

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 981 Session of 2019

INTRODUCED BY KEARNEY, HUTCHINSON, MARTIN, J. WARD AND SCHWANK,  
DECEMBER 12, 2019

REFERRED TO LOCAL GOVERNMENT, DECEMBER 12, 2019

AN ACT

1 Amending Title 8 (Boroughs and Incorporated Towns) of the  
2 Pennsylvania Consolidated Statutes, in associations and  
3 organizations, further providing for associations and  
4 organizations for mayors; in elections of officers, further  
5 providing for eligibility; in powers, duties and rights of  
6 appointed officers and employees, further providing for  
7 appointments and incompatible offices and for police serving  
8 under cooperative agreement or contract; in corporate powers,  
9 further providing for specific powers; in taxation and  
10 finance, further providing for investment of funds; providing  
11 for solid waste collection and disposition; and, in  
12 ordinances, further providing for ordinances and resolutions  
13 and for publication.

14 The General Assembly of the Commonwealth of Pennsylvania  
15 hereby enacts as follows:

16 Section 1. Sections 704(a) and (b), 801(a), 1104(c), 1122(a)  
17 and 1202(8) of Title 8 of the Pennsylvania Consolidated Statutes  
18 are amended to read:

19 § 704. Associations and organizations for mayors.

20 (a) Authorization.--A mayor may join [a] any mayors'  
21 association[, and council] in Pennsylvania. Council shall pay  
22 reasonable dues [of up to] not to exceed \$100 [for each mayor  
23 belonging to the mayors' association]. The mayor may attend the

1 annual meeting of the mayors' association, which shall be held  
2 in this Commonwealth in accordance with the procedure adopted by  
3 the mayors' association.

4 (b) Expenses.--A mayor [may] shall receive the following  
5 expenses for attending the annual meeting under subsection (a):

6 (1) The registration fee.

7 (2) Lodging, meals and mileage for use of a personal  
8 vehicle or reimbursement of actual transportation expenses  
9 going to and returning from the meeting.

10 (3) Any actual expenses that the council may have agreed  
11 to pay.

12 \* \* \*

13 § 801. Eligibility.

14 (a) Residency.--The following shall apply:

15 (1) [Except as provided under subsection (c), only] Only  
16 registered electors of the borough shall be eligible to  
17 elective borough offices.

18 (2) [Before] Except as provided under subsection (c) and  
19 53 Pa.C.S. § 1142 (relating to residency during military  
20 service), before being sworn into office, each elected  
21 borough officer shall present a signed affidavit to the  
22 borough secretary that states that the officer resides in the  
23 borough, or within the ward in the case of a ward office,  
24 from which elected and has resided in the borough  
25 continuously for at least one year immediately prior to the  
26 officer's election.

27 \* \* \*

28 § 1104. Appointments and incompatible offices.

29 \* \* \*

30 (c) Multiple offices.--If there is no incompatibility in

1 fact [and subject to subsection (a) as to compensation],  
2 appointees of council may hold two or more appointive borough  
3 offices, but no mayor or member of council may serve as borough  
4 manager, secretary or treasurer.

5 \* \* \*

6 § 1122. Police serving under cooperative agreement or contract.

7 (a) General rule.--If a borough enters into a cooperative  
8 agreement or contract with any municipal corporation, regional  
9 police force or other governmental entity created by two or more  
10 municipal corporations under 53 Pa.C.S. Ch. 23 Subch. A  
11 (relating to intergovernmental cooperation) for the furnishing  
12 or receiving of police protection as authorized by section  
13 [1202(35)] 1202(24) (relating to specific powers), the police  
14 force of the municipal corporation, regional police force or  
15 other governmental entity furnishing the police protection shall  
16 be appointed and accepted as the police force of the borough  
17 receiving the police service by resolution of the council.

18 \* \* \*

19 § 1202. Specific powers.

20 The powers of the borough shall be vested in the council. In  
21 the exercise of any specific powers involving the enactment of  
22 an ordinance or the making of any regulation, restriction or  
23 prohibition, the borough may provide for enforcement and  
24 penalties for violations. The specific powers of the borough  
25 shall include the following:

26 \* \* \*

27 (8) [To provide for garbage and other refuse material as  
28 follows:

29 (i) To prohibit, individually or jointly with other  
30 municipal corporations pursuant to an agreement,

1 accumulations of garbage or other refuse material upon  
2 public and private property and to make regulations for  
3 the care, removal and collection of garbage or other  
4 refuse material, including:

5 (A) To provide for the collection and imposition  
6 of reasonable fees and charges for the collection of  
7 garbage and other refuse material.

8 (B) To erect, operate and maintain refuse  
9 disposal or incineration facilities or sanitary  
10 landfills, either within or without the limits of the  
11 borough, or provide other means for the collection,  
12 destruction or removal of garbage and other refuse  
13 material and provide for the payment of the cost or  
14 expense of the activity, either in whole or in part,  
15 out of the funds of the borough.

16 (C) To purchase real estate for the purpose of  
17 erecting, operating and maintaining refuse disposal  
18 or incineration facilities or sanitary landfills if,  
19 prior to any acquisition of property pursuant to this  
20 paragraph, the borough, individually or jointly, as  
21 the case may be, obtains the approval of the court of  
22 common pleas for the location of the facilities or  
23 landfill after a hearing and subject to notice as the  
24 court shall require. If no objections are heard at  
25 the hearing, the court shall approve the location. If  
26 any objection is made, the court shall proceed to  
27 hear the matter and determine whether the location is  
28 a detriment to neighboring properties. The finding of  
29 the court shall be conclusive but in no way shall  
30 adjudicate any question relating to damages for

1 injury to property.

2 (D) To take and appropriate real estate for  
3 purposes of refuse disposals or incineration  
4 facilities or sanitary landfills in accordance with  
5 Chapter 15 (relating to eminent domain, assessment of  
6 damages and damages for injury to property) if a  
7 purchase price cannot first be agreed upon. No real  
8 estate located outside the limits of the borough or  
9 outside the limits of the joint municipal  
10 corporations in the case of a joint effort shall be  
11 taken and appropriated if the real estate currently  
12 contains or is being used for a refuse disposal or  
13 incineration facility or a sanitary landfill.

14 (ii) Regulations enacted under this paragraph shall  
15 be consistent with the act of July 7, 1980 (P.L.380,  
16 No.97), known as the Solid Waste Management Act, the act  
17 of July 28, 1988 (P.L.556, No.101), known as the  
18 Municipal Waste Planning, Recycling and Waste Reduction  
19 Act, and subject to any other necessary Federal or State  
20 approval.] (Reserved).

21 \* \* \*

22 Section 2. Section 1316(c) of Title 8 is amended by adding a  
23 paragraph to read:

24 § 1316. Investment of funds.

25 \* \* \*

26 (c) Authorized types of investments.--Authorized types of  
27 investments for borough funds are:

28 \* \* \*

29 (9) An investment authorized by the act of July 25, 1973  
30 (P.L.217, No.53), entitled "An act authorizing cities of the

1 first class and second class to invest all funds received and  
2 deposited with the city treasurer in certain commercial paper  
3 under certain terms and conditions; and providing for  
4 investment of public corporation or municipal authority  
5 funds."

6 \* \* \*

7 Section 3. Title 8 is amended by adding a chapter to read:

8 CHAPTER 25B

9 SOLID WASTE COLLECTION AND DISPOSITION

10 Sec.

11 25B01. Definitions.

12 25B02. Accumulation of municipal waste.

13 25B03. Collection and removal.

14 25B04. Disposal.

15 25B05. Acquisition of real property and facilities.

16 25B06. Rates and charges.

17 25B07. Appropriations.

18 25B08. Exclusion from other laws.

19 § 25B01. Definitions.

20 The following words and phrases when used in this chapter  
21 shall have the meanings given to them in this section unless the  
22 context clearly indicates otherwise:

23 "Municipal authority." A body politic and corporate created  
24 under 53 Pa.C.S. Ch. 56 (relating to municipal authorities).

25 "Municipal waste." As defined in the act of July 28, 1988  
26 (P.L.556, No.101), known as the Municipal Waste Planning,  
27 Recycling and Waste Reduction Act.

28 § 25B02. Accumulation of municipal waste.

29 Council, in the manner authorized by the act of July 7, 1980  
30 (P.L.380, No.97), known as the Solid Waste Management Act, and

1 the act of July 28, 1988 (P.L.556, No.101), known as the  
2 Municipal Waste Planning, Recycling and Waste Reduction Act, may  
3 prohibit accumulations of municipal waste upon public and  
4 private property, including the imposition and collection of  
5 reasonable fees and charges for the collection, removal and  
6 disposal of municipal waste.

7 § 25B03. Collection and removal.

8 (a) General rule.--Council may collect and remove, by  
9 contract or otherwise, municipal waste and recyclables and  
10 prescribe penalties for the enforcement of the collection and  
11 removal.

12 (b) Contract length.--A contract with refuse haulers may be  
13 made for an initial period not to exceed five years with  
14 optional renewal periods of up to five years.

15 (c) Limitation.--The limitation under subsection (b) shall  
16 not apply to a contract with a political subdivision or  
17 municipal authority.

18 § 25B04. Disposal.

19 (a) General rule.--Council may dispose of, by contract or  
20 otherwise, municipal waste.

21 (b) Contract length.--A contract with the owner of a private  
22 facility for the disposal or incineration of municipal waste may  
23 be made for a period not to exceed 20 years.

24 (c) Exemption.--The limitation under subsection (b) shall  
25 not apply to a contract with a political subdivision or  
26 municipal authority.

27 § 25B05. Acquisition of real property and facilities.

28 The following shall apply:

29 (1) Council may acquire any real property and erect,  
30 maintain, improve, operate and lease, either as lessor or

1 lessee, facilities for incineration, landfill or other  
2 methods of disposal, either inside or outside the limits of  
3 the borough, including equipment, either separately or  
4 jointly, with a political subdivision or municipal authority  
5 in order to provide for the collection, removal, disposal and  
6 destruction of municipal waste, for the collection and  
7 storage of recyclable materials or for the composting of leaf  
8 and yard waste.

9 (2) Council may provide for the payment of the cost,  
10 either in whole or part, out of the funds of the borough.

11 (3) Council may acquire land for landfill purposes,  
12 either amicably or by exercising the power of eminent domain,  
13 and may maintain lands and places for the dumping of  
14 municipal waste.

15 (4) If council acquires land outside the limits of the  
16 borough by exercising the power of eminent domain, the taking  
17 shall be subject to the limitations in 26 Pa.C.S. § 206  
18 (relating to extraterritorial takings).

19 § 25B06. Rates and charges.

20 (a) Council authorization.--Council may establish, alter,  
21 charge and collect rates and other charges for the:

22 (1) collection, removal and disposal of municipal waste  
23 and recyclable materials; and

24 (2) cost of including the payment of any indebtedness  
25 incurred for the construction, purchase, improvement, repair,  
26 maintenance and operation of any facilities for collection,  
27 removal and disposal; and

28 (3) amount due under a contract with a political  
29 subdivision or municipal authority furnishing the services or  
30 facilities.



1 (b) Method of collection.--The rates and other charges shall  
2 be collected pursuant to the act of May 16, 1923 (P.L.207,  
3 No.153), referred to as the Municipal Claim and Tax Lien Law, by  
4 a civil action, or any other collection method authorized by  
5 law.

6 § 25B07. Appropriations.

7 Council may make appropriations to a political subdivision or  
8 municipal authority for the construction, purchase, improvement,  
9 repair, maintenance and operation of a facility for the  
10 collection, removal, disposal or marketing of municipal waste,  
11 recyclable materials or composted leaf and yard waste.

12 § 25B08. Exclusion from other laws.

13 A borough shall not be subject to requirements otherwise  
14 imposed by law for the sale of personal property owned by the  
15 borough when selling recyclable materials or materials  
16 separated, collected, recovered or created by recycling, as  
17 provided in the act of April 9, 1992 (P.L.70, No.21), entitled  
18 "An act excluding the sale of recyclable material from political  
19 subdivision personal property sale restrictions relating to  
20 advertising and bidding."

21 Section 4. Sections 3301.1(b)(2) and 3301.2(a) of Title 8  
22 are amended to read:

23 § 3301.1. Ordinances and resolutions.

24 \* \* \*

25 (b) Legislative acts.--Every legislative act of council must  
26 be by ordinance. Legislative acts shall include, but not be  
27 limited to:

28 \* \* \*

29 [(2) General appropriation ordinances.]

30 \* \* \*

1 § 3301.2. Publication.

2 (a) Requirements.--Except as provided under this part or  
3 other law, council shall publish every proposed ordinance once  
4 in one newspaper of general circulation [~~for at least~~] no less  
5 than seven days and [~~not~~] no more than 60 days [~~prior to~~  
6 ~~enactment~~] prior to the day when council shall vote on the  
7 proposed ordinance. Publication of any proposed ordinance shall  
8 include all of the following:

9 (1) The full text or the title of the ordinance and a  
10 brief summary prepared by the borough solicitor setting forth  
11 all the provisions in reasonable detail.

12 (2) A reference to the borough office or other place  
13 where borough records are kept where copies of the proposed  
14 ordinance may be examined.

15 \* \* \*

16 Section 5. This act shall take effect in 60 days.