) General Provisions]

9 Section 104. Sections 1501, 1502, 1503, 1504 and 1505 of the
10 act are amended to read:

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

1 engineers from performing the duties and functions of the city
2 engineer.

3 Section 1502. Control of Engineering Matters.--The city
4 engineer shall have the [superintendence, direction and control
5 of the engineering matters of the city, and no department of the
6 city shall employ or retain any additional engineer, except with
7 the previous assent of council. Assistants and employes in the
8 office of the city engineer shall be appointed in accordance
9 with the civil service provisions of this act. The provisions of
10 this article shall not apply to any board of commissioners of
11 water-works of any city wherein the title to the water-works
12 therein located is in the name of the commissioners of water-
13 works.] supervision, direction and control of the engineering
14 matters of the city, and no department of the city shall employ
15 or retain any additional engineer, except with the previous
16 assent of council.

17 Section 1503. Duties[; Preparation of Plans.--The city
18 engineer shall perform such duties as the council shall
19 prescribe with reference to the construction, reconstruction,
20 maintenance and repair of all streets, pavements, sewers,
21 bridges, culverts and other engineering work. He shall prepare
22 plans, specifications, and estimates for all such work
23 undertaken by such city, and shall, whenever required, furnish
24 council, the committees thereof, the mayor, public boards, or
25 heads of departments, with reports, information or estimates on
26 any city engineering work, or on questions submitted by any of
27 them in their official capacity.]--As authorized by council,
28 engineering work undertaken by the city shall be performed or
29 supervised by the city engineer or by another registered
30 professional engineer employed by the city for a particular

1 purpose. The duties of the city engineer may include, but need
2 not be limited to, the following:

3 (1) Preparing plans, specifications and estimates, and
4 undertaking other engineering work related to constructing,
5 reconstructing, maintaining and repairing streets, pavements,
6 sewers, bridges, culverts and other municipal improvements.

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

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

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

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

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

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

26 (8) Keeping and maintaining books and records, and providing
27 for certified copies of the same, as may be directed or
28 authorized by council or required by law.

29 Section 1504. [Certificate of Commencement and of Completion
30 of Municipal Improvements.--The city engineer shall immediately

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

improvement. Information filed with the clerk certifying the day or time of the commencement and completion of the work shall be conclusive evidence of the day or time when the improvement was begun and completed.

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

Section 105. Article XV subdivision (b) heading, sections 1515, 1516, 1517, 1518, 1519, 1520 and 1521, subdivision (c) heading and sections 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537 and 1538 are repealed:

[(b) Real Estate Registry

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

Section 1516. Preparation of Books, Plans and Maps.--The city engineer of any city in which such registry shall be established shall cause to be made all such necessary books, maps and plans as will show the situation and dimensions of each property therein, which books, maps or plans shall be so prepared as to show the city number, and name of the owner or

1 owners thereof, with blank spaces for the owner of each lot,
2 with provision for the names of future owners, and dates of
3 future transfer of title. For such purpose, the city engineer
4 shall have free access, without charge, to any of the public
5 records wherein the necessary information may be obtainable
6 therefor. He may also cause search to be made in any other place
7 for any muniments or evidence of title, not reported to him as
8 hereinafter provided, and requisite for the completion of said
9 books, maps or plans.

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

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

28 Section 1519. Duties Imposed on Owners of Real Estate when
29 Registry Established; Penalty.--All owners of unregistered real
30 estate within the city limits, within thirty days from the date

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

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

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

27 (c) Topographical Survey

28 Section 1530. Council May Authorize Topographical Survey.--
29 Any city may, by ordinance, cause a topographical survey
30 thereof, to be made by its city engineer, or by such other civil

1 engineer and assistants as they may employ for that purpose.

2 Section 1531. Plan of Streets and Highways; Surveys;

3 Grades.--The city engineer, upon being duly authorized, shall

4 procure and keep in his office such necessary plot or other

5 books as shall be necessary for the purpose of entering or

6 recording thereon all the streets and highways of the city,

7 already opened or to be hereafter opened. He shall survey and

8 mark the lines of all the streets and highways of the city,

9 already opened or intended to be opened for public use, and

10 survey and lay out new streets and highways, as council may deem

11 necessary, for a regular and convenient city plan, and, if

12 specially directed, he shall report a grade for any proposed new

13 streets. For the said purposes, the city engineer and his

14 assistants or any other person engaged in such engineering work

15 for the city shall have full power and authority to enter upon

16 the lands and premises of any person or persons within the said

17 city.

18 Section 1532. Return of Draft of Completed Survey to

19 Council; Inspection.--When the survey shall be completed, the

20 said engineer shall make or cause to be made a draft or plan

21 thereof, with every provision and explanation necessary for a

22 full understanding of the same, distinctly designated where new

23 streets and highways are thereafter to be opened, and shall

24 return the same to the council. It shall remain in the office of

25 the city clerk, and open to inspection by those interested,

26 until finally approved as hereinafter provided.

27 Section 1533. Notice of Return; Objections; Alterations;

28 Approval; Recording.--Council shall give at least thirty days'

29 previous notice by publication once in at least two newspapers

30 of general circulation, if there be that many, as required by

1 section one hundred and nine of this act, and by posting at
2 least ten handbills upon lands or territory contained in the map
3 or plan returned for approval, that on a certain day or days, to
4 be fixed by the said council, the said council will hear any
5 objection that may be made to said draft or plans by any
6 freeholder or citizen of said city, or interested person. The
7 council at the time appointed, or at any subsequent time within
8 three months, shall determine whether any and what alterations
9 shall be made in the said plan or draft. When the same is
10 finally approved, whether as returned or as altered and changed,
11 said council may direct that the same be entered and recorded in
12 the plot-book of street plans, in the office of the city
13 engineer.

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

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

30 Section 1536. Deviation from Established Plans; Liability of

1 City.--In case the council shall thereafter change or alter, or
2 should they by themselves or their officers deviate from the
3 regulations of the streets or highways, so as aforesaid
4 established, and damages thereby accrue to the property of any
5 person or persons in consequence thereof, the said city shall be
6 liable for the payment of such damages.

7 Section 1537. Sectional Surveys.--Sectional surveys or
8 drafts may be returned to the council by said engineer at any
9 time, and be confirmed as aforesaid, and with like force and
10 effect.

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

21 Section 106. Article XVI heading of the act is reenacted to
22 read:

23 ARTICLE XVI

24 THE CITY SOLICITOR

25 Section 107. Sections 1601, 1602, 1603 and 1604 of the act
26 are amended to read:

27 Section 1601. Appointment of City Solicitor[; Term;
28 Compensation; Bond; Filling of Vacancies.--The council of each
29 city shall, on the first Monday of May, one thousand nine
30 hundred and fifty-two, and on the first Monday of May every

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

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

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

1 the same, as well as [defend] oversee the defense of all actions
2 or suits against the [said] city or any officer thereof, wherein
3 or whereby any of the estates, rights, privileges, trusts,
4 ordinances, or acts of the city or any department thereof, may
5 be brought in question before any court. [He] The city solicitor
6 shall have like duties before any administrative agency or other
7 judicial or quasi-judicial body. [He] The city solicitor shall
8 do all and every professional act incident to the office which
9 [he] the city solicitor may be lawfully authorized and required
10 to do by the mayor, or by any ordinance or resolution of the
11 council, and shall perform such other duties as council may
12 direct.

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

22 (1) The council.

23 (2) The mayor.

24 (3) Any other elected city official.

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

27 (b) The city council may provide for the regulation of the
28 manner in which questions are presented to the city solicitor by
29 any elected or appointed city official and may limit the
30 questions submitted in such manner as the city council may

1 direct.

2 Section 108. Sections 1605 and 1606 of the act are repealed:

3 [Section 1605. City Lien Docket.--The city solicitor shall
4 keep in his office a city lien docket, which shall be open to
5 public inspection, and in which he shall cause to be entered all
6 claims for curbing, paving, or repaving sidewalks, assessments
7 of damages, contributions for opening streets, or parts thereof,
8 for grading, paving, and macadamizing the same, for water and
9 lighting frontage tax and water and lighting rates, sewerage,
10 city taxes, and other matters that may be the subject of claim
11 on the part of the city, which have or shall be returned to the
12 solicitor as remaining due and unpaid after the period
13 prescribed by law or ordinance for the payment of such claims.
14 Nothing contained herein shall be deemed to alter or replace the
15 administration and effect of the Real Estate Tax Sale Law in any
16 city wherein said law is in operation.

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

25 Section 109. Section 1607 of the act is amended to read:

26 Section 1607. Satisfaction of Liens Due City.--Upon the
27 payment of any lien or other debt of record due the city, to any
28 city employe or city official or other person authorized to
29 receive the [same] payment, that person shall [forthwith forward
30 to the city solicitor a satisfaction piece therein], as soon as

1 practicable, notify the city solicitor; and it shall be the duty
2 of the city solicitor or [his assistant forthwith] the
3 solicitor's designee, as soon as practicable, to cause
4 satisfaction to be entered upon the proper record [thereof] of
5 the lien or debt of record.

6 Section 110. Section 1608 of the act is repealed:

7 [Section 1608. Return and Payment of Money and Fees
8 Received.--The city solicitor shall, at least once in every
9 month, make a return to the director of accounts and finance,
10 under oath or affirmation, of each item of moneys received by or
11 through him, or his assistants, by virtue of his office, or on
12 account of any matter connected therewith. Immediately upon
13 making such return, he shall pay over the amount in his hands to
14 the city treasurer. He shall, in like manner, pay into the city
15 treasury all fees received by him in his official capacity, but
16 this provision shall not be taken to include the judgment fee or
17 commission allowed him in his capacity of attorney.]

18 Section 111. Sections 1609 and 1610 of the act are amended
19 to read:

20 Section 1609. Assistant Solicitor.--[The council of each
21 city may] Council may, at its discretion, appoint one or more
22 assistant city solicitors[, whose term of office shall be
23 concurrent with that of the city solicitor, and whose] to assist
24 the solicitor in the performance of all duties and shall provide
25 for the compensation [shall be fixed by resolution, and who
26 shall assist the solicitor in the performance of all duties
27 prescribed for him] of assistant solicitors by resolution.

28 Section 1610. Special Counsel.--Council may, at its
29 discretion, retain special counsel for particular proceedings or
30 matters of the city and [fix his] shall provide for the

1 compensation of special counsel by resolution.

2 Section 112. Article XVII heading of the act is amended to
3 read:

4 ARTICLE XVII

5 THE CITY CONTROLLER AND INDEPENDENT AUDITOR

6 Section 113. Article XVII of the act is amended by adding a
7 subdivision heading to read:

8 (a) City Controller

9 Section 114. Section 1701 of the act, amended July 27, 1973
10 (P.L.234, No.62), is amended to read:

11 Section 1701. Qualifications; Bond; Compensation.--(a) The
12 city controller shall be [a competent] an accountant, at least
13 twenty-one years of age, shall have been a resident of the city
14 for at least one year [next before his election] before the
15 person's election, and shall reside in the city throughout [his]
16 the person's term of office. Prior to being sworn in to office,
17 and as a condition to qualifying for office, the elected city
18 controller shall present a signed affidavit to the city clerk
19 that states the person resides in the city from which elected
20 and has resided in the city continuously for at least one year
21 immediately before the person's election.

22 (b) The city controller shall give bond in accordance with
23 section 907 for the faithful performance of official duties as
24 the city controller. The bond shall cover the full term of
25 office and shall be conditioned upon the following:

26 (1) The accounting for and paying over of all moneys
27 received as city controller.

28 (2) The safekeeping and payment over of all public moneys
29 entrusted to the controller's care.

30 (c) The city controller shall receive a fixed annual salary,

1 to be set by ordinance, in an amount not less than the
2 compensation paid to members of council.

3 Section 115. Sections 1702 and 1703 of the act are repealed:

4 [Section 1702. Bond.--He shall give lawful bond to the city,
5 with a surety or other company authorized by law to act as
6 surety, to be approved by the council, in such sum as it may by
7 ordinance direct, conditioned for the honest and faithful
8 discharge of his official duties.

9 Section 1703. Compensation.--He shall receive a fixed annual
10 salary, to be provided by ordinance, which shall not be less
11 than the compensation paid to members of council.]

12 Section 116. Section 1704 of the act, amended May 6, 1957
13 (P.L.100, No.42) and December 14, 1967 (P.L.828, No.355), is
14 amended to read:

15 Section 1704. [Examination and Audit of Accounts].--(a)]
16 Powers and Duties.--(a) The city controller shall countersign
17 all documents authorizing the payment of moneys out of the city
18 treasury when satisfied of the legality of the payment.

19 (b) The city controller shall have the power to administer
20 oaths or affirmations in relation to any matter touching the
21 authentication of any account, claim or demand of or against the
22 city, but shall not receive any fee therefor.

23 (c) The city controller shall have the power to examine[,
24 audit and settle all] the following accounts:

25 (1) All accounts whatsoever in which the city is concerned,
26 either as debtor or creditor[, and shall also, annually or as
27 often as he desires or is directed to do so by council, examine
28 and audit the].

29 (2) The accounts of all city bureaus, officers, and
30 departments which collect, receive, and disburse public

1 moneys[,] or who are charged with the management, control, or
2 custody thereof[, and in every case he shall make report of such
3 examination, audit and settlement to the council. He shall
4 likewise audit and report upon the].

5 (3) The accounts of [any such] a city officer upon the
6 death, resignation, removal or expiration of the term of the
7 [said officers] officer. [He shall likewise audit and report
8 upon the]

9 (4) The accounts of any library to which the city makes
10 appropriations, [those of] any institution owned by the city,
11 and [those of] Pennsylvania National Guard units to which the
12 city makes appropriations.

13 [(b) He shall likewise audit, or with the consent of council
14 cause to be made by an accountant an annual audit of, all the
15 accounts of any municipal officer in any department of the city
16 government who may be charged with the duty, or who may perform
17 the services, of receiving and disbursing the funds of any
18 association, society, or organization of municipal employes or
19 persons, directly or indirectly connected with the municipal
20 government, for the benefit, relief, or pensioning of firemen,
21 policemen, or other municipal employes or persons as aforesaid.

22 (c) All such audits shall be made within as short a time as
23 possible after the close of the fiscal year, and be annually
24 reported to council at its first meeting in March, as other
25 reports of the controller are made, and shall be filed with the
26 court of quarter sessions within ninety days of the close of the
27 fiscal year.

28 (d) Council may provide for an audit of any or all accounts
29 by an independent certified public accountant.

30 (e) Brief abstracts or summaries of the reports of such

1 accounts and financial statements or such other reports thereof
2 as council may require shall be published at least once a week
3 for two weeks in one newspaper, in accordance with the
4 provisions of section one hundred and nine of this act. The
5 expense and cost of such publication shall be paid out of the
6 funds of the various associations, organizations, or societies,
7 as their other expenses are paid.]

8 (f) In the same manner in which subpoenas may be issued and
9 enforced, in accordance with section 917, the city controller
10 shall have power to issue and pursue enforcement of subpoenas to
11 obtain the attendance both of officers whose accounts the
12 controller is authorized to examine and of any person or persons
13 whom it may be necessary to examine as witnesses.

14 (g) The city controller may present council with annual or
15 periodic statements concerning the results of the controller's
16 examination of accounts, which shall be public records pursuant
17 to the act of February 14, 2008 (P.L.6, No.3), known as the
18 "Right-to-Know Law".

19 Section 117. The act is amended by adding sections to read:

20 Section 1704.1. Deputy Controller; Employees.--The controller
21 may appoint a deputy controller and may select individuals to
22 serve as assistants and employees in the controller's office. The
23 number of the assistants and employees permitted, if any, shall
24 be fixed by council. Assistants and employees in the controller's
25 office shall, in all other respects, be considered employees of
26 the city. A deputy controller, assistants and employees appointed
27 under this section shall be bonded, and their compensation shall
28 be fixed by council.

29 Section 1704.2. Temporary Deputy Controller.--In case of the
30 sickness, absence or inability of a city controller, and when no

deputy shall have been appointed by the controller, the council may appoint a temporary deputy controller to serve during the sickness, absence or inability of the controller, or until the controller shall appoint a deputy. A temporary deputy controller shall be bonded and receive the compensation 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 118. Article XVII of the act is amended by adding a subdivision heading to read:

(b) Independent Auditor

Section 119. The act is amended by adding sections to read:

Section 1704.11. Appointment of 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 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 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

1 audit, shall have the same power as the city controller to issue
2 subpoenas to obtain the attendance of officers and witnesses.

3 Section 120. Section 1705 of the act, amended March 2, 1970
4 (P.L.71, No.31), is amended to read:

5 Section 1705. Annual Report to Council; Filing Copy in Court
6 and Appeal [Therefrom].--(a) The [city controller] independent
7 auditor appointed in accordance with this subdivision shall make
8 a report to council, at [its] council's first meeting in March
9 in each year, of the audits [which he shall have] made of the
10 accounts of the officers having charge, custody, control or
11 disbursement of such public moneys and other funds, showing the
12 balance in their hands respectively, and, within ninety days of
13 the close of the fiscal year, the [city controller] independent
14 auditor shall file a copy of the [said] annual report to council
15 with the clerk of the court or the prothonotary, as may be
16 provided by local rules of court.

17 (b) The independent auditor shall also prepare, annually, an
18 intelligible summary of the report or reports made pursuant to
19 this section, showing the fiscal condition of the affairs of the
20 city. Council may require advisory interim reports from the
21 independent auditor. Reports prepared under this section and all
22 summaries thereof shall be public pursuant to the act of
23 February 14, 2008 (P.L.6, No.3), known as the "Right-to-Know
24 Law."

25 (c) It shall be lawful for the city or any taxpayer thereof
26 on its behalf or any officer whose account is settled or audited
27 to appeal from the settlement or audit to the court of common
28 pleas of the county within forty-five days after the [said]
29 annual report to council has been filed. If the appellant is a
30 taxpayer or any officer charged as aforesaid, he shall file a

1 bond, with one or more sufficient sureties, conditioned to pay
2 all costs thereafter accruing in case a decision shall not be
3 obtained more favorable to the party on whose behalf the appeal
4 shall be taken than that contained in the [said] report. [The
5 city controller shall also prepare an intelligible summary of
6 said reports, showing the fiscal condition of the affairs of the
7 city, and post one copy of said summary in a conspicuous place
8 in the city hall. Council may require advisory interim reports
9 from the city controller.]

10 Section 121. Sections 1706, 1707, 1708 and 1709 of the act
11 are repealed:

12 [Section 1706. Power to Administer Oaths; Countersigning of
13 Warrants.--The city controller shall have the power to
14 administer oaths or affirmations in relation to any matter
15 touching the authentication of any account, claim, or demand of
16 or against the city, but shall not receive any fee therefor, and
17 shall countersign all warrants for the payment of moneys out of
18 the city treasury when satisfied of the legality of such
19 payment.

20 Section 1707. Power to Subpoena City Officers.--The city
21 controller shall have power to issue subpoenas to obtain the
22 attendance of officers whose accounts he is authorized to
23 adjust, audit, and settle, and also to subpoena any person or
24 persons whom it may be necessary to examine as witnesses, and in
25 case any city officer or any witness refuses to appear upon
26 being subpoenaed, he shall report such refusal to council, and
27 the council is hereby empowered to enact ordinances to compel
28 the attendance of city officers and witnesses before the said
29 city controller and to impose penalties in case of refusal.

30 Section 1708. Appointment of Deputy Controller; Powers;

1 Responsibility.--The city controller may appoint a deputy
2 controller, who in case of the sickness, absence, or inability
3 of such controller to act, shall have the same powers and shall
4 perform the same duties as are imposed by law upon the city
5 controller. In the case of such appointment, the said controller
6 shall be responsible and liable for the acts of such deputy.

7 Section 1709. Appointment of Temporary Deputy by Council;
8 Bond; Compensation.--In case of the sickness, absence, or
9 inability of a city controller, and when no deputy shall have
10 been appointed by him, the council of such city may appoint a
11 deputy controller to serve during the sickness, absence, or
12 inability of such controller, or until such controller shall
13 appoint a deputy, as aforesaid, who shall furnish such bond, and
14 receive such compensation, as shall be fixed by council.]

15 Section 122. Article XVIII heading of the act is reenacted
16 to read:

17 ARTICLE XVIII

18 ACCOUNTS AND FINANCES

19 Section 123. Section 1801 of the act, amended April 27, 1965
20 (P.L.21, No.18), is amended to read:

21 Section 1801. Fiscal Year.--The fiscal year of each city
22 shall begin on the first day of January and end on the last day
23 of December.

24 Section 124. Sections 1802, 1803 and 1804 of the act are
25 amended to read:

26 Section 1802. [Director of Accounts and Finance] Chief
27 Fiscal Officer; Bond; Administering Oaths.--[The director of
28 accounts and finance shall be the head of the Department of
29 Accounts and Finance. He shall furnish bond in such amount as
30 shall be fixed by ordinance. He] (a) Council shall provide for

1 a chief fiscal officer for the city. In filling the position of
2 chief fiscal officer, council may appoint, but shall not be
3 limited to appointing, the director of the department of
4 accounts and finance, if one is appointed pursuant to Article XI
5 or the city administrator, if one is appointed pursuant to
6 Article XII-A.

7 (b) Council shall require that the chief fiscal officer
8 furnish a bond subject to section 907.

9 (c) The chief fiscal officer shall have authority to
10 administer oaths and affirmations in relation to any matter
11 touching the authentication of every account with or claim or
12 demand of or against the city, but shall not be entitled to
13 receive any fee therefor.

14 Section 1803. Deputy.--[The director of accounts and finance
15 may appoint a deputy, subject to the approval of council, which
16 shall fix the salary of such deputy.] Council may authorize the
17 chief fiscal officer to appoint, subject to the approval of
18 council, a deputy chief fiscal officer whose compensation shall
19 be fixed by council. The deputy shall have power to administer
20 oaths and affirmations in all matters relating to the affairs of
21 [said] the office and shall furnish a bond subject to section
22 907. If no deputy has been appointed, council may appoint a
23 temporary deputy chief fiscal officer to serve during the chief
24 fiscal officer's illness, absence or inability to serve. The
25 temporary deputy chief fiscal officer may be required to furnish
26 bond as required by council. [The director of accounts and
27 finance shall in all cases be responsible and liable for the
28 actions and conduct of the said deputy.]

29 Section 1804. Regulations Concerning Appropriation.--(a) No
30 debt shall be created by any department of the city[,] except in

1 [pursuance of previous authority of law, ordinance, or
2 resolution] accordance with law.

3 (b) No money shall be paid out of the city treasury except
4 upon appropriation made according to law[,] and [on warrant]
5 pursuant to a document authorizing payment drawn by the proper
6 officer or officers in pursuance thereof.

7 (c) No work shall be hired to be done, no materials
8 purchased, no contracts made, and no order issued for the
9 payment of any moneys [in any amount which will cause the sums
10 appropriated to specific purposes to be exceeded], if doing so
11 would result in the total expenditure of money for a specific
12 purpose to exceed the amount appropriated for that purpose.

13 (d) In every case in which an appropriation shall be
14 [exhausted] entirely expended, and the object of [which] the
15 appropriation is not completed, the [director of accounts and
16 finance] chief fiscal officer shall [immediately] on or before
17 the next regularly scheduled council meeting report the fact to
18 the city council and accompany [such] the report with a
19 statement of the moneys which have been drawn on [such] the
20 appropriation[,] and the particular purpose for which they were
21 drawn.

22 (e) The council may at any time by ordinance make
23 supplemental appropriations for any lawful purpose from any
24 funds on hand or estimated to be received within the fiscal year
25 and not appropriated to any other purpose, including the
26 proceeds of any borrowing now or hereafter authorized by law.

27 (f) The council shall have the power to authorize the
28 transfer of any unexpended balance, of any appropriation item,
29 or any portion thereof, but [such action shall be taken only on
30 the recommendation of a director of one of the departments]

council shall first seek comments from the director of the
department negatively affected by the proposed transfer pursuant
to this section.

[When a transfer of over five per cent of an appropriation
item is made within a department or when a transfer of over five
per cent of the total appropriation is made from one department
to another department, an affirmative vote of four members of
the council shall be required.]

(g) Consistent with this section, council shall determine
the manner and method of all intradepartmental and
interdepartmental financial transfers.

Section 125. Section 1804.1 of the act, amended July 10,
1980 (P.L.478, No.103) and December 13, 1982 (P.L.1149, No.263),
is amended to read:

Section 1804.1. Investment of City Funds.--(a) The council
shall have power to provide the following:

(1) [make] The investment of city sinking funds as
authorized by [the act of July 12, 1972 (P.L.781, No.185), known
as the "Local Government Unit Debt Act";] 53 Pa.C.S. Pt. VII
Subpt. B (relating to indebtedness and borrowing).

(2) [make] The investment of moneys in the general fund and
in special funds of the city other than the sinking funds as
authorized by this article[; and].

(3) [liquidate] The liquidation of any [such] investment, in
whole or in part, by disposing of securities or withdrawing
funds on deposit. Any action taken to make or to liquidate any
investment shall be made by the officers designated by action of
the council.

(b) The council shall invest city funds consistent with
sound business practice.

(c) The council shall provide for an investment program subject to restrictions contained in this act and in any other applicable statute and any rules and regulations adopted by the council.

(d) Authorized types of investments for city funds shall be any of the following:

(1) United States Treasury bills.

(2) Short-term obligations of the United States Government or its agencies or instrumentalities.

(3) Deposits in savings accounts or time deposits, other than certificates of deposit, or share accounts of 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[,] and, for any amounts above the insured maximum, provided that approved collateral as provided by law therefore shall be pledged by the depository.

(4) Obligations of the United States of America or any of its agencies or instrumentalities backed by the full faith and credit of the United States of America, the Commonwealth of Pennsylvania or any of its agencies or instrumentalities backed by the full faith and credit of the Commonwealth, or of any political subdivision of the Commonwealth of Pennsylvania or any of its agencies or instrumentalities backed by the full faith and credit of the political subdivision.

(5) Shares of an investment company registered under the Investment Company Act of 1940 (54 Stat. 789, 15 U.S.C. § 80a-1 et seq.), whose shares are registered under the Securities Act

1 of 1933 (48 Stat. 74, 15 U.S.C. § 77a et seq.), provided that
2 the only investments of that company are in the authorized
3 investments for city funds listed in clauses (1) through (4).

4 (6) Certificates of deposit purchased from institutions
5 insured by the Federal Deposit Insurance Corporation [or the
6 Federal Savings and Loan Insurance Corporation] or the National
7 Credit Union Share Insurance Fund [or the Pennsylvania Deposit
8 Insurance Corporation or the Pennsylvania Savings Association
9 Insurance Corporation] to the extent that such accounts are so
10 insured. However, for any amounts above the insured maximum,
11 such certificates of deposit shall be collateralized by a pledge
12 or assignment of assets of the institution, and such collateral
13 may include loans (including interest in pools of loans) secured
14 by first mortgage liens on real property. Certificates of
15 deposit purchased from commercial banks shall be limited to an
16 amount equal to twenty per centum of a bank's total capital and
17 surplus. Certificates of deposit purchased from savings and loan
18 associations or savings banks shall be limited to an amount
19 equal to twenty per centum of an institution's assets minus
20 liabilities.

21 (7) Any investment authorized by 20 Pa.C.S. Ch. 73 (relating
22 to [fiduciaries] municipalities investments) shall be an
23 authorized investment for any pension or retirement fund.

24 (8) Repurchase agreements which are fully collateralized by
25 obligations of the United States Government or its agencies or
26 instrumentalities, which are free from other liens and backed by
27 the full faith and credit of the United States or are rated in
28 the highest category by a nationally recognized statistical
29 rating organization.

30 (9) Deposits in investment pools established by the State

1 Treasurer or established by local governments pursuant to 53
2 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental
3 cooperation) and related statutes, provided that the investment
4 pools are rated in the highest category by a nationally
5 recognized statistical rating organization.

6 (e) In making investments of city funds, the council shall
7 have authority to do any of the following:

8 (1) [To permit] Permit assets pledged as collateral under
9 subsection (d)(3), to be pooled in accordance with the act of
10 August 6, 1971 (P.L.281, No.72), relating to pledges of assets
11 to secure deposits of public funds.

12 (2) [To combine] Combine moneys from more than one fund
13 under city control for the purchase of a single investment,
14 provided that each of the funds combined for the purpose shall
15 be accounted for separately in all respects and that the
16 earnings from the investment are separately and individually
17 computed and recorded, and credited to the accounts from which
18 the investment was purchased.

19 (3) [To join] Join with one or more other political
20 subdivisions and municipal authorities in accordance with [the
21 act of July 12, 1972 (P.L.762, No.180), referred to as the
22 Intergovernmental Cooperation Law] 53 Pa.C.S. Ch. 23, Subch. A,
23 in the purchase of a single investment, provided that the
24 requirements of clause (2) on separate accounting of individual
25 funds and separate computation, recording and crediting of the
26 earnings therefrom are adhered to.

27 Section 126. Sections 1805, 1806, 1807 and 1808 of the act
28 are amended to read:

29 Section 1805. Countersigning [Warrants;] Documents; Money
30 Available; Evidence Required.--(a) The [director of the

1 Department of Accounts and Finance] chief fiscal officer shall
2 countersign all [warrants upon the city treasury, the form
3 whereof shall be prescribed by council, and] documents, in the
4 form approved by council, authorizing payment from the city
5 treasury.

6 (b) In countersigning documents authorizing payment from the
7 city treasury, the chief fiscal officer shall not [suffer]
8 permit any appropriation made by the council to be overdrawn[.
9 No warrant shall be countersigned] and shall not countersign
10 unless there is money in the treasury to pay the same.

11 (c) Except in the case of [warrants for the payment of
12 moneys] documents authorizing payment to volunteer fire
13 companies, whenever a [warrant on the treasurer] document
14 authorizing payment from the city treasury shall be presented to
15 the [director of accounts and finance] chief fiscal officer to
16 be countersigned, the person presenting the same shall be[, by
17 the said director,] required to produce evidence of each of the
18 following:

19 (1) [That the] The amount expressed in the [warrant]
20 document authorizing payment is due [to] the person in whose
21 favor it is drawn.

22 (2) [That the] The supplies, services or other consideration
23 for payment of which the [warrant] document authorizing payment
24 is drawn have been furnished, performed or given according to
25 law and the terms of the contract, if any.

26 Section 1806. Record of Assets, Property, Trusts, Debts Due,
27 Receipts and Expenditures.--The [director of accounts and
28 finance] chief fiscal officer or other official or employe of
29 the city designated by council shall have charge and keep a
30 record of accounts, under appropriate titles, to show separately

1 and distinctly all of the assets and property whatsoever vested
2 in the city, and all trusts in care of the same, debts owing by
3 the city, and all of the receipts and expenditures of the
4 various departments.

5 Section 1807. Supervision of Accounts of Departments.--The
6 [director of accounts and finance] chief fiscal officer shall
7 have the supervision and control of the accounts of all of the
8 departments, and may require from them at any time a statement
9 in writing of all money or property of the city in their hands.

10 Section 1808. Suggestions [by Director] for Improvement of
11 City Finances.--The [director of accounts and finance] chief
12 fiscal officer may, from time to time, and shall, when the
13 council shall direct, suggest plans to the council for the
14 management and improvement of the city finances.

15 Section 127. Sections 1809 and 1810 of the act, amended June
16 22, 2000 (P.L.321, No.33), are amended to read:

17 Section 1809. Annual Budget; Presentation to Council;
18 Notice; Revision; Adoption.--[The director of accounts and
19 finance] (a) Each year, the chief fiscal officer shall, on
20 behalf of council, at the last stated meeting in November [in
21 each year] present to council for [first reading] introduction a
22 proposed budget ordinance for all funds showing the estimated
23 receipts, expenditures, and liabilities of every kind[,] for the
24 ensuing year, with the balance of unexpended appropriations[,]
25 and all other information of value as a basis for fixing the
26 levy and tax rate for the next fiscal year. Council shall[,]
27 upon [passing] introducing the [said] proposed budget ordinance
28 [on first reading,] fix a date for adoption thereof, which shall
29 be not later than the thirty-first day of December of [such]
30 that year.

1 **(b)** The several departments of the city government shall,
2 before the proposed budget ordinance is [presented] introduced,
3 as [above] provided in subsection (a), furnish to the council an
4 estimate of the probable receipts and expenditures and an
5 estimate of the amount required by each of [said] the
6 departments for the public service during the ensuing fiscal
7 year as a basis for making the annual appropriations thereto.

8 **(c)** When the proposed budget ordinance is submitted to
9 council and has [passed first reading] been introduced, the city
10 clerk shall forthwith make the same available for public
11 inspection at [his] the city clerk's office in the city hall[,]
12 and shall thereupon publish a notice to that effect once in [at
13 least one] a newspaper of general circulation in accordance with
14 the provisions of section [one hundred nine of this act. Such]
15 109. The notice shall state the date fixed by council for
16 [adoption] enactment of the proposed budget ordinance, and
17 [such] notice shall be published at least twenty days prior to
18 the time fixed by council for [adoption] enactment of the
19 proposed budget ordinance. The proposed budget ordinance shall
20 be available for public inspection at the city clerk's office
21 for at least ten days after the aforesaid newspaper notice
22 [thereof] is published.

23 **(d)** The council shall, after making such changes and
24 modifications therein as appear proper, [adopt] enact the budget
25 and any appropriation measures required to put it into effect
26 upon the date fixed for [adoption] enactment thereof[: Provided,
27 That said], provided, however, that the budget shall reflect as
28 nearly as possible the estimated revenues and expenditures of
29 the city for the year for which the budget is prepared. [That
30 should] Should it appear upon any revision of the budget that

1 the estimated expenditures in the [adopted] enacted budget would
2 be increased more than ten per cent in the aggregate or more
3 than twenty-five per cent in any individual item over the
4 proposed budget, [such] the budget shall not be [adopted]
5 enacted with any [such] of the increases therein unless the same
6 be again made available for public inspection [and for protest
7 of such increases] for a period of at least ten days after
8 notice to that effect is published as hereinbefore provided.

9 Section 1810. Amending Budget; Notice.--(a) During the
10 month of January [next following any municipal election]
11 following the expiration of a past fiscal year, in furthering
12 its fiduciary responsibility, the council of any city may amend
13 the budget and the levy and tax rate to conform [with] to its
14 amended budget ordinance. A period of ten days' public
15 inspection at the office of the city clerk of the proposed
16 amended budget ordinance, after notice by the city clerk to that
17 effect is published [once] in a newspaper of general circulation
18 as provided in section [one hundred nine of this act] 109 shall
19 intervene between council's [first reading] introduction of the
20 proposed amended budget ordinance and the [adoption] enactment
21 thereof. Any amended budget ordinance must be [adopted] enacted
22 by council on or before the fifteenth day 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 128. 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 129. 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 130. 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] the independent
22 auditor may have thereto[: Provided, Council]; provided,
23 however, that council may cause [such] the statement to be
24 printed in pamphlet form in addition to the publications made as
25 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 neglecting to
5 file such report shall, upon conviction thereof[,] in a summary
6 proceeding brought [at the instance of] by the Department of
7 Community and Economic Development, be sentenced to pay a fine
8 of five dollars for each day's delay beyond [said] ninety days,
9 and costs. All fines recovered shall be for the use of the
10 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 Municipal
19 League [of Cities and Municipalities] and the Secretary of
20 Community and Economic Development, or [his] the secretary's
21 agent 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 Municipal League [of Cities and Municipalities] and
2 other 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] the secretary's
11 agent or designee, who shall serve as [chairman] chairperson of
12 the committee.

13 (d) It shall be the duty of the Secretary of Community and
14 Economic Development, or [his] the secretary's agent or
15 designee, to see to it that the forms required by this act are
16 prepared in cooperation with [said] the committee. In the event
17 that [said] the committee should for any reason fail to furnish
18 such cooperation, the Secretary of Community and Economic
19 Development, or [his] the secretary's agent or designee, shall
20 complete the preparation of the forms. After their preparation,
21 [he] the Secretary of Community and Economic Development, or the
22 secretary's agent or designee, shall issue [said] the forms and
23 distribute them annually, as needed, to the designated officers
24 of each city of the third class.

25 (e) No change or alteration in the forms prescribed shall be
26 made by the Secretary of Community and Economic Development or
27 [his] the secretary's agent or designee, except by a majority
28 approval of the committee, unless upon reasonable notice two or
29 more representatives thereof fail to attend the committee
30 meetings. In voting upon any change or alteration, each

1 representative and the [chairman] chairperson of the committee
2 shall have one vote.

3 Section 131. Section 1814 of the act is amended to read:

4 Section 1814. Annual Reports to Council on Insurance and
5 Bonds.--The [director of accounts and finance] chief fiscal
6 officer shall prepare or cause to be prepared and submit to
7 council [at the first stated meeting in October of each year],
8 as council shall direct, a complete and itemized report of all
9 policies of insurance contracted for by the city[,] for the
10 information and consideration of council. The [director of
11 accounts and finance] chief fiscal officer shall make a like
12 report [at the same time each year], as council shall direct, of
13 all bonds given for the protection of the city in whole or in
14 part.

15 Section 132. Article XIX heading of the act is reenacted to
16 read:

17 ARTICLE XIX

18 CONTRACTS

19 Section 133. Section 1901 of the act, amended or added
20 September 17, 1959 (P.L.906, No.359), October 4, 1978 (P.L.1045,
21 No.239), July 1, 1981 (P.L.196, No.59), April 3, 1992 (P.L.53,
22 No.17) and November 3, 2011 (P.L.377, No.91), is amended to
23 read:

24 Section 1901. [Power to Make Contracts; Regulations
25 Concerning Contracts.--(a) Each city may make contracts for
26 carrying into execution the provisions of this act and the laws
27 of the Commonwealth. The council shall, by ordinance, provide
28 for and regulate the award of all contracts. All contracts or
29 purchases not in excess of the base amount of eighteen thousand
30 five hundred dollars, subject to adjustment under section one

1 thousand nine hundred and three point one of this act, shall be
2 by note or memorandum in writing, signed by the officer or
3 employe making the purchase or contract.

4 (b) All services and personal properties required by any
5 city, or any department thereof, where the base amount exceeds
6 the sum of eighteen thousand five hundred dollars, subject to
7 adjustment under section one thousand nine hundred and three
8 point one of this act, shall be furnished and performed under
9 written contract, and the contract shall be awarded and given to
10 the lowest responsible bidder, after advertising two times, each
11 publication on a different day, in not more than two newspapers,
12 in accord with the provisions of section one hundred and nine of
13 this act, and the bids shall not be opened until at least ten
14 days have elapsed after the first advertisement. A notice of the
15 advertisement for contracts or purchases shall also be posted at
16 the city hall.

17 (c) The amount of the contract shall in all cases, whether
18 of straight sale price, conditional sale, bailment lease, or
19 otherwise, be the entire amount which the city pays to the
20 successful bidder or his assigns in order to obtain the services
21 or property or both, and shall not be construed to mean only the
22 amount which is paid to acquire title or to receive any other
23 particular benefit or benefits of the whole bargain.

24 (d) The contracts or purchases made by council involving an
25 expenditure in excess of the base amount of eighteen thousand
26 five hundred dollars, subject to adjustment under section one
27 thousand nine hundred and three point one of this act, which
28 shall not require advertising or bidding, as hereinbefore
29 provided are as follows:

30 (1) Those for maintenance, repairs or replacements for

1 water, electric light or other public works of the city,
2 provided they do not constitute new additions, extensions or
3 enlargements of existing facilities and equipment, but a bond
4 may be required by council as in other cases of work done.

5 (2) Those made for improvements, repairs and maintenance of
6 any kind made or provided by any city through its own employees:
7 Provided, however, That this shall not apply to construction
8 materials used in a street improvement.

9 (3) Those where particular types, models or pieces of new
10 equipment, articles, apparatus, appliances, vehicles, or parts
11 thereof, are desired by council, which are patented and
12 manufactured or copyrighted products.

13 (4) Those involving any policies of insurance or surety
14 company bonds; those made for public utility service under
15 tariffs on file with the Pennsylvania Public Utility Commission;
16 those made with another political subdivision or a county, the
17 Commonwealth of Pennsylvania, the Federal government, any agency
18 of the Commonwealth or the Federal government, or any municipal
19 authority, including the sale, leasing or loan of any supplies
20 or materials by the Commonwealth or the Federal government, or
21 their agencies, but the price thereof shall not be in excess of
22 that fixed by the Commonwealth, the Federal government, or their
23 agencies.

24 (5) Those involving personal or professional services.

25 (6) Those made during a state of emergency declared by the
26 mayor or chief executive in accord with section one thousand two
27 hundred and three of this act.

28 (e) The acceptance of bids by advertising required herein
29 shall be made by public announcement at the meeting at which
30 bids are received by council or at a subsequent meeting, the

1 time and place of which shall be publicly announced when bids
2 are so received. If, for any reason, the award is not made at
3 either of the above meetings, the same business may be
4 transacted at a subsequent meeting, the time and place of which
5 shall be announced at the previous meeting held for such award.
6 At such third meeting, the council shall either award the
7 contract or shall reject all bids.

8 (f) Council may require that any bids so advertised be
9 accompanied by cash, by a certified or cashier's good faith
10 check or other irrevocable letter of credit in a reasonable
11 amount, or by a bond with corporate surety in a reasonable
12 amount. Whenever it is required that a bid be accompanied by
13 cash, certified check, cashier's good faith check or other
14 irrevocable letter of credit, no bid shall be considered unless
15 so accompanied. In the event any bidder shall, upon award of the
16 contract to him, fail to comply with the requirements
17 hereinafter stated as to a bond guaranteeing the performance of
18 the contract the good faith deposit by cash, certified check, or
19 bond, shall be forfeited to the city as liquidated damages.

20 (g) Where advertising is required herein, the successful
21 bidder shall be required to furnish a bond or irrevocable letter
22 of credit in an amount sufficient to council with suitable
23 reasonable requirements guaranteeing the performance of the
24 contract within twenty days after the contract has been awarded,
25 unless council prescribes a shorter period of not less than ten
26 days, and failure to furnish such security within such time
27 shall void the award. The provisions of this subsection
28 requiring successful bidders to furnish security shall not be
29 mandatory as to contracts for the purchase of motor vehicles or
30 other pieces of equipment but only as to those contracts which

1 involve furnishing of labor and materials. Council may in all
2 cases of contracts or purchases require security for
3 performance, delivery, or other terms.

4 (h) Where the roadway of a street is to be paved originally
5 and for the first time, or reconstructed by putting down a new
6 base, or a sewer is to be constructed, or grading done, such
7 work shall be done under written contract, after advertising as
8 provided in section one hundred and nine of this act, and such
9 contract shall be given to the lowest responsible bidder.

10 (i) The council may, by ordinance, provide for and regulate
11 the purchase of supplies and materials and the sale of personal
12 property.

13 (j) The council may also, by ordinance, provide a contingent
14 fund or funds for necessary repairs and incidental expenses, not
15 otherwise provided in the general appropriations, and such funds
16 may be expended without advertising for bids.

17 (k) Every contract for the construction, reconstruction,
18 alteration, repair, improvement or maintenance of public works
19 shall comply with the provisions of the act of March 3, 1978,
20 (P.L.6, No.3), known as the "Steel Products Procurement Act."

21 (l) No person, consultant, firm or corporation contracting
22 with a city for purposes of rendering personal or professional
23 services to the city shall share with any city officer or
24 employe, and no city officer or employe shall accept, any
25 portion of the compensation or fees paid by the city for the
26 contracted services provided to the city except under the
27 following terms or conditions:

28 (1) Full disclosure of all relevant information regarding
29 the sharing of the compensation or fees shall be made to the
30 council of the city.

1 (2) The council of the city must approve the sharing of any
2 fee or compensation for personal or professional services prior
3 to the performance of said services.

4 (3) No fee or compensation for personal or professional
5 services may be shared except for work actually performed.

6 (4) No shared fee or compensation for personal or
7 professional services may be paid at a rate in excess of that
8 commensurate for similar personal or professional services.]

9 Power to Make and Regulate Awarding of Contracts.--(a) Each
10 city may make contracts for carrying into execution the
11 provisions of this act and the laws of this Commonwealth. In
12 addition to and consistent with the requirements of this
13 article, council shall, by ordinance, provide for and regulate
14 the procedures for the award of all contracts, including the
15 purchase of supplies and materials.

16 (b) Contracts for the sale of real and personal property
17 shall be conducted in conformance with section 2402.1.

18 Section 134. The act is amended by adding sections to read:

19 Section 1901.1. Contracts or Purchases in Excess of Base
20 Amount of Eighteen Thousand Five Hundred Dollars.--(a) Except
21 as provided in section 1901.4(b), all contracts or purchases in
22 excess of the base amount of eighteen thousand five hundred
23 dollars, subject to adjustment under section 1903.1, shall be
24 subject to advertising and competitive bidding as provided in
25 this article.

26 (b) All services and personal properties required by any
27 city, or any department thereof, where the amount exceeds the
28 base amount of eighteen thousand five hundred dollars, subject
29 to adjustment under section 1903.1, shall be furnished and
30 performed under written contract, and the contract shall be

1 awarded and given to the lowest responsible bidder after
2 advertising two times, each publication on a different day, in
3 not more than two newspapers of general circulation, in
4 accordance with the provisions of section 109, and the bids
5 shall not be opened until at least ten days have elapsed after
6 the advertisement. A copy of the advertisement for contracts or
7 purchases shall be posted in the city office designated by
8 council.

9 Section 1901.2. Contracts or Purchases Not in Excess of Base
10 Amount of Eighteen Thousand Five Hundred Dollars.--With regard
11 to all contracts or purchases not in excess of the base amount
12 of eighteen thousand five hundred dollars, subject to adjustment
13 under section 1903.1, the following shall apply:

14 (1) The purchases or contracts shall be evidenced by note or
15 memorandum in writing, signed by the officer or employe making
16 the purchase or contract.

17 (2) Council, or the officer designated by council, shall
18 approve all purchases or contracts, except council need not
19 approve those purchases or contracts within the category of
20 small or routine purchases or incidental expenses, as defined by
21 ordinance.

22 Section 1901.3. Determining Amount of Contract.--The amount
23 of the contract shall in all cases, whether of straight sale
24 price, conditional sale, bailment lease or otherwise, be the
25 entire amount which the city pays to the successful bidder or
26 the successful bidder's assigns in order to obtain the services
27 or property, or both, and shall not be construed to mean only
28 the amount which is paid to acquire title or to receive any
29 other particular benefit or benefits of the whole bargain.

30 Section 1901.4. Contracts or Purchases Not Requiring

Advertising or Bidding.--(a) City contracts or purchases, if not in excess of 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 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

1 exist in the market area within which it is practicable to
2 obtain quotations. A written record of telephonic price
3 quotations shall be made and shall contain at least the date of
4 the quotation, the name of the provider and the provider's
5 representative, the type of service that was the subject of the
6 quotation and the price. Written price quotations, written
7 records of telephonic price quotations and memoranda shall be
8 retained for a period of three years.

9 (6) Those made with another political subdivision or a
10 county, the Commonwealth of Pennsylvania, the Federal
11 Government, any agency of the Commonwealth or the Federal
12 Government or any municipal authority, including the sale,
13 leasing or loan of any supplies or materials by the Commonwealth
14 or the Federal Government, or their agencies, but the price
15 thereof shall not be in excess of that fixed by the
16 Commonwealth, the Federal Government or their agencies.

17 (7) Those involving personal or professional services.

18 (8) Those made during a state of emergency declared by the
19 mayor in accordance with section 1203 or those made during a
20 disaster emergency declared by the Governor or during a local
21 emergency in accordance with 35 Pa.C.S. Pt. V (relating to
22 emergency management services).

23 Section 1901.5. Receipt, Opening, Award or Rejection of
24 Bids.--(a) In any case in which advertisement and bidding are
25 required, the advertisement shall specify the time by which and
26 place at which bids will be received and the time and place for
27 the opening of bids.

28 (b) Bids received pursuant to advertisement shall be opened
29 publicly by council or its designated agent. The amount of each
30 bid and any other relevant information as may be specified by

council, together with the name of each bidder, shall be disclosed and recorded; and the record shall be open to public inspection.

(c) At a public meeting of council, not more than sixty days after the receipt of bids, council shall either award the contract or shall reject all bids.

Section 1901.6. Bid, Performance and Payment Security.--(a) The following shall apply to bid security:

(1) Council may require that bids received pursuant to advertisement be accompanied by bid security, in a reasonable amount, which shall be in the form of a certified or bank check or a bond provided by a surety company authorized to do business in this Commonwealth or another form of security as specified in the advertisement for bids.

(2) In the event the successful bidder shall, upon award of the contract, fail to comply with the requirements of subsection (b) as to performance security, the bid security shall be forfeited to the city as liquidated damages.

(b) The following shall apply to performance security:

(1) In the case of a contract that had been subject to advertising and bidding, the successful bidder shall be required to furnish performance security in the form of a bond or irrevocable letter of credit in an amount equal to one hundred per centum of the contract price with suitable reasonable requirements guaranteeing the performance of the contract. Performance security shall be provided within twenty days after the contract has been awarded, unless council prescribes a shorter period of not less than ten days. Failure to furnish such security within the required time period shall void the award.

1 (2) The provisions of this subsection requiring successful
2 bidders to furnish security shall not be mandatory as to
3 contracts for the purchase of motor vehicles or other pieces of
4 equipment but only as to those contracts which involve
5 furnishing of labor and materials. Council may in all cases of
6 contracts or purchases require security for performance,
7 delivery or other terms.

8 (c) In conformity with the act of December 20, 1967
9 (P.L.869, No.385), known as the "Public Works Contractors' Bond
10 Law of 1967," it shall be the duty of every city to require any
11 person, partnership, association or corporation entering into a
12 contract with such city for the construction, erection,
13 installation, completion, alteration, repair of or addition to
14 any public work or improvement of any kind whatsoever, where the
15 amount of the contract is in excess of ten thousand dollars,
16 before commencing work under the contract, to provide payment
17 security in a form acceptable to and approved by the city, which
18 may include, but need not be limited to, a bond, Federal or
19 Commonwealth-chartered lending institution irrevocable letters
20 of credit and restrictive or escrow accounts in the lending
21 institutions, equal to one hundred per centum of the contract
22 amount. The payment security shall be solely for the protection
23 of claimants supplying labor or materials to the prime
24 contractor to whom the contract was awarded, or to any of the
25 prime contractor's subcontractors, in the prosecution of the
26 work provided for in the contract. The payment security shall be
27 conditioned for the prompt payment of all material furnished or
28 labor supplied or performed in the prosecution of the work under
29 the contract.

30 Section 1901.7. Compliance With Other Laws.--Every contract

1 subject to this article shall comply, as applicable, with the
2 provisions of the act of August 15, 1961 (P.L.987, No.442),
3 known as the "Pennsylvania Prevailing Wage Act," the act of
4 December 20, 1967 (P.L.869, No.385), known as the "Public Works
5 Contractors' Bond Law of 1967," the act of January 23, 1974
6 (P.L.9, No.4), referred to as the Public Contract Bid Withdrawal
7 Law, the act of March 3, 1978 (P.L.6, No.3), known as the "Steel
8 Products Procurement Act," the act of February 17, 1994 (P.L.73,
9 No.7), known as the "Contractor and Subcontractor Payment Act,"
10 62 Pa.C.S. Chs. 37 Subch. B (relating to motor vehicles), 39
11 (relating to contracts for public works) and 45 (relating to
12 antibid-rigging).

13 Section 1901.8. Prohibitions.--No person, consultant, firm
14 or corporation contracting with a city for purposes of rendering
15 personal or professional services to the city shall share with
16 any city officer or employe, and no city officer or employe
17 shall accept, any portion of the compensation or fees paid by
18 the city for the contracted services provided to the city.

19 Section 1901.9. Lowest Responsible Bidder.--For purposes of
20 this article, the lowest responsible bidder need not be the
21 bidder submitting the lowest dollar amount bid. The city may
22 also consider the quality of goods or services supplied, ease of
23 repair, compatibility with other city equipment or services,
24 responsiveness, past performance of the bidder and any other
25 reasonable factors specified in the advertisement for bids.

26 Section 135. Section 1902 of the act, amended November 3,
27 2011 (P.L.377, No.91), is amended to read:

28 Section 1902. Evasion of Advertising Requirements.--No
29 [member or members of council] elected or appointed official or
30 officials of any city shall evade the provisions of [the

1 preceding section as to] this article requiring advertising for
2 bids by purchasing or contracting for services and personal
3 properties piecemeal for the purpose of obtaining prices under
4 the base amount of eighteen thousand five hundred dollars,
5 subject to adjustment under section [one thousand nine hundred
6 and three point one of this act] 1903.1, upon transactions which
7 should, in the exercise of reasonable discretion and prudence,
8 be conducted as one transaction amounting to more than the base
9 amount of eighteen thousand five hundred dollars, subject to
10 adjustment under section [one thousand nine hundred and three
11 point one of this act] 1903.1. This provision is intended to
12 make unlawful the practice of evading advertising requirements
13 by 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] the elected or appointed official acts
21 is or ought to be a part of a larger transaction and that it is
22 being divided in order to evade the requirements as to
23 advertising for bids, shall be jointly and severally subject to
24 surcharge for ten per centum of the full amount of the contract
25 or purchase. Wherever it shall appear that [a member of council
26 may have voted] an elected or appointed official may have acted
27 in violation of this section but the purchase or contract on
28 which [he so voted was not approved by council] the elected or
29 appointed official acted was not executed, this section shall be
30 inapplicable.

Section 136. Section 1903.1 of the act, added November 3, 2011 (P.L.377, No.91), is reenacted and amended to read:

Section 1903.1. Adjustments to Base Amount Based on Consumer Price Index for All Urban Consumers.--

(a) Adjustments to the base amounts specified under sections [1901] 1901.1, 1902 and 1909 shall be made as follows:

(1) The Department of Labor and Industry shall determine the percentage change in the Consumer Price Index for All Urban Consumers: All Items (CPI-U) for the United States City Average as published by the United States Department of Labor, Bureau of Labor Statistics, for the twelve-month period ending September 30, 2012, and for each successive twelve-month period thereafter.

(2) If the department determines that there is no positive percentage change, then no adjustment to the base amounts shall occur for the relevant time period provided for in this section.

(3) (i) If the department determines that there is a positive percentage change in the first year that the determination is made under paragraph (1), the positive percentage change shall be multiplied by each base amount, and the products shall be added to the base amounts, respectively, and the sums shall be preliminary adjusted amounts.

(ii) The preliminary adjusted amounts shall be rounded to the nearest one hundred dollars (\$100) to determine the final adjusted base amounts for purposes of sections [1901] 1901.1 and 1902.

(4) In each successive year in which there is a positive percentage change in the CPI-U for the United States City Average, the positive percentage change shall be multiplied by the most recent preliminary adjusted amounts, and the products

1 shall be added to the preliminary adjusted amount of the prior
2 year to calculate the preliminary adjusted amounts for the
3 current year. The sums thereof shall be rounded to the nearest
4 one hundred dollars (\$100) to determine the new final adjusted
5 base amounts for purposes of sections [1901] 1901.1 and 1902.

6 (5) The determinations and adjustments required under this
7 section shall be made in the period between October 1 and
8 November 15 of the year following the effective date of this
9 subsection and annually between October 1 and November 15 of
10 each year thereafter.

11 (6) The final adjusted base amounts and new final adjusted
12 base amounts obtained under paragraphs (3) and (4) shall become
13 effective January 1 for the calendar year following the year in
14 which the determination required under paragraph (1) is made.

15 (7) The department shall publish notice in the Pennsylvania
16 Bulletin prior to January 1 of each calendar year of the annual
17 percentage change determined under paragraph (1) and the
18 unadjusted or final adjusted base amounts determined under
19 paragraphs (3) and (4) at which competitive bidding is required
20 under section [1901] 1901.1 and advertising is required under
21 section 1902 or separate bids are required under section 1909
22 for the calendar year beginning the first day of January after
23 publication of the notice. The notice shall include a written
24 and illustrative explanation of the calculations performed by
25 the department in establishing the unadjusted or final adjusted
26 base amounts under this section for the ensuing calendar year.

27 (8) The annual increase in the preliminary adjusted base
28 amounts obtained under paragraphs (3) and (4) shall not exceed
29 three percent.

30 Sections 137. Sections 1904 and 1905 of the act are

1 repealed:

2 [Section 1904. Reference of Expenditures for Approval by
3 Council.--Any expenditures or transactions, exclusive of
4 compensation paid to city employes, in any department, office or
5 bureau of the city, which may reasonably seem likely to exceed
6 the sum of five hundred dollars over a period of sixty days,
7 shall not be undertaken or proceeded upon except after reference
8 thereof to council and approval by council by ordinance or
9 resolution. Council may approve, revise, or refuse to approve
10 any such referred expenditure or transaction. No official, agent
11 or employe of the city shall knowingly violate the provisions of
12 this section, and any person so violating shall forfeit and pay
13 to the use of the city a penalty of one hundred dollars for each
14 offense.

15 Section 1905. Personal Interest in Contracts.--In any case
16 where a city officer or official elected or appointed knows or
17 by the exercise of reasonable diligence could know that he is
18 interested to any appreciable degree, either directly or
19 indirectly, in any contract for the sale or furnishing of any
20 personal property for the use of the city, or for any services
21 to be rendered for such city, involving the expenditure by the
22 city of more than three hundred dollars in any year, he shall
23 notify council thereof; and any such contract shall not be
24 passed and approved by council except by an affirmative vote of
25 at least four members thereof. In case the interested officer is
26 a member of council, he shall refrain from voting upon said
27 contract. The provisions of this section shall not apply to
28 cases where such officer or official is an employe of the
29 person, firm or corporation to which money is to be paid in a
30 capacity with no possible influence on the transaction and in

1 which he cannot possibly be benefited thereby, either
2 financially or in any other material manner. Any officer or
3 official who shall knowingly violate the provisions of this
4 section shall be liable to the city upon his bond, if any, or
5 personally, to the extent of the damage shown to be sustained
6 thereby by the city, to ouster from office, and shall be guilty
7 of a misdemeanor; and upon conviction thereof, shall be
8 sentenced to pay a fine not exceeding five hundred dollars, or
9 imprisonment not exceeding one year, or both.]

10 Section 138. Section 1906 of the act, amended August 21,
11 1953 (P.L.1292, No.364), is amended to read:

12 Section 1906. Designation of Appropriations; Certification
13 in Excess of Appropriation; Contracts for Governmental Services
14 for More than One Year.--[Every contract involving an
15 appropriation of money shall designate the item of appropriation
16 on which it is founded, and the estimated amount of the
17 expenditure thereunder shall be charged against such item, and
18 so certified by the director of accounts and finance on the
19 contract before it shall take effect as a contract. The payments
20 required by such contract shall be made from the fund
21 appropriated therefor. In any case where the lowest responsible
22 bid is in excess of the item of appropriation on which the
23 contract is to be founded, the item of appropriation may be
24 increased by council in the amount necessary to cover the bid,
25 and the contract may be awarded and certified without any
26 additional advertising. If the director of accounts and finance
27 shall certify any contract in excess of the appropriation made
28 therefor, the city shall not be liable for such excess, but the
29 director of accounts and finance shall be liable for the same,
30 which may be recovered in an action at law by the contracting

1 party aggrieved. But nothing] With regard to any contract,
2 council may direct the city administrator, chief fiscal officer,
3 or other designated official or employe to furnish information
4 concerning the availability of appropriated funds to satisfy
5 required payments under the contract. Nothing herein contained
6 shall prevent the making of contracts for governmental services
7 for a period exceeding one year, but any contract so made shall
8 be executory only for the amounts agreed to be paid for such
9 services to be rendered in succeeding fiscal years.

10 [It shall be the duty of the director of accounts and finance
11 to certify contracts for the payment of which sufficient
12 appropriations have been made.]

13 Section 139. Section 1907 of the act, amended April 3, 1992
14 (P.L.53, No.17), is repealed:

15 [Section 1907. Security for the Protection of Labor and
16 Materialmen.--It shall be the duty of every city to require any
17 person, copartnership, association, or corporation, entering
18 into a contract with such city for the construction, erection,
19 installation, completion, alteration, repair of, or addition to,
20 any public work or improvement of any kind whatsoever, where the
21 amount of such contract is in excess of one thousand five
22 hundred dollars, before commencing work under such contract, to
23 execute and deliver to such city, in addition to any other
24 security which may now or hereafter be required by law to be
25 given in connection with such contract, an additional bond or
26 irrevocable letter of credit for the use of any and every
27 person, copartnership, association, or corporation interested,
28 in a sum not less than fifty per centum and not more than one
29 hundred per centum of the contract price, as such city may
30 prescribe, conditioned for the prompt payment of all material

1 furnished and labor supplied or performed in the prosecution of
2 the work, whether or not the said material or labor enter into
3 and become component parts of the work or improvement
4 contemplated. Such additional security shall be deposited with
5 and held by the city for the use of any party interested
6 therein. Every such additional security shall provide that every
7 person, copartnership, association, or corporation who, whether
8 as subcontractor or otherwise, has furnished material or
9 supplied or performed labor in the prosecution of the work as
10 above provided, and who has not been paid therefor, may sue in
11 assumpsit on said additional security, in the name of the city,
12 for his, their, or its use and prosecute the same to final
13 judgment for such sum or sums as may be justly due him, them, or
14 it, and have execution thereof: Provided, however, That the city
15 shall not be liable for the payment of any costs or expense of
16 any suit. The surety or sureties on a bond under this section
17 must be authorized to do business in this Commonwealth.]

18 Section 140. Section 1908 of the act is repealed:

19 [Section 1908. Purchasing Department.--Each city may, by
20 ordinance, provide for the establishment of a purchasing
21 department, which shall have supervision over the purchase and
22 distribution of all supplies purchased. The said department
23 shall be attached to the department of accounts and finance or
24 such other department as council may determine, and shall be
25 operated in accordance with rules and regulations to be adopted
26 by council, the rules to include the manner in which quotations
27 shall be secured on the supplies purchased. The said department
28 shall assist council at all times in eliminating waste and
29 extravagance in the purchase and distribution of the supplies of
30 the city.]

1 Section 141. Section 1908.1 of the act, added December 10,
2 1974 (P.L.815, No.270), is amended to read:

3 Section 1908.1. Purchase Contracts for Petroleum Products;
4 Fire Company, Etc., Participation.--The council of each city
5 shall have power to permit, subject to [such] any terms and
6 conditions as [it] the city may impose, [and as hereinafter
7 specifically provided, shall, prescribe] any fire company,
8 rescue company and ambulance company in the city to participate
9 in purchase contracts for petroleum products entered into by the
10 city. [Any such company desiring to participate in such purchase
11 contracts shall file] Fire company, rescue company and ambulance
12 company participation in purchase contracts for petroleum
13 products shall be subject to the condition that all prices shall
14 be F.O.B. destination. If permitted by council, a fire company,
15 rescue company or ambulance company may participate in
16 designated petroleum product contracts entered into by the city,
17 subject to the fire company, rescue company or ambulance
18 company:

19 (1) Having filed with the city clerk a request that it be
20 authorized to participate in contracts for the purchase of
21 petroleum products of the city [and agreeing].

22 (2) Having agreed that it will be bound by [such] any terms
23 and conditions [as] imposed by the city [may, and as hereinafter
24 specifically provided, shall, prescribe and].

25 (3) Having agreed that it will be responsible for payment
26 directly to the vendor under each purchase contract. [Among such
27 terms and conditions, the city shall prescribe that all prices
28 shall be F.O.B. destination.]

29 Section 142. Section 1909 of the act, amended November 3,
30 2011 (P.L.377, No.91), is amended to read:

1 Section 1909. Separate Bids for Plumbing, Heating,
2 Ventilating and Electrical Work, Elevators and [Moving Stairs]
3 Escalators.--In the preparation of specifications for the
4 erection, construction, and alteration of any public building,
5 when the entire cost of such work shall exceed the base amount
6 of eighteen thousand five hundred dollars, subject to adjustment
7 under section [one thousand nine hundred and three point one of
8 this act] 1903.1, the architect, engineer, or other person
9 preparing such specifications[,] shall prepare only the
10 following separate specifications[;]: (1) plumbing, (2) heating,
11 (3) ventilating, (4) electrical work, (5) elevators and [moving
12 stairs] escalators, and (6) one complete set of specifications
13 for all the other work to be done in such erection, construction
14 and alteration. The project manager, construction manager or
15 other person or persons authorized by council to enter into
16 contracts for the erection, construction, or alteration of such
17 public buildings shall receive separate bids upon each of the
18 [said] branches of work, and the city council or the appropriate
19 city officer shall award the contract for the same to the lowest
20 responsible bidder for each of [said] the branches, including
21 the balance of the work, in addition to the plumbing, heating,
22 ventilating and electrical work and elevators and [moving
23 stairs] escalators. Where it is desired to install an air
24 conditioning unit, the heating and ventilating so involved may
25 be regarded as one branch of work having only one set of
26 specifications, and bids may be received and a contract awarded
27 thereon as hereinbefore provided.

28 Section 143. Sections 1910, 1911 and 1912 of the act are
29 amended to read:

30 Section 1910. Acceptance by Contractor of [Workmen's]

1 Workers' Compensation Act.--[All contracts executed by any city,
2 or any officer or bureau or board thereof, which involve the
3 construction or doing of any work involving the employment of
4 labor, shall contain a provision that the contractor shall
5 accept, in so far as the work covered by any such contract is
6 concerned, the provisions of the Workmen's Compensation Act and
7 any reenactments, supplements or amendments thereto, and that
8 the said contractor will insure his liability thereunder, or
9 file with the city with whom the contract is made a certificate
10 of exemption from insurance from the Department of Labor and
11 Industry of this Commonwealth.

12 Every officer of any city, or bureau or department thereof,
13 who shall sign, on behalf of the said city, any contract
14 requiring in its performance the employment of labor, shall
15 require, before the said contract shall be signed, proof that
16 the said contractor with whom the contract is made shall have
17 accepted the Workmen's Compensation Act and any reenactments,
18 supplements or amendments thereto, and proof that the said
19 contractor has insured his liability thereunder in accordance
20 with the terms of the said act, or that the said contractor has
21 had issued to him a certificate of exemption from insurance from
22 the Department of Labor and Industry of this Commonwealth.

23 Any contract executed in violation of the provisions of this
24 section shall be null and void.]

25 (a) All contracts executed by any city which involve the
26 construction or performance of any work involving the employment
27 of labor shall contain a provision that the contractor shall
28 accept, and file with the city proof of compliance with or
29 exemption from, insofar as the work covered by the contract is
30 concerned, the act of June 2, 1915 (P.L.736, No.338), known as

1 the "Workers' Compensation Act."

2 (b) A certificate of exemption from issuance may be issued
3 on the basis of either individual self-insurance or group self-
4 insurance.

5 (c) A contractor shall file with the city any proof that the
6 Department of Labor and Industry, with respect to certain
7 employees, has accepted the application to be excepted from the
8 provisions of the "Workers' Compensation Act" on religious
9 grounds.

10 (d) Any contract executed in violation of this section is
11 void.

12 Section 1911. Contracts for Improvements; Assignment of
13 Assessments.--Where the whole or any part of the cost of an
14 improvement is to be paid by assessments upon the property
15 abutting or benefited, the city may enter into an agreement with
16 the contractor [that he], pursuant to which the contractor shall
17 take an assignment of [such] the assessments in payment of the
18 amount due [him] under the terms of [his] the contract, and, in
19 such case, the city shall not be otherwise liable under such
20 contract[, whether said assessments are collectible or not].

21 Section 1912. Architects and Engineers in Employ of City;
22 Prohibitions from Bidding on Public Works; Penalty.--(a) It
23 shall be unlawful for any architect or engineer[,] in the employ
24 of any city[,] to bid on any public work of the city.

25 (b) It shall be unlawful for the officers of any city,
26 charged with the duty of letting any public work, to award a
27 contract to any [such] architect or engineer[,] in the employ of
28 the city.

29 (c) Any person or persons violating these provisions, or any
30 of them, [shall be guilty of] commits a misdemeanor[,] and[, on]

1 shall, upon conviction [thereof, shall forfeit his], be subject
2 to forfeiting office, in accordance with section 901, and [be]
3 sentenced to pay a fine not exceeding five hundred dollars, or
4 to undergo imprisonment for not less than six months, or both,
5 in the discretion of the court. Any contract made in violation
6 of the provisions of this section shall be null and void.

7 (d) The provisions of this section shall be in addition to
8 any prohibition in 65 Pa.C.S. Ch. 11 (relating to ethics
9 standards and financial disclosure).

10 Section 144. Sections 1913, 1914 and 1915 of the act are
11 repealed:

12 [Section 1913. Contracts With Transportation Companies.--
13 Subject to the provisions of the Public Utility Law, any city,
14 of the one part, and any person operating a public
15 transportation service within the limits of such city, of the
16 other part, may enter into contracts with each other affecting,
17 fixing, and regulating the franchises, powers, duties, and
18 liabilities of such companies, and the regulations and
19 respective rights of the contracting parties. Such contracts
20 may, inter alia, provide for payments by the companies to the
21 city in lieu of the performance of certain duties or the payment
22 of license fees or charges imposed in favor of such city, by the
23 charters of the respective companies, or by any general law or
24 ordinance, for the appointment by the city of a certain number
25 of persons to act as directors of such company, in conjunction
26 with the directors elected by the stockholders of such company,
27 and, further, may provide for the ultimate acquisition by the
28 city, upon terms mutually satisfactory, of the leaseholds,
29 property, and franchises of the contracting companies.

30 Section 1914. Contracts for Relocation of Railroads.--

1 Subject to the provisions of the Public Utility Law, any city
2 may enter into contracts with any of the railroad companies,
3 whose roads enter its limits, whereby the said railroad
4 companies may relocate, change or elevate their railroads within
5 said limits, in such manner as, in the judgment of the proper
6 authorities of such city, may be best adapted to secure the
7 safety of lives and property, and promote the interest of said
8 city; and, for that purpose, may do all such acts as may be
9 necessary and proper to effectually carry out such contracts.
10 Any such contracts, made by any railroad company or companies as
11 aforesaid with any city, are hereby fully ratified and
12 confirmed. Nothing herein contained shall affect any contract
13 made, or hereafter to be made, with any railroad company, from
14 apportioning the expenses of altering and adjusting the grades
15 of existing railroads and intersecting streets in any city so as
16 to dispense with grade crossings.

17 Section 1915. Contracts with Street Railways for Exclusive
18 Right to Lay Tracks.--In case any city shall deem it necessary
19 for the public benefit and convenience to secure the removal of
20 any street railway tracks already laid, or prevent the laying of
21 such tracks already authorized to be laid, or to change the
22 route of any street railway on any street or streets, or portion
23 of a street or streets, within its corporate limits, and such
24 purpose or purposes can be accomplished by agreement with the
25 street railway company or motor power company owning, leasing or
26 operating such tracks, the said parties may, subject to the
27 provisions of the Public Utility Law, enter into a contract, for
28 a period not exceeding fifty years, for such considerations and
29 upon such terms and conditions, and containing such
30 stipulations, reservations and covenants as may be agreed upon

1 between the respective parties thereto; and such contract may
2 include a covenant providing that, during the continuance
3 thereof, municipal consent shall not be granted to any other
4 company to use or occupy the street, streets, or portions of a
5 street or streets, covered by such contract, for street railway
6 or passenger transportation purposes; which covenants shall be
7 enforceable by bill in equity against such city, in case of
8 attempted breach thereof; and such contract may also provide for
9 the laying or relaying of such tracks upon such terms and under
10 such contingencies and conditions as may be agreed upon. When
11 such contract shall have been made, it shall form a part of the
12 charter of the company, with like force and effect as to all its
13 terms, conditions, stipulations, restrictions, covenants, and
14 provisions as to change of routes as if the same formed a part
15 of the original charter of such company; and no removal of
16 tracks already laid, or postponement of or delay in the time of
17 beginning or completing the work of laying tracks already
18 authorized to be laid, and no change of route therein provided
19 for, shall operate or be construed to deprive or divest any such
20 company, entering into such contract, of any of the rights,
21 franchises, or privileges possessed by it at the time of
22 entering into such contract, so as to operate in favor of any
23 company subsequently formed and seeking to occupy, for street
24 railway purposes, the street, streets, or portions of a street
25 or streets, covered by such contract. Nothing in this section
26 contained, nor any contract made in pursuance thereof, shall be
27 construed to limit or affect in any way, or impose any
28 additional liability for the exercise of, the right of a
29 railroad company to lay its tracks, over, upon, under, and
30 across such street or streets, or portions thereof.]

1 Section 145. The act is amended by adding a section to read:

2 Section 1916. Contracts with Passenger or Transportation
3 Companies.--Except as may be prohibited by 66 Pa.C.S. Pt. I
4 (relating to public utility code) or Federal or other state
5 regulation of transportation or commerce, a city may, as it
6 deems necessary for the public benefit and convenience, contract
7 with a person or persons owning a public transportation service,
8 railroad company, street railway, motor power company, or
9 passenger or transportation company.

10 Section 146. Section 1917 of the act, amended June 28, 2011
11 (P.L.75, No.15), is repealed:

12 [Section 1917. Sales of Personal Property.--No city personal
13 property shall be disposed of by sale or otherwise except upon
14 approval of council by ordinance or resolution. In cases where
15 council shall approve a sale of city personal property, it shall
16 estimate the sale value of the entire lot to be disposed of. If
17 council shall estimate such sale value to be less than one
18 thousand dollars, it shall require a notice of the proposed sale
19 to be posted for at least ten days on the bulletin board in the
20 city hall, describing and itemizing the property to be sold and
21 directing that bids may be made thereon at the office of the
22 city clerk. Thereafter, council may sell such property, in whole
23 or in part, for the best price or prices obtainable. If council
24 shall estimate the sale value to be one thousand dollars or
25 more, the entire lot shall be advertised for sale once in at
26 least one newspaper, in accordance with the provisions of
27 section one hundred nine of this act, and sale of the property
28 so advertised shall be made to the best responsible bidder; and
29 the bids shall not be opened until at least ten days after the
30 said advertisement. Council may sell any such property at

1 auction, but the provisions as to notice contained in this
2 section shall be likewise observed as to the holding of such
3 auction sales. An auction may be conducted by means of an online
4 or electronic auction sale. During an electronic auction sale,
5 bids shall be accepted electronically at the time and in the
6 manner designated in the advertisement. During the electronic
7 auction, each bidder shall have the capability to view the
8 bidder's bid rank or the high bid price. Bidders may increase
9 their bid prices during the electronic auction. The record of
10 the electronic auction shall be accessible for public
11 inspection. The purchase price shall be paid by the high bidder
12 immediately or at a reasonable time after the conclusion of the
13 electronic auction as determined by council. In the event that
14 shipping costs are incurred, they shall be paid by the high
15 bidder. A city that has complied with the advertising
16 requirements of this section may provide additional public
17 notice of the sale by bids or auction in any manner deemed
18 appropriate by council. The advertisement for electronic auction
19 sales authorized in this section shall include the Internet
20 address or means of accessing the electronic auction and the
21 date, time and duration of the electronic auction. The
22 provisions of this section shall not be mandatory where city
23 personal property is to be traded-in or exchanged for new city
24 personal property.]

25 Section 147. Section 1918 of the act, amended October 17,
26 1974 (P.L.775, No.254), is repealed:

27 [Section 1918. Street Construction and Improvement by City
28 Employes.--Whenever a city uses the work or services of its
29 employes in the construction or improvement, of any public
30 street within the territorial limits, it shall be subject to the

1 limitations and duties imposed by this article in the purchase
2 of any materials for such construction or improvement. The
3 provisions of this section shall not be construed to affect or
4 limit the provisions of Article XXIX of this act.]

5 Section 148. Section 1919 of the act, amended July 1, 1994
6 (P.L.373, No.55), is repealed:

7 [Section 1919. Sales of Real and Personal Property to
8 Certain Entities.--Any provision of this act requiring
9 advertising for bids and sale to the highest bidder shall not
10 apply where city real or personal property is to be sold to a
11 county, city, borough, town, township, home rule municipality,
12 institution district, school district, volunteer fire company,
13 volunteer ambulance service or volunteer rescue squad located
14 within the city, or municipal authority pursuant to the act of
15 May 2, 1945 (P.L.382, No.164), known as the "Municipality
16 Authorities Act of 1945," a housing authority pursuant to the
17 act of May 28, 1937 (P.L.955, No.265), known as the "Housing
18 Authorities Law," an urban redevelopment authority pursuant to
19 the act of May 24, 1945 (P.L.991, No.385), known as the "Urban
20 Redevelopment Law," a parking authority pursuant to the act of
21 June 5, 1947 (P.L.458, No.208), known as the "Parking Authority
22 Law," a port authority pursuant to the act of December 6, 1972
23 (P.L.1392, No.298), known as the "Third Class City Port
24 Authority Act," or a corporation not for profit engaged in
25 community industrial development. Any provision of this act
26 requiring advertising for bids and sale to the highest bidder
27 shall not apply where real property is to be sold to a
28 corporation not for profit organized as a public library for its
29 exclusive use as a library, to a medical service corporation not
30 for profit, to a housing corporation not for profit, to the

Commonwealth or to the Federal Government. When real property is to be sold to a corporation not for profit organized as a public library for its exclusive use as a library or to a medical service corporation not for profit or to a housing corporation not for profit, council may elect to accept a nominal consideration for the sale as it shall deem appropriate. Real property sold pursuant to this section shall be subject to the condition that when the property is not used for the purposes of the conveyance, the property shall revert to the city.]

Section 149. Article XX heading of the act is amended to read:

ARTICLE XX

POLICE [BUREAU] FORCE

Section 150. Sections 2001 and 2002 of the act, amended December 27, 1967 (P.L.893, No.403), are amended to read:

Section 2001. Appointment, Number, Rank, Compensation and Qualifications of [Policemen] Police Officers.--(a) The council shall fix, by ordinance, the number, grades and compensation of the members of the city police force, who shall, except as provided in section 2002, be appointed in accordance with the civil service provisions of this act[, and no].

(b) No member of the city police force having been promoted in conformity with the civil service provisions of this act shall be demoted in rank or discharged from the police force except upon proper cause shown as set forth under the civil service provisions of this act.

(c) No [policeman shall] police officer, after [his] the police officer's appointment and qualification, shall hold at the same time the office of constable.

(d) Council shall [prescribe all necessary] promulgate rules

1 and regulations for the organization and government of the
2 police force. [The minimum annual starting salary or
3 compensation to be paid the members of the police force by any
4 city shall be four thousand five hundred dollars (\$4,500), with
5 minimum annual increments of three hundred dollars (\$300) for
6 the first three years of such employment. If the annual salary
7 or compensation of any policeman employed by the city on the
8 effective date of this amending act is less than four thousand
9 five hundred dollars (\$4,500), such salary or compensation shall
10 be increased to four thousand five hundred dollars (\$4,500), and
11 such policeman shall receive minimum annual increments of three
12 hundred dollars (\$300) for the next three years of such
13 employment.]

14 Section 2002. Designation of Chief [and Other Officers].--
15 The [mayor shall designate, from the force, the chief and other
16 officers who shall serve as such officers until their successors
17 are appointed and qualified. The chief of police shall be
18 designated by the mayor and may be demoted without cause in the
19 same manner, but not to any rank lower than the rank which he
20 held at the time of his designation as chief of police.] chief
21 of police shall be designated by the mayor from within the ranks
22 and may be demoted without cause in the same manner, but not to
23 any rank lower than the rank which was held at the time of
24 designation as chief of police. In the event that no qualified
25 officer from within the ranks has applied for such designation,
26 the chief of police shall be designated by the mayor from
27 without the ranks. The officers, other than the chief of police,
28 shall be designated in accordance with Article XLIV.

29 Section 151. Sections 2003, 2005, 2006, 2007, 2008 and 2009
30 of the act are amended to read:

1 Section 2003. Extra [Policemen] Police Officers;
2 Compensation.--[The mayor, whenever, in his judgment] Whenever
3 in the judgment of the mayor it is necessary for the public
4 safety or to preserve order, the mayor may appoint extra
5 [policemen] police officers to serve for such period as the
6 council may designate, not exceeding thirty days, whose
7 compensation shall be fixed by council.

8 Section 2005. Powers of [Policemen] Police Officers to
9 Arrest.--[Policemen] Police officers shall be ex-officio
10 constables of the city, and shall and may[, within the city or]
11 enforce the laws of this Commonwealth or otherwise perform the
12 functions of their office in accordance with 42 Pa.C.S. §§ 8952
13 (relating to primary municipal police jurisdiction) and 8953
14 (relating to Statewide municipal police jurisdiction) and upon
15 property owned or controlled by the city or by a [municipality]
16 municipal authority [of] created by the city [within the
17 Commonwealth], without warrant and upon view, arrest and commit
18 for hearing any and all persons guilty of breach of the peace,
19 vagrancy, riotous or disorderly conduct or drunkenness, or who
20 may be engaged in the commission of any unlawful act tending to
21 imperil the personal security or endanger the property of the
22 citizens, or violating any of the ordinances of [said] the city
23 for the violation of which a fine or penalty is imposed.

24 Section 2006. Service of Process; Fees; Payment into
25 Treasury.--[Policemen] Police officers shall have authority to
26 serve and to execute [within the city or upon property owned or
27 controlled by the city or by a municipality authority of the
28 city within the Commonwealth all] criminal process or processes
29 issued for the violation of city ordinances [which may be issued
30 by the mayor or any alderman,] and shall charge the same fees

1 and costs as pertain by law to the constables of the city for
2 similar services, but the [said] fees and costs shall be
3 [received and collected by the mayor or alderman, and by him]
4 paid into the city treasury monthly as herein provided.

5 Section 2007. Supervision by Mayor.--[Policemen] The chief
6 of police shall obey the orders of the mayor and make report to
7 [him] the mayor, which report shall be [laid by him before
8 council monthly] presented monthly by the mayor to council. [The
9 mayor shall exercise a constant supervision and control over
10 their conduct.]

11 Section 2008. Extra Compensation Prohibited; Exception;
12 Penalty.--No [policeman] police officer shall ask, demand or
13 receive any compensation or reward whatsoever for [his] the
14 police officer's services other than that provided by ordinance,
15 except rewards offered for the arrest of persons accused of
16 crime committed outside of the city in which [they hold office,
17 and witness fees and mileage as provided by law for their
18 appearance in any court of record] such officer is employed. Any
19 [policeman] police officer violating any of the provisions of
20 this section [shall be guilty of] commits a misdemeanor [in
21 office, and, upon conviction, shall be sentenced to pay a fine
22 not exceeding fifty dollars, or undergo imprisonment not
23 exceeding thirty days, or both, at the discretion of the court,]
24 of the third degree and shall, upon conviction, be sentenced to
25 pay a fine or undergo imprisonment, or both, at the discretion
26 of the court to be followed by dismissal from office.

27 Section 2009. Compensation or Insurance for Volunteer
28 [Policemen] Police Officer.--Each city may make necessary
29 appropriations to provide compensation or insurance for
30 volunteer [policemen] police officers injured or killed while

1 engaged in the performance of such duties as may be assigned to
2 them in the city.

3 Section 152. Section 2010 of the act, amended April 6, 1998
4 (P.L.236, No.44), is amended to read:

5 Section 2010. School Crossing Guards.--(a) Upon request of
6 the board of school directors of the school district in which a
7 city is located, the city council may appoint school crossing
8 guards who shall have the duty of controlling and directing
9 traffic at or near schools [and who shall be in suitable and
10 distinctive uniform. School crossing guards shall be authorized
11 only in the management of traffic and pedestrians in and around
12 areas identified by the city police department and the school
13 district superintendent]. They shall serve at the pleasure of
14 the city council, except as noted in subsection (b)[, and shall
15 not come within the civil service provisions of this act and
16 shall not be entitled to participate in any city pension plan or
17 plans now in effect or hereafter effective]. The compensation of
18 the school crossing guards, if any, shall be fixed by the city
19 council and shall be jointly paid by the city council and the
20 board of school directors, in a ratio to be determined by the
21 city council and board of school directors. If the city council
22 and board of school directors are unable to determine the ratio
23 of compensation of the school crossing guards to be paid by the
24 council and the board, each shall pay one-half of the
25 compensation of [such police. Auxiliary policemen, appointed as
26 prescribed by general law, may be designated to serve as school
27 crossing guards] the school crossing guards.

28 (b) A city council may [approve] enact an ordinance allowing
29 a board of school directors to assume the hiring and oversight
30 of the school crossing guards. Before city council may [approve]

1 enact such an ordinance, the board of directors of the school
2 district shall [approve] adopt a resolution requesting the
3 authority to assume the hiring and oversight of the school
4 crossing guards. The ordinance enacted by council shall outline
5 how the city police department will provide any necessary
6 training and assistance of the school crossing guards while on
7 duty. [Such school crossing guards will be authorized only in
8 the management of traffic and pedestrians in and around areas
9 identified by the city police department and the school district
10 superintendent or his or her designee. The school crossing
11 guards shall not come within the civil service provision of this
12 act, nor shall they] School crossing guards shall not fall under
13 the bargaining unit of the school district nor be classified as
14 an employe as defined under section 1101-A of the act of March
15 10, 1949 (P.L.30, No.14), known as the "Public School Code of
16 1949," or under any benefits as provided under the "Public
17 School Code of 1949[,]."
18 effective. Once] After the ordinance [receives] is enacted by
19 city council [approval], the school district shall assume the
20 cost of compensation, including fixing such compensation, if
21 any, of the school crossing guards. [Auxiliary policemen,
22 appointed as prescribed by general law, may be hired by the
23 school district to serve as school crossing guards.] The board
24 of school directors shall notify the city council, mayor and
25 police chief or commissioner of those hired to serve as school
26 crossing guards and request the necessary training or assistance
27 be provided as outlined by the ordinance.

28 (c) Whether the city council appoints school crossing guards
29 upon the request of the board of school directors or whether the
30 city council enacts an ordinance allowing a board of school

directors to assume the hiring and oversight of the school crossing guards, the following shall apply to school crossing guards:

(1) Their duties and authority shall be restricted to the management of traffic and pedestrians in and around areas identified by the city police force and the school district superintendent or a designee.

(2) They shall be in suitable and distinctive uniform while performing their duties as school crossing guards.

(3) They shall not come within the civil service provisions of this act.

(4) They shall not be entitled to participate in any city or school district pension or benefit plan or plans now in effect or hereafter effective.

(5) Auxiliary police officers, appointed as prescribed by general law, may be designated by city council or hired by the school district, as applicable, to serve as school crossing guards.

Section 153. Article XXI heading of the act is reenacted to read:

ARTICLE XXI

FIRE BUREAU

Section 154. Section 2101 of the act is amended to read:

Section 2101. Organization of Fire Bureau; Maintenance; Apparatus.--[Each city may organize a fire bureau, with or without pay, make] With regard to a city fire bureau, council shall have the authority to:

(1) by ordinance, establish and organize a fire bureau;

(2) make appropriations for the maintenance of the same[, prescribe];

1 (3) promulgate rules and regulations for the government of
2 the officers and companies belonging thereto[,]; and

3 (4) purchase equipment and apparatus for the extinguishment,
4 prevention and investigation of fires and for the public safety.

5 Section 155. Section 2101.1 of the act, added July 1, 1994
6 (P.L.373, No.55), is amended to read:

7 Section 2101.1. Appointment and Demotion of Fire Chief [and
8 Deputy Fire Chief].--The mayor, by and with approval and consent
9 of council, shall appoint the fire chief [and deputy fire chief]
10 who may be demoted without cause but not to any rank lower than
11 the rank which [he] the fire chief held within the department at
12 the time of [his] designation as fire chief [or deputy fire
13 chief.]. In the event that no qualified employe of the fire
14 bureau has applied for such appointment, the fire chief shall be
15 appointed by the mayor, by and with approval and consent of
16 council, from without the ranks.

17 Section 156. Section 2102 of the act, amended November 9,
18 1965 (P.L.670, No.328), is amended to read:

19 Section 2102. Paid Bureau; Election of Officers and
20 Companies.--When a paid fire bureau is organized by any city,
21 the council, except as provided by section 2101.1, may provide,
22 by ordinance, for the election or appointment of the officers
23 and companies belonging thereto, in accordance with civil
24 service provisions where applicable. The minimum annual starting
25 salary or compensation to be paid the officers and [firemen]
26 firefighters by any city shall be [four thousand five hundred
27 dollars (\$4,500), with minimum annual increments of three
28 hundred dollars (\$300) for the first three years of such
29 employment. If the annual salary or compensation of any fireman
30 employed by the city on the effective date of this amending act

1 is less than four thousand five hundred dollars (\$4,500), such
2 salary or compensation shall be increased to four thousand five
3 hundred dollars (\$4,500), and such fireman shall receive minimum
4 annual increments of three hundred dollars (\$300) for the next
5 three years of such employment] established by the city council.

6 Section 157. Section 2103 of the act, amended July 19, 1957
7 (P.L.1012, No.448), is amended to read:

8 Section 2103. Platoon System; Hours of Service[; Vacation;
9 Sick Leave].--(a) The director of the department having charge
10 of the fire bureau in [each city shall] a city may divide the
11 officers and members of companies of the uniformed fire force in
12 the employ of [such cities] the city, and any other [firemen]
13 firefighters and drivers regularly employed and paid by the
14 city, excepting the chief engineer and assistant chiefs, and
15 those employed subject to call, into [two] shifts, bodies or
16 platoons to perform service during such hours as the director
17 shall fix[, except as herein otherwise provided. The hours of
18 day service shall not exceed ten, commencing at eight o'clock in
19 the morning; the hours of night service shall not exceed
20 fourteen, commencing at six o'clock in the afternoon; and the
21 hours of day service shall not exceed fifty hours in any one
22 calendar week, and the hours of night service shall not exceed
23 seventy hours in any one calendar week, unless the hours of day
24 and night service shall be equalized, in which case neither the
25 hours of day or night service shall exceed fifty-six in any one
26 calendar week: Provided, That for the duration of any war in
27 which the United States is engaged, and six months thereafter,
28 the hours of service may exceed the number hereinbefore provided
29 as the maximum number of hours of service, and in such cases,
30 council shall provide for the payment of extra compensation for

1 any hours of service, at the same rate as paid for regular
2 service in excess of such maximum hours of service. The employes
3 of such fire forces shall be allowed to have at least twenty-
4 four consecutive hours of rest in every calendar week, to have
5 an annual vacation of not less than fourteen working days, and
6 shall be entitled to twenty-one days sick leave annually without
7 diminution of the salary or compensation fixed by ordinance. In
8 those instances in which sick leave exceeds four days at any one
9 time, it shall be necessary for the employe to present evidence
10 satisfactory to the director of the department showing either
11 injury, hospitalization, or illness attended to by a physician].
12 In cases of riot, serious conflagration, times of war, public
13 celebrations, or other such emergency, the [chief engineer of
14 the bureau of fire, or the assistant chief deputy, or chief]
15 fire chief or officer in charge at any fire shall have the power
16 to assign all the members of the fire force to continuous
17 duty[,] or to continue any member thereof on duty, if necessary.
18 [No member of any of said shifts, bodies or platoons shall be
19 required to perform continuous day service or continuous night
20 service for a longer consecutive period than two weeks, nor be
21 kept on duty continuously longer than ten hours in the day
22 shifts, bodies or platoons or fourteen hours in the night
23 shifts, bodies or platoons, excepting as may be necessary to
24 equalize the hours of duty and service, and also excepting in
25 cases of emergency, as above provided.]

26 ~~(b) No schedule shall require a member of any shift, body or~~<--
27 ~~platoon to perform continuous service for a consecutive period~~
28 ~~of twenty four hours, excepting in cases of emergency or as~~
29 ~~otherwise agreed through collective bargaining or an award~~
30 ~~pursuant to the act of June 24, 1968 (P.L.237, No.111), referred~~

1 ~~to as the Policemen and Firemen Collective Bargaining Act.~~

2 ~~(c) The provisions of subsection (b) shall not be deemed to~~
3 ~~alter or affect any work schedules in existence prior to the~~
4 ~~effective date of this subsection.~~

5 (B) EXCEPT AS PROVIDED IN SUBSECTION (C), NO SCHEDULE SHALL <--
6 REQUIRE A MEMBER OF ANY SHIFT, BODY OR PLATOON TO PERFORM
7 CONTINUOUS SERVICE FOR A CONSECUTIVE PERIOD OF TWENTY-FOUR
8 HOURS, EXCEPTING IN CASES OF EMERGENCY OR AS OTHERWISE AGREED
9 THROUGH COLLECTIVE BARGAINING OR AN AWARD PURSUANT TO THE ACT OF
10 JUNE 24, 1968 (P.L.237, NO.111), REFERRED TO AS THE POLICEMEN
11 AND FIREMEN COLLECTIVE BARGAINING ACT. THE PROVISIONS OF THIS
12 SUBSECTION SHALL NOT BE DEEMED TO ALTER OR AFFECT ANY SCHEDULES
13 IN EXISTENCE PRIOR TO THE EFFECTIVE DATE OF THIS SUBSECTION.

14 (C) IN A CITY WHERE THE WORK SCHEDULE IN EXISTENCE PRIOR TO
15 THE EFFECTIVE DATE OF THIS SUBSECTION REQUIRED A WORK SHIFT OF
16 LESS THAN TWENTY-FOUR HOURS, NO SCHEDULE SHALL REQUIRE A MEMBER
17 OF ANY SHIFT, BODY OR PLATOON TO PERFORM CONTINUOUS SERVICE FOR
18 A CONSECUTIVE PERIOD OF TWENTY-FOUR HOURS, EXCEPTING IN CASES OF
19 EMERGENCY OR AS OTHERWISE VOLUNTARILY AGREED THROUGH COLLECTIVE
20 BARGAINING. ONCE SO MODIFIED, NO FURTHER WORK SCHEDULE MAY
21 CONTAIN PROVISIONS REINSTITUTING A RESTRICTION ON DUTY OF LESS
22 THAN TWENTY-FOUR HOURS OF CONTINUOUS SERVICE.

23 Section 158. Sections 2104, 2105, 2106, 2107 and 2108 of the
24 act are amended to read:

25 Section 2104. Fire Marshal; Powers.--Every city may, by
26 ordinance, provide for the creation of the office of fire
27 marshal who shall be appointed by the mayor, by and with the
28 approval and consent of council, biennially. The fire marshal
29 and [his] any authorized assistants[, if council shall provide
30 for such assistants,] shall inspect all constructions or

1 buildings within the city or upon property owned or controlled
2 by the city or a [municipality] municipal authority of the city
3 within the Commonwealth[, whether public, private, or business,]
4 and shall enforce all laws of the Commonwealth and ordinances of
5 the city relating to such constructions or buildings, for the
6 prevention, containment, or investigation of fire and
7 firehazards, both as to the constructions or buildings and as to
8 the contents or occupancies thereof. The fire marshal or [his]
9 the fire marshal's assistants shall report to the director of
10 public safety or to council or other designated official, as
11 council shall by ordinance provide, any faulty or dangerous
12 construction or building or like condition in any building[,]
13 that may constitute a fire hazard[,] or any proposed use or
14 occupation of any construction, building or premises[,] which
15 would create or increase a hazard of fire. [He] The fire marshal
16 shall investigate and keep a permanent record of the cause,
17 origin and circumstances of every fire and the damage resulting
18 therefrom occurring within [his] the fire marshal's jurisdiction
19 immediately after the occurrence of [such] the fire. The [said]
20 records of the fire marshal shall be open to public
21 inspection[.] except as exempted in accordance with the act of
22 February 14, 2008 (P.L.6, No.3), known as the "Right-to-Know
23 Law." The fire marshal shall submit to council an annual report
24 consolidating the information contained in [said records at the
25 first stated meeting in March of each year] the records as
26 directed by council. [He shall request the mayor or any alderman
27 of the city to investigate, under the act, approved the
28 seventeenth day of April, one thousand eight hundred sixty-nine
29 (Pamphlet Laws 74), the origin of any fire he deems suspicious;
30 and shall be equally subject to appointment and removal and to

1 all the powers and duties under the act, approved the twenty-
2 seventh day of April, one thousand nine hundred twenty-seven
3 (Pamphlet Laws 450, Number 291), as amended, as is the chief of
4 the fire department] If a fire is deemed suspicious, the fire
5 marshal shall have the authority to investigate the same.

6 Section 2105. Obstructing Fire Marshal; Fine.--It shall be
7 unlawful for any person to obstruct or prevent or attempt to
8 obstruct or prevent the fire marshal in the discharge of [his]
9 the fire marshal's duties. Council may, by ordinance, establish
10 the types or grades of such criminal conduct[,] and may
11 establish fines[,] or imprisonment [in default of payment
12 thereof,] or both for such violations. No fine so ordained shall
13 exceed [three hundred] one thousand dollars for any single
14 violation, and no imprisonment [in default of payment of such a
15 fine] shall exceed ninety days.

16 Section 2106. Investigation of Cause of Fire; Power of
17 Mayor.--The mayor of any city may, whenever in [his] the mayor's
18 judgment the occasion demands it, issue a subpoena, in the name
19 of the Commonwealth of Pennsylvania, to any person or persons
20 requiring [them to attend] the attendance of the person or
21 persons before [him] the mayor or the fire marshal at [such] the
22 time and place as may be named in [said] the subpoena, then and
23 there to testify, under oath or affirmation, which the fire
24 marshal in the absence of the mayor is hereby empowered to
25 administer, as to the origin of any fire occurring within the
26 bounds of such city[,] and also as to any facts or circumstances
27 that may be deemed important to secure the detection and
28 conviction of any party or parties guilty of the offense of
29 arson or attempted arson.

30 Section 2107. Fire Chief Ex-officio Fire Marshal.--The fire

1 chief of any city shall be ex-officio fire marshal thereof in
2 any city wherein the office is not separately filled [by
3 council] pursuant to ordinance, and in [such] that case all the
4 powers and duties herein given to or imposed upon [such] the
5 fire marshal shall be enjoyed and exercised by [such] the fire
6 chief [of the fire department].

7 Section 2108. Compensation Insurance for Injured Volunteer
8 [Firemen] Firefighters or Special Fire Police.--Each city may
9 make [such] appropriations as may be necessary to secure
10 insurance or compensation for volunteer [firemen] firefighters
11 killed or injured while engaged in the performance of their
12 duties or as special fire police.

13 Section 159. Section 2109 of the act, added June 16, 1993
14 (P.L.97, No.21), is amended to read:

15 Section 2109. Salary of Nonunion City Fire Officers.--[Any]
16 A fire chief or head of a fire department of a city who has been
17 removed from bargaining units under the act of June 24, 1968
18 (P.L.237, No.111), referred to as the Policemen and Firemen
19 Collective Bargaining Act, by rulings of the Pennsylvania Labor
20 Relations Board shall receive not less than the same dollar
21 increase, including fringe benefits but excluding overtime and
22 festive holiday pay, as received by the highest-ranking fire
23 officer participating in the bargaining unit.

24 Section 160. Article XXII heading of the act is amended to
25 read:

26 ARTICLE XXII

27 [BUREAU OF MINE INSPECTION AND]

28 SURVEYS AND SURFACE SUPPORT

29 IN COAL MINING AREAS

30 Section 161. Sections 2201 and 2202 of the act are repealed:

1 [Section 2201. Ordinance Creating.--Any city within the
2 limits of the anthracite or of the bituminous coal regions of
3 the Commonwealth may, by ordinance, create a bureau of mine
4 inspection and surface support.

5 Section 2202. Bureau, How Constituted.--The bureau shall
6 consist of one practical mining engineer, to be appointed by the
7 mayor, with consent of the council, and such assistants, clerks,
8 and employes as the council may provide. The officers and
9 employes of the bureau shall receive such compensation as may be
10 prescribed by council.]

11 Section 162. Sections 2203, 2204, 2205, 2206 and 2207 of the
12 act are amended to read:

13 Section 2203. [Inspection of Mines] Survey of Mines.--
14 [Members of the bureau may enter, inspect, examine] For the
15 purpose of conducting a survey as may be required by council,
16 the city engineer or other registered professional engineer
17 employed by the city, may enter and survey any mine or colliery,
18 within the limits of the city, in whole or in part, at all
19 reasonable times, either by day or night, but not so as to
20 impede nor obstruct the workings of the mine or colliery; and
21 may take with them [such] other persons [as may be] necessary
22 for the purpose of making [an examination or] a survey. The
23 owner, operator, or superintendent of such mine or colliery
24 shall furnish the means necessary for [such] the entry,
25 [inspection, examination,] survey and exit.

26 Section 2204. Operators to Furnish Maps; Contents.--The
27 owner, operator, or superintendent of every coal mine or
28 colliery within the limits of the city, in whole or in part,
29 [within three months after the passage of an ordinance by any
30 city creating such bureau,] shall, at the request of council,

1 make or cause to be made and furnished to [such bureau] the city
2 engineer an accurate map or plan of the workings or excavations
3 of [such] each coal mine or colliery, or parts thereof, within
4 the limits of [said] the city[, on a scale of one hundred feet
5 to the inch. The map or plan shall exhibit the workings or
6 excavations in every seam of coal on a separate sheet, and the
7 tunnels and passages connecting with such workings or
8 excavations. It shall show in degrees the general inclination of
9 the strata, with any material deflection therein in the workings
10 or excavations, and shall also show the tidal elevations of the
11 bottom of every shaft, slope, tunnel, and gangway, and of any
12 other point in the mine or on the surface where such elevation
13 shall be deemed necessary by the bureau. The map or plan shall
14 show the number of the last survey station and date of each
15 survey on the gangways or the most advanced workings].

16 Section 2205. Extensions to be Placed on Maps.--[Every mine
17 owner, operator, or superintendent shall place or cause to be
18 placed upon the map of the bureau, at least] Not less than once
19 in every three months, a map that has been provided to a city,
20 at the request of council, pursuant to section 2204, shall be
21 updated at the direction of the mine owner, operator or
22 superintendent. The updated map shall show all the extensions
23 made in any mine, wholly or partially within the limits of
24 [such] the city, and not already so placed upon the map, except
25 those made within thirty days immediately preceding the time of
26 placing [such] the extensions upon the [said] map.

27 Section 2206. Certain Surface Supports Not to be Removed.--
28 It shall be unlawful for any person, [copartnership]
29 partnership, association, or corporation to dig, mine, remove,
30 or carry away the coal, rock, earth, or other minerals or

1 materials forming the natural support of the surface beneath the
2 streets and places of any city[, in the anthracite region or in
3 the bituminous region,] to such an extent and in such a manner
4 as to thereby remove the necessary support of the surface,
5 without having first placed or constructed an artificial
6 permanent support sufficient to uphold and preserve the
7 stability of the surfaces of such streets and places.

8 Section 2207. Penalty for Surface Support Violations.--Any
9 person, corporation or association[, being the owner, lessee or
10 operator of any coal mine, and] violating the provisions of this
11 article concerning surface support of streets and places within
12 the city [shall be guilty of] commits a misdemeanor[, and
13 shall, upon conviction [thereof shall], be sentenced for such
14 offense to pay a fine not exceeding one thousand dollars, or [to
15 undergo] imprisonment [in the county jail] for a period not
16 exceeding ninety days, or both, and each [five day continuance
17 in any] day in which such violation continues shall constitute
18 an additional and separate offense [and be likewise punishable
19 upon conviction thereof].

20 Section 163. Section 2208 of the act is repealed:

21 [Section 2208. General Penalties.--Any owner, operator or
22 superintendent of any coal mine or colliery who shall violate
23 any of the provisions of this article, except those requiring
24 surface support of streets and places within the city, shall,
25 upon summary conviction thereof before a justice of the peace or
26 an alderman of the city, be fined not less than fifty dollars
27 nor more than three hundred dollars, and in default of payment
28 thereof, shall be imprisoned for not more than ninety days for
29 each such violation. Each five day continuance in any such
30 violation shall constitute an additional and separate offense

1 and be likewise punishable upon summary conviction thereof. All
2 fines imposed under this section shall be paid into the treasury
3 of the city.]

4 Section 164. Section 2209 of the act is reenacted to read:

5 Section 2209. Enactment of Ordinances.--Council may enact
6 such ordinances as may be necessary for the enforcement of the
7 provisions of this article and provide penalties for the
8 violation thereof.

9 Section 165. Article XXIII and subdivision (a) headings of
10 the act are reenacted to read:

11 ARTICLE XXIII

12 PUBLIC HEALTH

13 (a) Board of Health

14 Section 166. Section 2301 of the act is amended to read:

15 Section 2301. Board of Health[; Incompatibility].--Each city
16 shall have a board of health. Council may, by ordinance, create
17 a board of health [as herein provided], or, in lieu thereof,
18 council shall be the board of health. [The board of health shall
19 have five members appointed by council, who shall serve without
20 compensation. Except as otherwise herein provided, membership on
21 the board of health shall be incompatible with every other city
22 office.] If council is the board of health, members of council
23 shall receive no additional compensation for serving on the
24 board.

25 Section 167. Section 2302 of the act, amended June 16, 1993
26 (P.L.97, No.21), is amended to read:

27 Section 2302. [Qualifications; Term; Removal.--The] Members
28 of Appointed Boards of Health.--(a) Council shall appoint five
29 members to a board of health created by ordinance. Appointed
30 members shall serve without compensation. Except, in the case of

1 an appointed member who is a licensed or certified health care
2 professional that has a principal office in the city, members of
3 the appointed board of health shall be residents of the city.

4 [At least one, and whenever possible two,]

5 (b) Two members of the board shall be [currently] licensed
6 or certified health care professionals unless council cannot
7 identify two such professionals who are willing to serve, in
8 which case, one member shall be a licensed or certified health
9 care professional. If no licensed or certified health care
10 professional can be identified to serve on the board, council
11 may, in lieu thereof, appoint any individual who has experience
12 or is knowledgeable of public health issues.

13 (c) Health care professionals pursuant to this section must
14 be licensed or certified by the State Board of Medicine, the
15 State Board of Examiners of Nursing Home Administrators, the
16 State Board of Podiatry, the State Board of Veterinary Medicine,
17 the State Board of Occupational Therapy Education and Licensure,
18 the State Board of Osteopathic Medicine, the State Board of
19 Pharmacy, the State Board of Physical Therapy [or], the State
20 Board of Nursing [to be engaged in a medical, medically related
21 or health care profession or business and shall be a resident or
22 have an office in the city. If a licensed or certified medical
23 or health care professional cannot be identified to serve on the
24 board, council may appoint any individual who has experience or
25 is knowledgeable of public health issues], the State Board of
26 Social Workers, Marriage and Family Therapists and Professional
27 Counselors, the State Board of Chiropractic, the State Board of
28 Dentistry, the State Board of Optometry, the State Board of
29 Psychology or the State Board of Examiners in Speech-Language
30 and Hearing.

1 [Upon] (d) After the creation of the board, by ordinance,
2 council shall designate [for] one appointee for a term of one
3 year, [for] another for a term of two years, and so on up to
4 five; thereafter, one member of the board shall be appointed
5 annually to serve for a term of five years from the first Monday
6 of [April] January succeeding [his] the member's appointment.

7 (e) Council may remove appointed members of the board for
8 official misconduct or neglect of duty.

9 (f) All vacancies on appointed boards shall be filled by
10 council appointing a qualified person to membership on the board
11 for the unexpired term of the person whose membership had been
12 vacated.

13 Section 168. Sections 2303, 2304, 2305, 2306, 2307, 2308,
14 2309, 2310 and 2311 of the act are amended to read:

15 Section 2303. Oath of Office; Organization; Secretary.--(a)
16 Each member of the board of health shall take the oath of office
17 prescribed in section [nine hundred and five of this act] 905.

18 (b) The board of health shall organize annually on the first
19 Monday of January[. The board] and shall elect a president
20 annually from among [the] its members. [and]

21 (c) Council shall appoint a secretary of the board of health
22 who is not a member of the board of health. [board member. The
23 secretary shall take the aforesaid oath and shall give a
24 fidelity bond with corporate surety to the city in such amount
25 as council requires.] The secretary shall receive [such] a
26 salary as approved by council [shall approve].

27 Section 2304. Duties of Secretary.--The secretary of the
28 board shall have the power and the secretary's duty shall be as
29 follows:

30 (1) To keep the minutes of the proceedings of the board[,]

1 shall keep] and accurate accounts of the expenditures of the
2 board.

3 (2) To [, shall] draw all requisitions for the payment of
4 moneys on account of the board of health from appropriations
5 made by the council to the board and shall present the same to
6 the president of the board for [his] the president's approval.

7 (3) To [, shall] render statements of the expenditures to
8 the board at each stated meeting or as frequently as the board
9 may require.

10 (4) To [, shall] prepare, under the directions of the board,
11 the annual report to council, together with the estimate of
12 appropriations needed for the ensuing year.

13 (5) To [He shall] make such reports to the State Department
14 of Health as are required by law or by rule or regulation of the
15 [Department] department.

16 (6) To [, and shall] make such other reports and perform
17 such other duties as are required [of him] by law or by the
18 board of health.

19 Section 2305. Health Officer; Qualifications; Oath [and
20 Bond.--The board shall appoint as].--(a) Council shall, by
21 ordinance, determine the manner and method of selection of a
22 health officer who shall be a person with [some] experience or
23 training in public health work [in accordance with rules and
24 regulations of the Advisory Health Board of] and who shall be
25 or, within six months of taking the oath of office, shall become
26 certified for the office of health officer by the State
27 Department of Health[, and who shall not enter upon his duties
28 until he has been certified for the office of health officer by
29 the State Department of Health]. The health officer shall take
30 the oath required of members of the board. [, and shall give

1 bond with corporate surety approved by council to the city for
2 the faithful performance of his duties. The amount of the bond
3 shall be fixed by council.] The health officer shall be the
4 agent of the board of health but shall not serve as a member of
5 the board of health.

6 (b) City council may appoint, as the principal health
7 officer of the city, the manager or chief administrator employed
8 and compensated by a nonprofit corporation which may be
9 appointed as a board of health in accordance with subdivision
10 (c). The manager or chief administrator, to be eligible for
11 appointment, must be a reputable physician of at least five
12 years' experience in the practice of the physician's profession
13 or in public health work. The principal health officer,
14 appointed pursuant to this subsection, shall have all the powers
15 and authority and duties now or hereafter to be conferred or
16 prescribed by law upon principal health officers.

17 Section 2306. Duties of Health Officer.--(a) The duties of
18 the health officer shall include the following:

19 (1) [It shall be the duty of the health officer to] To
20 attend all [stated] regular and special meetings of the board of
21 health [and to].

22 (2) To be available for the prompt performance of [his] the
23 health officer's official duties [at all times. He shall].

24 (3) To quarantine places of communicable diseases in
25 accordance with law and with the rules and regulations of the
26 State Department of Health or of the city board of health.

27 (4) [He shall] To execute all laws and rules or regulations
28 for the disinfection of quarantined places.

29 (5) [He shall] To serve written notice on teachers and
30 persons in charge of public, parochial, Sunday and other

1 schools[,] requiring the exclusion from school of children who
2 are suffering from, or who reside with persons who are suffering
3 from, communicable diseases[, and shall].

4 (6) To make sanitary inspections[, and shall] subject to
5 constitutional standards in a similar manner as provided in
6 section 2308.

7 (7) To execute the orders of the board of health and all
8 other laws, rules and regulations and orders pertaining to [his]
9 the health officer's office.

10 (b) The health officer [He] shall[, in the performance of
11 his duties, have the power and authority of a policeman of the
12 city] to the extent the health officer's duties have the power
13 to issue citations for the violation of applicable laws or
14 ordinances.

15 Section 2307. Duties of Board of Health.--[The board of
16 health shall enforce the laws of the Commonwealth and the rules,
17 regulations and orders of the State Department of Health.] (a)
18 The board of health shall undertake to prevent or diminish the
19 introduction or further spread of infectious or contagious
20 diseases[,] and otherwise to protect and increase the public
21 health by regulating communication with places of infection or
22 contagion, by isolating carriers of infection or contagion or
23 persons who have been exposed to any infectious or contagious
24 disease, by abating or removing all nuisances which the board
25 shall deem prejudicial to the public health, and by enforcing
26 the vaccination laws; and the board shall make all such rules
27 and regulations as to it appear proper for the preservation or
28 improvement of the public health, consistent with this article
29 and the laws of the Commonwealth.

30 (b) In carrying out its duties under this act, the board of

1 health shall, if authorized, enforce the laws of the
2 Commonwealth that are relevant to and relate to its duties.

3 (c) The board of health shall transmit to the State
4 Department of Health all of its reports and publications and
5 such other information regarding public health in the city as
6 may be requested or required by the [Department] department.

7 Section 2308. Powers of Board of Health.--The board of
8 health shall have authority:

9 (1) [To employ] If authorized by council, to employ agents
10 and employees at rates of compensation approved by council. [at
11 such rates or salaries as council shall approve.

12 (2) To establish and staff emergency hospitals, with the
13 consent of council, in case of the [prevalence] prevalence or
14 threat of any contagious or infectious disease or other serious
15 peril to public health, and to provide for and regulate the
16 management of such hospitals.

17 (3)] (2) To enter upon any premises whatsoever within the
18 city as a body or by committee or by its agents or employees,
19 which premises are suspected of infectious or contagious disease
20 or of any other nuisance prejudicial to the public health, or of
21 the danger of them, for the purpose of examining the premises or
22 of preventing, confining or abating public nuisances. The
23 following apply:

24 (i) In the event that entry upon any premises is refused by
25 an owner, an agent of an owner, or tenant, the board of health
26 shall obtain an administrative search warrant from any
27 magisterial district judge within the judicial district wherein
28 lies the premises to be inspected.

29 (ii) It shall be sufficient to support the issuance of a
30 warrant for the board of health to provide to the magisterial

1 district judge evidence of any of the following:

2 (A) Reasonable standards and an administrative plan for
3 conducting inspections.

4 (B) The condition of the premises or general area and the
5 passage of time since the last inspection.

6 (C) Facts, supported by an oath or affirmation, alleging
7 that probable cause exists that a law, regulation or ordinance
8 subject to enforcement by the board of health has been violated.

9 [(4)] (3) To conduct investigations and to hold public
10 hearings in the performance of its duties and powers, wherein
11 the president and secretary of the board shall have full power
12 to administer oaths and affirmations but shall receive no fee
13 therefor. For such purposes, the board of health may require the
14 attendance of witnesses and their books and papers in accordance
15 with section 917.

16 [(5)] To establish a force of sanitary police for the
17 enforcement of its rules and regulations, whenever in the
18 opinion of the board the public health of the city requires. To
19 fix the number of such police and the duration of their service
20 and to have the exclusive control and direction of them. The
21 mayor shall detail police from the regular police force or make
22 new appointments in order to provide a sanitary police force,
23 and upon the expiration of the need for such a force the members
24 thereof shall be returned to duty as regular policemen, or, if
25 newly appointed, be dismissed as the mayor may direct, but no
26 permanent increase of the police force shall be made thereby
27 unless council so ordains.

28 (6)] (4) To publish and enforce its rules and regulations as
29 approved by council.

30 [(7)] To] (5) If approved by council, to provide for or

1 cooperate in providing for general and gratuitous vaccination,
2 disinfection and other public health control programs, and
3 likewise to make available medical relief in such ways as in its
4 opinion will benefit the public health.

5 [(8) To certify to council expenditures in excess of
6 council's appropriations therefor, necessarily incurred by the
7 board by reason of an epidemic, or upon approval of council, for
8 any other immediate and serious peril to public health. Council
9 shall thereupon appropriate sufficient money to meet such
10 additional expenditures.

11 (9)] (6) To [prevent, abate or remove] provide, in
12 accordance with subdivision (b), for the prevention, abatement
13 and removal of conditions found by it to be detrimental to the
14 public health as public, not private, nuisances[,] or to declare
15 and certify to council [such] the conditions and the premises or
16 ways or places harboring [them] the condition to be public, not
17 private, nuisances.

18 [(10) To prescribe regulations for the erection or operation
19 of bone boiling establishments or of repositories of dead
20 animals in the city, and in accordance therewith, to permit or
21 refuse to permit such erections or operations within the city.
22 Any person who shall erect or operate any such establishment or
23 repository in the city without the permission of the board of
24 health, or in violation of its regulations pertaining thereto,
25 shall forfeit and pay to the city the sum of three hundred
26 dollars for every such offense, and the like amount for each
27 month's continuance thereof, to be collected by an action before
28 an alderman of the city, and shall also be subject to indictment
29 for the common law offense of creating and maintaining a
30 nuisance. Nothing herein shall limit the remedies of injunction

1 or abatement as to any such establishment.

2 (11) To determine whether or not the keeping or slaughtering
3 of stock animals or fowls in or about any dwelling or part
4 thereof, or in the yard, lot or adjoining property of any such
5 building within the city or parts thereof, is or may become
6 detrimental to the public health. Council may prohibit any such
7 keeping or slaughtering which the board certifies to it as
8 detrimental, or the board may issue permits in accordance with
9 regulations adopted by it for the keeping of such animals or
10 fowls within the city or parts thereof. No such permit shall
11 extend beyond the calendar year within which it was issued, and
12 the fee for each permit shall be one dollar.]

13 Section 2309. Effect of Rules and Regulations.--[The rules
14 and regulations of the board of health may be approved by
15 council, and when printed and advertised by council as required
16 by this act in the case of ordinances, shall have the force of
17 ordinances of the city; and all penalties, fines or imprisonment
18 prescribed therein for violations thereof, together with the
19 expenses necessarily incurred in carrying the rules and
20 regulations into effect and the costs of proceedings incident
21 thereto, shall be recoverable for the use of the city, as
22 provided for in the case of other city ordinances.] Rules and
23 regulations adopted by the board of health shall be presented to
24 city council for its approval. City council shall have the
25 authority to approve, by ordinance, the rules and regulations
26 submitted by the board of health. Upon approval by council, the
27 rules and regulations of the board of health shall have the
28 force and effect of ordinances of the city. The ordinance
29 approving the rules and regulations may incorporate them by
30 reference. Council shall provide a place for the public to view

1 the rules and regulations. The ordinance approving the rules and
2 regulations shall prescribe the penalties, fines or imprisonment
3 for violations thereof.

4 Section 2310. Fees and Penalties.--All fees and penalties
5 collected or received by the board or any officer thereof [in
6 his] acting in an official capacity shall be paid [monthly] as
7 received to the city treasurer for the use of the city.

8 Section 2311. Proceedings of Board to be Public.--The
9 proceedings of the board shall be public and its journal of
10 proceedings shall be open to [the] public inspection [of any
11 taxpayer].

12 Section 169. Article XXIII subdivision (b) heading of the
13 act is amended to read:

14 (b) [Abatement of] Public Nuisances Detrimental
15 to Public Health

16 Section 170. Sections 2320 and 2321 of the act are amended
17 to read:

18 Section 2320. [Definition.--] Determination of Public
19 Nuisances.--(a) Any condition or usage whatsoever in or about
20 the buildings, structures or land, or the streets or private
21 ways and places, or elsewhere, within the city, whether public
22 or private, [which] if determined by the board of health [shall
23 find] to be detrimental to the public health [is hereby declared
24 to be] shall constitute a public nuisance. Whenever in this
25 subdivision the words "public nuisance" or "nuisance" are used
26 they shall be deemed to mean a nuisance detrimental to the
27 public health, unless a different meaning is specified.

28 (b) The powers of investigation and entering upon premises
29 vested in the board of health and its agents and employes
30 pursuant to its orders shall be available for the determination

1 of public nuisances.

2 Section 2321. [Procedure for the] Abatement of Public
3 Nuisances by Designated Department.--[Whenever the board of
4 health shall determine, after such examination, investigation or
5 hearing as shall suffice to inform its judgment, that a public
6 nuisance exists or is about to exist, it may order the nuisance
7 to be removed, abated, suspended, altered, or otherwise
8 prevented or avoided. Notice of such order, bearing the official
9 title of the board and the number of days for compliance
10 therewith and the alternative remedy of the board in case of
11 non-compliance, shall be served upon the person, if any, whom
12 the board deems responsible therefor or concerned therein, and
13 upon the owner or abutting owner of the land, premises or other
14 places whereon such a nuisance is or is about to be, if any. In
15 case no such party or parties can be discovered by the board,
16 the order shall be served by posting a copy or copies thereof
17 conspicuously upon the premises for a period of at least ten
18 days.] (a) If, in accordance with this subdivision, the board
19 of health determines that a public nuisance exists, it shall
20 report its determination, along with any request for summary
21 abatement, to the department designated by council in section
22 2702-A, relating to the report and investigation of a public
23 nuisance.

24 (b) Notwithstanding any other provision of Article XXVII-A,
25 the department designated to abate public nuisances shall
26 proceed as follows:

27 (1) The report to the designated department that the board
28 of health has determined that public nuisance exists shall be
29 deemed a determination by the designated department that a
30 public nuisance exists as required by section 2702-A(d) (1).

1 (2) Summary abatement, if requested by the board of health,
2 shall be pursued if the designated department finds that the
3 criteria set forth in section 2702-A(d)(2) exists.

4 (3) If summary abatement is not pursued, the designated
5 department shall proceed with abatement with prior notice in
6 accordance with Article XXVII-A.

7 Section 171. Sections 2322, 2323 and 2324 of the act are
8 repealed:

9 [Section 2322. Contents of Notice.--The notice of the
10 board's order shall clearly specify:

11 1. The place and manner of the nuisance or anticipated
12 nuisance as determined by the board;

13 2. The nature or condition thereof;

14 3. The board's order with respect to the nuisance or
15 anticipated nuisance;

16 4. The names of the persons found by the board to be
17 responsible therefor or concerned therewith and the name of the
18 owner, if any, of the land or premises involved;

19 5. The date of the board's order and the number of days
20 therefrom allowed for compliance with it;

21 6. The alternative remedy of the board in case of non-
22 compliance;

23 7. Notice that the persons affected thereby may apply,
24 within the time set for compliance with the order, to the board
25 for a hearing, and may request such stay of execution or
26 modification or rescission of the said order as they shall
27 believe just and proper;

28 8. The signature of the president of the board, attested by
29 the secretary.

30 Section 2323. Hearing; Disposition.--If any person affected

1 thereby shall apply for a hearing within the time provided, the
2 board shall promptly notify all interested parties of the time
3 and place of the hearing. The board shall enter upon its minutes
4 such facts and proofs as it may receive, and its proceedings on
5 such hearing and thereafter may rescind, modify or reaffirm its
6 order and require execution of the original or of a new or
7 modified order, as it shall determine and direct. The persons
8 affected shall be notified of the board's final order, and
9 within ten days from the mailing of such notice may appeal
10 therefrom to the court of quarter sessions, which appeal may
11 operate as a supersedeas if the court, upon proper cause shown,
12 so orders, and provided the appellants post bond, approved by
13 the court, for the use of the city, with sufficient surety to
14 cover all the expense and costs of executing the board's order.

15 Section 2324. Abatement of Public Nuisances by Board of
16 Health or City.--In any case where the persons ordered by the
17 board of health to abate or prevent a public nuisance or
18 anticipated public nuisance refuse or neglect to do so within
19 the time specified in the original or any subsequent order of
20 the board, then, unless the said order shall have been suspended
21 by appeal to the court and proper bond posted, the board may
22 direct its health officer and employes to execute the said
23 order; or if the execution of the said order requires the
24 grading, paving or repaving of private alleys or any similar
25 work upon any property whatsoever within the city or any other
26 work or service that may best be performed or contracted for by
27 the agencies and employes of the city itself, then the board
28 shall certify its order to the city council and council shall
29 thereupon proceed to cause the execution of the order. In any
30 case where the board of health or the council thus abates or

1 prevents or causes the abatement or prevention of a public
2 nuisance, the cost and expense of such work, services and
3 materials shall be charged to the persons affected in their
4 proper proportions; and upon non-payment of such charges, the
5 city may file a lien therefor upon the affected premises in the
6 name of and for the use of the city, as provided by law for
7 municipal claims, in addition to the other remedies available
8 for the collection of debts due the city. The lien shall attach
9 as of the time the work was commenced, which shall be fixed by
10 the certificate of the health officer or of the city engineer
11 filed with the city clerk.]

12 Section 172. Article XXIII subdivision (c) heading of the
13 act is reenacted to read:

14 (c) Corporations Acting as Boards of Health

15 Section 173. Section 2330 of the act is amended to read:

16 Section 2330. Board of Directors of Corporation to be
17 Appointed Members of Board of Health.--[Whenever any corporation
18 not for profit has been or shall hereafter be chartered, whose
19 principal corporate purpose is or shall be substantially to
20 preserve and promote the health of the public of any city, and
21 the control and elimination of disease, and such corporation, in
22 the opinion of the council of such city and the State Department
23 of Health, shall have at its disposal sufficient means to render
24 its assistance of value to the city in the administration of its
25 public health affairs, and is properly organized and managed,
26 said council may, by ordinance, appoint the members of the board
27 of directors for such corporation as the board of health of such
28 city for a term of five years. The said board of directors shall
29 not be more than nine or less than five in number, and at least
30 two of the members shall be reputable physicians with not less

1 than five years' experience in the practice of their profession.
2 When, by limitation in the charter or by-laws of such
3 corporation, the office of any member of the board of directors
4 shall terminate, such person's membership in the board of health
5 shall also terminate and a vacancy in such membership exist, to
6 be filled as hereinafter provided. Whenever the number of
7 directors of such corporation shall be increased, subject,
8 however, to the aforesaid maximum limitation of nine, the
9 council of said city may appoint any person added to the
10 corporation's board of directors as an additional member of the
11 board of health for a term equal in the unexpired term of the
12 other members, subject, also, to termination resulting from
13 limitations in the corporation's charter or by-laws as

14 aforesaid.] (a) City council may, by ordinance, appoint the
15 members of a board of directors of a nonprofit corporation as
16 the board of health for the city for a term of five years
17 provided that the nonprofit corporation:

18 (1) Has as its principal purpose to substantially preserve
19 and promote the health of the public of the city and to control
20 and eliminate disease.

21 (2) Has sufficient means to render valuable assistance to
22 the city's public health affairs in the opinion of city council
23 and the State Department of Health.

24 (3) Is properly organized and managed.

25 (4) Has no fewer than five and no more than nine members on
26 the board of directors.

27 (5) Has at least two reputable physicians on the board with
28 each having no less than five years' experience in the practice
29 of the physician's profession.

30 (b) When the office of any member of the board of directors

1 terminates pursuant to the nonprofit corporation's charter or
2 bylaws, the office of the member of the board of health shall
3 also terminate with the resulting vacancy to be filled as
4 hereinafter provided.

5 (c) If the number of the board of directors of the nonprofit
6 corporation increases, subject to the limitation of a maximum of
7 nine members, city council may appoint any person added to the
8 corporation's board of directors as an additional member of the
9 board of health for a term equal to the unexpired term of the
10 other members. This additional appointment shall be subject to
11 any subsequent termination resulting from a limitation in the
12 corporation's charter and bylaws.

13 Section 174. Section 2331 of the act is repealed:

14 [Section 2331. Councilmen and School Directors Eligible for
15 Appointment.--Members of council of such city, not more than two
16 in number, and one member of the board of directors of the
17 school district of such city, if they are also members of the
18 board of directors of said corporation, shall be eligible to
19 appointment as members of the board of health of said city.]

20 Section 175. Sections 2332, 2333, 2334 and 2335 of the act
21 are amended to read:

22 Section 2332. Power of Board.--The board of health [so
23 appointed] under this subdivision shall have all the power and
24 authority and perform the duties now or hereafter conferred and
25 prescribed by law upon boards of health of cities.

26 Section 2333. Health Officer.--[If the board of directors of
27 such corporation shall employ as manager or chief administrator
28 of the activities and operations of the corporation a reputable
29 physician of five years' experience in the practice of his
30 profession, or in public health work, for a compensation to be

1 paid out of the corporation's funds, it shall be lawful for such
2 council to appoint such manager or chief administrator as the
3 principal health officer of such city, with all the powers and
4 authority and duties now or hereafter to be conferred or
5 prescribed by law upon principal health officers.] Pursuant to
6 section 2305(b), city council may appoint the manager or chief
7 administrator of a nonprofit corporation as the principal health
8 officer of the city.

9 Section 2334. Secretary.--The secretary of the board of
10 directors of [such] the nonprofit corporation under this
11 subdivision may serve as secretary of [such] the board of
12 health.

13 Section 2335. Filling of Vacancies.--[As the five year terms
14 of members of such board of health expire, and as vacancies
15 therein occur, the council of such city may appoint successors
16 to those whose terms shall have so expired for further terms of
17 five years, and appoint persons to fill vacancies in both cases
18 by selection of the then members of such board of directors,
19 including, in the case of vacancies, the persons in the said
20 board of directors who may be selected to fill the vacancies
21 therein. Such appointment in the case of a vacancy shall be for
22 the unexpired portion of the five year term.] City council may
23 appoint successors for vacancies on the board of health that
24 occur as five-year terms of board members expire. The successors
25 shall serve for five-year terms. City council may also appoint
26 successors to vacancies on the board of health that occur for
27 any other reason, but in such case the appointment shall be for
28 the unexpired portion of the five-year term. Successors, whether
29 appointed for a five-year term or the unexpired portion of a
30 five-year term, shall be selected from the members of the

1 nonprofit corporation's board of directors.

2 Section 176. Section 2336 of the act is repealed:

3 [Section 2336. Appointment and Removal of Health Employees.--

4 The council of such city shall, in all cases where possible,

5 follow the recommendations of said board of health as to

6 appointment and removal of all persons having to do with the

7 administration of the public health affairs of the city. Such

8 appointees shall be required to pass any civil service

9 examination required by any civil service commission lawfully

10 established in such city.]

11 Section 177. Section 2337 of the act is amended to read:

12 Section 2337. No Compensation for Members.--The members of

13 [such] the board of health under this subdivision shall serve

14 without compensation from the city. [This subdivision (c) shall

15 be effective only under the circumstances set forth in section

16 two thousand three hundred and thirty.]

17 Section 178. The act is amended by adding a section to read:

18 Section 2338. Applicability of Subdivision.--This

19 subdivision (c) shall be effective only under the circumstances

20 set forth in section 2330.

21 Section 179. Article XXIII subdivision (d) heading of the

22 act is amended to read:

23 (d) [Penalties] Penalty

24 Section 180. Section 2340 of the act is amended to read:

25 Section 2340. Penalty.--Any person violating any provision

26 of this article or any order or regulation of the board of

27 health made under the authority of this article, or of any law, or

28 or regulation or ordinance therein referred to or authorized, or

29 who shall obstruct or interfere with any person in the execution

30 of any order or regulation of [said] the board, or wilfully and

1 illegally omit to obey any [such] order[, shall be guilty of] or
2 regulation of the board commits a [misdemeanor, and, upon
3 conviction, shall be sentenced to pay a fine not exceeding one
4 hundred dollars, or undergo imprisonment not exceeding ninety
5 days, or both, at the discretion of the court] summary offense
6 punishable in accordance with sections 1018.16 and 1018.17.

7 Section 181. Article XXIV heading of the act is reenacted to
8 read:

9 ARTICLE XXIV

10 CORPORATE POWERS

11 Section 182. Section 2401 of the act is repealed:

12 [Section 2401. Existing Powers Saved.--The corporate powers
13 and the duties of the officers of cities, now in existence by
14 virtue of the laws of the Commonwealth, and not repealed by this
15 act, shall be and remain as now provided by law.]

16 Section 183. Section 2402 of the act is amended to read:

17 Section 2402. Powers of [City] Cities.--(a) Each city is
18 hereby declared to be a body corporate and politic, and shall
19 have perpetual succession, and may:

20 1. Sue and be sued;

21 [2. Purchase and hold real and personal property for the use
22 of the city;

23 3. Lease, sell and convey any real or personal property
24 owned by the city, and make such order respecting the same as
25 may be conducive to the interests of the city;

26 4. Make all contracts, and do all other acts in relation to
27 the property and affairs of the city necessary to the exercise
28 of its corporate or administrative powers;

29 5] 2. Have and use a corporate seal, and alter the same at
30 pleasure. Every such seal shall have upon it the word

1 "Pennsylvania," the name of the city, and the year of its
2 original incorporation;

3 [6] 3. Display the flag of the United States, the
4 Commonwealth or of any county, city, borough or other
5 municipality in the Commonwealth on the public buildings of the
6 city.

7 [7. To appropriate] 4. Appropriate money for the exercise
8 of powers expressed or implied in this act or any other
9 applicable law, and for like uses to accept gifts or grants of
10 money, other property or services from public or private
11 sources.

12 (b) The powers [hereby] granted in this act shall be
13 exercised [by the mayor and councilmen] in the manner herein
14 provided.

15 Section 184. Section 2402.1 of the act, added September 21,
16 1959 (P.L.922, No.370), is amended to read:

17 Section 2402.1. [Sale of Real Estate.--The title to real
18 estate sold by any city after June 28, 1947, if the sale was
19 authorized by an ordinance or resolution of the city council of
20 said city, and not attacked in any proceeding instituted within
21 six years of the effective date of this amendment and the title
22 to real estate sold after the effective date of this amendment,
23 if the sale was authorized by an ordinance or resolution of the
24 city council of said city and is not attached in any proceeding
25 instituted within six years after date of such sale, is hereby
26 declared to be good and valid and free and clear of any defects
27 and any such person who is grantee thereunder, and his heirs,
28 successors and assigns, shall hold and may convey such real
29 estate and all conveyances made after June 28, 1947, are hereby
30 ratified and confirmed. Nothing in this section shall be

1 construed to apply to property which the city acquired other
2 than by purchase.] City Property and Affairs.--(a) In
3 exercising its discretion to make decisions that further the
4 public interest under terms it deems most beneficial to the
5 city, council shall have the power and authority, subject to any
6 restrictions, limitations or exceptions as set forth in this
7 act, to do any of the following:

8 (1) Purchase, hold, use and manage real and personal
9 property.

10 (2) Exchange personal property.

11 (3) Lease, sell and convey real and personal property owned
12 by the city.

13 (4) Make contracts and do all other acts respecting city
14 property and affairs as council may deem conducive to the public
15 interest and necessary to the exercise of the city's corporate
16 and administrative powers.

17 (b) No real estate owned by the city may be sold except upon
18 approval of council by resolution. Additionally, no real estate
19 owned by the city shall be sold for a consideration in excess of
20 one thousand five hundred dollars, except to the highest bidder
21 after due notice by advertisement for bids or advertisement of a
22 public auction in one newspaper of general circulation in the
23 city. The advertisement shall be published once not less than
24 ten days prior to the date fixed for the opening of bids or
25 public auction, and the date for opening bids or public auction
26 shall be announced in the advertisement. The award of contracts
27 shall be made only by public announcement at a regular or
28 special meeting of council or at the public auction. All bids
29 shall be accepted on the condition that payment of the purchase
30 price in full shall be made within sixty days of the acceptance

of bids. The city council shall have the authority to reject all
bids which it deems to be less than the fair market value of the
real property. In the case of a public auction, the city council
may establish a minimum bid based on the fair market value of
the real property. If no compliant bids are received after
advertisement, the applicable procedures in the act of October
27, 1979 (P.L.241, No.78), entitled, as amended, "An act
authorizing political subdivisions, municipality authorities and
transportation authorities to enter into contracts for the
purchase of goods and the sale of real and personal property
where no bids are received," shall be followed. Real estate
owned by a city may be sold at a consideration of one thousand
five hundred dollars or less without advertisement or
competitive bidding only after council estimates the value
thereof upon receipt of an appraisal by a qualified real estate
appraiser. This section shall not apply if council is exercising
its authority to exchange city real property for real property
of equal or greater value, provided that the property being
acquired by the city is to be used for municipal purposes. If
council chooses to exercise its power of real property exchange
pursuant to this section, it shall be by resolution adopted by
council. Notice of the resolution, including a description of
the properties to be exchanged, shall be published once in one
newspaper of general circulation not more than sixty days nor
fewer than seven days prior to adoption.

(c) No city personal property shall be disposed of, by sale
or otherwise, except upon approval of council by resolution.
Council shall estimate the sale value of the entire lot to be
disposed of. If council shall estimate the sale value to be less
than one thousand dollars, council may sell the 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 in
accordance with the provisions of section 109, and sale of the
property advertised shall be made to the best responsible
bidder. The bids shall not be opened until at least ten days
after the newspaper advertisement. The provisions of this
subsection shall not be mandatory where city personal property
is to be traded in or exchanged for other personal property.
Council may sell any personal property at auction pursuant to
subsection (d), but shall observe the same notice requirements
as contained in this subsection.

(d) In regards to the sale of personal property of the city,
an auction may be conducted by means of an online or 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 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 emergency services in the city.

(3) A municipal authority, a housing authority created pursuant to the act of May 28, 1937 (P.L.955, No.265), known as the "Housing Authorities Law," an urban redevelopment authority created pursuant to the act of May 24, 1945 (P.L.991, No.385), known as the "Urban Redevelopment Law," a parking authority created under 53 Pa.C.S. Ch. 55 (relating to parking authorities) or under the former act of June 5, 1947 (P.L.458, No.208), known as the "Parking Authority Law," or a port authority pursuant to the act of December 6, 1972 (P.L.1392, No.298), known as the "Third Class City Port Authority Act."

(4) A nonprofit corporation engaged in community industrial development.

(5) A nonprofit corporation organized as a public library.

(6) A nonprofit medical service corporation.

(7) A nonprofit housing corporation.

1 (8) A nonprofit museum or historical organization.

2 (f) When real or personal property is sold pursuant to
3 subsection (e) (5), (6) or (7), the city may accept such nominal
4 consideration as it shall deem appropriate.

5 Section 185. Section 2402.2 of the act, amended July 31,
6 1968 (P.L.943, No.290), is repealed:

7 [Section 2402.2. Typewritten, Printed, Photostated and
8 Microfilmed Records Valid; Recording or Transcribing Records.--
9 All city records, required to be recorded or transcribed, shall
10 be deemed valid if typewritten, printed, photostated or
11 microfilmed, and where recording in a specified book of record
12 is required, except minutes of the proceedings of the council,
13 such records may be recorded or transcribed in a mechanical or
14 key-operated post binder book, or bound book with pages being
15 consecutively numbered by transcribing directly upon the pages
16 of such book of record or may be attached to such book of record
17 by stapling or by glue or any other adhesive substance or
18 material, and all records heretofore recorded or transcribed in
19 any manner authorized by this section are validated. The minutes
20 of proceedings of the council shall, in the manner prescribed by
21 this section for other records, be recorded in a bound book.
22 When any record shall be recorded or transcribed after the
23 effective date of this amendment by attaching such record or a
24 copy thereof to the book of record as hereinabove provided, the
25 city seal shall be impressed upon each page to which such record
26 is attached, each impression thereof covering both a portion of
27 the attached record and a portion of the page of the book of
28 record to which such record is attached.]

29 Section 186. Section 2403 of the act, amended August 24,
30 1953 (P.L.1337, No.380), May 20, 1957 (P.L.178, No.86), June 20,

1 1957 (P.L.346, No.188), June 24, 1959 (P.L.482, No.108), June
2 30, 1959 (P.L.496, No.121), May 23, 1961 (P.L.216, No.116), June
3 14, 1961 (P.L.370, No.204), June 8, 1965 (P.L.104, No.72),
4 December 16, 1965 (P.L.1120, No.434), November 24, 1967
5 (P.L.618, No.280), February 24, 1970 (P.L.63, No.27), March 25,
6 1970 (P.L.225, No.92), July 29, 1971 (P.L.250, No.61), October
7 4, 1978 (P.L.950, No.188), October 5, 1979 (P.L.195, No.64),
8 November 1, 1979 (P.L.455, No.92), December 21, 1998 (P.L.1013,
9 No.135) and June 27, 2008 (P.L.196, No.31) and repealed in part
10 November 26, 1978 (P.L.1399, No.330), is amended to read:

11 Section 2403. [Specific Powers.--In addition to other powers
12 granted by this act, the council of each city shall have power,
13 by ordinance:

14 1.] Payment of Debts and Expenses.--[To] Council may provide
15 for the payment of the debts and expenses of the city, and to
16 appropriate money therefor.

17 [1.1. Creation of Capital Reserve Fund for Anticipated
18 Capital Expenditures.--To create and maintain a separate capital
19 reserve fund for any anticipated legal capital expenditures,
20 which fund shall be designated for a specific purpose or
21 purposes at the time of its creation. The money in the fund
22 shall be used, from time to time, for the construction, purchase
23 or replacement of or addition to municipal buildings, equipment,
24 machinery, motor vehicles or other capital assets of the city as
25 specified at the time of the creation of the fund and for no
26 other purpose: Provided, That it may be used for capital
27 expenditure other than the purpose or purposes specified at the
28 time it was created, if city council by a four-fifths vote shall
29 declare that the original purpose or purposes have become
30 impracticable, inadvisable or impossible, or that conditions

1 have arisen in the city which make other capital expenditures
2 more urgent than those for which the fund was created.

3 The council may appropriate moneys from the general city
4 funds to be paid into the capital reserve fund, or place in the
5 fund any moneys received from the sale, lease or other
6 disposition of any city property or from any other source unless
7 received or acquired for a particular purpose. The fund shall be
8 controlled, invested, reinvested and administered and the moneys
9 therein and income from such moneys expended for the specific
10 purpose or purposes for which the fund is created in such manner
11 as may be determined by the council. The money in the fund, when
12 invested, shall be invested in securities designated by law as
13 legal investments for sinking funds of municipalities.

14 2. Hiring of Employes; Salaries.--To provide for and
15 regulate the manner of hiring and discharging employes and
16 laborers, and the fixing of their salaries or compensation.

17 3. Creation of Necessary Offices, Boards or Departments.--To
18 create any office, public board, or department which it may deem
19 necessary for the good government and interests of the city,
20 and, unless otherwise provided by this act, appoint the members
21 of any board, bureau or commission; to prescribe the powers
22 thereof, and to regulate and prescribe the terms, duties and
23 compensation of all such officers, and of all officers who are
24 members of any public board or any department so created, but no
25 ordinance shall be passed increasing or diminishing the salary
26 or compensation of any officer, or of any member of any board,
27 bureau or commission, after his or their appointment. The
28 provisions of this clause as to the creation of any public
29 board, bureau or commission, and prescribing the duties thereof,
30 shall not apply to the creation of any board of commissioners of

1 water-works of any city wherein the title to the water-works
2 therein located is in the name of the commissioners of water-
3 works.

4 4. Lock-ups and Police Stations.--To provide for the
5 erection, lease or purchase of lock-ups and police stations for
6 the detention and confinement of persons arrested for any cause,
7 or of persons convicted under city ordinances and sentenced for
8 periods not in excess of ten days.

9 5. Market Houses and Milk Depots.--To purchase, lease and
10 own ground for, and to erect, maintain, and establish, market
11 houses, milk depots, and market places, for which latter purpose
12 parts of any streets, sidewalks or city property may be
13 temporarily used; to provide and enforce suitable general market
14 regulations; to contract with any person or persons or
15 association of persons, companies, or corporations, for the
16 erection and regulation of market houses, milk depots, and
17 market places, on such terms and conditions and in such manner
18 as the council may prescribe; to raise all necessary revenue
19 therefor as herein provided; and to levy and collect a license
20 tax from every person or persons who may be authorized by
21 council to occupy any portion of the streets, sidewalks or city
22 property for temporary market purposes.

23 6. Collection and Removal of Garbage.--To provide for and
24 regulate the collection, removal and disposal of garbage, ashes
25 and other waste or refuse material, either by contract or by
26 municipal conduct of such services, and to impose and collect,
27 by lien or otherwise, reasonable fees and charges therefor, and
28 to prescribe fines and penalties for the violation of ordinances
29 regulating such matters.

30 7. Comfort and Waiting Stations and Drinking Fountains;

1 Waiting Rooms in Court Houses.--To take, purchase or acquire,
2 property for the purpose of erecting, providing, maintaining,
3 and operating thereon comfort stations, waiting stations and
4 drinking fountains; and to construct and maintain such stations
5 and fountains on such property or in any of the streets or
6 public places within its corporate limits; to provide and equip
7 and maintain in the court house, in cooperation with the county
8 commissioners of the county wherein the city is situated,
9 whenever such city is the county seat, rest or waiting rooms and
10 provide attendants therefor. The cost of providing such waiting
11 and rest rooms, and of maintaining the same, including salaries
12 and all incidental expenses, shall be paid by the county, and by
13 the city, in such proportion as may be agreed upon.

14 8. Running at Large of Animals, Et Cetera.--To provide for
15 the erection of all needful pens, pounds, and other means of
16 confinement, within or without the city limits; to appoint
17 keepers thereof; and to regulate or prohibit the running or
18 being at large of stock and domestic animals, and fowls; and to
19 cause such as may be at large to be impounded and sold to
20 discharge the costs and penalties provided for the violations of
21 such prohibitions and the expenses of impounding and of keeping
22 the same and of such sale. To regulate the maintaining and care
23 of dogs within the city. To regulate or prohibit the keeping of
24 bee hives within the city.

25 9. Destruction of Dogs.--To destroy dogs found at large
26 contrary to the laws of the Commonwealth, or to prohibit or
27 regulate, by its own ordinance, the running at large of dogs,
28 cats or other animals, and, in the enforcement of such
29 regulations, to direct the killing of dogs, cats or other
30 animals, or their seizure and detention, including reasonable

charges therefor, or to provide for their sale for the benefit of the city. The powers herein expressed shall be exercised in conformity with the Dog Law of 1921.

10. Inspection and Regulation of Fireplaces, Chimneys, Et Cetera; Smoke Regulations.--To regulate the construction and inspection of fireplaces, chimneys, stoves, stovepipes, ovens, boilers, kettles, forges, or any apparatus used in any building, manufactory, or business, and to order the suppression or cleaning thereof when deemed necessary; to regulate and control the production and emission of unnecessary smoke or fly-ash from any chimney or other source, except railroad locomotives.

11. Manufacture, Sale, Storage and Transportation of Explosives; Offensive Business.--To regulate or prohibit the manufacture, sale, storage, or transportation of inflammable or explosive substances within the city, and to regulate or prohibit dangerous, obnoxious, or offensive business with the city.

12. Regulation of Division Fences, Party Walls, Foundations.--To provide regulations for party walls and division fences and for the foundations of buildings, to enter upon the land or lands, lot or lots, of any person or persons, within the city, at all reasonable hours, by its duly appointed city engineer, or building inspectors, in order to enforce such regulations and set out foundations; and to prescribe reasonable fees for the service of city officers in the inspection and regulation of party walls, division fences and foundations, and to enforce the payment of the same. To provide fines or penalties for violations of such regulations. In setting out foundations and regulating party walls as to breadth and thickness, the city shall cause the foundations to be laid

1 equally upon the lands of the persons between whom the party
2 wall is to be made, and the builder thereof or his successor in
3 interest shall be reimbursed one moiety of the charge of said
4 wall or for so much thereof as the next builder shall have
5 occasion to make use of before such next builder shall or may
6 use or break into said wall.

7 13. Public Wells, Cisterns, Aqueducts, and Reservoirs.--To
8 establish, make, and regulate public wells, cisterns, aqueducts,
9 and reservoirs, and to provide for filling the same.

10 14. Construction of Levees and Ferries; Deepening of
11 Channels.--Subject to the provisions of State law, to provide
12 for the construction and maintenance of levees and ferries
13 within the jurisdiction of the city and within the limits
14 thereof; to erect wharves on navigable waters adjacent to the
15 city, regulate the use thereof, collect wharfage, and establish
16 wharf and dock lines; to provide for protection against floods;
17 to construct and maintain docks, retaining walls, dams, or
18 embankments; and to remove obstructions from, deepen and widen
19 the channels of rivers and streams flowing through or adjacent
20 to the city.

21 15. Railroad Crossing; Flagmen; Speed of Locomotives.--
22 Subject to the provisions of the Public Utility Law, to provide
23 for and require the construction and maintenance of bridges or
24 other crossings over or under railroad tracks; and to enter into
25 contracts with railroad companies for the construction and
26 maintenance of the same; to require the erection of safety-gates
27 and the placing of flagmen or warning devices at the
28 intersection of railroads with streets; to forbid the
29 obstruction of the said crossings by locomotives or railroad
30 cars; and to regulate the rate of speed at which locomotives,

1 cars or trains shall pass upon or across the streets within the
2 built-up portions of the city.

3 15.1. Railroad Companies; Conveyances and Grants of Rights
4 of Way.--Subject to the provisions of the Public Utility Law, to
5 lease, license or grant rights of way to railroad companies
6 through tunnels or over bridges and viaducts, to enter into
7 agreements with railroad companies for the maintenance of any
8 such tunnels, bridges or viaducts, and to convey such tunnels,
9 bridges or viaducts to railroad companies that have paid in part
10 for their construction, where legal title to said tunnels,
11 bridges or viaducts is not vested in the city but will vest in
12 the city by operation of law or under the terms of any contract.

13 16. Nuisances and Obstructions.--To prohibit nuisances,
14 including, but not limited to, accumulations of garbage and
15 rubbish and the storage of abandoned or junked automobiles or
16 other vehicles on private or public property, and the carrying
17 on of any offensive manufacture or business, and to require the
18 removal of any nuisance or dangerous structure from public or
19 private places upon notice to the owner, and, upon his default,
20 to cause such removal and collect the cost thereof, together
21 with a penalty of ten per centum of such cost, from the owner,
22 by an action in assumpsit. The cost of removal and the penalty
23 may be entered as a lien against such property in accordance
24 with existing provisions of law. In the exercise of the powers
25 herein conferred, the city may institute proceedings in courts
26 of equity.

27 17. Regulation of Signs, Porches, Et Cetera.--To regulate,
28 by uniform rules and regulations, porches, porticoes, benches,
29 doorsteps, railings, bulk, bay or jut windows, areas, cellar
30 doors and cellar windows, signs and sign posts, boards, poles or

1 frames, awnings, awning posts, or other devices or things,
2 projecting over, under, into or otherwise occupying the
3 sidewalks or other portion of any of the streets, the building
4 of cellars and basement ways and other excavations through or
5 under the sidewalks, and boxes, bales, barrels, hogsheads,
6 crates, or articles of merchandise, lumber, coal, wood, ashes,
7 building materials, or any other article or thing whatsoever,
8 placed in or upon any of the said sidewalks or other portion of
9 said streets; and also to prevent and require or cause the
10 removal of, upon notice, all encroachments thereon. In the
11 exercise of the powers herein conferred, the city shall have the
12 same remedies, penalties and procedures as are expressed in
13 clause 16 of this article.

14 18. Trees.--To regulate the planting, trimming, care and
15 protection of shade trees in or extending over the streets.

16 19. Numbering of Buildings.--To require and regulate the
17 numbering of buildings and lots.

18 20. Cab-stands.--To establish stands for coaches, cabs,
19 omnibuses, carriages, wagons, automobiles, and other vehicles
20 for hire, and to enforce the observance and use thereof.

21 21. Police Force.--To establish and maintain a police force,
22 and define the duties of the same.

23 22. Police Protection, Et Cetera, Parks, Et Cetera;
24 Commitment of Professional Thieves.--To establish and enforce
25 suitable police regulations for the protection of persons and
26 property at public squares, parks, depots, depot grounds, and
27 other places of public resort, owned, controlled or managed by
28 the city or an agency or bureau thereof, whether within or
29 without the city, in whole or in part, and for the arrest and
30 commitment of professional thieves, and suspicious persons found

1 in any part of the city who can give no reasonable account of
2 themselves. The mayor or any alderman of the city shall have
3 jurisdiction to hear and determine violations of such ordinances
4 and to impose any judgment or penalty therefor as provided in
5 such ordinances.

6 23. Rewards for Apprehension of Certain Criminals.--To offer
7 rewards for the arrest and conviction of persons guilty of
8 capital or other crimes within the city.

9 24. Gaming, Prostitution, Et Cetera.--To restrain, prohibit,
10 and suppress houses of prostitution, gambling houses, gaming,
11 cock or dog fighting, and other disorderly or unlawful
12 establishments or practices, desecration of the Sabbath day,
13 commonly called Sunday, and all kinds of public indecencies.

14 25. Prevent Riots.--To prevent and restrain riots, noises,
15 disturbances, or disorderly assemblies in any street, house, or
16 place in the city.

17 26. Regulate Guns, Et Cetera.--To regulate, prohibit, and
18 prevent the discharge of guns, rockets, powder, or any other
19 dangerous instrument or combustible material within the city,
20 and to prevent the carrying of concealed deadly weapons.

21 27. Sale and Use of Fireworks.--To regulate or prohibit and
22 prevent the sale, use and discharge of fireworks, firecrackers,
23 sparklers, and other pyrotechnics.

24 28. Arrest of Vagrants.--To arrest, fine, or set at work on
25 the streets, or elsewhere, all vagrants found in said city.

26 29. Racing; Dangerous Practices; Et Cetera.--To prevent the
27 racing of horses, cars and other vehicles, fast driving or
28 riding in the streets or public places in the city, and all
29 games, practices, or amusements, therein likely to result in
30 danger or damages to any person or property.

1 30. Riding or Driving on Sidewalks.--To prevent or regulate
2 the riding or driving of animals, or the passage of any vehicle
3 over, along and across sidewalks, and to regulate the passing of
4 the same through the streets.

5 31. Regulations of Skating-Rinks, Theatres, Et Cetera.--
6 Subject to the provisions of general laws of the Commonwealth
7 regarding the same, to regulate all skating-rinks, operas,
8 theatres, concerts, shows, circuses, menageries, and all kinds
9 of public exhibitions for pay (except those for religious,
10 educational or charitable purposes); and to restrain and
11 prohibit, under fines or penalties, all exhibitions of indecent
12 or immoral character.

13 32. Bathing; Boat Houses and Bath Houses.--To regulate the
14 time and place of bathing in rivers and other public water in
15 and adjoining the said city, and to construct, maintain and
16 manage municipal boat houses and bath houses.

17 33. Prohibition of Fire Producing Devices in Certain Retail
18 Stores.--To prohibit the smoking or carrying of lighted
19 cigarettes, cigars, pipes or matches, and the use of matches or
20 fire producing devices, in retail stores arranged to accommodate
21 one hundred persons or more, or which employ ten or more
22 employes: Provided, That any such ordinance passed under this
23 provision shall not prohibit smoking in any restaurant room,
24 rest room, beauty parlor, executive office, or any room
25 designated for smoking in such store. To provide penalties for
26 the violation of such ordinances.

27 34. Appropriations to Post of Veterans.--To appropriate
28 annually to each camp of the United States War Veterans in the
29 city, and to each post of the American Legion, and to each post
30 of the Veterans of Foreign Wars, and to each post of the

1 Veterans of World War I of the U. S. A., Inc., and to each post
2 of the American Veterans of World War II (AMVETS), to each post
3 of the Catholic War Veterans, Inc., and to each detachment of
4 the Marine Corps League, and to each Naval Association, and to
5 each post of the Grand Army of the Republic, and to each post of
6 the Disabled American Veterans of the World War, and to each
7 chapter of the Military Order of the Purple Heart, and to each
8 post of the Jewish War Veterans, and to each organization of
9 American Gold Star Mothers, and to each post of the Italian
10 American War Veterans of the United States, Incorporated, and to
11 any other such organization of ex-service persons in the city,
12 incorporated under the laws of the Commonwealth, a sum not to
13 exceed three hundred dollars, to aid in defraying the expenses
14 of Memorial Day and Armistice Day. Where the Grand Army of the
15 Republic has ceased to exist or to function, such appropriation
16 may be made to the Sons of Union Veterans of the Civil War, or,
17 in the absence of such order, to a duly constituted organization
18 which conducts the decorating of the graves of Union veterans of
19 the Civil War. Such payments shall be made to defray actual
20 expenses only. Before any payment is made, the organization
21 receiving the same shall submit verified accounts of their
22 expenditures.

23 35. Support of National Guard Units.--To appropriate
24 annually a sum not exceeding seven hundred and fifty dollars for
25 the support and maintenance, discipline and training of any
26 dismounted company or similar unit of the National Guard, and a
27 sum not to exceed fifteen hundred dollars for the support and
28 maintenance of any mounted or motorized troop or similar unit of
29 the National Guard. Where such units are organized as a
30 battalion, regiment or similar organization, the total amount

1 due may be paid to the commanding officer of the battalion,
2 regiment or similar organization. Any moneys so appropriated
3 shall be paid by warrant drawn to the order of the commanding
4 officer of such company, battalion, regiment or similar
5 organization, only when it shall be certified to the city, by
6 the Adjutant General of the Commonwealth, that the said company
7 or companies have satisfactorily passed the annual inspection
8 provided by law. The moneys so appropriated shall be used and
9 expended solely and exclusively for the support and maintenance,
10 discipline and training of the said company, battalion,
11 regiment, or similar organization; and the commanding officer
12 shall account, by proper vouchers to the said city each year,
13 for the expenditure of the money so appropriated, and no
14 appropriation shall be made for any subsequent year until the
15 expenditure of the previous year is duly and satisfactorily
16 accounted for.

17 The accounts of such expenditures shall be subject to the
18 inspection of the Department of Military Affairs, and shall be
19 audited by the city controller in the manner provided by this
20 act for the audit of accounts of city moneys.

21 36. Appropriation of Money, Et Cetera, to Assist in Erection
22 of Armories.--To appropriate money or convey land, either
23 independently or in conjunction with any other political
24 subdivision, to the Commonwealth, for the purpose of assisting
25 the Armory Board of the State of Pennsylvania in the erection of
26 armories for the use of the National Guard, and to furnish
27 water, sewer services, light, or fuel free of cost to the
28 Commonwealth for use in any armory of the National Guard; and to
29 do all things necessary to accomplish the purpose of this
30 clause.

1 37. Eminent Domain for National Guard Purposes.--To take, by
2 right of eminent domain, for the purpose of appropriating to
3 itself for the use of the National Guard of Pennsylvania, such
4 public lands, easments, and public property as may be in its
5 possession or control and used or held by it for any other
6 purpose. Such right, however, shall not be exercised as to any
7 street or wharf.

8 38. Lands for Armory Purposes.--To acquire, by purchase or
9 by gift, or by the right of eminent domain, any land for the use
10 of the National Guard of Pennsylvania; and to convey such lands
11 so acquired to the Commonwealth in order to assist the Armory
12 Board in the erection of armories. The power conferred by this
13 clause shall not be exercised to take any church property,
14 grave-yard, or cemetery. Lands within three miles outside the
15 limits of the city may be acquired in like manner for the use of
16 the National Guard.

17 39. Purchase of Burial Grounds for Deceased Service
18 Persons.--To appropriate money for and purchase plots of ground
19 in any cemetery or burial ground, within their respective
20 limits, for the interment of such deceased service persons as
21 shall hereafter die within such city, or shall die beyond such
22 city and shall have a legal residence within such city at the
23 time of their death, and whose bodies are entitled to be buried
24 by the county under the provisions of existing laws.

25 40. Payment of Rent for Veterans' Organizations.--By a two-
26 third vote of the council, to appropriate money to any
27 incorporated organization of veterans of any war in which the
28 United States was engaged, to be used in the payment of the rent
29 of any building or rooms in which such organization has its
30 regular meetings.

1 41. Rooms for Meetings of Veterans.--To furnish, upon
2 application, to each organization composed of veterans of the
3 Civil War, veterans of the Spanish American War, veterans of the
4 World War or World War II, veterans of any foreign war, and
5 children of veterans, a room or rooms in any public building of
6 such city, sufficient for the meeting of each of such
7 organizations at least once each month.

8 42. Care of Memorials.--To take charge of, care for,
9 maintain, and keep in good order and repair, at the expense of
10 the city, any soldiers' monument, gun or carriage, or similar
11 memorial, situate in the city, and not in the charge or care of
12 any person, body, or organization, and not put up or placed by
13 the Government of the United States, the Commonwealth of
14 Pennsylvania, the commissioners of the county, or by the
15 direction or authority of any other state of the Union, and to
16 receive from any person or organization any moneys or funds
17 which can be used for the benefit of such memorials, and to
18 expend the same.

19 43. Manufacture and Sale of Ice.--To manufacture ice, and to
20 sell the same to the inhabitants of the city at such rates as
21 shall be fixed by ordinance, and to erect, equip, and maintain
22 such buildings and other structures, and purchase or hire and
23 maintain such vehicles, as may be deemed necessary for such
24 purpose.

25 44. Inspection of Milk.--To provide for the inspection of
26 milk sold or consumed within the city and milk depots, and
27 dairies which offer milk or milk products for retail sale within
28 the city, under such rules and regulations as will protect the
29 people from adulteration and dilution of the same.

30 45. Municipal Music.--To appropriate money to defray the

1 expenses of musical entertainments held under the auspices of
2 the city, and for the purpose of having music in any public park
3 or place.

4 46. Regulation and Licensing of Auction Sales.--To regulate
5 and license sales of merchandise at public auction, other than
6 judicial sales, sales by executors or administrators, or sales
7 by or in behalf of licensed pawnbrokers of unredeemed pledges in
8 the manner provided by law.

9 47. Aid to Historical Societies.--To make annual
10 appropriations not exceeding one thousand dollars for the
11 support and maintenance of the principal historical society
12 located therein, which shall be incorporated under the laws of
13 the Commonwealth, shall maintain permanent quarters and shall
14 keep the same open to the public, shall have a membership of at
15 least one hundred persons who have paid into the treasury of the
16 society a membership fee of at least two dollars for the support
17 of the society, shall hold, annually, at least two regular
18 meetings that shall be open to the public, and shall at all
19 times maintain facilities for the free storage, deposit, and
20 inspection of official documents and records of the city, and
21 other proper public or historical archives and records.

22 48. Establishment of Institutions to Collect Educational
23 Collections.--To establish institutions authorized to collect
24 and hold certain scientific, educational and economic
25 collections, the object of each being the instruction of the
26 public concerning commerce, manufacturing, mining, and
27 agriculture; said institutions to have power to purchase or
28 accept by gift any real estate, money, or personal property
29 necessary for their use and promotion, and power to use, convey,
30 or transfer the same, as if they were bodies corporate, to be

governed by boards of trustees, nominated, appointed, and confirmed in such manner as council may determine.

49. Sprinkling of Streets.--To cause any street, or part thereof, not less than one block, to be sprinkled with water or, if such street is paved, to be cleaned during such time as it may be necessary, at the expense of the owners of property abutting upon the same. Upon the petition of the owners of such property, who shall represent a majority of the feet front on the street or part thereof, it shall be the duty of council to cause such sprinkling or cleaning to be done at the expense of the owners of property abutting thereon. Council may cause such sprinkling to be done with the water of the city, when water works are owned or operated by the city, and the sprinkling carts and apparatus owned by the city, or may contract for the use of said carts and apparatus with the lowest responsible bidder.

50. Electric Wires may be Placed Underground in Certain Districts.--To define a reasonable district within which all electric light wires, telephone and telegraph wires shall be placed under ground in conduits owned and constructed either by the municipality or by corporations owning such wires, or by corporations organized for the purpose of laying such conduits and renting space therein. In all cases in which such conduits are owned by any private corporation, partnership, or individual, there shall be reserved to the city, whether expressed in the ordinance or not, the right to regulate, by ordinance, the manner in which such conduit shall be used, and the terms and conditions of such use, and also the right to take such conduits, either by purchase, upon agreement of the owners thereof and the city, or by condemnation proceedings; in which

1 latter case the proceedings for the assessment of damages shall
2 be the same as provided in this act for property taken, injured
3 or destroyed.

4 The court of quarter sessions upon the appeal of any person
5 may review any ordinance passed in pursuance of this clause, and
6 may annul such ordinance if deemed unreasonable, capricious or
7 arbitrary, such appeal to be taken within thirty days from the
8 approval of such ordinance.

9 51. Ambulances and Service; Maintenance.--To acquire, by
10 purchase, gift or bequest, or to operate and maintain ambulances
11 or ambulance service for the purposes of conveying sick and
12 injured persons in the city and the vicinity to and from
13 hospitals, or in lieu thereof, to hire a private ambulance
14 service, and, for such purposes, to appropriate and expend
15 moneys of the city; or to appropriate money annually toward a
16 nonprofit community ambulance service. All appropriations of
17 money heretofore made and contracts for hire of private
18 ambulance service heretofore entered into by any city are hereby
19 validated and confirmed.

20 52. Weighing and Measuring of Commodities.--To regulate the
21 weighing and measuring of every commodity sold in the city, in
22 all cases not otherwise provided for by law, including the
23 measuring of gas, water, and electric currents; to provide for
24 and regulate the inspection and weighing of hay, grain, and
25 coal, and the measuring of wood, bark, and fuel, to be used in
26 the city, and to designate the place or places of inspecting and
27 weighing the same; to regulate and prescribe the place or places
28 for exposing for sale hay, coal, bark and wood; to demand and
29 receive reasonable fees for such inspection, weighing and
30 measuring; for the regulation and stamping of weights and

1 measures; and the regulation and inspection of meters, except as
2 otherwise provided by law.

3 53. Insurance.--To make contracts of insurance with any
4 mutual or other fire insurance company, association or exchange,
5 duly authorized by law to transact insurance business in the
6 Commonwealth of Pennsylvania, on any building or property owned
7 by the city.

8 To make contracts of insurance with any insurance company, or
9 nonprofit hospitalization corporation, or nonprofit medical
10 service corporation, authorized to transact insurance business
11 within the Commonwealth, insuring its elected or appointed
12 officers, officials and employes, or any class or classes
13 thereof, or their dependents, under a policy or policies of
14 group insurance covering life, health, hospitalization, medical
15 service, or accident insurance, and to contract with any such
16 company granting annuities or pensions for the pensioning of
17 such persons; and, for such purposes, to agree to pay part or
18 all of the premiums or charges for carrying such contracts, and
19 to appropriate out of its treasury any money necessary to pay
20 such premiums or charges, or portions thereof. All contracts
21 procured hereunder shall conform and be subject to all the
22 provisions of any existing or future laws concerning group
23 insurance and group annuity contracts. The proper officer,
24 agency, board or commission of the city having authority to
25 enter into such contracts of insurance is hereby authorized,
26 enabled and permitted to deduct from the officer's or employe's
27 pay, salary or compensation, such part of the premium as is
28 payable by the officer or employe and as may be so authorized by
29 the officer or employe in writing.

30 54. Parking Lots.--To acquire by lease, purchase, or

1 condemnation proceedings, any land which in the judgment of city
2 council may be necessary and desirable for the purpose of
3 establishing and maintaining lots for the parking of motor
4 vehicles, and for no other use or purpose, and to regulate the
5 use thereof and to establish or designate, at the discretion of
6 council, areas exclusively reserved for parking by handicapped
7 individuals and to post signs regulating such areas.

8 55. Disorderly Conduct.--To define disorderly conduct within
9 the limits of the city and to provide for the imposition of
10 penalties for such conduct in such amounts, without limitation
11 except as in this act provided, as council shall establish, and
12 notwithstanding any statutes of the Commonwealth upon disorderly
13 conduct and the penalties therefor.

14 56. Official Expenses on City Business.--To make
15 appropriations for the reasonable expenses of city officials
16 actually incurred in the conduct of city business.

17 57. Insurance Against Burglary, Etc.--To insure against
18 burglary or theft of city property, or against fire and other
19 calamities, and against public liability.

20 58. To Provide Against Hazards of War.--To build or
21 establish bomb shelters or assist in so doing to provide against
22 all hazards of war and their consequences; and for all such
23 purposes, to have the power of eminent domain, to cooperate with
24 any other unit and agency of government, Federal, State, or
25 local, in every lawful way, for purposes of defense and against
26 the hazards of war.

27 59. Municipality Authorities; Cooperation with Other
28 Political Subdivisions.--To form municipality authorities as
29 authorized by law. To cooperate with other political
30 subdivisions in the conduct of city affairs as authorized by

1 law.

2 60. Local Self-Government.--In addition to the powers and
3 authority vested in each city by the provisions of this act, to
4 make and adopt all such ordinances, by-laws, rules and
5 regulations, not inconsistent with or restrained by the
6 Constitution and laws of this Commonwealth, as may be expedient
7 or necessary for the proper management, care and control of the
8 city and its finances, and the maintenance of the peace, good
9 government, safety and welfare of the city, and its trade,
10 commerce and manufactures; and also all such ordinances, by-
11 laws, rules and regulations as may be necessary in and to the
12 exercise of the powers and authority of local self-government in
13 all municipal affairs; and the said ordinances, by-laws, rules
14 and regulations to alter, modify, and repeal at pleasure; and to
15 enforce all ordinances inflicting penalties upon inhabitants or
16 other persons for violations thereof, and impose penalties in
17 accordance with section 4131.1: Provided, however, That no
18 ordinance, by-law, rule or regulation shall be made or passed
19 which contravenes or violates any of the provisions of the
20 Constitution of the United States or of this Commonwealth, or of
21 any act of Assembly heretofore or that may be hereafter passed
22 and in force in said city.

23 61. Historical Property.--To acquire by purchase or by gift,
24 and to repair, supervise, operate and maintain ancient landmarks
25 and other property of historical or antiquarian interest, which
26 is either listed in the Catalogue of Historical Sites and
27 Buildings in Pennsylvania issued by the Joint State Government
28 Commission, or approved for acquisition by the Pennsylvania
29 Historical and Museum Commission as having historical
30 significance.

62. Appropriations for Handling, Storage and Distribution of Surplus Foods.--The council of any city to which this act applies may appropriate from city funds moneys for the handling, storage and distribution of surplus foods obtained either through a local, State or Federal agency.

All appropriations of moneys heretofore made by the council of any city for the handling, storage and distribution of surplus foods obtained, either through a local, State or Federal agency, are hereby validated.

63. Junk Dealers and Junk Yards.--To 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.

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

1 distributing electric, gas or light, aeronautical facilities
2 including but not limited to airports, terminals and hangars,
3 park and recreational facilities, parking lots and public
4 auditoriums to be secured solely by the pledge of the whole or
5 part of the rent, toll or charge for the use or services of such
6 facilities. Included in the cost of the issue may be any costs
7 and expenses incident to constructing and financing the
8 facilities and selling and distributing the bonds.

9 66. Appropriations for Urban Common Carrier Mass
10 Transportation.--To appropriate funds for urban common carrier
11 mass transportation purposes from current revenues and to make
12 annual contributions to county departments of transportation or
13 to urban common carrier mass transportation authorities to
14 assist the departments or the authorities to meet costs of
15 operation, maintenance, capital improvements, and debt service,
16 and to enter into long-term agreements providing for the payment
17 of the said contributions.

18 67. Adoption and Amendment of Codes by Reference.--To
19 incorporate by reference the provisions of any code or portions
20 of any code, or any amendment thereof, properly identified as to
21 date and source, without setting forth in full the provisions to
22 be adopted: Provided, however, That no portion of any code which
23 limits the work to be performed to any type of construction
24 contractor, or labor or mechanic classification shall be
25 adopted. Not less than three copies of such code, portion, or
26 amendment which is incorporated or adopted by reference, shall
27 be filed with the clerk of the city and kept with the city
28 ordinance book, and available for public use, inspection and
29 examination. The filing requirements herein prescribed shall not
30 be deemed to be complied with unless the required copies of such

1 codes, portion, or amendment or public record are filed with the
2 clerk of such city at least ten days before council considers
3 the proposed ordinance.

4 Any ordinance adopted by reference to any code shall be
5 enacted within sixty days after it is filed with the clerk of
6 the city, and shall only encompass the provisions of the code
7 effective as of the code date stated in the ordinance. Any
8 subsequent changes in the code shall be adopted by the city
9 before they may become effective as an ordinance of the city.

10 Any city that has adopted any code by reference may adopt
11 subsequent ordinances which incorporate by reference any
12 subsequent changes thereof, properly identified as to date and
13 source, as may be adopted by the agency or association which
14 promulgated the code.

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

19 68. Appropriation for Nonprofit Art Corporation.--To
20 appropriate moneys annually, not exceeding an amount equal to
21 one mill of the real estate tax to any nonprofit art corporation
22 for the conduct of its artistic and cultural activities. For the
23 purposes of this section nonprofit art corporation shall mean a
24 local arts council, commission or coordinating agency, or any
25 other nonprofit corporation engaged in the production or display
26 of works of art, including the visual, written or performing
27 arts. Artistic and cultural activities shall include the display
28 or production of theater, music, dance, painting, architecture,
29 sculpture, arts and crafts, photography, film, graphic arts and
30 design and creative writing.

69. 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 187. 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;

1 (ii) provide greater continuity and predictability in the
2 funding of vital government services;

3 (iii) minimize the need to increase taxes to balance the
4 budget in times of fiscal distress; and

5 (iv) provide the capacity to undertake long-range financial
6 planning and to develop fiscal resources to meet long-term
7 needs.

8 (2) Council may annually make appropriations from the
9 general city fund to the operating reserve fund, but no
10 appropriation shall be made to the operating reserve fund if the
11 effect of the appropriation would cause the fund to exceed five
12 per centum of the estimated revenues of the city's general fund
13 in the current fiscal year.

14 (3) Council may at any time by resolution make
15 appropriations from the operating reserve fund for the following
16 purposes only:

17 (i) to meet emergencies involving the health, safety or
18 welfare of the residents of the city;

19 (ii) to counterbalance potential budget deficits resulting
20 from shortfalls in anticipated revenues or program receipts from
21 whatever source; or

22 (iii) to provide for anticipated operating expenditures
23 related either to the planned growth of existing projects or
24 programs or to the establishment of new projects or programs if,
25 for each such project or program, appropriations have been made
26 and allocated to a separate restricted account established
27 within the operating reserve fund.

28 (c) The operating reserve fund shall be invested, reinvested
29 and administered in a manner consistent with the provisions of
30 this act relating to the investment of city funds generally.

1 Section 2405. Hiring of Employees; Salaries.--Council may
2 provide for and regulate the manner of hiring and discharging
3 employees and the fixing of their salaries or compensation,
4 consistent with applicable Federal and State law.

5 Section 2406. Creation of Necessary Offices or Boards.--In
6 addition to the city departments established in accordance with
7 Article XI, council may create any city office, or public board,
8 bureau or commission, which it may deem necessary for the good
9 government and interests of the city, and, with regard to an
10 office or membership on a board, bureau or commission, unless
11 otherwise provided by this act, council may make appointments
12 thereto and regulate and prescribe the terms, duties and
13 compensation thereof.

14 Section 2407. Lockups.--(a) Council may provide for lockup
15 facilities as deemed necessary for the detention and confinement
16 of persons.

17 (b) No city shall erect or construct a city jail or lockup,
18 or use any existing building or lockup for the first time that
19 will be or is located within five hundred feet of any public
20 school building.

21 Section 2408. Market Places.--Council may:

22 (1) Purchase, lease and own ground for market places.

23 (2) Erect, maintain, and establish market places.

24 (3) Provide for and enforce suitable general market
25 regulations.

26 (4) Contract with any person or persons or association of
27 persons, companies or corporations for the erection and
28 regulation of market places, on such terms and conditions and in
29 such manner as council may prescribe.

30 (5) Levy and collect a license fee from every person or

persons who may be authorized by council to occupy any portion of the streets, sidewalks or city property for temporary market purposes.

Section 2409. Accumulation of Ashes, Garbage, Solid Waste and Refuse Materials.--(a) Council in the manner authorized by the act of July 7, 1980 (P.L.380, No.97), known as the "Solid Waste Management Act," and the act of July 28, 1988 (P.L.556, No.101), known as the "Municipal Waste Planning, Recycling and Waste Reduction Act," may prohibit accumulations of ashes, garbage, solid waste and other refuse materials upon private property, including the imposition and collection of reasonable fees and charges for the collection, removal and disposal thereof.

(b) Council may collect and remove, by contract or otherwise, ashes, garbage, solid waste and other refuse materials and recyclables and prescribe penalties for the enforcement thereof. Any contract with refuse haulers may be made for an initial period not exceeding five years with optional renewal periods of up to five years. This limitation does not apply to contracts with any other county or municipal corporation.

(c) Council may dispose of, by contract or otherwise, ashes, garbage, solid waste or other refuse materials. Any contract with the owner of a private facility for the disposal or incineration of ashes, garbage, solid waste or other refuse materials may be made for a period not exceeding twenty years. This limitation does not apply to contracts with any county or municipal corporation.

(d) Council may acquire any real property and erect, maintain, improve, operate and lease, either as lessor or

1 lessee, facilities for incineration, landfill or other methods
2 of disposal, either inside or outside the limits of the city,
3 including equipment, either separately or jointly, with any
4 county or municipal corporation in order to provide for the
5 destruction, collection, removal and disposal of ashes, garbage,
6 solid waste or other refuse materials, for the collection and
7 storage of recyclable materials or for the composting of leaf
8 and yard waste. Council may provide for the payment of the cost
9 thereof out of the funds of the city. Council may acquire land
10 for landfill purposes, either amicably or by exercising the
11 power of eminent domain, and maintain lands and places for the
12 dumping of ashes, garbage, solid waste or other refuse
13 materials. If council acquires land outside the limits of the
14 city by exercising the power of eminent domain, the taking shall
15 be subject to the limitations in 26 Pa.C.S. § 206 (relating to
16 extraterritorial takings).

17 (e) Council may establish, alter, charge and collect rates
18 and other charges for the collection, removal and disposal of
19 ashes, garbage, solid waste, other refuse materials and
20 recyclable materials, and the cost of including the payment of
21 any indebtedness incurred for the construction, purchase,
22 improvement, repair, maintenance and operation of any facilities
23 therefore, and the amount due under any contract with any county
24 or municipal corporation furnishing the services or facilities.
25 The rates and other charges shall be collected pursuant to the
26 Municipal Claim and Tax Lien Law, or by an action in assumpsit.

27 (f) Council may make appropriations to any county or
28 municipal corporation for the construction, purchase,
29 improvement, repair, maintenance and operation of any facilities
30 for the collection, removal, disposal or marketing of ashes,

garbage, solid waste, other refuse materials, recyclable materials or composted leaf and yard waste.

(g) A city shall not be subject to requirements otherwise imposed by law for the sale of personal property owned by the city when selling recyclable materials or materials separated, collected, recovered or created by recycling, as provided in the act of April 9, 1992 (P.L.70, No.21), entitled "An act excluding the sale of recyclable material from political subdivision personal property sale restrictions relating to advertising and bidding."

Section 2410. Regulation of Pets and Feral Animals.--Council may, by ordinance, prohibit and regulate the running at large of dogs, cats, other pets and feral animals.

Section 2411. Inspection and Regulation of Fireplaces, Chimneys, Et Cetera; Smoke Regulations.--In conformity with Federal and State laws and regulations, council may regulate and inspect fireplaces, chimneys and other sources of smoke and fly-ash to control the production and emission of unnecessary smoke and fly-ash.

Section 2412. Fireworks and Inflammable Articles.--In conformity with Federal and State laws and regulations, council may:

(1) Regulate and prohibit the manufacture of fireworks or inflammable or dangerous articles.

(2) Grant permits for supervised public displays of fireworks and adopt rules and regulations governing the displays.

(3) Adopt rules and regulations not inconsistent with State regulations relating to the storage of inflammable articles.

(4) Impose other safeguards concerning inflammable articles

1 as may be necessary.

2 Section 2413. Regulation of Division Fences, Party Walls,
3 Foundations.--(a) Subject to the provisions of and regulations
4 adopted pursuant to the "Pennsylvania Construction Code Act" and
5 other applicable law, council may provide regulations for party
6 walls and division fences and for the foundations of buildings,
7 and for entering upon the land or lands, lot or lots, of any
8 person or persons, within the city, at all reasonable hours, by
9 its duly appointed city engineer, or building inspectors, in
10 order to enforce the regulations and set out foundations.
11 Council may also prescribe reasonable fees for the service of
12 city officers in the inspection and regulation of party walls,
13 division fences and foundations, and may enforce the payment of
14 the same. Council may provide fines or penalties for violations
15 of an ordinance enacted pursuant to this section.

16 (b) In setting out foundations and regulating party walls as
17 to breadth and thickness, the city shall cause the foundations
18 to be laid equally upon the lands of the persons between whom
19 the party wall is to be made. The cost of the foundation and
20 party wall shall be divided proportionately among the property
21 owners sharing the same. The property owners shall either share
22 the expense when the foundation is laid and the party wall is
23 erected, or when the subsequent building is erected if all
24 buildings are not erected at the same time.

25 Section 2414. Nuisances.--Council may prohibit and abate
26 public nuisances in accordance with Article XXVII-A.

27 Section 2415. Regulation of Encroachments.--In compliance
28 with applicable State laws and city ordinances, council may
29 provide for the regulation of all encroachments in, under or
30 upon any of the sidewalks or other portion of the streets of the

1 city.

2 Section 2416. Shade Trees.--(a) Council may, by ordinance,
3 regulate the manner and method, if any, for the planting,
4 trimming, removing, maintaining and protection of shade trees
5 in, on and along or extending over the public streets, sidewalks
6 and rights-of-way of the city, and provide for penalties for
7 violations thereof. The cost of such activities may, at
8 council's discretion, be assessed against the owners of the
9 properties abutting the street, sidewalk or right-of-way upon
10 which any tree is located pursuant to Article XLV-A, except that
11 the cost and expense of caring for trees after they have been
12 planted shall be paid by the city.

13 (b) Council may, by ordinance, provide for the creation of a
14 shade tree commission, its composition, powers and duties and
15 delegate council's authority for regulating shade trees to the
16 commission. Alternatively, council may delegate its regulatory
17 powers for shade trees to an existing department. If a shade
18 tree commission is established, its meeting shall be subject to
19 the provisions of 65 Pa.C.S. Ch. 7 (relating to open meetings).

20 Section 2417. Numbering of Buildings.--Council may require
21 and regulate the numbering of buildings and lots.

22 Section 2418. Transportation Stands.--Council may establish
23 stands for taxis, buses, automobiles, and other vehicles for
24 hire, and enforce the observance and use thereof.

25 Section 2419. Police Force.--(a) Council shall have the
26 power to establish and maintain a police force, and define the
27 duties of the same in accordance with Article XX.

28 (b) Subject to the requirements of 53 Pa.C.S. Ch. 23 Subch.
29 A (relating to intergovernmental cooperation), council shall
30 have the power to provide for police services to be performed by

1 municipal police officers by contract or by purchase of the
2 police services or by joining or developing a consolidated
3 regional police service.

4 Section 2420. Police Regulations.--Council may establish and
5 enforce suitable police regulations for the protection of
6 persons and property.

7 Section 2421. Rewards.--Council may offer rewards for the
8 arrest and conviction of persons guilty of capital or other
9 crimes within the city.

10 Section 2422. Prevent Riots.--Council may prevent and
11 restrain riots, noises, disturbances or disorderly assemblies in
12 any street, house or place in the city.

13 Section 2423. Regulate Discharge of Guns and Deadly
14 Weapons.--To the extent permitted by Federal and other State
15 law, council may regulate, prohibit, prevent the discharge of
16 guns and prevent the carrying of concealed deadly weapons.

17 Section 2424. Racing; Dangerous Practices; Et Cetera.--With
18 regard to streets and public places in the city, council may
19 regulate or prohibit racing or fast driving of vehicles, and all
20 games, practices or amusements likely to result in danger or
21 damages to any person or property.

22 Section 2425. Bathing; Recreational Swimming Establishments;
23 Boat Houses and Bath Houses.--To the extent permitted by the act
24 of June 23, 1931 (P.L.899, No.299), known as the "Public Bathing
25 Law," council may regulate the time and place of bathing in
26 rivers and other public water in and adjoining the city, and may
27 construct, maintain and manage municipal boat houses, bath
28 houses and recreational swimming establishments.

29 Section 2426. Musical Entertainment.--Council may
30 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 and economic collections, the object of each being the instruction of the public concerning commerce, manufacturing, mining and agriculture. The institutions may purchase or accept by gift any real estate, money or personal property necessary for their use and promotion. The institutions may use, convey, or transfer the same as if they were bodies corporate, and these institutions shall be governed by boards of trustees, nominated, appointed and confirmed in the manner council may determine.

Section 2429. Ambulances and Rescue and Life Saving Services.--Council may acquire, operate and maintain motor vehicles for the purposes of conveying sick and injured persons to and from hospitals, and it may appropriate moneys toward ambulance and rescue and life saving services and make contracts relating thereto.

Section 2430. Insurance.--(a) Council, in its discretion, or as required by law or a collective bargaining agreement, may make contracts of insurance and contracts for annuities or pensions, including, but not limited to, the following:

(1) Contracts of insurance with any mutual or other fire insurance company, association or exchange, duly authorized by

1 law to transact insurance business in the Commonwealth of
2 Pennsylvania, on any building or property owned by the city and
3 contracts to insure against burglary or theft of city property,
4 or against fire and other calamities, and against public
5 liability.

6 (2) Contracts of insurance with any insurance company, or
7 nonprofit hospitalization corporation, or nonprofit medical
8 service corporation, authorized to transact insurance business
9 within this Commonwealth, insuring elected or appointed
10 officers, officials and employes of the city, or any class or
11 classes thereof, or their dependents, under a policy or policies
12 of group insurance covering life, health, hospitalization,
13 medical service or accident insurance.

14 (3) Contracts to purchase annuities or pensions for elected
15 or appointed officers, officials and employes, or any class or
16 classes thereof.

17 (b) In the case of contracts for the benefit of elected or
18 appointed officers, officials and employes of the city, or any
19 class or classes thereof, or their dependents, the city may, as
20 determined by council, or as required by law or a collective
21 bargaining agreement, pay part or all of the premiums or charges
22 for the contracts.

23 Section 2431. Parking Lots.--Council may acquire by lease,
24 purchase, or condemnation proceedings, land which in its
25 judgment may be necessary and desirable for the purpose of
26 establishing and maintaining lots for the sole purpose of
27 parking motor vehicles. Council may regulate the use of the land
28 including the posting of signs and may establish or designate
29 areas exclusively reserved for parking by persons with
30 disabilities. Such regulation of parking lots shall be

1 consistent with 75 Pa.C.S. (relating to vehicles) and the act of
2 October 27, 1955 (P.L.744, No.222), known as the "Pennsylvania
3 Human Relations Act."

4 Section 2432. Disorderly Conduct.--Council may, by
5 ordinance, prohibit disorderly conduct within the limits of the
6 city and provide for the imposition of penalties in accordance
7 with this act. If an ordinance is enacted, it shall define
8 disorderly conduct in a manner substantially similar to the
9 provisions of 18 Pa.C.S. § 5503 (relating to disorderly
10 conduct).

11 Section 2433. Official Expenses on City Business.--Council
12 may make appropriations for the reasonable expenses of city
13 officials actually incurred in the conduct of city business.

14 Section 2434. Municipality Authorities; Cooperation with
15 Other Political Subdivisions.--(a) The council may by
16 ordinance, individually or in cooperation with other
17 municipalities or school districts, form municipal authorities
18 as authorized by 53 Pa.C.S. Ch. 56 (relating to municipal
19 authorities).

20 (b) The council may by ordinance make cooperative agreements
21 with regard to the performance of a city's powers, duties and
22 functions in accordance with the provisions of 53 Pa.C.S. Ch. 23
23 Subch. A (relating to intergovernmental cooperation).

24 Section 2435. Local Self-Government.--The council of each
25 city shall have power to enact, make, adopt, alter, modify,
26 repeal and enforce in accordance with this act ordinances,
27 resolutions, rules and regulations, not inconsistent with or
28 restrained by the Constitution of Pennsylvania and laws of this
29 Commonwealth, that are either of the following:

30 (1) Expedient or necessary for the proper management, care

and control of the city and its finances, and the maintenance of the peace, good government, safety and welfare of the city and its trade, commerce and manufactures.

(2) Necessary to the exercise of the powers and authority of local self-government in all municipal affairs.

Section 2436. Historical Property.--Council may acquire by purchase or by gift, and may repair, supervise, operate and maintain landmarks and other historical properties which are either eligible for listing or listed in the National Register of Historic 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

1 to and receive grants from the Department of Community and
2 Economic Development for the purposes specified in Chapter 23 of
3 the "Job Enhancement Act."

4 Section 2440. Non-debt Revenue Bonds.--Consistent with and
5 without limitation of any power conferred or duty imposed by 53
6 Pa.C.S. Pt. VII Subpt. B, (relating to indebtedness and
7 borrowing), council may issue non-debt revenue bonds pursuant to
8 provisions of 53 Pa.C.S. Pt. VII Subpt. B.

9 Section 2441. Appropriations for Urban Common Carrier Mass
10 Transportation.--Council may appropriate funds for urban common
11 carrier mass transportation purposes from current revenues and
12 make annual contributions to county departments of
13 transportation or to urban common carrier mass transportation
14 authorities to assist the departments or the authorities to meet
15 costs of operation, maintenance, capital improvements and debt
16 service, and to enter into long-term agreements providing for
17 the payment of the contributions.

18 Section 2442. Appropriation for Nonprofit Art Corporation.--
19 Council may appropriate moneys annually, not exceeding an amount
20 equal to one mill of the real estate tax to any nonprofit art
21 corporation for the conduct of its artistic and cultural
22 activities. For the purposes of this section, "nonprofit art
23 corporation" shall mean a local arts council, commission or
24 coordinating agency, or any other nonprofit corporation engaged
25 in the production or display of works of art, including the
26 visual, written or performing arts. Artistic and cultural
27 activities shall include the display or production of theater,
28 music, dance, painting, architecture, sculpture, arts and
29 crafts, photography, film, graphic arts and design and creative
30 writing.

1 Section 2443. Ratification and Validation of Real Estate
2 Sales.--All deeds conveying title to real estate or interests
3 therein from any city to any other party which are executed and
4 delivered pursuant to an ordinance or resolution of the city
5 council and which are not contested by an action filed in the
6 court of common pleas of the county in which the city is located
7 within six years of the date such deeds are recorded are hereby
8 declared to be valid and to have fully and effectively conveyed
9 the property and interests described therein in accordance with
10 the terms thereof. No such deed shall thereafter be subject to
11 attack in any court, agency or proceeding.

12 Section 2444. Maintenance and Validation of Certain
13 Records.--Except as otherwise may be required by any law
14 governing the recording of documents with the recorder of deeds,
15 all city records that are required to be recorded or copied
16 shall be deemed valid if recorded or transcribed by any digital,
17 photostatic, photographic, microphotographic, microfilm,
18 microcard, miniature photographic, optical, electronic or other
19 process which accurately reproduces the original and forms a
20 durable medium for recording, storing and reproducing the
21 original in accordance with standards, policies and procedures
22 for the creation, maintenance, transmission or reproduction of
23 images of records approved by the county or local government
24 records committees, as applicable, and as otherwise provided by
25 law. No city shall be required to retain original or paper
26 copies of any documents after the documents are archived by any
27 of the methods stated in this section or as otherwise provided
28 by law. Where recording in a specific book is required, except
29 for minutes or the proceedings of council, such records may be
30 recorded, transcribed or otherwise assembled in an appropriate

book, disk or other medium approved by resolution of council,
and all records heretofore recorded and assembled in any manner
are hereby validated.

Section 2445. Rights Within Streets and Rights-of-Way.--(a)
The power granted to a city in subsection (b) shall be exercised
in compliance with Federal and State law and shall be subject to
the power of the Pennsylvania Public Utility Commission, under
66 Pa.C.S. Pt. I (relating to public utility code) to regulate
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

1 services providers to discuss the emergency services needs of
2 the city.

3 (c) The city shall require any emergency services
4 organizations receiving city funds to provide to the city an
5 annual itemized listing of all expenditures of these funds
6 before the city may consider budgeting additional funding to the
7 organization.

8 Section 2447. Charitable Purposes.--(a) Council may, by
9 ordinance, create a city bureau or agency which bureau or agency
10 may receive in trust, and city council may control for the
11 purposes of the trust, all estate, moneys, assets and property,
12 real and personal, which may have been or shall be bestowed upon
13 it by donation, gift, legacy, endowment, bequest, devise,
14 conveyance or other means, for charitable purposes.

15 (b) Council may make appropriations to the agency or bureau
16 for charitable purposes except as limited by the Constitution of
17 Pennsylvania and laws of this Commonwealth.

18 (c) As used in this section, "charitable purposes" shall
19 mean the relief of poverty, the advancement of education, the
20 promotion of health, governmental or municipal purposes, and
21 other purposes the accomplishment of which is beneficial to the
22 community.

23 Section 188. Article XXV heading of the act is reenacted to
24 read:

25 ARTICLE XXV

26 TAXATION

27 Section 189. Article XXV subdivision (a) heading of the act
28 is amended to read:

29 (a) Assessments [and Revisions] of Property for Taxation

30 Section 190. Sections 2501, 2502 and 2503 of the act are

1 repealed:

2 [Section 2501. Election of Assessor; Term; Removal;
3 Qualifications.--The council of each city on the first Monday of
4 January, one thousand nine hundred and fifty-two, and on the
5 first Monday of January in every fourth year thereafter, or as
6 soon thereafter as may be conveniently done, shall elect one
7 person, resident of the city for at least five years previous to
8 his election, a qualified elector thereof, and owner of real
9 estate therein, at the time of his election and during the
10 entire term of service, of the assessed value of at least five
11 hundred dollars, as city assessor, to serve for the term of four
12 years from the first Monday of January in the year in which he
13 is elected. Any assessor may be removed from office by council
14 and the vacancy thus occasioned may be filled in the manner
15 hereinafter provided. Council shall not permit any person
16 elected assessor to enter upon the duties of said office, nor
17 continue in office, when he does not have and possess all of the
18 qualifications aforesaid. For this purpose council shall have
19 power, by a majority vote of all the members elected thereto, to
20 declare the said office of assessor vacant at any time any
21 person has not or ceases to have the qualifications aforesaid
22 for the said office. They may thereupon fill the vacancy thus
23 occasioned, in the manner hereinafter provided for the filling
24 of vacancies.

25 Section 2502. Oath of Assessor; Filling of Vacancies.--The
26 said assessor shall, before entering upon his duties, take and
27 subscribe the oath prescribed for municipal officers, and file
28 the same with the city clerk. Any vacancy happening in said
29 office shall be filled by appointment by council, for the
30 unexpired term.

1 Section 2503. Assistant Assessors; Compensation of Assessors
2 and Assistants.--The council may, during each triennial year and
3 in the intervening years, appoint such assistant assessors, to
4 serve for such length of time as council may authorize, direct,
5 or appoint by ordinance. Such assistant assessors shall be
6 removable at the pleasure of council. The compensation or salary
7 of the city assessor, and of the assistant assessors, if any,
8 shall be fixed by ordinance.]

9 Section 191. Sections 2503.1 and 2504 of the act, amended or
10 added December 13, 1982 (P.L.1192, No.273), are repealed:

11 [Section 2503.1. Definitions.--The following words and
12 phrases when used in this act shall have, unless the context
13 clearly indicates otherwise, the meanings given to them in this
14 section:

15 "Base year," the year upon which real property market values
16 are based for the most recently citywide revision of assessment
17 of real property or other prior year upon which the market value
18 of all real property of the city is based. Real property market
19 values shall be equalized within the city and any changes by the
20 board of revision of taxes and appeals shall be expressed in
21 terms of such base year values.

22 "Board," the board of revision of taxes and appeals in cities
23 of the third class.

24 "Common level ratio," the ratio of assessed value to current
25 market value used generally in the county as last determined by
26 the State Tax Equalization Board pursuant to the act of June 27,
27 1947 (P.L.1046, No.447), referred to as the State Tax
28 Equalization Board Law.

29 "Established predetermined ratio," the ratio of assessed
30 value to market value established by the city council and

1 uniformly applied in determining assessed value in any year.

2 Section 2504. Assessment of Property; Duties of Assessor.--

3 (a) The assessor shall make, or cause to be made, during the
4 year one thousand nine hundred fifty-four, and every third year
5 thereafter, a full, just, equal, and impartial assessment of all
6 property, taxable according to the laws of this Commonwealth for
7 county purposes, and all matters and things within the city
8 subject by law to taxation for city purposes, and a just and
9 perfect list of all property exempt by law from taxation, with a
10 just valuation of the same. But nothing hereinbefore contained
11 shall be construed as making taxable for city purposes the
12 classes of personal property which by law are made taxable
13 exclusively for county purposes at the rate of four mills. With
14 his assessment he shall return such dimension, description, or
15 quality of each lot or parcel of land as will be sufficient to
16 identify the same, together with the number and kind of
17 improvements. At the triennial assessment, the assessor shall,
18 if council so directs by ordinance, classify all real estate in
19 the city, in such manner and upon such testimony as may be
20 adduced before him, so as to distinguish between the buildings
21 on land and the land exclusive of the buildings, and he shall
22 certify to the council the aggregate valuation of all real
23 estate subject to taxation for city purposes within each such
24 classification. At the next triennial assessment following the
25 effective date of this amending act, the assessor shall, if
26 council by ordinance so directs, classify all real estate in
27 such city in such manner and upon such testimony as may be
28 adduced before him so as to distinguish between the buildings on
29 land and the land exclusive of the buildings, and he shall
30 certify to the council the aggregate valuations of all real

1 estate subject to taxation for city purposes within each such
2 classification.

3 (b) In all cases he shall value, or cause to be valued, the
4 property at the actual value thereof. In arriving at actual
5 value the city may utilize the current market value or it may
6 adopt a base year market value. In arriving at such value the
7 price for which any property would separately bona fide sell, or
8 the price at which any property may bona fide actually have been
9 sold, either in the base year or the current taxable year, shall
10 be considered, but shall not be controlling. Instead such
11 selling price, estimated or actual, shall be subject to revision
12 by increase or decrease to accomplish equalization with other
13 similar property within the taxing district. It shall be the
14 further duty of the assessor to return annually a list of all
15 the inhabitants over eighteen years of age.

16 (c) The board shall assess real property at a value based
17 upon an established predetermined ratio which may not exceed one
18 hundred per centum of actual value. Such ratio shall be
19 established and determined by the city council after proper
20 notice has been given.

21 (d) In arriving at the actual value, all three methods,
22 namely, cost (reproduction or replacement, as applicable, less
23 depreciation and all forms of obsolescence) comparable sales and
24 income approaches, must be considered in conjunction with one
25 another.

26 (e) The board shall apply the established predetermined
27 ratio to the actual value of all real property to formulate
28 assessment roll.]

29 Section 192. Section 2504.1 of the act, added July 29, 1970
30 (P.L.640, No.215), is repealed:

1 [Section 2504.1. Temporary Tax Exemption for Residential
2 Construction.--(a) As used in this section, the word
3 "dwellings" means buildings or portions thereof intended for
4 permanent use as homes or residences.

5 (b) New single and multiple dwellings constructed for
6 residential purposes and improvements to existing unoccupied
7 dwellings or improvements to existing structures for purposes of
8 conversion to dwellings, shall not be valued or assessed for
9 purposes of real property taxes until (1) occupied, (2) conveyed
10 to a bona fide purchaser, or (3) one year from the first day of
11 the month in which falls the sixtieth day after which the
12 building permit was issued or, if no building permit or other
13 notification of improvement was required, then from the date
14 construction commenced. The assessment of any multiple dwelling
15 because of occupancy shall be upon such proportion which the
16 value of the occupied portion bears to the value of the entire
17 multiple dwelling.]

18 Section 193. Section 2505 of the act, amended October 4,
19 1978 (P.L.950, No.188), is repealed:

20 [Section 2505. Manner of Assessments.--The assessor may
21 assess real estate in the name or names of the registered owner,
22 actual owner (legal or equitable), reputed owner, owner of the
23 life estate, occupier, vendor, vendees, or any person who has or
24 has had any connection with the legal title thereof, or an
25 interest in the premises, or has charge or control thereof;
26 partnership property, in the name of the partnership or in the
27 name of the partners, or any of them; trust property, in the
28 name of the trustee or trustees, or any of them, or in the name
29 of the cestui que trust; property of a minor, in the name of the
30 minor or his guardian; property of a lunatic, in the name of the

1 lunatic or his guardian or committee; and property formerly
2 belonging to a person, since deceased, may be assessed in the
3 name of the decedent, or in the name of the estate of said
4 decedent, or of his administrator or administrators, executor or
5 executors, or his heirs generally, or in the name of any
6 administrator, executor, or heir; and in assessing the same in
7 the names of the executors, administrators or heirs, it shall
8 not be necessary to designate them by their christian or
9 surnames; and other property not herein provided for may be
10 assessed in the manner the same is assessed for county taxation.
11 This provision shall not prevent the collection, under existing
12 laws, of any tax assessed against property by a sufficient
13 designation or description, where the same has been assessed in
14 the name of any person or persons who are not the owners
15 thereof. Where lands of owners are part within and part without
16 the city limits, they shall be assessed in the same manner and
17 within the same jurisdiction as if the same were being assessed
18 for county purposes.]

19 Section 194. Sections 2506, 2508, 2509, 2510, 2511, 2512,
20 2513, 2514, 2515 and 2516 of the act are repealed:

21 [Section 2506. Duties of Assessors in Other Than Triennial
22 Years.--In the years between triennial assessments, the said
23 assessor shall perform the following duties with reference to
24 the assessment of property and other matters and subjects of
25 taxation, namely: He shall,

26 (a) Assess any property which has been omitted, and correct
27 any errors of law, fact or judgment which may have been made in
28 making the triennial assessment;

29 (b) Add to the assessment any property which has ceased to
30 be exempt and any property acquired since the triennial

1 assessment;

2 (c) Add to the value of any real estate the value of any new
3 building or other new improvements;

4 (d) Deduct from the value of any property any loss caused by
5 destruction, injury, or otherwise, howsoever;

6 (e) Where tracts as assessed at the triennial assessment
7 have been subdivided, equalize and apportion the assessment of
8 the lands thus subdivided upon the basis of the value as fixed
9 at the triennial assessments upon the whole lot or tracts;

10 (f) Where any borough, township, part of a borough or
11 township, or any tract or tracts of land, have been added to the
12 city, since the last triennial assessment, make a full and
13 impartial assessment of the property in the annexed district,
14 and return the same in a like manner as if it were a triennial
15 assessment;

16 (g) When any property has been transferred or disposed of,
17 make the proper changes, deductions or transfers upon the proper
18 assessment books and duplicates;

19 (h) Perform such other duties, as may be prescribed by
20 ordinance, necessary to the making of proper assessments or
21 valuations.

22 Section 2508. Omitted Property to be Assessed; Liability of
23 Owner for Back Taxes.--When the said assessor ascertains that
24 any property is omitted, he shall assess the same for the
25 omitted years, but not back further than and including the last
26 year of the preceding triennial assessment. The person or party
27 owning said omitted property shall be liable for the tax against
28 the property for the omitted year or years, at the tax rate
29 levied during the omitted year or years, and the proper
30 authorities shall make out the proper tax and place the amount

1 thereof in the hands of the city treasurer for collection.

2 Section 2509. Clerks; Power to Administer Oaths;

3 Inventories.--The assessor shall have the right to procure such

4 books, maps, et cetera, as may be necessary to the performance

5 of his duties, and, when authorized by council, may employ

6 clerks for the purpose of transcribing and making duplicate and

7 assessment books. He, and each of them, shall have power to

8 administer oaths, and to require, under oath, of every taxable

9 or person in charge or control of any property, an inventory of

10 his taxable property, with his estimate of the just, full, fair,

11 and impartial value thereof, and which, in his judgment, the

12 same would bring at a fair public sale thereof. Such estimate

13 shall not be conclusive, but shall be subject to revision by

14 increase, decrease or equalization with other property.

15 Section 2510. Information from Real Estate Registry Office;

16 Sufficiency of Descriptions.--Where any city has established a

17 registry of real estate by law, the assessor shall have the

18 right to obtain from the official in charge of said registry

19 such information as to the registered owners of real estate as

20 said department is able to furnish, and under such rules and

21 regulations as shall be established by ordinance of council. It

22 shall be a sufficient description of any real estate in any

23 assessment books or duplicates to designate the same by such

24 city lot number, other number or designation, as is used on the

25 registry.

26 Section 2511. Time of Completion of Assessments.--The

27 assessor shall complete his triennial assessment, and the annual

28 assessments in intervening years, on or before the first day of

29 September in each year, or as soon thereafter as practicable. He

30 may, with the approval of the board of revision and appeals, add

1 to the duplicates in the hands of the city treasurer any subject
2 of taxation omitted therefrom, and rectify any and all errors
3 and mistakes made therein.

4 Section 2512. Liability for Neglect.--Any assessor or
5 assessors who shall wilfully omit, neglect, or refuse to assess
6 any property liable to taxation shall be held responsible to the
7 city for any loss or damage caused thereby.

8 Section 2513. Ordinances to Regulate Assessments, Transfers,
9 Appeals, Et Cetera.--The council of each city may pass such
10 ordinances as it may deem proper and necessary, providing for
11 and regulating the manner of making the assessments, valuations,
12 and transfers, and the taking of appeals to the board of
13 revision and appeal, and regulating proceedings before said
14 board on any and all matters not specifically provided for in
15 this act.

16 Section 2514. Board of Revision of Taxes and Appeals.--The
17 council of each city shall constitute the board of revision of
18 taxes and appeals, and the city clerk shall serve as clerk
19 thereof.

20 Section 2515. New Assessments.--The council, in any years
21 other than a triennial year, if it shall deem a new assessment
22 necessary, may, on or before the first day of May, issue its
23 precept to the city assessor and by ordinance or resolution
24 require him to make out and return a full, just, and equal
25 assessment of property within the city, or such parts thereof as
26 may be deemed advisable.

27 Section 2516. Revision of Assessments.--The said board of
28 revision of taxes and appeals shall take and receive the
29 triennial and yearly assessment as returned by the city
30 assessor, and may revise, equalize, and alter such assessments,

1 in any and every year, by increasing or reducing the valuation
2 either in individual cases or by wards, or parts of wards;
3 rectify all errors, and add to the assessment book, and to the
4 duplicate thereof in the hands of the city treasurer, any
5 property or person subject to taxation omitted therefrom, and
6 any real estate in such city which has been exempt from
7 taxation, and has ceased to be occupied and used for the purpose
8 or purposes which entitled it to such exemption, as taxable for
9 the portion of the year commencing at the time when the right to
10 exemption ceases. Such property shall thereupon become subject
11 to taxation, at the rate fixed for the year, for the
12 proportionate part of the year during which it is not entitled
13 to exemption.]

14 Section 195. Section 2516.1 of the act, amended July 29,
15 1970 (P.L.640, No.215), is repealed:

16 [Section 2516.1. Additions and Revisions to Duplicates.--
17 Whenever in any city there is any construction of a building or
18 buildings not otherwise exempt as a dwelling after the city
19 council has prepared a duplicate of the assessment of city taxes
20 and the building is not included in the tax duplicate of the
21 city, the authority responsible for assessments in the city
22 shall, upon the request of the city council, direct the assessor
23 in the city to inspect and reassess, subject to the right of
24 appeal and adjustment provided by the act of Assembly under
25 which assessments are made, all taxable property in the city to
26 which major improvements have been made after the original
27 duplicates were prepared and to give notice of such
28 reassessments within ten days to the authority responsible for
29 assessments, the city and the property owner. The property shall
30 then be added to the duplicate and shall be taxable for city

1 purposes at the reassessed valuation for that proportionate part
2 of the fiscal year of the city remaining after the property was
3 improved. Any improvement made during the month shall be
4 computed as having been made on the first of the month. A
5 certified copy of the additions or revisions to the duplicate
6 shall be furnished by the city council to the city treasurer,
7 together with their warrant for collection of the same, and
8 within ten days thereafter the city treasurer shall notify the
9 owner of the property of the taxes due the city.]

10 Section 196. Section 2517 of the act is repealed:

11 [Section 2517. Hearing of Appeals.--The board of revision of
12 taxes and appeals may require the attendance of the assessor and
13 assistant assessors, or any of them, or other citizens, before
14 them for examination on oath or affirmation. It shall hear and
15 determine all appeals by taxpayers from the assessments made by
16 the city assessor, at such time and place as it may prescribe,
17 conformably with law as to notice to the taxable and his filing
18 of notice of intention to appeal.]

19 Section 197. Section 2518 of the act, amended December 13,
20 1982 (P.L.1192, No.273), is repealed:

21 [Section 2518. Notice to Taxables of Assessments; Appeals.--

22 (a) The assessor shall give, or cause to be given, printed or
23 written notice to each taxable of the city, whose property is
24 newly assessed, or whose last previous assessment has been
25 changed, of the amount of the present assessment, valuation and
26 ratio and the new assessment, valuation and ratio. The said
27 notice shall not be required to be given to any taxable whose
28 property assessment was not changed as a result of any triennial
29 assessment. The said notice shall also inform the taxable of the
30 requirements of this section as to appealing from any

1 assessment. Such notice may be served personally or by posting
2 on the premises or by mailing the same to the last known address
3 of the taxable.

4 (b) Notice similar to that provided for in subsection (a)
5 shall be given when the city changes the established
6 predetermined ratio.

7 (c) Any person dissatisfied or aggrieved by any assessment,
8 or any change thereof, made by the assessor, may appeal to the
9 said board of revision of taxes and appeals, by filing with the
10 board a statement in writing of intention to appeal, setting
11 forth:

12 (1) The assessment or assessments by which such person feels
13 aggrieved;

14 (2) The address to which the board shall mail notice of when
15 and where to appear for hearing.

16 (d) The statement of intention to appeal shall be filed with
17 the said board not later than thirty days after the notice of
18 assessment has been mailed to the taxable at his last known
19 address, or has been served upon him personally, or has been
20 posted upon the premises. No appeal shall be permitted except
21 upon such a statement of intention as herein required, nor may
22 any taxable appeal as to an assessment not designated in his
23 statement of intention to appeal. The board shall fix the time
24 and place of hearing appeals and shall give at least five days
25 notice to the taxable.

26 (e) Any triennial assessment made prior to the effective
27 date of this amending act, which did not change a property
28 assessment, is hereby validated irrespective of whether or not
29 written or printed notice of such assessment was given to the
30 taxable.]

Section 198. Section 2519 of the act is repealed:

[Section 2519. Power of Assessor to Administer Oaths.--For the purposes of all hearings, and for all other purposes necessary to the discharge of his duties, the assessor shall have authority to administer oaths and affirmations touching any matter relating thereto.]

Section 199. Sections 2520 and 2521 of the act, amended December 13, 1982 (P.L.1192, No.273), are repealed:

[Section 2520. Custody of Assessment Books; Completion of Work of Board.--(a) The board of revision of taxes and appeals shall procure and have the custody and control of all books relating to assessment of city taxes, and keep them arranged according to wards and dates, and shall furnish the city assessor the necessary books for making the assessment, which, on the completion of such assessment, shall be returned to such board of revision of taxes and appeals. The board shall complete its labors, and the hearing and determination of all appeals, on or before the first day of December of each year, or as soon thereafter as practicable, after which the assessment shall be copied, by wards, into a tax duplicate or duplicates for the use of the city. The assessment, so corrected and copied, shall be and remain a lawful assessment for the purpose of city taxation until altered as provided in this article. The board shall give notice in writing within five days after its disposition of each appeal, advising the taxable of its decision.

(b) In any appeal of an assessment the board shall make the following determinations:

(1) The current market value for the tax year in question.

(2) The common level ratio.

(c) The board, after determining the current market value of

1 the property for the tax year in question, shall then apply the
2 established predetermined ratio to such value unless the common
3 level ratio varies by more than fifteen per centum from the
4 established predetermined ratio, in which case the board shall
5 apply the common level ratio to the current market value of the
6 property for the tax year in question.

7 (d) Nothing herein shall prevent any appellant from
8 appealing any base year valuation without reference to ratio.

9 Section 2521. Appeals from Decisions of Board; Costs.--(a)
10 Any owner of taxable property who may feel aggrieved by the
11 decision of the board of revision of taxes and appeals as to the
12 assessment or valuation of his taxable property may appeal from
13 the decision of the board of revision of taxes and appeals to
14 the court of common pleas of the county within which such
15 property is situated, and, for that purpose, may present to said
16 court, or file in the prothonotary's office, within sixty days
17 after mailing notice to him that the board of revision of taxes
18 and appeals have held the appeals provided for by law and acted
19 on the said assessments and valuations, a petition signed by
20 him, his agent, or attorney, setting forth the facts of the
21 case. The court shall thereupon, after notice to the said board
22 of revision of taxes and appeals, hear the said appeal and the
23 proofs in the case, and make such orders and decrees touching
24 the matter complained of as to the judges of said court may seem
25 just and equitable, having due regard to the valuation and
26 assessment made of other property in such city. The costs of the
27 appeal and hearing shall be apportioned or paid as the court may
28 direct. The said appeals shall not, however, prevent the
29 collection of the taxes complained of, but in case the same
30 shall be reduced, then the excess shall be returned to the

1 person or persons who shall have paid the same.

2 (b) In any appeal of an assessment the court shall make the
3 following determinations:

4 (1) The current market value for the tax year in question.

5 (2) The common level ratio.

6 (c) The court, after determining the current market value of
7 the property for the tax year in question, shall then apply the
8 established predetermined ratio to such value unless the common
9 level ratio varies by more than fifteen per centum from the
10 established predetermined ratio, in which case the court shall
11 apply the common level ratio to the current market value of the
12 property for the tax year in question.

13 (d) Nothing herein shall prevent any appellant from
14 appealing any base year valuation without reference to ratio.]

15 Section 200. The act is amended by adding a section to read:

16 Section 2522. Assessment Powers.--(a) With regard to the
17 valuing and assessing of property for taxation within a city,
18 the following shall apply:

19 (1) If, on the effective date of this section, a city is
20 utilizing the county assessment office for the valuation and
21 assessment of property, the city shall continue to utilize the
22 county assessment office for this purpose.

23 (2) If clause (1) does not apply, council may appoint and
24 employ persons to value and assess property for taxation within
25 a city, following the procedures and methodologies set forth in
26 the assessment law or laws applicable in the county in which the
27 city is located, provided that the act of April 16, 1992
28 (P.L.155, No.28), known as the "Assessors Certification Act,"
29 shall apply to persons hired pursuant to this clause.

30 (3) If clause (2) applies, a city may subsequently elect to

utilize the county assessment office to value and assess property.

(4) (i) A city, conducting its own assessments as authorized by clause (2), or utilizing the county assessment office pursuant to clause (1) or (3), may, by ordinance, adopt an established predetermined ratio different from that used by the county. The city shall apply the ratio selected to the actual valuation supplied by the county to determine assessed value for tax purposes. The established predetermined ratio selected by the city may not exceed one hundred per centum of actual value.

(ii) As used in this clause, "established predetermined ratio" shall mean the ratio of assessed value to market value established by the city council and uniformly applied in determining assessed value in any year.

(5) A city that is utilizing the county assessment office in accordance with clause (1) or which elects to utilize the county assessment office in accordance with clause (3) may not thereafter appoint and employ persons to value and assess property in accordance with clause (2).

(b) In any case in which a city appoints persons to value and assess property, the following shall apply:

(1) If the property being assessed is not wholly within the city limits, it shall be assessed in the same manner and within the same jurisdiction as if the same were being assessed for county purposes.

(2) If a city has established a registry of real estate, it may obtain for purposes of assessment, from the official in charge of the registry, available information as to the registered owners of real estate, under rules and regulations as

1 may be established by ordinance. It shall be a sufficient
2 description of any real estate in any assessment books or
3 duplicates to designate the same by such city lot number, other
4 number or designation, as is used on the registry.

5 (3) For purposes of assessment appeals, council shall
6 constitute the board of revision of taxes and appeals and the
7 city clerk shall serve as clerk thereof.

8 (4) Except as authorized in this section, the city shall not
9 exercise powers contrary to or in limitation or enlargement of
10 powers granted by statutes that provide the substantive rules
11 governing the making of assessments and valuations of property
12 which are applicable to the assessment of property for taxation
13 purposes under the county assessment law or laws applicable in
14 the county in which the city is located.

15 (5) A city conducting its own assessments pursuant to
16 subsection (a)(2) shall establish and follow procedures that are
17 consistent with similar procedures provided in the assessment
18 law or laws applicable in the county in which the city is
19 located, including, but not limited to, providing notice of an
20 opportunity to appeal assessments, for taking appeals to and
21 from the board of appeals and for the conduct of proceedings
22 before the board.

23 (c) A temporary tax exemption for residential construction
24 shall be subject to the following:

25 (1) New single and multiple dwellings constructed for
26 residential purposes and improvements to existing unoccupied
27 dwellings or improvements to existing structures for purposes of
28 conversion to dwellings shall not be valued or assessed for
29 purposes of real property taxes until:

30 (i) occupied;

1 (ii) conveyed to a bona fide purchaser; or
2 (iii) one year from the first day of the month in which
3 falls the sixtieth day after which the building permit was
4 issued or, if no building permit or other notification of
5 improvement was required, then from the date construction
6 commenced.

7 (2) The assessment of any multiple dwelling because of
8 occupancy shall be upon such proportion which the value of the
9 occupied portion bears to the value of the entire multiple
10 dwelling.

11 (3) As used in this subsection, the word "dwelling" means a
12 building or portion thereof intended for permanent use as a home
13 or residence.

14 Section 201. The heading of subdivision (b) of Article XXV
15 of the act is reenacted to read:

16 (b) Levy and Collection

17 Section 202. Section 2531 of the act, amended November 19,
18 1959 (P.L.1519, No.534), August 3, 1967 (P.L.199, No.63), June
19 16, 1972 (P.L.443, No.135) and May 22, 1981 (P.L.71, No.20), is
20 amended to read:

21 Section 2531. Tax Levies.--(a) Council may, by ordinance,
22 levy and, in accordance with this act, provide for the
23 collection of [the following taxes:

24 1. A tax for general revenue purposes on all persons and
25 property taxable according to the laws of the Commonwealth for
26 county purposes: the valuation of such property to be assessed
27 as hereinbefore provided.

28 2. An annual tax sufficient to pay interest and principal on
29 any indebtedness incurred pursuant to the act of July 12, 1972
30 (P.L.781, No.185), known as the "Local Government Unit Debt

1 Act," or any prior or subsequent act governing the incurrence of
2 indebtedness of the city.

3 3. A residence tax for general revenue purposes, not
4 exceeding five dollars annually, on all inhabitants above the
5 age of eighteen years. Any ordinance of council fixing the rate
6 of taxation for any year at a mill rate shall also include a
7 statement expressing the rate of taxation in dollars and cents
8 on each one hundred dollars of assessed valuation of taxable
9 property.

10 4. The council of any city may, by ordinance, in any year
11 levy separate and different rates of taxation for city purposes
12 on all real estate classified as land, exclusive of the
13 buildings thereon, and on all real estate classified as
14 buildings on land. When real estate tax rates are so levied, (i)
15 the rates shall be determined by the requirements of the city
16 budget as approved by council, (ii) higher rates may be levied
17 on land if the respective rates on lands and buildings are so
18 fixed so as not to constitute a greater levy in the aggregate
19 than a rate of twenty-five mills on both land and buildings, and
20 (iii) they shall be uniform as to all real estate within such
21 classification.

22 5. Where the city council by a majority action shall, upon
23 due cause shown, petition the court of quarter sessions for the
24 right to levy additional millage, the court, after such public
25 notice as it may direct and after hearing, may order a greater
26 rate than twenty-five mills but not exceeding five additional
27 mills to be levied.] taxes on all property within the city that
28 is made taxable for city purposes and subject to valuation and
29 assessment by the county assessment office or the city, as
30 provided in subdivision (a), as follows:

1 (1) A tax for general revenue purposes not exceeding thirty
2 mills.

3 (2) An annual tax sufficient to pay interest and principal
4 on any indebtedness incurred pursuant to 53 Pa.C.S. Pt. VII
5 Subpt. B (relating to indebtedness and borrowing) or any prior
6 or subsequent act governing the incurrence of indebtedness of
7 the city.

8 (3) An annual tax, not to exceed five mills, to light the
9 highways, roads and other public places in the city.

10 (4) An annual tax for the purpose of maintaining and
11 operating recreation places and programs.

12 (5) An annual tax, not to exceed the sum of one-tenth of one
13 mill, for the purpose of defraying the cost and expense of
14 caring for shade trees and the administrative expenses connected
15 therewith, or council may provide for such expenses by
16 appropriation from the General Fund.

17 (b) Council may, by ordinance, levy and, in accordance with
18 this act, provide for the collection of a residence tax for
19 general revenue purposes, not exceeding five dollars annually,
20 on all inhabitants who are eighteen years of age or older.

21 (c) With regard to the taxes authorized in subsection (a),
22 the following shall apply:

23 (1) Special purpose levies authorized in this section shall
24 not be included in calculating the thirty-mill limit imposed by
25 subsection (a).

26 (2) Any ordinance fixing the rate of taxation for any year
27 at a millage rate shall also include a statement expressing the
28 rate of taxation in dollars and cents on each hundred dollars of
29 assessed valuation of taxable property.

30 (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
constitute a greater levy in the aggregate than a rate of thirty
mills on both land and buildings.

(iii) The rates shall be uniform as to all real estate
within such classification.

(4) Where the city council by a majority action shall, upon
due cause shown, petition the court of common pleas for the
right to levy additional millage for general revenue purposes,
the court, after such public notice as it may direct and after
hearing, may order a greater rate than thirty mills but not
exceeding five additional mills to be levied.

(5) (i) Notwithstanding council's power to authorize the
transfer of an unexpended balance of an appropriation item
pursuant to section 1804, when any moneys are collected for any
special purpose, no city treasurer or council member may apply
those moneys to any purpose other than that for which they were
collected.

(ii) Any city treasurer or council member who violates
subclause (i) commits a misdemeanor of the third degree, and, in
addition to the fine or penalty which may be imposed upon
conviction, shall be required to pay restitution in the amount
of moneys improperly spent.

Section 203. Section 2531.1 of the act, amended November 26,

1 1982 (P.L.759, No.214), is amended to read:

2 Section 2531.1. Exemptions from Taxation.--The council of
3 any city may, by ordinance or resolution, exempt any person
4 whose total income from all sources is less than [five] twelve
5 thousand dollars [(\$5,000)] (\$12,000) per annum from any per
6 capita or [resident's] residence tax levied under this act. This
7 exemption shall not apply to real property taxes.

8 Section 204. The act is amended by adding a section to read:

9 Section 2531.2. Certification of Schedule.--For the purpose
10 of delinquent tax collection and the filing of liens on property
11 upon which the taxes, assessed and levied, have not been paid
12 and have become delinquent, the treasurer shall certify
13 schedules of unpaid taxes. The certification shall be made to
14 the person designated by each taxing district for which the
15 treasurer collects taxes.

16 Section 205. Sections 2532, 2533 and 2534 of the act are
17 repealed:

18 [Section 2532. City Treasurer to Be Tax Collector.--The city
19 treasurer, by virtue of his office, shall be the collector of
20 the city, county, school, and institution district taxes,
21 assessed or levied in the city by the proper authorities
22 therein.

23 Section 2533. Oath of City Treasurer as Collector of
24 Taxes.--At the time the city treasurer enters upon his duties,
25 he shall take and subscribe his oath of office as collector of
26 city, county, school, and institution district taxes, which oath
27 shall be filed with the city clerk.

28 Section 2534. Office for Receipt of Taxes; Supplies.--The
29 city treasurer, as collector of taxes, shall keep his office in
30 the same place occupied by him as city treasurer, which shall be

1 kept open for the receipt of taxes at all times during business
2 hours. All printing and stationery supplies shall be furnished
3 by the proper authorities, respectively.]

4 Section 206. Section 2535 of the act, amended December 14,
5 1967 (P.L.828, No.355), is repealed:

6 [Section 2535. Date of Delivery of Duplicate; Collection.--
7 The council of each city and the county and county institution
8 district authorities, now empowered or which may be hereafter
9 empowered to levy taxes upon persons and property within the
10 city, shall, within thirty days after the adoption of the budget
11 or within thirty days after receipt of the assessment roll from
12 the county whichever is later, make out and deliver their
13 respective duplicates of taxes assessed to the city treasurer,
14 as the collector of the said taxes, which shall be collected by
15 the city treasurer, by virtue of his office as aforesaid. The
16 proper school authorities shall make out and deliver the school
17 duplicates of their respective taxes in such city at the time
18 and in the manner provided by the school laws of the
19 Commonwealth. All duplicates of taxes placed in the hands of
20 said treasurer shall at all times be open to proper inspection
21 of the taxpayers and of the proper auditing and examining
22 officers of said city, county or school district, as the case
23 may be, and shall be delivered by said treasurer at the
24 expiration of his term to his successor in office.]

25 Section 207. Sections 2536, 2537 and 2538 of the act are
26 repealed:

27 [Section 2536. Deposits.--The city treasurer as collector of
28 taxes shall pay over to himself as city treasurer, in accordance
29 with the provisions of the Local Tax Collection Law, all the
30 city taxes collected by him. He shall at the same time deposit

1 all the city taxes so paid over to him into a bank or financial
2 institution, which shall be a city depository named by the city
3 council. All such deposits shall be made in the name of the city
4 treasurer as such, or in the name of the city, as council may
5 provide.

6 Section 2537. 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 said taxes, shall make out schedules
11 of said city, county, school, or institution district taxes
12 uncollected upon his duplicates, or those delivered to him by
13 his predecessor, with a brief description of the properties
14 against which the same are assessed, for the purpose of having
15 the same entered for lien or sold, according to law. The failure
16 of the said collector to collect the said taxes from personal
17 property, when the same could have been collected shall not
18 impair the lien thereof or affect any sale made for the
19 collection thereof. In case any such collector shall make any
20 wilfully false return, he shall be liable therefor to any person
21 or persons injured thereby.

22 Section 2538. Certification of Schedule.--The schedule of
23 unpaid city taxes shall be certified by the city treasurer, as
24 collector of taxes, to the city solicitor for filing in court,
25 with the like force and effect as if certified by the city
26 treasurer under existing laws. The schedule of unpaid school and
27 institution district taxes shall be certified to such officer or
28 person as is now, or shall hereafter be, designated to receive
29 the same for filing as a lien in court; and where no such person
30 is designated, the said schedule may be certified to the

1 solicitor of the authority levying the tax, who may cause the
2 said taxes to be registered as a lien in court, under existing
3 laws, and the certifying of the said schedules by the city
4 treasurer, as a collector, shall in all cases have the like
5 effect as if the same had been certified by the city treasurer,
6 as aforesaid.]

7 Section 208. Article XXV subdivision (c) heading of the act
8 is reenacted to read:

9 (c) Sales of Real Estate for Delinquent Taxes

10 Section 209. Section 2541 of the act, amended April 29, 1998
11 (P.L.294, No.47), is repealed:

12 [Section 2541. Public Sale of Property to Satisfy Tax
13 Claims.--(a) In addition to other remedies provided for the
14 collection of delinquent city taxes, the city treasurer may sell
15 at public sale, in the manner hereinafter provided, any property
16 upon which the taxes, assessed and levied, have not been paid
17 and have become delinquent, unless such property has already
18 been purchased and is held for the benefit of all the tax
19 levying authorities concerned.

20 (b) For purposes of this section, taxes shall be considered
21 delinquent thirty days after the final deadline for payment of
22 such taxes for the current tax year.]

23 Section 210. Section 2542 of the act is repealed:

24 [Section 2542. Time of Holding Sales.--Such sales shall be
25 made on the first Monday in June, in the year succeeding the
26 year in which the respective taxes are assessed and levied, or
27 on any day to which such sale may be adjourned, or on any first
28 Monday of June in any succeeding year.]

29 Section 211. The act is amended by adding a section to read:

30 Section 2542.1. Public Sale of Property to Satisfy Tax

1 Claims.--(a) Property upon which city real estate taxes have
2 not been paid and have become delinquent may become subject to
3 public sale in accordance with one of the following:

4 (1) The act of July 7, 1947 (P.L.1368, No.542), known as the
5 "Real Estate Tax Sale Law."

6 (2) The Municipal Claim and Tax Lien Law.

7 (b) The remedies authorized in this section shall be in
8 addition to other remedies provided for the collection of
9 delinquent city taxes, including an action in assumpsit.

10 (c) Unless otherwise provided in the statutes referred to in
11 subsection (a), taxes shall become delinquent thirty days after
12 the final deadline for payment of such taxes for the current tax
13 year.

14 Section 212. Section 2543 of the act is amended to read:

15 Section 2543. Certification of Schedules [of Taxes.--Where
16 the treasurer has not already in his hands the duplicates of
17 said taxes, or certificates or schedules thereof, any receiver
18 or collector of taxes, or other person having such delinquent
19 taxes in his hands, shall certify to the city treasurer
20 schedules of all unpaid taxes, with descriptions of the property
21 assessed.] to Treasurer.--At the request of the treasurer, any
22 person acting on behalf of the city who possesses a schedule of
23 unpaid city taxes shall certify the schedule to the treasurer
24 along with the description of property against which the unpaid
25 taxes were assessed.

26 Section 213. Section 2544 of the act is repealed:

27 [Section 2544. Advertisement of Sales.--The city treasurer
28 shall advertise for sale any of the property upon which it
29 appears the taxes have not been paid, as shown by the duplicates
30 in his hands, or by the returns or schedules certified to him,

1 as aforesaid. Said advertisement shall be made, once a week for
2 three successive weeks prior to the day of sale, in at least two
3 newspapers of general circulation, printed and published in the
4 city, and, in case two newspapers are not published in said
5 city, then publication shall be made in two newspapers printed
6 and published in the county in which the city is situate. The
7 city treasurer shall also cause to be posted or tacked, in a
8 conspicuous place on each parcel or lot of land advertised for
9 sale, at least ten days prior to the day of sale, a notice
10 stating that said property will be sold by said treasurer, for
11 delinquent taxes, on a certain day and time, and at a certain
12 place within the city, for which posting of notice he shall
13 receive and tax as costs twenty-five cents for each notice. No
14 sale shall be valid where the taxes have been paid prior to said
15 advertisement, or where the taxes and costs have been paid after
16 advertisement and before sale.]

17 Section 214. Section 2546 of the act is amended to read:

18 Section 2546. Record of Sales [to be Kept; City May];
19 Purchase [Lands at Sale.--] and Resale.--(a) The treasurer
20 shall keep in [his] the treasurer's office, or in such other
21 place as council may direct, a [book, in which he shall enter]
22 record of all the sales made [by him, giving a description of
23 each property sold, the name of the person as the owner thereof
24 as the same appears upon the duplicate, or has been returned to
25 him, the time of sale and the price at which sold, together with
26 the cost. The] pursuant to section 2542.1.

27 (b) Notwithstanding any other provision of law, the city
28 shall have the right to bid[, at any such sale, the amount of
29 taxes and costs, and, if necessary, purchase such lands] on and
30 purchase properties sold pursuant to section 2542.1.

1 (c) Properties purchased by the city under subsection (b)
2 may be sold in accordance with section 2402.1(b).

3 Section 215. Sections 2547 and 2548 of the act are repealed:

4 [Section 2547. Payment of Purchase Price by Purchaser;
5 Resale for Default.--Any purchaser or purchasers at said
6 treasurer's sale, except the city, as soon as the property is
7 struck down, shall pay the amount of the purchase money, or such
8 part thereof as may be necessary to pay all the taxes and costs,
9 as also one dollar and fifty cents for the use of the
10 prothonotary, for entering the report of the treasurer, filing
11 surplus bond, and acknowledgment of the treasurer's deed, as
12 hereinafter mentioned. In case said amount is not forthwith
13 paid, after the property is struck down, the sale may be avoided
14 and the property put up again by the city treasurer, at said
15 sale or at any subsequent sale.

16 Section 2548. Return of Sale.--The city treasurer shall
17 promptly make a report and return to the court of common pleas,
18 wherein he shall set forth, (a) a brief description of each
19 parcel of real estate sold; (b) the name of the person (where
20 known), in which the same is assessed; (c) the amount of tax,
21 and the year for which the same was assessed; (d) the time when
22 and the names of the newspapers in which the advertisement for
23 sale was made, with a copy of said advertisement; (e) the time
24 of sale; (f) the name of the purchaser; and (g) the price for
25 which each respective property was sold.]

26 Section 216. Section 2549 of the act, repealed in part June
27 3, 1971 (P.L.118, No.6), is repealed:

28 [Section 2549. Confirmation of Sale; Disposition of
29 Objections.--Upon the presentation of said report or return, if
30 it shall appear to said court that such sale has been regularly

1 conducted, under the provisions of this subdivision (c) of this
2 article, the said report and sales so made shall be confirmed
3 nisi; in case no objections or exceptions are filed to any such
4 sale in the office of the prothonotary within ninety days from
5 the date of such confirmation, a decree of absolute confirmation
6 shall be entered, as of course, by the prothonotary. Any
7 objections or exceptions to such a sale may raise the legality
8 of the taxes for nonpayment of which the real estate was sold or
9 the return thereof, or the validity of the sale for the reason
10 that the tax was actually paid, or question the regularity or
11 legality of the proceedings of the treasurer in any respect. In
12 case any objections or exceptions are filed, they shall be
13 disposed of according to the practice of the court, and, when
14 the same are overruled or set aside, a decree of absolute
15 confirmation shall be entered by the court. If such objections
16 or exceptions are sustained and the court deems the defect not
17 amendable, it shall, by its order or decree, invalidate the
18 sale. If no objections or exceptions are filed as herein
19 provided, or if such objections or exceptions are finally
20 overruled and the sale confirmed absolutely, the validity of the
21 assessment of the tax and the validity of the proceedings of the
22 treasurer, with respect to such sale, shall not thereafter be
23 inquired into judicially in equity or by civil proceedings by
24 the person or persons in whose name such property was sold, his,
25 her or their heirs, or his, her or their grantees or assigns,
26 subsequent to the date of the assessment of the taxes for which
27 such sale was made, and such sale, after the period of
28 redemption shall be terminated, shall be deemed to pass a good
29 and valid title to the purchaser as against the person or
30 persons in whose name such property was sold, provided the

1 purchaser has filed the bond for surplus moneys as hereinafter
2 provided.]

3 Section 217. Section 2550 of the act is repealed:

4 [Section 2550. Filing of Surplus Bond.--After any sale of
5 property or lands for delinquent taxes has been confirmed by the
6 court, as aforesaid, the purchaser or purchasers, where the bid
7 exceeds the taxes and costs as aforesaid, shall make and execute
8 to the said treasurer for the use of the persons entitled, a
9 bond for the surplus money that may remain after satisfying and
10 paying all the taxes and costs, as aforesaid, with warrant of
11 attorney to confess judgment annexed thereto. The treasurer
12 shall forthwith file said bond in the office of the prothonotary
13 of the proper county, at the number and term where said report
14 and return is filed. The surplus bond, filed as aforesaid, from
15 the time of the date of the deed for property thus sold, shall
16 bind as effectually, and in like manner as judgments, the land
17 by said treasurer sold, into whose hands or possession they may
18 come. The owners of said lands at the time of sale, their heirs
19 or assigns or other legal representatives, may, at any time
20 within five years after such sale, cause judgment to be entered
21 in said court upon said bond, in the name of said treasurer, for
22 the use of said owners, their heirs, assigns or legal
23 representatives, as the case may be. In case the moneys
24 mentioned in said bonds, with legal interest thereon from the
25 time it is demanded, be not paid within three months after such
26 entry, execution may forthwith issue for the recovery thereof.]

27 Section 218. Section 2551 of the act, amended August 17,
28 1951 (P.L.1262, No.299), is repealed:

29 [Section 2551. Acknowledgment and Delivery of Deeds.--When
30 the purchaser has paid the amount of his bid, or such portion

1 thereof as he is required to pay under this subdivision, and has
2 given the surplus bond as above required, the city treasurer
3 shall make the said purchasers, his or their heirs or assigns, a
4 deed in fee simple for the lands sold, as aforesaid, and the
5 said deed or deeds duly acknowledge in the court of common
6 pleas. Such acknowledgment shall be duly entered and recorded by
7 the prothonotary of said court in the treasurer's deed book. For
8 such service and the entry of the report of the city treasurer,
9 and filing surplus bond, the prothonotary shall receive the sum
10 of one dollar and fifty cents for each property sold.]

11 Section 2194. Section 2552 of the act is repealed:

12 [Section 2552. Acknowledgment of Receipt of Redemption
13 Money.--Where the owner or other person interested in the land
14 thus sold shall redeem the same, and pay the satisfaction fee,
15 the city treasurer shall acknowledge the receipt of the
16 redemption moneys upon the margin of the acknowledgment of the
17 treasurer's deed, as the same is entered and recorded in the
18 prothonotary's office. Thereafter said deed shall be void and of
19 no effect. Thereupon such owner or persons interested shall be
20 entitled to have the treasurer's deed delivered up to him, her
21 or them by the purchaser for cancellation. The city treasurer
22 shall pay to said purchaser all the moneys he had paid at the
23 time of sale, together with the twenty-five per centum penalty
24 thereon; and shall enter upon the book of sales kept by him, as
25 hereinbefore provided, an acknowledgment or receipt showing that
26 the owner or party interested redeemed the same, giving date of
27 redemption and amount of money received.]

28 Section 220. Article XXV subdivision (d) heading and section
29 2560 of the act are repealed:

30 [(d) City Sales of Real Estate Purchased from Tax Claim Bureau

1 Section 2560. Real Estate Purchased from Tax Claim Bureau.--

2 Any city may, by ordinance, sell in the manner hereinafter
3 provided, any real estate owned by the city which has been
4 acquired by the city by purchase from a tax claim bureau at
5 public sales held by said bureau pursuant to the provisions of
6 the Real Estate Tax Sale Law, its amendments and supplements,
7 upon which real estate the city held at the time of such sale a
8 lien or liens for municipal improvements.]

9 Section 221. Section 2561 of the act, amended April 6, 1998
10 (P.L.236, No.44), is repealed:

11 [Section 2561. Sale Procedure.--(a) After an ordinance has
12 been passed authorizing and directing the sale of real estate as
13 provided for in section two thousand five hundred sixty, the
14 city treasurer shall advertise such proposed sale once a week
15 for three successive weeks in at least one newspaper of general
16 circulation in the city. The advertisement shall give a brief
17 description of the property to be sold sufficient to identify it
18 as to location and character, and the terms and conditions of
19 sale shall ask for sealed bids for the purchase thereof, direct
20 all bids to be sent to the city clerk on or before a certain
21 date, and give any other information relating to such bids as
22 may be necessary; shall announce that the bids shall be opened
23 and read at a public meeting of council to be held at a time
24 fixed, and that council shall have the right to reject any and
25 all bids. In lieu of the above contents of the advertisement,
26 the advertisement may give a brief description of the property
27 to be sold, sufficient to identify it as to location and
28 character, and provide for a public sale of the property to the
29 highest responsible bidder, at such time and place as shall be
30 designated by council, with the right reserved to council to

1 reject any and all bids.

2 (b) A city that elects to sell property to a nonprofit
3 corporation for community development or reuse may waive the
4 advertising and bidding requirements of subsection (a) only upon
5 entering into a written agreement with the nonprofit corporation
6 that requires the property to be used for industrial, commercial
7 or affordable housing purposes. This exemption shall not apply
8 to property on which existing governmental functions are
9 conducted.]

10 Section 222. Section 2562 of the act is repealed:

11 [Section 2562. Delivery of Deed.--If council accepts the
12 highest responsible bid for such property, the city treasurer
13 shall, within twenty days after such acceptance and upon the
14 receipt of the purchase money, deliver to the successful bidder,
15 his heirs or assigns, a deed in fee-simple for the property sold
16 as aforesaid, which shall be acknowledged by the mayor and
17 attested by the city clerk.]

18 Section 223. The act is amended by adding a section to read:

19 Section 2562.1. Conduct of Tax Sales.--The procedures and
20 requirements relating to the sale of property for delinquent
21 taxes, including, but not limited to, the advertisement for and
22 the time and conduct of the sale, the payment of the purchase
23 price and the distribution of proceeds, making the return and
24 confirmation of sale and the delivery of deed shall be governed
25 by the act of July 7, 1947 (P.L.1368, No.542), known as the
26 "Real Estate Tax Sale Law," or the Municipal Claim and Tax Lien
27 Law as utilized by the city in accordance with section 2542.1,
28 and by any applicable rules of court governing procedures for
29 tax sales.

30 Section 224. Article XXVI heading of the act is reenacted to

1 read:

2 ARTICLE XXVI

3 LICENSES AND LICENSE FEES

4 Section 225. Article XXVI subdivision (a) heading of the act
5 is repealed:

6 [(a) General Powers to License]

7 Section 226. Section 2601 of the act, amended October 4,
8 1978 (P.L.950, No.188), is amended to read:

9 Section 2601. [License Taxes for Revenue Purposes.--Council
10 may, by ordinance, levy and collect a license tax for general
11 revenue purposes, not exceeding one hundred dollars each,
12 annually, on all photographers, auctioneers, contractors,
13 druggists, hawkers, peddlers, produce or merchandise vendors,
14 bankers, brokers, other than real estate brokers, undertakers,
15 pawnbrokers, trading stamp or premium companies or dealers,
16 warehouses or storage houses or places, parking lot operators,
17 merchants of all kinds, persons selling or leasing goods upon
18 installments, grocers, confectioners, butchers, wholesale meat
19 dealers, restaurants, billiard parlors, bowling alleys, billiard
20 tables, pool tables, and other gaming tables and devices; all
21 motor buses and motor omnibuses, trackless trolley omnibuses and
22 street railway cars transporting passengers for pay or hire
23 within the limits of the city, or from such city only to points
24 within a radius of ten miles of the city's boundaries; all
25 skating rinks, operas, theatres, shows, circuses, menageries,
26 and all kinds of public exhibitions for pay, except those for
27 religious, educational or charitable purposes; all lumber
28 dealers, persons who work on commission and all persons who make
29 a business of buying lumber for sale at wholesale or retail; all
30 furniture dealers, saddle or harness dealers, stationers,

1 jewelers, livery or automobile or boarding-stable keepers; all
2 market-house companies and owners of market-houses, garage
3 companies, and owners of other than private garages, express
4 companies or agencies; and all persons operating vehicles upon
5 the streets of the city as carriers for hire or compensation,
6 which persons regularly pick up or deliver or otherwise
7 transport wholly within or to or from the city property at an
8 annual rate not in excess of ten dollars per vehicle so used,
9 but not to exceed one hundred dollars per annum from any person
10 so operating: Provided, however, That in lieu thereof, the city
11 may levy an annual license tax not in excess of one hundred
12 dollars upon any such person having a place of business located
13 within the city; and, where no other license tax is imposed, on
14 telegraph, telephone, steam-heating, gas, natural gas, water,
15 electric light or power companies, or agencies or individuals
16 furnishing communication, light, heat or power, by any of the
17 means enumerated, and to regulate the collection of the same. If
18 any person, firm or corporation conducts a business at more than
19 one location in a city, the business conducted at each location
20 shall be considered and assessed as a separate and independent
21 business, and shall be subject to a license tax: Provided, That
22 the word "business," as used in this sentence, shall not be
23 construed to mean or include any place of business at which the
24 principal business conducted is that of selling, storing or
25 distributing products manufactured by the firm, person or
26 corporation operating the business. The taxes assessed under
27 this section shall be in addition to all other taxes levied and
28 collected by the city, county, or Commonwealth.] Licensing and
29 Regulatory Powers.--In addition to all other powers granted by
30 this act and other laws, each city shall have the specific

licensing and regulatory authority provided by this article.

Section 227. The act is amended by adding a section to read:

Section 2601.1. Registration of Businesses or Occupations.--

(a) Council may, by ordinance, designate the types or kinds of businesses or occupations located or carried out within the city that are subject to annual registration with the city.

(b) Unless otherwise provided in this article, an ordinance requiring registration in accordance with this section may provide for an annual fee on businesses and occupations in an amount reasonably related to the administration of the registration program, not to exceed one hundred dollars.

Section 228. Sections 2602 and 2603 of the act are amended to read:

Section 2602. Regulation of Motor Vehicles.--[Each city may regulate the transportation by motor vehicles not operated on tracks of passengers or property, for pay, within the limits of the city, or from points in the city to points beyond the limits of the city. In such regulation, the city may impose reasonable license fees, make regulations for the operation of vehicles, and may designate certain streets upon which such vehicles may only be operated.] (a) Subject to subsection (b), a city may regulate transportation by motor vehicle.

(b) A city shall have no authority to, and shall not, regulate transportation by motor vehicle in a manner that is preempted by or is inconsistent with applicable Federal and State laws and regulations, policies or orders of Federal and State regulatory agencies.

(c) The following words and phrases when used in this section shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

1 "Regulate." Licensing and making regulations for
2 transportation by motor vehicle, including the designation of
3 streets for transportation by motor vehicle.

4 "Transportation by motor vehicle." The transportation, for
5 pay, of passengers and property, within the limits of the city
6 or from points in the city to points beyond the limits of the
7 city, by a motor vehicle which is not operated on tracks.

8 Section 2603. Licensing of Plumbers.--Council may license
9 and provide for the collection of a license fee from all
10 persons, [copartnerships] partnerships, associations, or
11 corporations engaged or engaging in the business or work of
12 plumbing or house drainage, who shall have been certified as
13 being qualified to engage in such business, in such manner as
14 may be provided by ordinance or the laws of the Commonwealth.

15 Section 229. The act is amended by adding sections to read:

16 Section 2604. Power to Regulate and License Transient
17 Merchants.--(a) With regard to transient merchants, a city
18 shall have power, by ordinance, to regulate and license the
19 transient merchant, including, but not limited to, requiring
20 that a license be procured prior to commencement of transient
21 merchant activity.

22 (b) An ordinance adopted pursuant to subsection (a) may
23 impose a penalty not exceeding five hundred dollars for a
24 violation of its provisions and may provide for other means of
25 enforcement.

26 (c) The amount of a transient merchant license shall not
27 exceed two hundred fifty dollars for each month, or fractional
28 part thereof, during which any sale or solicitation is
29 continued.

30 (d) (1) The term "transient merchant" as used in this

1 section shall include all of the following:

2 (i) Transient wholesale and transient retail businesses for
3 the sale of goods, wares or merchandise within the city.

4 (ii) Transient charitable solicitors for the solicitation of
5 charitable contributions within the city.

6 (2) The term shall not include any of the following:

7 (i) Farmers selling their own produce.

8 (ii) Persons selling donated goods, wares and merchandise if
9 the proceeds of the sale are to be applied to any charitable or
10 philanthropic purpose.

11 (iii) A person selling bakery products, meat and meat
12 products or milk and milk products, if that person is the
13 manufacturer or producer of the products sold.

14 Section 2605. Regulation of Special Events.--(a) In
15 addition to other licensing and regulatory powers authorized in
16 this article, council shall have the authority, by ordinance, to
17 require a permit for and to reasonably regulate the conduct of a
18 special event, which may include, but is not limited to, a music
19 festival, concert, dance, circus, carnival, arts and craft show,
20 parade, public assembly, demonstration, performance, exhibition,
21 community event or block party.

22 (b) Regulation of a special event pursuant to this section
23 shall be for the purpose of protecting and preserving city and
24 public property or for the purpose of promoting or protecting
25 the public health, safety or welfare.

26 (c) Pursuant to this section a city may reasonably regulate
27 and require a permit for any of the following:

28 (1) A special event that will result in the obstruction of a
29 city street or sidewalk or that would compromise the ability of
30 the city to respond to a public safety emergency.

1 (2) A special event on any property wholly or partially
2 owned or maintained by the city.

3 (3) A special event on private property, if, in
4 connection with the event, the city will be providing city
5 services, including those relating to public safety, fire and
6 sanitary facilities, to a degree over and above that which the
7 city routinely provides.

8 Section 230. Article XXVI subdivision (b) heading, sections
9 2610, 2611 and 2612, subdivision (c) heading, sections 2620,
10 2621 and 2622, subdivision (d) heading, sections 2630, 2631,
11 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639 and 2640 and
12 subdivision (e) heading of the act are repealed:

13 [(b) Restrictions

14 Section 2610. Farmers.--No city shall levy or collect any
15 license fee from any farmer upon his sales of his own produce in
16 or about the streets of the city, but this provision shall not
17 be deemed to restrict in any other way a city's power to
18 regulate the conduct of such business.

19 Section 2611. Insurance Business.--No city shall levy or
20 collect any license fee upon insurance companies or their
21 agents, or insurance brokers, authorized to transact business
22 under the laws of the Commonwealth.

23 Section 2612. Persons Taking Orders by Samples.--No city
24 shall levy or collect any license fee or mercantile tax upon
25 persons taking orders for merchandise by sample, from dealers or
26 merchants for individuals or companies who pay a license or
27 mercantile tax at their chief places of business. Nothing in
28 this section shall authorize any person to sell by retail to
29 others than dealers or merchants.

30 (c) Transient Retail Merchants

1 Section 2620. Power to Regulate and License.--Every city
2 shall have power, by ordinance, to regulate and license each and
3 every transient wholesale and retail business within such city
4 for the sale of goods, wares, or merchandise, and to prohibit
5 the commencement or doing of any such business until or unless
6 the license required by such ordinance has been procured from
7 the proper authorities by the person, firm or corporation
8 desiring to commence such transient wholesale and retail
9 business, and to enforce such ordinances by penalties not
10 exceeding three hundred dollars and by other appropriate means.
11 The amount of such license shall not exceed two hundred dollars
12 for each month, or fractional part thereof, during which any
13 such sale is continued.

14 Section 2621. Exceptions.--Nothing contained in this
15 subdivision (c) shall be construed to apply (1) to farmers
16 selling their own produce, (2) to the sale of goods, wares, and
17 merchandise, donated by the owners thereof, the proceeds whereof
18 are to be applied to any charitable or philanthropic purpose, or
19 (3) to any manufacturer or producer in the sale of bread and
20 bakery products, meat and meat products, or milk and milk
21 products.

22 Section 2622. Commonwealth License Saved.--Nothing contained
23 in this subdivision (c) shall be construed to relieve any
24 person, partnership, or corporation from the duty of taking out
25 a license, or from the payment of any license tax imposed or
26 authorized by any other statute of this Commonwealth.

27 (d) Public Dances and Dance Halls

28 Section 2630. Definitions.--The term "public dance" or
29 "public ball," as used in this subdivision (d), shall be taken
30 to include any dance or ball conducted in connection with

1 instruction in dancing for hire, and any dance or ball to which
2 admission may be had by the payment of a fee or by the purchase,
3 possession, or presentation of a ticket or token, or in
4 connection with which a charge is made for caring for clothing
5 or other property, and any dance or ball to which the public
6 generally may gain admission with or without the payment of a
7 fee.

8 The term "dance hall" or "ball room," as used in this
9 subdivision, shall be taken to include any room, place, or space
10 in which a public dance or public ball, as herein defined, shall
11 be held, and any room, hall, or academy in which classes in
12 dancing are held and instruction in dancing is given for hire.

13 Section 2631. Permits for Dances; Fees.--No person, persons,
14 society, club, or corporation shall hold a public dance or
15 public ball, within the limits of any city, without having first
16 obtained a permit therefor from the mayor thereof, except for
17 dances held and conducted by regularly established instructors
18 in dancing in connection with such instruction.

19 The fee for such permit, which shall be paid at the time of
20 the issuing thereof, shall be one dollar for each public dance
21 or ball.

22 Section 2632. Dance Halls, Ball Rooms, and Academies to be
23 Licensed; Fees.--It shall be unlawful to hold or conduct any
24 public dance or public ball, or to hold or conduct classes in
25 dancing, or to give instructions in dancing for hire, in any
26 hall, ball room, or academy, within the limits of any city,
27 unless the dance hall or ball room or academy, in which the same
28 may be held, shall have been duly licensed for such purpose.

29 Application for such license shall be made by the proprietor
30 of such dance hall or ball room or academy to the mayor, who is

1 hereby authorized to issue the same.

2 The fee payable for each such license granted hereunder shall
3 be as follows:

4 In the case of dance halls maintained and conducted in
5 connection with regularly established instruction in dancing,
6 and exclusively used in such connection, the annual license fee
7 shall be ten dollars.

8 In the case of all other dance halls and ball rooms, the
9 annual license fee shall be fifteen dollars.

10 Each license granted hereunder shall expire on the first day
11 of June of each year.

12 The fee payable for each license granted hereunder shall be
13 for the whole or any portion of a calendar year, and all moneys
14 received by way of license fees hereunder shall be paid into the
15 general fund of the city.

16 Every licensed public dance hall or ball room or academy
17 shall post its license in a conspicuous place within the hall
18 where the dance is held.

19 Section 2633. Mayor to Investigate Applications.--It shall
20 be the duty of the mayor to cause an investigation of all
21 applications for public dance hall or ball room licenses to
22 determine whether or not the dance hall, ball room, or academy,
23 sought to be licensed, complies with the rules, regulations,
24 ordinances, and laws applicable thereto, and, in making such
25 investigation he shall, when desired, have the assistance of any
26 department of the government of the city.

27 Section 2634. Safe and Proper Places only to be Licensed.--
28 No license for a public dance hall or ball room or academy shall
29 be issued until it shall be ascertained that the place for which
30 it is issued complies with and conforms to all laws, ordinances,

1 health and fire regulations, applicable thereto, and is a safe
2 and proper place for the purpose for which it shall be used,
3 properly ventilated, and supplied with sufficient toilet
4 conveniences.

5 Section 2635. Revocation of Licenses.--The license of any
6 public dance hall or ball room or academy may be forfeited or
7 revoked by the mayor for disorderly or immoral conduct on the
8 premises, or upon proof that the dance hall, ball room, or
9 academy was frequented by disorderly or immoral persons, or for
10 the violation of any of the rules, regulations, ordinances, and
11 laws governing or applying to public dance halls, ball rooms, or
12 academies, or public dances. If at any time the license of a
13 public dance hall, ball room, or academy shall be forfeited or
14 revoked, at least three months shall elapse before another
15 license or permit shall be granted for dancing on the same
16 premises.

17 Section 2636. Licensed Places to be Kept Clean.--All public
18 dance halls or ball rooms or academies shall be kept at all
19 times in a clean, healthful, and sanitary condition, and all
20 stairways and other passages and all rooms connected with public
21 dance hall, ball room, or academy shall be kept open and well
22 lighted.

23 Section 2637. Inspection of Licensed Places; Power of Police
24 to Vacate.--All public dance halls, ball rooms, and academies
25 shall be subject to inspection by the police department of the
26 city at all reasonable times and whenever they are open for
27 dancing, instruction in dancing, or for any other purpose.

28 Any police officer shall have the power to cause the place,
29 hall, or room where any public dance or ball is given to be
30 vacated whenever any provision of any law or ordinance with

1 regard to public dances and public balls is being violated, or
2 whenever any indecent act shall be committed, or when any
3 disorder of a gross, violent or vulgar character shall take
4 place therein.

5 Section 2638. Persons Under Sixteen to be Excluded after
6 Nine O'clock Post Meridian.--It shall be unlawful, after nine
7 o'clock post meridian, to permit any person to attend or take
8 part in any public dance who has not reached the age of sixteen
9 years.

10 Section 2639. Halls to be Closed at One O'clock Ante
11 Meridian.--All public dances shall be discontinued, and all
12 public dance halls shall be closed, on or before the hour of one
13 o'clock ante meridian: Provided, however, That upon the
14 application of a bona fide organization or society, and upon an
15 investigation by the proper authority, the mayor may grant such
16 organization or society a permit to continue a dance until two
17 o'clock ante meridian.

18 Section 2640. Penalties.--Any person, persons, society,
19 club, or corporation who shall violate any of the provisions of
20 this subdivision (d), shall be subject to a penalty of twenty-
21 five dollars, to be recovered with costs in a summary
22 proceeding.

23 (e) Parking Lots for Profit]

24 Section 231. Section 2650 of the act, amended October 5,
25 1979 (P.L.195, No.64), is amended to read:

26 Section 2650. Regulation[; Revenue; Bonding] of Parking Lot
27 and Parking Garage Operators.--(a) For the purposes of
28 protecting the public [and of raising revenue], each city may
29 enact suitable ordinances regulating the business of operating
30 [for profit] for-profit parking lots and for-profit parking

garages within the city [and may require such lots to reserve areas exclusively for parking by handicapped individuals. License or permit fees may be charged and collected from the operators of such parking lots]. Ordinances shall be consistent with 75 Pa.C.S. (relating to vehicles). Each city may require for-profit parking lots and for-profit parking garages to reserve areas exclusively for parking by handicapped individuals. Nothing in this section shall 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), the act of October 27, 1955 (P.L.744, No.222), known as the "Pennsylvania Human Relations Act," and the Federal and State rules and regulations adopted in implementation of those acts. License and permit requirements may be imposed on for-profit parking lots and for-profit parking garages and license or permit fees may be charged and collected from the operators thereof.

(b) Any city adopting [such] a regulatory plan [shall require from each operator a bond to be approved by council for the protection of the public from loss of or damage to the vehicles parked, stored or placed under the jurisdiction of such parking lot operator.] applicable to for-profit parking lots and for-profit parking garages shall have the authority to require that each operator maintain insurance, from an insurer legally authorized to conduct business in this Commonwealth, in amounts not less than that which is prescribed by council for the protection of the public from loss of or damage to the vehicles parked, stored or placed under the jurisdiction of the operator and against liability arising out of the ownership or use of the parking lot or parking garage.

1 Section 232. The act is amended by adding sections to read:

2 Section 2651. Farmers.--No city shall levy or collect any
3 license fee from any farmer upon sales of the farmer's own
4 produce in or about the streets of the city. This section shall
5 not restrict in any other way a city's power to regulate the
6 conduct of a farmer's business.

7 Section 2652. Insurance Business.--No city shall levy or
8 collect any license fee upon insurance companies or their
9 agents, or insurance brokers, authorized to transact business
10 under the laws of this Commonwealth.

11 Section 2653. Persons Taking Orders By Samples.--No city
12 shall levy or collect any license fee or mercantile tax upon
13 persons taking orders for merchandise by sample, from dealers or
14 merchants for individuals or companies who pay a license or
15 mercantile tax at their chief places of business. Nothing in
16 this section shall authorize a person to sell by retail to
17 persons other than dealers or merchants without payment of a
18 license or permit fee.

19 Section 2654. Commonwealth License Saved.--Nothing contained
20 in this article shall be construed to relieve any person,
21 partnership or corporation from the duty of taking out a license
22 or from the payment of any license tax or fee imposed or
23 authorized by any other statute, nor shall any Commonwealth
24 license tax or fee preempt the registration, license or
25 regulatory powers of a city in accordance with this article,
26 unless the preemption is expressly authorized.

27 Section 233. Article XXVII heading of the act is amended to
28 read:

29 ARTICLE XXVII

30 [INDEBTEDNESS] REAL ESTATE REGISTRY

1 Section 234. Sections 2701 and 2703 of the act are repealed:

2 [Section 2701. No Unauthorized Debt to be Created.--No city
3 and no municipal department thereof shall create any debt,
4 except in pursuance of previous authority of law or ordinance.

5 Section 2703. Liability in Bond Transfers.--All certificates
6 of loans, issued by a city, shall be transferable by the legal
7 owners thereof without any liability on the part of the transfer
8 agents of the city to recognize or see to the execution of any
9 trust, whether expressed or implied, or constructive, to which
10 such loans may be subject, unless such transfer agents of the
11 city shall have previously received notice, in writing, signed
12 by or on behalf of the person for whom such loans appear by the
13 certificate thereof to be held in trust, that the proposed
14 transfer would be a violation of such trust.]

15 Section 235. The act is amended by adding a section to read:

16 Section 2704. Real Estate Registry.--(a) For the purpose of
17 procuring accurate information in reference to the ownership of
18 all real estate, the council of each city may provide, by
19 ordinance, for a real estate registry in accordance with the act
20 of October 9, 2008 (P.L.1400, No.110), known as the "Uniform
21 Municipal Deed Registration Act." If required by the ordinance,
22 every owner, subsequent purchaser, devisee or person acquiring
23 title by partition or otherwise to any real estate in the city
24 shall furnish, at the designated city office, descriptions of
25 their respective properties upon blanks to be furnished by the
26 city and, at the same time, present their conveyance to be
27 stamped by the designated city official or employe, without
28 charge, as evidence of its registration. A person who fails to
29 register real estate as required by this article shall be liable
30 for a penalty established by ordinance to be recovered, with

costs of suit, in the name and for the use of the city, as penalties for the violation of city ordinances are recoverable.

(b) A registry established in accordance with this article shall be in the form provided by council and may include books, maps and plans. The registry shall show the location and 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 employe 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 employe may also cause search to be made in any other place for any documentary or other evidence of title, not reported to the city official or employe 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 employe charged with the duty of maintaining the registry 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 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.

1 (g) Each city's registry may be used as the lawful and
2 proper source of property owners' or reputed owners' names for
3 all lawful purposes including the filing of municipal claims.

4 (h) Nothing in this section shall invalidate any municipal
5 or tax claim by reason of the fact that the same is not assessed
6 or levied against the registered owner.

7 Section 236. The act is amended by adding an article to
8 read:

9 ARTICLE XXVII-A

10 NUISANCE ABATEMENT

11 Section 2701-A. Definitions.

12 The following words and phrases when used in this article
13 shall have the meanings given to them in this section unless the
14 context clearly indicates otherwise:

15 "Abatement." The removal, stoppage or destruction by any
16 reasonable means of that which causes or constitutes a public
17 nuisance.

18 "Department." The department designated by the city council
19 to determine the existence of and to abate a public nuisance in
20 accordance with this article.

21 "Owner." With regard to the property on which the alleged
22 public nuisance exists, the owner of record based upon the
23 city's real estate registry, if the city maintains a registry,
24 or if the city does not maintain a real estate registry, on the
25 tax assessment records of the city, if any, or of the county in
26 which the city is located. The term may include any person in
27 whom is vested all or any part of the legal or equitable title
28 to the property or who has charge, care or control of the
29 property as agent, executor, administrator, assignee, receiver,
30 trustee, guardian, lessee or mortgagee in possession.

1 "Property." Any personal property or any real property and
2 any improvements thereto.

3 "Public nuisance."

4 (1) Any conduct or any property, or condition or use of
5 property, defined or declared to be a public nuisance under
6 any provision of this act or other law.

7 (2) Conduct or property, or the condition or use of
8 property if the department determines that it endangers the
9 health or safety of, or causes any hurt, harm, inconvenience,
10 discomfort, damage or injury to, any person or property in
11 the city, by reason of the conduct or property, or the
12 condition or use of the property, being any of the following:

13 (i) A menace, threat or hazard to the general health
14 and safety of the community.

15 (ii) A fire hazard.

16 (iii) A building or structure that is unsafe for
17 occupancy or use.

18 (iv) Property that is so inadequately or
19 insufficiently maintained that it diminishes or
20 depreciates the enjoyment and use of other property in
21 its immediate vicinity to such an extent that it is
22 harmful to the community in which the property is
23 situated.

24 (3) Unauthorized accumulations of garbage and rubbish
25 and the unauthorized storage of abandoned or junked
26 automobiles or other vehicles on private or public property,
27 and the carrying on of any offensive manufacture or business.

28 "Summary abatement." Abatement of a public nuisance by the
29 city without prior notice to the owner of the property in
30 accordance with this article.

1 Section 2702-A. Report and investigation of public nuisance.

2 (a) Designation of department.--Council shall designate the
3 department to which reports of the existence of a possible
4 public nuisance shall be made.

5 (b) Criteria for investigating reports.--The designated
6 department shall establish criteria for investigating reports
7 made to it to determine the existence of a public nuisance. The
8 reports may be submitted by any member of the public, any city
9 employee or elected or appointed city official or result from
10 inspections made by the department.

11 (c) Notification.--If the department, either as a result of
12 a report made to it or an investigation made by it, reasonably
13 believes the reported property involves a building which appears
14 to be structurally unsafe, it shall notify the city's building
15 inspector or other appropriate official who shall cause the
16 property to be inspected, subject to constitutional standards in
17 a similar manner as provided in section 2308, and submit a
18 written report to the department.

19 (d) Determination.--Upon completing its investigation and
20 receiving any written reports required by subsection (c), the
21 department shall determine all of the following:

22 (1) If a public nuisance exists.

23 (2) If the public nuisance is of such a severe and
24 substantial nature that it presents a clear, immediate and
25 substantial danger to public health or safety or to the
26 health or safety of any occupant of a property on which a
27 public nuisance exists or of any property in the vicinity of
28 the public nuisance, that it is sufficient to justify
29 extraordinary and immediate action without prior notice to
30 the owner of the property to avoid personal injury, death or

1 substantial loss of property.

2 (e) Retention of records.--Following an investigation, the
3 department shall retain a copy of its findings including any
4 reports made to it and any photographs of the property or
5 condition investigated, pursuant to 53 Pa.C.S. Ch. 13 Subch. F
6 (relating to records).

7 Section 2703-A. Summary abatement.

8 (a) General rule.--A city shall have the power to utilize
9 summary abatement in accordance with this section.

10 (b) Conditions.--In the case of a reported public nuisance,
11 the department shall have authority to utilize summary abatement
12 if all of the following occur:

13 (1) The department determines the existence of the
14 criteria in section 2702-A(d)(1) and (2).

15 (2) The mayor, or the mayor's designee, provides express
16 authorization to utilize summary abatement.

17 (c) Notice not required.--If summary abatement is
18 implemented pursuant to subsection (b), the department shall
19 have the authority to enter upon the property for the purpose of
20 abatement without prior notice to the owner of the property or
21 to the holders of liens thereon.

22 (d) Procedure.--The following shall apply:

23 (1) Within ten days following a summary abatement, the
24 department shall post on the property upon which the
25 abatement has occurred a notice describing the action taken
26 to abate the nuisance.

27 (2) Within 20 days following a summary abatement, the
28 department shall determine the identity of the owner of the
29 property by reference to the city's real estate registry, if
30 the city maintains a registry, or in the absence of a

1 registry, by reference to county assessment records and the
2 identity of the holders of all liens upon the property which
3 are properly indexed among the records of the county and
4 provide to the owner and to all lienholders written notice,
5 by first class mail or hand delivery, of the action taken to
6 abate the nuisance.

7 (3) Within 30 days following a summary abatement, the
8 department shall file with the city treasurer or other
9 financial officer of the city designated by council a
10 statement of costs of the abatement, which shall include the
11 administrative fee and civil penalty provided by this
12 article. After filing with the city treasurer, notice of the
13 statement of costs shall be provided to the owner and
14 lienholders in accordance with section 2704-A(b).

15 Section 2704-A. Prior notice of abatement.

16 (a) Abatement authority.--The department shall have the
17 authority to abate a public nuisance with prior notice as
18 provided by this section if, after inspecting the property or
19 condition reported to be a public nuisance, subject to
20 constitutional standards in a similar manner as provided in
21 section 2308, the department determines, as provided for in
22 section 2702-A(d)(1), that the public nuisance exists.

23 (b) Method of notice.--

24 (1) If the department proceeds with abatement pursuant
25 to this section, it shall identify the owner of the property
26 by reference to the city's real estate registry, if the city
27 maintains a registry, or in the absence of a registry, by
28 reference to county assessment records, and shall immediately
29 serve a written notice on the owner by any of the following
30 methods:

1 (i) Personal service.

2 (ii) Leaving a copy of the notice at the usual place
3 of residence or business of the owner or the address of
4 the owner shown in the city's real estate registry or in
5 the records in the office of the recorder of deeds.

6 (iii) Mailing a copy by United States certified
7 mail, return receipt requested, to the owner at the
8 owner's current address shown in the city's real estate
9 registry or in the records in the office of the recorder
10 of deeds.

11 (2) If service of the written notice is unable to be
12 perfected by any of the methods under paragraph (1), the
13 department shall publish a copy of the notice in a newspaper
14 of general circulation once a week for two consecutive weeks
15 and shall provide a copy of the notice to the individual in
16 possession of the property on which the department has
17 determined that the public nuisance exists, or if there is no
18 individual in possession of the property, the department
19 shall post a copy of the notice at the structure, location or
20 premises.

21 (3) The department shall determine from the records in
22 the offices of the recorder of deeds the identities of all
23 lienholders of the property and serve a written notice on all
24 lienholders by United States certified mail, return receipt
25 requested.

26 (c) Contents of notice.--The notice to the owner and
27 lienholders shall state clearly and concisely the findings and
28 determination of the department with respect to the existence of
29 a public nuisance. The notice shall further state that the
30 public nuisance shall be abated by the city at the expense of

1 the owner unless it is otherwise abated within 30 days of the
2 notice or within any extension of that period granted by the
3 department.

4 (d) Liability.--A person who is the owner of the premises,
5 location or structure at the time a notice to abate a public
6 nuisance is issued and served upon the person shall be
7 responsible for complying with the notice and shall be liable
8 for any costs incurred by the city in connection with the
9 notice, notwithstanding if the person conveyed the person's
10 interest in the property to another after the notice was issued
11 and served.

12 (e) Defense.--It shall not be a defense to the determination
13 that a public nuisance exists that the property is boarded up or
14 otherwise enclosed.

15 Section 2705-A. Abatement by owner.

16 (a) Duty of owner.--Within 30 days after written notice has
17 been provided pursuant to section 2704-A(b)(1) or (2), the owner
18 shall remove and abate the nuisance.

19 (b) Extension.--The department, upon written application by
20 the owner within the 30-day period referred to in subsection
21 (a), may grant additional time for the owner to effect the
22 abatement of the public nuisance, if the extension is limited to
23 a specific time period.

24 Section 2706-A. Appeal after notice; hearing.

25 (a) Hearing.--A city shall, by ordinance, provide a
26 procedure pursuant to which an owner of the property who has
27 been served with a notice pursuant to section 2704-A(b)(1) or
28 (2) may request and have a timely hearing on the question of
29 whether a public nuisance in fact exists.

30 (b) Appeal board.--Council, or a committee of three council

1 members appointed by council, shall constitute the public
2 nuisance appeals board which, if an appeal is taken, shall
3 conduct the hearing on the question of whether a public nuisance
4 in fact exists. The appeals board may uphold, amend or modify
5 the determination of the department or extend the time for
6 compliance with the department's order if the extension is
7 limited to a specific time period.

8 (c) Time limitations.--An appeal under this section shall
9 toll the running of the period of time within which the nuisance
10 is to be abated until a decision is rendered by the appeals
11 board.

12 Section 2707-A. Abatement by city after notice; statement of
13 costs.

14 If a public nuisance has not been abated at the expiration of
15 30 days after notice has been provided or within the additional
16 time as the department or appeals board may grant, taking into
17 consideration the provisions of section 2706-A(c), the
18 department shall have the authority to enter upon the property
19 for the purpose of abatement. Upon abatement in accordance with
20 this section, the department shall file with the city treasurer
21 or other financial officer of the city designated by council a
22 statement of costs of the abatement which shall include the
23 administrative fee and civil penalty provided by this article.

24 Section 2708-A. Assistance in abatement.

25 In abating a public nuisance, the department may call upon
26 any of the city departments or divisions for whatever assistance
27 shall be deemed necessary or may abate the public nuisance by
28 private contract.

29 Section 2709-A. Salvage of material.

30 If deemed practicable by the department, the department may

1 salvage and sell at private or public sale any material derived
2 from an abatement of a public nuisance. Pursuant to ordinance,
3 all of the following shall apply to the proceeds obtained from
4 the sale of any material salvaged as a result of an abatement:

5 (1) The proceeds shall be deposited as directed by
6 ordinance.

7 (2) The proceeds may be applied against the amount of
8 the costs, fees and penalties relating to the abatement.

9 (3) If the amount of the proceeds exceeds the amount of
10 the costs, fees and penalties, any excess shall be paid to
11 the owner.

12 Section 2710-A. Notice of assessment; appeal of charges.

13 (a) Notice of assessment.--Upon receipt of the statement of
14 costs from the department, either for a summary abatement
15 pursuant to section 2703-A or for an abatement with notice
16 pursuant to section 2704-A, the treasurer or other financial
17 officer of the city designated by council shall, in accordance
18 with section 2704-A(b), give notice of the amount set forth in
19 the statement of costs to the owner and lienholders of the
20 property upon which the public nuisance has been abated. The
21 notice shall state that the city proposes to assess against the
22 property the amount set forth in the notice and that objections
23 to the proposed assessment must be made in writing and received
24 by the designated officer within 20 days from the date of
25 mailing the notice.

26 (b) Lien.--Upon the expiration of the 20-day period, if no
27 written objections have been received by the officer, the total
28 amount of costs, fees and penalties specified in the statement
29 of costs may be entered as a lien against the property on which
30 the nuisance was abated and shall be collected in the manner

provided for the collection of municipal claims and liens,
subject to rights of appeal provided in this section.

(c) Administrative review.--If objections of the owner or a
lienholder are received by the designated officer prior to the
expiration of the 20-day period, the officer shall refer the
matter to the department for administrative review.

(d) Procedure.--The city shall, by ordinance, provide a
procedure by which the department shall make a determination
regarding any timely filed objection and by which an appeal of
the department's determination may be made to the appeals board
referred to in section 2706-A(b).

(e) Final administrative decision.--The determination of the
appeals board shall be a final administrative decision within
the city.

(f) Reduction or cancellation of assessment.--The
department, in administrative review, or the appeals board, on
appeal, may reduce or cancel a proposed assessment if it is
determined that any of the following did not conform to the
provisions of this article:

(1) The notice to remove the nuisance.

(2) The work performed in abating the nuisance.

(3) The computation of charges.

(g) Elimination of civil penalty.--The department, in
administrative review, or the appeals board, on appeal, may
reduce a proposed assessment by eliminating the civil penalty
portion of the statement of costs if any of the following
applies:

(1) The current owner did not own the property at the
time the notice required in section 2703-A was posted.

(2) The owner did not receive the notice to remove the

1 nuisance, did not have knowledge of the nuisance and could
2 not, with the exercise of reasonable diligence, have had
3 knowledge of the nuisance.

4 Section 2711-A. Personal liability of owner.

5 Notwithstanding the right of the city to utilize in rem
6 proceedings to pursue collection of the costs, fees and
7 penalties in the statement of costs as a municipal claim, the
8 person who is the owner of the property at the time of a summary
9 abatement at which the notice required is given or, in the case
10 of an abatement pursuant to section 2704-A, the person who was
11 the owner of the property at the time notice of the existence of
12 the public nuisance was given, shall be personally liable for
13 the amount of the assessment, including all interest, other
14 charges and, except as provided in section 2710-A(g), civil
15 penalties.

16 Section 2712-A. Administrative fee and civil penalties.

17 Whenever a public nuisance is abated by the city, the
18 statement of the costs of the public nuisance shall include the
19 city's actual cost of abatement, plus an administrative fee, not
20 to exceed 10%, and a civil penalty. For the first abatement of a
21 nuisance upon any owner's property within the city in any two-
22 year period, the civil penalty shall be \$250. For second and
23 subsequent abatements, upon any properties of any owner within
24 the city during any two-year period, the civil penalty shall be
25 \$500. The increased civil penalty shall be imposed and collected
26 regardless of whether the second and subsequent nuisances upon
27 property or properties of an owner involve the same property or
28 are of the same or different characters.

29 Section 237. Article XXVIII heading of the act is amended to
30 read:

ARTICLE XXVIII

[PROCEDURE FOR THE EXERCISE OF EMINENT DOMAIN AND THE
ASSESSMENT OF DAMAGES AND BENEFITS BY VIEWERS]

EMINENT DOMAIN

Section 238. 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,
wharves and docks, public buildings, public works, filtration
plants, sewage systems, sewage treatment works, [garbage] waste
disposal plants, [lands and places for the disposal of ashes and
other refuse materials] including disposal of garbage, ashes and
other refuse materials and transfer facilities, gas plants,
electric power and light plants, [houses of detention,
workhouses, poor farms, poor houses,] fire [engine] houses,
hospitals, public auditoriums, memorial buildings, public
transportation facilities, comfort stations, homeless shelters,

1 waiting stations, communications facilities, drinking fountains,
2 [and] libraries[, the] and other public buildings and public
3 works.

4 (5) The establishing of recreation places[, and].

5 (6) The changing of watercourses[, the].

6 (7) The acquisition of lands, easements and property for use
7 of the Pennsylvania National Guard[, and for all other purposes
8 authorized by this act and the laws of the Commonwealth, a city
9 may enter upon, appropriate, take, use, occupy, injure, or
10 destroy, private lands, property, toll bridges, or material. All
11 such action by the city shall be provided for by ordinance. A
12 copy of each such ordinance shall be recorded within thirty days
13 after its enactment in the office of the recorder of deeds in
14 and for the county or counties wherein such property is situate,
15 and shall be indexed in the name of the property owner affected
16 thereby. A copy of the ordinance shall be sent by registered
17 mail to each such property owner at his last known address.] in
18 accordance with sections 4413-A and 4414-A.

19 (b) Eminent domain proceedings shall be subject to and
20 conform with the provisions of 26 Pa.C.S. (relating to eminent
21 domain).

22 Section 2802. Restrictions as to Certain Property.--In
23 addition to the restrictions made by other provisions of this
24 act in particular cases or by any other provision of law, no
25 city shall exercise the right of eminent domain as against land
26 now occupied by any building which was used during the Colonial
27 or Revolutionary period as a place of Assembly by the Council of
28 the Colony of Pennsylvania, the Supreme Executive Council of the
29 Commonwealth of Pennsylvania, or the Congress of the United
30 States; or as against the land occupied by any fort, redoubt, or

1 blockhouse[,] erected during the Colonial or Revolutionary
2 period[,] or any building used as headquarters by the Commander-
3 in-Chief of the Continental Army, or as against the site of any
4 building, fort, redoubt, blockhouse, or headquarters[,] which
5 are preserved for their historic associations and not for
6 private profit. The Colonial and Revolutionary period shall be
7 [taken as] deemed to have ended on the third day of September,
8 one thousand seven hundred and eighty-three.

9 Section 239. The act is amended by adding a section to read:

10 Section 2803. Title Acquired.--Except as otherwise provided
11 in law, if land or other real or personal property is acquired
12 by a city in eminent domain proceedings or is acquired by gift,
13 purchase or otherwise, the title obtained by the city shall be
14 in fee simple absolute or like absolute ownership unless the
15 parties agree otherwise in writing and the agreement expressly
16 appears in a recorded deed affecting any real property acquired
17 by the city or in the notice of condemnation.

18 Section 240. Sections 2809 and 2823 of the act are repealed:

19 [Section 2809. Value of Land or Property not to be Assessed
20 as Benefits; Exception.--In all cases of the appropriation of
21 land or property for public use, other than for streets, it
22 shall not be lawful to assess any portion of the damage done to
23 or value of the land or property so appropriated, against the
24 other property adjoining or in the vicinity of the land or
25 property so appropriated.

26 Section 2823. Assessment of Damages and Benefits.--The
27 damages may be paid, in whole or in part, by the city, or may be
28 assessed, in whole or in part, upon the land or property
29 benefited. In the latter case, the viewers having first
30 determined the damages apart from the benefits shall assess the

1 total cost of the improvement, or so much thereof as may be just
2 and reasonable, upon the lands or properties peculiarly
3 benefited, including in the assessment all parties for which
4 damages have been allowed, and shall report the same to the
5 court. The total assessments for benefits shall not exceed the
6 total damages awarded or agreed upon.]

7 Section 241. Section 2824 of the act is reenacted to read:

8 Section 2824. Assessment Awards.--In proceedings to assess
9 damages and benefits, if the land or property is both benefited
10 and damaged by such improvements, the excess of damages over
11 benefits, or the excess of benefits over damages, or nothing in
12 case the benefits and damages are equal, shall be awarded to or
13 assessed against the owner of land and property affected
14 thereby.

15 Section 242. Section 2850 of the act is repealed:

16 [Section 2850. Title Acquired.--In all cases where land or
17 property is acquired by the city in eminent domain proceedings
18 other than for street purposes, or is acquired by gift, purchase
19 or otherwise, the title obtained by the city shall be in fee
20 simple or like absolute ownership: Provided, That in particular
21 instances a different title may by agreement or consent be
22 acquired.]

23 Section 243. Article XXIX heading of the act is reenacted to
24 read:

25 ARTICLE XXIX

26 STREETS

27 Section 244. The heading of subdivision (a) of Article XXIX
28 of the act is repealed:

29 [(a) Plans and Location]

30 Section 245. The act is amended by adding sections to read:

1 Section 2901. Map of Streets.--Council may authorize and
2 approve a comprehensive map of city streets which may, but need
3 not, be a part of an official map adopted in accordance with the
4 Municipalities Planning Code. If a comprehensive map of city
5 streets is adopted, any street subsequently laid out in
6 accordance with this act shall be deemed an amendment to the
7 comprehensive map.

8 Section 2902. Laying Out Streets.--(a) A city shall have
9 the power to and may lay out streets by any of the following
10 means:

11 (1) By identifying the street on a comprehensive map of city
12 streets, in an amendment to the comprehensive map or in a
13 recorded subdivision or land development plan.

14 (2) By an ordinance laying out any area for future opening
15 as a public street.

16 (b) If, at the time of the enactment of an ordinance in
17 accordance with subsection (a) (2), the lines of the laid-out
18 street include property not subject to use as a public
19 passageway, the ordinance shall be filed with the recorder of
20 deeds of the county where the city is located. The recorder of
21 deeds shall index the ordinance by name of city, the name of the
22 property owner and, if applicable, the parcel number of the
23 property through which the proposed street is laid out.

24 Section 2903. Effect of Laying Out of Street.--With regard
25 to land not previously used by the city as a passageway for
26 public travel, the laying out and locating of a street in
27 accordance with this article shall not, in and of itself, do any
28 of the following:

29 (1) Authorize the entry upon or the appropriation of any
30 property.

1 (2) Constitute the opening of any street or the taking or
2 acceptance of any land.

3 (3) Obligate the city to improve or maintain the street or
4 land.

5 Section 2904. Improvements Within Laid-out Streets.--No
6 permit shall be issued for any building within the lines of any
7 street laid out pursuant to this article. No person shall
8 recover any damages for the taking for public use of any
9 building or improvements constructed within the lines of any
10 street after the same shall have been included in the general
11 plan or official map, and any building or improvement shall be
12 removed at the expense of the owner.

13 Section 246. Article XXIX subdivision (b) heading of the act
14 is repealed:

15 [(b) Opening, Widening, Extending, Straightening and Vacating]

16 Section 247. Section 2915 of the act is amended to read:

17 Section 2915. Power to Open, Etc.--[Cities] (a) With regard
18 to any street or any part of a street within city limits, a city
19 may, with or without any petition of property owners, [may] do
20 any of the following:

21 (1) [open] Open, widen, straighten, alter, extend and
22 improve[, and may].

23 (2) [establish] Establish or reestablish the grades [of,
24 and].

25 (3) [keep] Keep in order and repair and in safe passable
26 condition[, any street, or any part thereof, within the city
27 limits, or may].

28 (4) [vacate] Vacate and discontinue [the same] whenever
29 deemed expedient for the public good[,].

30 (5) With the approval of the Department of Transportation,

1 vacate highways laid out by the Commonwealth within the city
2 limits which have remained unopened for thirty years.

3 (b) [and] A city may provide for the payment of the cost
4 [thereof,] for any of the actions authorized in subsection (a),
5 either in whole or in part, from the general revenues of the
6 city. [Cities may vacate highways laid out by the Commonwealth
7 within their limits, which highways have remained unopened for
8 thirty years.]

9 Section 248. Section 2916 of the act, amended June 14, 1961
10 (P.L.362, No.197), is amended to read:

11 Section 2916. Ordinances [when no] When No Petition is
12 Presented.--[Any ordinance for] (a) An ordinance shall be
13 enacted for the opening, widening, straightening, extending or
14 vacating of any street, without petition of property owners,
15 [shall be adopted] by the affirmative vote of [at least four
16 members of any five member council, and under the mayor-council
17 plan A of government adopted pursuant to the Optional Third
18 Class City Charter Law, by the affirmative vote of at least five
19 members of a seven member council and by the affirmative vote of
20 at least seven members of a nine member council] a majority of
21 the whole number of members of the council plus one.

22 (b) [No such ordinance shall be finally adopted] An
23 ordinance pursuant to subsection (a) shall not be finally
24 enacted until the expiration of twenty-eight days from the date
25 of its introduction and, in the meantime, copies thereof shall
26 be published in [one or more of the newspapers of the city,] a
27 newspaper of general circulation in the city once a week for
28 three consecutive weeks, immediately following the introduction
29 thereof, and in case no newspaper is published in the city, then
30 in the same manner in one newspaper published in the county as

1 required by section 109.

2 Section 249. Sections 2917, 2918 and 2919 of the act are
3 amended to read:

4 Section 2917. Erection of Improvements Restricted.--Any
5 ordinance widening or straightening any street, or part thereof,
6 shall fix the new line or lines and may require that thereafter
7 no owner or builder shall erect any new building or rebuild or
8 alter the front of any building already erected without making
9 it conform to the new lines[. In], in which case the land
10 owner's right of action shall accrue only when the city actually
11 enters on and occupies the land within the [said lines, or the
12 said] lines or the building is located or relocated to conform
13 to [said] the lines.

14 Section 2918. Petition for Opening, Etc.--(a) A petition
15 may be presented to council for the opening, widening,
16 straightening, altering, extending, vacating, or [for the]
17 establishing or reestablishing of the grade of any street[,].

18 (b) A petition made pursuant to this section shall be signed
19 by a majority, in number and interest, of the owners of property
20 abutting on the line of the proposed improvement or vacation as
21 fixed at the time of presentation of the petition, and shall be
22 verified by the affidavit of one or more of the petitioners. The
23 majority in interest of owners of undivided interests in any
24 piece of property shall be deemed as one person for the purposes
25 of the petition.

26 Section 2919. Notice of [Ordinance and] Petition[;
27 Appeal].--[Upon the approval of] After the presentation of the
28 petition presented in accordance with section 2918, and
29 council's determination of the adequacy of the petition, but
30 before final enactment of any ordinance [passed] enacted

1 pursuant to [said] the petition, notice shall be [given, once a
2 week in one] published in a newspaper of general circulation
3 once a week for three consecutive weeks as required by section
4 109, [as required by section one hundred and nine of this act,]
5 and [by] handbills shall be posted in conspicuous places along
6 the line of the proposed improvement. The notice and handbills
7 shall state the fact [of the passage of the ordinance, and the
8 date thereof,] that the petition for the improvement was signed
9 by a majority in interest and number of the owners of property
10 abutting the line of the proposed improvement, and that any
11 person interested may [appeal to the court of common pleas of
12 the county within thirty days after the passage of the said
13 ordinance.] provide comments at a public hearing to be held at a
14 date, time and place as stated in the published notice and
15 handbills. If, after the hearing, council determines to proceed
16 with the consideration of an ordinance pursuant to the petition,
17 it shall publish notice of the ordinance and incorporate
18 reference to any maps or drawing, in accordance with subdivision
19 (a.1) of Article X.

20 Section 250. Section 2920 of the act is repealed:

21 [Section 2920. Appeal from Ordinance.--Any person interested
22 may, within thirty days from the passage of the ordinance,
23 appeal from the validity of the ordinance to the court of common
24 pleas questioning the legality of the petition for improvement
25 or of the said ordinance or of both. If said court shall find
26 the petition or ordinance materially defective under the law, it
27 shall declare the ordinance void, otherwise it shall approve the
28 same.]

29 Section 251. Section 2921 of the act, repealed in part June
30 3, 1971 (P.L.118, No.6), is repealed:

1 [Section 2921. Effect of Failure to Appeal.--The parties
2 interested shall not question the legality of the petition and
3 ordinance in any manner or matter or at any time whatever,
4 except as provided in section two thousand nine hundred and
5 twenty of this act.]

6 Section 252. Section 2922 of the act is amended to read:

7 Section 2922. Assessment of Damages and Benefits.--[In any
8 proceedings under this subdivision of this article,] If
9 necessary, in any proceedings to exercise one of the powers
10 given in section 2915, viewers shall be appointed, damages
11 awarded, and benefits assessed as provided in 26 Pa.C.S.
12 (relating to eminent domain) or as provided in this act for
13 [such proceedings] the assessment of benefits.

14 Section 253. Article XXIX subdivision (c) heading of the act
15 is repealed:

16 [(c) Grading, Paving, Macadamizing, Et Cetera]

17 Section 254. Sections 2930 and 2931 of the act are amended
18 to read:

19 Section 2930. Power to Grade, Pave, Macadamize, Et Cetera.--

20 (a) Every city may grade, pave, macadamize or otherwise[,]
21 improve any street, or part thereof, and the sidewalks thereof
22 when included as a part of the improvement, have the same set
23 with curbstone, and provide for the drainage thereof.

24 (b) Every city may also provide for the improvement of any
25 [highway, or] street, or any sections or parts thereof, in
26 length, in the space between the curb, gutter, or [actual
27 carriage-way line] cartway and the property line, either by an
28 original work or improvement thereon, or by a change, repair,
29 renewal, or alteration in the [said] street or curb, or in
30 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] in accordance with Article XLV-A.

Section 255. 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
improved. The council may provide for an equitable reduction
from the frontage of lots at all street, railroad, or like
intersections, or where, from the peculiar or pointed shape of
the lots, an assessment for the full frontage would be
inequitable.

Section 2933. Assessment of Costs According to Benefits.--
When the cost and expenses, or any part thereof, of any grading,
paving, macadamizing, or other improvement of any street, or
part thereof, is to be paid for by the owners of real estate

1 abutting or bounding thereon as aforesaid, according to
2 benefits, the same shall be assessed by viewers appointed by the
3 court of common pleas, as provided in this act for the
4 assessment of benefits by viewers.

5 Section 2934. Ordinance for Improvement at Expense of
6 Property Owners upon Petition.--Council may, by ordinance,
7 provide for the paving, macadamizing, grading, or other
8 improvement of any street, or part thereof, at the cost and
9 expense of the abutting property owners in whole or in part,
10 upon the petition therefor of a majority in number or interest
11 of the owners of property abutting or bounding on the line of
12 the proposed improvement, to be verified by the affidavit of one
13 or more of the petitioners. A majority in interest of owners of
14 undivided interests in any piece of property shall be deemed and
15 treated as one person for the purpose of said petition.]

16 Section 256. Section 2935 of the act, amended June 14, 1961
17 (P.L.362, No.197), is repealed:

18 [Section 2935. Ordinance for Improvement at Expense of
19 Property Owners without Petition.--Council may, by ordinance,
20 provide for the paving, macadamizing, grading or other
21 improvement of any street, or part thereof, at the cost and
22 expense of the abutting property owners, in whole or in part,
23 without petition therefor of abutting property owners if the
24 ordinance for such improvement has been passed by the
25 affirmative vote of four members of any five member council, and
26 under the mayor-council plan A of government adopted pursuant to
27 the Optional Third Class City Charter Law, by the affirmative
28 vote of at least five members of a seven member council and by
29 the affirmative vote of at least seven members of a nine member
30 council. Such ordinance shall not be passed in a less period

1 than twenty-eight days from the date of its introduction; and,
2 in the meantime, copies of such ordinance shall be published, in
3 one or more newspapers, once a week for three weeks, in the
4 manner required by section one hundred and nine of this act. The
5 requirements for such publication shall not, however, preclude
6 the amendment of any paving ordinance as to the kind of pavement
7 with which any street, or part thereof, or sidewalk, is proposed
8 to be paved.]

9 Section 257. Sections 2936 and 2937 of the act are repealed:

10 [Section 2936. Appeal from Ordinance.--Any person affected
11 may appeal from said ordinance in the manner and time and with
12 the effect provided for in sections two thousand nine hundred
13 twenty and twenty-one of this act.

14 Section 2937. Assessment of Damages and Benefits.--In any
15 proceedings under this subdivision of this article where the
16 cost and expense of the improvement is not assessed by the foot-
17 front rule, viewers shall be appointed, damages awarded, and
18 benefits assessed as provided in this act, for such
19 proceedings.]

20 Section 258. Section 2938 of the act is amended to read:

21 Section 2938. Preparation of Streets for Paving or
22 Repairing.--(a) Council may provide, by ordinance, for the
23 laying, renewing, and repairing of all gas, water, steam, or
24 other pipes, or conduits[,] in any street, before the paving,
25 repaving, or repairing of the same, and for making the necessary
26 [house] connections with [said] the pipes[, and also for].

27 (b) With regard to main or lateral sewers, council may
28 provide for the necessary [house] connections and branches [with
29 and] leading into main or lateral sewers[: Provided, That in no
30 case, except as a sanitary measure, of which council shall be

1 the judge, shall council require such house connections to be
2 extended further from such sewers, or from such gas, water,
3 steam, or other pipes, or conduits, than to the inner line of
4 the curbstone of such street Council may,].

5 (c) With regard to connections requiring extensions from
6 sewers or from gas, water, steam or other pipes or conduits,
7 council may not require private utility companies to make
8 extensions beyond the inner line of the curbstone of the street
9 unless it determines that it is necessary to do so as a sanitary
10 measure.

11 (d) If, after notice to all companies, corporations,
12 persons, and owners affected[, and in default of compliance
13 therewith, cause said pipes to be laid, renewed, or repaired,
14 and said connection made,] of the necessity for the laying,
15 renewing and repairing of gas, water, steam or other pipes or
16 conduits in a street and the necessity of making necessary
17 connections, prior to the proposed paving, repaving or repairing
18 of the street, there is a failure to comply, council may perform
19 work and may collect the cost of paving[, and repairing all
20 pipes and pipe connections, from the companies, corporations, or
21 persons owning or operating the said gas, water, steam, and
22 other pipes or conduits,] or repaving, or repairing of the pipes
23 or conduits, with interest[; and the], from the companies,
24 corporations, persons and owners affected. The cost of the sewer
25 connections shall be a first lien against the land for whose
26 benefit [such] the connections are made. A separate lien may be
27 filed therefor, or [such] the sewer connection cost may be
28 included in any lien filed for the cost of [such] the street
29 improvement, and the lien and the proceedings thereon shall be
30 as in the case of other municipal liens.

1 Section 259. Section 2939 of the act, amended September 26,
2 1951 (P.L.1515, No.379), is amended to read:

3 Section 2939. Highways in Cities.--Wherever in this act a
4 city is given powers, rights and duties as to its streets or
5 sections thereof, the same shall extend as well to highways or
6 sections thereof which are also streets of the city, to the
7 extent that the city is legally responsible for them, pursuant
8 to agreement or otherwise, excepting damages to abutting
9 property owners for acts of the Commonwealth unless the city
10 shall assume them, under this act or the [State Highway Law.]
11 act of June 1, 1945 (P.L.1242, No.428), known as the "State
12 Highway Law." The use of the word "street" in this act shall to
13 that extent include highways.

14 Section 260. Article XXIX subdivision (d) heading of the act
15 is repealed:

16 [(d) Grade Crossings]

17 Section 261. Section 2950 of the act is amended to read:

18 Section 2950. [Consent of Public Utility Commission] Grade
19 Crossing; Pennsylvania Public Utility Commission; Jurisdiction;
20 Damages.--(a) Every city constructing a street across a
21 railroad shall construct the same above or below the grade
22 thereof, unless permitted by the Pennsylvania Public Utility
23 Commission to construct the same at grade.

24 (b) Any new construction of a street crossing a railroad, or
25 any vacation of any street crossing a railroad, shall be
26 constructed or vacated only in a manner consistent with the
27 rules and regulations and under the jurisdiction of the
28 Pennsylvania Public Utility Commission. The compensation for
29 damages to the owners of adjacent property taken, injured or
30 destroyed by the construction of a street crossing a railroad or

any vacation of any street crossing a railroad shall be
ascertained, fixed and paid in a manner consistent with 66
Pa.C.S. Pt. I (relating to public utility code).

Section 262. Section 2951 and Article XXIX subdivision (e)
heading of the act are repealed:

[Section 2951. Public Utility Commission; Jurisdiction;
Damages.--Any such crossings of a railroad by a street, or any
vacation of any street crossing a railroad, shall be constructed
or vacated only in the manner prescribed by, and under the
jurisdiction of, the Public Utility Commission. The compensation
for damages to the owners of adjacent property taken, injured or
destroyed shall be ascertained, fixed, and paid in the manner
prescribed in the Public Utility Law.

(e) Acquisition of Unobstructed View Across Lands]

Section 263. Section 2955 of the act is amended to read:

Section 2955. Acquisition of Unobstructed Views.--Any city
may acquire, by purchase or by the right of eminent domain, a
free and unobstructed view down and across lands located at or
near intersections or curves of streets, railroads or railways,
[or curves of any of them, as may be necessary,] to assure a
free and unobstructed view in all directions at [such places,]
the intersections or curves and to prevent the use of [such] the
lands over and across which the view was acquired for any
purpose or in any manner which may interfere with or obstruct
the vision of any person or persons traveling upon any [such]
street within the city. [Upon any such condemnation, the city
having instituted the condemnation proceedings shall file with
the recorder of deeds a plan, showing the property condemned and
such other detailed information as may be deemed necessary and,
after the same is filed, said city may, from time to time, abate

1 or remove, or cause to be abated or removed, any obstruction to
2 such view over and across such lands.

3 The proceedings for the condemnation of such view over and
4 across such lands, and for the assessment of damages for
5 property taken, injured or destroyed, shall be in the manner
6 provided in this act for property taken, injured or destroyed.

7 Upon the condemnation of a view over and across any lands for
8 the purposes aforesaid, the owner of such lands may make every
9 such use thereof as will not interfere with a free and
10 unobstructed view at such intersection or curve. Unless
11 specially provided for in such condemnation proceedings, such
12 condemnation shall not be construed to prevent the owner thereof
13 from using such land for pasture or the growing of grass, oats,
14 wheat, or other crops which will not obstruct the vision more
15 than wheat.]

16 Section 264. Article XXIX subdivision (f) heading of the act
17 is repealed:

18 [(f) Use of Abutting Lands]

19 Section 265. Section 2960 of the act is amended to read:

20 Section 2960. Use of Abutting Lands for Embankments, Slopes,
21 Fills, and Culverts.--In the grading of any street, or any part
22 thereof, cities are hereby authorized and empowered to use so
23 much of the lots and lands abutting on the [same] street for the
24 construction of embankments, slopes, fills and culverts, as may
25 be necessary [and proper] for the completion of the improvement.
26 [The assessment of] Compensation for damages, costs, and
27 expenses, resulting [thereby, shall be regarded as other
28 assessments of damages, costs, and expenses, caused by the
29 grading of streets, in cities and shall be assessed and paid as
30 is provided by this act in such cases] from the use of lots and

lands abutting on the street for the construction of
embankments, slopes, fills and culverts shall be made in the
same manner as compensation for using and occupying private
lands for the grading of streets in accordance with section
2801.

Section 266. Article XXIX subdivision (g) heading, section 2963, subdivision (h) heading, section 2965 and subdivision (i) heading of the act are repealed:

[(g) Abandoned Turnpikes

Section 2963. Maintenance and Improvement of Condemned and Abandoned Turnpikes.--When any turnpike, or part thereof, situate in the same or more than one county, shall be condemned for public use, free of tolls, and the assessment of damages therefor shall have been paid by the county, or when any turnpike company or association has abandoned its turnpike, or any part thereof, or when any turnpike company or association has been dissolved, such turnpike, or part thereof, located within the limits of any city shall be maintained and improved in the same manner as other streets of the city.

(h) Unlawful Assessments

Section 2965. Repayment of Assessments Paid to City by Owners of Property Unlawfully Assessed.--Any city receiving money in payment of an assessment levied under any provision of this article shall repay the same or so much thereof as shall be ordered to any parties bringing the action, within two years of such payment or payments, upon the final determination of a proper court in a proper issue that the assessment levied was not such as the owner of the property so assessed was liable to pay at the time council ordered the work to be done for which the assessment was made, or within the said period of two years,

1 the city may repay such money voluntarily upon a showing that
2 the same was paid inadvertently, or such assessment or part
3 thereof was made erroneously.

4 (i) Streets or Roads Connecting City with Highways]

5 Section 267. Section 2970 of the act is amended to read:

6 Section 2970. Appropriation for Connections with Highways.--
7 Cities may, singly or jointly, with other political
8 subdivisions, appropriate and expend moneys for the improvement
9 of streets or roads beyond the limits of [such] the cities[,]
10 for the purpose of connecting improved streets in [such] the
11 cities with a highway [whenever that part of the connecting
12 street or road to be improved outside the city limits shall be
13 less than one mile in length].

14 Section 268. Article XXIX subdivision (j) heading of the act
15 is repealed:

16 [(j) Detours]

17 Section 269. Section 2975 of the act is amended to read:

18 Section 2975. [Streets not to be Closed to Vehicular
19 Traffic; Exceptions.--]Street Closings; Detours.--(a) The
20 following shall apply to the closing of a street to vehicular
21 traffic:

22 (1) No street shall be closed to vehicular traffic, except
23 upon order of the Department of Streets and Public Improvements,
24 [or, by order of the mayor] or other department of the city
25 having jurisdiction over public streets or, in cases of
26 emergency where immediate action is necessary to protect public
27 safety, by order of the mayor, the police or the fire marshal[,
28 in cases of emergency, wherein the safety of the public would be
29 endangered, nor shall any such].

30 (2) A street [be] may not remain closed for a longer period

1 than is necessary for the purpose for which [such] the order
2 [is] to close was issued.

3 (3) Except in cases of emergency, where immediate action is
4 necessary to protect public safety, no street shall be closed to
5 vehicular traffic when the same has been designated as a detour
6 by the Department of Transportation, unless the written consent
7 of the Secretary of Transportation has first been obtained or
8 unless council shall, by resolution duly recorded on its
9 minutes, declare the closing necessary for the safety of the
10 public.

11 (4) When any street which forms a part or section of a State
12 highway, or has been designated as a detour by the Department of
13 Transportation, is closed to vehicular traffic, the city shall
14 at once notify the Department of Transportation of the creation
15 of a detour, as hereinafter provided. When the detour is
16 removed, the Department of Transportation shall also be notified
17 at once of the removal.

18 (5) When any street is to be closed, it shall be the duty of
19 the official or department that authorized the closing to
20 designate a detour.

21 (6) While the detour is in use, legible signs shall be
22 erected and maintained at reasonable intervals, indicating the
23 proper direction, and the detour shall be maintained in safe and
24 passable condition.

25 (7) When the street that had been closed is opened for
26 traffic, all detour signs shall be removed.

27 (b) A city may enter into agreement with the owners of
28 private lands covering the acquisition of right of way
29 privileges for a detour over private property for the period
30 when a street shall be closed to traffic. In case no agreement

1 satisfactory to the parties can be reached, the city may proceed
2 with the construction of the detour, with the owner of the
3 property taken for the detour entitled to seek damages, if any,
4 in the same manner as damages are now ascertained for the
5 opening of streets in the city.

6 (c) In the exercise of the rights conferred by this section
7 relating to detours, council is hereby empowered to pay for the
8 necessary maintenance, subsequent repair and land rental out of
9 funds available for the construction and maintenance of city
10 streets.

11 (d) Any person who shall wilfully remove, deface, destroy or
12 disregard any barricade, light, danger sign, detour sign, signal
13 or warning of any other character whatsoever so legally erected
14 or placed or who shall drive on, over or across any street which
15 has been closed by proper authority commits a summary offense
16 punishable upon conviction thereof in accordance with section
17 1018.16, but with a mandatory fine of not less than five hundred
18 dollars (\$500) or more than the maximum fine authorized in
19 section 1018.17 for the second or any subsequent offense, and
20 shall pay the costs of prosecution together with the value of
21 the property so removed, defaced or destroyed, except that
22 persons who have no outlet due to the closing of a street may
23 drive on, over or across the street, subject to reasonable
24 conditions as may be prescribed by the city without being
25 subject to the penalties imposed by this section.

26 (e) All fines collected under the provisions of this section
27 shall be paid over to the treasurer of the city.

28 (f) In addition to the penalties provided in subsection (d),
29 the city, its agents or contractors may, in an action at law,
30 recover damages from any person or persons who have damaged a

1 street when it is closed to vehicular traffic.

2 Section 270. Sections 2976, 2977 and 2978 of the act are
3 repealed:

4 [Section 2976. Closing of Streets Designated as Detours by
5 State.--No street shall be closed to vehicular traffic when the
6 same has been designated as a detour by the Department of
7 Highways of the Commonwealth, unless the written consent of the
8 Secretary of Highways has first been obtained, or unless council
9 shall, by resolution duly recorded on its minutes, declare such
10 closing necessary for the safety of the public.

11 Section 2977. Notice of Detour on Streets Forming Part of
12 Highway.--When any street which forms a part or section of a
13 highway, is closed to vehicular traffic, the city shall at once
14 notify the Department of Highways of the Commonwealth of the
15 creation of a detour, as hereinafter provided. When such detour
16 is removed, the Department of Highways shall also be notified at
17 once of the removal.

18 Section 2978. Detours to be Provided when Streets Closed.--
19 When any street shall be closed, as hereinbefore provided, it
20 shall be the duty of the city authorities authorizing the
21 closing to immediately designate or lay out a detour, on which
22 they shall erect, or cause to be erected and maintained while
23 such detour is in use, legible signs at each intersection
24 throughout its entire length, indicating the proper direction.
25 During the period when such detour is in use, it shall be the
26 duty of such authorities closing the street to maintain such
27 detour in safe and passable condition. It shall also be the duty
28 of the authorities closing the street and maintaining the detour
29 to immediately remove all detour signs when the street
30 originally closed is opened for traffic. Whenever necessary in

1 the creation of a detour, as aforesaid, the city authorities
2 responsible for laying out the detour may enter into agreement
3 with the owners of private lands, covering the acquisition of
4 right of way privileges over private property for the period
5 when the street shall be closed to traffic. In case no agreement
6 satisfactory to the parties can be reached, the authorities
7 responsible for the laying out of the detour may proceed with
8 the construction of the same, and either such authorities or the
9 owner of the property occupied may petition the court for the
10 appointment of viewers to ascertain the damages, if any, in the
11 same manner as damages are now ascertained for the opening of
12 streets in such city. In the exercise of the rights conferred by
13 this section, council is hereby empowered to pay for the
14 necessary maintenance, subsequent repair, and land rental out of
15 such funds as are available for the construction and maintenance
16 of the streets in their charge.]

17 Section 271. Section 2979 of the act, amended March 25, 1988
18 (P.L.260, No.29), is repealed:

19 [Section 2979. Penalties.--Any person who shall wilfully
20 remove, deface, destroy or disregard any barricade, light,
21 danger sign, detour sign, or signal, or warning of any other
22 character whatsoever so legally erected or placed, or who shall
23 drive on, over or across any street which has been closed by
24 proper authority, shall, upon conviction thereof in a summary
25 proceeding before a magistrate, alderman, or justice of the
26 peace, be sentenced to pay a fine of not less than two hundred
27 dollars nor more than five hundred dollars for the first
28 offense, and a mandatory fine of five hundred dollars for the
29 second or any subsequent offense, and the costs of prosecution
30 together with the value of the sign so removed, defaced or

1 destroyed, and, in default of the payment thereof, shall be
2 sentenced to imprisonment of not more than ten days: Provided,
3 however, That persons who have no outlet due to the closing of a
4 street may drive on, over or across such street, with the
5 consent in writing of, and subject to such conditions as may be
6 prescribed by, the authorities responsible for the closing or
7 their agents or contractors, without being subject to the
8 penalties imposed by this section.

9 In addition to the penalties herein provided, the authorities
10 responsible for the maintenance of a street which has been
11 closed to vehicular traffic, or their agents or contractors,
12 may, in an action at law, recover damages from any person or
13 persons who have damaged a street when it is closed to vehicular
14 traffic. All fines collected under the provisions of this
15 section shall be paid by the officer receiving the same to the
16 treasurer of the city.]

17 Section 272. Article XXIX subdivision (k) heading of the act
18 is repealed:

19 [(k) Boundary Streets]

20 Section 273. Sections 2985 and 2986 of the act are amended
21 to read:

22 Section 2985. Maintenance of Streets Forming Boundaries.--
23 Whenever any street is on the boundary line between any city and
24 [a township, such] any other municipal corporation, the street
25 shall be maintained jointly by the city and the [township] other
26 municipal corporation. For the purpose of maintaining any such
27 street, the [authorities] officers of any city are hereby
28 directed to enter into agreements with the [authorities of any
29 township] other municipal corporation providing the manner in
30 which the same shall be maintained[,] and providing for the

1 division of the cost of maintenance between the city and
2 [township] other municipal corporation. If any [such city or
3 township] other municipal corporation shall fail or refuse to
4 enter into any such contract, [any taxpayer thereof or the
5 corporate authorities of the city or township] the city or any
6 taxpayer of the other municipal corporation may present a
7 petition to the court of [quarter sessions] common pleas of the
8 county, setting forth the facts. The court, after hearing, of
9 which [such] notice shall be given to all parties interested as
10 the court may direct, shall make an order directing the manner
11 of such maintenance and the division of the cost of maintenance
12 between the city and the [township] other municipal corporation.

13 Section 2986. Streets, the Center Line of Which Is the
14 Boundary [between Municipalities in the Same County] Between
15 City and Another Municipal Corporation.--Whenever [the center
16 line of] any street constitutes the dividing line between [any
17 city and a township located in the same county, the city may
18 enter into a contract with the commissioners of the county and
19 the commissioners or road supervisors of the township, as the
20 case may be, providing for the grading, curbing, and
21 macadamizing or paving, of the street; the cost of such
22 improvement, to be borne one-half by the city, and one-half by
23 the county and township, in equal portions.

24 The alteration or improvement shall be constructed, and
25 subsequent repairs shall be made, under the supervision of the
26 proper authorities of the city, in compliance with existing laws
27 governing the construction of such alterations or improvements
28 in said city, and in further compliance with plans and
29 specifications to be agreed upon, in writing, between said city
30 and the commissioners of the county and commissioners or road

1 supervisors of the said township. The cost of repairs shall be
2 borne one-half by the city, and one-half by the township, or by
3 the county and township, in equal portions, or such other
4 proportions as may be agreed upon by the county and township] a
5 city and another municipal corporation, the city may enter into
6 a contract with the other municipal corporation to provide for
7 the grading, curbing, draining, paving and macadamizing of the
8 street. The alterations and improvements shall be made under the
9 supervision of the city or other municipal corporation, or by
10 contract let by the city or the other municipal corporation, as
11 may be provided for in the contract between the city and the
12 other municipal corporation.

13 Section 274. Section 2987 of the act is repealed:

14 [Section 2987. Street, the Center Line of Which is the
15 Boundary between Municipalities in Different Counties.--Whenever
16 the center line of any street constitutes a dividing line
17 between a city and a township located in an adjacent county, the
18 city may enter into a contract with the commissioners of the
19 county and the commissioners or township supervisors of such
20 township, as the case may be, providing for the grading,
21 curbing, macadamizing, or paving of the street, the cost thereof
22 to be borne one-half by the city, and one-half by the township
23 and the county in which such township shall be situated, in
24 equal portions.

25 Such alteration or improvement shall be constructed, and
26 subsequent repairs shall be made, under the supervision of the
27 proper authorities of the city, in compliance with the
28 provisions of this act governing such construction or
29 improvement by the city, and in further compliance with plans
30 and specifications to be agreed upon in writing between such

1 city and the commissioners of the county and the commissioners
2 or township supervisors of the township. The cost of repairs
3 shall be borne one-half by the city, and one-half by the
4 township or by the county and township in equal portions or such
5 other proportion as may be agreed upon by the county and
6 township.

7 In all cases in which it shall be found impossible to enter
8 into such contract or agreement, either the city or the county
9 or township or any taxpayer thereof may present a petition to
10 the court of common pleas of either county, setting forth the
11 facts and circumstances, including the condition of the street
12 from which the necessity or desirability for the grading,
13 curbing, macadamizing, or paving appears, and the estimated cost
14 thereof, and that the said city or county or the township have
15 failed to agree upon terms of the said contract. Such court may,
16 after hearing all the parties concerned, make its order or
17 decree, defining the nature and character of the improvement
18 reasonably necessary or desirable to be made to the street, and
19 requiring the parties hereinabove specified to enter into a
20 contract or contracts for the making and constructing of the
21 same as herein provided for.

22 A copy of the said petition, duly certified, shall be served
23 upon the city, the county and the township concerned, other than
24 the petitioner, with notice of such day as may be fixed by the
25 court for the hearing. Thereupon, any or all of the parties
26 served with such notice shall be entitled, on or before such
27 date, to file in the said court its answers to the said
28 petition, setting forth its version of the facts or such other
29 matters in relation thereto as may be deemed necessary or proper
30 by it. The court, upon the date so fixed or at such other time

1 as it may appoint, shall hear the evidence of the parties, or it
2 may refer the matter to a master, who shall hear the testimony
3 of the parties and report his findings, in the same manner and
4 under the same procedure as provided by the rules in equity in
5 similar cases.

6 The court may reject, confirm, or modify the report of the
7 master and may make its decree or order directing the making of
8 such alterations or improvements to the street as may be deemed
9 reasonably necessary or desirable and providing for the sharing
10 of the cost of such improvements, one-half by the city, and one-
11 half by the county and township in equal portions. The said
12 order or decree may further provide that the repairs to such
13 alterations and improvements subsequently required shall be
14 borne one-half by the city, and one-half by the county or
15 township in equal portions, or such other proportions as between
16 the county and the township as such court may find to be legal
17 and proper. Thereupon the said grading, curbing, macadamizing,
18 or paving of the street shall proceed in accordance with the
19 decree or order of the said court in the same manner as if the
20 contract or agreement provided for in this section had been
21 entered into and duly executed.]

22 Section 275. Sections 2988 and 2989 of the act are amended
23 to read:

24 Section 2988. Streets More Than Half of Whose Width is
25 Within City.--(a) Whenever any street, more than one-half the
26 width of which is within the limits of any city shall divide the
27 [said] city from any other [municipality or township located
28 within the same county, such] municipal corporation, the street
29 may be improved by the city in the same manner as if the said
30 street were entirely located within the limits of [said] the

1 city.

2 (b) The property [abutting on the side of said street which
3 is located outside the limits of the city making such], within
4 and without the city, that abuts the street and benefits from
5 the improvements [shall] may, for a depth of one hundred and
6 fifty feet plus one-half the width of [said] the street, the
7 total measured from its center line, be assessed for any and all
8 municipal improvements to or on the [said] street in the same
9 manner as [such] the property would be assessed under the
10 provisions of this act if it were entirely located within the
11 limits of [such] the city.

12 Section 2989. Assessment for Improvements on Property
13 Outside Limits Where Street Entirely Within City.--Whenever any
14 street, entirely within the limits of any city, shall divide the
15 [said] city from any other [municipality or township located in
16 the same county] municipal corporation, the property on the side
17 of [said] the street, [opposite the present line of said city,
18 shall] within and without the city, that abuts the street and
19 benefits from the improvement may, for a depth of one hundred
20 and fifty feet from said line, be assessed for any and all
21 municipal improvements to or on the streets on which the [said]
22 property [shall abut] abuts, in the [manner provided by this act
23 for such proceedings, as if the said property] same manner as
24 the property would be assessed under the provisions of this act
25 if it were entirely located within the limits of [said] the
26 city.

27 Section 276. Section 2990 of the act is repealed:

28 [Section 2990. Street the Center Line of Which is the
29 Dividing Line Between a City and Borough or Township of the
30 First Class; Assessments.--Whenever the center line of any

1 street constitutes the dividing line between a city and a
2 borough, or a city and a township of the first class, located in
3 the same county, the council of such city may, where such
4 improvement is through built up property or properties duly
5 plotted and laid out in lots for building purposes, and where
6 two-thirds of the combined frontage of the two sides petition
7 for the improvement, enter into a contract with the borough or
8 township providing for the grading, curbing, draining, paving
9 and macadamizing of such street. Such alterations and
10 improvements shall be made under the supervision of the proper
11 authorities of such city, borough, or township, or by contract
12 let by such city, borough, or township, as may be provided for
13 in the contract between the city and borough or township.

14 No ordinance or ordinances authorizing any such improvement,
15 where the whole or any part of the cost of the improvement is to
16 be assessed against abutting property, shall be finally adopted
17 until the expiration of thirty days from the date of its
18 introduction, and, in the meantime, copies thereof shall be
19 published, once a week for two weeks, in one newspaper
20 circulating in such city, borough, and township immediately
21 following the introduction thereof, and at least five copies
22 thereof shall be posted along the line of the proposed
23 improvement.

24 The whole cost of such alterations and improvements, or any
25 part thereof, as may be agreed upon in the contract between the
26 city, borough, and township, may be collected from the owners of
27 property within the city, borough, and within the township,
28 abutting along the line of the improvement, by an equal
29 assessment on the foot front. Any portion of such cost not
30 assessed against abutting property shall be paid one-half by

1 each of the municipal divisions joining in the improvement.

2 Thirty days' notice of assessments of the whole cost or part
3 of the cost of any such improvement shall be given to each party
4 assessed, either by service on the owner or his agent, or posted
5 on the premises by the clerk or secretary of the city, borough,
6 or township making the improvement. If any assessment made by
7 the city shall remain unpaid at the expiration of the notice, it
8 shall be the duty of the city solicitor to collect the same,
9 with interest from the time of the completion of the
10 improvement, by action of assumpsit, or by a lien to be filed
11 and collected in the same manner as municipal claims. When an
12 owner has two or more lots against which there is an assessment
13 for the same improvement, all of such lots shall be embraced in
14 one claim.]

15 Section 277. Article XXX heading of the act is reenacted to
16 read:

17 ARTICLE XXX

18 SIDEWALKS

19 Section 278. Sections 3001 and 3002 of the act are amended
20 to read:

21 Section 3001. Power to Lay Out and Grade Sidewalks; Compel
22 Construction of Sidewalks.--Any city may lay out, ordain and
23 establish sidewalks, curbs, gutters and drains along any street,
24 and may, with or without petition, require owners of property
25 abutting on any street to construct, pave, curb, repave and
26 recurb the sidewalks, and keep the same in good repair along
27 [such] their property, at such grades, and under such
28 regulations and specifications as council may provide. The
29 written consent of the Department of Transportation shall first
30 be obtained if the highway is a State highway.

1 Section 3002. Construction by Cities Upon Failure of Owner
2 So to Do; Collection of Cost.--(a) Upon failure of any owner of
3 property abutting on any street to construct, pave, curb,
4 repave, recurb or maintain any sidewalk [after notice so to do,
5 the same may be done or caused to be done by the city, and the
6 cost thereof], in accordance with the notice required in
7 subsection (d), the city, itself or by contract, may complete
8 the construction, paving, curbing, repaving, recurbing or
9 maintenance.

10 (b) Costs incurred by the city pursuant to subsection (a)
11 may be levied against and collected from [such] the owner who
12 failed to complete the construction, paving, curbing, repaving,
13 recurbing or maintenance of the sidewalk pursuant to notice to
14 do so, together with a penalty of ten per centum of [such] the
15 costs and all charges and expenses[, which amount].

16 (c) The costs, penalties, charges and expenses provided for
17 in subsection (b) shall be a lien upon [such premises] the
18 property for which the notice to construct, pave, curb, repave,
19 recurb or maintain the sidewalk was given. The lien shall exist
20 from the time of the completion of the work, which [date shall
21 be fixed by certificate of the city engineer, filed with the
22 clerk, and may be collected by action in assumpsit, or such]
23 shall be certified in accordance with section 1504. The lien may
24 be filed and proceeded in as provided by law in the case of
25 municipal liens[, or the] or may be collected from the owner by
26 action in assumpsit. Alternatively, the cost may be borne by the
27 city in whole or in part[;] and if in part, the rest to be
28 collected [from the owner] as provided herein.

29 (d) The notice required [herein] by this section shall be
30 served upon the owner of property to construct, pave, curb,

1 repave, recurb or maintain a sidewalk, if that can be done
2 within the county; [when it cannot be done so] if this cannot be
3 done, then the notice may be served upon the owner's agent or
4 the party in possession; and if this cannot be done, then the
5 notice may be served by posting conspicuously upon the premises.
6 Council may, by ordinance, [establish the period of such notice
7 after service after which the owner shall be deemed to have
8 failed to comply therewith. Such period shall not be less than
9 ten days] provide that, upon service or posting of notice in
10 accordance with this section, an owner shall be deemed to have
11 failed to comply if the work is not completed within a specified
12 period, which may be more but shall not be less than forty-five
13 days after the service or posting.

14 Section 279. Section 3002.1 of the act, added August 11,
15 1967 (P.L.206, No.70), is amended to read:

16 Section 3002.1. Ordinances.--All reconstruction, repaving,
17 and recurbing of sidewalks may be provided for in the ordinance
18 providing for the original construction, paving and curbing of
19 sidewalks without the necessity for adopting a new ordinance
20 providing for [such] the reconstruction, repaving and recurbing.

21 Section 280. Section 3003 of the act is amended to read:

22 Section 3003. Emergency Repairs; Notice; Cost.--(a) Any
23 city may make emergency repairs to sidewalks, within its
24 corporate limits[, when, in the opinion of the officer or head
25 of the department lawfully having charge of sidewalk repairs, a
26 dangerous condition exists that can be repaired by an
27 expenditure of not more than fifty dollars, upon failure of the
28 owner of the property to make such repair within forty-eight
29 hours after the service of notice upon such owner so to do. The
30 notice shall be served as provided in this article for

1 constructing and maintaining sidewalks and curbs. It shall
2 expressly state that emergency repairs are required.] if the
3 officer or designated individual representing the department in
4 charge of repairs to sidewalks, upon inspection, determines that
5 a substantial and immediate danger exists to the public health,
6 safety and welfare, in which case the officer or individual
7 shall prepare a written report of those conditions which shall
8 be conclusive evidence of the existence of the emergency
9 justifying the repair.

10 (a.1) This section is intended to provide an additional
11 remedy for cities in connection with emergency repairs [where
12 the actual cost of doing the work does not exceed fifty dollars.
13 The certificate of the officer or head of the department in
14 charge of repairs to sidewalks shall be conclusive evidence of
15 the existence of the emergency justifying such repair] of
16 sidewalks.

17 (b) A copy of the written report shall be served upon the
18 abutting property owner, along with a notice to make emergency
19 repairs to the sidewalk within forty-eight hours of service of
20 the notice and report. The notice and copy of the report shall
21 be served as provided in this article for constructing and
22 maintaining sidewalks and curbs. It shall expressly state that
23 emergency repairs are required. If the owner fails to make the
24 emergency repairs within the prescribed time, the city may make
25 the emergency repairs to the sidewalk.

26 (c) Upon the completion of any emergency repairs, the cost
27 thereof shall be a charge against the owner of the abutting
28 property, and shall be a lien, until paid, upon the abutting
29 property, provided a claim is filed therefor in accordance with
30 the law providing for the filing and collection of municipal

1 claims. The amount of the claim against the owner of the
2 abutting property may also be collected from the owner by an
3 action in assumpsit.

4 Section 281. Section 3004 of the act is repealed:

5 [Section 3004. Cost of Emergency Repairs to be a Lien.--Upon
6 the completion of any emergency repairs, the cost thereof shall
7 be a charge against the owner of the property, and shall be a
8 lien, until paid, upon the abutting property, provided a claim
9 is filed therefor in accordance with the law providing for the
10 filing and collection of municipal claims. Any such charge may
11 also be collected from the owner by an action in assumpsit.]

12 Section 282. Article XXXI heading of the act is amended to
13 read:

14 ARTICLE XXXI

15 BRIDGES [AND VIADUCTS]

16 Section 283. Article XXXI subdivision (a) heading of the act
17 is repealed:

18 [(a) Construction and Maintenance]

19 Section 284. Sections 3101, 3102 and 3103 of the act are
20 amended to read:

21 Section 3101. Construction and Maintenance of Bridges [and
22 Viaducts].--(a) Cities may locate, build and maintain bridges
23 [or viaducts, and], wholly or partially within the city limits,
24 along with the piers, abutments and approaches [therefor]
25 appurtenant to the bridges, to be used as public streets[, over
26 rivers, creeks, streams, railroads and private property, or over
27 and across any of them, whether the said viaducts or bridges be
28 wholly within, or partly without and partly within, the city
29 limits].

30 (b) As used in this article, a bridge shall mean a structure

built to span and provide passage over a valley, road, railroad track, private property, river, creek, stream or any other body of water or physical obstacle, and shall include viaducts constructed from a series of spans or arches.

Section 3102. Ordinance for Location of Bridges; Procedure.--Cities may enact ordinances fixing the location and providing for the laying-out and opening of the routes or locations for [said] bridges [and viaducts], which shall be public streets; and the proceedings for the laying-out and opening thereof, shall be the same as is provided by this act for the laying-out and opening of streets.

Section 3103. Right to Appropriate Property; Assessment of Damages.--In case the city has not agreed with the owner or owners for the damages done, or likely to be done, by the erection of [said] the bridge [or viaduct], the city may take and appropriate the lands and property necessary, over and across which to erect [said] the bridge [or viaduct], and the measure of damages [and benefits caused by such] for the taking and appropriation shall be assessed in the same manner and with like proceedings as provided [by this act for property taken, injured or destroyed] for property taken, injured or destroyed under 26 Pa.C.S. (relating to eminent domain).

Section 285. Article XXXI subdivision (b) heading of the act is repealed:

[(b) Joint Construction and Maintenance]

Section 286. Section 3110 of the act is amended to read:

Section 3110. [Contract] Agreement for Joint Construction and Maintenance.--(a) The city may [contract] enter into an agreement with any political subdivision or other public agency whatsoever or public utility or any other person interested and

1 by law authorized thereto, or with any or all of them, for the
2 laying out, construction, improvement and maintenance of any
3 bridge [or viaduct], or for certain parts thereof, and for the
4 payment of any damages caused thereby.

5 (b) An agreement as authorized in subsection (a) shall
6 provide for the respective duties, obligations and
7 responsibilities of the parties thereto, including, but not
8 limited to, construction and maintenance of the bridge, or for
9 certain parts thereof, and for payments relating thereto and
10 damages caused thereby.

11 (c) After an agreement, as authorized in subsection (a), has
12 been entered into, the city in conjunction with the other
13 parties thereto, shall have the authority to have prepared plans
14 or specifications of the entire work, and thereafter advertise
15 for bids in the manner required by law, and award the contract
16 to the lowest responsible bidder. The city shall be liable to
17 the contractor for only such part of the contract price as it
18 has agreed to pay by the agreement, as authorized in subsection
19 (a), but it shall, in addition, be liable to the contractor for
20 any moneys actually paid into the city treasury by the other
21 parties pursuant to the terms of the agreement.

22 Section 287. Sections 3111, 3112 and 3113 of the act are
23 repealed:

24 [Section 3111. Stipulations of Joint Contract;
25 Maintenance.--The contracts provided for in the preceding
26 section may stipulate that the city shall pay a certain part of
27 the whole contract price or cost of the work, including damages;
28 or may stipulate that the city shall construct, or pay for the
29 construction of, a certain part of the work, and may otherwise
30 provide for the payment of the damages. When any railroad

1 company, street railway, or other persons interested, agrees to
2 pay a certain part of the cost of the entire work, it shall pay
3 such part into the proper city treasury. Upon said payment, the
4 city treasurer shall be liable therefor, and he shall pay the
5 same over to the contractor, as may be provided in the contract.
6 The said agreements may also provide for the maintenance of the
7 said bridges and viaducts after their erection.

8 Section 3112. Plans; Bids; Awarding of Contract.--After any
9 joint contract has been entered into, the city in conjunction
10 with the other parties thereto may have prepared plans or
11 specifications of the entire work, and thereafter advertise for
12 bids, and award the contract to the lowest responsible bidder.
13 The city shall be liable to the contractor for only such part of
14 the contract price as it has agreed to pay by the joint
15 contract, but it shall, in addition, be liable to the contractor
16 for any moneys actually paid into the city treasury by the other
17 parties to the joint agreement.

18 Section 3113. Subsequent Contract With Railroad Which has
19 not Contributed toward Cost.--No railroad, which has not
20 contributed to the payment of the cost of construction of said
21 viaduct or bridge, shall be permitted to run its line or lines
22 of tracks under said bridge or viaduct, unless it shall enter
23 into a contract with the city to thereafter pay a reasonable
24 amount, part or portion toward the keeping-up and maintaining of
25 the said structure, which amount shall be at the same rate, on
26 the same basis, as is paid by the other railroad companies.]

27 Section 288. Section 3114 of the act is reenacted to read:

28 Section 3114. Recording of Contract.--Any of the contracts
29 hereinabove provided for may be recorded in the office of the
30 recorder of deeds in the proper county. Such record shall be

1 notice to all persons who might be affected thereby.

2 Section 289. Section 3115 of the act is amended to read:

3 Section 3115. Power to Construct Boundary Bridges.--Whenever
4 a creek, over which a bridge may be necessary, shall be on the
5 division line of a city and another municipality [or township],
6 the city [shall unite] may enter into an intergovernmental
7 agreement pursuant to 53 Pa.C.S. Ch. 23, Subch. A (relating to
8 intergovernmental cooperation) with [such] the municipality [or
9 township in] for the construction and maintenance of a bridge[,]
10 and [pay an equal share of the expenses incident thereto] for
11 apportionment of the costs.

12 Section 290. Article XXXI subdivision (c) heading, section
13 3120, subdivision (d) heading and sections 3130, 3133 and 3134
14 of the act are repealed:

15 [(c) Acquisition of Existing Bridges

16 Section 3120. Power to Acquire Existing Bridge.--Any city
17 which is divided or separated in any of its territorial sections
18 or parts by intervening rivers or streams of water may purchase,
19 enter upon, take, use, hold and appropriate such bridge or
20 bridges, together with the approaches and appurtenances thereto,
21 lying within its corporate limits as shall have been erected and
22 are now in use over such rivers or streams of water so dividing
23 and separating the sections or parts aforesaid.

24 (d) Acquisition of Toll-Bridges

25 Section 3130. Power to Acquire Toll-Bridges.--Any city may
26 purchase, condemn, maintain, and use any public toll-bridge
27 crossing any river or stream within the limits of such
28 municipality, together with the approaches and appurtenances
29 thereto; and may enter into contracts, as hereinafter provided,
30 with the county commissioners of the proper county, whereby said

1 county shall pay a portion of the cost thereof.

2 Section 3133. Contract with County for Purchase.--The city
3 may enter into and unite in a contract with the county
4 commissioners of the county in which said bridge is located upon
5 such terms and conditions as may be agreed upon for the
6 purchase, appropriation, or condemnation of said bridge. The
7 contract may stipulate that the city and county shall pay a
8 certain part or portion of the whole purchase price or damages
9 allowed by condemnation proceedings. The amounts to be paid by
10 the county shall be paid into the city treasury, and, upon said
11 payment, the city treasurer shall be liable therefor, and it
12 shall be held and applied solely for the said purpose or
13 purposes. The said contracts may also provide for and include
14 provisions for the maintenance, repair, and rebuilding of the
15 said bridge, after its purchase or condemnation by the said
16 city.

17 Section 3134. To Become a Public Bridge; Rentals for Other
18 than Foot and Vehicle Travel.--Whenever any toll-bridge shall be
19 so purchased or condemned, the city shall control, maintain, and
20 use the said bridge as a public bridge, but may charge tolls or
21 rentals for the use thereof, from railway, telephone, and
22 telegraph companies, and other persons making a use thereof for
23 other than ordinary public foot and vehicle travel. Where
24 contracts existed between such companies and persons and the
25 owners of the bridge at the time of such purchase or
26 condemnation, such contracts shall be preserved for the benefit
27 of the city and shall be assigned thereto.]

28 Section 291. The act is amended by adding a section to read:

29 Section 3135. Acquisition of Existing Bridges.--Any city may
30 purchase, condemn, maintain and use any public toll-bridge

1 crossing any river or stream within the limits of the
2 municipality, together with the approaches and appurtenances
3 thereto, and may enter into contracts with the county
4 commissioners or the legislative body in a county that has
5 adopted a home rule charter of the proper county whereby the
6 county shall pay a portion of the cost thereof.

7 Section 292. Article XXXII heading of the act is amended to
8 read:

9 ARTICLE XXXII

10 SANITARY SEWERS

11 Section 293. Article XXXII subdivision (a) heading of the
12 act is repealed:

13 [(a) Construction]

14 Section 294. Section 3201 of the act, amended August 6, 1963
15 (P.L.525, No.280), is amended to read:

16 Section 3201. Construction of Sanitary Sewers; Cost; Eminent
17 Domain.--(a) Any city [may] shall have the power to construct
18 and reconstruct, or cause to be constructed or reconstructed, in
19 its streets, and over and across public and private lands or
20 property, sanitary sewers of all kinds, main or local, with
21 extensions thereof, and with lateral and branch sewers
22 therefrom, including house connections to the curb[, in its
23 streets, and over and across public and private lands or
24 property, and pay the].

25 (b) The cost and expense [thereof] of construction and
26 reconstruction in accordance with subsection (a) may be paid out
27 of the general revenues or special funds raised for said
28 purpose, or assess the same, in whole or in part, upon property
29 benefited, improved or accommodated, as [hereinafter] provided
30 for in Article XLV-A.

1 [For such purposes, the] (c) The city shall have the right
2 of eminent domain to effectuate the purposes of this section.
3 The damages for property taken, injured or destroyed shall be
4 ascertained and paid as provided in [this act for such
5 proceedings] 26 Pa.C.S. (relating to eminent domain).

6 Section 295. The act is amended by adding a section to read:

7 Section 3201.1. Required Connection; Fees.--In addition to
8 paying for the cost and expense of construction or
9 reconstruction in accordance with section 3201(b), a city may,
10 by ordinance, require connection to a sanitary sewer system
11 provided by the city or a municipal authority serving the city,
12 and impose and charge to property owners who desire to or are
13 required to connect to the sanitary sewer system a connection
14 fee, a customer facilities fee, a tapping fee and other similar
15 fees, as enumerated and defined by 53 Pa.C.S. § 5607(d) (24)
16 (relating to purposes and powers of municipal authorities) as a
17 condition of connection to a city-owned sewer collection,
18 treatment or disposal facility.

19 Section 296. Section 3202 of the act is repealed:

20 [Section 3202. Fee for Tapping Where Sewer is Paid For by
21 City.--Where the cost of constructing any sewer is paid for
22 wholly or partially from city funds, the city may charge a
23 reasonable fee for tapping or connecting with said sewer.]

24 Section 297. Section 3203 of the act, amended August 6, 1963
25 (P.L.525, No.280), is repealed:

26 [Section 3203. Assessment of Cost of Local Part of Main
27 Sewers.--In the case of the construction of main sanitary
28 sewers, or of any sanitary sewer which can be used in part for
29 main sanitary sewerage purposes, and in part as a local sanitary
30 sewer, the city may provide for assessing the property

1 benefited, improved or accommodated with the local sanitary
2 sewerage part thereof, according to the foot-front, or the
3 assessed valuation of the said property for city purposes, or
4 according to benefits.]

5 Section 298. Section 3204 of the act is repealed:

6 [Section 3204. Costs of Main Sewers.--The cost of all main
7 sewers, or of any sewers used in part for main sewerage
8 purposes, over and above the amount thereof assessed for local
9 sewerage, shall be paid for from the city funds.]

10 Section 299. Section 3205 of the act, amended August 6, 1963
11 (P.L.525, No.280), is repealed:

12 [Section 3205. Assessment of Cost of Local Sewers.--Council
13 may also provide that the cost and expenses of local, lateral,
14 branch, including house connections to the curbs, and other
15 sanitary sewers may be assessed against the property benefited,
16 improved or accommodated according to the foot-front, or
17 according to the assessed valuation thereof for city purposes,
18 or according to benefits.]

19 Section 300. Section 3206 of the act is amended to read:

20 Section 3206. Construction of [Sewerage System and] Sanitary
21 Sewage Treatment Works; Assessment of Cost.--[Any city may
22 construct, or cause to be constructed, a sewerage system of
23 sewers in streets, with extensions thereof, and with lateral and
24 branch sewers therefrom to and in other streets, and in public
25 or private lands, at the same time as part of the same
26 improvement and under the same contract, and the cost and
27 expense thereof may be assessed as provided in this article.]

28 (a) Any city may construct or cause to be constructed sanitary
29 sewage treatment works, and the same may likewise be a part of
30 the same improvement and under the same contract as sanitary

1 sewers.

2 **(b)** Sewage treatment works may be erected within or without
3 the limits of the city. The city shall have authority to
4 acquire, by eminent domain or otherwise, property within or,
5 subject to the limitations in 26 Pa.C.S. § 206 (relating to
6 extraterritorial takings), without the limits of the city deemed
7 necessary for such treatment works and the sewers leading
8 thereto.

9 Section 301. Sections 3207 and 3208 of the act, amended
10 August 6, 1963 (P.L.525, No.280), are repealed:

11 [Section 3207. Reductions in Assessments for Corner or
12 Irregular Shaped Lots.--Where council determines to construct
13 local, lateral, and other sanitary sewers, and to assess the
14 cost and expenses thereof according to the foot-front rule, they
15 shall provide for a reduction of an equitable part from the
16 frontage of the longest side of all corner lots, and at other
17 places, where, from the peculiar or pointed shape of the lots,
18 an assessment for the full frontage would be inequitable. If the
19 owner of the property benefited, improved or accommodated by the
20 sanitary sewers is not satisfied with the allowance or
21 reduction, or refuses to accept the same, he shall have the
22 right to appeal to the court of common pleas; and the
23 proceedings shall be as provided in this act for the assessment
24 of damages and benefits by viewers or by such other lawful
25 procedure as the court may determine.

26 Section 3208. Assessment of Cost by Viewers Appointed by
27 Council.--Where the council determines to construct main, local,
28 lateral, or branch sanitary sewers, and to assess the cost and
29 expense thereof according to benefits, in addition to the
30 remedies which now or may hereafter exist for the assessment of

1 the said cost and expense by viewers appointed by court, council
2 may appoint three disinterested freeholders as viewers, who, or
3 a majority of whom, shall assess the costs and expenses of said
4 sanitary sewers upon the lands benefited, improved or
5 accommodated thereby in proportion, as nearly as may be, to the
6 benefits which may result to each lot or parcel of land. Said
7 viewers, or a majority thereof, shall report their assessment to
8 the council, in the manner hereinafter set forth, and council
9 shall act thereon as hereinafter provided.]

10 Section 302. Sections 3209, 3210, 3211 and 3212 of the act
11 are repealed:

12 [Section 3209. Report of Council's Viewers; Notice;
13 Objections; Hearing.--Said viewers, or a majority of them, shall
14 make report in writing, specifying the amount assessed by them
15 upon each lot or parcel of land for main or local sewerage
16 separately, and file the same with the city clerk within such
17 time as the council shall direct. After the report is filed,
18 council shall cause not less than ten days' public notice to be
19 given, by publication once in two newspapers of the city, as
20 required by section one hundred and nine of this act, of the
21 object of such assessments, and that the same will come for
22 confirmation at a time to be specified in said notice.
23 Objections to the assessment shall be in writing and be filed
24 with the city clerk, and may be heard before the city council at
25 the time specified in the notice. Council may, after hearing
26 objections, modify, set aside, or confirm said assessments. If
27 council sets aside the first or any other assessment, they may
28 appoint other viewers, of the same qualifications as
29 hereinbefore provided, and cause new assessments to be made, and
30 the proceedings shall be the same as provided for the first

1 assessment.

2 Section 3210. Certification of Assessments for Collection;
3 Liens.--After making assessments for sewers, council may direct
4 that they be certified to the city treasurer, or to such party
5 as said assessments may be assigned to for collection. If such
6 assessments are not paid within such time as council may by
7 ordinance prescribe, it shall be lawful to file liens therefor
8 in the prothonotary's office of the proper county, as provided
9 by law. Said liens shall bear interest from the time the
10 assessments were payable, at the rate of six per centum, per
11 annum, until paid.

12 Section 3211. Rental Charge for Use of Sewers.--Cities may
13 provide by ordinance for the imposition and the collection of an
14 annual rental, rate or charge for the use of sewers, sewer
15 systems, or sewage treatment works as authorized by law.

16 Section 3212. Limitation of Amount of Sewer Rental Charge.--
17 Such annual rental, rate or charge shall not exceed the amount
18 authorized by law.]

19 Section 303. Section 3213 of the act, amended December 18,
20 1992 (P.L.1424, No.175), is repealed:

21 [Section 3213. Collection of Sewer Rentals.--(a) Council
22 shall provide for the collection of such annual rentals, rates
23 or charges.

24 (b) In the case of a city which has agreed to provide sewer
25 service to a residential dwelling unit in which the owner does
26 not reside, the city shall notify the owner and the tenant
27 within thirty days after the tenant's bill for that service
28 first becomes overdue. Such notification shall be provided by
29 first class mail to the address of the owner provided to the
30 city by the owner and to the billing address of the tenant,

1 respectively. Nothing herein shall be construed to relieve the
2 owner of liability for such service unless the city fails to
3 provide the notice required herein.]

4 Section 304. The act is amended by adding a section to read:

5 Section 3213.1. Rental Fees or Charges.--(a) All persons
6 whose property is connected to a sanitary sewer system shall pay
7 to the city, in addition to the cost of making the connection, a
8 monthly, quarterly, semiannual or annual charge. The charges
9 shall be imposed by the city in accordance with procedures
10 approved by council. Until paid, a charge shall constitute a
11 lien against the property connected to the sanitary sewer system
12 and the amount thereof may be recovered by due process of law
13 through an action in assumpsit in the name of the city against
14 the owner of the property charged or by a lien filed in the
15 nature of a municipal lien. All water utilities supplying water
16 to users within the boundaries of any city shall at the request
17 of the council furnish to the city, at reasonable times agreed
18 to by the city and water utilities, a list of all water meter
19 readings and flat-rate water bills, and the basis for each flat-
20 rate water charge, so that the data may be used in calculating
21 sewer rental fees. The city may pay to the utilities clerical
22 and other expenses incurred in the preparation of the lists.

23 (b) Nothing in this section shall be construed to repeal or
24 modify any of the provisions of 66 Pa.C.S. (relating to public
25 utilities).

26 (c) Subject to subsection (d), all sanitary sewer rentals
27 received shall be deposited in a special fund to be used only
28 for the payment of the cost of administration, construction,
29 reconstruction, repair, operation and maintenance of the
30 sanitary sewer system.

1 (d) City NOTWITHSTANDING THE PROVISIONS OF THE ACT OF JULY <--
2 18, 1935 (P.L.1286, NO.402), ENTITLED "AN ACT EMPOWERING
3 COUNTIES, CITIES, BOROUGH, INCORPORATED TOWNS, AND TOWNSHIPS TO
4 CHARGE AND COLLECT FROM OWNERS OF AND WATER USERS IN PROPERTY
5 SERVED THEREBY, ANNUAL RENTALS, RATES OR CHARGES FOR THE USE OF
6 CERTAIN SEWERS, SEWERAGE SYSTEMS AND SEWAGE TREATMENT WORKS,
7 INCLUDING CHARGES FOR OPERATION, INSPECTION, MAINTENANCE,
8 REPAIR, DEPRECIATION, AND THE AMORTIZATION OF INDEBTEDNESS AND
9 INTEREST THEREON; EMPOWERING COUNTIES, CITIES, BOROUGH,
10 INCORPORATED TOWNS AND TOWNSHIPS TO CONTRACT WITH AUTHORITIES
11 ORGANIZED BY CITIES OF THE SECOND CLASS, BY CITIES OF THE SECOND
12 CLASS A, BY COUNTIES OR BY CITIES OF THE THIRD CLASS FOR SEWER,
13 SEWERAGE AND SEWAGE TREATMENT SERVICES; TO GRANT, CONVEY, LEASE,
14 TRANSFER, ENCUMBER, MORTGAGE AND PLEDGE TO SUCH AUTHORITIES,
15 THEIR SEWERS, SEWERAGE SYSTEMS AND SEWAGE TREATMENT WORKS; TO
16 ASSIGN AND PLEDGE TO SUCH AUTHORITIES RENTALS, RATES AND CHARGES
17 CHARGED AND COLLECTED BY THEM FOR THE USE THEREOF, AND TO ASSIGN
18 TO SUCH AUTHORITIES THEIR POWER TO CHARGE AND COLLECT THE SAME;
19 AND VALIDATING ALL SUCH CONTRACTS, GRANTS, CONVEYANCES, LEASES,
20 TRANSFERS, ASSIGNMENTS, ENCUMBRANCES, MORTGAGES AND PLEDGES
21 HERETOFORE MADE," OR ANY OTHER LAW, CITY council may transfer
22 part of the sanitary sewer rentals in the special fund to the
23 general fund to meet immediate general financial obligations or
24 to ensure adequate cash flow for city operations, provided,
25 however, that money transferred from the special fund to the
26 general fund shall be repaid to the special fund at such time as <--
27 PRIOR TO THE END OF THE FISCAL YEAR OR AT A DATE SPECIFIC AS <--
28 council may determine.

29 (e) In the case of a city which has agreed to provide
30 sanitary sewer service to a residential dwelling unit in which

the owner does not reside, the city shall notify the owner and the tenant within thirty days after the tenant's bill for that service first becomes overdue. The notification shall be provided by first class mail to the address of the owner provided to the city by the owner and to the billing address of the tenant, respectively. Nothing in this subsection shall be construed to relieve the owner of liability for such service unless the city fails to provide the notice required herein.

Section 305. Section 3214 of the act is repealed:

[Section 3214. Collection of Sewer Rentals.--Such annual sewer rentals or charges shall be a lien on the properties charged with the payment thereof from the date set in the ordinance, and, if not paid after thirty days' notice, may be collected by an action in assumpsit in the name of the city against the owner of the property charged or by distress of personal property on the premises or by a lien filed in the nature of a municipal lien.]

Section 306. Section 3215 of the act, added August 6, 1963 (P.L.525, No.280), is repealed:

[Section 3215. Tapping Fees.--Each city may provide by ordinance for charging a tapping fee whenever the owner of any property connects such property with a sewer system constructed or acquired by the city, which fee shall be in addition to any charges assessed and collected against such property in the construction or acquisition of such sanitary sewer by the city, or any rental charges assessed by the city. In any case where the property connected or to be connected with the sanitary sewer system of the city is not equipped with a water meter, the city may install such a meter at its own cost and expense. If the property is supplied with water from the facilities of a

1 public water supply agency, the city shall not install such
2 meter without the consent and approval of the public water
3 supply agency.]

4 Section 307. Article XXXII subdivision (b) heading and
5 sections 3220, 3221 and 3222 of the act are repealed:

6 [(b) Acquisition of Existing Sewers

7 Section 3220. Purchase of Existing Sewers.--Any city, in
8 which any corporation created and existing under and by virtue
9 of the laws of this Commonwealth, or any person or persons or
10 unincorporated associations, have constructed and are
11 maintaining or may hereafter construct and maintain sewers,
12 culverts, conduits, and pipes, with the necessary inlets and
13 appliances, for surface, under-surface and sewage drainage, may
14 become the owner of such sewers, culverts, conduits, and pipes,
15 with the necessary inlets and appliances, for surface, under-
16 surface, and sewage drainage, and the property of such company,
17 person or persons, or unincorporated associations, by paying
18 therefor the actual value of the same at the time of taking by
19 the city.

20 Section 3221. Ascertainment of Price in Case of
21 Disagreement.--In case of disagreement as to the amount to be
22 paid, the same shall be ascertained in the manner provided by
23 this act in case of property taken, injured or destroyed.

24 Section 3222. Appointment of Viewers.--Whenever the amount
25 to be paid by any city to any corporation, person or persons, or
26 unincorporated association, for the acquisition of such sewers,
27 culverts, conduits, and pipes, with the necessary inlets and
28 appliances, shall have been ascertained in the manner provided
29 in the preceding section, the court of common pleas of the
30 proper county, or any law judge thereof in vacation, on

1 application thereto by petition by said city or any person
2 interested, shall appoint viewers who shall assess the costs and
3 expenses of the sewers, culverts, conduits, and pipes, with the
4 necessary inlets and appliances, acquired by said city, upon the
5 property benefited according to benefits, if sufficient can be
6 found, but if not, then the deficiency, when finally
7 ascertained, shall be paid by the city; and the proceedings of
8 said viewers, and the proceedings on their report, shall be as
9 provided in this act for the assessment of damages and
10 benefits.]

11 Section 308. The act is amended by adding a section to read:

12 Section 3222.1. Acquisition of Existing Sanitary Sewer
13 Systems.--(a) A city may, by ordinance, acquire all or part of
14 an existing sanitary sewer system or community subsurface
15 sanitary sewage collection and treatment system.

16 (b) Acquisition may be by any of the following means:

17 (1) By purchase, when the city and the owner can agree on a
18 price not exceeding the actual value of the sanitary sewer
19 system or part thereof to be transferred.

20 (2) By deed of dedication to the city by the owner of the
21 sanitary sewer system or part thereof.

22 (3) If the facilities are within the city, by the exercise
23 of eminent domain.

24 (c) If any sanitary sewer system or community subsurface
25 sanitary disposal collection and treatment system is acquired by
26 purchase or eminent domain under this section, the cost of
27 acquisition may be distributed or assessed under this act as
28 when a sanitary sewer system is constructed by the city.

29 (d) The rights, powers and duties of the city with respect
30 to acquired sanitary sewer systems are the same as exist with

1 respect to sanitary sewer systems constructed by the city.

2 Section 309. Article XXXII subdivision (c) heading of the
3 act is repealed:

4 [(c) Construction of Sewers Outside Cartway and Curb Lines]

5 Section 310. Section 3230 of the act, amended August 6, 1963
6 (P.L.525, No.280), is amended to read:

7 Section 3230. [Power to Construct] Sewers Outside Cartway

8 and Curb Lines.--(a) Cities may require and permit sanitary

9 sewers and sewer pipes to be laid and constructed outside the
10 cartway and the curb lines thereof in any street or highway.

11 The [said] sanitary sewers shall be for the service and use
12 of the property on the side of the street or highway in which
13 they are laid.

14 (b) The costs and expenses of any sanitary sewer laid and
15 constructed in accordance with subsection (a) may be assessed
16 against the property benefited, improved and accommodated by the
17 sanitary sewer.

18 Section 311. Section 3231 of the act, amended August 6, 1963
19 (P.L.525, No.280), is repealed:

20 [Section 3231. Collection of Costs and Expenses.--The costs
21 and expenses of any sanitary sewer laid and constructed as
22 aforesaid may be assessed against the property benefited,
23 improved and accommodated by the sanitary sewer and such costs
24 and expenses, when so assessed, shall be assessed and collected
25 in the same way and manner as the cost and expenses of other
26 sanitary sewers are assessed and collected in the respective
27 city in which the same are laid.]

28 Section 312. Article XXXII subdivision (d) heading of the
29 act is repealed:

30 [(d) Joint Sewers]

1 Section 313. Section 3240 of the act, amended August 6, 1963
2 (P.L.525, No.280), is amended to read:

3 Section 3240. Building Joint Sewers.--(a) Cities may
4 jointly with other municipalities or [townships or both]
5 municipal authorities build and construct sanitary sewers,
6 including trunk-line sewers or drains and sewage treatment
7 works, and may connect into such system existing sanitary
8 sewers, and may assess their respective portions of the cost
9 thereof, or so much thereof as may be legally assessable, upon
10 property benefited, improved and accommodated by the improvement
11 [either by viewers as is provided in the case of cities by
12 sections three thousand two hundred and eight, three thousand
13 two hundred and nine, and three thousand two hundred and ten of
14 this act or by the foot-front rule or assessed valuation, as
15 provided in section three thousand two hundred and three of this
16 act] pursuant to Article XLV-A. Any portion of the cost of
17 [such] an improvement not assessed or not assessable shall be
18 paid [by the respective cities, boroughs, and townships joining
19 as may be agreed upon] as agreed upon by the respective cities
20 and other municipalities or municipal authorities.

21 (b) The cities[, boroughs, and townships] and other
22 municipalities or municipal authorities joining or contemplating
23 joining in any such improvement, in order to facilitate the
24 securing of preliminary surveys and estimates and the building
25 of [such] the improvement, may by ordinance or resolution
26 provide for the appointment of a joint sewer board composed of
27 one representative from each of the cities[, boroughs, and
28 townships] and other municipalities or municipal authorities
29 joining which shall act generally as the advisory and
30 administrative agency in securing [such] surveys and estimates

1 and in the construction of [such] the improvement, and its
2 subsequent operation and maintenance. The members of [such] the
3 board shall serve for terms of six years each from the dates of
4 their respective appointments, and until their successors are
5 appointed. The joint sewer board shall organize by the election
6 of [chairman, vice-chairman] a chair, vice-chair, secretary, and
7 treasurer. The several cities[, boroughs, and townships] and
8 other municipalities or municipal authorities may, in the
9 ordinances and resolutions creating the joint sewer board,
10 authorize the board to appoint an engineer, a solicitor, and
11 [such] other assistants as are deemed necessary; and agree to
12 the share of the compensation of [such] the persons each city[,
13 borough, and township] and other municipalities or municipal
14 authorities is to pay. The members of the joint sewer board
15 shall receive [such] compensation for attending meetings of the
16 board, as shall be fixed in the budget prepared by the board for
17 submission to and adoption by the several cities[, boroughs, and
18 townships] and other municipalities or municipal authorities as
19 hereinafter provided[, and the]. The budget item providing for
20 the compensation to members for attending meetings shall not
21 exceed a total of two hundred and fifty dollars per year, and no
22 member shall be paid unless [he] the member actually attends,
23 and the fee for each [such] attendance shall be stipulated, and
24 the members, in addition thereto, shall be entitled to actual
25 expenses to be paid by the respective cities[, boroughs, and
26 townships] and other municipalities or municipal authorities
27 which [such] the members represent.

28 (c) The joint sewer board shall have power to adopt rules
29 and regulations to govern its proceedings, and shall prepare and
30 suggest any practical measures and plans by means of which the

1 joint improvement may be carried to successful completion; and
2 the future development of the system, so as to conform to a
3 general plan, assured and safeguarded. [It] The joint sewer
4 board shall have power to prepare a joint agreement or
5 agreements for submission to and adoption by the several
6 cities[, boroughs, and townships] and other municipalities or
7 municipal authorities defining the advisory and administrative
8 powers of the board; setting forth the consents of the several
9 cities[, boroughs, and townships] and other municipalities or
10 municipal authorities to the proposed improvement; the manner in
11 which preliminary and final plans, specifications, and estimates
12 for the proposed improvement shall be prepared and adopted; how
13 proposals for bids shall be advertised, and contracts let; the
14 manner in which the costs of the improvement and other
15 incidental and preliminary expenses in connection therewith, and
16 the future cost of operation and maintenance shall be equitably
17 shared, apportioned, and paid; and all such other matters
18 including the preparation and submission of annual and other
19 budgets as may be deemed necessary or required by law to carry
20 the proposed improvement to completion and to assure future
21 maintenance and operation thereof. [But nothing herein] Nothing
22 contained herein shall authorize the board to make any
23 improvement or expend any public moneys which has not first been
24 authorized by all of the cities[, boroughs, and townships] and
25 other municipalities or municipal authorities proceeding with
26 the improvement.

27 (d) In any case where it shall be necessary to acquire,
28 appropriate, injure, or destroy private property of any kind to
29 build any [such] joint sewer improvement, and the same cannot be
30 acquired by purchase or gift, the right of eminent domain shall

1 vest in the city[, borough, or township] or other municipalities
2 or municipal authorities where [such] the property is located.
3 In any case where it shall be necessary to acquire, injure, or
4 destroy property of any kind in any territory not within the
5 limits of any of the cities[, boroughs, or townships] and other
6 municipalities or municipal authorities joining in the
7 improvement[;] then, subject to the limitations in 26 Pa.C.S. §
8 206 (relating to extraterritorial takings), the right of eminent
9 domain shall be vested in any city[, borough, or township
10 adjacent to such territory where such property is located] and
11 other municipalities or municipal authorities joining in the
12 sewer improvement. Damages for any property taken, injured, or
13 destroyed shall be assessed as provided by the general laws
14 relating to the cities[, boroughs, and townships] and other
15 municipalities or municipal authorities exercising the right of
16 eminent domain[;] and pursuant to the procedures of 26 Pa.C.S.
17 (relating to eminent domain) if applicable, and shall be paid by
18 the several cities[, boroughs, and townships] and other
19 municipalities or municipal authorities joining in the same
20 proportion as other costs of the improvement.

21 (e) Each of the cities joining in [any such improvement] an
22 improvement authorized by this section shall have power to incur
23 or increase its indebtedness[, not exceeding the constitutional
24 limits, for the purpose of paying its share or portion of the
25 costs of such improvement in the manner provided by law for the
26 incurring of indebtedness] in accordance with 53 Pa.C.S. Pt.
27 VII, Subpt. B (relating to indebtedness and borrowing), for the
28 purpose of paying its share or portion of the costs of the
29 improvement.

30 Section 314. Section 3241 of the act is amended to read:

1 Section 3241. Approval of [Sanitary Water Board] Department
2 of Environmental Protection.--No [such] sewer or plant shall be
3 constructed until plans and specifications have been submitted
4 to the [Sanitary Water Board] Department of Environmental
5 Protection, and approved in accordance with provisions of [the
6 act of assembly providing for such approval] applicable law.

7 Section 315. Sections 3242, 3243 and 3244 of the act are
8 repealed:

9 [Section 3242. Connections with Sewers of Adjacent
10 Municipalities.--Any city may connect with an existing sewer,
11 owned by any adjacent municipality, for sewage purposes, in the
12 manner prescribed in the following sections of this subdivision
13 of this article.

14 Section 3243. Applications to Court.--Whenever any city
15 desires to connect with the existing sewer of any adjacent
16 municipality, and no agreement has been reached between such
17 city and the adjacent municipality, an application shall be made
18 by council to the court of quarter sessions of the county,
19 setting forth that fact.

20 Section 3244. Appointment of Viewers.--If the court shall be
21 of the opinion that such connection can be made without
22 impairing the usefulness of the existing sewer, it shall appoint
23 three viewers, who shall view the premises and investigate the
24 facts of the case, and shall assess the proportionate part of
25 the expense of building the original sewer upon such city, and
26 shall fix the proportion of the expense for repairs which each
27 municipality shall thereafter bear, and determine all other
28 questions liable to arise in connection therewith.]

29 Section 316. Section 3245 of the act, repealed in part June
30 3, 1971 (P.L.118, No.6), is repealed:

1 [Section 3245. Report of Viewers; Appeals to Court.--The
2 viewers shall report to the court the result of their
3 investigation, which report shall be confirmed within thirty
4 days, unless exceptions thereto be filed. After confirmation of
5 such report, or the disposal of any exceptions, any party
6 interested may appeal from the decision of the court of quarter
7 sessions.]

8 Section 317. The act is amended by adding a section to read:

9 Section 3245.1. Municipal Corporation; Municipal Authority;
10 Agreements for Connections; Appointment of Viewers.--(a) Any
11 city may by agreement connect with an existing sanitary sewer
12 owned by any municipal corporation or municipal authority for
13 either sanitary sewage collection or treatment purposes.

14 (b) When any city desires to connect with the existing sewer
15 of any municipal corporation or municipal authority and no
16 agreement has been reached between the city and the municipal
17 corporation or municipal authority, city council shall present a
18 petition to the court of common pleas setting forth those facts.
19 The court shall fix a day for a hearing and notify all
20 interested parties thereof. If, after the hearing, the court
21 determines that the connection can be made without impairing the
22 usefulness of the existing sanitary sewer system, the court
23 shall appoint three viewers to view the premises, investigate
24 the facts of the case, assess the necessary costs and expenses
25 of making the connection and assess the proportionate part of
26 the expense of building the original sanitary sewer system upon
27 the city. The court shall determine the proportion of the
28 expense for repairs which each municipal corporation, municipal
29 authority and the city shall bear and shall determine all other
30 questions liable to arise in connection therewith.

1 (c) The viewers shall report to the court the result of
2 their investigation, which report shall be confirmed within
3 thirty days, unless exceptions thereto are filed. After
4 confirmation of the report, or the disposal of any exceptions,
5 any party interested may appeal from the decision of the court
6 of common pleas.

7 Section 318. Article XXXII subdivision (e) heading of the
8 act is repealed:

9 [(e) Power to Furnish Sewerage Facilities Outside of City]

10 Section 319. Section 3250 of the act is amended to read:

11 Section 3250. Sewers Extended Outside of City.--[All cities,
12 wherein the title to the sewerage system therein located, is, or
13 shall hereafter be in the name of the city,] A city with a
14 sanitary sewer system may extend [such] the system and construct
15 sewers beyond the [bounds of the cities wherein they are located
16 into the county and municipalities of the county in the vicinity
17 of such cities,] city's boundaries into adjoining municipalities
18 in the county where the city is located and furnish sewer
19 facilities to, and permit the tapping and the connection
20 therewith by any and all corporations, institutions, persons and
21 municipalities in the [counties in which said cities are] county
22 where the city is located in accordance with law and the rules
23 and regulations of the Pennsylvania Public Utility Commission.
24 This section does not authorize a city to extend a sewerage
25 system or construct sewers in territory outside the boundaries
26 of such cities in which sewerage facilities are furnished by a
27 private company or by a municipality authority.

28 Section 320. Article XXXIII and subdivision (a) headings,
29 sections 3301 and 3302, subdivision (b) heading and sections
30 3310, 3311, 3312, 3313, 3314 and 3315 of the act are repealed:

1 [ARTICLE XXXIII

2 COLLECTION BY INSTALMENT OF THE COST OF STREET

3 AND SEWER IMPROVEMENTS

4 (a) Street and Sewer Improvements

5 Section 3301. Payment of Assessments in Instalments.--

6 Whenever any ordinance is passed providing for the grading,
7 paving or other improvement of any street, or part thereof, or
8 for the construction of any sewer, the expense whereof is to be
9 defrayed by local assessments, it may be prescribed in such
10 ordinance that the assessments may be paid in not more than ten
11 equal instalments, payable at such times as may be fixed by
12 ordinance, the last thereof not to be more than ten years after
13 the completion of the work on the improvement for which it is
14 assessed. The instalments shall bear interest at the rate of not
15 more than six per centum per annum, commencing at such time as
16 may be fixed by ordinance. If any of said instalments shall
17 remain unpaid for two months after the same shall become due and
18 payable, the whole of the assessment remaining unpaid shall be
19 due and payable. Any person upon whom such assessment has been
20 made may pay all or as many as he chooses of such instalments
21 before the same are due.

22 Section 3302. Collection of Assessments.--All assessments
23 made in pursuance hereof shall be collected in the same manner
24 and with the same penalties as provided by law for the
25 collection of municipal claims.

26 (b) Street Improvements

27 Section 3310. Issue of Bonds for Payment of Cost of
28 Improvement.--In order to provide for the payment of the cost
29 and expense of the permanent paving and improvement of any
30 street, or part thereof, cities may in addition to other methods

1 provided, from time to time, issue their bonds in such sums as
2 may be required, in all to an amount not exceeding the cost and
3 expense of such improvement and interest thereon.

4 Said bonds shall bear the name of the street to be improved.
5 They shall bear interest at a rate not exceeding six per centum
6 per annum, payable semi-annually, on the first day of July and
7 January, and their maturity shall be fixed in accordance with
8 the Municipal Borrowing Law.

9 Section 3311. Disposition of Proceeds of Sale of Bonds;
10 Assessment on Properties.--Said bonds shall be negotiated at not
11 less than par as other bonds of said cities are negotiated, and
12 the proceeds thereof applied solely to the payment of the cost
13 of said improvement. The contract price of the same, and
14 interest thereon to the first day, when interest thereon is
15 payable, shall be taken as the cost of said improvement, to be
16 assessed on the property benefited, according to the provisions
17 of this act.

18 Section 3312. Entering of Assessments as Liens.--Such
19 assessments shall be entered in the proper municipal lien and
20 judgment docket in the prothonotary's office, and shall, if
21 filed within six months from the completion of the improvements,
22 without the issuing of a scire facias to revive, remain a first
23 lien upon the property assessed until fully paid, having
24 precedence of all other liens, except taxes, and shall not be
25 diverted by any judicial sale, unless the payment of the same is
26 provided for from the proceeds of such sale.

27 The assessment shall state the name of the city claimant, the
28 name of the owner or reputed owner, a reasonable description of
29 the property, the amount claimed to be due, for what improvement
30 the claim is made, and the time when the assessment was finally

1 confirmed or made.

2 Section 3313. Instalment Payment of Assessments.--Such
3 assessment shall be payable at the city treasurer's office in
4 equal semi-annual instalments, with interest, at the rate
5 provided in said bonds, from the date to which interest was
6 computed on the amount of the assessments, or so much as remains
7 unpaid from time to time, until all said assessments and
8 interest are fully paid. The money so received by the city
9 treasurer shall be applied to the sinking fund.

10 Section 3314. Collection of Unpaid Instalments.--In case of
11 default in the payment of any semi-annual instalment of said
12 assessment and interest for a period of sixty days after the
13 same shall become due and payable, the entire assessment and
14 accrued interest shall become due and payable, and the city
15 solicitor shall proceed to collect the same under the provisions
16 of laws creating and regulating municipal liens and proceedings
17 thereon.

18 Section 3315. Payment in Advance; Discharge of Lien as Part
19 of Property.--Any owner of property against whom an assessment
20 shall have been made for such improvement shall have the right
21 to pay the same, or any part remaining unpaid, in full with
22 interest thereon to the next semiannual payment due on said
23 assessment, and such payment shall discharge the lien. If any
24 owner shall subdivide any property after such lien attaches, he,
25 in like manner, may discharge the same upon any subdivided
26 portion thereof by paying the amount for which said part would
27 be liable.]

28 Section 321. Article XXXIV heading of the act is amended to
29 read:

30 ARTICLE XXXIV

1 [WATER-COURSES]

2 WATERCOURSES, FLOOD PROTECTION PROJECTS

3 AND STORM WATER SYSTEMS

4 Section 322. Section 3401 of the act is amended to read:

5 Section 3401. [Changing of Water-Courses] Establishing and
6 Changing Watercourses, Flood Protection Projects and Storm Water
7 Systems; Removing Obstructions [Therefrom.--Cities].--(a)
8 Subject to obtaining, if required, the authorization of the
9 Department of Environmental Protection and of the Federal
10 Government, a city may, by ordinance, [after the consent of the
11 Water and Power Resources Board and of the Federal government,
12 where required, has first been obtained, establish the lines,
13 change and] do any of the following:

14 (1) Realign, change or vacate the channels, beds, and mouths
15 of [water-courses] watercourses through lands, marshes or waters
16 in or adjacent to the city[; crib, wall, confine], subject to
17 the limitations in the act of August 7, 1936 (1st Sp.Sess.,
18 P.L.106, No.46), referred to as the Flood Control Law, the act
19 of June 22, 1937 (P.L.1987, No.394), known as "The Clean Streams
20 Law," the act of November 26, 1978 (P.L.1375, No.325), known as
21 the "Dam Safety and Encroachments Act," and 26 Pa.C.S. § 206
22 (relating to extraterritorial takings).

23 (2) Confine, pave or completely [inclose, and prevent]
24 enclose watercourses within the city.

25 (3) Prevent and remove obstructions [therefrom at the
26 expense of those causing the same; and, for such purposes, may
27 enter upon and condemn such property and materials as may be
28 necessary. Cities may construct] and encroachments from
29 watercourses and the banks of streams that threaten or do injure
30 the city or property therein, at the expense of those that

1 caused the obstruction or encroachment through proceedings at
2 law or equity.

3 (4) Construct and maintain dams [as hereinafter provided.
4 Cities may also, by ordinance, establish the lines of banks of
5 streams of water which pass through or along the boundary of
6 such cities, and by proceedings at law or equity prevent and
7 remove all such encroachments on the banks of streams and water-
8 courses as threaten to or do injure the city or the property
9 therein.] in a watercourse flowing through the city, or partly
10 within and partly outside its corporate limits, for the purpose
11 of improving the public health, safety and welfare in the city.

12 (5) Plan and provide for projects, infrastructure and
13 improvements as a means of managing and controlling storm water,
14 which may include, but need not be limited to, the transport,
15 storage and the infiltration of storm water and other innovative
16 techniques identified in the county-prepared watershed plans
17 pursuant to the act of October 4, 1978 (P.L.864, No.167), known
18 as the "Storm Water Management Act."

19 (6) Plan and provide for projects, infrastructure, and
20 improvements as a means of providing flood protection pursuant
21 to the Flood Control Law.

22 (b) A city may, for any of the purposes in this section,
23 purchase, acquire, enter upon, take, use and appropriate private
24 property and materials as necessary. Condemnation proceedings
25 shall be pursuant to the procedures in 26 Pa.C.S. (relating to
26 eminent domain), and any takings of property outside the limits
27 of the city shall be subject to the limitations in 26 Pa.C.S. §
28 206.

29 Section 323. Sections 3402, 3403, 3404, 3405 and 3406 of the
30 act are repealed:

1 [Section 3402. Notice.--No ordinance for the establishment
2 of lines or the vacation or alteration of the course or channel
3 of any water-course shall be passed, until notice thereof has
4 been given, by publication of the proposed ordinance, at least
5 once a week for three consecutive weeks, in one newspaper in
6 accordance with the provisions of section one hundred nine of
7 this act.

8 Section 3403. Viewers to Assess Damages.--The city may, at
9 any time after the passage of the ordinance, present a petition
10 to the court of common pleas, setting forth the lines
11 established and the nature of the vacation or alteration
12 proposed in the course or channel of such water-course, together
13 with a description of the proposed improvements, and praying the
14 court to appoint three viewers to ascertain the damages, costs,
15 and expenses resulting therefrom, and to assess the damages,
16 costs, and expenses, for so much thereof as the viewers may deem
17 reasonable, upon the property benefited.

18 Section 3404. Appointment of Viewers.--The court, or any law
19 judge thereof in vacation, shall appoint three viewers from the
20 county board of viewers, and appoint a time, not less than
21 twenty nor more than thirty days thereafter, when the viewers
22 shall meet upon the line of the improvement and view the same
23 and the premises affected.

24 Section 3405. Proceedings to Assess Damages.--The
25 proceedings before such viewers for the allowances of damages
26 for property taken, injured or destroyed, and for the assessment
27 of benefits upon property benefited, shall be as provided in
28 this act for the assessment of damages and benefits in eminent
29 domain proceedings.

30 Section 3406. Discontinuance of Proceedings.--If any city

1 shall repeal any ordinance passed, or discontinue any proceeding
2 taken, providing for any such improvements, prior to the entry
3 upon, appropriation, or injury to any property or materials, the
4 city shall not be liable to pay any damages, but all costs upon
5 any such proceeding, together with any actual damage or injury
6 sustained by reason of such proceeding, shall be paid by the
7 city.]

8 Section 324. Sections 3407 and 3408 of the act are amended
9 to read:

10 Section 3407. [Liens.--When the court has entered its final
11 decree confirming the report or fixing the assessments, the]
12 Assessment of Benefits; Liens.--With regard to improvements made
13 pursuant to section 3401(a), a city may, if feasible, assess the
14 benefits upon property benefited by the improvements pursuant to
15 Article XLV-A. The assessments of benefits shall become liens
16 upon the property assessed. Claims therefor may be collected in
17 the same manner as municipal claims are collected, or they may
18 be collected by action of assumpsit, the lien of the judgment,
19 however, to be limited to the property assessed.

20 Section 3408. Waters Excepted.--Nothing contained in the
21 preceding sections of this article shall apply to any [water-
22 course] watercourse used by any municipality or water company as
23 a source of supply, unless [such] the municipality or water
24 company shall consent to [such] the vacation or alteration.

25 Section 325. Section 3409 of the act is repealed:

26 [Section 3409. Construction of Dams.--Whenever the consent
27 of the Water and Power Resources Board and of the Federal
28 government, whenever necessary, has been granted to any city to
29 construct and maintain a dam, in a public navigable river or
30 stream flowing through, or partly within and partly without its

1 corporate limits, for the purpose of improving the sanitary
2 conditions thereof, such city may purchase, acquire, enter upon,
3 take, use and appropriate private property, either within or
4 without its territorial limits, for that purpose. If the city
5 cannot agree with the owner or lessee of such private property
6 upon the compensation for the property appropriated or the
7 damages done, or when, by reason of the absence or legal
8 incapacity of any such owner or lessee, no such compensation can
9 be agreed upon, the court of common pleas of the county in which
10 such property may be situate, or any judge thereof in vacation,
11 on application thereto by petition by said city or such owner,
12 lessee, or any person affected, shall appoint viewers to view
13 and ascertain the damages done by reason thereof, and the
14 proceedings thereupon shall be as provided in this act in the
15 case of property taken, injured or destroyed.]

16 Section 326. Article XXXV heading of the act is amended to
17 read:

18 ARTICLE XXXV

19 [PUBLIC] UTILITY SERVICE

20 Section 327. Article XXXV subdivision (a) and subheading (1)
21 headings and section 3501 of the act are repealed:

22 [(a) Water Supply

23 (1) General Provisions

24 Section 3501. Exclusive Right to Furnish Water to City;
25 Frontage Tax.--Each city shall have the exclusive right, at all
26 times, to supply the city with water, and such persons,
27 partnerships, and corporations therein as may desire the same,
28 at such prices, as may be agreed upon; and for that purpose to
29 have, at all times, the unrestricted right, by ordinance,
30 subject to the provisions of existing laws, to make, erect, and

1 maintain all proper works, machinery, buildings, cisterns,
2 reservoirs, pipes, conduits, for the raising, reception,
3 conveyances, and distribution of water; or, in territory not
4 supplied with water, to make contracts with and authorize any
5 person, company, or association so to do and to give such
6 person, company, or association the privilege of furnishing
7 water, as aforesaid, for any length of time not exceeding ten
8 years. Whenever an extension of a supply of water to portions of
9 the city not previously supplied shall be made, it shall be
10 lawful to charge all owners of houses, lots, and buildings on
11 each side of the street a frontage tax for the local water
12 supply part thereof according to the foot front or the assessed
13 valuation of the property for city purposes or according to
14 benefits. This tax shall be collected and recovered in the
15 manner provided by law for the recovery of municipal claims. The
16 legal title to all waterworks heretofore vested in any city by
17 equitable title shall, after the effective date of this act, be
18 vested in such city. Said waterworks shall be operated,
19 maintained, and managed in the same manner and subject to the
20 same provisions as any waterworks, owned or acquired by cities.]

21 Section 328. The act is amended by adding a section to read:

22 Section 3501.1. Right to Furnish Water, Lighting, Electric,
23 Gas or Other Similar Utility Service.--(a) A city may supply
24 water, lighting, electric, gas or other similar utility service
25 for public and private uses within the city. For these purposes,
26 a city shall have the power to install, maintain, and operate
27 all necessary facilities and to acquire property and make
28 improvements as needed. In carrying out the authority granted by
29 this section, a city may exercise all powers granted to it under
30 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 329. 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, sections 3530, 3531 and 3532, subheading (5) heading and section 3540 of the act are repealed:

[(2) Acquisition by Eminent Domain

Section 3505. Appropriation of Lands and Waters.--Any city desiring to erect water-works, or to improve its water supply, may appropriate springs, streams, rivers, or creeks, and lands, easements, and rights of way, within or without its limits; and, for the purpose of conducting water obtained outside the limits of the city, may lay pipes under and over any lands, rivers, streams, bridges, highways, and under railroads. No water appropriated under the provisions of this section shall be used in such manner as to deprive riparian owners thereon of the free use and enjoyment of the same for domestic or farm purposes.

Section 3506. Agreements as to Damages; Bonds.--Prior to any such appropriation, the city shall attempt to agree with the owner as to the damage done, or likely to be done. If the parties cannot agree, or the owner cannot be found, or is under

1 legal incapacity, the city shall petition the court of common
2 pleas to fix the amount of its bond, with or without surety, as
3 the court may direct, conditioned for the payment to the owner
4 of the property of the damages for the taking thereof, when the
5 same shall have been ascertained, and shall file said bond, as
6 approved, in the said court.

7 Section 3507. Appointment of Viewers; Proceedings.--Upon
8 petition of either the property owner or city, the court shall
9 appoint three viewers from the county board of viewers, who
10 shall assess the damages for the property or rights
11 appropriated, and shall fix a time for their meeting, of which
12 notice shall be given to all parties interested by newspaper
13 publication, at least once in at least one newspaper, ten days
14 prior to such meeting, as required by section one hundred and
15 nine of this act, and the posting of hand bills along the line
16 of said improvement. The proceedings for the assessment of
17 damages shall be as provided in this act in case of property
18 taken, injured or destroyed.

19 (3) Acquisition by Purchase after Appraisement

20 Section 3515. Petition to Court Expressing Desire to Acquire
21 Water-Works.--Whenever any person, firm, or corporation shall
22 own any water-works or system which furnishes water within the
23 city, such city may present its petition to the court of common
24 pleas of the county, setting forth that the city is desirous of
25 owning and operating such water-works or system, and that it
26 will be necessary to issue bonds, to be secured by such water-
27 works or system, and that a value should be placed upon such
28 water-works or system, including all property, real and
29 personal, used in connection therewith. A city may acquire, by
30 agreement with the owner thereof, any water-works or system

1 which furnishes water within the city, or a part thereof, and
2 within nearby municipal subdivisions, or parts thereof.

3 Section 3516. Appointment of Engineers as Appraisers to Make
4 Valuation.--The court shall thereupon appoint three registered
5 engineers, in civil engineering, as appraisers, to value and
6 appraise such water-works or system, and the property used in
7 connection therewith, and the contracts or agreements with
8 municipalities or townships, who shall file their report in the
9 court within three months after their appointment, unless such
10 time be extended by the court.

11 Section 3517. Powers of Appraisers.--The appraisers shall
12 have access to the books and records of the person, firm, or
13 corporation, owning such water-works or system, to inform
14 themselves as to the income and value thereof. They shall have
15 power to administer oaths and are authorized to take the
16 testimony of witnesses. Their report shall be final if not
17 appealed from.

18 Section 3518. Appeal from Appraisement.--Within ten days
19 after notice of the filing of any report, either party may
20 appeal from such appraisement, alleging an undervaluation or
21 overvaluation of the property, and praying for a hearing before
22 the court. The court shall thereupon fix a time when such appeal
23 may be heard, of which time at least ten days' notice shall be
24 given to the parties, and, upon such hearing, the court shall
25 have power to modify such report, and either party may appeal
26 from the final confirmation of such report to the Superior or
27 Supreme Court.

28 Section 3519. Effect of Failure of Owner of Works to Accept
29 Price Fixed.--After the value is finally determined, the city
30 may buy such water-works or system at the valuation so fixed;

1 and the person, firm, or corporation owning the same shall,
2 within ten days after notice, file in court its consent to sell
3 and convey its water-works or system and property to the city at
4 the valuation fixed. And, in default thereof, such person, firm,
5 or corporation shall cease to have any exclusive privilege of
6 supplying the city, or the citizens thereof, with water, and the
7 city may install such water-works or system as may be necessary
8 for the accommodation of the public.

9 Section 3520. Issue of Bonds.--For the purpose of any
10 purchase authorized by this article, the city may issue general
11 obligation bonds or utility bonds or non-debt revenue bonds
12 issued as provided by the Municipal Borrowing Law.

13 Section 3521. Limit of Bond Issue.--Such bonds shall not
14 exceed in amount the value fixed by the appraisers or the court.
15 The proceeds of the sale of such bonds shall be used exclusively
16 for the purpose of paying for the property acquired.

17 (4) Acquisition of Competing Water Companies by Cities

18 Section 3530. Power to Acquire Companies Operating in Same
19 Territory.--Any city owning, operating, or controlling a system
20 of water-works for the supplying of water to persons,
21 partnerships, and corporations residing therein, and for
22 municipal purposes, whether the title to the said water-works be
23 in the name of commissioners of water-works or in the city
24 itself or otherwise, may acquire all the water-works, including
25 water pipes, mains, service attachments, fire hydrants, and
26 improvements of any water corporation or private individual
27 operating partly within and partly without the limits of the
28 said city, both so much as is included within the limits of the
29 said city, and so much as is without the limits of the said
30 city, serving the territory adjacent thereto, and acquire and

1 exercise all of the franchises and powers of said prior owner
2 both within and without the city limits.

3 No such municipal acquisition shall be valid until, upon
4 application filed by the city and formally joined in by the
5 proposed vendor water company, the Public Utility Commission
6 shall have found and determined, after public hearing, that the
7 granting of such application and the service contemplated by the
8 city is necessary or proper for the service, accommodation, and
9 convenience of the public. In any such proceeding, the entire
10 matter shall be before the commission, and no further specific
11 approvals of the said commission, which might otherwise be
12 required, shall be necessary.

13 Section 3531. Service Outside Limits Subject to Control of
14 Public Utility Commission.--The service of water by any such
15 city in the territory outside of the limits of the city shall be
16 subject to regulation and control by the Public Utility
17 Commission as to character of service, extensions, and rates,
18 with the same force and in like manner as though the city
19 serving in such territory were in fact a water corporation and
20 with respect to such territory outside of the limits of the
21 city, and shall have all the powers and be subject to all the
22 duties of a water corporation.

23 Section 3532. Different Rates Within and Without City.--
24 Inasmuch as the city may be serving its inhabitants at less than
25 the actual cost of service, including capital charges and
26 depreciation, because the plant may have been or may be built
27 and operated in part out of the funds raised by municipal
28 taxation, no rate, classification, rule, regulation, or
29 practice, put in operation by the city in the portion of its
30 territory supplied, located beyond the city limits shall be

1 considered as unjustly discriminatory solely by reason of the
2 fact that a different rate, classification, rule, regulation, or
3 practice is in operation within the boundaries of the
4 municipalities with respect to a similar service rendered.

5 (5) Power to Furnish Water to Consumers outside City
6 Section 3540. All cities wherein the title to the water-
7 works therein located is or shall hereafter be in the name of
8 the city may extend the water-pipes and improvements of any such
9 water-works, beyond the bounds of the cities wherein they are
10 located, into the county and municipalities of the county in the
11 vicinity of such cities; and furnish water to any and all
12 corporations, institutions, persons, and municipal subdivisions
13 in the counties in which said cities are located, in accordance
14 with law and the rules and regulations of the Public Utility
15 Commission. This section does not authorize a city to extend
16 water-pipes or supply water in territory, outside the boundaries
17 of such cities, which territory is being supplied with water by
18 a private company.]

19 Section 330. The act is amended by adding a section to read:

20 Section 3540.1. Power to Furnish Utilities to Consumers
21 Outside City.--A city that provides utility service in
22 accordance with section 3501.1 may provide utility service in
23 surrounding municipalities, or portions thereof, which are not
24 provided with such services by those surrounding municipalities,
25 local or regional public authorities or private companies,
26 subject to and in accordance with applicable law and the rules
27 and regulations of the Pennsylvania Public Utility Commission
28 with regard to the character of service, extensions and rates.

29 Section 331. Article XXXV subheading (6) heading, sections
30 3550, 3551, 3552 and 3553, subheading (7) heading, sections

3560, 3561, 3562, 3563 and 3564, subheading (8) heading and sections 3570 and 3571 of the act are repealed:

[(6) Power to Lease Water-Works

Section 3550. Lease of Water-Works.--The council of any city may, on behalf of such city, enter into a contract with any private individual, copartnership, association, or corporation, for the leasing of any water supply, works, systems, and property, or both, of such private individual, copartnership, association, or corporation.

Section 3551. Terms of Lease; Rental.--The said leasing may be for such term of years and at such rental, as shall be agreed upon by the city and the private individual, copartnership, association, or corporation.

Section 3552. Operation of Property.--The property, so acquired, shall be operated in the same manner as if the same had been acquired by such city by purchase or condemnation proceedings.

Section 3553. Rates.--The council of the city, subject to the Public Utility Law, shall fix the rates to be charged for the water furnished without the limits of such city to individuals, copartnerships, associations, or corporations.

(7) Condemnation of Lands for Road Purposes and to Prevent Contamination

Section 3560. Overflowing Roads; Acquisition of Lands to Reconstruct Roads.--Whenever any city, in supplying water to the public, shall find it necessary, in storing water, to occupy and overflow with water portions of any turnpike or public road, or whenever any public road leads into or crosses over any reservoir used for the storage of water, the city shall cause such turnpike or road to be reconstructed, at its own expense,

1 on a favorable location and in as perfect manner as the original
2 road, and, for such purposes, is authorized to condemn land
3 whenever an agreement as to the price cannot be had with the
4 owners.

5 Section 3561. Filing Maps and Plans.--After such change is
6 made, the city shall file in the court of quarter sessions of
7 the county a map or plan showing such change of road, and shall
8 furnish to the supervisors or other authorities of the township,
9 or municipal corporation, a copy of such map.

10 Section 3562. Condemnation of Lands to Prevent
11 Contamination.--Cities may acquire, by purchase or condemnation,
12 such lands along and contiguous to the streams of water or
13 reservoirs from which water is taken for public use, as may be
14 necessary to preserve the same from contamination.

15 Section 3563. Security for Payment of Damages.--No land
16 shall be taken, injured or destroyed for the uses mentioned in
17 this subdivision of this article until compensation therefor
18 shall have been paid, or secured, before such taking, injury or
19 destruction.

20 Section 3564. Condemnation Proceedings.--The damages
21 incurred in changing the location of any such turnpike or public
22 road, and in condemning land to preserve water from
23 contamination, shall be ascertained in the manner provided in
24 this act in case of property taken, injured or destroyed.

25 (8) Miscellaneous Provisions

26 Section 3570. Power of City to Patrol Through Private
27 Lands.--Any city owning and operating a water-works system is
28 hereby authorized and empowered to enter, by any of its
29 employes, upon private lands through which may pass any stream
30 or streams of water supplying such city, for the purpose of

1 patrolling the drainage area of such stream or streams, and
2 making investigations or inquiries pertaining to the condition
3 of the stream or streams, sanitary or otherwise. Any injury or
4 damage done to the property, so entered upon, shall be paid by
5 such city.

6 Section 3571. Leasing of Part of Water-Works for Yacht
7 Harbor.--The council, or the commission of water-works, or other
8 body of any city having charge and control of the water-works
9 property of any such city, may, subject to the approval of the
10 State Department of Health, and subject to proper restrictions,
11 lease, for a period of years, any portion of the real property,
12 not exceeding three acres, and any water area, under its
13 control, and not necessary or essential for the operation and
14 maintenance of such water-works, for the purpose of establishing
15 and maintaining a harbor for yachts and for the erection of
16 proper and suitable buildings in connection therewith, whenever
17 the occupation of the grounds and water areas so leased shall
18 not interfere with the operation of such water-works or in any
19 manner affect the sanitary conditions of any public water
20 supply.

21 Any such lease, before the same is executed, shall be
22 submitted to and be approved by the Department of Health.]

23 Section 332. Section 3572 of the act, added August 19, 1953
24 (P.L.1100, No.297), is repealed:

25 [Section 3572. Accumulation of Funds; Repair and Replacement
26 of Water Supply Systems.--Any city, which now has or may
27 hereafter acquire title to any water-works, shall create a
28 special fund and accumulate therein money to be expended
29 exclusively for the repairing and replacing of its water supply
30 system. The city shall annually place into the fund the

1 difference between ten (10) per cent of the net receipts
2 collected by it incidental to the supplying of water and water
3 service and the amount, if any, expended in repairing or
4 replacing its water supply system. The total amount in the
5 special fund shall not exceed in the aggregate ten (10) per cent
6 of the net receipts for any three years.

7 The provisions of this section shall not be construed to
8 limit the powers of the city to use receipts from water or water
9 services for purposes of repairing or replacing its water supply
10 system.]

11 Section 333. Article XXXV subdivision (b) heading, sections
12 3575 and 3576, subdivision (c) heading and sections 3580, 3581,
13 3582, 3583 and 3584 of the act are repealed:

14 [(b) Power and Light

15 Section 3575. Power to Furnish Light.--Cities shall have the
16 exclusive right, at all times, to supply the city with electric,
17 gas or other light, and such persons, partnerships, and
18 corporations therein as may desire the same, at such prices as
19 may be agreed upon; and shall have at all times, the
20 unrestricted right to make, erect, and maintain the necessary
21 buildings, machinery, and apparatus for manufacturing and
22 distributing the same, or, in territory not supplied with light,
23 to make contracts with and to authorize any person, company, or
24 association so to do, and to give such person, company, or
25 association the privilege of supplying gas or other light, as
26 aforesaid, for any length of time not exceeding ten years.

27 Section 3576. Street Lighting; Ornamental Lighting
28 Systems.--Cities may, by ordinance, provide for and regulate the
29 lighting of streets with gas or electric light, or light by
30 other means, and, upon petition of the majority of the property

1 owners in number or interest abutting on any street or section
2 thereof, may install ornamental lighting systems and assess the
3 costs of installation, maintenance, or operation entirely upon
4 the city, or entirely upon the abutting property owners, or
5 partly upon the abutting property owners and partly on the city.

6 (c) Water and Lighting Commission

7 Section 3580. Creation of Water and Lighting Department.--

8 Any city which now has or which may hereafter have the title to
9 any water, gas, or electric light works, by conveyance to the
10 same or by operation of law in its corporate name, or which may
11 hereafter erect or purchase water, gas, or electric light works,
12 under the provisions of this act, may create a department to be
13 called the water and lighting department, and, for the
14 organization and government of the same, the council may divide
15 the city into three districts for the election of a board of
16 commissioners, which districts shall be numbered one, two, and
17 three; one commissioner to be chosen from each respective
18 district, of which he shall be a resident at the time of his
19 election, and no member of council or person holding any city
20 office shall be eligible as a member of said board.

21 Section 3581. Election of Members of Commission.--The

22 council of such city creating such department, as aforesaid,
23 may, on the second Monday of April, or within thirty days
24 thereafter, elect one person from each of said districts as a
25 member of the board of commissioners of the water and lighting
26 department; and at the first election each member of council
27 shall vote for but two commissioners, and the three persons,
28 being one from each of said districts, having the highest number
29 of votes shall be declared elected. The commissioners so elected
30 shall serve for the term of one, two, and three years,

1 respectively, to be computed from the date of election, and
2 until their successors are duly elected and qualified. The term
3 of each shall be determined by lot at the first meeting of the
4 board, and thereafter on the second Monday of April of each
5 year, or within thirty days thereafter, the council shall elect
6 one commissioner to serve for the term of three years.

7 Section 3582. Compensation of Commissioners; Oath; Removal;
8 Filling of Vacancies.--The members of the board of
9 commissioners, created as aforesaid, shall receive such
10 compensation for their services as may be provided by ordinance.
11 Before entering upon their respective duties, they shall take
12 and subscribe the oath prescribed by this act for city officers,
13 and they shall be removable by council for misdemeanor in office
14 or neglect of duty. All vacancies occurring in the board shall
15 be filled by council for the unexpired term.

16 Section 3583. Duties of Board.--The board shall take charge
17 of the water and lighting department so created, and shall
18 employ and dismiss at pleasure a superintendent and a clerk, who
19 shall be secretary of the board, whose compensation shall be
20 fixed by council. The board shall employ such laborers,
21 mechanics and workmen as they may deem necessary for the
22 economical and efficient administration of said department. They
23 shall purchase such materials and supplies as may be required
24 for keeping the works in good repair, and have charge and
25 control of all constructions, repairs, enlargements and
26 extensions of the works, and shall conduct and manage the
27 affairs and business of the department in accordance with law
28 and the directions of council.

29 Section 3584. Estimates of New Work to be Furnished
30 Council.--The said board of commissioners shall, whenever called

1 upon by council, make and submit to them full estimates of the
2 cost, charges and expenses of any new work, enlargement,
3 extension of water or lighting supply, or alteration which
4 council may contemplate making relative to said works; and may,
5 at any time, submit to council any suggestions and estimates
6 they may see proper to make touching the improvement, extension,
7 or enlargement of said works, but no new construction,
8 reconstruction, extension, supply of water or light, or
9 enlargement of said works shall be undertaken by said
10 commissioner so created, or materials or supplies be purchased
11 therefor, without the previous consent and direction of
12 council.]

13 Section 334. Section 3585 of the act is amended to read:

14 Section 3585. Payment of Cost of [Extensions by Property
15 Owners; Frontage Tax] Extensions.--Whenever an extension of [a
16 supply of] pipes, wires or conduits is made to permit a city to
17 supply water or light, electric, gas or other similar utility
18 service to portions of the city not previously supplied [shall
19 be made by the said commissioners, they shall make out a full
20 statement of the number of feet of main pipes laid or extended
21 through any of the streets of the city in which main pipes were
22 not laid before the said extension, and shall file the same in
23 the department; and it shall be the duty of the clerk of said
24 department, forthwith, on receipt of said statement to make out
25 a list of all owners of houses, lots and buildings on each side
26 of the street through which said pipes are extended, and to
27 charge said owners, and each of them, for each and every house,
28 lot or building so situated in said streets, at such rate per
29 foot as council may by ordinance fix, for said mains extending
30 along the front of their respective houses, lots and buildings.

1 Nothing herein contained shall be construed to prevent council
2 from providing for the payment of water and gas pipes by the
3 city] with such service, an assessment of the costs thereof may
4 be made in accordance with Article XLV-A.

5 Section 335. Section 3586 of the act is repealed:

6 [Section 3586. Collection of Frontage Tax; Assessment of
7 Cost.--Said charge shall be called the frontage water tax, or
8 lighting tax, as the case may be, and shall be collected and
9 recovered in the manner provided by law for the recovery of
10 municipal claims. Whenever any pipes for the conveyance of water
11 or light shall be laid in any of the streets or highways within
12 such city, the owners of the ground in front of which the same
13 shall be laid shall pay for the expense thereof such sum for
14 each foot of the front of their ground upon such street as
15 council may, by ordinance, direct: Provided, That in all corner
16 lots an allowance shall be made of one-third the length of their
17 front, but such allowance shall be always and only on the street
18 having the longest front and in case both fronts are of equal
19 dimensions, the allowance shall be made in the street in which
20 the pipes shall be last laid, but in no case shall the allowance
21 exceed sixty feet on any corner lot: And provided further, That
22 when a corner lot shall have erected upon it two or more
23 separate tenements, there shall only be an allowance made equal
24 to one-third of the depth of the corner tenement and the yard
25 adjoining. The provisions of this and the foregoing section
26 shall not apply to any lot or piece of ground in such city upon
27 which there may be a supply of water or gas obtained from any
28 other source whatever, but if at any time the owner of such lot
29 or piece of ground shall desire to obtain a supply of water or
30 gas from the works of such city, then and in that case the

1 provisions of this section shall first be complied with.]

2 Section 336. Section 3587 of the act is amended to read:

3 Section 3587. Fixing Rates.--[The board of commissioners
4 may] Council shall fix, or may delegate to a city department the
5 power to fix, with the approval of council, [fix the water and
6 lighting rates, and the quantity to be used, and for that
7 purpose they shall, on the first Monday of March in each year,
8 establish the rates for the succeeding year, which rates shall
9 be submitted by them to council for its approval, and, when
10 approved, such rates shall not be changed for and during the
11 year, but if not approved, the existing rates shall continue
12 until modified by the commissioners, with the approval of
13 council] rates for the use of water or light, electric, gas or
14 other similar utility service and, in the case of consumers
15 outside the city, the fixing of rates shall be subject to and in
16 accordance with applicable law and the rules and regulations of
17 the Pennsylvania Public Utility Commission.

18 Section 337. Section 3588 of the act, amended December 18,
19 1992 (P.L.1424, No.175), is amended to read:

20 Section 3588. Collection of [Lighting and Water] Utility
21 Charges.--(a) Council shall provide, by ordinance, for the
22 collection of [all the lighting and water] charges for the use
23 of water or light, electric, gas or other similar utility
24 service that may accrue, from time to time, to the city [for the
25 use of the water or light], fixing the time when [such] the
26 charges shall be payable, and the penalties for nonpayment
27 thereof[; and such] . The charges shall be assessed to the
28 respective owners of the real estate on which [such water or
29 light] the utility service is used, and if the same shall not be
30 paid in accordance with the provisions of [such] the ordinance,

1 claims for the amounts due [shall be registered in the city lien
2 docket in the same manner as provided by law in the case of
3 unpaid city taxes on real estate, with the like force and effect
4 as to the lien thereof.] may be filed as a lien and collected in
5 accordance with the Municipal Claim and Tax Lien Law.

6 (b) In the case of a city which has agreed to provide water
7 service through a separate meter and separate service line to a
8 residential dwelling unit in which the owner does not reside,
9 the owner shall be liable to pay the tenant's bill for service
10 rendered to the tenant by the city only if the city notifies the
11 owner and the tenant within thirty days after the bill first
12 becomes overdue. Such notification shall be provided by first
13 class mail to the address of the owner provided to the city by
14 the owner and to the billing address of the tenant,
15 respectively. Nothing herein shall be construed to require a
16 city to terminate service to a tenant, provided that the owner
17 shall not be liable for any service which the city provides to
18 the tenant ninety or more days after the tenant's bill first
19 becomes due unless the city has been prevented by court order
20 from terminating service to that tenant.

21 Section 338. Section 3589 of the act is repealed:

22 [Section 3589. Report to Council; Accounts of City
23 Treasurer; Disposition of Surplus.--The board of commissioners
24 shall, annually at a stated meeting of council in the month of
25 January, report to said council a full statement of all the
26 repairs, alterations, reconstructions, new constructions,
27 expenditures, and everything relating to the management and cost
28 to the city of maintaining each of the said works. The city
29 treasurer shall keep his accounts in such manner as to show in
30 his monthly report, distinctly and separately, the entire amount

1 of revenue realized during each month from the water and
2 lighting departments of said city, respectively; and the
3 revenues derived from the said water and lighting departments
4 shall be applied exclusively to the purposes of said
5 departments, respectively; and the surplus, if any, to the
6 reduction of the debt thereof. Any surplus revenues from said
7 water and lighting departments, after the payment of all the
8 debts of said respective departments, shall be applied as
9 follows: The surplus from the water revenues, to the reduction
10 of the bonded indebtedness which has been created by the city
11 for the erection and construction of its water-works; and the
12 surplus from the lighting revenues, to the reduction of any
13 bonded indebtedness which has been created by the city for the
14 erection and construction of its lighting plant.]

15 Section 339. The act is amended by adding a section to read:

16 Section 3590. Disposition of Revenues.--The revenues derived
17 from the city's furnishing of water, light, electric, gas or
18 other similar utility service shall be applied as follows:

19 (1) to the purposes of the respective departments under the
20 direction of which the utility service is provided;

21 (2) for the reduction of debt related to the provision of
22 that service; and

23 (3) to any other city department that provides labor or
24 materials for the maintenance and repair of property or
25 facilities relating to the city's provision of a utility
26 service.

27 Section 340. Article XXXVI heading is reenacted to read:

28 ARTICLE XXXVI

29 PUBLIC BUILDINGS AND WORKS

30 Section 341. 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
within both, private lands and buildings; establish and maintain
a general hospital, or hospitals, for the cure and treatment of
the sick and injured, or a hospital or hospitals for the
treatment and separation of persons suffering with contagious or
infectious diseases, and prescribe rules and regulations for the
government, management, and maintenance thereof; purchase, take,
use, or occupy, within the limits of the county of such city or
within a county adjacent thereto, or within both, private lands
upon which to establish and maintain a poor farm, with all
necessary and convenient buildings and appliances, where the
city may support and maintain such poor persons as such city is
by law required to support and maintain; acquire, by purchase,
or in other lawful manners, within or without the city, but
within the county or counties in which the city is located,
sufficient real estate for present and future use upon which to
erect workhouses or houses of detention, poor houses, garbage
and incinerating furnaces. The proceedings for the assessment of

1 damages for any property taken, occupied or used for any such
2 purpose shall be the same as provided in this act for property
3 taken, injured or destroyed.]

4 (2) Purchase, take, use, occupy, or acquire, by any lawful
5 means, including eminent domain, private lands, buildings and
6 property in order to erect, establish or maintain public
7 buildings.

8 (b) For purposes of this article, public buildings shall
9 include not only those buildings or structures which council
10 deems necessary for the use of the city, but also other
11 buildings and structures which are to be used for a public
12 purpose, including public auditoriums, public libraries, public
13 memorial buildings and monuments.

14 Section 342. Section 3602 of the act is repealed:

15 [Section 3602. Public Auditoriums, Libraries, Memorials and
16 Monuments.--Cities may take, purchase, or acquire, by any lawful
17 means, or through condemnation proceedings, property for the
18 purpose of erecting thereon public auditoriums, public
19 libraries, public memorial buildings, and monuments.]

20 Section 343. Section 3603 of the act is amended to read:

21 Section 3603. Payment of Cost of Erection and Maintenance.--
22 Cities may appropriate money [or issue bonds for the erection,
23 on said property purchased or acquired through condemnation
24 proceedings, public auditoriums, public libraries, public
25 memorial buildings, and monuments] and incur debt in accordance
26 with 53 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and
27 borrowing) for the purchase or acquisition through eminent
28 domain of private lands, buildings and property in order to
29 erect or establish public buildings. Cities may also appropriate
30 moneys for the operation and maintenance of [such public

1 auditoriums, public libraries, memorial buildings, and
2 monuments] public buildings.

3 Section 344. Section 3604 of the act is repealed:

4 [Section 3604. Proceedings for Assessment of Damages.--All
5 proceedings for the assessment of damages for property taken for
6 auditoriums, libraries, memorials and monuments shall be had in
7 the manner provided by this act for property taken, injured or
8 destroyed.]

9 Section 345. Sections 3605, 3606 and 3607 of the act are
10 amended to read:

11 Section 3605. Donation of Land by City for Library Purposes;
12 Contributions [toward Maintenance.--Cities may donate ground
13 thus acquired for a public library to any library association
14 provided said association will furnish the funds for the
15 erection of the library building, the plans of which are
16 approved by the city, but only in such cases where the said
17 library association is by its by-laws and charter compelled to
18 put back into the property and surplus earnings from the
19 operation of said library. Cities may make appropriations
20 towards the operating expense of such library.] toward

21 Maintenance.--In addition to the power to make appropriations,
22 donations and gifts for library purposes in accordance with 24
23 Pa.C.S. Ch. 93 (relating to library code) a city may acquire and
24 donate land for library purposes to a local library as defined
25 in 23 Pa.C.S. § 9302 (relating to definitions).

26 Section 3606. Rental of Public Auditoriums; Disposition of
27 Proceeds.--Cities, in the case of public auditoriums, may, by
28 order of council, charge a rental for the use of [said] the
29 public auditorium. All moneys derived from rental of [said] the
30 public auditoriums shall be paid into the general fund of the

1 city.

2 Section 3607. [Leasing of City Property as Memorials.--Each
3 city may lease real estate, the property of said city,] Long-
4 Term Improvement Leases.--(a) A city may lease city real estate
5 on [long term] long-term improvement leases, at a nominal rental
6 or otherwise, to a [corporation of the first class] nonprofit
7 corporation, for the purpose of providing an auditorium for
8 dramatic, musical, artistic, literary, scientific or patriotic
9 societies or events, or for such other purposes as may be
10 approved, from time to time, by council.

11 (b) A long-term improvement lease shall be for a term of not
12 more than ninety-nine years, and may provide for a right of
13 renewal for a like term, and shall contain provision for the
14 improvement of the real estate by the lessee by the erection of
15 a suitable building or buildings of dignified and appropriate
16 architecture, absolute ownership of which building or buildings
17 shall revert to the city, free of any claim or charge, at the
18 end of the term of the lease or any renewal thereof.

19 (c) The building or buildings erected pursuant to a long-
20 term improvement lease may be used for any one or more of the
21 following purposes, which are hereby declared, in respect of
22 this subject matter, to be used for public purposes: As an
23 auditorium for dramatic, musical, artistic, literary, or
24 scientific events, including provision for the accommodation of
25 patriotic societies or groups, or such other accommodations and
26 features as may be approved, from time to time, by the city.

27 (d) The title to property subject to a long-term improvement
28 lease shall remain in the city, and for purposes of local
29 taxation, the property which is subject to a long-term
30 improvement lease and the leasehold estate created thereby shall

1 be deemed to be devoted to a public purpose and public use.

2 (e) The lessees under a long-term improvement lease shall be
3 exclusively liable for the maintenance and upkeep of the demised
4 premises, and shall be solely responsible for the maintenance
5 and operation thereof.

6 (f) Any long-term improvement lease may provide that the
7 lessor shall be entitled to receive a sum equal to the net
8 income of the demised premises after reasonable reserves and
9 proper amortization charges.

10 Section 346. Sections 3608, 3609, 3610, 3611 and 3612 of the
11 act are repealed:

12 [Section 3608. Term of Lease; Renewals; Improvements to be
13 Erected.--Every such lease shall be for a term of not more than
14 ninety-nine years, and may provide for a right of renewal for a
15 like term, and shall contain provision for the improvement of
16 the real estate by the erection of a suitable building or
17 buildings of dignified and appropriate architecture, absolute
18 ownership of which building or buildings shall revert to the
19 city, free of any claim or charge, at the end of the term of the
20 said lease or any renewal thereof.

21 Section 3609. Use of Buildings.--The building or buildings,
22 so erected, may be used for any one or more of the following
23 purposes, which are hereby declared, in respect of this subject
24 matter, to be used for public purposes: As an auditorium for
25 dramatic, musical, artistic, literary, or scientific events,
26 including provision for the accommodation of patriotic societies
27 or groups, or such other accommodations and features as may be
28 approved, from time to time, by the city.

29 Section 3610. Title in City; Exemption from Taxation;
30 Maintenance.--The title to the said property, as so improved,

1 shall remain in the city, and neither the said real estate, nor
2 the leasehold estate created by such lease, shall be subject to
3 local or other taxation.

4 The lessees shall be exclusively liable for the maintenance
5 and upkeep of the demised premises, and shall be solely
6 responsible for the maintenance and operation thereof.

7 Section 3611. Rental.--Any such lease may provide that the
8 lessor shall be entitled to receive a sum equal to the net
9 income of said demised premises after reasonable reserves and
10 proper amortization charges.

11 Section 3612. Location of City Jails Restricted.--No city
12 shall erect or construct a city jail or lock-up, or use any
13 existing building or lock-up for the first time, which will be
14 or is located within five hundred feet of any public school
15 building.]

16 Section 347. Article XXXVII heading of the act is reenacted
17 to read:

18 ARTICLE XXXVII

19 PARKS, PLAYGROUNDS, AND RECREATION CENTERS

20 Section 348. Section 3703 of the act, amended September 26,
21 1951 (P.L.1515, No.379), is amended to read:

22 Section 3703. Acquisition of Lands and Buildings.--Cities
23 may enter upon, take, use, purchase and acquire, by gift or by
24 the right of eminent domain, lands, property and buildings, for
25 the purpose of making, extending, enlarging, and maintaining
26 recreation places which shall consist of public parks, parkways,
27 playgrounds, playfields, gymnasiums, public baths, swimming
28 pools, or indoor recreation centers, may levy and collect such
29 special taxes as may be necessary to pay for the same, and make
30 appropriations for the improvement, maintenance, care,

1 regulation, and government of the same. Cities may designate and
2 set apart for use for any of the purposes specified in this
3 section lands and buildings owned by such cities and not
4 dedicated or devoted to other public use. Cities may also lease
5 lands and buildings in such cities for temporary use for [such]
6 these purposes. Lands, property and buildings outside the limits
7 of the city may be [acquired in like manner] purchased or
8 acquired for the recreation places[, and such lands may be
9 annexed to the city, in the manner provided by this act for the
10 annexation of territory to a city.] with the consent of the
11 governing body of the municipal corporation in which the lands,
12 property or buildings are situated.

13 Section 349. The act is amended by adding a section to read:

14 Section 3703.1. Powers of Council; Delegation.--(a) Council
15 shall have the power to equip, operate, supervise, and maintain
16 recreation places and to employ recreation directors or any
17 other officers or employees deemed necessary in order to carry
18 out the provisions of this article.

19 (b) In any case in which more than one-half the full costs
20 of the supervision and maintenance of the recreation places,
21 including the compensation of all the officers and employees
22 hired to carryout the provisions of this article, are borne by
23 the city, council shall have the authority to fix the
24 compensation of these officers and employees.

25 (c) Council may delegate all or part of its power under
26 subsection (a) to an existing body or board or to a recreation
27 board, as council shall determine.

28 Section 350. Section 3704 of the act, amended January 14,
29 1952 (1951 P.L.2032, No.570), is repealed:

30 [Section 3704. Creation of Recreation Board.--The authority

1 to supervise and maintain recreation places may be vested in any
2 existing body or board, or in a recreation board, as council
3 shall determine. Council may equip, operate, and maintain the
4 recreation places, as authorized by this act. Such authorities
5 may, for the purpose of carrying out the provisions of this
6 article, employ play leaders, recreation directors, supervisors,
7 superintendents, or any other officers or employees, as they deem
8 proper. Where more than one-half the full costs of the
9 supervision and maintenance of the recreation places, including
10 the compensation of all the officers and employees, are borne by
11 the city, the compensation of such officers and employees shall
12 be fixed by council: Provided, however, That in such cases,
13 council may delegate this power to the recreation commission.]

14 Section 351. Section 3705 of the act, amended October 4,
15 1978 (P.L.950, No.188), is amended to read:

16 Section 3705. [Composition of Board.--(a) If council shall
17 determine that the power to equip, operate, and maintain
18 recreation places, shall be exercised by a recreation board,
19 they may establish in said city such recreation board, which
20 shall possess all the powers, and be subject to all the
21 responsibilities of council under this article. Such] Creation
22 and Composition of Recreation Board.--Council may establish in
23 the city a recreation board, which shall possess the powers and
24 the responsibilities delegated to it by council in accordance
25 with section 3703.1(c). The recreation board, when established,
26 shall consist of [a minimum of five and a maximum of nine
27 persons, two of whom shall be members of and appointed by the
28 school board. The city] five or seven persons. The members of
29 the board shall be appointed by the mayor with the approval of
30 council and shall serve for terms no longer than five years and

1 the terms of the members shall be staggered in such a manner
2 that at least one expires annually. Members of [such] the
3 recreation board shall serve without pay. Vacancies in [such]
4 the board, occurring otherwise than by expiration of term, shall
5 be for the unexpired term and shall be filled in the same manner
6 as original appointments.

7 [(b) In addition to the establishment of a city recreation
8 board, the council may appoint persons to serve as members of a
9 school district recreation board established by the school
10 district wherein the city is located.]

11 Section 352. Sections 3706, 3707 and 3708 of the act are
12 amended to read:

13 Section 3706. [Organization of Board; Employes] Organization
14 of Board.--The members of a recreation board, established
15 pursuant to this article, shall elect their own [chairman] chair
16 and secretary and select all other necessary officers, to serve
17 for a period of one year[, and may employ such persons as may be
18 needed, as authorized by this article. Such]. The board shall
19 have power to adopt rules and regulations for the conduct of all
20 business within its jurisdiction. Meetings of the board shall be
21 subject to the provisions of 65 Pa.C.S. Ch.7 (relating to open
22 meetings).

23 Section 3707. Joint Ownership and Maintenance.--[Any] A city
24 may, jointly with any [other cities, boroughs, or townships, or
25 any of them] one or more other municipalities, acquire property
26 for, and operate and maintain, any recreation [places] place.
27 Any city may join with any school district, in equipping,
28 operating, and maintaining recreation places, and may
29 appropriate money therefor.

30 Section 3708. [Issue of Bonds.--The city council may issue

1 general obligation bonds] Borrowing.--The city council may
2 borrow money and incur debt in accordance with 53 Pa.C.S. Pt.
3 VII Subpt. B (relating to indebtedness and borrowing) for the
4 purpose of acquiring lands or buildings for recreation places,
5 and for the equipment therefor.

6 Section 353. Section 3709 of the act, amended August 10,
7 1965 (P.L.318, No.168), is amended to read:

8 Section 3709. Maintenance and Tax Levy.--[All expenses
9 incurred in the operation of such] Expenses incurred in the
10 maintenance and operation of recreation places, established as
11 herein provided, [shall be payable] including the operation of
12 recreation programs therein, may be paid from the treasury of
13 the city. Council may annually appropriate, and cause to be
14 raised by taxation[, such tax for the purpose of maintaining and
15 operating recreation places. In lieu thereof, council may
16 annually appropriate moneys to any existing body or board, or to
17 a recreation board or commission, for the maintenance and
18 operation of recreation places.] in accordance with section
19 2531(a)(4), a tax for this purpose. The funds may be
20 appropriated, for the purposes of this section, to any existing
21 body or board, or to a recreation board or commission.

22 Section 354. The act is amended by adding a section to read:

23 Section 3709.1. City Trusts.--(a) In addition to all other
24 powers conferred by law, a city may receive in trust, and city
25 council may control for the purposes of the trust, all estate,
26 moneys, assets and property, real and personal, which may have
27 been or shall be bestowed upon it by donation, gift, legacy,
28 endowment, bequest, devise, conveyance or other means, for the
29 purpose of establishing or maintaining a public park or other
30 public purpose for the use and benefit of the citizens of the

1 city.

2 (b) In the event that a city trust has been or is created as
3 a result of any property or estate, whatsoever, having been
4 conveyed, bequeathed or devised or otherwise given or donated to
5 any city, in trust, for the purpose of establishing or
6 maintaining a public park or other public purpose for the use
7 and benefit of citizens of the city, control of the trust shall
8 be transferred to city council and, if necessary to carry out
9 the intention of this section, the court of common pleas in the
10 county in which a city is located may, upon petition of council,
11 transfer control of the trust to city council. City council may
12 delegate the supervision and operation of recreation places
13 subject to the trust to a recreation board in accordance with
14 section 3703.1. Nothing in this section shall limit any power of
15 the court to terminate or reform a trust under existing law.

16 Section 355. Sections 3710, 3711, 3712, 3713, 3714, 3715,
17 3716 and 3717 of the act are repealed:

18 [Section 3710. Leasing by City of its Parks or
19 Playgrounds.--Cities may enter into contracts and agreements
20 with any incorporated association, acting within its corporate
21 powers, for the use by the latter of any park or playground,
22 owned, leased, or occupied by said cities, for such period and
23 upon such terms as to maintenance, upkeep and improvement of
24 such ground as may be mutually agreed upon. No such contract or
25 agreement, however, shall permanently exclude the public of said
26 cities from the use and enjoyment of said parks and playgrounds.
27 The said cities shall at all times be invested with the power
28 and authority to adopt suitable rules and regulations concerning
29 the use and occupation of said parks and playgrounds by the
30 public generally, and by such incorporated associations

1 specially.

2 Section 3711. Sale of Coal Under Parks or Commons.--Council
3 may sell and lease, at the best price obtainable, and subject to
4 such conditions as it may deem necessary to impose for the
5 protection of the surface, the coal under any park or common
6 owned by and situate within the corporate limits of the city.
7 When any park, or common shall front on a river or other public
8 stream, such portion of the amount realized from the sale or
9 lease of such coal may be used for the erection of retaining
10 walls, as council shall deem necessary for the purpose. Before
11 any such coal shall be sold or leased, the proposed sale shall
12 be advertised, in accord with the provisions of section one
13 hundred and nine of this act, at least once a week in three
14 daily papers published in the city in which said coal is
15 situate, if there be so many, and in any other publication, as
16 council may determine; and sealed bids shall be received, and
17 the person, copartnership, association or corporation offering
18 the highest and best price shall be the purchaser, but council
19 shall have the right to reject all bids.

20 Section 3712. Use of Proceeds of Sale or Lease of Coal Under
21 Parks.--Whenever any city shall have sold or leased the coal
22 underlying any public park or common within the limits of said
23 city, the proceeds of said sale or lease, except as hereinbefore
24 otherwise provided, shall be applied only as follows: First. To
25 the improvement, policing, and lighting of the said park or
26 common, or the redemption of bonds issued for the improvement of
27 said park or common; Second. Any surplus of the said proceeds
28 may then be applied and used for the purchase and improvement of
29 other lands, within the limits of the city or immediately
30 adjacent thereto, for use as recreation places, or for the

1 building of bridges and construction of drains and sewers, or
2 for such other purposes as council may determine: Provided, That
3 no land shall be purchased for such use with said funds unless
4 the ordinance authorizing the purchase shall have been passed by
5 the affirmative vote of four members of council.

6 Section 3713. Application of Coal Rentals to Payment of
7 Costs of Improvements; Issue of Bonds.--Whenever hereafter any
8 such city shall have leased the coal under any public park or
9 common for a rental or royalty payable in periodical
10 instalments, in order to provide for the payment of the cost of
11 any such improvements authorized in the preceding sections, the
12 said city may, from time to time, issue general obligation
13 bonds. The issuance of any such bonds shall be in accordance
14 with the Municipal Borrowing Law.

15 Section 3714. Appointment of Directors of City Trusts.--
16 Whenever any property or estate, whatsoever, has been conveyed,
17 bequeathed or devised to any city, in trust, for the purpose of
18 establishing or maintaining a public park or other public
19 purpose for the use and benefit of citizens of such city, the
20 court of common pleas of the county in which such city is
21 located, on petition of council of said city, shall appoint five
22 persons as directors of city trusts, all of whom shall be
23 citizens of such city, and none of whom shall hold any office or
24 employment thereunder, who shall exercise and discharge all the
25 duties and powers of said city, however acquired, concerning
26 such property, conveyed, bequeathed or devised to such
27 charitable use, to the extent that the same has been or
28 hereafter may be, by statute or otherwise, vested in or
29 delegated to the said city or the officers thereof. The
30 directors of city trusts may delegate the supervision and

1 operation of such city trusts as are recreation places to the
2 authority determined by council for recreation places of the
3 city in accordance with section three thousand seven hundred
4 four of this act.

5 Section 3715. Term of Service; Removal; Vacancies.--The
6 persons so appointed shall serve as members of the board of
7 directors of city trusts during good behavior, subject, however,
8 to removal by the court of common pleas for dereliction or
9 neglect of duty, or for any other cause deemed by the said court
10 to be important for the conservation or administration of the
11 said trust thus imposed upon them.

12 All vacancies shall be, from time to time, filled by the said
13 court, on petition of the council, of said city, or any of its
14 citizens.

15 Section 3716. Duties of Directors.--The said directors of
16 trust shall carefully invest and preserve the trust funds; make
17 such rules and by-laws for the proper regulation of their
18 business not inconsistent with the terms annexed to any
19 conveyance, bequest or devise in any deed or last will and
20 testament of any decedent; appoint and employ as many agents and
21 employes as, in their judgment, shall be necessary for the
22 proper discharge of the said trust or trusts; and, in the name
23 and in accordance with the conditions of said trusts, do any and
24 all things requisite for the proper administration and
25 management of the property under their control.

26 Section 3717. Directors to be Agents of City; to Have no
27 Interest in Contracts.--The said directors, in the discharge of
28 their duties and within the scope of their powers, shall be
29 considered agents or officers of the city, but no compensation
30 or emolument whatever shall be received by them for any services

1 performed relating to the said trusts, nor shall any of them
2 have or acquire any personal interests in any contract whatever
3 made through them or their agents or employees.]

4 Section 356. Section 3718 of the act is amended to read:

5 Section 3718. [Appointment of Park Guards.--] Park
6 Rangers.--(a) The council of every city shall have power, under
7 the provisions of this article, to provide, by ordinance, for
8 the selection and employment of such number of persons as [they
9 deem necessary to act as park guards] are deemed necessary to
10 act as park rangers, fix their compensation and duties, and
11 provide for their [uniforming] uniforms.

12 (b) To the extent authorized by 53 Pa.C.S. Ch. 21 Subch. D
13 (relating to municipal police education and training), persons
14 appointed as park rangers, under any ordinance passed pursuant
15 to the provisions of subsection (a), shall have, in the parks
16 and playgrounds and other public places in the cities, and
17 beyond the limits of the cities when the cities have acquired
18 lands, properties and buildings for park and playground or other
19 public purposes, the same power, in preserving the peace,
20 maintaining order, and making arrests, as police officers have
21 in the cities.

22 (c) For purposes of the act of June 28, 1935 (P.L.477,
23 No.193), referred to as the Enforcement Officer Disability
24 Benefits Law (Heart and Lung Act), the term "park ranger," as
25 used herein, shall mean a park guard.

26 (d) Park rangers shall be under the supervision, control and
27 direction of the director of the Department of Parks and Public
28 Property, or, if none exists, any other department as council
29 directs.

30 Section 357. Sections 3719, 3720 and 3721, Article XXXVIII

1 and subdivision (a) headings and section 3801 of the act are
2 repealed:

3 [Section 3719. Powers of Park Guards.--Persons appointed as
4 park guards, under any ordinance passed pursuant to the
5 provisions of the preceding section, shall have, in the parks
6 and playgrounds and other public places in such cities, and
7 beyond the limits of such cities when such cities have acquired
8 such lands, properties and buildings for park and playground or
9 other public purposes, the same power, in preserving the peace,
10 maintaining order, and making arrests, as policemen have in such
11 cities.

12 Section 3720. Control of Park Guards.--Such park guards
13 shall be under the supervision, control, and direction of the
14 director of the Department of Parks and Public Property.

15 Section 3721. Sale of Unused and Unnecessary Land and
16 Buildings.--The council of each city is hereby vested with the
17 necessary power and authority to sell unused and unnecessary
18 lands and buildings that have been dedicated to park purposes by
19 public auction, upon sealed bids, or at private sale with
20 approval of the court of common pleas; Provided, nevertheless,
21 That before any such sale is made council shall advertise said
22 proposed sale twice in at least one newspaper in accordance with
23 section one hundred and nine of this act.

24 ARTICLE XXXVIII

25 SHADE TREES AND FORESTS

26 (a) Shade Trees

27 Section 3801. Shade Tree Commission.--Any city may, by
28 ordinance, create a commission to be known as the Shade Tree
29 Commission of such city; but in cities where the council of said
30 city shall not elect to create by ordinance such Shade Tree

1 Commission, the said council may exercise all the rights and
2 perform the duties and obligations imposed by this article upon
3 the Shade Tree Commission.]

4 Section 358. Section 3802 of the act, amended November 2,
5 1975 (P.L.459, No.128), is repealed:

6 [Section 3802. Composition of Commission.--The commission,
7 if ordained, shall be composed of not less than three nor more
8 than seven residents of the city, who shall be appointed by the
9 mayor, and shall serve without compensation.

10 One commissioner shall serve for a term of three years, one
11 for a term of four years, and one for a term of five years on
12 commissions of only three residents. Where the commission
13 consists of more than three members, the time sequence provided
14 for a three member commission shall be repeated.

15 On the expiration of the term of any commissioner, a
16 successor shall be appointed by the mayor to serve for a term of
17 five years.

18 Vacancies in the office of commissioner shall be filled by
19 the mayor for the unexpired term.

20 Should the governing body determine to increase the
21 membership of an already existing commission, the additional
22 members shall be appointed as provided in this section. If, at
23 any time, after increasing the membership of the commission the
24 governing body should determine to reduce the number of members
25 on the commission, such reduction shall be effectuated by
26 allowing the terms to expire and by making no new appointments
27 to fill the vacancy. Any increase or reduction in members shall
28 be by ordinance.]

29 Section 359. Sections 3803, 3804, 3805 and 3806 of the act
30 are repealed:

1 [Section 3803. Powers May Be Vested in Park Commission.--

2 Whenever in any city there exists a commission for the care of
3 public parks, the council may also, by ordinance, provide that
4 the park commission shall have all the powers and be subject to
5 all the duties prescribed by this article for the Shade Tree
6 Commission.

7 Section 3804. Powers of Commission.--The commission shall
8 have exclusive custody and control of the shade trees of the
9 city, and may plant, remove, maintain, and protect shade trees
10 on the streets and sidewalks in the city. The commission may
11 require the planting and replanting of shade trees along the
12 streets and sidewalks of the city, as council may direct. The
13 kind of tree and the alignment and locations of the trees shall
14 be determined by the commission or as council may direct, but
15 shall not prevent necessary or reasonable use of streets,
16 sidewalks, abutting property, or the conduct of business.

17 The commission may, with the approval of council, either
18 employ and pay superintendents, engineers, foresters, tree-
19 wardens, or other assistants, or may contract for personal and
20 professional services, for the proper performance of the duties
21 devolving upon it, and may make, publish, and enforce
22 regulations for the care and protection of the shade trees of
23 the city. No such regulation shall be in force until it has been
24 approved by the council, and until it has been published at
25 least twice in not more than two newspapers of the city.

26 Section 3805. Report of Commission.--The shade tree
27 commission shall annually report in full to the council, at
28 council's first stated meeting in October, of its transactions
29 and expenses for the last fiscal year of the city. The park
30 commission in cities wherein the park commission is authorized

1 to act as the shade tree commission, may incorporate such
2 transactions and expenses as a separate part of its regular
3 report to council.

4 Section 3806. Notices by Commission.--Whenever any shade
5 tree commission, or park commission, acting as a shade tree
6 commission, proposes to plant, transplant, or remove shade trees
7 on any street or sidewalk, notice of the time and place of the
8 meeting at which such work is to be considered shall be given in
9 not more than two newspapers published in the city, once a week
10 for two weeks immediately preceding the time of the meeting, in
11 accord with the provisions of section one hundred and nine of
12 this act. The notice shall specify in detail the streets or
13 sidewalks or portions thereof upon which trees are proposed to
14 be so planted, replanted, or removed.]

15 Section 360. Section 3807 of the act, amended August 21,
16 1953 (P.L.1292, No.364), is repealed:

17 [Section 3807. Payment by Owners.--The cost of furnishing,
18 planting, transplanting, or removing any shade trees in or along
19 the streets of the city, of the necessary and suitable guards,
20 curbing, or grading for the protection thereof, and of the
21 replacing of any pavement or sidewalk necessarily disturbed in
22 the execution of such work, shall be paid by the owner of the
23 real estate in front of whose property the work is done, except
24 that part of such cost may be certified by the commission to
25 council and to the city treasurer as a charge to be paid by the
26 city.

27 The amount each owner is to pay shall be ascertained and
28 certified by the commission to council and to the city
29 treasurer.]

30 Section 361. Sections 3808, 3809 and 3810, Article XXXVIII

1 subdivision (b) heading, sections 3820 and 3821, subdivision (c)
2 heading and sections 3830, 3831, 3832, 3833, 3834, 3835 and 3836
3 of the act are repealed:

4 [Section 3808. Assessments; Liens.--Upon the filing of the
5 certificate with the council, the city clerk shall cause thirty
6 days' written notice to be given by mail to the persons against
7 whose property an assessment has been made. The notice shall
8 state the amount of the assessment, and the time and place of
9 payment, and shall be accompanied with a copy of the
10 certificate. The expense of the notice shall be paid by the
11 city.

12 The amount assessed against the real estate shall be a lien
13 from the time of the filing of the certificate with the council,
14 and, if not paid within the time designated in the notice, a
15 claim may be filed and collected in the same manner as municipal
16 claims are filed and collected.

17 Section 3809. Maintenance by City; Tax Levy.--The cost and
18 expenses of caring for such trees after they have been planted
19 shall be paid by the city.

20 The needed amount shall each year be certified by the
21 commissioners to council in time for inclusion in the proposed
22 budget ordinance, and the funds provided by council shall be
23 drawn against, as required by the commission, in the same manner
24 as money appropriated for city purposes.

25 The city council may levy a special tax, not to exceed the
26 sum of one-tenth of one mill on the dollar on the assessed
27 valuation of the property in said city, for the purpose of
28 defraying the cost and expenses of caring for such shade trees
29 and the administrative expenses connected therewith, or it may
30 provide for such expenses by appropriations.

1 Section 3810. Penalties.--The commission, to the extent as
2 may be provided by ordinance of council, may assess penalties
3 for the violation of its regulations and of this article so far
4 as it relates to shade trees. Any penalty so assessed shall be a
5 lien upon the real estate of the offender and may be collected
6 as municipal claims are collected.

7 All penalties or assessments imposed under this article shall
8 be paid to the city treasurer, to be placed to the credit of the
9 commission, subject to be drawn upon by the commission for the
10 purposes authorized in this article.

11 (b) Memorial Trees

12 Section 3820. Memorial Trees.--Council may provide for or
13 authorize provision for memorial trees for residents of the city
14 who died while in the military service of the United States or
15 in consequence thereof. Council may make appropriations or
16 accept contributions for this purpose. Such trees shall bear
17 some permanent indication of their purpose.

18 Section 3821. Penalty for Injury to Memorial Trees.--Any
19 person wilfully, maliciously, or negligently destroying or
20 injuring any trees planted pursuant to the provisions of this
21 subdivision (b) shall be guilty of a misdemeanor, and upon
22 conviction, shall be liable to a fine not exceeding five hundred
23 dollars, or imprisonment not exceeding three months, or both, in
24 the discretion of the court.

25 (c) Forests

26 Section 3830. Acquisition of Land for Forest Purposes.--
27 Cities may acquire, by purchase, gift, or lease, and hold tracts
28 of land covered with forest or tree growth or suitable for the
29 growth of trees, and administer the same, under the direction of
30 the Department of Forests and Waters, in accordance with the

1 practices and principles of scientific forestry, for the benefit
2 of the city. Such tracts may be of any size suitable for the
3 purpose and may be located within or without the city limits.

4 Section 3831. Approval of Department of Forests and
5 Waters.--Before the passage of any ordinance for the acquisition
6 of land to be used as municipal forests, the mayor shall submit
7 to the Department of Forests and Waters and secure its approval
8 of the area and location of such land.

9 Section 3832. Ordinance Declaring Intention.--Whenever the
10 council deems it expedient to acquire any lands for the purposes
11 of municipal forests, it shall so declare in an ordinance
12 wherein shall be set forth all facts and conditions relating to
13 the proposed action.

14 Section 3833. Appropriations of Money.--All money necessary
15 for the purchase of such tracts shall be appropriated in the
16 same manner as appropriations for city purposes, and such funds
17 may be provided from the current revenue or by the proceeds of a
18 sale of general obligation bonds in accordance with the
19 Municipal Borrowing Law.

20 Section 3834. Rules and Regulations.--Upon the acquisition
21 of any municipal forests or lands suitable for such, the council
22 shall notify the Department of Forests and Waters, which shall
23 make such rules for the government and proper administration of
24 the same as may be necessary. The council shall publish such
25 rules, declare the uses of the forest in accordance with the
26 intent of this subdivision (c) of this article, and make such
27 provisions for its administration, maintenance, protection and
28 development as shall be deemed necessary or expedient. The rules
29 governing the administration of such forests shall have for
30 their main purpose the producing of a continuing city revenue by

1 the sale of forest products.

2 Section 3835. Appropriations and Revenues.--All moneys
3 necessary to be expended for the administration, maintenance,
4 protection, and development of such forests shall be
5 appropriated and applied as is now done for city purposes. All
6 revenue and emoluments arising from such forests shall be paid
7 into the city treasury to be used for general city purposes.

8 Section 3836. Use of Forests.--Municipal forests may be used
9 by the public as general outing or recreation grounds subject to
10 the rules governing their administration as municipal forests.]

11 Section 362. Section 3837 of the act, amended May 21, 1956
12 (1955 P.L.1639, No.548), is repealed:

13 [Section 3837. Ordinance of Sale; Exceptions.--Whenever the
14 council deems it expedient to sell any municipal forest, or part
15 thereof, it shall so declare in an ordinance wherein shall be
16 set forth all the facts and conditions relating to the proposed
17 action, which proposed ordinance shall be advertised once a week
18 for three weeks prior to its passage. No ordinance shall be
19 effective in legalizing such sale until it has been approved by
20 a majority vote of the people at the next ensuing general,
21 municipal or primary election: Provided, however, That the
22 provisions of this section shall apply only to lands acquired
23 for municipal forests as such, and shall not limit the power of
24 cities or water authorities to acquire, sell, exchange, lease,
25 transfer, manage or maintain lands required for the
26 conservation, development, utilization and disposal of water or
27 watersheds: And provided further, That cities or water
28 authorities may enter into agreements with the Department of
29 Forests and Waters providing for such conservation, development,
30 utilization and disposal of water or watersheds.] <--

1 Section 363. Section 3838, Article XXXIX heading and section
2 3901 of the act are repealed:

3 [Section 3838. Appropriation for Forest Work.--Cities may
4 appropriate moneys to any forest protection association
5 cooperating in forest work with the State Department of Forests
6 and Waters, or to be expended in direct cooperation with said
7 department in forest work.

8 ARTICLE XXXIX

9 WHARVES AND DOCKS

10 Section 3901. Power to Erect and Maintain Wharves;
11 Regulation; Charges.--Cities may erect and maintain wharves in
12 navigable waters within or adjacent to the city, regulate the
13 use thereof, fix and collect wharfage, for all public wharves,
14 and docks within their limits in accordance with a regular
15 schedule of charges, establish wharf and dock lines, and
16 construct and maintain docks, retaining walls, dams and
17 embankments. They may regulate the anchoring of all manners of
18 vessels within their limits and the depositing of freight on
19 public wharves and docks. Cities may, pursuant to ordinance,
20 purchase or condemn such land or other property as they may need
21 for the purposes of wharves and docks.]

22 Section 364. Section 3902 of the act, amended July 1, 1959
23 (P.L.501, No.127), is repealed:

24 [Section 3902. Erection of Market-Houses and Railway Tracks
25 on Wharves; Charges; Licenses.--Cities may erect and maintain
26 market-houses and terminal sheds or stations on their wharves,
27 for the receipt and distribution of freight, express, and cargo;
28 construct railroad and street railway tracks or other facilities
29 on said wharves to provide for the convenient handling of such
30 freight or express or cargo; and collect rents, tolls, or

1 charges for the use of such market-houses, terminal stations,
2 tracks, wharves and other facilities. Cities may enter into
3 contracts and agreements with any person for the use by such
4 person of any tracks, terminal stations, wharves or other
5 facilities, for such period and upon such terms as to
6 maintenance, upkeep and improvements, as may be mutually agreed
7 upon. Such cities shall, at all times, be invested with the
8 power and authority to adopt suitable rules and regulations
9 concerning the use and occupation of the tracks, terminal
10 stations, wharves or other facilities, by such persons and by
11 the public. No such contract or agreement shall permanently
12 exclude the public of said cities from the use and enjoyment of
13 said tracks, terminal stations, wharves or other facilities, nor
14 shall any exclusive lease be granted for a term exceeding
15 twenty-five years.

16 No structure so erected, and no right granted under the
17 powers herein conferred, shall interfere with the general public
18 use of wharves for water-borne commerce.]

19 Section 365. Sections 3903, 3904 and 3905 and Article XL
20 heading of the act are repealed:

21 [Section 3903. Use of Unnecessary Wharves or Landings for
22 Other Municipal Purposes.--Whenever any city, by ordinance,
23 declares that any public landing, or public wharf, or part
24 thereof, fronting on any navigable water and lying within its
25 limits, has become unnecessary for use for public landing or
26 public wharf purposes, the city make take, enter upon, and
27 occupy for use for any other public purposes whatsoever, the
28 public landing, or public wharf, or part thereof, so found
29 unnecessary for such purposes, any limitation of use thereof by
30 the municipality arising from donation, dedication,

1 appropriation, statute, or otherwise, to the contrary
2 notwithstanding.

3 Section 3904. Appropriation of Wharves and Landings for
4 General Purposes.--Cities are vested with the right of eminent
5 domain for the purpose of appropriating, for such general public
6 uses, all such public landings or public wharves, or parts
7 thereof, so found unnecessary for such purposes, together with
8 any easements, property and property rights connected therewith.

9 Section 3905. Assessment of Damages.--All damages arising
10 from the exercise of the power of eminent domain hereunder shall
11 be ascertained and awarded in the manner provided by this act
12 for property taken, injured or destroyed.

13 ARTICLE XL

14 CITY PLANNING]

15 Section 366. Article XLI heading of the act, amended July
16 29, 1971 (P.L.250, No.61), is repealed:

17 [ARTICLE XLI

18 ZONING, BUILDING, HOUSING, FIRE PREVENTION, PLUMBING

19 AND ELECTRICAL ORDINANCES, AND PUBLIC NUISANCES]

20 Section 367. Article XLI subdivision (a), (b) and (c)
21 headings of the act are repealed:

22 [(a) The Zoning Ordinances

23 (b) Procedure for Adoption of Zoning Ordinance

24 (c) Board of Adjustment]

25 Section 368. Article XLI subdivision (d) heading and
26 sections 4130, 4131, 4131.1, 4132 and 4133 of the act, amended
27 or added December 21, 1998 (P.L.1013, No.135), are repealed:

28 [(d) Building, Housing, Property Maintenance,

29 Fire Prevention, Plumbing and Electrical Ordinances

30 Section 4130. Building Ordinance, Housing Ordinance,

1 Property Maintenance Ordinance, Fire Prevention Ordinance,
2 Electrical Ordinance and Plumbing Ordinance.--Each city may
3 enact a building ordinance, a housing ordinance, a property
4 maintenance ordinance, a fire prevention ordinance, an
5 electrical ordinance, and a plumbing ordinance, which may
6 provide for the following matters:

7 (a) A system of specifications and regulations to insure the
8 structural safety and the incombustibility of buildings and
9 housing constructed, reconstructed, altered, enlarged, repaired
10 or maintained within the city.

11 (b) A system of specifications and regulations for the
12 setting out, construction, alteration, repair, maintenance,
13 occupation, sanitation, ventilation, lighting, electric wiring,
14 water supply, toilet facilities, drainage, plumbing, use and
15 inspection of all buildings and housing or parts of buildings
16 and housing, and the walls and foundations thereof, constructed,
17 erected, altered, designated, or used, in whole or in part, for
18 human habitation, and for the sanitation and inspection of land
19 appurtenant thereto.

20 Section 4131. Form of Building Ordinance, Housing Ordinance,
21 Property Maintenance Ordinance, Fire Prevention Ordinance, and
22 Plumbing Ordinance; Passage.--The building ordinance, the
23 housing ordinance, the property maintenance ordinance, the fire
24 prevention ordinance, the electrical ordinance and the plumbing
25 ordinance may adopt any standard or nationally recognized
26 building code, any standard or nationally recognized housing
27 code, any standard or nationally recognized property maintenance
28 code, any standard or nationally recognized fire prevention
29 code, any standard or nationally recognized electrical code, or
30 any standard or nationally recognized plumbing code, or any

1 variations or changes or parts thereof, published and printed in
2 book form, covering any or all of the above items, without
3 incorporating such code in the ordinance, or any city may enact
4 any such building code, housing code, property maintenance code,
5 fire prevention code, electrical code, or plumbing code, or any
6 changes or variations or parts thereof, as its building
7 ordinance, as its housing ordinance, as its property maintenance
8 ordinance, as its fire prevention code, as its electrical code
9 or as its plumbing code. In either event, the building ordinance
10 or code, the housing ordinance or code, the property maintenance
11 ordinance or code, the fire prevention ordinance or code, the
12 electrical ordinance or code, and the plumbing ordinance or
13 code, or any changes or variations or parts thereof, need not be
14 advertised after passage, but notice of its consideration, in
15 reasonable detail shall be published as required by section one
16 thousand fourteen of this act. Not less than three copies of the
17 building ordinance, the housing ordinance, the property
18 maintenance ordinance, the fire prevention ordinance, the
19 electrical ordinance or the plumbing ordinance adopted by
20 council shall be made available to public inspection and use
21 during business hours for at least three months after its
22 adoption. The procedure herein set forth relating to the
23 adoption of such building ordinances, housing ordinances,
24 property maintenance ordinances, fire prevention ordinances,
25 electrical ordinances and plumbing ordinances may likewise be
26 adopted in amending, supplementing or repealing any of the
27 provisions of such ordinances.

28 Section 4131.1. Penalties.--(a) Except as provided for in
29 subsection (b), the building ordinance, the housing ordinance,
30 the property maintenance ordinance, the fire prevention

1 ordinance, the electrical ordinance and the plumbing ordinance
2 may provide penalties of fine not exceeding one per month on a
3 property and limited to no more than one thousand dollars for
4 the first two continual and uncorrected violations of the same
5 subsection of such ordinance on the same property and not
6 exceeding five thousand dollars for the third and any subsequent
7 continual and uncorrected violation of the same subsection of
8 such ordinance on the same property.

9 (b) If a violation of the building ordinance, the housing
10 ordinance, the property maintenance ordinance, the fire
11 prevention ordinance, the electrical ordinance or the plumbing
12 ordinance is found to pose a threat to the public's health,
13 safety or property, then penalties of fine may be provided for
14 as follows:

15 (i) not exceeding one citation per five calendar days for a
16 continual and uncorrected violation of the same subsection of
17 such ordinance on the same property;

18 (ii) limited to no less than five hundred dollars and no
19 more than one thousand dollars for the first two continual and
20 uncorrected violations of the same subsection of such ordinance
21 on the same property and no less than one thousand dollars and
22 not exceeding ten thousand dollars for the third and any
23 subsequent continual and uncorrected violation of the same
24 subsection of such ordinance on the same property, or
25 imprisonment for any term not exceeding ninety days, or both.

26 (c) For violations of any ordinance not specified in
27 subsection (a) or (b), a penalty may be imposed on any person
28 who violated such ordinance which shall include a fine of not
29 more than one thousand dollars, or a term of imprisonment of not
30 more than ninety days, or both.

1 Section 4132. Building Inspectors, Housing Inspectors,
2 Property Maintenance Inspectors, Fire Prevention Inspectors,
3 Electrical Inspectors, and Plumbing Inspectors.--Council may
4 appoint building inspectors, housing inspectors, property
5 maintenance inspectors, fire prevention inspectors, electrical
6 inspectors and plumbing inspectors and fix their compensation.
7 Such inspectors shall have the right to enter upon and inspect
8 any and all premises at all reasonable hours for the
9 administration and enforcement of the building ordinance, the
10 housing ordinance, the property maintenance ordinance, the fire
11 prevention ordinance, the electrical ordinance and the plumbing
12 ordinance. Any fees payable to them under the building
13 ordinance, the housing ordinance, the property maintenance
14 ordinance, the fire prevention ordinance, the electrical
15 ordinance and the plumbing ordinance shall be paid by them to
16 the city treasurer for the use of the city as promptly as may
17 be.

18 Section 4133. Actions to Restrain Violations.--The city may,
19 in addition to the penalties provided by its building ordinance,
20 its housing ordinance, its property maintenance ordinance, its
21 fire prevention ordinance, its electrical ordinance and its
22 plumbing ordinance, bring actions at law or in equity to prevent
23 or restrain, correct or abate any violations of its building
24 ordinance, its housing ordinance, its property maintenance
25 ordinance, its fire prevention ordinance, its electrical
26 ordinance and its plumbing ordinance.]

27 Section 369. Article XLI subdivision (e) heading and
28 sections 4140, 4141, 4142 and 4143 of the act are repealed:

29 [(e) Abatement of Public Nuisances

30 Section 4140. Petition for Removal of Public Nuisances;

1 Viewers; Vacating Public Alleys, Lanes or Passageways, Declared
2 Public Nuisances by Board of Health.--The council of any city
3 may, by resolution, authorize and empower the mayor of such city
4 to present a petition to the court of common pleas, setting
5 forth that any property, building, premises, business or
6 occupation, specifying the same fully and describing the same
7 accurately, located within said city has become a public
8 nuisance, injurious or dangerous to the community and to the
9 public health. Upon the presentation and hearing of such
10 petition, if the nuisance complained of be not a public
11 nuisance, per se, then the court may appoint three viewers, from
12 the county board of viewers, to go upon the premises where said
13 nuisance is alleged to exist--at a time to be fixed in the order
14 appointing the same, of which time due notice shall be given to
15 all persons affected, which shall be not less than twenty nor
16 more than thirty days from the date of the order making such
17 appointment--and shall thereupon, being first duly sworn, view
18 the property, premises, building, business or occupation, shall
19 hear the parties, their witnesses and counsel, and shall make
20 due report thereof to the court appointing them. In any case
21 where the board of health shall have declared any public alley,
22 lane or passageway or a part thereof to be a public nuisance,
23 any two or more owners of property adjacent or abutting thereof
24 may petition council that such public alley, lane or passageway
25 or part thereof be vacated in accordance with the procedure
26 provided in this subdivision for the abatement of public
27 nuisances; except that the viewers shall not question the
28 finding of the board of health, but shall determine whether or
29 not the said alley, lane or passageway or part thereof should be
30 vacated. Council may, with or without the aforesaid petition,

1 proceed for the vacating of any such public alley, lane or
2 passageway or part thereof, except that in no case shall any
3 such alley, lane or passageway be vacated in such a way or to
4 such an extent as to deprive any lot abutting thereon of its
5 sole means of ingress and egress; nor shall any alley, lane or
6 passageway created by grant or contract and not therefore
7 accepted by the public be vacated.

8 Section 4141. Power to Viewers.--The viewers, appointed as
9 aforesaid, may:

10 First. Determine whether or not the property, premises,
11 building, business or occupation is a public nuisance, and, if
12 they shall find it is such a nuisance, shall so return in their
13 award; and

14 Second. Find what, if any, compensation shall be paid by the
15 said city to the owner or owners of said property, premises,
16 building, business or occupation for the abatement of the same,
17 and if the findings of the said viewers be in favor of the said
18 city and direct the abatement of said nuisance, then judgment
19 shall be entered upon their award within thirty days after the
20 same is filed, unless the said award be appealed from or
21 exceptions thereto be filed within thirty days. No execution or
22 other process for the collection of any sum of money awarded to
23 any person or persons, corporation or corporations, as
24 compensation for the abatement of any such nuisance, shall issue
25 until the said nuisance has been fully and completely abated,
26 and return thereof made to the court.

27 Section 4142. Appeals.--Any of the parties interested in any
28 proceedings provided by the preceding two sections may appeal to
29 the court of common pleas within thirty days from the date of
30 filing an award; such appeal to be in the same form as now

1 governs appeals from the awards of viewers appointed pursuant to
2 this act to assess damages for property taken, injured or
3 destroyed, the party appealing to pay the costs incurred and to
4 give bond, with one surety, for the payment of all costs which
5 may thereafter be incurred. Upon such appeal being perfected,
6 the court shall frame an issue, which issue shall be placed at
7 the head of the next trial list then open, and shall be tried by
8 the court and jury in the same manner as feigned issues are now
9 tried. Upon such trial the jury shall have power to find the
10 same facts as are provided may be found by the viewers. If the
11 jury shall find in favor of the city and award any compensation
12 to the owner or owners of said property, premises, buildings,
13 business or occupation, judgment shall be entered upon the
14 verdict. No execution or other process for the collection of
15 such judgment shall issue until the nuisance complained of shall
16 have been fully and completely abated, and return thereof made
17 to the court; upon which the court shall have the power to award
18 execution or other process necessary to enforce the collection
19 of the judgment.

20 Section 4143. Abatement of Public Nuisance after Award of
21 Viewers.--Whenever the award of viewers, or the verdict of a
22 jury, shall find that a public nuisance exists, and the owner or
23 owners of any property, premises, building, business or
24 occupation causing the same shall fail to abate the same within
25 sixty days from the date of the judgment, the authorities of
26 said city shall have full power and authority to enter upon said
27 property, premises or building where said nuisance exists and
28 abate the same, and shall not be liable in any form of action
29 for so doing. The cost and expense of abating the same shall be
30 deducted from any compensation awarded in said proceedings.]

1 Section 370. The act is amended by adding an article to
2 read:

3 ARTICLE XLI-A

4 UNIFORM CONSTRUCTION CODE, PROPERTY MAINTENANCE CODE,

5 AND RESERVED POWERS

6 Section 4101-A. Primacy of certain codes.

7 (a) Applicability.--The Pennsylvania Construction Code Act
8 and the Uniform Construction Code adopted under section 301 of
9 the Pennsylvania Construction Code Act shall apply to the
10 construction, alteration, repair and occupancy of all buildings
11 and structures within a city.

12 (b) Construction.--This article and any ordinance, rule or
13 regulation adopted pursuant to this article shall not supersede
14 or abrogate the Pennsylvania Construction Code Act or the
15 Uniform Construction Code and shall be construed and read in
16 pari materia with them.

17 Section 4102-A. Changes in Uniform Construction Code.

18 A city may propose and enact an ordinance to equal or exceed
19 the minimum requirements of the Uniform Construction Code in
20 accordance with and subject to the requirements of section 503
21 of the Pennsylvania Construction Code Act. Any ordinance
22 exceeding the provisions of the Uniform Construction Code shall
23 be required to meet the standards provided in section 503(j)(2)
24 of the Pennsylvania Construction Code Act.

25 Section 4103-A. Public nuisance.

26 Any building, housing or property, or part thereof erected,
27 altered, extended, reconstructed, removed or maintained,
28 contrary to any of the provisions of any ordinance enacted for
29 any of the purposes specified in this article may be reported,
30 in accordance with Article XXVII-A, to the department designated

1 to determine whether a public nuisance exists and, if a public
2 nuisance is determined to exist, it may be abated in accordance
3 with that article, provided, however, that a violation of the
4 Uniform Construction Code or any ordinance that equals or
5 exceeds the Uniform Construction Code shall be subject to the
6 provisions of the Pennsylvania Construction Code Act and the
7 regulations adopted thereunder by the Department of Labor and
8 Industry relating to enforcement for noncompliance.

9 Section 4104-A. Property maintenance code.

10 (a) Enactment.--Notwithstanding the primacy of the Uniform
11 Construction Code, a city may enact a property maintenance
12 ordinance, including any standard or nationally recognized
13 property maintenance code or any changes or variations or parts
14 thereof, and it may, by reference, in accordance with section
15 1018.13, incorporate any standard or nationally recognized
16 property maintenance code, or any variations or changes or parts
17 thereof, published and printed in book form, without setting
18 forth the text of the code in the ordinance.

19 (b) Public availability.--The full text of the property
20 maintenance code need not be published but, in accordance with
21 section 1018.9, it shall be sufficient to publish a summary
22 setting forth the provisions of the ordinance in reasonable
23 detail and a reference to a place within the city where copies
24 of the proposed ordinance may be examined. Not fewer than three
25 copies of the proposed property maintenance code, or portion
26 thereof, or amendment thereto shall be made available to public
27 inspection and use during business hours. Copies shall also be
28 made available to any interested party in accordance with the
29 act of February 14, 2008 (P.L.6, No.3), known as the Right-to-
30 Know Law, or may be furnished or loaned without charge.

1 (c) Violations.--A property maintenance code ordinance may
2 provide for fines and penalties not exceeding \$1,000 or
3 imprisonment for any term not exceeding 90 days, or both, for
4 violations thereof. The procedure set forth under this article
5 relating to the enactment of such ordinances may likewise be
6 utilized in amending, supplementing or repealing any of the
7 provisions of such ordinances.

8 (d) Inspectors.--Council may appoint property maintenance
9 inspectors who shall have the right to, subject to
10 constitutional standards in a similar manner as provided in
11 section 2308, enter upon and inspect any and all premises at all
12 reasonable hours for the administration and enforcement of the
13 city's property maintenance code or ordinance incorporating a
14 standard or nationally recognized property maintenance code. Any
15 fees payable to a property maintenance inspector under the
16 ordinance shall be paid by the property maintenance inspector to
17 the city treasurer for the use of the city as promptly as may
18 be.

19 (e) Additional remedies.--In addition to the penalties
20 provided by the property maintenance ordinance, the city may
21 institute appropriate actions or proceedings at law or in equity
22 to prevent or restrain property maintenance violations.

23 (f) Relation to other acts.--The powers of a city as
24 provided in this section shall be in addition to, but not
25 limited to, the powers provided in the act of November 26, 2008
26 (P.L.1672, No.135), known as the Abandoned and Blighted Property
27 Conservatorship Act, 53 Pa.C.S. Ch. 61 (relating to neighborhood
28 blight reclamation and revitalization) and 68 Pa.C.S. Ch. 21
29 (relating to land banks).

30 Section 4105-A. Reserved powers.

1 If, as a result of legislative action or final order of
2 court, for which the time for appeal has expired and no appeal
3 has been taken or from which there is no pending appeal, the
4 Uniform Construction Code or any replacement code is no longer
5 applicable in cities, a city may:

6 (1) Enact and enforce ordinances to govern and regulate
7 the construction, reconstruction, alteration, extension,
8 repair, conversion, maintenance, occupation, sanitation,
9 ventilation, heating, egress, lighting, electric wiring,
10 water supply, toilet facilities, drainage, plumbing, fire
11 prevention, fireproofing including prescribing limitations
12 wherein only buildings of noncombustible material and
13 fireproofed roofs are used in construction, erection, or
14 substantial reconstruction, use and inspection of all
15 buildings and housing or parts of buildings and housing, and
16 the roofs, walls and foundations thereof, and all facilities
17 and services in or about the buildings or housing
18 constructed, erected, altered, designed, or used, in whole or
19 in part, for any use or occupancy, and the sanitation and
20 inspection of land appurtenant thereto. The codes may be
21 combined or separately enacted or combined with the property
22 maintenance code.

23 (2) Require that before any work of construction,
24 reconstruction, alteration, extension, repair or conversion
25 of any building is begun, approval of the plans and
26 specifications be secured.

27 (3) Incorporate any standard or nationally recognized
28 code, or any variations or changes or parts thereof,
29 published and printed in book form, without incorporating the
30 text of the code as provided in subdivision (a.1) of Article

1 X. The ordinances may provide for fines and penalties not
2 exceeding \$1,000 or imprisonment for any term not exceeding
3 90 days, or both, for violations thereof. The procedure set
4 forth under this article relating to the enactment of the
5 ordinances may likewise be utilized in amending,
6 supplementing or repealing any of the provisions of
7 ordinances that incorporate any standard or nationally
8 recognized code, or any variations or changes or parts
9 thereof.

10 (4) Appoint building inspectors, housing inspectors,
11 property maintenance inspectors, fire prevention inspectors,
12 electrical inspectors and plumbing inspectors and fix their
13 compensation. The inspectors shall have the right to, subject
14 to constitutional standards in a similar manner as provided
15 in section 2308, enter upon and inspect any and all premises
16 at all reasonable hours for the administration and
17 enforcement of the city's enacted codes or ordinances
18 incorporating standard or nationally recognized codes. Any
19 fees payable to an inspector under the ordinances shall be
20 paid by the inspector to the city treasurer for the use of
21 the city as promptly as may be.

22 (5) In addition to the penalties provided by ordinances,
23 the city may institute appropriate actions or proceedings at
24 law or in equity to prevent or restrain the unlawful
25 construction, reconstruction, alteration, extension, repair,
26 conversion, maintenance or use or occupation of property
27 located within the city, to restrain, correct or abate the
28 violation and to prevent the use or occupancy of the
29 building, housing or structure.

30 Section 371. Article XLII heading of the act is reenacted to

1 read:

2 ARTICLE XLII

3 AERONAUTICS

4 Section 372. Section 4201 of the act is amended to read:

5 Section 4201. Power to Acquire Land for Aeronautical
6 Purposes; Maintenance of Municipal Airports[, Etc.--With the
7 approval of the Pennsylvania Aeronautics Commission, a].--A city
8 may establish and maintain a municipal airport and may acquire,
9 by lease, purchase or condemnation proceedings, subject to the
10 limitations in 26 Pa.C.S. § 206 (relating to extraterritorial
11 takings), any land lying either within or without the
12 territorial limits of the city, and within or without the
13 territorial limits of the county in which [such] the city is
14 located, which, in the judgment of council, may be necessary and
15 desirable for the purpose of establishing and maintaining
16 municipal airports, landing fields, aviation easements or
17 intermediate landing fields and other air navigation facilities.

18 Section 373. Section 4202 of the act is repealed:

19 [Section 4202. Proceedings for Condemnation.--The
20 proceedings for the condemnation of lands under the provisions
21 of this article, and for the assessment of damages for property
22 taken, injured or destroyed, shall be conducted in the manner
23 provided by this act in the case of property taken, injured or
24 destroyed. The title acquired by the city exercising the power
25 to condemnation shall be a title in fee-simple.]

26 Section 374. Sections 4203, 4204 and 4205 of the act are
27 amended to read:

28 Section 4203. Leasing of Land Acquired for Aeronautical
29 Purposes.--Any city acquiring land for any aeronautical purposes
30 may lease the same, or part thereof to any individual or

1 corporation desiring to use the same for [the purpose of taking
2 off or landing an aeroplane, or for other aeronautical purposes,
3 on such terms and subject to such conditions and regulations as
4 may be provided. Any such city may enter into a contract, in the
5 form of a lease, providing for the use of said land, or any part
6 thereof, by the Government of the United States for air mail
7 delivery, or other aeronautical purposes, upon nominal rental or
8 without consideration] aeronautical purposes.

9 Section 4204. Operation of Facilities Jointly.--Any city may
10 operate and maintain municipal airports, landing fields or
11 intermediate landing fields and other air navigation facilities
12 jointly in accordance with [any other political subdivision or
13 with the Pennsylvania Aeronautics Commission, upon such terms
14 and conditions as may be agreed upon between the council and the
15 corporate authorities of the other contracting party or parties]
16 53 Pa.C.S. Ch.23 Subch. A (relating to intergovernmental
17 cooperation).

18 Section 4205. Appropriation for Support of Air Navigation
19 Facilities.--A city which does not own, lease, or operate
20 municipal airports, landing fields or intermediate landing
21 fields or other air navigation facilities[,] may appropriate
22 money for the support and maintenance of any such facilities,
23 situate either within or without the boundaries of the city, or
24 of the county or counties in which [such] the city is located.

25 Section 375. Article XLIII and subdivision (a) headings of
26 the act are reenacted to read:

27 ARTICLE XLIII

28 PENSIONS

29 (a) Police

30 Section 376. Section 4301 of the act, amended December 12,

1 1994 (P.L.1033, No.140), is amended to read:

2 Section 4301. Police Pension Fund[; Direction of].--(a)
3 Cities shall establish, by ordinance, a police pension fund[, to
4 be].

5 (b) The following shall apply to a police pension fund
6 established pursuant to this section:

7 (1) The fund shall be maintained by an equal and
8 proportionate monthly charge against each member of the police
9 force, which shall not exceed annually four per centum of the
10 pay of [such] the member and an additional amount not to exceed
11 one per centum of the pay of [such] the member to be paid by
12 [such] the member or the municipal corporation to provide
13 sufficient funds for payments required by subsection [(d) of
14 section 4303] (f) of section 4303 to surviving spouses even if
15 they remarry, or if no spouse survives or if such person
16 survives and subsequently dies, then to the child or children
17 under the age of eighteen years, of members of the police force
18 or of members retired on pension or who die in service[; which].

19 (2) The fund shall at all times be under the direction and
20 control of council but may be committed to the custody and
21 management of such officers of the city or [citizens thereof, or
22 corporations located therein] to such other persons or entities,
23 as may be designated by council[, and] by ordinance.

24 (3) The fund shall be applied, under such regulations as
25 council may, by ordinance, prescribe, for the benefit of such
26 members of the police force as shall receive honorable discharge
27 therefrom by reason of age or disability, surviving spouses even
28 if they remarry, or if no spouse survives or if such person
29 survives and subsequently dies, then to the child or children
30 under the age of eighteen years, of members of the police force

1 or of members retired on pension[; but such allowances as shall
2 be].

3 (4) Allowances made to those who are retired by reason of
4 the disabilities of age shall be in conformity with a uniform
5 scale, together with service increments as hereinafter provided.

6 (5) Any compensation paid to a corporate custodian of the
7 police pension fund shall be paid from the general fund of the
8 city.

9 Section 377. Section 4302 of the act, amended November 25,
10 1970 (P.L.754, No.246), is amended to read:

11 Section 4302. Retirement; Final Discharge.--[Such ordinance
12 shall prescribe a] (a) With regard to continuous service and
13 minimum retirement age requirements, the ordinance establishing
14 the police pension fund shall prescribe as follows:

15 (1) A minimum period of continuous service[,] of not less
16 than twenty years[, and, when].

17 (2) If any minimum retirement age is prescribed, a minimum
18 age of fifty years[, after which members of the force may retire
19 from active duty, and such members as are retired].

20 (b) Retired members, if not unfit by reason of age,
21 disability or otherwise, shall be subject to service[, from time
22 to time,] as a police reserve [until unfitted for such service,
23 when they may be finally retired by reason of age or disability]
24 under terms and conditions as may be established by council.

25 (c) With the approval of council, any member of the police
26 pension fund who is a contributor and who served in the armed
27 forces of the United States subsequent to September 1, 1940, and
28 who was not a member of the police pension fund prior to such
29 military service, shall be entitled to have full credit for each
30 year or fraction thereof, not to exceed five years of such

1 service upon [his] the member's payment to the police pension
2 fund of an amount equal to that which [he] the member would have
3 paid had [he] the member been a member during the period for
4 which [he desires] credit is desired, and [his] the member's
5 payment to [such] the fund of an additional amount as the
6 equivalent of the contributions of the city on account of such
7 military service.

8 Section 378. Section 4302.1 of the act, added December 17,
9 1990 (P.L.715, No.178), is amended to read:

10 Section 4302.1. Limited Vested Benefit.--(a) The ordinance
11 establishing a police pension fund may provide for a limited
12 vested benefit if such would conform to section 305 of the act
13 of December 18, 1984 (P.L.1005, No.205), known as the "Municipal
14 Pension Plan Funding Standard and Recovery Act."

15 (b) Under [the provisions of the benefit, should] a limited
16 vested benefit, a member of the police pension fund, [before
17 completing] who has not completed the minimum [age and minimum]
18 period of continuous service [requirements but after having]
19 requirement and satisfied any applicable minimum age
20 requirement, but who has completed twelve years of full-time
21 service, [the member] shall be entitled to vest [his or her] the
22 member's retirement benefits subject to each of the following
23 conditions:

24 (1) [the] The member must file with the management board of
25 the police pension fund a written notice of [his or her] the
26 member's intention to vest[;].

27 (2) [the] The member must include in the notice, the date
28 the member intends to terminate [his or her] the member's
29 service as a full-time police officer[;].

30 (3) [the] The termination date shall be at least thirty days

1 later than the date of notice to vest[;].

2 (4) [the] The member must be in good standing with the
3 police department on the date of notice to vest[; and].

4 (5) [the] The board shall indicate on the notice to vest the
5 rate of the monthly pay of the member as of the date of [said]
6 the notice to vest or the highest average annual salary which
7 the member received during any five years of service preceding
8 said date, whichever is the higher.

9 [(b)] (c) Upon reaching the date which would have been the
10 member's retirement date had the member continued [his or her]
11 the member's full-time employment with the police department,
12 the member shall notify the board, in writing, that the member
13 desires to collect [his or her] the member's pension. The amount
14 of retirement benefits the member is entitled to receive under
15 this section shall be computed as follows:

16 (1) [the] The initial determination of the member's base
17 retirement benefits shall be computed on the salary indicated on
18 the notice to vest[; and].

19 (2) [the] The portion of the base retirement benefits due
20 the member shall be determined by applying to the base amount
21 the percentage that [his or her] the member's years of service
22 actually rendered bears to the years of service which would have
23 been rendered had the member continued to be employed by the
24 department until [his or her] the member's minimum retirement
25 date.

26 Section 379. Section 4303 of the act, amended or added
27 January 18, 1952 (1951 P.L.2105, No.596), October 22, 1955
28 (P.L.723, No.207), November 25, 1970 (P.L.754, No.246), October
29 4, 1978 (P.L.950, No.188), December 17, 1990 (P.L.715, No.178),
30 December 12, 1994 (P.L.1033, No.140) and June 19, 2002 (P.L.442,

1 No.65), is amended to read:

2 Section 4303. Allowances and Service Increments.--(a)
3 Payments for allowances shall [not] only be a charge on the
4 police pension fund and shall not be a charge on any other fund
5 under the control, or in the treasury, of the city [or under its
6 control save the police pension fund herein provided for].

7 (b) The basis of the apportionment of the pension shall be
8 determined by the rate of the monthly pay of the member at the
9 date of injury, death, honorable discharge, vesting under
10 section 4302.1 or retirement, or the highest average annual
11 salary which the member received during any five years of
12 service preceding injury, death, honorable discharge, vesting
13 under section 4302.1 or retirement, whichever is the higher, and
14 except as to service increments provided for in subsection [(b)
15 of this section] (d), shall not in any case exceed in any year
16 one-half the annual pay of [such] the member computed at [such]
17 the monthly or average annual rate, whichever is the higher.

18 [(a.1)] (c) The provisions of subsection [(a)] (b) providing
19 that the apportionment of the pension shall not in any case
20 exceed in any year one-half the annual pay of [such] the member
21 computed at [such] the monthly or average annual rate, whichever
22 is the higher, shall not apply to a city of the third class
23 whether operating under an optional charter adopted in
24 accordance with the act of July 15, 1957 (P.L.901, No.399),
25 known as the "Optional Third Class City Charter Law," or under a
26 home rule charter adopted in accordance with 53 Pa.C.S. Pt. III
27 Subpt. E (relating to home rule and optional plan government),
28 which had in effect pension plans prior to the effective date of
29 this subsection that provided pensions in an amount greater than
30 fifty per centum of salary.

1 [(b)] (d) In addition to the retirement allowance which is
2 authorized to be paid from the police pension fund by this act,
3 and notwithstanding the limitations therein placed upon such
4 retirement allowances and upon contributions, every contributor
5 who shall become entitled to the retirement allowance shall also
6 be entitled to the payment of a "service increment" in
7 accordance with and subject to the conditions hereinafter set
8 forth.

9 (1) Service increment shall be the sum obtained by computing
10 the number of whole years after having served the minimum
11 required by this act during which a contributor has been
12 employed by [such] the city and paid out of the city treasury,
13 including credit for military service as provided in section
14 4302, and multiplying the said number of years so computed by an
15 amount equal to one-fortieth of the retirement allowance which
16 has become payable to [such] the contributor in accordance with
17 the provisions of this act. In computing the service increment,
18 no employment after the contributor has reached the age of
19 sixty-five years shall be included, and no service increment
20 shall be paid in excess of one hundred dollars (\$100.00) per
21 month.

22 (2) Each contributor, from and after [the effective date of
23 this amendment] January 1, 1952, shall pay into the retirement
24 fund a monthly sum in addition to [his or her] the contributor's
25 retirement contribution, which shall be equal to one-half of one
26 per centum of [his or her] the contributor's salary[: Provided,
27 That such], provided, however, that the payment shall not exceed
28 the sum of one dollar (\$1.00) per month[: And provided, That
29 such], and further provided that the service increment
30 contribution shall not be paid after a contributor has reached

1 the age of sixty-five years.

2 (3) Persons who are contributors on [the effective date of
3 this amendment] January 1, 1952, who have already reached the
4 age of sixty-five years shall have [his or her] the
5 contributor's service increment computed on the years of
6 employment prior to the date of reaching [his or her] the
7 contributor's sixty-fifth birthday.

8 (4) Service increment contributions shall be paid at the
9 same time and in the same manner as retirement contributions,
10 and may be withdrawn in full, without interest, by persons who
11 leave the employment of [such] the city, subject to the same
12 conditions by which retirement contributions may be withdrawn,
13 or by persons who retire before becoming entitled to any service
14 increment.

15 (5) All members of the police force who are now contributors
16 to the retirement fund and all those employed by the city after
17 [the effective date of this amendment] January 1, 1952, if
18 required to become contributors to the retirement fund, shall be
19 subject to the provisions of this act.

20 (6) After [the effective date of this clause] June 19, 2002,
21 a city may agree to make service increment payments in excess of
22 one hundred dollars (\$100) per month as long as [such] the
23 payments do not exceed five hundred dollars (\$500) per month,
24 and, in computing such service increments, no employment after
25 the contributor has reached the age of sixty-five years shall be
26 included[: Provided, That], provided that any agreement to
27 provide an increase in service increment payments shall include
28 a proportionate increase in the amount each contributor shall
29 pay into the retirement fund under clause (2), not to exceed
30 five dollars (\$5) per month.

1 [(c)] (e) The spouse of a member of the police force or a
2 member who retires on pension who dies or if no spouse survives
3 or if such person survives and subsequently dies or remarries,
4 then the child or children under the age of eighteen years of a
5 member of the police force or a member who retires on pension
6 who dies on or after [the effective date of this amendment]
7 August 1, 1963, shall, during the lifetime of the surviving
8 spouse, even if the surviving spouse remarries, or until
9 reaching the age of eighteen years in the case of a child or
10 children, be entitled to receive a pension calculated at the
11 rate of fifty per centum of the pension the member was receiving
12 or would have been receiving had [he] the member been retired at
13 the time of [his] the member's death and may receive the pension
14 the member was receiving or would have been receiving had [he]
15 the member been retired at the time of [his] the member's death.

16 [(d)] (f) Any police officer who has less than ten years of
17 service and who dies or is totally disabled due to injuries or
18 mental incapacities not in line of duty and is unable to perform
19 the duties of a police officer, may be entitled to a pension of
20 twenty-five per centum of [his] the police officer's annual
21 compensation. For death or injuries received after ten years of
22 service the compensation may be fifty per centum of [his] the
23 police officer's annual compensation.

24 (g) The disability pension may be payable to the police
25 officer during [his] the police officer's lifetime and if [he
26 shall die] the police officer dies, the pension payment that
27 [he] the police officer was receiving may be continued to be
28 paid to [his] the police officer's spouse if [such person] the
29 spouse survives or if [such person] the spouse subsequently dies
30 or remarries, then the child or children under the age of

1 eighteen years of the police officer.

2 Section 380. Section 4303.1 of the act, amended June 30,
3 1969 (P.L.98, No.36), is amended to read:

4 Section 4303.1. Increase of Allowances After Retirement.--

5 (a) Any city may, at any time, at its discretion, upon the
6 recommendation of the persons having custody and management of
7 the police pension fund, increase the allowances of persons
8 receiving allowances of any kind from the police pension fund by
9 reason of and after the termination of the services of any
10 member of said fund. [Such increases]

11 (b) Increases made pursuant to this section shall be in
12 conformity with a uniform scale, which may be based on the cost
13 of living, but the total of any such allowances shall not at any
14 time exceed one-half of the current salary being paid
15 [patrolmen] patrol persons of the highest pay grade.

16 Section 381. Section 4303.2 of the act, added October 3,
17 1988 (P.L.735, No.104), is amended to read:

18 Section 4303.2. Total Disability.--(a) Notwithstanding any
19 provision of this act, any police officer who becomes totally
20 disabled due to injuries sustained in the line of duty shall be
21 deemed to be fully vested in the police pension fund, regardless
22 of the actual number of years of credited service, and shall be
23 eligible for immediate retirement benefits.

24 (b) Claims under this section shall be decided by the
25 governing body of the city. Proof of disability shall be by
26 competent medical evidence provided by the claimant. The
27 governing body of the city may at any time have the claimant
28 examined by its own physician.

29 (c) Claims under this section may be brought as the
30 regulations of the city council prescribe. Hearings and appeals

1 shall be as provided in [Title 2 of the Pennsylvania
2 Consolidated Statutes] 2 Pa.C.S. (relating to administrative law
3 and procedure).

4 (d) The pension fund shall be subrogated to the right of the
5 claimant to the extent of any payments made under the act of
6 June 2, 1915 (P.L.736, No.338), known as ["The Pennsylvania
7 Workmen's Compensation Act,"] the "Workers' Compensation Act,"
8 or the act of June 28, 1935 (P.L.477, No.193), referred to as
9 the Enforcement Officer Disability Benefits Law.

10 (e) Definition.--As used in this section, "total disability"
11 shall mean permanent mental or physical impairment which renders
12 the police officer unable to perform [his] the officer's duties.

13 Section 382. Section 4304 of the act is amended to read:

14 Section 4304. Inalienable Rights in Fund.--Whenever any
15 person shall become entitled to receive an allowance from the
16 police pension fund, and shall have been admitted to participate
17 therein, [he] the person shall not be deprived of [his] the
18 person's right to an equal and proportionate participation
19 therein [upon] on the basis upon which [he] the person first
20 became entitled thereto.

21 Section 383. Section 4305 of the act, amended October 4,
22 1978 (P.L.950, No.188), is amended to read:

23 Section 4305. Payments to Police Pension [Funds by City.--
24 There] Fund by City.--Unless otherwise required by the act of
25 December 18, 1984 (P.L. 1005, No. 205), known as the "Municipal
26 Pension Plan Funding Standard and Recovery Act," or by any other
27 provision of law, this section shall govern the payment to the
28 police pension fund of moneys raised by taxes levied by the
29 city:

30 (1) A city shall [be paid] pay annually to the [organization

1 or association, constituting and having in charge the
2 distribution of police pension funds in every city] police
3 pension fund, a sum of money sufficient to meet the requirements
4 of and to maintain [such police pension] the fund which sum in
5 no year shall be less than one-half of one per centum nor more
6 than three per centum of all city taxes levied by the city,
7 other than taxes levied to pay interest on or extinguish the
8 debt of the city [or any part thereof].

9 (2) Council may exceed the limitations imposed by this
10 section if an additional amount is deemed necessary to provide
11 sufficient funds for payments to surviving spouses of members
12 retired on pension or killed or who die in the service[:
13 Provided, however, That], provided, however, that the city may
14 annually pay into [said] the fund not less than one-half of one
15 per centum of all city taxes levied by the city, other than
16 taxes levied to pay interest on or extinguish the debt of the
17 city [or any part thereof].

18 Section 384. Sections 4306 and 4307 of the act are amended
19 to read:

20 Section 4306. [Designation of Organization to Manage Pension
21 Fund.--The organization, having in charge the distribution of
22 police pension funds, herein mentioned, shall consist only of
23 such as is by ordinance designated as the official and
24 authorized organization or association to hold, receive, and
25 distribute the funds of moneys for the purpose of pensioning the
26 police officers of the city.] Management of Police Pension
27 Fund.--Only the persons designated, in accordance with section
28 4301(b)(2), shall be authorized to make decisions to hold,
29 receive and distribute the moneys of the police pension fund.

30 Section 4307. Trusts for Benefit of Police Pension Fund.--

1 Any city may take, by gift, grant, devise or bequest, any money
2 or property, real, personal or mixed, in trust for the benefit
3 of [such] the pension fund, and the care, management, investment
4 and disposal of [such] the trust funds or property shall be
5 vested in such officer or officers of the city, for the time
6 being, as the council may designate, and [such] the care,
7 management and disposal shall likewise be directed by ordinance
8 and the [said] trust funds shall be governed thereby, subject to
9 such directions, not inconsistent therewith, as the donors of
10 [such] the funds and property may prescribe.

11 Section 385. Section 4308 of the act, amended October 4,
12 1978 (P.L.950, No.188), is amended to read:

13 Section 4308. Repayment Before Retirement.--[If for any
14 cause any] (a) If a contributing member of the police [force
15 contributing to the] pension fund shall cease to be a member of
16 the police force before [he becomes] becoming entitled to a
17 pension, the total amount of the contributions paid into the
18 pension fund by [such] the member shall be refunded to [him] the
19 member in full, without interest.

20 (b) If [any such] a member shall have returned to [him] the
21 member the amount contributed, and shall afterward again become
22 a member of the police force, [he] the member shall not be
23 entitled to the pension designated until twenty years after
24 [his] the member's reemployment, unless [he shall return] the
25 member returns to the pension fund the amount withdrawn, in
26 which event the period of twenty years shall be computed from
27 the time the member first became a member of the police force,
28 excluding therefrom any period of time during which the member
29 was not employed by the police force.

30 (c) In the event of the death of a member of the police

1 force not in the line of service before the member becomes
2 entitled to [the pension aforesaid and such] a pension and if
3 the member is not survived by a spouse or family entitled to
4 payments as [hereinbefore] provided in this subdivision, the
5 total amount of contributions paid into the pension fund by the
6 member shall be paid over to [his] the member's estate.

7 Section 386. Section 4309 of the act, added December 17,
8 1990 (P.L.715, No.178), is amended to read:

9 Section 4309. 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 387. Article XLIII subdivision (b) heading of the
14 act is amended to read:

15 (b) [Firemen] Firefighters

16 Section 388. Section 4320 of the act, amended October 4,
17 1978 (P.L.950, No.188), is amended to read:

18 Section 4320. [Firemen's] Firefighters' Pension Fund;
19 Management; Annuity Contracts.--(a) Except as hereinafter
20 provided, cities shall provide annuity contracts or establish,
21 by ordinance, a [firemen's] firefighters' pension fund[, to].

22 (b) The annuity contracts or pension fund shall be
23 maintained in part by an equal and proportionate monthly charge
24 against each member of the fire department, which shall not
25 exceed annually four per centum of the pay of such member, and
26 an additional amount not to exceed one per centum if deemed
27 necessary by the council to provide sufficient funds for
28 payments to surviving spouses of members retired on pension or
29 killed or who die in the service.

30 (c) In any case [where] in which there is an existing

1 organization or association for the benefit of fully paid
2 [firemen] firefighters, constituting and having in charge the
3 distribution of [firemen's] firefighters' pension funds, no
4 annuity contract shall be provided, nor shall any [firemen's]
5 firefighters' pension funds be established under the provisions
6 of this section unless and until the members of such
7 organization or association, by a two-thirds vote, elect to
8 transfer said existing fund into the pension fund required to be
9 established by this section.

10 (d) All pension funds established under the provisions of
11 this section shall be under the direction and control of a board
12 of managers [consisting of the mayor], which shall consist of
13 the following:

14 (1) Ex officio members as follows:

15 (i) the mayor;

16 (ii) the director of accounts and finance[,];

17 (iii) the director of the department having charge of the
18 fire department, or in cities where the mayor is also the
19 director of the department having charge[,] of the fire
20 department, then the 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]
21 the member's minor children under eighteen years of age, if any
22 survive.

23 Section 389. 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] the member's pension. The amount of retirement
30 benefits the member is entitled to receive under this section

1 shall be computed as 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 390. 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 391. 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] September 18, 1968, shall pay into the pension
25 fund a monthly sum in addition to [his] the contributor's
26 pension contribution, which shall not exceed the sum of one
27 dollar (\$1) per month[: And provided, That such], provided that
28 the service increment contribution shall not be paid after a
29 contributor has reached the age of sixty-five years.

30 (3) Any person who is a member of the department on [the

effective date of this amendment] September 18, 1968, who has already reached the age of sixty-five years shall have [his] the person's service increment computed on the years of employment prior to the date of reaching [his] the person's sixty-fifth birthday.

(4) Service increment contributions shall be paid at the same time and in the same manner as pensions, and may be withdrawn in full, without interest, by persons who leave the employment of [such] the city, subject to the same conditions by which retirement contributions may be withdrawn, or by persons who retire before becoming entitled to any service increment.

(5) All members of the fire department who are now contributors to the pension fund and all those employed by the city after [the effective date of this amendment] September 18, 1968, if required to become contributors to the pension fund, shall be subject to the provisions of this act.

(6) After the effective date of this clause, a city may agree to make service increment payments in excess of one hundred dollars (\$100) per month as long as such payments do not exceed five hundred dollars (\$500) per month, and, in computing such service increments, no employment after the contributor has reached the age of sixty-five years shall be included[:
Provided, That], provided that any agreement to provide an increase in service increment payments shall include a proportionate increase in the amount each contributor shall pay into the retirement fund under clause (2), not to exceed five dollars (\$5) per month.

Section 392. Section 4322.1 of the act, amended June 30, 1969 (P.L.98, No.36), is amended to read:

Section 4322.1. Increase of Allowances After Retirement.--

1 (a) Any city may, at any time, at its discretion, upon the
2 recommendation of the persons having custody and management of
3 the [firemen's] firefighters' pension fund, increase the
4 allowances of persons receiving allowances of any kind from the
5 fund by reason of and after the termination of the services of
6 any member of the fund.

7 [Such increases] (b) Increases made pursuant to this section
8 shall be in conformity with a uniform scale, which may be based
9 on the cost of living, but the total of any such allowances
10 shall not at any time exceed one-half of the current salary
11 being paid [firemen] firefighters of the highest pay grade.

12 Section 393. Section 4323 of the act, amended August 14,
13 1959 (P.L.709, No.246), is amended to read:

14 Section 4323. Causes for Forfeiture of Rights in Fund; Other
15 Employments.--(a) Whenever any person shall become entitled to
16 receive a pension from the [firemen's] firefighters' pension
17 fund, and shall have been admitted to participate therein, [he]
18 the person shall not thereafter be deprived of [his] the
19 person's right to participation therein [upon] on the basis upon
20 which [he] the person first became entitled thereto, [except for
21 one or more of the following causes, that is to say:

22 Conviction of a felony or misdemeanor, becoming an habitual
23 drunkard, or failing to comply with some general regulation
24 relating to the management of said fund which may be made by the
25 managers, and which may provide that a failure to comply
26 therewith shall terminate the right to participate in the
27 pension fund.] unless otherwise required by the act of July 8,
28 1978 (P.L.752, No.140), known as the "Public Employee Pension
29 Forfeiture Act."

30 (b) Any termination of a pension shall be only after [such]

1 due notice and hearing as shall be prescribed by regulation of
2 the managers.

3 Section 394. Section 4324 of the act, amended October 4,
4 1978 (P.L.950, No.188), is amended to read:

5 Section 4324. Payments to [Firemen's] Firefighters' Pension
6 [Funds] Fund by City.--[There] Unless otherwise required by the
7 act of December 18, 1984 (P.L.1005, No.205), known as the
8 "Municipal Pension Plan Funding Standard and Recovery Act," or
9 by any other provision of law, this section shall govern the
10 payment to the firefighters' pension fund of money raised by
11 taxes levied by the city:

12 (1) A city shall [be paid] pay to the [firemen's]
13 firefighters' pension [funds by every city] fund annually [the]
14 a sum of money not less than one-half of one per centum nor more
15 than three per centum of all city taxes levied by the city,
16 other than taxes levied to pay interest on or extinguish the
17 debt of the city [or any part thereof].

18 (2) Council may exceed the limitations imposed by this
19 section if an additional amount is deemed necessary to provide
20 sufficient funds for payments to surviving spouses of members
21 retired on pension or killed or who die in the service[:
22 Provided, however, That], provided, however, that the city shall
23 annually pay into said fund not less than one-half of one per
24 centum of all city taxes levied by the city, other than taxes
25 levied to pay interest on or extinguish the debt of the city [or
26 any part thereof].

27 Section 395. Sections 4325 and 4326 of the act are amended
28 to read:

29 Section 4325. [Transfer of Funds] Transfers from Other
30 Pension Funds.--(a) In any city wherein the members of the fire

1 department are members of a pension fund not established solely
2 for the purpose of pensioning members of the fire department,
3 there shall be transferred from such other pension fund into the
4 [firemen's] firefighters' pension fund required to be
5 established by this act, the moneys contributed thereto by
6 members of the fire department who have not been retired, and a
7 just and equitable proportion of the moneys contributed by the
8 city to such other pension fund for the future retirement of
9 members of the fire department. [Such] The transfers may be made
10 by the transfer of securities. The amounts to be transferred
11 shall be amicably adjusted by the managers of the [firemen's]
12 firefighters' pension fund and the pension board having the
13 charge of such other pension fund. In case of disagreement as to
14 the amount [so] to be transferred, the disagreement shall be
15 resolved by the city council, whose action thereon shall be
16 final.

17 (b) Nothing contained in this section shall be construed to
18 relieve any existing pension fund of its liability to continue
19 the payment of pensions to retired members of the fire
20 department in accordance with the laws and regulations under
21 which such members were retired.

22 Section 4326. Trusts for Benefit of [Firemen's]
23 Firefighters' Pension Fund.--Any [such] city may take, by gift,
24 grant, devise or bequest, any money or property, real, personal
25 or mixed, in trust for the benefit of [such] the pension fund[,
26 and the]. The care, management, investment and disposal of
27 [such] the trust funds or property shall be vested in [such] the
28 officer or officers of [such] the city, for the time being, as
29 the [said] city may designate[, and such]. The care, management
30 and disposal shall likewise be directed by ordinance and the

1 [said] trust funds shall be governed thereby, subject to [such]
2 directions, not inconsistent therewith, as the donors of [such]
3 the funds and property may prescribe.

4 Section 396. Section 4327 of the act, amended July 20, 1968
5 (P.L.434, No.204), is amended to read:

6 Section 4327. Repayment Before Retirement.--(a) If [for any
7 cause any] a contributing member of the [fire department
8 contributing to the] firefighters' pension fund shall cease to
9 be a member of the fire department before [he] the member
10 becomes entitled to a pension, the total amount of the
11 contributions paid into the pension fund by [such] the member
12 shall be refunded [to him] in full without interest.

13 (b) If [any such] a member shall have returned to [him] the
14 member the amount contributed, and shall afterward again become
15 a member of the fire department, [he] the member shall not be
16 entitled to the pension designated until twenty years after
17 [his] the member's reemployment, unless [he shall return] the
18 member returns to the pension fund the amount withdrawn, in
19 which event the period of twenty years shall be computed from
20 the time the member first became a member of the fire
21 department, excluding therefrom any period of time during which
22 the member was not employed by the fire department.

23 (c) In the event of the death of a member of the fire
24 department not in the line of service before the member becomes
25 entitled to [the] a pension [aforesaid] and [such] if the member
26 [is not survived by a widow] has no surviving spouse or family
27 entitled to payments as [hereinbefore] provided in this
28 subdivision, the total amount of contributions paid into the
29 pension fund by the member shall be paid over to [his] the
30 member's estate.

1 Section 397. Section 4328 of the act, added June 16, 1993
2 (P.L.97, No.21), is reenacted to read:

3 Section 4328. Definitions.--As used in this subdivision, the
4 term "salary" is defined as the fixed amount of compensation
5 paid at regular, periodic intervals by the city to the member
6 and from which pension contributions have been deducted.

7 Section 398. Article XLIII subdivision (c) heading of the
8 act, amended August 17, 1951 (P.L.1251, No.292), is amended to
9 read:

10 (c) Pension Funds for Employes Other Than [Policemen] Police
11 Officers and City-Paid [Firemen] Firefighters

12 Section 399. Section 4340 of the act, amended October 4,
13 1978 (P.L.950, No.188), is amended to read:

14 Section 4340. Pension Funds for Employes other than Police
15 or City-Paid [Firemen] Firefighters.--(a) Cities may create a
16 pension fund for the pensioning of employes [of said cities] who
17 are not members of the police force or city-paid fire department
18 [thereof], surviving spouses of retired members if council so
19 elects and the families of [such] employes as may be injured or
20 killed in the service, in the manner, under the conditions and
21 subject to the qualifications [following] set forth in this
22 subdivision.

23 (b) As used in this subdivision "employes" includes officers
24 and officials of the city, whether elected or appointed.

25 Section 400. Section 4341 of the act, amended June 21, 1984
26 (P.L.428, No.87), is amended to read:

27 Section 4341. Pension Board; Duties.--(a) In any city which
28 creates [such] a pension fund in accordance with this
29 subdivision, there shall be created a board to be known as the
30 pension board, consisting of the mayor, the city controller, the

1 superintendent of finance, two employes to be chosen by the
2 employes contributing to the pension fund and, if members of
3 council participate in the pension fund and are members of the
4 fund, a member of council[,] chosen by council.

5 (b) It shall be the duty of [said] the board to register all
6 persons employed by the [said] city, and to administer the
7 collections and distribution of the pension fund [herein
8 provided for], and make such reasonable rules [in the premises]
9 as [such] the board may deem necessary [to carry into effect the
10 provisions of this act].

11 Section 401. Section 4342 of the act is amended to read:

12 Section 4342. Retirement Age.--[Every person, now or
13 hereafter employed by any] In a city which has created [such] a
14 pension fund and pension board [as hereinbefore provided,] in
15 accordance with this subdivision, an employe of the age of sixty
16 years, and upwards, who shall have been [so] employed for a
17 period of twenty years or more, shall, upon application to the
18 board of pensions [herein created,] be retired from service and
19 shall, subject to qualifications provided in this subdivision
20 during the remainder of [his or her] the employe's life, receive
21 the pension or compensation fixed by this [act, subject to such
22 qualifications as are herein contained] subdivision.

23 Section 402. Section 4343 of the act, amended October 4,
24 1978 (P.L.950, No.188), is amended to read:

25 Section 4343. Retirement Allowance; Proof of Disability;
26 Joint and Single Coverage Members Defined.--(a) During the
27 lifetime of any person in the employment of any city creating
28 [such] the pension fund and pension board [as hereinbefore
29 provided, he or she] in accordance with this subdivision, the
30 person shall be entitled to receive as a pension annually, from

1 the fund set aside for the purpose, fifty per centum of the
2 amount which would constitute the average annual salary or wages
3 which [he or she] the person received during the last or any
4 five years of [his or her] the person's employment by the [said]
5 city, whichever is the higher, [said] the pension to be paid in
6 semi-monthly payments. Should any persons so employed, after
7 twenty years of service, be dismissed, voluntarily retired, or
8 be in any manner deprived of [his or her] the person's position
9 or employment, before attaining the age of sixty years, upon
10 continuing a monthly payment to the fund equal to the last
11 amount due and paid monthly while in active service, [said] the
12 person shall be entitled to the pension above-mentioned,
13 notwithstanding [he or she] that the person has not attained the
14 age of sixty years at the time of [his or her] the person's
15 separation from the service of [such] the city, but [said] the
16 pension shall not commence until [he or she] the person has
17 attained the age of sixty years. Should any employe, however,
18 become totally and permanently disabled, after ten years of
19 service and before attaining the age of sixty years, [he or she]
20 the person shall be entitled to the [said] pension. Proof of
21 total and permanent disability shall consist of the sworn
22 statement of three practicing physicians, designated by the
23 board, that the employe is in a permanent condition of health
24 which would permanently disable [him or her] the person from
25 performing the duties of [his or her] the person's position or
26 office.

27 (b) For the purpose of this article on pensions, the
28 following words shall have the meaning herein assigned to them:

29 (1) "Joint Coverage Member" of the retirement system shall
30 mean a city employe who shall have become a member of the

1 retirement system subsequent to the last date permitted by
2 [such] the city for statement or preference concerning social
3 security coverage, or who, having become a member on or before
4 [such] that date, shall have filed with the Retirement Board a
5 written statement that [he or she] the member elects social
6 security coverage under an agreement with the [Federal]
7 Secretary of Health[, Education and Welfare] and Human Services
8 entered into by the Commonwealth.

9 (2) "Single Coverage Member" of the retirement system shall
10 mean a city employe who shall have become a member of the
11 retirement system on or before the last date permitted by [such]
12 the city for statement of preference concerning social security
13 coverage and who either shall have filed with the Retirement
14 Board a written statement that [he or she] the member does not
15 elect social security coverage under any agreement with the
16 [Federal] Secretary of Health[, Education and Welfare] and Human
17 Services entered into by the Commonwealth, or shall not have
18 filed with the Retirement Board any written statement.

19 (c) Where a city has entered into an agreement with the
20 Commonwealth to place certain employes under the Federal Social
21 Security Act, the pension to be paid joint coverage members
22 according to the provisions of this section payable after the
23 age and upon that portion of annual compensation on which social
24 security benefits are payable, shall be reduced by an amount
25 equal to forty (40) per centum of the primary insurance amount
26 of social security paid or payable to the member. [Such] The
27 reduction shall be subject to the following provisions:

28 (1) Upon attainment of the age at which social security
29 benefits are payable by a beneficiary receiving a pension or
30 upon retirement of a contributor after attaining that age, [his]

1 the person's eligibility to the old age insurance benefit and
2 the primary insurance amount of social security upon which the
3 reduction in the pension shall be based, shall be computed by
4 the board in the manner specified in the Federal Social Security
5 Act, except that in determining such eligibility and such amount
6 only wages or compensation for services performed in the employ
7 of the city shall be included.

8 (2) The reduction shall not apply to a pension for total and
9 permanent disability payable under this section.

10 (3) Whenever the amount of the reduction from the pension
11 shall have been once determined, it shall remain fixed for the
12 duration of the pension, except that any decrease in the primary
13 insurance amount under the Social Security Act shall result in a
14 corresponding decrease in the amount of the reduction from the
15 pension.

16 (4) The total sum, including social security benefits, to be
17 received upon retirement by an employe who is a member of the
18 system at the time of the agreement shall not be less than the
19 allowance that would be paid by the retirement system in the
20 absence of the agreement.

21 (d) If council elects, by ordinance, to make such payments,
22 the surviving spouse of an employe who retired on pension or is
23 killed in the service on or after January 1, 1960, shall, during
24 [his] the surviving spouse's lifetime or so long as [he] the
25 surviving spouse does not remarry, be entitled to receive a
26 pension calculated at the rate of fifty per centum of the
27 pension the member was receiving or would have been entitled to
28 had [he] the member been retired at the time of [his] the
29 member's death.

30 Section 403. Section 4343.1 of the act, amended June 11,

1 1968 (P.L.160, No.90), is amended to read:

2 Section 4343.1. Retirement Allowances; Full Coverage;

3 Payments.--(a) Where a city has entered into an agreement with

4 the Commonwealth to place certain employees under the Federal

5 Social Security Act, the pension board may authorize any joint

6 coverage member of the retirement system to elect according to

7 the provisions of this section to receive compensation without

8 the reduction provided for in section 4343, provided [he] the

9 member shall make a lump-sum payment to the pension board, or

10 installment payments as may be approved by the board, equal to

11 the difference between the amount of the accumulated fund to

12 [his] the member's credit in the fund as of the last date for

13 which salary or wages was paid and the amount which would have

14 been to [his] the member's credit in [such] the fund if

15 contributions had been made on that portion of [his] the

16 member's salary or wages on which social security allowances are

17 payable, at the same rate as made on that portion of [his] the

18 member's salary or wages in excess thereof, from the time that

19 [such] the salary or wages became subject to social security

20 coverage. Such election shall be made, in writing, in the form

21 prescribed by the pension board, and shall be accompanied by the

22 lump-sum payment or an agreement as to installment payments

23 herein required.

24 (b) The pension board may authorize any such member to make

25 the election herein provided at any time, and if made prior to

26 retirement, [such] the member shall, in addition to any lump-sum

27 or installment payments required, pay to the board contributions

28 on [his] the member's entire salary or wages thereafter received

29 at the rate provided in this act for monthly salary or wages in

30 excess of that on which social security allowances are payable.

Section 404. Section 4343.2 of the act, added July 11, 1996 (P.L.647, No.109), is amended to read:

Section 4343.2. Limited Vested Benefit.--(a) The ordinance creating a pension fund in accordance with this subdivision may provide for a limited vested benefit if [such] it would conform to section 305 of the act of December 18, 1984 (P.L.1005, No.205), known as the "Municipal Pension Plan Funding Standard and Recovery Act."

(a.1) Under [the provisions of the benefit, should a member of the pension fund terminate] a limited vested benefit, if a member of the pension fund terminates employment before reaching the date which would have been the member's earliest retirement date had the member continued employment by meeting the minimum age and minimum period of continuous service requirements but after having completed twelve years of full-time service, the member shall be entitled to vest [his or her] the member's retirement benefits subject to the following conditions:

(1) [the] The member must file with the management board of the pension fund a written notice of [his or her] the member's 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

1 member received during any five years of service preceding
2 [said] the date, whichever is the higher.

3 (b) Upon reaching the date which would have been the
4 member's earliest retirement date had the member continued [his
5 or her] the member's employment with the city, the member shall
6 notify the board, in writing, that the member desires to collect
7 [his or her] the member's pension. The amount of retirement
8 benefits the member is entitled to receive under this section
9 shall be computed as follows:

10 (1) [the] The initial determination of the member's base
11 retirement benefits shall be computed on the salary indicated on
12 the notice to vest[; and].

13 (2) [the] The portion of the base retirement benefits due
14 the member shall be determined by applying to the base amount
15 the percentage that [his or her] the member's years of service
16 actually rendered bears to the years of service which would have
17 been rendered had the member continued to be employed by the
18 city until[his or her] the member's earliest retirement date.

19 Section 405. Section 4344 of the act, amended October 4,
20 1978 (P.L.950, No.188), is amended to read:

21 Section 4344. Amount of Payments into Fund; Repayment before
22 Retirement.--The employees of any city, creating [such] a pension
23 fund and pension board in accordance with this subdivision,
24 shall pay into the board of pensions monthly an amount equal to
25 two per centum of their monthly salaries or wages, and if
26 council elects, by ordinance, to make [such] payments, an
27 additional amount not to exceed one per centum if deemed
28 necessary by council to provide sufficient funds for payments to
29 the surviving spouses of members who were retired on pension or
30 killed in the service, which shall be applied to the purposes of

1 the fund. Payment of the monthly amount or contribution herein
2 mentioned shall cease and be discontinued at the time the
3 beneficiary receives the pension herein provided. If for any
4 cause any employee contributing to the pension fund shall cease
5 to be an employee of the city before the [said] employee becomes
6 entitled to a pension, the total amount of the contributions
7 paid into the pension fund by [such] the employee shall be
8 refunded to [him or her] the employee in full, without interest.
9 If any [such] employee shall have returned to [him or her] the
10 employee the amount contributed as aforesaid, and shall afterward
11 reenter the employ of the city, [said] the employee shall not be
12 entitled to the pension designated until twenty years after
13 [said] reemployment, unless [he or she] the employee shall return
14 to the pension fund the amount withdrawn, in which event that
15 period of twenty years shall be computed from the time [said]
16 the employee first enters the service of the city. In the event
17 of the death of any [such] employee, before the [said] employee
18 becomes entitled to the pension aforesaid, the [said] total
19 amount of contributions paid into the pension fund by [said] the
20 employee shall be paid over to the estate of [said] the deceased
21 employee.

22 Section 406. Section 4344.1 of the act, amended July 21,
23 1959 (P.L.553, No.169), is amended to read:

24 Section 4344.1. Determination of Liability Upon Extension of
25 Social Security.--(a) Where a city has entered into an
26 agreement with the Commonwealth to place its employees under the
27 Federal Social Security Act, the pension board shall appoint an
28 actuary, and may fix [his] the employee's compensation. The
29 actuary shall determine the present value of the liability on
30 account of pensions payable under the provisions of section 4343

1 [of this act] to employees who are members of the system on the
2 effective date of the agreement, and shall offset the value of
3 any assets in the pension fund to determine the unfunded
4 liability. The city may make [such] the payments as it desires
5 toward the unfunded liability until the accumulated reserve
6 equals the present value of the liability. The actuary shall
7 also determine the amount which shall be contributed, annually,
8 into the fund on account of service of all new and original
9 members subsequent to the effective date of the agreement.

10 (b) Employees shall pay into the board of pensions, monthly,
11 an amount equal to three and one-half per centum of that portion
12 of monthly compensation on which social security allowances are
13 payable and five per centum of any monthly compensation in
14 excess of that on which social security allowances are payable.
15 The remainder of the needed annual contribution for service
16 subsequent to the date of the agreement, as determined by the
17 actuary, shall become the obligation of the city, and shall be
18 paid by it to the board of pensions by annual appropriations.
19 The provisions of this section shall, in all applicable cases,
20 supersede the provisions relating to contributions in section
21 4344 and section 4348 [of this act].

22 Section 407. Section 4345 of the act is amended to read:

23 Section 4345. Payments by Laborers Optional.--Any person
24 holding a position in any [such] city as a laborer, at a per
25 diem wage, shall not be compelled to pay or contribute toward
26 the pension fund herein provided for, but shall have the option
27 or choice of so doing and, in that event only, of becoming
28 entitled to the pension provided by this act.

29 Section 408. Section 4346 of the act, amended August 17,
30 1951 (P.L.1251, No.292), is amended to read:

1 Section 4346. Heads of Departments to Certify List of
2 Employees.--The head of every department and office employing
3 persons entitled to receive a pension shall certify to the board
4 of pensions all persons so employed and the amount of salary or
5 wages which is paid to [said] employes, together with
6 dismissals, resignations, or terminations of service and, from
7 the records of their office or department, shall furnish [such]
8 other relevant information as the board of pensions shall
9 require. In the case of a volunteer [fireman] firefighter, "head
10 of department or office" shall mean the president or secretary
11 of the board of trustees of the volunteer fire company involved.

12 Section 409. Section 4347 of the act is amended to read:

13 Section 4347. Receipt, Investment and Payment of Funds.--It
14 shall be the duty of the board of pensions to receive and retain
15 and, when deemed advisable, to invest the funds payable in
16 accordance with the provisions of this subdivision [of this
17 article], and to pay over by warrant or check the amount due to
18 [said] employes.

19 Section 410. Sections 4348 and 4349 of the act, amended
20 August 17, 1951 (P.L.1251, No.292), are amended to read:

21 Section 4348. Appropriations and Contributions to Fund.--The
22 council may annually set aside, apportion, and appropriate, out
23 of all taxes and income of [such] the city, unto the board of
24 pensions, a sum sufficient to maintain the pensions or
25 compensations due hereunder on account of the city contributions
26 for all employes except volunteer [firemen] firefighters. On
27 account of volunteer [firemen] firefighters who become members
28 of the pension fund, the board of trustees of the volunteer fire
29 company employing and paying them shall annually contribute to
30 the board of pensions a sum equal to the same percentage of its

1 participating payroll as the amount contributed by the city for
2 the same year bears to its participating payroll.

3 Section 4349. Application.--(a) The benefits conferred by
4 this subdivision [of this article] shall apply to all persons
5 employed in any capacity by, or holding positions in, or, in the
6 case of a volunteer [fireman] firefighter, rendering services
7 recognized and accepted by, the cities creating a pension fund
8 and pension board in accordance with its provisions, but this
9 subdivision shall not apply to employees of [such] departments,
10 bureaus, or offices as are otherwise protected by pension
11 authorized by this act.

12 (b) Any volunteer [fireman] firefighter may become a member
13 of [such] a pension fund, as of the date of [his] the volunteer
14 firefighter's original employment or of the inception of the
15 pension fund, whichever is later, upon [his] the volunteer
16 firefighter making back contributions, and if the volunteer fire
17 company or board of trustees thereof employing and paying [him]
18 the volunteer firefighter agrees to contribute and contributes
19 to the pension fund, from time to time, the sums hereinbefore
20 required.

21 Section 411. Sections 4350 and 4351 of the act are reenacted
22 to read:

23 Section 4350. Computation of Time of Service.--The time of
24 service herein specified, namely, twenty years, shall be
25 computed from the time of the first or original employments,
26 said employment to consist of service to the city and need not
27 be continuous.

28 Section 4351. Funds Payable to be Free of Attachment.--The
29 compensation or pension herein mentioned shall not be subject to
30 attachment or execution, and shall be payable only to the

1 beneficiary designated, and shall not be subject to assignment
2 or transfer.

3 Section 412. Section 4352 of the act, amended August 17,
4 1951 (P.L.1251, No.292), is amended to read:

5 Section 4352. Definitions.--The term or phrase "employee,"
6 "employed," "employed by the city," or "in the employment of any
7 city," as used in this subdivision, is meant to include all
8 persons in the service of cities creating a pension fund and a
9 pension board in accordance with the provisions thereof, who are
10 not now otherwise protected by pensions authorized by this act,
11 and any volunteer [fireman] firefighter who becomes a member of
12 the pension fund.

13 "Volunteer [fireman] firefighter" shall mean a driver of
14 fire-fighting apparatus or ambulances, regularly employed and
15 paid by a volunteer fire company, rendering services recognized
16 and accepted by a city.

17 Section 413. Section 4353 of the act, amended July 5, 2005
18 (P.L.70, No.28), is reenacted to read:

19 Section 4353. Beneficiaries of Fund not to be Employed by
20 City.--No person or persons who shall have become a beneficiary
21 shall be employed by the said city in any capacity. Subject to
22 the provisions of section 4361, nothing herein shall be
23 construed as prohibiting a person or persons who shall have
24 become a beneficiary from serving in an elective city office.

25 Section 414. Article XLIII subdivision (d) heading of the
26 act, added July 5, 2005 (P.L.70, No.28), is reenacted to read:

27 (d) Beneficiaries Serving in Elective Office

28 Section 415. Section 4361 of the act, added July 5, 2008
29 (P.L.70, No.28), is reenacted and amended to read:

30 Section 4361. Right to a Pension if Salary Refused.--In any

city governed by the provisions of this act, the act of July 15, 1957 (P.L.901, No.399), known as the "Optional Third Class City Charter Law," or 53 Pa.C.S. Pt. III Subpt. E (relating to home rule and optional plan government), a beneficiary serving in an elective city office shall not be prohibited from receiving a pension for any month in which [he or she] the beneficiary does not accept a salary from serving in the elective office.

Section 416. Article XLIV heading of the act is reenacted to read:

ARTICLE XLIV

CIVIL SERVICE

Section 417. Section 4401 of the act is amended to read:

Section 4401. Examinations Required of All Appointees.--No person or persons may be appointed to any [position whatever in the police department, or in the engineering department or electrical department, except as otherwise provided by law, or in the position of building inspector, or as health officers other than registered physicians, or as sanitary policemen or inspectors of the health department] uniformed position in the police or fire departments, excluding chiefs, without having first passed all the examinations hereinafter provided for[, and without having been appointed in the manner and according to the terms and provisions and conditions of this article.

Section 418. Section 4402 of the act, amended April 18, 1978 (P.L.37, No.19), is amended to read:

Section 4402. Appointment of Examining [Boards] Board.-- There shall be [the following civil service boards in each city:
(a) A board for] a civil service board in each city that shall provide for and oversee the examination of applicants for appointment to and promotion to any position in the police

1 [department; (b) a board for the examination of applicants for
2 appointment as health officers other than registered physicians,
3 or as sanitary policemen or inspectors of the health department;
4 (c) a board for the examination of applicants for appointment to
5 any position in the engineering or electrical departments,
6 except as otherwise provided for by law, or to the position of
7 building inspectors.

8 Each of said boards shall consist of three citizens, who
9 shall be elected] or fire departments. The board shall consist
10 of three citizens who shall be appointed by council for terms of
11 four years or until their successors are [elected and qualified]
12 appointed and qualified except for the initial appointment of
13 board members as provided for in section 4403. Any person who is
14 a registered elector of the city may be appointed to [one or
15 more of said boards] the board. No city officer, official or
16 employe shall be eligible for appointment to [any] the civil
17 service board.

18 Section 419. The act is amended by adding a section to read:

19 Section 4402.1. Existing Civil Service Positions.--All
20 nonuniformed employes in city positions that were subject to
21 civil service regulation immediately prior to the effective date
22 of this section shall continue to be subject to civil service
23 regulation otherwise provided in this article for uniformed
24 employes with regard to the nonuniformed positions.

25 Section 420. Section 4403 of the act is amended to read:

26 Section 4403. Terms; Filling of Vacancies; Compensation;
27 Quorum.--[At the first election in newly created cities, council
28 shall elect to each of said boards] In a city in which the civil
29 service board is first established, terms of members of the
30 board shall be staggered. Council shall initially appoint to the

1 board one person to serve for two years, one person to serve for
2 three years, and one person to serve for four years. Upon the
3 expiration of the term of any member [of any of said boards, in
4 any city, one person shall be elected] a successor shall be
5 appointed by the city council to serve upon [said] the board for
6 [the] a term of four years. If any vacancies occur, they shall
7 be filled by the city council for the unexpired term. Each of
8 [said] the members, before entering upon the duties of [his]
9 office, shall take and subscribe to the oath of office
10 prescribed by [this act] 53 Pa.C.S. § 1141 (relating to form of
11 oaths of office) and file the same, duly certified by the
12 officer administering it, with the [controller of the city] city
13 administrator or, in cities without a city administrator, the
14 city clerk. No salary or other compensation shall be paid to any
15 member of the [said boards] board. Two members of the board
16 shall constitute a quorum necessary for the transaction of
17 business of that board. [Said boards] The board shall organize
18 for the purpose of transacting all business immediately after
19 [their first appointment and, from time to time,] the first
20 appointments and thereafter as new appointments to [such] the
21 board are made. After organizing, the board shall elect one of
22 its members as chairperson and one as secretary.

23 Section 421. The act is amended by adding sections to read:

24 Section 4403.1. Alternate Board Members.--Council may
25 appoint no more than three qualified electors of the city to
26 serve as alternate members of the civil service board. The term
27 of office of the alternate members shall be four years. If, by
28 reason of absence or disqualification of a member, a quorum is
29 not reached, the chairperson shall designate as many alternate
30 members of the board to sit on the board as may be needed to

1 provide a quorum. When seated pursuant to this section, an
2 alternate shall be entitled to participate in all proceedings
3 and discussions of the board to the extent as provided by law
4 for board members, including specifically the right to cast a
5 vote as a voting member during the proceedings, and shall have
6 all the powers and duties set forth in this act and as otherwise
7 provided by law. Any alternate member of the board shall
8 continue to serve on the board in all proceedings involving the
9 matter or case for which the alternate was initially designated
10 until the board has made a final determination of the matter or
11 case. Designation of an alternate pursuant to this section shall
12 be made on a case-by-case basis in rotation according to
13 declining seniority among all alternates. Alternates shall hold
14 no other office in the city. Any alternate may participate in
15 any proceeding or discussion of the board but shall not be
16 entitled to vote as a member of the board unless designated as a
17 voting alternate member pursuant to this section.

18 Section 4403.2. Investigations and Subpoenas.--(a) The
19 board shall have the power to make investigations concerning all
20 matters relating to the administration and enforcement of its
21 rules and regulations. The chairperson shall be authorized to
22 administer oaths and affirmations for witnesses testifying in
23 matters before the board.

24 (b) The board shall have the power to issue subpoenas over
25 the signature of the chairperson or designee and to require the
26 attendance of witnesses and the production of records and papers
27 pertaining to matters before the board, including any background
28 investigation conducted pursuant to any applicable rules and
29 regulations.

30 Section 422. Section 4404 of the act is amended to read:

1 Section 4404. Rules and Regulations; Examinations.--[Each of
2 said boards shall prepare and adopt such rules and regulations
3 to cover the selection and appointment of all persons as
4 hereinbefore provided, to be hereafter employed or appointed in
5 said cities, as in the judgment of said boards shall be best
6 adapted to securing the best service for the public. Such rules
7 and regulations] (a) The board shall have the power and its
8 duty shall be to prepare and adopt rules and regulations,
9 subject to approval by council, which, in the board's
10 discretion, are best adapted to securing and maintaining the
11 best service for the public for the selection, appointment and
12 promotion of persons who are qualified to perform the work which
13 is the subject of the civil service examination as provided in
14 this article, and who are to be employed, appointed or promoted
15 by the city. The rules and regulations adopted by the board
16 shall provide for ascertaining and determining, so far as
17 possible, [the physical qualifications, habits, reputation,
18 standing, experience and education of all applicants for such
19 positions, respectively; and they] the knowledge, skills,
20 aptitude, mental and physical abilities, experience, education
21 and character of all applicants as these criteria would
22 reasonably apply to the respective positions; and the rules and
23 regulations shall provide for examinations upon any and all
24 subjects deemed proper or necessary by [said boards] the board
25 for the purpose of determining [their qualifications for the
26 position sought and applied for] the qualifications of
27 applicants for the respective positions sought and for which
28 application is made.

29 (b) The civil service board shall, in accordance with this
30 act, adopt rules and regulations concerning the following

1 matters that may include:

2 (1) minutes of proceedings;

3 (2) rules of procedure;

4 (3) records of examinations;

5 (4) annual report to council;

6 (5) notice of the rules and regulations and any amendments
7 or repeals to the rules and regulations;

8 (6) application forms;

9 (7) further provisions concerning the duties of the
10 chairperson and secretary;

11 (8) appointment of examiners; and

12 (9) other administrative matters.

13 Section 423. Section 4404.1 of the act, added October 19,
14 2010 (P.L.533, No.77), is amended to read:

15 Section 4404.1. Physical and Psychological Medical
16 Examinations.--(a) [A] The board may require that an applicant
17 conditionally appointed in accordance with section 4406 [of this
18 act] undergo a physical or psychological medical examination as
19 a condition of permanent appointment. Physical medical
20 examinations, if required, shall be under the direction of a
21 physician or other qualified medical professional. Psychological
22 medical examinations, if required, shall be under the direction
23 of a psychiatrist or psychologist.

24 (b) A physician, other qualified medical professional,
25 psychiatrist or psychologist shall be appointed by council and
26 shall render an opinion as to whether the conditional appointee
27 has a physical or mental condition which calls into question the
28 individual's ability to perform all of the essential functions
29 of the position for which the individual was conditionally
30 appointed.

1 (c) If the opinion rendered by the physician, other
2 qualified medical professional, psychiatrist or psychologist
3 calls into question the conditional appointee's ability to
4 perform all essential functions of a position, the director of
5 the department within which the position is to be filled shall
6 meet with the conditional appointee for the purpose of having
7 one or more interactive discussions on whether the conditional
8 appointee can, with or without reasonable accommodation, perform
9 all the essential functions of the position.

10 (d) If, at the conclusion of the interactive discussion
11 under subsection (c), the department director determines that
12 the conditional appointee is not qualified, the department
13 director shall give written notice to the conditional appointee
14 and the board.

15 (e) Nothing in this act shall be construed to authorize
16 physical or psychological medical examinations prior to
17 conditional appointment in accordance with section 4406 of this
18 act.

19 (f) As used in this section, the following definitions shall
20 apply:

21 "Medical examination" shall mean any examination, procedure,
22 inquiry or test designed to obtain information about medical
23 history or a physical or mental condition which might disqualify
24 an applicant if it would prevent the applicant from performing,
25 with or without reasonable accommodation, all of the essential
26 functions of the position.

27 "Physician" shall have the meaning given to it in 1 Pa.C.S. §
28 1991 (relating to definitions).

29 "Qualified medical professional" shall mean an individual, in
30 collaboration with or under the supervision or direction of a

1 physician, as may be required by law, who is licensed:

2 (1) as a physician assistant pursuant to the act of December
3 20, 1985 (P.L.457, No.112), known as the "Medical Practice Act
4 of 1985," or the act of October 5, 1978 (P.L.1109, No.261),
5 known as the "Osteopathic Medical Practice Act"; or

6 (2) as a certified registered nurse practitioner pursuant to
7 the act of May 22, 1951 (P.L.317, No.69), known as "The
8 Professional Nursing Law."

9 Section 424. Section 4405 of the act, amended October 19,
10 2010 (P.L.533, No.77), is repealed:

11 [Section 4405. Grading for Discharged Servicemen.--When any
12 person who was engaged in the military service of the United
13 States during any military engagement in which the United States
14 participated, and has an honorable discharge therefrom, shall
15 take any examination for appointment, the examination shall be
16 marked or graded in the same manner as provided for all other
17 examinations. When the examination of the discharged individual
18 is completed and graded, if the grade is passing, the grading or
19 percentage as the examination merits shall be increased by
20 fifteen per centum, and the total mark or grade shall represent
21 the final grade or classification of the discharged individual
22 and shall determine the individual's order of standing on the
23 eligibility list. For the purpose of this article:

24 (1) "Military service" means the army, navy, marines, air
25 force, coast guard, and any branch or unit thereof.

26 (2) "Servicemen" means members of the military service,
27 including women.

28 (3) "Military engagement" includes land, naval and air
29 engagements.]

30 Section 425. The act is amended by adding a section to read:

1 Section 4405.1. Veterans' Preference.--In accordance with 51
2 Pa.C.S. Ch. 71 (relating to veterans' preference) the following
3 shall apply to the appointment of a uniformed civil service
4 position:

5 (1) A veteran who meets the qualifications for and
6 conditions of the position under uniform eligibility rules,
7 which include successful passage of an examination, shall
8 receive an additional ten points on the examination pursuant to
9 51 Pa.C.S. § 7103(a) (relating to additional points in grading
10 civil service examinations).

11 (2) If, after the additional ten points are granted, a
12 veteran is on the list of three eligible applicants, the veteran
13 shall receive a preference in hiring over nonveterans on that
14 list.

15 (3) The preference provided by this section shall constitute
16 the only preference with regard to a uniformed civil service
17 position to which a veteran is entitled under this act.

18 Section 426. Section 4406 of the act, amended or added
19 October 19, 2010 (P.L.533, No.77), is amended to read:

20 Section 4406. Selection of Appointee from Certified List of
21 Applicants.--[The boards] The following shall apply to civil
22 service selection, conditional appointments and appointments and
23 shall be incorporated by reference in the rules and regulations
24 of the board:

25 (1) The civil service board shall make and keep, in
26 numerical order, a list containing the names of all applicants
27 for civil service positions in the city who [may] pass the
28 required examinations, including any required physical fitness
29 or agility examinations that are job-related and consistent with
30 business necessity. [Where]

1 (2) Physical fitness or agility examinations shall be
2 conducted on a pass-fail basis.

3 (3) Written and oral examinations used to establish an
4 eligibility list shall offer the opportunity to achieve one
5 hundred points.

6 (4) If both written and oral examination methods are used in
7 conjunction with each other, the board, prior to initiating
8 testing, shall establish what constitutes a passing score on
9 each portion of the examination. If only a written examination
10 method is used, the board shall establish the passing score
11 before the examination is conducted.

12 (5) When more than one person takes examinations for any
13 position at the same time, the names of all those successfully
14 passing the examination shall be entered upon the eligibility
15 list in the order of their respective [percentages] point
16 totals, the highest coming first.

17 (6) The board shall furnish to council a certified copy of
18 all lists so prepared and kept. [Wherever any vacancy shall
19 occur in any civil service position in the city, the city
20 council] Such lists shall be maintained for a period of two
21 years or until a new list is certified to council, whichever
22 occurs first and are public records.

23 (7) Whenever council shall determine an initial appointment
24 is to be made to a civil service position in the city, the
25 director of the department in which the appointment is to be
26 made shall make written application to the [president of the
27 proper] chair of the board, who shall forthwith certify to the
28 city council, in writing, the three names on the eligibility
29 list of applicants for the position having the highest
30 [percentage, but if there be] number of points, unless there are

1 less than three eligible names on the list, in which event the
2 board shall certify the names. The director of the department in
3 which the appointment is to be made shall nominate to the city
4 council a person from the eligibility list submitted to fill the
5 vacancy.

6 (8) If the city council approves the nomination, the person
7 nominated shall be conditionally appointed by council to fill
8 the vacancy, and shall be assigned for service in the
9 department, subject to any required physical or psychological
10 medical examinations that may be required by the [appropriate
11 examining] board as a condition of permanent appointment in
12 accordance with section 4404.1 [of this act].

13 (9) If the council does not approve the nomination, or if
14 the appointee is determined by the medical examination process
15 to be unqualified, then the director of the department in which
16 the appointment is to be made shall submit another nomination
17 for the position from the remaining names, if any[, and if]. If
18 the nomination is not approved by the council, or if the
19 appointee is determined by the medical examination process to be
20 unqualified, the director shall submit the third name, if any.

21 (10) The person whose nomination by the director is approved
22 by the city council shall be appointed to fill the [position in
23 the department or as building inspector] civil service position
24 under consideration.

25 (11) The name of the person so appointed shall be
26 immediately stricken from the [eligibility] certified list of
27 the board, and, except as otherwise provided in this clause, the
28 names of the [rejected] nonappointed persons shall immediately
29 be restored to their proper place on the [eligibility list]:
30 Provided, however, That if] certified list. If the name of any

1 applicant has been submitted to the council and been rejected
2 three times or the [appointee] council and the conditional
3 applicant has not been appointed for three such times or the
4 conditional applicant has been determined by the medical
5 examination process to be unqualified, then the name shall be
6 stricken from the [eligibility] certified list.

7 (12) Examinations for promotions for civil service positions
8 in the city shall be pursuant to section 4406.1 [of this act].

9 (13) As used in this section, the term "medical examination"
10 shall have the meaning given it in section 4404.1 [of this act].

11 Section 427. Section 4406.1 of the act, amended November 9,
12 2011 (P.L.408, No.99), is amended to read:

13 Section 4406.1. Promotions.--(a) The [civil service boards
14 may recommend those in the employ of a department for promotion
15 if the person recommended is competent for the higher position.
16 If an examination is required, the] city council shall notify
17 the [applicable] civil service board of a civil service vacancy
18 in the city which is to be filled by promotion and shall request
19 the certification of an eligibility list as provided in this
20 article. The board shall certify for each vacancy the names of
21 three persons on the eligibility list who have received the
22 highest average in the last preceding promotional examination
23 held within the period of two years preceding the date of the
24 request for the eligibility list. If three names are not
25 available, the board shall certify the names remaining on the
26 list. The city council shall make an appointment from the names
27 certified, based solely on the merits and fitness of the
28 candidates, unless the city council makes objections to the
29 board regarding one or more of the persons on the eligibility
30 list. The city council shall have power to determine in each

1 instance whether an increase in salary shall constitute a
2 promotion.

3 (b) Notwithstanding subsection (a), the mayor or other
4 elected or appointed official of a city that has adopted one of
5 the following shall retain the power to promote a candidate
6 pursuant to that law:

7 (1) An optional charter pursuant to the act of July 15, 1957
8 (P.L.901, No.399), known as the "Optional Third Class City
9 Charter Law."

10 (2) An optional plan pursuant to 53 Pa.C.S. Chs. 30
11 (relating to types of optional plans of government) and 31
12 (relating to general provisions common to optional plans).

13 (3) Any other law authorizing or permitting the mayor or
14 other elected or appointed official to promote a candidate.

15 (c) The provisions of this section shall not apply to the
16 mayor's designation or appointment of the chief of police
17 pursuant to section 2002 or the mayor's designation or
18 appointment of a fire chief pursuant to section 2101.1.

19 Section 428. Section 4407 of the act is amended to read:

20 Section 4407. [Tenure; Preference in Appointment to
21 Discharged Serviceman; Temporary Appointments.--] Tenure;
22 Temporary Appointments.--(a) All appointments made pursuant to
23 the provisions of this article shall be for and during good
24 behavior, and no employe hired pursuant to the provisions of
25 this article shall be removed or transferred for any political
26 reasons whatever. [Among those persons possessing qualifications
27 and eligibility for appointment, preference in appointment shall
28 be given to honorably discharged servicemen and their spouses
29 and surviving spouses as provided by law.

30 All persons holding appointments in said several departments

1 or as building inspectors of said cities, at the time this act
2 goes into effect, shall retain their positions without being
3 required to pass examination, and be removed only in accordance
4 with the provisions of this article.]

5 (b) In case of riot or emergency, temporary appointments to
6 positions in the civil service may be made without complying
7 with the provisions of this article.

8 Section 429. Section 4408 of the act, amended October 4,
9 1978 (P.L.950, No.188), is amended to read:

10 Section 4408. [Suspension and Discharge] Suspension,
11 Discharge and Discipline; Reduction of Employees; Appeals.--(a)
12 All employees subject to civil service shall be subject to
13 suspension, discharge and discipline by the director of the
14 department in which the employe works for misconduct[, or
15 violation of any law of this Commonwealth, [any] ordinance of
16 the city, or regulation of the department.], pending action by <--
17 the city council upon the charges made against any of such
18 employees. On hearing before the city council, where they may be
19 represented by counsel, they may be fined or suspended for a
20 period not exceeding thirty days with or without pay, or they
21 may be discharged by city council, if found guilty of the
22 charges made against them. The director of each such department
23 may, for misconduct or violation as aforesaid, suspend any
24 employe of such department for a period of ten days, with or
25 without pay, without preferring charges and without a hearing of
26 council; but no employe shall be suspended more than one time
27 for the identical or same violation or act of misconduct.] If it <--
28 should become necessary to reduce the number of employees in said
29 department for purposes of economy, seniority rights shall
30 prevail, and any and all removals for such cause or causes shall

1 be from the members last appointed, and the member or members
2 serving the shortest time shall be removed first; but members
3 with longer times of service may be discharged for cause}. Any <--
4 employee aggrieved by the suspension, discharge or discipline
5 imposed by a department director more serious than a suspension
6 of three days without pay may request a hearing before the city
7 council, or by the civil service board if designated by
8 ordinance. At the hearing, the employee may be represented by
9 counsel.

10 (a.1) Any civil service employee aggrieved by the [action]
11 decision of the council [in fining, suspending or discharging
12 him shall have the right to appeal by petition to the court of
13 common pleas within thirty days after the suspension or after
14 receipt of written notice of such action by council which it
15 shall be the duty of the council to give and the court shall
16 hear the charges made against him de novo] or the civil service
17 board shall have the right to appeal in accordance with 2
18 Pa.C.S. Ch. 7 Subch. B (relating to judicial review of local
19 agency action). This review shall be exclusive. Where no such
20 appeal is taken within the time prescribed by law, the decision
21 by the city council or the civil service board shall become
22 final in accordance with the law. The issue before the court
23 shall be whether the action of the council or the civil service
24 board shall be affirmed or be modified in any respect or whether
25 the charges should be dismissed or whether the suspension or
26 demotion made by the director shall be affirmed or rescinded.
27 Where any [such] employee has been suspended and the charges are
28 dismissed or the suspension rescinded on appeal, [he] the
29 employee shall receive full compensation for the entire period of
30 suspension.

1 (b) In any case in which a police officer or firefighter who
2 is a member of a bargaining unit is subject to suspension,
3 discharge or discipline, the police officer or firefighter shall
4 have the option of challenging the suspension, discharge or
5 discipline imposed by using the procedures provided in
6 subsection (a) or by a proceeding in grievance arbitration. A
7 choice to proceed either by subsection (a) or by grievance
8 arbitration shall foreclose the opportunity to proceed in the
9 alternative method.

10 Section 430. Sections 4409 and 4410 of the act are amended
11 to read:

12 Section 4409. [Secretaries of Boards; Compensation.--Each of
13 said civil service boards may] Secretary; Compensation.--The
14 civil service board shall appoint a secretary and prescribe [his
15 duties. He] the secretary's duties, and shall have the power to
16 change these duties. The secretary shall be subject to removal
17 at any time by the board [appointing him, and such board shall
18 have power to change his duties. The compensation to be paid
19 said secretaries and all necessary stationery and supplies for
20 said boards shall be such as council shall by ordinance direct].
21 Council shall establish the compensation to be paid to the
22 secretary, and all necessary stationery and supplies for the use
23 of the board shall be supplied by the city.

24 Section 4410. Review of Eligibility Lists.--The lists of
25 eligible names kept by [each] the civil service board shall be
26 annually examined by the board for the purpose of deleting
27 therefrom persons who are permanently unavailable for or
28 disqualified for the position or positions involved, either by
29 death, permanent removal from the area, written desire to be
30 removed therefrom, or by other permanent cause[,] in conformity

1 with the board's rules and regulations adopted pursuant to
2 section [four thousand four hundred four] 4404.

3 Section 431. The act is amended by adding an article to
4 read:

5 ARTICLE XLIV-A

6 VETERANS' AFFAIRS

7 (a) Support of Veterans' Organizations

8 Section 4401-A. Appropriation to post of veterans.

9 Council may appropriate annually to organizations of veterans
10 of the United States armed services or veterans' parents to aid
11 in defraying the expenses of Memorial Day and Veterans Day, or
12 other expenses such as payment of rent of any building or rooms
13 where the organization has its regular meetings. Payments shall
14 be made to defray actual expenses only. Before any payment is
15 made, the organization receiving the same shall submit verified
16 accounts of their expenditures.

17 Section 4402-A. Rooms for meetings of veterans.

18 Council may provide, upon application, to an organization
19 composed of veterans of the United States armed services, a
20 facility in any public building of the city, sufficient for the
21 periodic meeting of each of the organizations.

22 (b) Pennsylvania National Guard

23 Section 4411-A. Support of Pennsylvania National Guard units.

24 Council may appropriate annually a sum for the support and
25 maintenance, discipline and training of any troop, company or
26 similar unit of the Pennsylvania National Guard. If the units
27 are organized as a battalion, regiment or similar organization,
28 the total amount due may be paid to the commanding officer of
29 the battalion, regiment or similar organization. Any money
30 appropriated shall be paid by warrant drawn to the order of the

commanding officer of the company, battalion, regiment or
similar organization, only when it shall be certified to the
city, by the Adjutant General of the Commonwealth, that the
company has satisfactorily passed the annual inspection provided
by law. The money appropriated shall be used and expended solely
and exclusively for the support and maintenance, discipline and
training of the company, battalion, regiment or similar
organization; and the commanding officer shall account, by
proper vouchers to the city each year, for the expenditure of
the money appropriated. No appropriation shall be made for any
subsequent year until the expenditure of the previous year is
duly and satisfactorily accounted for. The accounts of the
expenditures shall be subject to the inspection of the
Department of Military Affairs, and shall be audited by the city
controller in the manner provided by this act for the audit of
accounts of city money.

Section 4412-A. Assistance in erection of armories.

Council may appropriate money or convey land, either
independently or in conjunction with any other political
subdivision, to the Commonwealth, for the purpose of assisting
the State Armory Board in the erection of armories for the use
of the Pennsylvania National Guard, and to furnish water, sewer
services, light or fuel free of cost to the Commonwealth for use
in any armory of the Pennsylvania National Guard. Council may do
all things necessary to accomplish the purpose of this section.

Section 4413-A. Eminent domain for National Guard purposes.

Council may take, by right of eminent domain, for the purpose
of appropriating to itself for the use of the Pennsylvania
National Guard public lands, easements and public property in
its possession or control and used or held by it for any other

1 purpose. Such right, however, shall not be exercised as to any
2 street or wharf.

3 Section 4414-A. Lands for armory purposes.

4 Council may acquire, by purchase or by gift, or by the right
5 of eminent domain, any land for the use of the Pennsylvania
6 National Guard and may convey lands so acquired to the
7 Commonwealth in order to assist the State Armory Board in the
8 erection of armories. The power conferred by this section shall
9 not be exercised to take any church property, graveyard or
10 cemetery. Lands within three miles outside the limits of the
11 city may be acquired in like manner for the use of the
12 Pennsylvania National Guard provided that if the land is
13 acquired by eminent domain that the taking shall be subject to
14 the limitations in 26 Pa.C.S. § 206 (relating to
15 extraterritorial takings).

16 (c) Burials and Memorials

17 Section 4421-A. Purchase of burial grounds for deceased service
18 persons.

19 Council may appropriate money for and purchase plots of
20 ground in any cemetery or burial ground, within its respective
21 city limits, for the interment of deceased service persons who
22 die within the city, or die beyond the city but have a legal
23 residence within the city at the time of their deaths, and whose
24 bodies are entitled to be buried by the county under the
25 provisions of existing laws.

26 Section 4422-A. Care of memorials.

27 Council may take charge of, care for, maintain and keep in
28 good order and repair, at the expense of the city, any soldier's
29 monument, gun or carriage or similar memorial, situate in the
30 city which is not in the charge or care of any person, body or

organization and which is not put up or placed by the Government of the United States, the Commonwealth or the commissioners of the county or by the direction or authority of any other state. Council may receive from any person or organization any money or funds which can be used for the benefit of the memorials, and expend the money.

Section 4423-A. Memorial trees.

Council may provide for or authorize provision for memorial trees for residents of the city who died while in the military service of the United States or in consequence thereof. Council may make appropriations or accept contributions for this purpose. Such trees shall bear some permanent indication of their purpose.

Section 4424-A. Penalty for injury to memorial trees.

Any person willfully, maliciously or negligently destroying or injuring any trees planted pursuant to the provisions of section 4423-A commits a misdemeanor and shall, upon conviction, be liable to a fine not exceeding \$500, or imprisonment not exceeding three months, or both, in the discretion of the court.

Section 432. Article XLV heading and sections 4501, 4502, 4503, 4504 and 4505 of the act are repealed:

[ARTICLE XLV

CHARITIES AND WELFARE

Section 4501. Creation of Department of Charity.--Council, by ordinance, may create a bureau for the purpose of administering charity and for support of the poor, create any office which may be deemed necessary for the proper government, support, and management of said bureau, and regulate and prescribe the powers, duties, and compensation of all such officers. Such bureau shall have the care, management,

1 administration, and supervision of the charities, almshouses,
2 poorhouses, and the relief of the poor of the city, subject,
3 however, to the control of the council.

4 Section 4502. Power to Levy Special Tax.--Council may levy a
5 tax annually, not exceeding ten mills on the dollar, on all
6 persons and property taxable by the city for city purposes, for
7 the support of said bureau.

8 Section 4503. Hospitals; Appropriations; Free Treatment for
9 Poor.--Any city may acquire, by gift, devise, or bequest, lands,
10 chattels, securities and funds for the establishment and
11 maintenance of a hospital, for the purposes of caring for the
12 sick and injured residents of such city and the vicinity
13 thereof, and, for such purposes, to appropriate and expend money
14 of the city: Provided, That the poor residents of such city
15 shall receive free treatment to the extent that it is possible
16 to provide for same with the means available. Such hospital, or
17 any ward therein, may be named in accord with the wishes of any
18 person making a substantial donation thereto by will or
19 otherwise.

20 Section 4504. Appointment of Trustees for Gifts; Powers.--
21 Such gifts, devises, bequests and appropriated funds shall be
22 under the supervision of a board of trustees, to be appointed by
23 council, consisting of at least nine trustees, three of whom
24 shall be members of council, three of whom shall be licensed and
25 practicing physicians in such city and the vicinity thereof, and
26 the remainder of which board shall consist of residents of such
27 city and vicinity thereof. Said appointments shall at all times
28 be made subject to the approval of the orphans' court of the
29 county in which said city is situated. Said board of trustees
30 shall at all times be subject to the resolutions of council and

1 the jurisdiction of said court, which shall have power to remove
2 any of them upon petition of such city. Any vacancy in such
3 board may be filled by a new appointment in manner aforesaid.
4 Said board of trustees shall make reasonable rules for the
5 management of such hospital, and appoint and remove the
6 physicians, surgeons, nurses, and other employes necessary for
7 the conduct thereof.

8 Section 4505. Appropriations or Other Assistance for
9 Hospitals.--Council may make appropriations for the support or
10 assistance of hospitals within or near the city or, in lieu
11 thereof, council may provide for services to such hospitals at
12 the city's expense and with materials or equipment of the city.]

13 Section 433. The act is amended by adding an article to
14 read:

15 ARTICLE XLV-A

16 ASSESSMENTS FOR PUBLIC IMPROVEMENTS

17 Section 4501-A. Authority to assess.

18 (a) Authority.--In cases in which one or more properties are
19 benefited from a public improvement, unless otherwise provided
20 for in this act, a city shall be authorized to assess, as
21 provided in this article, all or any portion of the costs of the
22 public improvement, including any related administrative fees,
23 against those properties that are benefited by the public
24 improvement.

25 (b) Payment of costs.--Unless otherwise provided in this
26 act, in addition to the authority to assess the cost of public
27 improvements against properties benefited, a city shall have the
28 power to pay for the cost of public improvements, in whole or in
29 part, from general city funds or, if authorized, from a special
30 city fund dedicated to that purpose.

1 (c) Indebtedness.--If a city incurs indebtedness pursuant to
2 53 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and
3 borrowing) for the purposes of funding the cost and expense of
4 making public improvements for which assessments can be made in
5 accordance with this article, and assessments are made, payments
6 made on the assessments must be applied to pay the debt service
7 for the indebtedness incurred for funding the cost and expense
8 of making the public improvements.

9 (d) Definition.--As used in this article, unless the context
10 clearly indicates otherwise, the term "public improvement" may
11 include, but shall not be limited to, the building, paving,
12 grading, rebuilding, repaving and regrading of streets,
13 sidewalks, curbs and gutters; the creation, extension and
14 renovation of water and sewerage collection, transmission,
15 treatment and disposal systems; the creation, extension and
16 renovation of storm, surface and subsurface drainage systems;
17 the construction, reconstruction and repair of wharves and
18 docks; the installation of pipes, wires and conduits relating to
19 city-supplied utility services; the installation, maintenance or
20 operation of ornamental street lighting; or the planting,
21 maintaining, trimming, transplanting, removal and protection of
22 shade trees.

23 Section 4502-A. Method of assessment.

24 (a) Ordinance.--In any case in which council elects to
25 exercise the power to make assessments for a given public
26 improvement as authorized in section 4501-A, it shall, by
27 ordinance and in conformity with this article, establish the
28 method and procedure pursuant to which assessments shall be
29 made.

30 (b) Allocation of costs and expenses.--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) Front foot method.--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.

(2) The assessment against each property shall be that portion of the cost which is determined by multiplying the dividend under paragraph (1) by the number of linear feet for street frontage of that property.

(3) Council shall have the power and its duty shall be, in the case of corner or irregularly shaped lots or where special conditions exist, to provide for an equitable adjustment, as necessary, to prevent an unjust or excessive assessment.

(d) Assessment based on report of viewers.--In order to pay for all or a portion of the cost or expenses of a public improvement, council may determine to assess properties benefited based upon a report of viewers. Three disinterested persons shall be appointed by council as viewers. A majority of the viewers shall assess the cost against each property benefited in reasonable proportion to the benefits conferred upon each property. The viewers, or a majority of them, shall

1 make a report in writing which shall specify the amount assessed
2 upon each property and shall present the report directly to
3 council or file it with the city clerk, as council directs.

4 Section 4503-A. Notice of assessment.

5 (a) Personal notice.--After the amounts to be assessed
6 against the properties to be benefited by the public improvement
7 have been calculated pursuant to the method and procedures as
8 prescribed by ordinance, the city shall give personal notice of
9 the assessment to the owner of each property that is being
10 assessed. The notice shall also state that the owner has 30 days
11 from receipt of the notice to appeal the assessment.

12 (b) Assessment effective.--An assessment made pursuant to
13 this article shall become effective 30 days after personal
14 notice is given by any of the following means:

15 (1) Personal service on the owner.

16 (2) Certified mail, addressee only, return receipt
17 requested, to the owner at the owner's last known address.

18 (3) Posting notice at or upon the property, after
19 reasonable attempts to give personal notice pursuant to
20 paragraphs (1) and (2) have failed.

21 Section 4504-A. Appeals to court.

22 Within 30 days after receipt of the notice of assessment, an
23 owner of property shall have the right to appeal the assessment
24 to the court of common pleas in the county in which the assessed
25 property is located. On appeal, unless the court finds fraud,
26 mistake or illegality, the court shall be restricted to
27 determining the questions of whether the property assessed
28 received any special benefits from the improvement and whether
29 the assessment made exceeds the special benefits received.

30 Section 4505-A. Benefits and damages.

1 In any proceeding in which damages to property are being
2 sought as a result of a public improvement for which an
3 assessment of benefits has been made, the excess of damages over
4 benefits, or the excess of benefits over damages, or nothing in
5 case the benefits and damages are equal, shall be awarded to or
6 assessed against the owner of land and property affected by the
7 public improvement.

8 Section 4506-A. Return by city of assessments paid on property
9 unlawfully assessed.

10 The following shall apply with regard to the return of
11 payments made on an unlawful assessment:

12 (1) If, after a timely appeal, a court makes a final
13 determination that a property was unlawfully assessed or that
14 the amount assessed exceeded, to a substantial amount, the
15 benefits received by the property assessed from the public
16 improvement, a city that received money in payment of the
17 assessment shall repay the money in an amount as ordered by
18 the court.

19 (2) Within two years of receiving payment of an
20 assessment, the city may repay such money voluntarily if the
21 city determines that the assessment or part thereof was made
22 erroneously.

23 (3) Repayments to property owners pursuant to paragraph
24 (1) or (2) shall include interest from the date of payment of
25 the unlawful or erroneous assessment at the rate of interest
26 that is provided for in 53 Pa.C.S. § 8426 (relating to
27 interest on overpayment).

28 Section 4507-A. Payment of assessments in installments.

29 (a) Authorization.--An ordinance providing for a public
30 improvement the expense of which is to be defrayed by an

assessment against properties benefited by the public
improvement may authorize the payment of the assessments in
installments. The ordinance shall set a time when the
installment payments shall commence and shall specify the length
of time over which the installments may be extended and whether
payments are to be made by equal annual or more frequent
installments. The period during which installments may be paid
shall not exceed the lesser of ten years or the number of years
equal to the period of maturity of the bonds issued to fund the
public improvement.

(b) Interest rate.--The ordinance shall set forth the rate
of interest for the installments, which shall not be more than
10% per year unless a bond is issued for the improvement, in
which case the maximum interest rate on the installment payments
shall be pursuant to section 9 of the Municipal Claim and Tax
Lien Law.

(c) Written agreement.--The city shall enter into a written
installment agreement with each property owner that will pay the
assessment in installments, subject to the requirements of the
ordinance pertaining to such agreements and this article.

(d) Installments not paid.--If any of the installments shall
remain unpaid for 60 days after the same has become due and
payable, the entire unpaid assessment plus unpaid accrued
interest and any costs shall be due and payable and the city may
proceed to collect them by filing a lien in the same manner as
municipal claims are filed or by action in assumpsit.

(e) Advance payments.--Any property owner upon whom an
assessment has been made may pay all or as many of the
installments before they are due, with interest and costs to the
due date of the next installment.

1 Section 4508-A. Collection of assessments.

2 (a) Authority.--Council shall have the power to authorize
3 the city treasurer or other city official to collect
4 assessments.

5 (b) Procedure.--The following shall apply to the collection
6 of assessments:

7 (1) A city may collect an assessment that remains unpaid
8 for 60 days after personal notice was given pursuant to
9 section 4503-A, unless an installment agreement has been
10 entered into pursuant to section 4507-A.

11 (2) An assessment made pursuant to this article may be
12 collected in the same manner as municipal claims in the
13 Municipal Claim and Tax Lien Law or by an action of assumpsit
14 against the owner of the property benefited.

15 (3) Interest on an unpaid assessment shall begin to
16 accrue from the time of completion of the improvement at a
17 rate of 10% per year unless a bond is issued for the
18 improvement, in which case the maximum interest rate shall be
19 pursuant to section 9 of the Municipal Claim and Tax Lien
20 Law.

21 (4) If a property owner has two or more lots against
22 which there is an assessment for the same improvement, all of
23 the lots may be embraced in one claim.

24 (5) Assessments, whether paid one time or by
25 installments, shall be payable at the office of the city
26 treasurer or any other place designated by ordinance.

27 Section 434. Article XLVI heading of the act is reenacted to
28 read:

29 ARTICLE XLVI

30 COLLECTION OF MUNICIPAL CLAIMS BY SUIT AND

1 COMPROMISE OF CLAIMS

2 Section 435. Section 4601 of the act, amended July 25, 1963
3 (P.L.283, No.153), is amended to read:

4 Section 4601. Collection of Municipal Claims by Suit.--In
5 addition to the remedies provided by this act or any other law
6 for the filing of liens for the collection of municipal claims,
7 including, but not limited to, water rates, sewer rates and the
8 removal of nuisances, all cities may proceed for the recovery
9 and collection of municipal claims by action of assumpsit
10 against the person or persons who were the owner or owners of
11 the property at the time of the completion of the improvement,
12 or at the time the water or sewer rates or the cost of the
13 removal of nuisances first became payable, notwithstanding the
14 fact that there was a failure on the part of [any such] the
15 city, or its agents, to enter [any such] the municipal claim as
16 a lien against the property assessed for the improvement or for
17 the furnishing of water or sewer services or for the removal of
18 nuisances, and for the recovery of which the action of assumpsit
19 was brought. [Any such] The action in assumpsit shall be
20 commenced either within six years after the completion of the
21 improvement from which [said] the claim arises or within six
22 years after the water or sewer rates or the cost of abating a
23 nuisance first became payable.

24 This section shall extend to all municipal claims [where the
25 improvement was] for improvements heretofore made, where the
26 action of assumpsit has been instituted under the provisions of
27 prior acts of Assembly, and where the claim was not barred by
28 the statute of limitations affecting actions of assumpsit.

29 Section 436. Section 4602 of the act is amended to read:

30 Section 4602. Compromise of Municipal Claims[; Court

Approval.--Whenever].--(a) If any city has any municipal claim entered in the office of the prothonotary as a lien against real estate, [which said] and if the claim has existed for ten years or more, council may[, with the approval of the court of common pleas,] agree with the owner of [such] the real estate to accept, in compromise or reduction of the amount of the claim and the interest charges, expenses and fees added thereto and due thereon, any sum less than the whole of such amount so due.

(b) Upon receipt of the compromise amount as agreed upon, 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 the claim shall no longer be a lien against the real estate or a claim against the owner thereof.

(c) The provisions of this section permitting compromise of municipal claims 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 the contractor under terms of the contract for the improvement for which the assessment was levied.

Section 437. 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

1 claim against the said owner thereof.

2 Section 4604. Certain Claims Excluded.--The provisions of
3 sections four thousand six hundred two and four thousand six
4 hundred three shall not apply to or in any manner affect any
5 claims, the assessments for which are the sole basis of
6 improvement bonds issued by any political subdivision and which
7 are the security for the payment thereof, or any claims, the
8 assessments for which have heretofore been assigned by any
9 political subdivision to any contractor in payment of the amount
10 due him under terms of the contract for the improvement for
11 which the assessment was levied.]

12 Section 438. Article XLVII heading of the act is reenacted
13 to read:

14 ARTICLE XLVII

15 ACTS OF ASSEMBLY REPEALED; SAVING CLAUSE

16 Section 439. Section 4701 of the act is amended to read:

17 Section 4701. Repeals and Saving Clause.--(a) Nothing
18 contained in this act revives any act, or part of any act,
19 repealed by the act reenacted, amended or revised by this act.

20 (b) The following acts and parts of acts of Assembly are
21 hereby repealed as particularly set forth:

22 The act, approved the twenty-fifth day of March, one thousand
23 eight hundred seventy-eight (Pamphlet Laws 8), entitled "An act
24 authorizing cities of the third class to levy and collect taxes
25 for park purposes, and curing any defects in previous levies,"
26 absolutely.

27 The act, approved the thirty-first day of May, one thousand
28 nine hundred nineteen (Pamphlet Laws 358, Number 172), "An act
29 to amend section three, article five of the act, approved the
30 twenty-seventh day of June, one thousand nine hundred thirteen

1 (Pamphlet Laws 568), entitled 'An act providing for the
2 incorporation, regulation, and government of cities of the third
3 class; regulating nomination and election of municipal officers
4 therein; and repealing, consolidating, and extending existing
5 laws in relation thereto,' by adding thereto clause forty-nine
6 relative to the collection and disposal of garbage, ashes, and
7 other waste and refuse matter," absolutely.

8 The act, approved the fourth day of June, one thousand nine
9 hundred nineteen (Pamphlet Laws 373), entitled "An act to amend
10 section three, article five of the act, approved the twenty-
11 seventh day of June, one thousand nine hundred thirteen
12 (Pamphlet Laws, five hundred and sixty-eight), entitled 'An act
13 providing for the incorporation, regulation, and government of
14 cities of the third class; regulating nomination and election of
15 municipal officers therein; and repealing, consolidating, and
16 extending existing laws in relation thereto,' by adding thereto
17 clause forty-nine, relative to appropriations for municipal
18 music," absolutely.

19 The act, approved the tenth day of March, one thousand nine
20 hundred twenty-one (Pamphlet Laws 29, Number 10), entitled "An
21 act for the relief of certain county treasurers and county tax
22 collectors, in the settlement of county, poor, and State taxes,
23 in cities of the third class," absolutely.

24 The act, approved the twenty-second day of April, one
25 thousand nine hundred twenty-seven (Pamphlet Laws 358), entitled
26 "An act authorizing and empowering cities of the third class to
27 recognize the moral obligation of the city to pay just claims
28 against the city, although under existing laws no legal recovery
29 could be had against the city," absolutely.

30 Section seven hundred twenty-three of the act, approved the

1 first day of May, one thousand nine hundred twenty-nine
2 (Pamphlet Laws 905), entitled "An act for the protection of the
3 public safety; regulating the use of highways, and the operation
4 of vehicles, tractors, street cars, trackless trolley omnibuses,
5 bicycles, pedestrians, and the riding of animals upon the
6 highways of this Commonwealth; providing for the titling,
7 including liens, encumbrances, and legal claims; registration of
8 certain vehicles and licensing the operators thereof, upon
9 payment of prescribed fees; prescribing and limiting the powers
10 of local authorities to deal with the subject matter of this
11 act; conferring powers and imposing duties upon the Department
12 of Revenue, the Department of Highways, peace officers, mayors,
13 burgesses, magistrates, aldermen, justices of the peace, the
14 courts and the clerks thereof, owners of vehicles, and garage
15 keepers; providing that records are admissible as evidence;
16 imposing upon owners, counties, cities, boroughs, incorporated
17 towns, townships, within the Commonwealth, liability for damages
18 caused by the negligent operation of their motor vehicles;
19 imposing penalties; imposing certain costs upon counties;
20 providing for the disposition of fines, forfeitures, fees, and
21 miscellaneous receipts; making an appropriation and providing
22 for refunds," in so far as inconsistent with the provisions of
23 this act.

24 The act, approved the seventeenth day of May, one thousand
25 nine hundred twenty-nine (Pamphlet Laws 1801), entitled "An act
26 authorizing cities of the third class to provide, by ordinance,
27 for the payment for public work or improvements heretofore made
28 for or furnished to the city, and accepted and used by the city,
29 where no legal or valid contract was entered into as required by
30 law," absolutely.

1 The act, approved the twenty-second day of May, one thousand
2 nine hundred thirty-three (Pamphlet Laws 923), entitled "An act
3 to authorize cities of the third class to sue out writs of scire
4 facias on certain municipal claims, where more than five years
5 have elapsed since said claims were filed, and to reduce such
6 claims to judgment; and providing for the revival and collection
7 of such judgments," absolutely.

8 The act, approved the thirty-first day of May, one thousand
9 nine hundred thirty-three (Pamphlet Laws 1108, Number 272),
10 entitled "An act providing for the appointment, promotion,
11 reduction, removal and reinstatement of paid officers, firemen
12 and employes of fire departments and of fire alarm operators and
13 fire box inspectors in the bureaus of electricity in cities of
14 the third class; defining the powers and duties of civil service
15 commissions for such purposes; and fixing penalties,"
16 absolutely.

17 The act, approved the sixteenth day of May, one thousand nine
18 hundred thirty-five (Pamphlet Laws 176, Number 82), entitled "An
19 act requiring cities of the second and third class to allow
20 members of the police departments, twenty-four consecutive hours
21 of rest each week, and fourteen days vacation each year, except
22 in emergency cases," so far as it relates to cities of the third
23 class.

24 The act, approved the first day of May, one thousand nine
25 hundred thirty-nine (Pamphlet Laws 40), entitled "An act to
26 amend the title and the act, approved the sixteenth day of May,
27 one thousand nine hundred thirty-five (Pamphlet Laws, one
28 hundred seventy-six), entitled 'An act requiring cities of the
29 second and third class to allow members of the police
30 departments, twenty-four consecutive hours of rest each week,

1 and fourteen days vacation each year, except in emergency
2 cases,' extending the provisions of said act to cities of the
3 second class A," so far as it relates to cities of the third
4 class.

5 Sections six hundred eighty-two and six hundred ninety of the
6 act, approved the twenty-fourth day of June, one thousand nine
7 hundred thirty-nine (Pamphlet Laws 872), entitled "An act to
8 consolidate, amend and revise the penal laws of the
9 Commonwealth," so far as they relate to cities of the third
10 class and are inconsistent with the provisions of this act.

11 The act, approved the twenty-third day of May, one thousand
12 nine hundred forty-five (Pamphlet Laws 907), entitled "An act
13 authorizing cities of the third class, with the approval of the
14 court of common pleas, to accept less than the full amount of
15 certain municipal claims filed as a lien against real estate in
16 compromise settlements thereof," absolutely.

17 The act, approved the second day of May, one thousand nine
18 hundred forty-seven (Pamphlet Laws 149), entitled "An act
19 authorizing cities to enact ordinances prohibiting smoking or
20 the carrying of lighted cigarettes, cigars, pipes or matches or
21 using matches or other fire producing devices in certain retail
22 stores within such cities and to provide penalties therefor," so
23 far as it relates to cities of the third class.

24 (c) All other acts or parts of acts of Assembly supplied by
25 or inconsistent with the provisions of this act are hereby
26 repealed. It is the intention that this act shall furnish a
27 complete and exclusive system for the government and regulation
28 of cities of the third class, except as to the several matters
29 enumerated in section [one hundred and three of this act] 103.

30 [But nothing] (d) Nothing contained in this act shall be

1 construed to repeal any local or special laws; or to repeal the
2 provisions of 66 Pa.C.S. Pt. I, known as the Public Utility
3 [Law] Code; or any law relating to the Board of Commissioners of
4 Navigation for the River Delaware and its navigable tributaries;
5 or the provisions of any law, the enforcement of which is vested
6 in the Department of Health or the [Sanitary Water Board]
7 Department of Environmental Protection; or the provisions of any
8 law, the enforcement of which is vested in the Department of
9 [Forests and Waters] Conservation and Natural Resources [or the
10 Water and Power Resources Board]; or the provisions of 74
11 Pa.C.S. Ch. 59, Subch. B, known as the Airport Zoning Act; [or
12 any of the provisions of the act, approved the thirty-first day
13 of May, one thousand nine hundred thirty-three (Pamphlet Laws
14 1108); or any of the provisions of the act, approved the
15 thirteenth day of May, one thousand nine hundred thirty-seven
16 (Pamphlet Laws 620); or any of the provisions of the act,
17 approved the second day of July, one thousand nine hundred
18 thirty-seven (Pamphlet Laws 2803),] or any of the provisions of
19 the act, approved [the twenty-third day of May, one thousand
20 nine hundred forty-five (Pamphlet Laws 903)] May 23, 1945
21 (P.L.903, No.362); or any amendments or supplements of them; or
22 any laws or parts of laws pertaining to civil defense.

23 (e) Nothing in this act shall be construed to repeal any
24 provision in or the act of February 14, 2008 (P.L.6, No.3),
25 known as the "Right-to-Know Law," any provision of 45 Pa.C.S.
26 (relating to legal notices) or any provision of 65 Pa.C.S.
27 (relating to public officers).

28 Section 440. Termination and continuation of civil service
29 boards. Civil service boards shall be terminated and continued
30 as follows:

1 (1) All civil service boards created prior to the
2 effective date of this section, and pursuant to the act,
3 whether for uniformed or nonuniformed employees, or pursuant
4 to the act of May 31, 1933 (P.L.1108, No.272) entitled "An
5 act validating sheriff's sales of real estate on judgments of
6 foreclosure in scire facias sur mortgage cases when the
7 release of the mortgagor from liability was not filed with
8 the praecipe," shall be abolished except as provided in
9 paragraph (2).

10 (2) No civil service board before which proceedings
11 under section 4408 of the act or under section 10 of the act
12 of May 31, 1933 (P.L.1108, No.272), have been initiated or
13 are pending as of the effective date of this section may be
14 abolished until the conclusion of those proceedings before
15 the respective board.

16 (3) Any civil service proceedings initiated after the
17 effective date of this section shall be before the new civil
18 service board created in accordance with Article XLIV of the
19 act.

20 SECTION 441. BASE AMOUNT ADJUSTMENT. <--

21 THE TERM "BASE AMOUNT" AS USED IN SECTIONS 1901.1, 1901.2,
22 1901.4, 1902 AND 1909 OF THE ACT REFERS TO THE BASE AMOUNT AS
23 ADJUSTED BY THE DEPARTMENT OF LABOR AND INDUSTRY AND REPORTED IN
24 42 PA.B. 7616 FOR USE IN 2013.

25 Section ~~441~~ 442. This act shall take effect in 60 days. <--