

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 1877 Session of  
2021INTRODUCED BY FREEMAN, JAMES, MOUL, KNOWLES AND SAPPEY,  
SEPTEMBER 20, 2021AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF  
REPRESENTATIVES, AS AMENDED, OCTOBER 26, 2021

## AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania  
2 Consolidated Statutes, in alteration of territory or  
3 corporate entity and dissolution, providing for municipal  
4 boundary change; and making related repeals.

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

7 Section 1. Chapter 7 of Title 53 of the Pennsylvania  
8 Consolidated Statutes is amended by adding a subchapter to read:

9 SUBCHAPTER B

10 MUNICIPAL BOUNDARY CHANGE

11 Sec.

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15   729. Bond issues.

16   § 711. Scope of subchapter.

17   This subchapter relates to municipal boundary changes and  
18   adjustments to municipal indebtedness and property rights  
19   following boundary change.

20   § 712. Definitions.

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

24   "Abutting municipal corporations." Municipal corporations  
25   that share contiguous territory.

26   "Boundary ascertainment." Establishment of a municipal  
27   boundary between abutting municipal corporations by judicial  
28   decree.

29   "Boundary change" or "change of boundary." Any change in the  
30   municipal boundary between abutting municipal corporations,

1 other than as a result of a merger or consolidation under  
2 Subchapter C (relating to consolidation and merger), including  
3 any transfer of territory, boundary clarification or boundary  
4 ascertainment.

5 "Boundary clarification." Establishment of a municipal  
6 boundary by agreement under this subchapter between municipal  
7 corporations in a territorial area with a previously unclear  
8 boundary.

9 "Contiguous territory." Territory of which a portion abuts  
10 the boundary of another municipal corporation, including  
11 territory separated from the exact boundary of another municipal  
12 corporation by a street, road, railroad or highway or by a river  
13 or other natural or artificial stream of water.

14 "Governing body." The council in a city, borough or  
15 incorporated town, the board of commissioners in a county or  
16 township of the first class, the board of supervisors in a  
17 township of the second class or the legislative policymaking  
18 body in a home rule municipality.

19 "Impacted property." A parcel of real property that is  
20 divided by a municipal boundary prior to, or will be divided  
21 incident to, a proposed boundary change.

22 "Impacted territory." Territory which is subject to a  
23 boundary change.

24 "Municipal corporation." A city, borough, incorporated town,  
25 township or home rule municipality that is not a county.

26 "Unclear boundary." Contiguous territory between two  
27 municipal corporations in which the exact boundary between the  
28 municipal corporations is in dispute or cannot be readily  
29 discerned as a result of conflicting or missing records.

30 § 713. Interpretation.

1     (a) Certain actions unaffected.--Nothing in this act shall  
2 preclude, restrict or limit successive changes in boundaries and  
3 territorial limits of any municipal corporation.

4     (b) County boundaries unaffected.--When a boundary change is  
5 made under the provisions of this act which results in a  
6 municipal corporation which lies partly in one county and partly  
7 in one or more other counties, the territory within the  
8 municipal corporation shall, for county purposes, be and remain  
9 a part of the county in which the respective territory is  
10 physically located.

11     (c) School districts unaffected.--Nothing in this act, and  
12 no action taken under this act, shall affect or apply to any  
13 school district or any school district boundary, but nothing  
14 shall preclude further action from being taken under the  
15 provisions of the act of March 10, 1949 (P.L.30, No.14), known  
16 as the Public School Code of 1949, or other applicable  
17 provisions of law to change the boundary or location of a school  
18 district.

19     (d) Initiative and referendum.--Nothing in this act shall  
20 preclude a change of boundary by initiative and referendum as  
21 provided in sections 8 and 14 of Article IX of the Constitution  
22 of Pennsylvania.

23 § 714. Stream boundaries.

24     (a) General rule.--If a municipal corporation is bounded by  
25 the nearest margin of a navigable stream and the opposite  
26 municipal corporation is also bounded by the nearest margin of  
27 the same stream, the middle of the stream shall be the boundary  
28 between the municipal corporations.

29     (b) Prior actions unaffected.--Nothing in this section shall  
30 be construed to affect any boundary established prior to the

effective date of this section between municipal corporations or  
repeal any local or special law contrary to this section.

§ 715. Boundary change agreement by abutting municipal  
corporations.

(a) General rule.--Two or more abutting municipal  
corporations, may, by the adoption of an ordinance memorializing  
an agreement under this subchapter:

(1) Transfer or exchange territory between municipal  
corporations.

(2) Establish a territorial boundary between municipal  
corporations by boundary clarification.

(b) Prohibition on unincorporated territory.--No boundary  
change may result in territory not incorporated in any municipal  
corporation.

(c) Contents of ordinance.--An ordinance under this section  
shall provide a description of the territory to be transferred  
by a change of boundary, or territorial boundary to be  
established within the impacted territory, and shall contain or  
have attached a plot showing the courses and distances of the  
boundaries of the municipal corporations as follows:

(1) In the case of a transfer of territory, municipal  
boundaries before and after the proposed change in the  
boundaries or territorial limits.

(2) In the case of a boundary established to resolve an  
unclear boundary, the proposed boundary and a description of  
the area which was in dispute or unclear.

(D) PUBLIC MEETING.--IN ADDITION TO THE PROCEDURES THAT  
APPLY TO THE PROPOSAL AND ADOPTION OF ORDINANCES, EACH  
MUNICIPALITY SHALL ACCEPT PUBLIC COMMENT ON THE PROPOSED  
ORDINANCE AT A REGULAR OR SPECIAL MEETING OCCURRING NOT LESS

<--

1 THAN 10 DAYS AFTER THE ORDINANCE IS INTRODUCED AND OCCURRING NOT  
2 LESS THAN 10 DAYS PRIOR TO THE ADOPTION OF THE ORDINANCE.  
3 NOTHING SHALL PREVENT THE MUNICIPALITIES FROM SATISFYING THIS  
4 REQUIREMENT BY HOLDING A JOINT PUBLIC MEETING IN ONE OF THE  
5 MUNICIPALITIES.

6 ~~(d)~~ (E) Notification of ordinance.--Within 15 days after <--  
7 enactment of an ordinance under this subchapter, the governing  
8 body of a municipal corporation shall perform all of the  
9 following acts:

10 (1) Assign, for reference, a distinctive designation to  
11 any impacted territory.

12 (2) File with the clerk of court and board of  
13 commissioners of the county, a certified copy of the  
14 ordinance by which the change was effected, together with a  
15 plot, showing the courses and distances of the boundaries  
16 before and after the change and clearly indicating any  
17 designation or designations, as provided in paragraph (1). If  
18 the impacted territory is located in more than one county,  
19 the documents and information shall be filed in each  
20 impacted county.

21 (3) Notify the record owner of each impacted property in  
22 writing.

23 ~~(e)~~ (F) Petition and suspension of ordinance.--A boundary <--  
24 change under an ordinance enacted under this section shall be  
25 suspended following the presentation of a petition, in writing,  
26 to the municipal secretary of at least one impacted municipal  
27 corporation protesting the proposed boundary change. A valid  
28 petition under this section shall be composed of:

29 (1) at least 20% of registered electors of the municipal  
30 corporation. Petitioners must provide their address on the

petition along with their respective signatures; or

(2) at least one owner of an impacted property.

~~(f)~~ (G) Deadline for filing petition and notice.--A petition <--  
under subsection ~~(e)~~ (F) shall be filed with the secretary or <--  
clerk of the municipal corporation where the registered electors  
reside no later than the 20th day after the date on which the  
municipal corporation files its documents under subsection ~~(d)~~ <--  
~~(2)~~ (E) (2) in the county. If the required number of registered <--  
electors have signed the petition, the municipal secretary or  
clerk shall provide notice of the petition to the governing body  
of all impacted municipal corporations.

~~(g)~~ (H) Referendum.--The following shall apply: <--

(1) If the required number of electors or owners have  
signed the petition as provided in subsection ~~(e)~~ (F) in any <--  
impacted municipal corporation, the governing body of each  
impacted municipal corporation shall call for a referendum to  
be held at the time of the next general, municipal or primary  
election occurring at least 90 days after the petition has  
been filed, at which election the question of whether the  
boundary change as provided in the ordinance of each affected  
municipality will be submitted to the electors of each  
affected municipality. Notice of the election and the text of  
the question to be submitted to the electors shall be  
published in the same manner as publication is required in  
section 1201 of the act of June 3, 1937 (P.L.1333, No.320),  
known as the Pennsylvania Election Code.

(2) The question to be submitted to the electors on the  
ordinance shall be framed to identify the ordinance, followed  
by the words "yes" and "no." The question shall be placed on  
the ballot which shall be counted, returned and computed in

1 accordance with the election laws of this Commonwealth.

2 (3) If the majority of the qualified electors of the  
3 municipal corporation voting on the ordinance vote for the  
4 ordinance in all impacted municipal corporations, the  
5 boundary change shall take effect.

6 § 716. Petition and establishment of disputed boundaries by  
7 judicial ascertainment.

8 (a) Judicial ascertainment.--A court of common pleas may,  
9 upon presentation of a petition, ascertain and establish  
10 disputed boundaries of two or more municipal corporations.

11 (b) Bond required.--If a petition is presented, the court  
12 under subsection (a) may require the petitioners to file a bond  
13 in a sufficient amount to secure the payment of all costs of the  
14 proceeding.

15 (c) Petition requirement.--A petition under this section  
16 shall be submitted in writing by:

17 (1) One or more owners of an impacted property.

18 (2) Ten or more residents of any municipal corporation  
19 impacted by the disputed boundary.

20 § 717. Judicial ascertainment procedure.

21 (a) Appointment.--Upon application by petition under section  
22 716 (relating to petition and establishment of disputed  
23 boundaries by judicial ascertainment), the court shall appoint  
24 three impartial individuals as commissioners, one of whom must  
25 be a surveyor or registered engineer.

26 (b) Hearing.--After providing notice to interested parties  
27 and upon publication of the petition, as directed by the court,  
28 the commissioners shall hold a hearing and view the disputed  
29 lines and boundaries.

30 (c) Stay of proceedings.--In the event that the governing



body of a municipal corporation notifies the court that the impacted municipal corporations intend to resolve the disputed boundary by agreement under this act, the court shall stay any proceedings under this section for 90 days. A stay may be extended at the discretion of the court if it appears that the impacted parties are pursuing an agreement in good faith.

(d) Report.--A majority of the commissioners shall issue the report and recommendations to the court, accompanied by a plot or draft of the lines and boundaries proposed to be ascertained and established if the lines and boundaries cannot be fully designated by natural lines or boundaries.

(e) Exceptions.--Exceptions to the report under subsection (d) may be filed within 30 days after the filing of the report by an interested person or political subdivision. The court shall set and provide notice of a hearing on the exceptions. After a hearing under this subsection, the court may sustain or dismiss the exceptions. If the court has sustained the exceptions, the court may refer the report back to the same or new commissioners with the authority to make another report.

(f) Decree.--If no exceptions are filed within 30 days after the filing of the report, or the exceptions have been dismissed, the court shall confirm the report. If a report is confirmed, the court shall:

(1) Enter a decree ascertaining and establishing the lines and boundaries as shown in the report.

(2) Direct publication of the decree under paragraph (1).

(3) Order that the boundary line be marked by appropriate monuments.

(g) Compensation, expenses and costs.--The compensation and

expenses of commissioners appointed under subsection (a) shall  
be in a reasonable amount as approved by the court. The court  
shall, by order, provide how costs and expenses of the  
proceedings shall be paid and may assess the costs individually  
or in apportioned amounts against the following:

(1) The petitioners.

(2) Any interested municipal corporation.

§ 718. Effective date of boundary change.

(a) Change by ordinance.--The change in boundaries under an  
ordinance shall take effect on January 1 of the year following  
the date on which all of the documents under section 715(d)(2)-- <--  
715(E)(2) (relating to boundary change agreement by abutting <--  
municipal corporations) have been filed, unless:

(1) the filing date is within 60 days prior to the end  
of a calendar year, in which case the change shall take  
effect as of January 1 of the second year following the  
filing date; or

(2) a timely petition is filed under section 715 in  
which case the petition shall act as a supersedeas and the  
change in boundaries in all impacted municipal corporations  
shall only take effect if the referendum under section 715  
passes, where the boundary change shall take effect on  
January 1 of the year following the referendum.

(b) Change by ascertainment.--A change of boundaries by  
judicial ascertainment shall take effect on the effective date  
of the decree.

(c) Change by referendum.--In the event of a change of  
boundary under the provisions of section 8 of Article IX of the  
Constitution of Pennsylvania by referendum, the change of  
boundary shall take effect on January 1 of the year following

1 the referendum.

2 § 719. Notification of boundary change.

3 (a) General rule.--Within 15 days after a change in  
4 boundaries has taken effect, the governing body of a municipal  
5 corporation shall file a final report of the boundary change  
6 containing the following information with the County Board of  
7 Elections, the Department of Community and Economic Development,  
8 the Department of Transportation, the Governor's Office of  
9 Policy Development or its successor, the Department of Education  
10 and the State Tax Equalization Board:

11 (1) The name of the impacted municipal corporations.

12 (2) A land survey showing the courses and distances of  
13 the boundary in the impacted territory.

14 (3) The location of the monuments along the new boundary  
15 line.

16 (4) The total assessed valuation of the impacted  
17 territory.

18 (5) The approximate population of the impacted  
19 territory.

20 (6) The designation, as provided for in section 715(d) <--  
21 ~~(1)~~ 715(E) (1) (relating to boundary change agreement by <--  
22 abutting municipal corporations), by which the impacted  
23 territory is to be known.

24 (7) In the case of a boundary change by judicial  
25 ascertainment, the decree shall be attached to the report.

26 (b) Combined notifications authorized.--All municipal  
27 corporations impacted by a boundary change may jointly provide  
28 for a combined final report under subsection (a).

29 § 720. Monuments.

30 The impacted municipal corporations shall provide for the

placement of monuments, no more than 1,500 feet apart, along the  
newly established boundary line, other than where a natural line  
can be described, in a manner adequate that the entire territory  
in question can be depicted and represented for the future. The  
coordinates of monuments shall be expressed in terms of the  
State Plane Coordinate System in effect on the date of the  
change of boundary.

§ 721. Wards.

(a) Increased municipal territory.--If a municipal  
corporation gaining territory is divided among wards, the  
governing body shall, within 30 days after the change in  
boundaries is effective, provide for the distribution of the  
gained territory among the wards of the municipal corporation or  
for the creation of one or more wards out of the gained  
territory.

(b) Decreased municipal territory.--If the municipal  
corporation decreasing territory is divided among wards, the  
governing body of the municipal corporation, shall within 30  
days after the change in boundaries is effective, provide for  
the alteration of wards among the remaining territory.

§ 722. Collection of taxes levied prior to change of boundary  
and authorized expenditures.

(a) Taxes.--All taxes assessed and levied against property  
in an impacted territory prior to the effective date of the  
boundary change shall be paid to the municipal corporation which  
levied the tax, and the collection and enforcement of taxes  
under this subsection shall be as though the change of boundary  
had not taken place.

(b) Expenditures.--A municipal corporation initiating a  
boundary change by ordinance under this subchapter is authorized

1 to make reasonable expenditures for surveys required to describe  
2 the property under consideration, or for any other necessary  
3 purpose.

4 § 723. Election districts and officers.

5 All election districts in the impacted territory shall remain  
6 as constituted prior to the boundary change and shall become  
7 election districts of the municipal corporation gaining  
8 territory on the change in designation in accordance with the  
9 act of June 3, 1937 (P.L.1333, No.320), known as the  
10 Pennsylvania Election Code. All election district officers shall  
11 continue in office until the expiration of the officer's term,  
12 unless the office is vacated.

13 § 724. Governing body agreements.

14 (a) General rule.--Prior to the effective date of a boundary  
15 change, an impacted municipal corporation may execute an  
16 agreement fully resolving:

17 (1) Transfers of any funds and indebtedness related to  
18 property within the impacted territory.

19 (2) The sharing of costs associated with the territorial  
20 alteration or clarification.

21 (3) The sharing or division of any tax or fee revenues  
22 associated with property within the impacted territory in the  
23 year that a territorial alteration occurs.

24 (4) A resolution of any matters, rights or other issues  
25 incident to the transfer of territory.

26 (b) Exception.--In the event that an agreement under this  
27 section is incorporated in an ordinance, sections 725 (relating  
28 to adjustment of indebtedness), 726 (relating to judicial  
29 adjustment award proceedings), 727 (relating to compensation,  
30 expenses and costs), 728 (relating to territory located in

multiple counties) and 729 (relating to bond issues) shall not apply.

§ 725. Adjustment of indebtedness.

(a) Property.--The following shall apply:

(1) Following a boundary change under this subchapter or any other provision of law, the governing bodies of the impacted municipal corporations shall make an equitable adjustment and apportionment of all the public real and personal property impacted by the change of boundary.

(2) Except as provided under paragraph (3), the property under paragraph (1) shall include funds and indebtedness.

(3) If adjusting property and indebtedness under paragraph (1), streets, sewers and utilities may not be considered except to the extent that current and unpaid indebtedness was incurred for the construction and improvement of the property.

(b) Proportion.--In making the adjustment and apportionment under subsection (a), the following shall apply:

(1) The municipal corporation gaining territory shall be entitled to a division of the property and indebtedness in the same proportion that the assessed valuation of the taxable real estate included within the territorial limits of the newly gained territory bears to the assessed valuation of the taxable real estate in the municipal corporation losing territory immediately prior to the boundary change. The municipal corporation losing territory shall be entitled to the remainder of the property and indebtedness.

(2) If indebtedness was incurred by the municipal corporation losing territory for an improvement located wholly within the territorial limits of the newly transferred

1 territory, the indebtedness shall be assumed by the municipal  
2 corporation gaining territory.

3 (3) If only part of the improvement is located within  
4 the newly transferred territory, the part of the indebtedness  
5 representing the part of the improvement located within  
6 transferred territory shall be assumed by the municipal  
7 corporation gaining territory and the adjustment and  
8 apportionment of any remaining debt shall be retained by the  
9 municipal corporation losing territory.

10 (c) Form.--The adjustment and apportionment made under this  
11 section must meet all of the following:

12 (1) Be in writing and duly executed and acknowledged by  
13 the secretary or clerk of each impacted municipal  
14 corporation.

15 (2) Be filed in the office of the clerk of the court of  
16 common pleas of the county.

17 (3) Be filed as a copy with the Department of Community  
18 and Economic Development.

19 (d) Petition for judicial adjustment.--If the governing  
20 bodies of the impacted municipal corporations cannot make an  
21 amicable adjustment and apportionment of the property and  
22 indebtedness within six months after the effective date of the  
23 change in boundaries, the governing body of a municipal  
24 corporation may present a petition to the court of common pleas  
25 requesting a judicial adjustment.

26 (e) Appointment.--After receiving a petition under  
27 subsection (d), the court shall appoint three disinterested  
28 commissioners who meet all of the following requirements:

29 (1) Are residents and taxpayers of the county.

30 (2) Are not residents of or own real estate in an

1 impacted municipal corporation.

2 (f) Report.--The individuals appointed under subsection (e)  
3 shall hold a hearing and make a report to the court containing  
4 an adjustment and apportionment of all the property and the  
5 indebtedness between the impacted municipal corporations. Notice  
6 shall be made as provided by the court. The report shall state  
7 the amount due to, payable from and the amount of indebtedness  
8 that shall be assumed by each impacted municipal corporation.

9 § 726. Judicial adjustment award proceedings.

10 (a) Notice.--The commissioners appointed under section  
11 725(e) (relating to adjustment of indebtedness) shall give the  
12 impacted municipal corporations at least five days' notice of  
13 the filing of the report under section 725(f).

14 (b) Exceptions.--If exceptions are filed to the report made  
15 under section 725(f), the court shall dispose of the exceptions  
16 and shall enter its decree confirming or modifying the award.

17 (c) Confirmation.--Unless exceptions are filed to the report  
18 within 30 days after the date of the filing, the report shall be  
19 confirmed by the court and the court shall issue an appropriate  
20 order effectuating the report.

21 § 727. Compensation, expenses and costs.

22 The commissioners appointed under section 725(e) (relating to  
23 adjustment of indebtedness) shall receive compensation and  
24 expenses for their services as provided by the court. The costs  
25 of the proceedings, including the compensation and expenses of  
26 the commissioners, shall be apportioned by the court between the  
27 impacted municipal corporations.

28 § 728. Territory located in multiple counties.

29 If the impacted territory is located in two or more counties,  
30 Commonwealth Court shall have exclusive jurisdiction over the



1 proceedings to adjust and apportion the indebtedness between the  
2 municipal corporations.

3 § 729. Bond issues.

4 In a proceeding to adjust and apportion indebtedness, a  
5 municipal corporation shall have power to issue and deliver  
6 interest-bearing bonds in liquidation of the indebtedness  
7 ascertained, to be its proportionate share payable, if the bonds  
8 are acceptable to the municipal corporation entitled to receive  
9 the bonds. The court may make necessary orders for the  
10 collection and payment.

11 Section 2. Repeals are as follows:

12 (1) The General Assembly declares that the repeals under  
13 paragraph (2) are necessary to effectuate the addition of 53  
14 Pa.C.S. Ch. 7 Subch. B.

15 (2) The following acts and parts of acts are repealed:

16 (i) The act of April 28, 1903 (P.L.332, No.260),  
17 entitled "An act for the annexation of any city, borough,  
18 township, or part of a township, to a contiguous city,  
19 and providing for the indebtedness of the same."

20 (ii) The act of May 31, 1923 (P.L.473, No.258),  
21 entitled "An act authorizing the annexation to cities of  
22 the second class of portions of townships not exceeding  
23 one hundred acres in area and totally surrounded by said  
24 cities; and providing for the division of the assets and  
25 liabilities of said townships."

26 (iii) The act of May 12, 1925 (P.L.596, No.320),  
27 entitled "An act providing for the alteration of the  
28 boundaries of counties in certain cases for the  
29 adjustment of the indebtedness thereof; providing the  
30 effect thereof."

1           (iv) Sections 301, 302, 303, 304, 305, 306 and 307  
2 of the Act of June 24, 1931 (P.L.1206, No.331), known as  
3 The First Class Township Code.

4           (v) Sections 301, 302, 303, 304, 305, 306 and 307 of  
5 the Act of May 1, 1933 (P.L.103, No.69), known as The  
6 Second Class Township Code.

7           (vi) The act of June 15, 1939 (P.L.372, No.217),  
8 entitled "An act affecting cities of the second class A,  
9 authorizing the annexation of boroughs and townships  
10 thereto under certain conditions, and, in connection  
11 therewith, placing duties upon or affecting courts of  
12 quarter sessions, county boards of elections, and  
13 officers of boroughs, townships and cities of the second  
14 class A, and providing for the payment of the  
15 indebtedness of the various territorial units involved."

16           (vii) The act of July 20, 1953 (P.L.550, No.145),  
17 entitled "An act providing for and regulating the  
18 annexation of parts of a second class township to  
19 boroughs, cities and townships."

20           (viii) 8 Pa.C.S. §§ 501, 502, 503, 504, 505 and 506.

21           (ix) 11 Pa.C.S. §§ 10601, 10602, 10603, 10604, 10605  
22 and 10606.

23           (3) All other acts and parts of acts are repealed  
24 insofar as they are inconsistent with this act.

25 Section 3. This act shall take effect in 60 days.