

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 547 Session of 2019

INTRODUCED BY EMRICK, PICKETT, ZIMMERMAN, ROAE, CIRESI, BERNSTINE, MILLARD AND HEFFLEY, FEBRUARY 19, 2019

AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 13, 2019

AN ACT

1 Amending the act of June 24, 1931 (P.L.1206, No.331), entitled
2 "An act concerning townships of the first class; amending,
3 revising, consolidating, and changing the law relating
4 thereto," IN CORPORATE POWERS, FURTHER PROVIDING FOR <--
5 ORDINANCES AND RESOLUTIONS; AND, in finance and taxation,
6 further providing for tax levies AND FOR TAX RATES TO BE <--
7 EXPRESSED IN DOLLARS AND CENTS.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. ~~Section 1709(a) introductory paragraph of the act <--~~
11 ~~of June 24, 1931 (P.L.1206, No.331), known as The First Class~~
12 ~~Township Code, is amended to read:~~

13 SECTION 1. SECTIONS 1502 CLAUSE I(A), 1709(A) INTRODUCTORY <--
14 PARAGRAPH AND 1710 OF THE ACT OF JUNE 24, 1931 (P.L.1206,
15 NO.331), KNOWN AS THE FIRST CLASS TOWNSHIP CODE, ARE AMENDED TO
16 READ:

17 SECTION 1502. THE CORPORATE POWER OF A TOWNSHIP OF THE FIRST
18 CLASS SHALL BE VESTED IN THE BOARD OF TOWNSHIP COMMISSIONERS.
19 THE BOARD SHALL HAVE POWER--

20 I. ORDINANCES AND RESOLUTIONS. (A) TO ADOPT RESOLUTIONS

1 AND ORDINANCES PRESCRIBING THE MANNER IN WHICH POWERS OF THE
2 TOWNSHIP SHALL BE CARRIED OUT, AND GENERALLY REGULATING THE
3 AFFAIRS OF THE TOWNSHIP. ALL SUCH PROPOSED ORDINANCES, UNLESS
4 OTHERWISE PROVIDED BY LAW, SHALL BE PUBLISHED AT LEAST ONCE IN
5 ONE NEWSPAPER OF GENERAL CIRCULATION IN THE TOWNSHIP NOT MORE
6 THAN SIXTY DAYS NOR LESS THAN SEVEN DAYS PRIOR TO PASSAGE.
7 PUBLICATION OF ANY PROPOSED ORDINANCE SHALL INCLUDE EITHER THE
8 FULL TEXT THEREOF OR THE TITLE AND A BRIEF SUMMARY PREPARED BY
9 THE TOWNSHIP SOLICITOR SETTING FORTH ALL THE PROVISIONS IN
10 REASONABLE DETAIL AND A REFERENCE TO A PLACE WITHIN THE TOWNSHIP
11 WHERE COPIES OF THE PROPOSED ORDINANCE MAY BE EXAMINED. IF THE
12 FULL TEXT IS NOT INCLUDED A COPY THEREOF SHALL BE SUPPLIED TO A
13 NEWSPAPER OF GENERAL CIRCULATION IN THE TOWNSHIP AT THE TIME THE
14 PUBLIC NOTICE IS PUBLISHED. IF THE FULL TEXT IS NOT INCLUDED AN
15 ATTESTED COPY THEREOF SHALL BE FILED IN THE COUNTY LAW LIBRARY
16 OR OTHER COUNTY OFFICE DESIGNATED BY THE COUNTY COMMISSIONERS
17 WHO MAY IMPOSE A FEE NO GREATER THAN THAT NECESSARY TO COVER THE
18 ACTUAL COSTS OF STORING SAID ORDINANCES. FILING WITH THE COUNTY
19 MAY BE COMPLETED BY THE SUBMISSION OF AN ELECTRONIC COPY OF THE
20 ORDINANCE THROUGH A METHOD AVAILABLE, IN THE SOLE DISCRETION OF
21 THE COUNTY, TO PERMIT RECEIPT BY THE OFFICE STORING MUNICIPAL
22 ORDINANCES. UPON REQUEST BY THE TOWNSHIP, THE COUNTY SHALL
23 NOTIFY THE TOWNSHIP OF THE METHOD BY WHICH ELECTRONIC COPIES MAY
24 BE SUBMITTED. THE COUNTY MAY STORE THE ORDINANCE ELECTRONICALLY,
25 PROVIDED THAT THE PUBLIC IS ABLE TO ACCESS THE ELECTRONICALLY
26 STORED TOWNSHIP ORDINANCES DURING REGULAR BUSINESS HOURS AT THE
27 OFFICE OR AT A REMOTE LOCATION. THE TOWNSHIP SHALL RETAIN A
28 PRINTED COPY OF THE E-MAIL AND ORDINANCE AS TRANSMITTED. THE
29 DATE OF SUCH FILING SHALL NOT AFFECT THE EFFECTIVE DATE OF THE
30 ORDINANCE, THE VALIDITY OF THE PROCESS OF THE ENACTMENT OR

1 ADOPTION OF THE ORDINANCE. IN THE EVENT SUBSTANTIAL AMENDMENTS
2 ARE MADE IN THE PROPOSED ORDINANCE OR RESOLUTION, UPON
3 ENACTMENT, THE BOARD SHALL WITHIN TEN DAYS READVERTISE IN ONE
4 NEWSPAPER OF GENERAL CIRCULATION IN THE TOWNSHIP, A BRIEF
5 SUMMARY SETTING FORTH ALL THE PROVISIONS IN REASONABLE DETAIL
6 TOGETHER WITH A SUMMARY OF THE AMENDMENTS. IN ANY CASE IN WHICH
7 MAPS, PLANS OR DRAWINGS OF ANY KIND ARE ADOPTED AS PART OF AN
8 ORDINANCE, THE COMMISSIONERS MAY, INSTEAD OF PUBLISHING THE SAME
9 AS PART OF THE ORDINANCE, REFER, IN PUBLISHING THE ORDINANCE, TO
10 THE PLACE WHERE SUCH MAPS, PLANS OR DRAWINGS ARE ON FILE AND MAY
11 BE EXAMINED. NO ORDINANCE, RESOLUTION PERTAINING TO A TAX LEVY,
12 OR RESOLUTION OF A LEGISLATIVE CHARACTER IN THE NATURE OF AN
13 ORDINANCE, SHALL BE CONSIDERED IN FORCE UNTIL THE SAME IS
14 RECORDED IN THE ORDINANCE BOOK OF THE TOWNSHIP. ALL TOWNSHIP
15 ORDINANCES AND ALL TOWNSHIP RESOLUTIONS PERTAINING TO TAX LEVIES
16 SHALL, WITHIN ONE MONTH AFTER THEIR PASSAGE, BE RECORDED BY THE
17 TOWNSHIP SECRETARY IN A BOOK PROVIDED FOR THAT PURPOSE, WHICH
18 SHALL BE AT ALL TIMES OPEN TO THE INSPECTION OF CITIZENS. A
19 FAILURE TO RECORD WITHIN THE TIME PROVIDED SHALL NOT BE DEEMED A
20 DEFECT IN THE PROCESS OF THE ENACTMENT OR ADOPTION OF SUCH
21 ORDINANCE OR RESOLUTION. THE ENTRY OF THE TOWNSHIP ORDINANCE OR
22 RESOLUTION IN THE ORDINANCE BOOK BY THE SECRETARY SHALL BE
23 SUFFICIENT WITHOUT THE SIGNATURE OF THE PRESIDENT OF THE BOARD
24 OF COMMISSIONERS OR OTHER PERSON. ANY AND ALL TOWNSHIP
25 ORDINANCES OR PORTIONS THEREOF, THE TEXT OF WHICH PRIOR TO THE
26 EFFECTIVE DATE OF THIS AMENDMENT SHALL HAVE BEEN ATTACHED TO THE
27 ORDINANCE BOOK, SHALL BE CONSIDERED IN FORCE JUST AS IF SUCH
28 ORDINANCES OR PORTIONS THEREOF HAD BEEN RECORDED DIRECTLY UPON
29 THE PAGES OF SUCH ORDINANCE BOOK: PROVIDED, THAT ALL OTHER
30 REQUIREMENTS OF THIS ACT APPLICABLE TO THE ENACTMENT, APPROVAL,

1 ADVERTISING AND RECORDING OF SUCH ORDINANCES OR PORTIONS THEREOF
2 WERE COMPLIED WITH WITHIN THE TIME LIMIT PRESCRIBED BY THIS ACT.

3 * * *

4 Section 1709. Tax Levies.--(a) The board of township
5 commissioners may levy taxes by resolution FOR TAXES LEVIED AT <--
6 THE SAME RATE AS OR A RATE LOWER THAN THE PREVIOUS FISCAL YEAR,
7 AND BY ORDINANCE IF THE TAX RATE INCREASES FROM THE PREVIOUS
8 FISCAL YEAR, upon all property and upon all occupations within
9 the township made taxable for township purposes, as ascertained
10 by the valuation for county purposes made by the assessors of
11 the several counties of this Commonwealth for the year for which
12 the township taxes are levied, for the purposes and at the rate
13 hereinafter specified: Provided, however, That such valuation
14 shall be subject to correction by the county commissioners of
15 the several counties, and to appeal by the taxable persons in
16 accordance with existing laws.

17 * * *

18 SECTION 1710. TAX RATES TO BE EXPRESSED IN DOLLARS AND <--
19 CENTS.--WHENEVER THE COMMISSIONERS OF ANY TOWNSHIP SHALL, BY
20 RESOLUTION OR ORDINANCE, FIX THE RATE OF TAXATION FOR ANY YEAR
21 AT A MILL RATE, SUCH RESOLUTION OR ORDINANCE SHALL ALSO INCLUDE
22 A STATEMENT EXPRESSING THE RATE OF TAXATION IN DOLLARS AND CENTS
23 ON EACH ONE HUNDRED DOLLARS OF ASSESSED VALUATION OF TAXABLE
24 PROPERTY.

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