

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1184 Session of 2021

INTRODUCED BY MOUL, JAMES, KNOWLES, FREEMAN AND SAPPEY, APRIL 15, 2021

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MAY 25, 2021

AN ACT

1 Amending Title 8 (Boroughs and Incorporated Towns) of the
2 Pennsylvania Consolidated Statutes, IN CREATION AND <--
3 ALTERATION, FURTHER PROVIDING FOR DEFINITIONS, FOR CONTIGUOUS
4 AREAS, FOR APPLICATIONS, FOR BOROUGH ADVISORY COMMITTEE, FOR
5 ADJUSTMENT OF INDEBTEDNESS, FOR JUDICIAL ADJUSTMENT, FOR
6 JUDICIAL ADJUSTMENT AWARD PROCEEDINGS, FOR COMPENSATION,
7 EXPENSES AND COSTS, FOR TERRITORY LOCATED IN MULTIPLE
8 COUNTIES AND FOR BOND ISSUES AND TAXATION; in associations
9 and organizations, further providing for associations and
10 organizations for mayors; in elections of officers, further
11 providing for eligibility; in powers, duties and rights of
12 appointed officers and employees, further providing for
13 appointments and incompatible offices and for police serving
14 under cooperative agreement or contract; in corporate powers,
15 further providing for specific powers; in taxation and
16 finance, further providing for investment of funds; providing
17 for solid waste collection and disposition; and, in
18 ordinances, further providing for ordinances and resolutions
19 and for publication.

20 The General Assembly of the Commonwealth of Pennsylvania
21 hereby enacts as follows:

22 Section 1. Sections 704(a) and (b), 801(a), 1104(c), 1122(a) <--
23 and 1202(8) of Title 8 of the Pennsylvania Consolidated Statutes
24 are amended to read:

25 SECTION 1. SECTION 200 OF TITLE 8 OF THE PENNSYLVANIA <--
26 CONSOLIDATED STATUTES, AMENDED JUNE 5, 2020 (P.L.211, NO.28), IS

1 AMENDED TO READ:

2 § 200. DEFINITIONS.

3 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER
4 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
5 CONTEXT CLEARLY INDICATES OTHERWISE:

6 "COMMITTEE." A BOROUGH ADVISORY COMMITTEE.

7 "FREEHOLDER." A PERSON ENJOYING A CONTINUOUS RIGHT OF
8 OWNERSHIP AND POSSESSION OF REAL PROPERTY FOR AN INDETERMINATE
9 PERIOD BY FEE SIMPLE OR LIFE ESTATE.

10 ["TOWNSHIP." A TOWNSHIP OF THE FIRST OR SECOND CLASS OR ANY
11 HOME RULE TOWNSHIP.]

12 "MUNICIPALITY." A CITY, INCORPORATED TOWN, TOWNSHIP, HOME
13 RULE MUNICIPALITY, OPTIONAL PLAN MUNICIPALITY, OPTIONAL CHARTER
14 MUNICIPALITY OR SIMILAR GENERAL PURPOSE UNIT OF GOVERNMENT WHICH
15 MAY BE CREATED OR AUTHORIZED BY STATUTE.

16 SECTION 2. SECTIONS 201, 202, 202.1 AND 213 OF TITLE 8 ARE
17 AMENDED TO READ:

18 § 201. CONTIGUOUS AREAS.

19 A COURT OF COMMON PLEAS MAY INCORPORATE AS A BOROUGH ANY
20 CONTIGUOUS AREA FROM ONE OR MORE [TOWNSHIPS] MUNICIPALITIES
21 WITHIN THE COURT'S JURISDICTION HAVING A POPULATION OF AT LEAST
22 500 RESIDENTS. AFTER HAVING BEEN INCORPORATED AS A BOROUGH, THE
23 AREA SHALL BE A BODY CORPORATE AND POLITIC AND SHALL HAVE THE
24 NAME DECREED BY THE COURT.

25 § 202. APPLICATIONS.

26 (A) PETITION.--THE FOLLOWING SHALL APPLY:

27 (1) THE APPLICATION FOR INCORPORATION SHALL BE BY A
28 PETITION SIGNED BY A MAJORITY OF THE FREEHOLDERS RESIDING
29 WITHIN THE LIMITS OF THE PROPOSED BOROUGH AND BY THE
30 FREEHOLDERS OF A MAJORITY OF THE TERRITORY WITHIN THE LIMITS

1 OF THE PROPOSED BOROUGH, IF ALL PARTS OF THE PROPOSED BOROUGH
2 ARE IN THE SAME [TOWNSHIP] MUNICIPALITY.

3 (2) IF PORTIONS OF THE PROPOSED BOROUGH ARE IN DIFFERENT
4 [TOWNSHIPS] MUNICIPALITIES, THE PETITION SHALL BE SIGNED BY A
5 MAJORITY OF THE FREEHOLDERS RESIDING IN EACH OF THE SEPARATE
6 PORTIONS AND BY THE FREEHOLDERS OF A MAJORITY OF THE
7 TERRITORY IN EACH OF THE SEPARATE PORTIONS. THE FOLLOWING
8 SHALL APPLY:

9 (I) THE SIGNATURES MUST BE SECURED WITHIN THREE
10 MONTHS IMMEDIATELY PRECEDING THE PRESENTATION OF THE
11 SIGNATURES TO THE COURT.

12 (II) THE PETITION SHALL BE SUBSCRIBED BY AND SWORN
13 TO BY AT LEAST ONE OF THE SIGNERS.

14 (III) THE NUMBER OF SIGNERS REQUIRED TO SIGN THE
15 PETITION SHALL BE ASCERTAINED AS OF THE DATE THE PETITION
16 WAS PRESENTED TO COURT.

17 (B) (RESERVED).

18 (C) (RESERVED).

19 (D) (RESERVED).

20 (E) FILING AND NOTICE.--UPON PRESENTATION TO THE COURT, A
21 PETITION SHALL BE FILED WITH THE CLERK OF COURT, AND NOTICE OF
22 THE PETITION SHALL BE PUBLISHED UNDER SECTION 109 (RELATING TO
23 PUBLICATION OF NOTICES) ONCE A WEEK FOR FOUR CONSECUTIVE WEEKS
24 IMMEDIATELY FOLLOWING THE FILING OF THE PETITION, DURING WHICH
25 TIME EXCEPTIONS MAY BE FILED TO THE PETITION BY ANY PERSON
26 INTERESTED. THE NOTICE SHALL STATE WHEN AND WHERE THE PETITION
27 WAS FILED AND THE TIME DURING WHICH EXCEPTIONS MAY BE FILED TO
28 THE PETITION.

29 (F) CONTENTS OF PETITION.--THE PETITION UNDER SUBSECTION (E)
30 SHALL INDICATE THE NAME OF THE PROPOSED BOROUGH WITH A

1 PARTICULAR DESCRIPTION OF THE BOUNDARIES OF THE BOROUGH AND BE
2 ACCOMPANIED WITH A PLOT OF THE PROPOSED BOROUGH. THE FOLLOWING
3 SHALL APPLY:

4 (1) IF THE BOUNDARIES OF THE PROPOSED BOROUGH ARE NOT
5 THE SAME AS AN EXISTING [TOWNSHIP] MUNICIPALITY, THE
6 DESCRIPTION SHALL CONTAIN THE COURSES AND DISTANCES OF THE
7 BOUNDARIES.

8 (2) IF THE BOUNDARIES OF THE PROPOSED BOROUGH ARE THE
9 SAME AS AN EXISTING [TOWNSHIP] MUNICIPALITY, THE DESCRIPTION:

10 (I) MAY CONTAIN THE COURSES AND DISTANCES OF THE
11 BOUNDARIES; AND

12 (II) SHALL REFER TO THE NAME AND LOCATION OF THE
13 EXISTING [TOWNSHIP] MUNICIPALITY.

14 § 202.1. BOROUGH ADVISORY COMMITTEE.

15 (A) ESTABLISHMENT.--THE COURT SHALL ESTABLISH A BOROUGH
16 ADVISORY COMMITTEE WHEN A PETITION IS RECEIVED BY THE COURT FOR
17 THE CREATION OF A BOROUGH. THE FOLLOWING SHALL APPLY TO
18 COMMITTEE MEMBERS:

19 (1) MEMBERS SHALL BE APPOINTED BY AND SHALL SERVE AT THE
20 PLEASURE OF THE COURT.

21 (2) THE COMMITTEE SHALL CONSIST OF THE FOLLOWING:

22 (I) TWO RESIDENTS OF THE PROPOSED BOROUGH.

23 (II) TWO RESIDENTS FROM EACH OF THE EXISTING
24 [TOWNSHIPS] MUNICIPALITIES RECOMMENDED BY THE RESPECTIVE
25 GOVERNING BODY OF THE [TOWNSHIP] MUNICIPALITY WHO ARE NOT
26 RESIDING WITHIN THE PROPOSED BOROUGH.

27 (III) ONE RESIDENT OF THE COUNTY NOT RESIDING IN ANY
28 AREA UNDER SUBPARAGRAPHS (I) AND (II) WHO SHALL SERVE AS
29 THE CHAIR OF THE COMMITTEE.

30 (3) MEMBERS SHALL SERVE WITHOUT SALARY. THE COURT MAY

1 ENTITLE EACH MEMBER TO REIMBURSEMENT FOR THE MEMBER'S ACTUAL
2 AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THE
3 MEMBER'S OFFICIAL DUTIES.

4 (4) MEMBERS MAY CONSULT WITH THE DIRECTOR OF THE COUNTY
5 PLANNING COMMISSION WHO MAY ADVISE THE COMMITTEE.

6 (B) DUTIES.--THE COMMITTEE SHALL, WITHIN 60 DAYS OF ITS
7 CREATION, ADVISE THE COURT IN RELATION TO THE ESTABLISHMENT OF
8 THE PROPOSED BOROUGH. THE COMMITTEE SHALL RENDER EXPERT ADVICE
9 AND FINDINGS OF FACT RELATING TO THE DESIRABILITY OF AN
10 INCORPORATION, INCLUDING ADVICE AS TO:

11 (1) THE PROPOSED BOROUGH'S ABILITY TO OBTAIN OR PROVIDE
12 ADEQUATE AND REASONABLE COMMUNITY SUPPORT SERVICES SUCH AS
13 POLICE PROTECTION, FIRE PROTECTION AND OTHER APPROPRIATE
14 COMMUNITY FACILITY SERVICES.

15 (2) WHETHER THE PROPOSED BOROUGH CONSTITUTES A
16 HARMONIOUS WHOLE WITH COMMON INTERESTS AND NEEDS THAT CAN
17 BEST BE SERVED BY A BOROUGH GOVERNMENT. IN EXAMINING THIS
18 FACTOR, THE COMMITTEE SHALL CONSIDER WHETHER THE PROPOSED
19 BOROUGH REPRESENTS A DISTINCT COMMUNITY WITH FEATURES
20 DIFFERENT FROM THOSE OF THE EXISTING [TOWNSHIP] MUNICIPALITY.

21 (3) THE EXISTING AND POTENTIAL COMMERCIAL, RESIDENTIAL
22 AND INDUSTRIAL DEVELOPMENT OF THE PROPOSED BOROUGH.

23 (4) WHETHER THE PROPOSED BOROUGH WOULD PROVIDE FOR LAND
24 USE REGULATIONS TO MEET THE LEGITIMATE NEEDS FOR ALL
25 CATEGORIES OF RESIDENTS OR WHETHER THE PLAN IS EXCLUSIONARY
26 OR WOULD RESULT IN ECONOMIC SEGREGATION.

27 (5) THE FINANCIAL OR TAX EFFECT ON THE PROPOSED BOROUGH
28 AND EXISTING [TOWNSHIP] MUNICIPALITY.

29 § 213. ADJUSTMENT OF INDEBTEDNESS.

30 (A) PROPERTY.--THE FOLLOWING SHALL APPLY:

1 (1) AFTER THE ELECTION OF A COUNCIL UNDER SECTION 211
2 (RELATING TO TEMPORARY PRESERVATION, ORGANIZATION AND
3 ELECTION OF OFFICERS) WHEN A BOROUGH IS NEWLY INCORPORATED,
4 THE COUNCIL AND THE GOVERNING BODY OF THE [TOWNSHIP]
5 MUNICIPALITY FROM WHICH THE BOROUGH WAS CREATED SHALL MAKE AN
6 EQUITABLE ADJUSTMENT AND APPORTIONMENT OF ALL THE PUBLIC REAL
7 AND PERSONAL PROPERTY OWNED BY THE [TOWNSHIP] MUNICIPALITY AT
8 THE TIME OF THE INCORPORATION OF THE BOROUGH.

9 (2) EXCEPT AS PROVIDED UNDER PARAGRAPH (3), THE PROPERTY
10 UNDER PARAGRAPH (1) SHALL INCLUDE FUNDS AND INDEBTEDNESS.

11 (3) IF ADJUSTING PROPERTY AND INDEBTEDNESS UNDER
12 PARAGRAPH (1), STREETS, SEWERS AND UTILITIES MAY NOT BE
13 CONSIDERED EXCEPT TO THE EXTENT THAT CURRENT AND UNPAID
14 INDEBTEDNESS WAS INCURRED FOR THE CONSTRUCTION AND
15 IMPROVEMENT OF THE PROPERTY.

16 (B) PROPORTION.--IN MAKING THE ADJUSTMENT AND APPORTIONMENT
17 UNDER SUBSECTION (A), THE FOLLOWING SHALL APPLY:

18 (1) THE BOROUGH SHALL BE ENTITLED TO A DIVISION OF THE
19 PROPERTY AND INDEBTEDNESS IN THE SAME PROPORTION THAT THE
20 ASSESSED VALUATION OF THE TAXABLE REAL ESTATE INCLUDED WITHIN
21 THE TERRITORIAL LIMITS OF THE NEWLY INCORPORATED BOROUGH
22 BEARS TO THE ASSESSED VALUATION OF THE TAXABLE REAL ESTATE IN
23 THE ENTIRE [TOWNSHIP] MUNICIPALITY IMMEDIATELY PRIOR TO THE
24 INCORPORATION OF THE BOROUGH. THE [TOWNSHIP] MUNICIPALITY
25 SHALL BE ENTITLED TO THE REMAINDER OF THE PROPERTY AND
26 INDEBTEDNESS.

27 (2) IF INDEBTEDNESS WAS INCURRED BY THE [TOWNSHIP]
28 MUNICIPALITY FOR AN IMPROVEMENT LOCATED WHOLLY WITHIN THE
29 TERRITORIAL LIMITS OF THE NEWLY INCORPORATED BOROUGH, THE
30 INDEBTEDNESS SHALL BE ASSUMED BY THE BOROUGH.

1 (3) IF ONLY PART OF THE IMPROVEMENT IS LOCATED WITHIN
2 THE NEWLY INCORPORATED BOROUGH, THE PART OF THE INDEBTEDNESS
3 REPRESENTING THE PART OF THE IMPROVEMENT LOCATED WITHIN THE
4 BOROUGH SHALL BE ASSUMED BY THE BOROUGH, AND THE ADJUSTMENT
5 AND APPORTIONMENT OF ANY REMAINING DEBT SHALL BE RETAINED BY
6 THE [TOWNSHIP] MUNICIPALITY.

7 (C) FORM.--THE ADJUSTMENT AND APPORTIONMENT MADE UNDER THIS
8 SECTION MUST MEET ALL OF THE FOLLOWING:

9 (1) BE IN WRITING AND DULY EXECUTED AND ACKNOWLEDGED BY
10 THE SECRETARY OR CLERK OF THE [TOWNSHIP] MUNICIPALITY AND THE
11 SECRETARY OF THE BOROUGH.

12 (2) BE FILED IN THE OFFICE OF THE CLERK OF THE COURT OF
13 COMMON PLEAS OF THE COUNTY.

14 (3) BE FILED AS A COPY WITH THE DEPARTMENT OF COMMUNITY
15 AND ECONOMIC DEVELOPMENT.

16 SECTION 3. SECTION 214 OF TITLE 8, AMENDED JUNE 5, 2020
17 (P.L.211, NO.28), IS AMENDED TO READ:

18 § 214. JUDICIAL ADJUSTMENT.

19 (A) PETITION.--IF THE GOVERNING BODIES OF THE [TOWNSHIP]
20 MUNICIPALITY AND THE BOROUGH CANNOT MAKE AN AMICABLE ADJUSTMENT
21 AND APPORTIONMENT OF THE PROPERTY AND INDEBTEDNESS WITHIN SIX
22 MONTHS AFTER THE GOVERNMENT OF THE NEWLY INCORPORATED BOROUGH IS
23 ESTABLISHED, THE SUPERVISORS OR COMMISSIONERS OF THE [TOWNSHIP]
24 MUNICIPALITY OR THE COUNCIL OF THE BOROUGH MAY PRESENT A
25 PETITION TO THE COURT OF COMMON PLEAS REQUESTING A JUDICIAL
26 ADJUSTMENT.

27 (B) APPOINTMENT.--AFTER RECEIVING A PETITION UNDER
28 SUBSECTION (A), THE COURT SHALL APPOINT THREE DISINTERESTED
29 COMMISSIONERS WHO MEET ALL OF THE FOLLOWING REQUIREMENTS:

30 (1) ARE RESIDENTS AND TAXPAYERS OF THE COUNTY.

1 (2) ARE NOT RESIDENTS OF OR OWN REAL ESTATE IN THE
2 [TOWNSHIP] MUNICIPALITY OR BOROUGH.

3 (C) REPORT.--THE INDIVIDUALS APPOINTED UNDER SUBSECTION (B)
4 SHALL HOLD A HEARING AND MAKE A REPORT TO THE COURT CONTAINING
5 AN ADJUSTMENT AND APPORTIONMENT OF ALL THE PROPERTY AND THE
6 INDEBTEDNESS BETWEEN THE [TOWNSHIP] MUNICIPALITY AND THE
7 BOROUGH. NOTICE SHALL BE MADE TO THE [TOWNSHIP] MUNICIPALITY AND
8 BOROUGH AS PROVIDED BY THE COURT. THE REPORT SHALL STATE THE
9 AMOUNT DUE AND PAYABLE FROM THE BOROUGH OR THE [TOWNSHIP]
10 MUNICIPALITY TO THE OTHER ENTITY AND THE AMOUNT OF INDEBTEDNESS
11 THAT SHALL BE ASSUMED BY THE BOROUGH OR THE [TOWNSHIP]
12 MUNICIPALITY.

13 SECTION 4. SECTIONS 215, 217, 218, 219, 704(A) AND (B),
14 801(A), 1104(C), 1122(A) AND 1202(8) OF TITLE 8 ARE AMENDED TO
15 READ:

16 § 215. JUDICIAL ADJUSTMENT AWARD PROCEEDINGS.

17 (A) NOTICE.--THE COMMISSIONERS SHALL GIVE THE [TOWNSHIP]
18 MUNICIPALITY AND THE BOROUGH AT LEAST FIVE DAYS' NOTICE OF THE
19 FILING OF THE REPORT UNDER SECTION 214(C) (RELATING TO JUDICIAL
20 ADJUSTMENT).

21 (B) EXCEPTIONS.--UNLESS EXCEPTIONS ARE FILED TO THE REPORT
22 WITHIN 30 DAYS AFTER THE DATE OF THE FILING, THE REPORT SHALL BE
23 CONFIRMED BY THE COURT.

24 (C) EFFECT.--THE FOLLOWING SHALL APPLY:

25 (1) ANY SUM AWARDED BY THE REPORT TO THE [TOWNSHIP]
26 MUNICIPALITY OR BOROUGH SHALL BE A LEGAL AND VALID CLAIM IN
27 ITS FAVOR AGAINST THE BOROUGH OR [TOWNSHIP] MUNICIPALITY
28 CHARGED WITH THE SUM.

29 (2) ANY REAL OR PERSONAL PROPERTY GIVEN TO THE
30 [TOWNSHIP] MUNICIPALITY OR BOROUGH SHALL BECOME ITS

1 RESPECTIVE PROPERTY.

2 (3) ANY CLAIM OR INDEBTEDNESS CHARGED AGAINST THE
3 BOROUGH OR [TOWNSHIP] MUNICIPALITY MAY BE COLLECTED FROM THE
4 BOROUGH OR THE [TOWNSHIP] MUNICIPALITY.

5 § 217. COMPENSATION, EXPENSES AND COSTS.

6 THE COMMISSIONERS UNDER SECTION 214(B) (RELATING TO JUDICIAL
7 ADJUSTMENT) SHALL RECEIVE COMPENSATION AND EXPENSES FOR THEIR
8 SERVICES AS PROVIDED BY THE COURT. THE COSTS OF THE PROCEEDINGS,
9 INCLUDING THE COMPENSATION AND EXPENSES OF THE COMMISSIONERS,
10 SHALL BE APPORTIONED BY THE COURT BETWEEN THE BOROUGH AND
11 [TOWNSHIP] MUNICIPALITY.

12 § 218. TERRITORY LOCATED IN MULTIPLE COUNTIES.

13 IF TERRITORY INCLUDED WITHIN THE LIMITS OF A NEWLY
14 INCORPORATED BOROUGH IS LOCATED IN AT LEAST TWO COUNTIES, THE
15 COURT OF COMMON PLEAS OF THE COUNTY WHERE THE LARGER PART OF THE
16 TERRITORY OF THE BOROUGH IS LOCATED SHALL HAVE EXCLUSIVE
17 JURISDICTION OVER THE PROCEEDINGS TO ADJUST AND APPORTION THE
18 INDEBTEDNESS BETWEEN THE BOROUGH AND [TOWNSHIP] MUNICIPALITY.

19 § 219. BOND ISSUES AND TAXATION.

20 IN ANY PROCEEDING TO ADJUST AND APPORTION INDEBTEDNESS, THE
21 [TOWNSHIP] MUNICIPALITY OR THE BOROUGH SHALL HAVE POWER TO ISSUE
22 AND DELIVER TO THE BOROUGH OR [TOWNSHIP] MUNICIPALITY INTEREST-
23 BEARING BONDS IN LIQUIDATION OF THE INDEBTEDNESS ASCERTAINED, TO
24 BE ITS PROPORTIONATE SHARE PAYABLE, IF THE BONDS ARE ACCEPTABLE
25 TO THE BOROUGH OR [TOWNSHIP] MUNICIPALITY OR [TOWNSHIPS]
26 MUNICIPALITIES ENTITLED TO RECEIVE THE BONDS. THE COURT MAY MAKE
27 NECESSARY ORDERS FOR THE COLLECTION AND PAYMENT BY THE
28 [TOWNSHIP] MUNICIPALITY OR [TOWNSHIPS] MUNICIPALITIES OR BOROUGH
29 OF THE AMOUNT NEEDED TO PAY ITS SHARE OF ANY INDEBTEDNESS
30 APPORTIONED TO IT BY SPECIAL TAXES TO BE COLLECTED IN ONE YEAR

1 OR BY ANNUAL INSTALLMENTS.

2 § 704. Associations and organizations for mayors.

3 (a) Authorization.--A mayor may join [a] any mayors'
4 association[, and council] in Pennsylvania. Council shall pay
5 reasonable dues [of up to] not to exceed \$100 [for each mayor
6 belonging to the mayors' association] if requested by the mayor.

7 The mayor may attend the annual meeting of the mayors'
8 association, which shall be held in this Commonwealth in
9 accordance with the procedure adopted by the mayors'
10 association.

11 (b) Expenses.--A mayor [may] shall, if requested, receive
12 the following expenses for attending the annual meeting under
13 subsection (a):

14 (1) The registration fee.

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

18 (3) Any actual expenses that the council may have agreed
19 to pay.

20 * * *

21 § 801. Eligibility.

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

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

26 (2) [Before] Except as provided under subsection (c) and
27 53 Pa.C.S. § 1142 (relating to residency during military
28 service), before being sworn into office, each elected
29 borough officer shall present a signed affidavit to the
30 borough secretary that states that the officer resides in the

1 borough, or within the ward in the case of a ward office,
2 from which elected and has resided in the borough
3 continuously for at least one year immediately prior to the
4 officer's election.

5 * * *

6 § 1104. Appointments and incompatible offices.

7 * * *

8 (c) Multiple offices.--If there is no incompatibility in
9 fact [and subject to subsection (a) as to compensation],
10 appointees of council may hold two or more appointive borough
11 offices, but no mayor or member of council may serve as borough
12 manager, secretary or treasurer.

13 * * *

14 § 1122. Police serving under cooperative agreement or contract.

15 (a) General rule.--If a borough enters into a cooperative
16 agreement or contract with any municipal corporation, regional
17 police force or other governmental entity created by two or more
18 municipal corporations under 53 Pa.C.S. Ch. 23 Subch. A
19 (relating to intergovernmental cooperation) for the furnishing
20 or receiving of police protection as authorized by section
21 [1202(35)] 1202(24) (relating to specific powers), the police
22 force of the municipal corporation, regional police force or
23 other governmental entity furnishing the police protection shall
24 be appointed and accepted as the police force of the borough
25 receiving the police service by resolution of the council.

26 * * *

27 § 1202. Specific powers.

28 The powers of the borough shall be vested in the council. In
29 the exercise of any specific powers involving the enactment of
30 an ordinance or the making of any regulation, restriction or

1 prohibition, the borough may provide for enforcement and
2 penalties for violations. The specific powers of the borough
3 shall include the following:

4 * * *

5 (8) [To provide for garbage and other refuse material as
6 follows:

7 (i) To prohibit, individually or jointly with other
8 municipal corporations pursuant to an agreement,
9 accumulations of garbage or other refuse material upon
10 public and private property and to make regulations for
11 the care, removal and collection of garbage or other
12 refuse material, including:

13 (A) To provide for the collection and imposition
14 of reasonable fees and charges for the collection of
15 garbage and other refuse material.

16 (B) To erect, operate and maintain refuse
17 disposal or incineration facilities or sanitary
18 landfills, either within or without the limits of the
19 borough, or provide other means for the collection,
20 destruction or removal of garbage and other refuse
21 material and provide for the payment of the cost or
22 expense of the activity, either in whole or in part,
23 out of the funds of the borough.

24 (C) To purchase real estate for the purpose of
25 erecting, operating and maintaining refuse disposal
26 or incineration facilities or sanitary landfills if,
27 prior to any acquisition of property pursuant to this
28 paragraph, the borough, individually or jointly, as
29 the case may be, obtains the approval of the court of
30 common pleas for the location of the facilities or

1 landfill after a hearing and subject to notice as the
2 court shall require. If no objections are heard at
3 the hearing, the court shall approve the location. If
4 any objection is made, the court shall proceed to
5 hear the matter and determine whether the location is
6 a detriment to neighboring properties. The finding of
7 the court shall be conclusive but in no way shall
8 adjudicate any question relating to damages for
9 injury to property.

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

22 (ii) Regulations enacted under this paragraph shall
23 be consistent with the act of July 7, 1980 (P.L.380,
24 No.97), known as the Solid Waste Management Act, the act
25 of July 28, 1988 (P.L.556, No.101), known as the
26 Municipal Waste Planning, Recycling and Waste Reduction
27 Act, and subject to any other necessary Federal or State
28 approval.] (Reserved).

29 * * *

30 Section 2 5. Section 1316(c) of Title 8 is amended by adding <--

1 a paragraph to read:

2 § 1316. Investment of funds.

3 * * *

4 (c) Authorized types of investments.--Authorized types of
5 investments for borough funds are:

6 * * *

7 (9) An investment authorized by the act of July 25, 1973
8 (P.L.217, No.53), entitled "An act authorizing cities of the
9 first class and second class to invest all funds received and
10 deposited with the city treasurer in certain commercial paper
11 under certain terms and conditions; and providing for
12 investment of public corporation or municipal authority
13 funds."

14 * * *

15 Section 3 6. Title 8 is amended by adding a chapter to read: <--

16 CHAPTER 25B

17 SOLID WASTE COLLECTION AND DISPOSITION

18 Sec.

19 25B01. Definitions.

20 25B02. Accumulation of municipal waste.

21 25B03. Collection and removal.

22 25B04. Disposal.

23 25B05. Acquisition of real property and facilities.

24 25B06. Rates and charges.

25 25B07. Appropriations.

26 25B08. Exclusion from other laws.

27 § 25B01. Definitions.

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

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

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

6 § 25B02. Accumulation of municipal waste.

7 Council, in the manner authorized by the act of July 7, 1980
8 (P.L.380, No.97), known as the Solid Waste Management Act, and
9 the act of July 28, 1988 (P.L.556, No.101), known as the
10 Municipal Waste Planning, Recycling and Waste Reduction Act, may
11 prohibit accumulations of municipal waste upon public and
12 private property, including the imposition and collection of
13 reasonable fees and charges for the collection, removal and
14 disposal of municipal waste.

15 § 25B03. Collection and removal.

16 (a) General rule.--Council may collect and remove, by
17 contract or otherwise, municipal waste and recyclables and
18 prescribe penalties for the enforcement of the collection and
19 removal.

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

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

26 § 25B04. Disposal.

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

29 (b) Contract length.--A contract with the owner of a private
30 facility for the disposal or incineration of municipal waste may

1 be made for a period not to exceed 20 years.

2 (c) Exemption.--The limitation under subsection (b) shall
3 not apply to a contract with a political subdivision or
4 municipal authority.

5 § 25B05. Acquisition of real property and facilities.

6 The following shall apply:

7 (1) Council may acquire any real property and erect,
8 maintain, improve, operate and lease, either as lessor or
9 lessee, facilities for incineration, landfill or other
10 methods of disposal, either inside or outside the limits of
11 the borough, including equipment, either separately or
12 jointly, with a political subdivision or municipal authority
13 in order to provide for the collection, removal, disposal and
14 destruction of municipal waste, for the collection and
15 storage of recyclable materials or for the composting of leaf
16 and yard waste.

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

19 (3) Council may acquire land for landfill purposes,
20 either amicably or by exercising the power of eminent domain,
21 and may maintain lands and places for the dumping of
22 municipal waste.

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

27 § 25B06. Rates and charges.

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

30 (1) collection, removal and disposal of municipal waste

1 and recyclable materials;

2 (2) cost of including the payment of any indebtedness
3 incurred for the construction, purchase, improvement, repair,
4 maintenance and operation of any facilities for collection,
5 removal and disposal; and

6 (3) amount due under a contract with a political
7 subdivision or municipal authority furnishing the services or
8 facilities.

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

14 § 25B07. Appropriations.

15 Council may make appropriations to a political subdivision or
16 municipal authority for the construction, purchase, improvement,
17 repair, maintenance and operation of a facility for the
18 collection, removal, disposal or marketing of municipal waste,
19 recyclable materials or composted leaf and yard waste.

20 § 25B08. Exclusion from other laws.

21 A borough shall not be subject to requirements otherwise
22 imposed by law for the sale of personal property owned by the
23 borough when selling recyclable materials or materials
24 separated, collected, recovered or created by recycling, as
25 provided in the act of April 9, 1992 (P.L.70, No.21), entitled
26 "An act excluding the sale of recyclable material from political
27 subdivision personal property sale restrictions relating to
28 advertising and bidding."

29 Section 4 7. Sections 3301.1(b) (2) and 3301.2(a) of Title 8 <--
30 are amended to read:

1 § 3301.1. Ordinances and resolutions.

2 * * *

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

6 * * *

7 [(2) General appropriation ordinances.]

8 * * *

9 § 3301.2. Publication.

10 (a) Requirements.--Except as provided under this part or
11 other law, council shall publish every proposed ordinance once
12 in one newspaper of general circulation [for at least] no less
13 than seven days and [not] no more than 60 days [prior to
14 enactment] prior to the day when council shall vote on the
15 proposed ordinance. Publication of any proposed ordinance shall
16 include all of the following:

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

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

23 * * *

24 Section 5 8. This act shall take effect in 60 days.

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