
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2073 Session of
2019

INTRODUCED BY MOUL, JAMES, EVERETT, FREEMAN AND SAPPEY,
NOVEMBER 20, 2019

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, NOVEMBER 20, 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 preliminary provisions, further providing for
5 definitions, for excluded provisions, for construction of act
6 generally, for construction of references, for how act
7 applies and for saving clauses where class of townships
8 changed, repealing provisions relating to exception as to
9 taxation and further providing for legal advertising; in
10 classification and creation of townships of the first class,
11 further providing for article heading and for provisions
12 relating to classification, repealing provisions relating to
13 enrollment to ascertain population, providing for creation of
14 townships of the first class from townships of the second
15 class, repealing provisions relating to proclamations by
16 county commissioners, to submission of question to voters, to
17 returns of election and effect thereof, to ascertainment of
18 population and to submission of question to voters and
19 returns of election and effect thereof, providing for
20 reestablishment of townships of the second class, further
21 providing for subdivision heading, providing for
22 consolidation or merger, further providing for officers for
23 new townships, repealing provisions relating to election of
24 commissioners in new townships and to election of tax
25 collector in new townships, further providing for certificate
26 of creation of township and providing for change of name of
27 township of first class; repealing provisions relating to
28 change of name of township of first class; in townships lines
29 and boundaries, further providing for stream boundaries, for
30 establishment of boundaries, for petition to court and
31 commissioners' report, for exceptions and procedure, for
32 monuments, for compensation and expenses of commissioners and
33 cost and for adjustment of indebtedness; in wards, further
34 providing for creation, division and redivision of wards,

1 providing for petition of electors, repealing provisions
2 relating to filing and confirmation of report and exceptions,
3 providing for county board of elections, repealing provisions
4 relating to compensation of commissioners, to election
5 districts and to numbering of wards, further providing for
6 schedule for election of commissioners in townships first
7 divided into wards and for schedule of election of
8 commissioners in newly created wards and providing for
9 Pennsylvania Election Code; in election of officers and
10 vacancies in office, further providing for eligibility, for
11 hold until successors qualified and for elected officers
12 enumerated, repealing provisions relating to commissioners,
13 to tax collector, to assessors, to auditors and to controller
14 and further providing for vacancies in general; in general
15 provisions relating to township officers, further providing
16 for oath, for bonds, for compensation, for removal of
17 township officers and appointees and for annuities in lieu of
18 joining pension or retirement system, repealing provisions
19 relating to county associations of township officers, further
20 providing for formation of State association authorized,
21 repealing provisions relating to delegates from townships,
22 providing for authorization to attend annual meetings and
23 educational conferences, further providing for expenses of
24 delegates paid by townships, repealing provisions relating to
25 expenses of annual meeting and to conferences, institutes and
26 schools, providing for provisions relating to county
27 associations of township officers, further providing for
28 subdivision heading, for appointments of police and firemen,
29 for civil service commission created, appointments and
30 vacancies, for offices incompatible with civil service
31 commissioner, for organization of commission and quorum, for
32 clerks and supplies, for rules and regulations, for minutes
33 and records, for investigations, for subpoenas, for annual
34 report, for general provisions relating to examinations, for
35 application for examination, for rejection of applicant and
36 hearing, for eligibility list and manner of filling
37 appointments, for age and applicant's residence, for
38 probation period, for provisional appointments, for
39 promotions, for physical and psychological medical
40 examinations, for removals, for hearings on dismissals and
41 reduction, for present employees exempted, for discrimination
42 on account of political or religious affiliations and for
43 penalty, repealing provisions relating to salaries of civil
44 service commission and further providing for police force and
45 fire apparatus operators defined; in township commissioners,
46 further providing for organization and failure to organize,
47 for monthly meetings, quorum and voting, for compensation and
48 for reports to auditors; in appointed township treasurer,
49 further providing for township treasurer, for treasurer's
50 bond, for treasurer's duties, for use of special funds and
51 penalty and for depositories of township funds; in tax
52 collector, further providing for powers and duties of tax
53 collector; in township secretary, further providing for
54 election of secretary and salary, for assistant secretary,
55 for duties and penalty and for records open to inspection; in
56 auditors, providing for subarticle heading, further providing
57 for meetings, general duties and compensation, providing for
58 compensation, further providing for subpoenas, power to
59 administer oaths and penalty, for surcharges, auditors'
60 report and publication of financial statements, for canceling

1 orders, for penalty for failure to perform duty and for
2 employment and compensation of attorney, providing for
3 surcharge by auditors, further providing for balances due to
4 be entered as judgments, for collection of surcharges, for
5 appeals from report, for appeal bond and for consolidation of
6 appeals, repealing provisions relating to testimony and
7 argument, to framed issues and to prima facie evidence,
8 further providing for judgment and for cost, repealing
9 provisions relating to appeals, further providing for counsel
10 fees and providing for provisions relating to appointed
11 independent auditor; in controller, further providing for
12 oath and bond of controller, for salary of controller, for
13 general powers and duties of controller, may require
14 attendance of witnesses and penalty, for controller to
15 countersign warrants, for controller to prevent appropriation
16 over drafts, for amount of contracts to be charged against
17 appropriations, for management and improvement of township
18 finances, for books to be kept by controller, for appeals
19 from controller's report, bond and procedure on appeal and
20 for controller to retain books, documents, et cetera and
21 pending appeals; in township solicitor, further providing for
22 election and vacancies, repealing provisions relating to bond
23 and further providing for solicitor to have control of law
24 matters and for duties of solicitor; in township engineer,
25 further providing for election of township engineer, term and
26 filling of vacancies, repealing provisions relating to bond,
27 further providing for control of engineering matters, for
28 duties and preparation of plans, for certificate of
29 commencement and of completion of municipal improvements and
30 for surveys and repealing provisions relating to real estate
31 registry; providing for township manager; providing for
32 veterans' affairs; in police, further providing for
33 appointment, compensation and training of policemen,
34 providing for special fire police, further providing for
35 chief of police and other officers, for powers of policemen,
36 for service of process and fees and for supervision of
37 police, repealing provisions relating to keepers to receive
38 prisoners, further providing for badge, for not to receive
39 fees, for establishment of police pension fund and management
40 and for private police pension funds and optional transfers,
41 repealing provisions relating to minimum service for
42 retirement, to retirement allowance, to general funds of
43 township not liable, to township appropriations, gifts and
44 management, to reasons for denying retirement allowance and
45 to annuity contracts in lieu of police pension fund and
46 further providing for school crossing guards; in corporate
47 powers, further providing for suits and property, providing
48 for real property, for personal property, for exceptions, for
49 surcharge from sale or lease and for general powers, further
50 providing for corporate powers of a township, providing for
51 officers, positions and departments, for police force, for
52 lockup facilities, for rewards, for disorderly conduct, for
53 public safety, for fire protection, for building and housing
54 regulations, for numbering buildings, for regulation of
55 business, for nuisances and dangerous structures, for
56 municipal waste, for fireworks and inflammable articles, for
57 smoke regulations, for prohibition of fire producing devices
58 and smoking, for animals, for regulation of foundations,
59 party walls and partition fences, for ambulances and rescue
60 and lifesaving services, for display of flags, for health and

1 cleanliness regulations, for public facilities, for hospital
2 appropriations, for community nursing services, for parking
3 and parking lots, for appropriations for certain streets, for
4 airports, for appropriations for airports, for purchase and
5 planting of trees, for intergovernmental cooperation, for
6 widening and deepening of watercourses, for regulation of
7 charges, for street, sewer, sidewalk, etc. and regulations,
8 for capital reserve fund, for operating reserve fund, for
9 surplus foods, for industrial promotions, for nondebt revenue
10 bonds, for historical properties, for insurance, for
11 appropriations for urban common carrier mass transportation,
12 for open burning, for community development, for observances
13 and celebrations, for building hospitals, for tourist
14 promotion agencies, for sale of real or personal property to
15 nonprofit medical service corporation, for sale of real or
16 personal property to nonprofit housing corporation, for
17 nonprofit art corporations, for neighborhood crime watch
18 programs, for drug and alcohol abuse programs, for watershed
19 associations, for emergency services, for mines and quarries,
20 for conservation district, for electricity and for storm
21 water and further providing for typewritten, printed,
22 photostated and microfilmed records valid and recording or
23 transcribing records; providing for real estate registry; in
24 public health, repealing a subarticle heading, further
25 providing for appointment of boards of health and health
26 officers, for members of board, terms and secretary, for
27 organization of board, salary of secretary, bonds, fees and
28 penalties and power to administer oaths, for duties of
29 secretary, for duties of health officer, for powers of board
30 of health, for entry of premises, for inspections, for budget
31 and appropriations, for cooperation in health work and for
32 powers of Secretary of Health and repealing provisions
33 relating to expenses incurred by board or Secretary of
34 Health, to suits by State Secretary of Health to recover
35 expenses, to payment of expenses recovered into State
36 Treasury and provisions relating to vacation of streets
37 declared nuisances by board of health; in finance and
38 taxation, further providing for fiscal year, annual budget
39 and regulation of appropriations, for amending budget and
40 notice, for committee to prepare uniform forms and for
41 appropriations not to be exceeded and changes in
42 appropriations, repealing provisions relating to certain
43 contracts invalid, to power to create indebtedness, sinking
44 fund and temporary indebtedness and to sinking fund and
45 regulations and investments and further providing for
46 investment of township funds, for indebtedness and orders of
47 previous years, for disbursements to pay indebtedness, for
48 tax levies, for additions and revisions to duplicates, for
49 tax rates to be expressed in dollars and cents, for special
50 levies to pay indebtedness and for delivery of duplicates; in
51 contracts, further providing for power to make contracts, for
52 general regulations concerning contracts, for evasion of
53 advertising requirements, for bonds for protection of labor
54 and materialmen, for purchase contracts for petroleum
55 products, fire company, etc. and participation, for separate
56 specifications for branches of work and for workmen's
57 compensation insurance, repealing provisions relating to
58 engineers and architects not to be interested in contracts
59 and to minimum wages under contracts and further providing
60 for penalty for personal interest in contracts; in eminent

1 domain, assessment of damages and benefits, repealing
2 subdivision heading, further providing for exercise of
3 eminent domain and for restrictions as to certain property,
4 providing for declaration of intention, further providing for
5 value of land or property not to be assessed as benefits and
6 exceptions and for title acquired and repealing provisions
7 relating to procedure for the exercise of eminent domain and
8 for the assessment of damages and benefits; in streets and
9 highways, repealing subdivision heading, providing for
10 definitions, for township street plan and for certain streets
11 declared public streets, repealing subdivision heading,
12 further providing for power to lay out, open, widen, vacate,
13 et cetera, for burial grounds, et cetera, saved and for
14 notice of hearing, repealing provisions relating to draft and
15 report, to exceptions to report, to appointment of viewers
16 and to notices to be posted along improvement, providing for
17 petition for opening, etc. and for notice of petition,
18 further providing for width of public roads, for opening and
19 repairing roads and for detours, repealing provisions
20 relating to laying out roads under the general road law,
21 providing for street connecting with street of another
22 municipal corporation, repealing subdivision heading and
23 provisions relating to scope of subdivision, further
24 providing for plans of dedicated streets, repealing
25 provisions relating to appeals where commissioners refuse
26 approval, to no responsibility on township where plans not
27 approved, to entry of lands, to penalty and to powers of
28 State and counties preserved, providing for powers of State
29 and counties preserved, for exclusive nature of provisions,
30 for failure of board of commissioners to hold hearing, for
31 entry on land to maintain marks and monuments and for bike
32 paths, repealing subdivision heading, further providing for
33 agreements to relocate, alter and vacate streets in or near
34 State parks, repealing provisions relating to agreement to be
35 filed in court and effect of filing, to altered and relocated
36 streets declared township streets, to assessment of damages
37 and to elimination of curves and repealing subdivision
38 headings, further providing for improving or vacating streets
39 by agreement, repealing subdivision heading, further
40 providing for proceedings on petition, repealing provisions
41 relating to grading restrictions, to notice, to contents of
42 notice, to appeals from ordinance, to assessment of damages
43 and benefits by viewers, to assessments to bear interest and
44 collection, to grading, draining, curbing, paving or
45 macadamizing streets or highways and collection of cost by
46 foot front rule and to road material, ditches, drains and
47 watercourses, providing for power to open drains and ditches,
48 repealing a subdivision heading, further providing for
49 provisions relating to trees, shrubbery and obstructions
50 within limits of streets or highways, repealing a subdivision
51 heading, further providing for provisions relating to
52 protection of streets and highways from snowdrifts, repealing
53 a subdivision heading and provisions relating to duty to
54 erect, providing for naming of streets and for street
55 lighting, ornamental lighting and traffic control signals and
56 devices, further providing for penalty for destroying,
57 repealing a subdivision heading, further providing for
58 railroad crossings and for street permits, repealing a
59 subdivision heading, further providing for provisions
60 relating to county aid in the improvement of township

1 streets, repealing provisions relating to penal provisions
2 and to opening, making, amending and repairing streets and
3 bridges by contracts with taxpayers and providing for
4 boundary streets, for streets, the center line of which is
5 the boundary between a township and another municipal
6 corporation, for streets having more than half of their width
7 within township and for assessment for improvements on
8 property outside limits where street entirely within
9 township; repealing provisions relating to boundary roads and
10 streets; in bridges and viaducts, further providing for
11 article heading, repealing subdivision heading, further
12 providing for provisions relating to bridges and viaducts as
13 part of street, repealing a subdivision heading and
14 provisions relating to power to construct, further providing
15 for maintenance, repealing provisions relating to bridges and
16 viaducts over marshy or swampy grounds, creeks, rivulets,
17 gullies, canals and railroads and a subdivision heading,
18 further providing for bridges on division line of townships
19 and repealing provisions relating to bridges between
20 townships and municipalities, to bridges over railroad or
21 canal and to maintenance, repair and rebuilding of bridges
22 built by county; in sidewalks, further providing for power to
23 lay out, ordain and establish grades, for width, for paving
24 and curbing sidewalks and for repair of sidewalks and
25 providing for emergency repairs; in sewers and drains,
26 further providing for article heading, for power to establish
27 and construct sewers and drains, require connections and
28 sewer rentals and for sewer and drainage systems, constructed
29 by any municipality authority, connection by owners and
30 enforcement, providing for notice of contemplated
31 construction, further providing for location of sewers on
32 private property and for treatment works and facilities
33 therefor, repealing provisions relating to entry on lands to
34 mark sewer routes and damages and to enforcement of judgment
35 for damages, further providing for cost of construction and
36 how paid, for sewer districts and for manner of assessment,
37 repealing provisions relating to procedure for assessment of
38 benefits, to lien for assessments and costs of proceedings
39 and to assessment of property outside limits of townships for
40 sewers, further providing for provisions relating to
41 acquisition of sewer system from private interests and
42 distribution of costs, to contracts with individuals or
43 corporations for construction and maintenance of sewer and
44 drainage systems, to sewers and drains in streets or highways
45 or over private property and assessment of cost of
46 construction according to benefits and for consent necessary,
47 repealing provisions relating to assessment of cost, further
48 providing for subdivision heading and for connection by
49 agreement or petition and appointment of viewers, repealing
50 provisions relating to notice of contemplated construction
51 and protests by property owners, further providing for
52 subdivision heading and for building joint sewers, repealing
53 provisions relating to State permit and a subdivision
54 heading; repealing provisions relating to collection by
55 installment of the cost of street, curb, sidewalk and sewer
56 improvements; providing for assessments for public
57 improvements; providing for assessments, for public
58 improvements; repealing provisions relating to revolving fund
59 for street and sewer improvements; in water supply and
60 waterworks, further providing for article heading and for

1 contract with water companies and municipality and
2 development of own water supply, providing for public utility
3 law saved and for rates, further providing for State permit,
4 for occupation of highways and for property damages and bond
5 by township, repealing provisions relating to appointment of
6 viewers, further providing for water districts and
7 application of taxpayers and for connection to water supply
8 system, repealing provisions relating to connection to water
9 supply system of municipality authorities, further providing
10 for cost of connection and where payable and for default in
11 payment of installment, repealing provisions relating to
12 entry of liens and further providing for subdivision heading,
13 for joint maintenance of works with municipality, for State
14 permits and for commission of waterworks; in manufacture and
15 sale of electricity, further providing for manufacture and
16 sale of electricity, for may regulate use and prices, for
17 sale of hydroelectric generating facilities, for construction
18 or purchase of hydroelectric generating facilities and for
19 submission to electors; in public buildings, further
20 providing for town hall, for unloading and warehouses, for
21 appropriation of property, for ordinance of commissioners,
22 for assessment of damages and for use of public lands
23 acquired for other purposes; in licenses and licenses fees,
24 further providing for provisions relating to transient retail
25 merchants, for agents for licensed dealers not to be
26 licensed, for insurance agents and brokers not to be licensed
27 and for license fees on residents not to exceed those on
28 nonresidents; in parks, recreation centers, shade trees and
29 forests, further providing for acquisition of lands and
30 buildings, for creation of recreation board, for composition
31 of park or recreation boards, for organization of park or
32 recreation boards and powers and duties delegated to the
33 board by the commissioners, for maintenance and tax levy, for
34 joint ownership and maintenance, for issue of bonds, for
35 right of establishment, for personnel of commission,
36 appointment, terms and vacancies, for powers may be vested in
37 park commission, for general powers of commission, for hiring
38 of employees and legislative power of commission, for report
39 of commission, for notice of commission's activities and
40 planting or removal of shade trees, for landholders liability
41 for costs and for removal of diseased trees, repealing
42 provisions relating to assessments liens, further providing
43 for maintenance by township and funds for and for penalties,
44 repealing provisions relating to disposition of penalties,
45 further providing for right of acquisition of forest lands,
46 repealing provisions relating to approval of Department of
47 Forests and Waters and further providing for ordinance and
48 notice, for appropriation for acquisition, for rules and
49 regulations, for appropriation for maintenance, for use of
50 township forests, for ordinance of sale and for appropriation
51 of money to forestry organizations; in land subdivision,
52 repealing article heading; in zoning, repealing article
53 heading; in Uniform Construction Code, Property Maintenance
54 Code and reserved powers, further providing for changes in
55 Uniform Construction Code, for property maintenance code and
56 for reserved powers; in township planning commission,
57 repealing article heading; repealing provisions relating to
58 enforcement of ordinances; providing for ordinances; in
59 actions by and against townships, further providing for
60 recovery of municipal claims by suit; and, in repeals,

1 further providing for provisions relating to repeals and
2 repealing provisions relating to inconsistent repeals.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Sections 102, 103, 104, 106, 107 and 108 of the
6 act of June 24, 1931 (P.L.1206, No.331), known as The First
7 Class Township Code, are amended to read:

8 Section 102. Definitions.--The following words, terms and
9 phrases, as used in this act, shall have the [meanings herein
10 assigned to them] following meanings unless the context clearly
11 indicates otherwise[.

12 (a) "Township," a township of the first class.

13 (b) "Street" includes a street, road, lane, alley, court, or
14 public square.

15 (c) "Highway" or "State highway," a road or highway of the
16 State highway system.]:

17 "Board of commissioners." The board of township
18 commissioners of a township of the first class.

19 "Highway." A road or highway of the State highway system.

20 "Individual." A natural person.

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

24 "Municipal corporation." A city, borough, incorporated town,
25 township of the first or second class or any home rule
26 municipality other than a county.

27 "Municipality." A county, city, borough, incorporated town,
28 township of the first or second class or any home rule
29 municipality.

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

1 Municipalities Planning Code."

2 "Person." Includes a natural person, corporation,
3 partnership, limited liability company, business trust, other
4 association, government entity other than the Commonwealth,
5 estate, trust or foundation.

6 "Street." Includes a street, road, lane, alley, court or
7 public square.

8 "Township." A township of the first class.

9 Section 103. Excluded Provisions.--This act does not include
10 any provisions, and shall not be construed to repeal any act,
11 relating to:

12 (a) The assessment and valuation of property and persons for
13 the purposes of taxation and collection of taxes [and the
14 collection of municipal claims by liens;], except as provided
15 herein;

16 (a.1) The collection of municipal claims by liens;

17 (b) The method of incurring or increasing bonded
18 indebtedness;

19 (c) [Election officers and the general conduct] Conduct of
20 elections;

21 (d) Public schools and school districts;

22 (e) [Constables;] The powers and duties of constables;

23 (f) [Justices of the peace;] Magisterial district judges;

24 (g) State [roads] highways and private roads;

25 (g.1) Any of the provisions of 75 Pa.C.S. (relating to
26 vehicles);

27 (h) Validation of elections, bonds, ordinances, and acts of
28 corporate officers;

29 (i) [Free non-sectarian libraries;] Any of the provisions of
30 24 Pa.C.S. Ch. 93 (relating to public library code);

1 (j) Crimes and offenses provided for in [the Penal Code.] 18
2 Pa.C.S. (relating to crimes and offenses);

3 (k) Any law relating to the giving of municipal consent to
4 public utilities.

5 Section 104. Construction of Act Generally.--(a) The
6 provisions of this act so far as they are the same as those of
7 [existing] laws in effect prior to June 24, 1931 are intended as
8 a continuation of [such] laws in effect prior to June 24, 1931
9 and not as new enactments. The repeal by this act of any act of
10 Assembly, or part thereof, shall not revive any act, or part
11 thereof, [heretofore] repealed or superseded prior to June 24,
12 1931, nor affect the existence of class of any township
13 [heretofore] created prior to June 24, 1931. The provisions of
14 this act shall not affect any act done, liability incurred, or
15 right accrued or vested, or affect any suit or prosecution,
16 pending or to be instituted, to enforce any right or penalty or
17 punish any offense under the authority of [such] the repealed
18 laws. All ordinances, resolutions, regulations, and rules, made
19 pursuant to any act of Assembly repealed by this act, shall
20 continue with the same force and effect as if [such] the act had
21 not been repealed. Any person, holding office under any act of
22 Assembly repealed by this act, shall continue to hold [such]
23 office until the expiration of the term thereof, subject to the
24 conditions attached to [such] the office prior to [the passage
25 of this act] June 24, 1931.

26 (b) The board of commissioners shall have the corporate
27 powers and duties and township officials shall have the powers
28 and duties not only as set forth in this act but also as
29 provided in other laws to the extent that the powers and duties
30 are not repealed by this act.

1 Section 106. Construction of References.--Whenever, in this
2 act, reference is made to any act by title or otherwise, such
3 reference shall also apply to and include any codification
4 wherein the provisions of the act referred to are substantially
5 reenacted.

6 Section 107. How Act Applies.--This act shall apply to all
7 townships of the first class within the Commonwealth[, as now
8 existing or hereinafter created.] existing on June 24, 1931, or
9 created thereafter.

10 Section 108. Saving Clauses Where Class of [Townships]
11 Township Changed.--[Whenever any] If a township of the second
12 class is designated a township of the first class, or [whenever
13 any] if a township of the first class is reestablished as a
14 township of the second class, all liabilities incurred, rights
15 accrued or vested, obligations issued or contracted, and all
16 suits and prosecutions pending or to be instituted to enforce
17 any right or penalty accrued or to punish any offense
18 committed[, prior to such] before the change of class, and all
19 ordinances, resolutions, rules and regulations shall continue
20 with the same force and effect as if no [such] change had been
21 made.

22 Section 2. Section 109 of the act is repealed:

23 [Section 109. Exception as to Taxation.--This act does not
24 provide for the assessment and valuation of property and persons
25 for the purposes of taxation or the collection of township
26 taxes.]

27 Section 3. Section 110, Article II heading and section 201
28 of the act are amended to read:

29 Section 110. Legal Advertising.--(a) Whenever, under the
30 provisions of this act, notice is required to be published in

1 one [newspaper, such] or more newspapers, the publication shall
2 be made in a newspaper of general circulation, as defined [by
3 the Newspaper Advertising Act, approved May sixteenth, one
4 thousand nine hundred and twenty-nine (Pamphlet Laws, one
5 thousand seven hundred eighty-four)] in 45 Pa.C.S. § 101
6 (relating to definitions), printed in the township, if there is
7 such a newspaper, and, if not, then in a newspaper circulating
8 generally in [such] the township. [If such notice is required to
9 be published in more than one newspaper, it shall be published
10 in at least one newspaper of general circulation, defined as
11 aforesaid, printed, if there be such a newspaper, or circulating
12 generally as above provided in the township. When such]

13 (b) Unless dispensed with by special order of court, if the
14 notice relates to any proceeding or matter in any court, or the
15 holding of an election for the increase of indebtedness, or the
16 issue and sale of bonds to be paid by taxation, [such] the
17 notice shall also, in counties of the second, third, fourth and
18 fifth classes, be published in the legal newspaper of the
19 county, if any, designated by the rules of court [of the proper
20 county for the publication of legal notices and advertisements,
21 unless such publication be dispensed with by special order of
22 court: Provided, however, That ordinances,]. Ordinances,
23 auditors' statements, summaries of auditors' statements,
24 advertisements inviting proposals for public contracts and for
25 bids for materials and supplies, or lists of delinquent
26 taxpayers, shall be published only in newspapers of general
27 circulation[, defined as aforesaid].

28 ARTICLE II

29 CLASSIFICATION [AND CREATION OF TOWNSHIPS
30 OF THE FIRST CLASS], CREATION, REESTABLISHMENT

1 AND CHANGE OF NAME OF TOWNSHIPS

2 Section 201. Classification of Townships.--The townships now
3 in existence and those to be [hereafter] created are divided
4 into two classes [Townships]: townships of the first class and
5 townships of the second class. A township of the first class
6 shall be [those] a township having a population of at least
7 [three hundred] 300 inhabitants to the square mile[, which have
8 heretofore fully organized and elected their officers and are
9 now functioning as townships] and is functioning as a township
10 of the first class on June 24, 1931, or [which may hereafter be
11 created townships] that may created after June 24, 1931 as a
12 township of the first class in the manner provided in this act.
13 [All townships, not townships of the first class, shall be
14 townships] A township that is not a township of the first class
15 or a home rule municipality shall be classified as a township of
16 the second class. A change from one class to the other shall
17 [hereafter] be made only as provided by this act or the laws
18 relating to townships of the second class.

19 Section 4. Section 205 of the act is repealed:

20 [Section 205. Enrollment to Ascertain Population.--At any
21 time not less than one year before the time fixed for taking a
22 decennial census of the United States, whenever the owners of
23 twenty-five per centum of the assessed valuation of the real
24 estate of any township of the second class shall present their
25 petition to the court of quarter sessions, averring that the
26 population of the township is at least three hundred inhabitants
27 to the square mile, and shall give such security as the court
28 may prescribe for the payment of all costs and expenses which
29 may be incurred in any procedure had upon said petition, the
30 court shall appoint a commissioner to perform the duties

1 hereafter prescribed.

2 The said commissioner shall make an enrollment of the
3 inhabitants of such township, and make report thereof to the
4 court at the next ensuing term. Upon the filing of the report,
5 the same shall be confirmed nisi, which confirmation shall
6 become absolute unless excepted to within thirty days
7 thereafter, during which time notice of the said filing and
8 confirmation shall be advertised in a newspaper of general
9 circulation, once a week for three weeks. If exceptions are
10 filed to the report within the said thirty days, the court, upon
11 consideration thereof, shall confirm the report or modify the
12 said finding. After final confirmation, the clerk of the court
13 shall certify to the county commissioners and to the township
14 supervisors of the township the population of the township as
15 shown by said proceedings. The costs and expenses of the
16 proceedings, including a reasonable fee for the commissioner and
17 attorney, shall be paid by the petitioners or by the township,
18 or partly by each, as the court shall direct.]

19 Section 5. The act is amended by adding a section to read:

20 Section 205.1. Creation of Townships of the First Class from
21 Townships of the Second Class.--At any time, a township of the
22 second class may be established as a township of the first class
23 as follows:

24 (1) A township of the second class may only become a
25 township of the first class if the township of the second class
26 has a population density of three hundred or more inhabitants to
27 the square mile. The population density shall be determined from
28 the most recent census data as made available by the United
29 States Census Bureau, whether it is from the decennial census,
30 special census or from the Population Estimates Program.

1 (2) The board of supervisors of the township of the second
2 class on its own initiative may, or within fifteen days after
3 the receipt of a petition signed by at least five percent of the
4 electors of the township of the second class shall, pass a
5 resolution and record it on its minutes, submitting the question
6 of whether the township of the second class shall be established
7 as a township of the first class to the electors of the township
8 of the second class. The petition and resolution shall include
9 the population density of the township of the second class.

10 (3) At the next primary, general or municipal election
11 occurring at least ninety days after the passage of the
12 resolution, the question under paragraph (2) shall be submitted
13 to the electors of the township. The county board of elections
14 shall place the question of establishing a township of the first
15 class on the ballot in accordance with the act of June 3, 1937
16 (P.L.1333, No.320), known as the "Pennsylvania Election Code."

17 (4) The election officers shall compute the votes cast at
18 the election and certify the votes to the county board of
19 elections. The county board of elections shall compute the votes
20 cast and certify the result to the county commissioners, the
21 board of supervisors of the township of the second class and the
22 clerk of the court of common pleas. If a majority of the votes
23 cast at the election are in favor of becoming a township of the
24 first class, the government of the township of the first class
25 shall be organized and become effective on the first Monday of
26 January after the election. When the township of the first class
27 is organized and becomes effective, the terms of the officers of
28 the township of the second class shall cease and the officers
29 appointed by the court for the township under section 225 shall
30 take office. If a majority of the votes cast at the election are

1 in favor of remaining a township of the second class, no further
2 proceedings may be initiated for a period of two years from the
3 date of the election.

4 Section 6. Sections 206, 207, 208, 209 and 209a of the act
5 are repealed:

6 [Section 206. Proclamations by County Commissioners.--In
7 addition to the procedure provided in the preceding section, the
8 county commissioners of each county shall, following each
9 decennial census of the United States, ascertain from such
10 census whether any township of the second class in the county
11 has a population of three hundred inhabitants to the square
12 mile, and shall immediately certify the fact that any township
13 has a population of three hundred inhabitants to the square mile
14 to the township supervisors of the township.

15 Section 207. Submission of Question to Voters.--At the first
16 general or municipal election occurring at least ninety days
17 after the ascertainment, by special enrollment or from the last
18 preceding United States census, that any township of the second
19 class has a population of at least three hundred inhabitants to
20 the square mile, and after a petition signed by at least five
21 per centum of the registered voters of the township has been
22 filed in the quarter sessions court, the question whether such
23 township of the second class shall become a township of the
24 first class shall be submitted to the voters of the township,
25 and the county board of elections shall cause to be printed on
26 separate ballots, to be used in such township at such election,
27 a proper question framed in accordance with the Pennsylvania
28 Election Code.

29 Section 208. Returns of Election and Effect Thereof.--The
30 election officers shall compute the votes cast at the election

1 provided for in the preceding section and make return thereof to
2 the clerk of the court of quarter sessions, who shall tabulate
3 the same and certify the result thereof to the county
4 commissioners and the township supervisors of such township. If
5 a majority of the votes cast at any such election shall be in
6 favor of becoming a township of the first class, the government
7 of the township of the first class shall be organized and become
8 operative on the first Monday of January next succeeding such
9 election, at which time the terms of the officers of the
10 township of the second class shall cease and terminate. If a
11 majority of the votes cast at any such election shall be in
12 favor of remaining a township of the second class, no further
13 proceedings shall be had for a period of two years, after which
14 period the supervisors, by unanimous action, may, or, upon
15 petition of ten per centum of the registered voters of the
16 township, shall, through the County Board of Elections, resubmit
17 the question to the electors of the township in the manner
18 hereinbefore provided.

19 Section 209. Ascertainment of Population.--At any time, not
20 less than one year before the time fixed for taking a decennial
21 census of the United States, whenever the owners of twenty-five
22 per centum of the assessed valuation of the real estate of any
23 township of the first class shall present their petition to the
24 court of quarter sessions averring that the township no longer
25 has a population of three hundred inhabitants to the square
26 mile, and shall give such security as the court may prescribe
27 for the payment of all costs and expenses which may be incurred
28 in any procedure had upon said petition, the court shall appoint
29 a commissioner to perform the duties hereafter prescribed.

30 The said commissioner shall make an enrollment of the

1 inhabitants of such township and make report thereof to the
2 court at the next ensuing term. Upon the filing of the report
3 the same shall be confirmed nisi, which confirmation shall
4 become absolute unless excepted to within thirty days
5 thereafter, during which time notice of the said filing and
6 confirmation shall be advertised in a newspaper of general
7 circulation once a week for three weeks. If exceptions are filed
8 to the report within the said thirty days, the court, upon
9 consideration thereof, shall confirm the report or modify the
10 said finding. After final confirmation, the clerk of the court
11 shall certify to the county commissioners and to the township
12 supervisors of the township the population of the township, as
13 shown by said proceedings. The costs and expenses of the
14 proceedings, including a reasonable fee for the commissioner and
15 attorney, shall be paid by the petitioners or by the township,
16 or partly by each, as the court shall direct.

17 In addition to the procedure provided in the preceding
18 paragraph, the county commissioners of each county shall,
19 following each decennial census of the United States, ascertain
20 from such census whether any township of the first class in the
21 county no longer has a population of three hundred inhabitants
22 to the square mile, and shall immediately certify the fact that
23 any township no longer has a population of three hundred
24 inhabitants to the square mile to the board of commissioners of
25 the township.

26 Section 209a. Submission of Question to Voters; Returns of
27 Election, and Effect Thereof.--At the first general or municipal
28 election occurring at least ninety days after the ascertainment
29 by special enrollment or from the last preceding United States
30 census, that any township of the first class no longer has a

1 population of at least three hundred inhabitants to the square
2 mile, the question whether such township of the first class
3 shall be reestablished as a township of the second class shall
4 be submitted to the voters of the township, and the county board
5 of elections shall cause to be printed, on separate ballots to
6 be used in such township at such election, a proper question
7 framed in accordance with the election laws of the Commonwealth.

8 The election officers shall compute the votes cast at the
9 election provided for in the preceding paragraph and make return
10 thereof to the clerk of the court of quarter sessions, who shall
11 tabulate the same and certify the result thereof to the county
12 board of elections and the township commissioners of such
13 township. If a majority of the votes cast at any such election
14 shall be in favor of becoming reestablished as a township of the
15 second class, the government of the township of the second class
16 shall be organized and become operative on the first Monday of
17 January next succeeding such election, at which time the terms
18 of the officers of the township of the first class shall cease
19 and terminate. If a majority of the votes cast at any such
20 election shall be in favor of remaining a township of the first
21 class, no further proceedings shall be had for a period of four
22 years, after which period the board of township commissioners,
23 by unanimous action, may, or upon petition of ten per centum of
24 the registered voters of the township shall, through the county
25 board of elections, resubmit the question of the electors of the
26 township in the manner hereinbefore provided.]

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

28 Section 209.1. Reestablishment of Townships of the Second
29 Class.--A township of the first class may, no sooner than five
30 years after becoming a township of the first class, be

1 reestablished as a township of the second class as provided in
2 the act of May 1, 1933 (P.L.103, No.69), known as "The Second
3 Class Township Code."

4 Section 8. Subdivision (c) heading of Article II of the act
5 is amended to read:

6 (c) Creation of Townships of the First Class by Merger or
7 Consolidation

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

9 Section 220. Consolidation or Merger.--A township may be
10 merged or consolidated into a new or existing municipal
11 corporation in accordance with 53 Pa.C.S. Ch. 7 Subch. C
12 (relating to consolidation and merger).

13 Section 10. Section 225 of the act is amended to read:

14 Section 225. Officers for New Townships.--~~[Whenever]~~ (a) If
15 a new township of the first class [shall be created in
16 accordance with any of the procedures in this article, the court
17 of quarter sessions] is created from a township of the second
18 class pursuant to this article, the court of common pleas shall
19 appoint [five commissioners, and the other elective officers to
20 which the township is entitled, and fix the polling place or
21 places in such township. The] the elective officers for the new
22 township and determine the polling place or places in the new
23 township. The appointed officers [so appointed shall hold their
24 offices from the first Monday of January following the election
25 creating such township until the first Monday of January
26 following the municipal election at which officers of the
27 township are elected as hereinafter provided.] shall hold office
28 until the first Monday of January after the next municipal
29 election as provided in this act.

30 (b) At the first municipal election following the creation

1 of a township as provided in section 205.1, if the township has
2 not been divided into wards, five township commissioners shall
3 be elected at large. Three of the commissioners shall be elected
4 for terms of four years each, and two for terms of two years
5 each, from the first Monday of January next following the
6 election. The ballots at the election shall designate the term
7 for which each commissioner is elected. Their successors shall
8 be elected for terms of four years in accordance with this act.
9 If the township has been divided into wards, the township
10 commissioners shall be elected as provided in section 407.

11 (c) At the first municipal election, a tax collector shall
12 be elected for a two or four year term so that the term shall
13 expire at the same time as the terms of tax collectors of other
14 townships of the first class under the provisions of this act.
15 Thereafter the term of tax collector of the township shall be
16 four years from the first Monday of January next following the
17 tax collector's election.

18 Section 11. Sections 226 and 227 of the act are repealed:

19 [Section 226. Election of Commissioners in New Townships.--
20 At the first municipal election following the creation of a
21 township as hereinbefore provided, if such township has not been
22 divided into wards, there shall be elected five township
23 commissioners at large. Three of such commissioners shall be
24 elected for terms of four years each, and two for terms of two
25 years each, from the first Monday of January next following such
26 election. The ballots at such election shall designate the term
27 for which each commissioner is elected. Their successors shall
28 be elected for terms of four years in accordance with this act.

29 Section 227. Election of Tax Collector in New Townships.--At
30 the municipal election, the qualified electors of a new township

1 shall elect a tax collector for a two or four year term so that
2 the term shall expire at the same time as the terms of tax
3 collectors of other townships of the first class under the
4 provisions of this act. Thereafter the term of tax collector of
5 said township shall be four years from the first Monday of
6 January next following his election.]

7 Section 12. Section 235 of the act is amended to read:

8 Section 235. Certificate of Creation of Township.--[Whenever
9 a township of the first class is created, the clerk of the court
10 shall certify such creation to the Department of Community
11 Affairs and Department of Highways of the Commonwealth.] If a
12 township of the first class is created, the clerk of the court
13 shall certify to the Department of State, the Department of
14 Transportation, the Department of Community and Economic
15 Development and the county planning commission a copy of the
16 record constituting the charter of the township. The clerk of
17 the court [shall be allowed] may charge a fee of three dollars
18 and fifty cents [for his services] (\$3.50), to be paid as part
19 of the costs of the proceedings.

20 Section 13. Article II of the act is amended by adding a
21 subdivision to read:

22 (f) Change of Name of Township of First Class

23 Section 240. Change of Name of Township.--(a) Upon petition
24 to the court of common pleas of at least 10% of the electors of
25 a township, or upon passage of a resolution by the board of
26 commissioners, seeking a change of the name of the township, the
27 court shall order a referendum on the question.

28 (b) If the court determines that the petition or resolution
29 for change of name of the township is in proper form and
30 properly executed, the original petition or resolution shall be

1 filed with the clerk of the court. A copy of the petition or
2 resolution and order of the court shall be filed with the county
3 board of elections which shall frame the question to be
4 submitted to the electors at the next general or municipal
5 election which occurs at least 60 days after the court order.

6 (c) The election officers shall compute the votes cast on
7 the question and certify the votes to the clerk of the court of
8 common pleas who shall tabulate the votes and certify the
9 result. If a majority of the votes cast at the election are in
10 favor of the change of township name, the court shall so order
11 and shall order the record of the proceedings to be permanently
12 recorded. If a majority of the votes are against the change,
13 there shall be no further proceedings on the petition or
14 resolution.

15 Section 14. Article II.I of the act is repealed:

16 [ARTICLE II.I

17 CHANGE OF NAME OF TOWNSHIP OF FIRST CLASS

18 Section 2.201. Petition of Electors.--Upon petition to the
19 court of quarter sessions of at least ten per centum of the
20 registered electors of any township of the first class setting
21 forth that the inhabitants of the township desire to change the
22 name of the township, the court shall order an election to be
23 held on the next day appointed for the holding of a general,
24 municipal or primary election occurring at least ninety days
25 after the presentation of the petition, at which election the
26 question whether the name of the township shall be changed shall
27 be submitted to the voters of the township.

28 Section 2.202. Filing and Advertisement of Petition.--Upon
29 determination by the court that the petition for change of name
30 of the township is in proper form and properly executed, and the

1 entry of the court order thereon, the original petition shall be
2 filed with the clerk of the court and a copy of the petition and
3 order of the court shall be filed with the county board of
4 elections which shall frame the proper question to be submitted
5 to the electors at the election ordered by the court. Notice of
6 the election shall be given in at least one newspaper of general
7 circulation of the proper county once a week for four
8 consecutive weeks, which shall set forth the time of the
9 election and the purpose thereof. The publication of the notice
10 shall be made on behalf of the petitioners in such form as the
11 court shall approve.

12 Section 2.203. Returns and Effect of Election.--The election
13 officers shall compute the votes cast on the question and make
14 return thereof to the clerk of the court of quarter sessions who
15 shall tabulate the same and certify the result thereof. If a
16 majority of the votes cast at any such election shall be in
17 favor of the change of township name, the court shall so order
18 and shall order the record of the proceedings to be permanently
19 recorded. If a majority of the votes were against the change,
20 there shall be no further proceedings on the petition.]

21 Section 15. Sections 301, 302, 303, 304, 305, 306, 307 and
22 401 of the act are amended to read:

23 Section 301. Stream Boundaries.--[Whenever any township is
24 bounded by the nearest margin of any navigable stream, and the
25 opposite township, borough, or city, as the case may be,] If a
26 township is bounded by the nearest margin of a navigable stream
27 and an opposite municipal corporation is also bounded by the
28 nearest margin of the same stream, the middle of [such] the
29 stream shall be the boundary between [such] the township and the
30 opposite [township, borough or city. Nothing contained in this

1 ~~section shall be construed to repeal any local or special law~~
2 ~~providing to the contrary.] municipal corporation. This section~~
3 ~~shall not repeal any local or special law.~~

4 Section 302. ~~Petition to Court; Establishment of Disputed~~
5 ~~Boundaries.--The [courts of quarter sessions] court of common~~
6 ~~pleas~~ may, upon the presentation of a petition signed by at
7 least fifty ~~[freeholders,]~~ residents of the township, ~~[(a) alter~~
8 ~~the lines of a township and any adjoining township, borough or~~
9 ~~city so as to suit the convenience of the inhabitants thereof;~~
10 ~~(b) cause the lines or boundaries of townships to be ascertained~~
11 ~~and established; and (c)] ascertain and establish disputed lines~~
12 and boundaries between ~~[two or more townships or between~~
13 ~~townships and cities or boroughs. When any such] a township and~~
14 ~~other municipal corporations. When a~~ petition is presented, the
15 court may require the petitioners to file a bond in sufficient
16 sum to secure the payment of all costs of the proceeding.

17 Section 303. ~~[Petition to Court; Commissioners']~~ ~~Boundary~~
18 ~~Commissioners; Report.--Upon application by petition, in~~
19 ~~accordance with section 302,~~ the court shall appoint three
20 impartial citizens ~~as boundary commissioners,~~ one of whom shall
21 be a registered ~~professional~~ surveyor or ~~registered professional~~
22 engineer~~[, to inquire into the prayer of the petition. After~~
23 ~~having given notice to parties interested]~~. ~~After giving notice~~
24 ~~to interested parties and upon publication of the petition, as~~
25 directed by the court, the ~~boundary~~ commissioners shall hold a
26 hearing and view the ~~disputed~~ lines or boundaries~~]; and they, or~~
27 ~~any two of them,]~~. ~~Prior to the hearing, the boundary~~
28 ~~commissioners shall have a registered professional surveyor, not~~
29 ~~appointed by the court as a boundary commissioner, survey the~~
30 ~~disputed boundary line. The survey shall be reviewed by the~~

1 boundary commissioners or a registered professional surveyor. A
2 majority of the boundary commissioners shall prepare a report[,
3 together with their opinion of the same, and accompany it with]
4 accompanied by a plot or draft of the lines and boundaries
5 proposed to be [altered or] ascertained and established if [the
6 same] they cannot be fully designated by natural lines or
7 boundaries. Upon the filing of [any such] the report, the same
8 shall be confirmed [nisi and] subject to exceptions filed under
9 section 304, and the court may, by its order, direct publication
10 of the report and require [such notice to be given by the
11 petitioners to the parties interested, as it deems proper.]
12 notice to be given by the petitioners to the interested parties
13 as the court deems proper.

14 Section 304. Exceptions and Procedure.--Exceptions to [any
15 such report may be filed by any person interested or political
16 subdivision within thirty days after the filing of the report,
17 and the court may thereupon fix a day for the hearing of such
18 exceptions, of which such notice shall be given as the court may
19 direct. After hearing, the court shall have power to sustain
20 such exceptions or to dismiss them and confirm the report, or
21 refer the report back to the same or new commissioners, with
22 like authority to make another report, on which like legal
23 proceedings may be had. Where no exceptions are filed within
24 thirty days after the filing of the report, the court shall
25 confirm the same absolutely. When any report is confirmed
26 absolutely, the court shall enter a decree altering or
27 ascertaining and establishing the lines and boundaries as shown
28 in said report.] the report may be filed by an interested person
29 or political subdivision within thirty days after the filing of
30 the report, and the court shall set a day for the hearing of the

1 exceptions. Notice of the hearing shall be given as the court
2 may direct. After hearing, the court may sustain the exceptions,
3 dismiss the exceptions and confirm the report or refer the
4 report back to the same or new boundary commissioners with
5 authority to make another report. If no exceptions are filed
6 within thirty days after the filing of the report, the court
7 shall confirm the report absolutely. If a report is confirmed
8 absolutely, the court shall enter a decree ascertaining and
9 establishing the lines and boundaries as shown in the report.
10 The court shall direct publication of the decree establishing
11 the lines and boundaries.

12 Section 305. [Monuments.--Whenever any such township line or
13 boundary is altered or ascertained and established, the court
14 shall cause the same to be appropriately marked with stone
15 monuments placed at intervals not exceeding fifteen hundred
16 feet.] Boundary Monuments.--The court shall order that a
17 township line ascertained and established pursuant to this
18 article to be appropriately marked.

19 Section 306. Compensation and Expenses of Boundary
20 Commissioners; Cost.--The compensation and expenses of boundary
21 commissioners appointed to [alter or] ascertain and establish
22 township lines shall be in [the] a reasonable amount approved by
23 the court. The court shall, by its order, provide how the costs
24 and expenses of [any such proceeding] the proceedings, including
25 the furnishing and placing of monuments, shall be paid, and may
26 assess them against the petitioners, [any township or
27 municipalities interested, or any of them.] the township or any
28 interested municipal corporation, individually or in apportioned
29 amounts as the court deems equitable.

30 Section 307. Adjustment of Indebtedness.--[Whenever the

1 boundaries of any township have been altered or ascertained and
2 established, the court of quarter sessions may adjust the taxes,
3 debts, and expenses for township, municipal and school purposes
4 between the townships, municipalities and school districts
5 affected.] If the boundaries of a township are ascertained and
6 established, the court of common pleas may adjust the taxes,
7 debts and expenses for township, municipal and school purposes
8 between the townships, municipal corporations and school
9 districts affected.

10 Section 401. Creation[, Division and Redivision of Wards.--
11 The court of quarter sessions, upon petition, may divide or
12 redivide any township, heretofore or hereafter created, into
13 wards, erect any wards out of two or more adjoining wards, or
14 parts thereof, consolidate two or more wards into one ward,
15 divide any wards already erected into two or more wards, or
16 alter the lines or boundaries of any two or more adjoining
17 wards, and may cause lines or boundaries of wards to be fixed
18 and established. No township shall be divided or redivided into
19 more than fifteen wards.] and Alteration of Wards.--(a) In
20 addition to reapportionment initiated in accordance with 53
21 Pa.C.S. Ch. 9 (relating to municipal reapportionment) and
22 section 11 of Article IX of the Constitution of Pennsylvania,
23 the board of commissioners may, by ordinance, do any of the
24 following:

- 25 (1) Divide townships into wards.
- 26 (2) Create new wards out of two or more adjoining wards
27 or parts of wards.
- 28 (3) Consolidate two or more wards into one ward.
- 29 (4) Divide any ward already erected into two or more
30 wards.

1 (5) Alter the lines of two or more adjoining wards.

2 (6) Cause the lines or boundaries of wards to be
3 ascertained or established.

4 (7) Abolish all wards.

5 (b) The following shall apply:

6 (1) No township may be divided or redivided into more
7 than 15 wards.

8 (2) No ward shall be created containing less than [three
9 hundred registered electors therein, and all wards which now,
10 or at any time hereafter shall, contain] 300 registered
11 electors.

12 (3) At the discretion of the board of commissioners, any
13 ward which contains less than [three hundred and fifty
14 registered electors therein may in the discretion of the
15 court be abolished, and if so abolished, the territory
16 thereof shall be distributed among the remaining wards in
17 such manner as the court of quarter sessions shall direct.
18 All other wards as heretofore established shall remain as
19 heretofore until altered or divided as provided in this
20 article: Provided, That if, in townships wherein any ward
21 shall be] 350 registered electors may be abolished, and the
22 territory of the ward may be merged into a contiguous
23 existing ward or wards. If two or more contiguous wards have
24 respective populations not meeting the population threshold
25 of 350 registered electors, the commissioners may consolidate
26 those contiguous wards into one ward. All other wards shall
27 remain as established until altered or divided as provided in
28 this article. The composition of the wards shall be subject
29 to subsection (d).

30 (c) If a ward is abolished [as herein provided,] under this

1 section and the number of wards [shall be] in the township is
2 reduced to less than five, then the commissioner or
3 commissioners in the [ward or wards] abolished ward or wards
4 shall continue in office for the term for which elected, and
5 shall become a commissioner or commissioners at large from [such
6 township as provided in this act, with respect to townships
7 having less than five wards.] the township.

8 (d) All wards in the township shall be numbered and composed
9 of compact and contiguous territory as nearly equal in
10 population as practicable as officially and finally reported in
11 the latest official census.

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

13 Section 402.1. Petition of Electors.--(a) At least 5% of
14 registered electors of the township or, for a proposal affecting
15 only a portion of the township, at least 5% of the registered
16 electors of the ward which would be affected by the proposal,
17 may petition the board of commissioners to initiate proceedings
18 under section 401 and may present to the board of commissioners
19 a plot showing the boundaries of the proposed wards of the
20 township. The board of commissioners shall, by motion approved
21 by a majority of the commissioners and within 90 days of
22 presentment of the petition, determine whether to initiate
23 proceedings under section 401.

24 (b) If the board of commissioners has not approved a motion
25 within 90 days after the presentment of a petition under
26 subsection (a), 10 registered electors may petition the court of
27 common pleas and contest the existing apportionment as violating
28 section 401(b) or (d). The proceedings before the court shall be
29 conducted in accordance with 53 Pa.C.S. §§ 906 (relating to
30 contest of reapportionment by governing body) and 907 (relating

1 to costs and expenses of contest).

2 Section 17. Section 403 of the act is repealed:

3 [Section 403. Filing and Confirmation of Report;

4 Exceptions.--When the report is presented, the court shall

5 confirm the report nisi, which confirmation shall become

6 absolute unless exceptions thereto are filed within thirty days

7 after such confirmation nisi. The court may grant a review if,

8 in its opinion, a better adjudication may thereby be secured. If

9 no exceptions are filed, the court may confirm the report, or

10 make such other order as by it shall be deemed proper. If

11 exceptions are filed, the court shall fix a time for hearing,

12 and thereafter shall enter such decree as by it shall be deemed

13 just and proper. From the final decree as entered by the court

14 of quarter sessions, there shall be no appeal.]

15 Section 18. The act is amended by adding a section to read:

16 Section 403.1. County Board of Elections.--A copy of the

17 ordinance enacted pursuant to section 401, along with a plot

18 showing the boundaries of the wards established, shall be

19 forwarded to the county board of elections.

20 Section 19. Sections 404, 405 and 406 of the act are
21 repealed:

22 [Section 404. Compensation of Commissioners.--The

23 commissioners, appointed under the provisions of this act, shall

24 receive such compensation as the court shall fix. The

25 compensation of the commissioners and reasonable attorney's

26 fees, shall be paid by the township in all cases where the

27 prayer of the petitioners is granted, and in other cases shall

28 be paid by the petitioners.]

29 Section 405. Election Districts.--The court of quarter

30 sessions may, from time to time, divide any such ward into two

1 or more election districts so as to suit the conveniences of the
2 electors thereof.

3 Section 406. Numbering of Wards.--When any township shall be
4 divided or redivided into wards, or when any ward in any
5 township shall be created, divided, or altered, the court shall,
6 in its decree, fix the number of each of the wards of such
7 township.]

8 Section 20. Sections 407 and 408 of the act are amended to
9 read:

10 Section 407. Schedule for Election of Commissioners in
11 Townships First Divided into Wards.--When a township is first
12 divided into wards, the township commissioners then in office
13 shall continue in office until the expiration of their
14 respective terms.

15 At the first municipal election occurring at least [ninety]
16 90 days after [such] the the division into wards, there shall be
17 elected, by the registered electors of each ward of the
18 township, one township commissioner, who shall reside in the
19 ward for which [he] the commissioner is elected. At [such] the
20 election, the township commissioners elected in even-numbered
21 wards shall be elected for terms of two years each, and those in
22 odd-numbered wards for terms of four years each, or vice versa,
23 as the case may be, in order that the expiration of [such] the
24 terms will harmonize with the expiration of terms of township
25 commissioners elected for [such] the even or odd numbered wards
26 under the provisions of this act. Thereafter, successors to
27 [such] the commissioners shall be elected for terms of four
28 years each at the municipal election immediately preceding the
29 expiration of the terms of ward commissioners.

30 If the number of wards into which the township has been

1 divided is less than five, then, at the municipal election
2 preceding the expiration of the terms of any commissioner or
3 commissioners [theretofore] elected at large, if [such] the
4 expiration of terms will leave the township with less than five
5 township commissioners, there shall be elected at large a
6 sufficient number of township commissioners so that the total
7 number of commissioners elected by wards and at large in the
8 township shall thereafter be five. If one township commissioner
9 is elected at large [at such election, he], the commissioner
10 shall be elected for a term of four years. If two township
11 commissioners are elected at large [at such election], one shall
12 be elected for a term of two years, and one for a term of four
13 years. If three township commissioners are elected at large [at
14 such election], two shall be elected for terms of four years
15 each, and one for a term of two years. Successors to [such] the
16 township commissioners elected at large [at such election] shall
17 be elected for terms of four years each.

18 All terms of office of township commissioners, elected at
19 large or by wards, shall commence on the first Monday of January
20 next following their election.

21 Section 408. Schedule of Election of Commissioners in Newly
22 Created Wards.--[Whenever] If a new ward is created in a
23 township previously divided into wards[, a new ward is created,]
24 and the number of wards [thereafter in such] in the township,
25 including the new ward, is less than five, then, at the next
26 municipal election [next] following the expiration of the term
27 of the commissioner or commissioners elected at large whose
28 terms shall first expire after [such creation] the creation of
29 the new ward, there shall be elected, by the registered electors
30 of [such] the new ward, one township commissioner, who shall

1 reside in the ward for which [he] the commissioner is elected,
2 for a term of two or four years, so that the expiration of [his]
3 the commissioner's term will harmonize with the expiration of
4 terms of commissioners for [such] the even or odd numbered wards
5 under the provisions of this act. Successors to [such] the
6 township commissioners shall be elected for terms of four years.
7 The number of commissioners thereafter elected at large in [any
8 such] the township shall be the difference between the number of
9 wards and five, and a sufficient number of commissioners shall
10 be elected at large at each municipal election preceding the
11 expiration of terms of commissioners at large so that the total
12 number of commissioners in the township will at all times be
13 five.

14 [Whenever,] If a new ward is created in any township
15 previously divided into wards[, a new ward is created,] and the
16 number of wards thereafter in [such] the township is five, then,
17 at the municipal election preceding the expiration of the term
18 of office of any commissioner or commissioners elected at large,
19 a township commissioner shall be elected for [such] the ward,
20 who shall reside in the ward. [Such] The election shall be for a
21 two or four year term so that the expiration of [his] the
22 commissioner's term will harmonize with the expiration of terms
23 of commissioners for [such] the even or odd numbered wards under
24 the provisions of this act. The successor to [such] the ward
25 commissioner shall be elected for a four-year term. No township
26 commissioner shall thereafter be elected at large in [such] the
27 township.

28 If the number of wards in [such] the township, including the
29 new ward, [shall] will be more than five, the court of [quarter
30 sessions] common pleas shall appoint a township commissioner for

1 [such] the new ward, who shall hold office until the first
2 Monday in January succeeding the first municipal election at
3 which township commissioners are elected in [such] the even or
4 odd the numbered wards under the provisions of this act, at
5 which election, and every four years thereafter, a township
6 commissioner, who shall reside in the ward, shall be elected by
7 the qualified electors of [said] the ward for a term of four
8 years.

9 All township commissioners elected under this section shall
10 take office on the first Monday of January next succeeding their
11 election.

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

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

19 Section 22. Sections 501, 502 and 503 of the act are amended
20 to read:

21 Section 501. Eligibility.--(a) Only a registered elector of
22 a township may be eligible to an elective office in the
23 township. Before being sworn into office, each elected township
24 officer, or, except as provided under section 530, each
25 appointed township officer in case of a vacancy in an elective
26 office, shall present a signed affidavit to the township
27 secretary stating that the officer resides in the township, or
28 within the ward in the case of a ward office, from which elected
29 or appointed and has resided in the township or ward
30 continuously for at least one year immediately prior to the

1 officer's election or appointment. In the case of a newly
2 created ward in existence for less than one year at the time of
3 a township officer's election or appointment, the affidavit
4 shall state that the officer has resided within the township
5 continuously for at least one year immediately prior to the
6 officer's election or appointment and within the ward from the
7 date of the ward's creation continuously until the officer's
8 election or appointment.

9 (b) If an individual elected to office, or appointed to an
10 elective office, fails to give the required bond, take the
11 required oath or provide a signed affidavit, a vacancy is
12 created in the office for which the individual was elected or
13 appointed and the vacancy shall be filled as provided in section
14 530.

15 (c) No individual may hold more than one elective township
16 office at the same time.

17 Section 502. [Hold Until Successors Qualified.--Officers of
18 townships other than township commissioners shall hold their
19 offices until their successors are elected and qualified, but
20 such service shall not continue longer than the first Monday of
21 January succeeding the next municipal election at which election
22 a successor shall be elected for the unexpired term.] Term of
23 Office.--Except if a vacancy in office occurs pursuant to
24 section 530, officers shall hold office for the term for which
25 the individual was elected. Officers shall not serve longer than
26 the first Monday of January succeeding the municipal election at
27 which a successor was elected.

28 Section 503. Elected Officers [Enumerated].--(a) The
29 electors of each township shall elect [(a) at least five
30 township commissioners, (b) one township tax collector and (c)

1 except as otherwise hereinafter provided, three elected auditors
2 or one appointed auditor, or one controller where such office
3 has been established. Elected township officers shall be
4 registered electors of the township.]:

5 (1) At least five township commissioners. The following
6 shall apply:

7 (i) In townships divided into wards but having less
8 than five wards, the number of commissioners shall be
9 five. One commissioner shall be elected from each ward,
10 and the remaining number of commissioners, to which the
11 township is entitled, shall be elected at large. In
12 townships having five or more wards, one commissioner
13 shall be elected from each ward. Township commissioners
14 shall be elected at municipal elections, preceding the
15 expiration of the terms of commissioners then in office,
16 for terms of four years each. Commissioners from odd-
17 numbered wards shall be elected at alternate municipal
18 elections than the municipal elections at which
19 commissioners from even-numbered wards are elected.
20 Elections at large shall be held at the municipal
21 election preceding the expiration of the term of any
22 commissioner elected at large.

23 (ii) In townships not divided into wards, there
24 shall be five township commissioners, who shall be
25 elected at large by the voters of the township. At each
26 municipal election, two or three township commissioners,
27 as the case may be, shall be elected for terms of four
28 years each to take the place of the commissioners whose
29 terms then expire.

30 (2) One township tax collector, and the following shall

1 apply:

2 (i) The township tax collector shall be elected at
3 municipal elections every four years. An individual must
4 be a qualified tax collector or, in the case of an
5 individual appointed to fill a vacancy in the office of
6 tax collector, become a qualified tax collector, in
7 accordance with the act of May 25, 1945 (P.L.1050,
8 No.394), known as the Local Tax Collection Law.

9 (ii) If no individual is elected to the position of
10 tax collector in the municipal election, or if the
11 position of tax collector becomes vacant, the board of
12 commissioners may, by resolution, appoint an individual
13 or person to collect taxes. If a person other than an
14 individual is appointed, the person shall post bonds to
15 the same extent as would an individual appointed to fill
16 the vacancy and as further provided by terms and
17 conditions as set forth by the board of commissioners.
18 Notwithstanding the Local Tax Collection Law, if a person
19 other than an individual is appointed as a tax collector,
20 no individual employed by the appointed tax collector or
21 any of the appointed tax collector's officers shall be
22 required to be or become a qualified tax collector or to
23 file criminal history record information.

24 (3) Three elected auditors, and the following shall

25 apply:

26 (i) At each municipal election, one auditor shall be
27 elected for a term of six years. No auditor shall at the
28 same time hold any other elective or appointive office.

29 (ii) The board of commissioners may provide by
30 ordinance for the appointment of an independent auditor,

1 in lieu of providing for the election of three auditors,
2 as provided in subparagraph (i) or one controller as
3 provided in paragraph (4). After enactment of the
4 ordinance, an independent auditor shall be appointed
5 annually by resolution at least thirty days prior to the
6 close of the fiscal year. The office of elected auditor
7 is abolished upon the appointment of an independent
8 auditor.

9 (iii) The board of commissioners shall have the
10 right at any time to repeal the ordinance providing for
11 the appointed independent auditor, whereupon three
12 auditors shall be elected at the next municipal election
13 following the repeal of the ordinance, to whom the
14 following shall apply:

15 (A) One elected auditor shall serve a term of
16 two years.

17 (B) One elected auditor shall serve a term of
18 four years.

19 (C) One elected auditor shall serve a term of
20 six years.

21 (D) The three elected auditors shall have all
22 the powers and perform all the duties as provided in
23 this act for elected auditors.

24 (4) One elected controller in lieu of three elected
25 auditors, and the following shall apply:

26 (i) The provisions of this act relating to the
27 controller shall not become operative or effective until
28 the board of commissioners shall, by ordinance, accept
29 the provisions of this act relating to the office of
30 controller.

1 (ii) When a township has provided by ordinance for
2 the office of an elected controller, the board of
3 commissioners shall petition the court of common pleas to
4 appoint a controller to hold office until the first
5 Monday of January next succeeding the next municipal
6 election when a controller shall be elected. When a
7 controller is appointed or elected as provided within
8 this paragraph, the office of elected auditor is
9 abolished.

10 (iii) One controller, who shall be a competent
11 accountant, shall be elected at municipal elections every
12 four years.

13 (iv) The office of controller shall be continued
14 until the ordinance is repealed, when the office of
15 controller shall terminate. The township shall either
16 appoint an independent auditor or, at the next municipal
17 election following the repeal of the ordinance, provide
18 for the election of three auditors, to whom the following
19 shall apply:

20 (A) One elected auditor shall serve a term of
21 two years.

22 (B) One elected auditor shall serve a term of
23 four years.

24 (C) One elected auditor shall serve a term of
25 six years.

26 (D) The three elected auditors shall have all
27 the powers and perform all the duties as provided in
28 this act for elected auditors.

29 (b) The terms of each elected officer under this section
30 shall begin the first Monday of January next succeeding the

1 individual's election.

2 Section 23. (Reserved).

3 Section 24. Subdivisions (b), (c), (d), (e) and (f) of
4 Article V of the act are repealed:

5 [(b) Commissioners

6 Section 504. Number and Election of Commissioners in
7 Townships Having Wards.--In townships having less than five
8 wards, the number of commissioners shall be five. One such
9 commissioner shall be elected from each ward, and the remaining
10 number of commissioners, to which the township is entitled,
11 shall be elected at large. In townships having five or more
12 wards, one commissioner shall be elected from each ward.
13 Commissioners shall reside in the ward from which elected, and
14 shall have resided in said ward continuously for at least one
15 year before their election. Township commissioners shall be
16 elected at municipal elections, preceding the expiration of the
17 terms of commissioners then in office, for terms of four years
18 each, from the first Monday of January succeeding their
19 election. At the election in the year one thousand nine hundred
20 and fifty-one, the commissioners from odd-numbered wards shall
21 be elected, and at the election in the year one thousand nine
22 hundred and fifty-three, those from even-numbered wards shall be
23 elected. Elections at large shall be held at the municipal
24 election preceding the expiration of the term of any
25 commissioner elected at large.

26 Section 505. Number and Election of Commissioners in
27 Townships Not Divided into Wards.--In townships not divided into
28 wards, the number of township commissioners shall be five, who
29 shall be elected at large by the voters of the township. At each
30 municipal election, two or three township commissioners, as the

1 case may be, shall be elected for terms of four years each, from
2 the first Monday of January next succeeding, to take the place
3 of the commissioners whose terms then expire. Commissioners
4 shall reside in the township from which elected and shall have
5 resided in that township continuously for at least one year
6 before their election.

7 (c) Tax Collector

8 Section 510. Election of Tax Collector.--(a) At the
9 municipal election in 2013 and every fourth year thereafter, the
10 electors of each township shall elect one tax collector to serve
11 for a term of four years from the first Monday of January after
12 the election, except when vacancies create shorter terms. Tax
13 collectors shall reside in the township from which they are
14 elected and shall have resided in that township continuously for
15 at least one year immediately preceding their election.

16 (b) If the electors of a township fail to choose a tax
17 collector or if a person elected to the office fails to give the
18 required bond or take the required oath, the vacancy shall be
19 filled as provided in section 530.

20 (c) Compensation for tax collectors shall be fixed by
21 ordinance as provided in section 603.

22 (d) Assessors

23 (e) Auditors

24 Section 520. Election of Auditors.--At each municipal
25 election, one auditor shall be elected for a term of six years,
26 from the first Monday of January succeeding such election. No
27 auditor shall at the same time hold any other elective or
28 appointive office.

29 Any township may, instead of electing three auditors as above
30 provided or one controller as hereinafter provided, provide, by

1 ordinance, for the audit of its accounts by an independent
2 auditor who shall be a certified public accountant, registered
3 in Pennsylvania, a firm of certified public accountants so
4 registered, or a competent public accountant, or a competent
5 firm of public accountants. Where such an ordinance has been so
6 adopted, an independent auditor shall be appointed, annually, by
7 resolution before the close of the fiscal year, to make an
8 independent examination of all the accounts and accounting
9 records of the township for the fiscal year then closing. Said
10 appointment shall be made at least thirty days prior to the
11 close of the fiscal year. Such independent auditor shall have
12 and possess all the powers and perform all the duties provided
13 in this act for elected auditors. The compensation of any such
14 type of appointed auditor shall be fixed by the board of
15 commissioners. When an independent auditor is appointed as
16 herein provided, the office of elected auditor is hereby
17 abolished.

18 Whenever any township has heretofore provided by ordinance,
19 for the audit of its accounts by an appointed auditor, said
20 township shall have the right at any time to repeal said
21 ordinance; and, thereupon, the office of appointed auditor shall
22 be abolished, and said township shall have the further right, at
23 the next municipal election following the repeal of said
24 ordinance, to elect three auditors, one for a term of two years,
25 one for a term of four years, and one for a term of six years
26 from the first Monday of January succeeding such election, which
27 auditors so elected shall succeed the appointed auditor, and
28 shall have and possess all the powers and perform all the duties
29 provided in this act for elected auditors.

30 (f) Controller

1 Section 525. Election of Controller.--The qualified electors
2 in every township of the first class, accepting the provisions
3 of this act relating to the controller as hereinafter provided,
4 shall, at the municipal election in the year one thousand nine
5 hundred and fifty-three, and every four years thereafter, elect
6 as township controller one person, who shall be a competent
7 accountant and a registered elector of the township. The person
8 so chosen shall serve for a term of four years, from the first
9 Monday of January next succeeding his election.

10 Section 526. Acceptance of Controller; Provisions by
11 Ordinance.--The provisions of this act relating to the
12 controller shall not become operative or effective in any
13 township until the board of commissioners shall, by ordinance,
14 accept the provisions of this act relating to the office of
15 controller. Such office of controller shall be continued until
16 the acceptance ordinance be repealed, when it shall terminate
17 and the accounts of township officers shall thereafter be
18 audited by auditors as in this act provided. When any township
19 so accepts the provisions of this act, the court of quarter
20 sessions, upon petition of the board of commissioners, shall
21 appoint a controller, to hold office until the first Monday of
22 January next succeeding the next municipal election at which a
23 controller may be elected under the provisions of this act.

24 In all townships of the first class so accepting the
25 provisions of this act, the office of township auditor is
26 abolished.]

27 Section 25. Sections 530, 601, 602, 603, 604 and 605 of the
28 act are amended to read:

29 Section 530. Vacancies in General.--(a) If a vacancy occurs
30 in the office of township commissioner, auditor, controller, or

1 tax collector by death, resignation, removal provided in section
2 604, termination of residency from the township or ward in the
3 case of a ward office, or by failure to take the required oath,
4 give required bond or provide the affidavit required under
5 section 501, or otherwise, the board of [township] commissioners
6 shall fill the vacancy within thirty (30) days by appointing by
7 resolution a registered elector of the township or ward in the
8 case of a ward office, in which the vacancy occurs. If a person
9 other than an individual is appointed to fill a vacancy in the
10 office of tax collector under section 503(a)(2)(ii), the person
11 shall not be required to file the affidavit required under
12 section 501. An individual appointed as a tax collector under
13 section 4.2 or 4.4 of the act of May 25, 1945 (P.L.1050,
14 No.394), known as the Local Tax Collection Law, shall not be
15 required to file an affidavit required under section 501.

16 (a.1) The following shall apply:

17 (1) A vacancy shall not be created by a resignation until
18 the date that the resignation is accepted by a majority vote of
19 a quorum of the board of commissioners at a public meeting or
20 the effective date of the tendered resignation, whichever is
21 later. The board of commissioners must accept a resignation no
22 later than forty-five (45) days after it has been tendered in
23 writing to the board of commissioners, unless it is withdrawn in
24 writing prior to acceptance.

25 (2) A resignation that is not accepted as provided under
26 paragraph (1) shall be deemed accepted after forty-five (45)
27 days.

28 (b) If the board of [township] commissioners of any township
29 shall refuse, fail, or neglect, or be unable for any reason
30 whatsoever, to fill a vacancy within thirty (30) days after the

1 vacancy occurs, then the vacancy board shall fill the vacancy
2 within fifteen (15) additional days by appointing a registered
3 elector of the township or ward in which the vacancy occurs. The
4 vacancy board shall consist of the board of commissioners and
5 one registered elector of the township, who shall be appointed
6 by the board of [township] commissioners at the board's first
7 meeting each calendar year or as soon thereafter as practical.
8 The registered elector shall act as chairperson of the vacancy
9 board and shall serve as the chairperson until the chairperson's
10 successor is appointed.

11 (b.1) If the vacancy board does not fill the vacancy within
12 fifteen (15) days, the chairperson shall, or in the case of a
13 vacancy in the chairpersonship the remaining members of the
14 vacancy board shall, petition the court of common pleas to fill
15 the vacancy by appointing a registered elector of the township
16 or ward, in which the vacancy occurs.

17 (b.2) If there are vacancies in a majority of the offices of
18 commissioners, the court of common pleas shall fill the
19 vacancies upon presentation of a petition signed by not less
20 than fifteen (15) registered electors of the township.

21 (b.3) The registered elector appointed to fill a vacancy
22 shall hold the office until the first Monday in January after
23 the first municipal election occurring more than sixty (60) days
24 after the vacancy occurs, at which election an eligible person
25 shall be elected to the office for the remainder of the term.
26 The appointed registered elector shall have been a resident of
27 the township or ward continuously for at least one (1) year
28 immediately prior to the appointment.

29 Section 601. Oath.--Every person elected or appointed to any
30 township office in any township shall, before entering upon the

1 duties of [his] office, take and subscribe an oath or
2 affirmation of office under 53 Pa.C.S. § 1141 (relating to form
3 of oaths of office), before [some person having authority to
4 administer oaths, to support the Constitution of the United
5 States and of this Commonwealth, and to perform the duties of
6 his office with fidelity. A copy of such] any judge or
7 magisterial district judge of the county or a notary public. A
8 copy of the oath or affirmation shall, within ten days
9 thereafter, be filed with the township secretary.

10 Section 602. Bonds.--[When any officer or employe of any
11 township is required to give bond for the faithful performance
12 of his] (a) Except as provided for in subsection (b), when any
13 officer or employe of any township is required by law or action
14 of the board of commissioners to give bond for the faithful
15 performance of the officer's or employe's duties, the bond shall
16 be with a surety company or other company authorized by law to
17 act as surety [and the]. The township shall pay the premium on
18 the bond, except that the premium on the bond of the township
19 tax collector shall be paid by the respective taxing districts,
20 as provided by the act of May 25, 1945 (P.L.1050, No.394), known
21 as the "Local Tax Collection Law."

22 (b) When any officer or employe of a township, other than a
23 tax collector, is required to give a bond for the faithful
24 performance of the officer's or employe's duties, the board of
25 commissioners may purchase insurance in lieu of a bond if the
26 insurance covers the same events of loss and insures the
27 township against the same misconduct as the bond.

28 Section 603. Compensation.--(a) Elected officers of
29 townships other than tax collector shall receive [such] a
30 salary, compensation or emoluments of office as may from time to

1 time be fixed by ordinance of the township in accordance with
2 [provisions of section 703.] this act.

3 (a.1) Notwithstanding section 34 of the act of May 25, 1945
4 (P.L.1050, No.394), known as the "Local Tax Collection Law," a
5 township treasurer who is the elected tax collector of the
6 township may receive a salary, compensation or emoluments of
7 office in accordance with subsection (a) for the township
8 treasurer's work as the township treasurer.

9 (b) Tax collectors shall receive [such] a salary,
10 compensation or emoluments of office as may from time to time be
11 fixed by ordinance of the township in accordance with the [act
12 of May 25, 1945 (P.L.1050, No.394), known as the] "Local Tax
13 Collection Law."

14 (c) Any change in salary, compensation or emoluments of
15 office of an elected officer shall become effective at the
16 beginning of the next term of the elected officer.

17 (d) Appointed officers and employes of the township shall
18 receive [such] compensation for their services as the [township]
19 board of commissioners shall prescribe.

20 Section 604. Removal of Township Officers and Appointees.--
21 Whether elected or duly appointed to fill a vacancy in elective
22 office, a township officer shall be removable from office only
23 by impeachment, or by the Governor for reasonable cause after
24 due notice and full hearing on the advice of two-thirds of the
25 Senate, or upon conviction of misbehavior in office or of an
26 infamous crime in accordance with the Constitution of
27 Pennsylvania, but the officer's title to office may be tried by
28 proceedings of quo warranto as provided by law.

29 Section 605. Annuities in Lieu of Joining Pension or
30 Retirement System.--(a) A township may provide, by ordinance,

1 [provide as compensation] to employes of not less than ten years
2 of satisfactory service and who are not less than sixty years of
3 age upon termination of active employment with the township a
4 proportion of the compensation last paid to them but not in
5 excess of [fifty per centum thereof, as fixed in said ordinance
6 or amendment thereto.] 50% of the compensation.

7 (b) Any arrangement to provide post retirement compensation
8 to [aged] retired appointees and employes pursuant to this
9 section shall be a pension plan within the meaning of that term
10 pursuant to the act of December 18, 1984 (P.L.1005, No.205),
11 known as the "Municipal Pension Plan Funding Standard and
12 Recovery Act," and the township establishing that plan shall
13 provide funding of that pension plan in an amount sufficient to
14 meet the minimum obligation of the municipality with respect to
15 the pension plan pursuant to [that act. Nothing herein shall]
16 the "Municipal Pension Plan Funding Standard and Recovery Act."

17 (c) Nothing in this section shall be construed to preclude
18 any employe of the township from joining any pension system or
19 municipal retirement system that the township may establish or
20 adopt. [The intent and purpose of this section is to permit
21 townships, without levying any special tax or exceeding the
22 existing tax limitation for general revenue purposes, to pay to
23 their employes who are too old to advantageously join any
24 pensioning or retirement system a reasonable annuity in lieu of
25 joining a pension or retirement system, and who are not and
26 cannot now be socially protected by any Federal social security
27 system.]

28 (d) Upon the effective date of this subsection, a township
29 may not provide for an annuity in lieu of employes joining a
30 pension or retirement system. Nothing in this subsection shall

1 be construed to affect the rights of any current or retired
2 employees or appointees of a township entitled to payments
3 granted in accordance with any annuity entered into prior to the
4 effective date of this subsection.

5 Section 26. Subdivision (b) of Article VI of the act is
6 repealed:

7 [(b) County Associations of Township Officers

8 Section 610. Formation of County Associations; Meetings.--

9 County associations of township officers may be formed in the
10 respective counties, or the township officers of two or more
11 counties may form a joint county association. Such associations,
12 when formed, shall hold annual conventions, or may hold
13 semiannual or quarterly conventions, conferences, institutes, or
14 schools at the county seats of the respective counties, or some
15 other suitable place within the Commonwealth, for the purpose of
16 considering and discussing questions and subjects pertaining to
17 the best methods for the construction, improvement, and
18 maintenance of the public highways and bridges, and the
19 administration of township governments.

20 Section 611. Membership of Associations; Expenses of

21 Members.--The township commissioners and other officers of the
22 township designated by the township commissioners shall attend
23 such conventions, conferences, institutes or schools whenever
24 possible. Each township officer attending such convention,
25 conference, institute or school shall receive a certificate,
26 signed by the presiding officer and secretary or acting
27 secretary of the association, attesting his presence at the
28 convention, conference, institute, or school. Such certificate
29 shall entitle him to collect from the township treasurer
30 expenses which shall be limited to the registration fee, mileage

1 for use of personal vehicle or reimbursement of actual
2 transportation expense going to and returning from such meeting
3 plus all other actual expenses that the township commissioners
4 may have agreed to pay. Every delegate attending the annual
5 meeting shall submit to the township commissioners an itemized
6 account of expenses incurred thereat. The township commissioners
7 may authorize township employes to be compensated at their
8 regular employe rate during their attendance at the annual
9 meeting. The board of township commissioners may authorize a
10 commissioner who is not employed by the township to receive
11 total or partial reimbursement for lost wages or salary while
12 attending the annual meeting provided that sufficient
13 documentation of such wages or salary is presented to the board
14 of township commissioners to justify the reimbursement. The
15 expenses of holding any such convention shall be paid pro rata
16 by the townships joining therein.

17 Section 612. Officers of Association; Ex-Officio
18 Membership.--The officers of the association shall consist of a
19 president, two vice-presidents, a secretary, and a treasurer;
20 all of whom, except the secretary, shall be members of the
21 association, and shall hold office for one year or until their
22 successors are chosen. If desirable, the secretary may be a
23 person not a regular member of the association, and may be paid
24 for his service such compensation, not exceeding twenty-five
25 dollars per annum, as the other officers may determine. Every
26 township shall have one vote in the convention. The mayor of any
27 city, the burgess of any borough, or their duly appointed
28 representative, the county commissioners, and the judges of the
29 court in the county, the township engineer of the State Highway
30 Department, the assistant engineers of the division of township

1 highways, and the superintendent of State highways in charge of
2 such county, shall be eligible to membership, but shall not be
3 entitled to vote nor to hold office.]

4 Section 27. Section 620 of the act is amended to read:

5 Section 620. [Formation of State Association Authorized.--

6 The formation of a State association of township commissioners

7 is hereby authorized. The township commissioners and not more

8 than three other officers of the township designated by the

9 township commissioners, including the delegate provided for by

10 section six hundred twenty-one, may attend such meeting.] State

11 Association of Township Commissioners.--(a) The formation of a

12 State association of township commissioners is authorized.

13 (b) The association shall hold annual meetings[, at such]

14 and educational conferences at a designated time and place

15 within the Commonwealth [as it may designate, for the purpose of

16 discussing various questions and subjects pertaining to the

17 duties of township commissioners, and for the purpose of

18 devising uniform, economical, and efficient methods of

19 administering the affairs of townships.] for the purpose of

20 addressing the interests of the townships. The expenses of the

21 annual meetings and educational conferences may be paid, in full

22 or in part, by the townships joining the association.

23 (c) The association, at its annual meeting and educational

24 conference, by majority vote of all the voting delegates [there

25 represented] attending, shall have power to adopt and amend

26 bylaws to govern the association [which]. The bylaws shall

27 govern the qualifications of delegates, election of officers,

28 their designation, qualifications and duties, payment of dues

29 and other organizational details. The association shall function

30 under these bylaws for advancing the interest of and betterment

1 of township government in townships of the first class.

2 [The dues as adopted in these bylaws are legal expenditures
3 of the townships and shall be used to pay for the services,
4 publications and other expenses, including the rental and
5 acquisition of real estate to be used]

6 (d) The dues adopted in the bylaws shall be paid by each
7 township upon becoming a member of the association and shall be
8 used for association purposes and activities authorized or
9 ratified by the association or incurred [in] on behalf of the
10 association by its officers and executive committee.

11 Section 28. Section 621 of the act is repealed:

12 [Section 621. Delegates from Townships.--Each township shall
13 send at least one township officer as a delegate to each annual
14 meeting of said State association, who shall be selected by the
15 commissioners of the township of which he is a commissioner or
16 an officer.]

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

18 Section 621.1. Authorization to Attend Annual Meetings and
19 Educational Conferences.--(a) Township commissioners may attend
20 each annual meeting and educational conference of the State
21 association of township commissioners. The board of
22 commissioners shall, by motion, designate at least one township
23 officer as a delegate to each annual meeting and educational
24 conference. The delegate shall be a township commissioner or
25 other township officer. The board of commissioners, may, by
26 motion, designate no more than two township officers, other than
27 the townships commissioners or the delegate, to attend each
28 annual meeting and educational conference as nondelegates and
29 authorize township employees to attend each annual meeting and
30 educational conference.

1 (b) In addition to each annual meeting and educational
2 conference as specified under subsection (a), the board of
3 commissioners may authorize township officers and employes of
4 the township to attend other conferences or educational training
5 of the association.

6 Section 30. Section 622 of the act is amended to read:

7 Section 622. Expenses [of Delegates] Paid by Townships.--

8 [Each] (a) The board of commissioners shall, for each delegate
9 and other officer or employe attending the annual meeting or
10 other conference or educational training of the State
11 association [shall be allowed] of township commissioners, pay
12 expenses upon receipt of an itemized account of expenses, which
13 shall be limited to the registration fee, mileage for use of
14 personal vehicle or reimbursement of actual transportation
15 expense going to and returning from [such] the meeting,
16 conference or educational training plus all other actual
17 expenses that the [township] board of commissioners may have
18 agreed to pay. [Every delegate attending the annual meeting
19 shall submit to the township commissioners an itemized account
20 of expenses incurred thereat. The township]

21 (b) The board of commissioners may authorize township
22 employes to be compensated at their regular employe rate during
23 their attendance at the annual meeting or other conference or
24 educational training. The board of [township] commissioners may
25 authorize a commissioner [who is not employed by the township to
26 receive total or partial reimbursement for lost wages or salary
27 while attending the annual meeting provided that sufficient
28 documentation of such wages or salary is presented to the board
29 of township commissioners to justify the reimbursement. No
30 delegate shall receive expenses for more than four days

1 including the time employed in traveling thereto and therefrom,
2 together with mileage going to and returning from the meeting.
3 These expenses shall be paid by the respective townships.] to
4 receive total or partial reimbursement for lost wages or salary
5 while attending the annual meeting or other conference or
6 educational training if sufficient documentation is presented to
7 the board of commissioners to justify the reimbursement. The
8 maximum time for which a delegate, township employe or
9 commissioner shall be reimbursed for lost wages or salary while
10 attending the annual meeting or other conference or educational
11 training shall not be more than four days, including the time
12 spent traveling to and from the event.

13 Section 31. Sections 623 and 624 of the act are repealed:

14 [Section 623. Expenses of Annual Meeting.--The expenses of
15 the annual meeting, including expenses of committees, printing,
16 and stenographers, shall be paid by the respective townships
17 joining in such State association.

18 Section 624. Conferences, Institutes and Schools.--The
19 actual expenses for attending the conferences, institutes and
20 schools of elected or appointed township officers and employes
21 may be paid by the township when authorized by the board of
22 township commissioners and shall be limited to the registration
23 fee, mileage for use of personal vehicle or reimbursement of
24 actual transportation expense going to and returning from such
25 meeting plus all other actual expenses that the township
26 commissioners may have agreed to pay. Every delegate attending
27 the annual meeting shall submit to the township commissioners an
28 itemized account of expenses incurred at the annual meetings.
29 The township commissioners may authorize township employes to be
30 compensated at their regular employe rate during their

1 attendance at the annual meeting.]

2 Section 32. Article VI of the act is amended by adding a
3 subdivision to read:

4 (c.1) County Associations of Township Officers

5 Section 624.1. Formation of County Associations; Meetings.--

6 County associations of township officers may be formed in the
7 respective counties, or the township officers of two or more
8 counties may form a joint county or regional association. The
9 associations, when formed, shall hold annual, semiannual or
10 quarterly conferences or educational training at the county
11 seats of the respective counties, or some other suitable place
12 within the Commonwealth, for the purpose of advancing the
13 interests of the townships in the association and the
14 inhabitants of the townships.

15 Section 624.2. Membership of Associations; Expenses of

16 Members.--(a) The board of commissioners and other township
17 officers designated by the board shall attend the conferences or
18 educational training whenever possible. A township officer
19 attending a conference or educational training shall receive a
20 certificate, signed by the presiding officer and secretary or
21 acting secretary of the association, attesting to the township
22 officer's presence at the conference or educational training.

23 (b) The certificate shall authorize an officer to collect
24 from the township treasurer expenses which shall be limited to
25 the registration fee, mileage for use of personal vehicle or
26 reimbursement of actual transportation expense going to and
27 returning from a conference or educational training, plus all
28 other actual expenses that the board of commissioners may have
29 agreed to pay. Each officer attending a conference or
30 educational training shall submit to the board of commissioners

1 an itemized account of expenses incurred.

2 (c) The board of commissioners may authorize township
3 employees to be compensated at their regular employe rate during
4 their attendance at a conference or educational training. The
5 board of commissioners may authorize a commissioner to receive
6 total or partial reimbursement for lost wages or salary while
7 attending the conference or educational training if sufficient
8 documentation of the wages or salary is presented to the board
9 of commissioners to justify the reimbursement.

10 Section 624.3. Officers of Association; Ex-Officio
11 Membership.--(a) The officers of the association shall consist
12 of a president and other officers as determined by the
13 association's bylaws. All of the officers, except any secretary,
14 shall be members of the association and shall hold office as
15 determined by the association's bylaws or until their successors
16 are chosen.

17 (b) Every township shall have one vote in a conference. A
18 county association of townships may admit to membership of the
19 association representatives of political subdivisions other than
20 townships of the first class within the county, the judges of
21 the court of common pleas in the county and engineers or other
22 personnel from the Department of Transportation of the
23 Commonwealth. Representatives of political subdivisions other
24 than townships of the first class within the county, the judges
25 of the court of common pleas in the county and engineers or
26 other personnel from the Department of Transportation shall not
27 be entitled to vote at the conference or hold office in the
28 association.

29 Section 33. Subdivision (d) heading and sections 625, 626,
30 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639,

1 640, 641, 642, 643, 644, 645, 646, 647 and 648 of the act are
2 amended to read:

3 (d) Civil Service for Police and ~~[Firemen]~~ Firefighters
4 Section 625. Appointments of Police and ~~[Firemen.--This~~
5 ~~subdivision (d) of this article]~~ Firefighters.--(a) This
6 subdivision shall not apply to any township having a police
7 force of less than three members or to volunteer fire
8 departments or companies employing their own ~~[operators or to~~
9 ~~townships having less than three salaried operators of fire~~
10 ~~apparatus. The subdivision (d) of this article is subject, as~~
11 ~~heretofore, to the power of the township commissioners to~~
12 ~~determine compensation. Hereafter, each and every appointment to~~
13 ~~and promotion directly by the township shall be made only~~
14 ~~according to qualifications and fitness to be ascertained by~~
15 ~~examinations which shall be competitive, as hereinafter~~
16 ~~provided.]~~ firefighters or to townships having less than three
17 salaried firefighters.

18 (b) This subdivision shall be subject to the power of the
19 board of commissioners to determine compensation.

20 (c) An appointment to and promotion in the township's police
21 force or fire department paid directly by the township shall be
22 made only according to qualifications and fitness to be
23 ascertained by an examination. An examination for qualifications
24 and fitness shall be competitive as provided under this
25 subdivision.

26 (d) No ~~[person shall hereafter]~~ individual shall be
27 suspended, removed or ~~[reduced in rank]~~ demoted as a paid
28 employe in any police force or as a paid ~~[operator of fire~~
29 ~~apparatus]~~ firefighter of any township, except in accordance
30 with the provisions of this subdivision.

1 (e) Nothing in this subdivision shall apply to retirement or
2 be construed to prevent a township from adopting a compulsory
3 retirement age for the township's employes or any class of
4 employes or to prevent the township from retiring the township
5 employes automatically when they attain the compulsory
6 retirement age.

7 Section 626. Civil Service Commission Created; Appointments;
8 Vacancies.--[There is hereby created in each township where a
9 police force or paid fire apparatus operators as hereinbefore
10 provided are being maintained, a civil service commission,
11 hereinafter referred to as the commission. The commission shall
12 consist of three commissioners who shall be qualified electors
13 of the township and shall be appointed by the township
14 commissioners initially to serve for the terms of two, four and
15 six years, and as terms thereafter expire shall be appointed for
16 terms of six years.]

17 Any vacancy occurring in any commission for any reason
18 whatsoever shall be filled for the unexpired term within the
19 period of thirty days after such vacancy occurs.

20 Each member of the commission created by this subdivision,
21 before entering upon the discharge of the duties of his office,
22 shall take an oath or affirmation to support the Constitution of
23 the United States and of the Commonwealth of Pennsylvania and to
24 perform his official duties with fidelity.

25 [The township] (a) Subject to section 625(a), a civil service
26 commission is established in each township where a police force
27 or paid firefighters force is maintained.

28 (b) The commission shall consist of three civil service
29 commissioners who shall be qualified electors of the township
30 and shall be appointed by the board of commissioners initially

1 to serve for the terms of two, four and six years. Upon the
2 expiration of the term of a civil service commissioner, the
3 successor shall be appointed for a term of six years.

4 (c) A vacancy occurring in the commission for any reason
5 shall be filled by the board of commissioners for the remainder
6 of the unexpired term no later than 30 days after the vacancy
7 occurs.

8 (d) Before entering upon the discharge of the duties of
9 office, a civil service commissioner shall take an oath or
10 affirmation of office in accordance with 53 Pa.C.S. § 1141
11 (relating to form of oaths of office).

12 (e) The board of commissioners may appoint no more than
13 three qualified electors of the township to serve as alternate
14 members of the commission. The term of office of the alternate
15 members shall be six years. [When] If seated pursuant to section
16 628, an alternate shall be entitled to participate in all
17 proceedings and discussions of the commission to the same and
18 full extent as provided by law for commission members, including
19 specifically the right to cast a vote as a voting member during
20 the proceedings, and shall have all the powers and duties set
21 forth in this act and as otherwise provided by law. Alternates
22 shall hold no other office in the township. [Any] An alternate
23 may participate in any proceeding or discussion of the
24 commission but shall not be entitled to vote as a member of the
25 commission unless designated as a voting alternate member
26 pursuant to section 628.

27 (f) The civil service commissioners shall receive no
28 compensation.

29 Section 627. Offices Incompatible With Civil Service
30 Commissioner.--No civil service commissioner shall at the same

1 time hold an elective or appointed office under the United
2 States government, the Commonwealth of Pennsylvania, or any
3 political subdivision of the Commonwealth, except that one
4 member of the commission may be a member of the board of
5 [township] commissioners.

6 Section 628. Organization of Commission; Quorum.--[The
7 commission first] (a) The first commission appointed shall
8 organize within ten days of its appointment and shall elect one
9 of its members as the [chairman] chairperson and one as the
10 secretary. The commission shall thereafter meet and organize
11 [on] within 30 days of the first Monday of each even-numbered
12 year. Each civil service commissioner shall be notified in
13 writing of each and every meeting.

14 (b) Three members of the commission shall constitute a
15 quorum. If, by reason of absence or disqualification of a
16 member, a quorum is not reached, the [chairman] chairperson
17 shall designate as many alternate members of the commission to
18 sit on the commission as may be needed to provide a quorum.

19 (c) [Any] An alternate member of the commission shall
20 continue to serve on the commission in all proceedings involving
21 the matter or case for which the alternate was initially
22 designated until the commission has made a final determination
23 of the matter or case. Designation of an alternate member
24 pursuant to this section shall be made on a case-by-case basis
25 in rotation according to declining seniority among all
26 alternates.

27 [No action of the commission shall be valid unless it shall
28 have the concurrence of at least two members.]

29 (d) An action by the commission shall only be valid if the
30 commission has the concurrence of a majority of the quorum.

1 Section 629. Clerks and Supplies; Solicitor.--The township
2 shall [furnish] provide to the commission, on its requisition,
3 [such] clerical assistance [as] that may be necessary for the
4 work of the commission. The township shall provide a suitable
5 and convenient room for the use of the commission. The
6 commission shall order from the township the necessary
7 stationery, postage, printing or supplies[, and the elected and
8 appointed officials of every such township shall aid the
9 commission in all proper ways in carrying out the provisions of
10 this subdivision.]. The commission may appoint a solicitor. The
11 township shall pay for the solicitor's services to the
12 commission. The township may place a reasonable limit on the
13 amount of compensation authorized each year for the services of
14 the solicitor. The elected and appointed officials of the
15 township shall aid the commission in carrying out the provisions
16 of this subdivision.

17 Section 630. Rules and Regulations.--(a) The commission
18 shall have power to prescribe, amend and enforce rules and
19 regulations for carrying into effect the provisions of this
20 subdivision and shall be governed [thereby. Before any such
21 rules and regulations are in force, the same shall first be
22 approved by the township commissioners. When such rules and
23 regulations have been so approved they shall not be annulled,
24 amended or added to without the approval of the township
25 commissioners. All rules and regulations and modifications
26 thereof shall be printed for public distribution at the expense
27 of the township.] by the commission's rules and regulations. The
28 board of commissioners may not promulgate rules and regulations,
29 or amendments to them, for carrying into effect the provisions
30 of this subdivision. The board of commissioners may make

1 suggestions regarding proposed rules and regulations or
2 amendments to the rules and regulations to members of the
3 commission for their consideration. Regardless of whether the
4 board of commissioners makes suggestions regarding proposed
5 rules and regulations or amendments to the rules and
6 regulations, rules and regulations or amendments shall be
7 approved by the board of commissioners before the effective date
8 of the rules and regulations or amendments. When the rules and
9 regulations or amendments have been approved by the board of
10 commissioners, the rules and regulations or amendments shall not
11 be abrogated, amended or added to without the approval of the
12 board of commissioners.

13 (b) The rules and regulations of the civil service
14 commission shall reflect any minimum qualifications for police
15 officers and paid firefighters pertaining to age, educational
16 background, years of experience and areas of desired special
17 expertise or certifications adopted by resolution of the board
18 of commissioners.

19 (c) All rules and regulations or amendments to the rules and
20 regulations shall be made available for public distribution or
21 open to public inspection in accordance with the act of February
22 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

23 Section 631. Minutes and Records.--The commission shall keep
24 minutes of its proceedings and records of examinations and other
25 official actions. All recommendations of applicants for
26 appointment received by the commission shall be kept and
27 preserved for a period of five years, and all [such] records and
28 all written causes of removal filed with the commission, except
29 as otherwise provided in section 645, shall be subject to
30 reasonable regulation and open to public inspection in

1 accordance with the act of February 14, 2008 (P.L.6, No.3),
2 known as the Right-to-Know Law.

3 Section 632. Investigations.--The commission [shall have
4 power to make investigations concerning all matters touching the
5 administration and enforcement of the civil service provisions
6 of this article and rules and regulations adopted thereunder.
7 The chairman of the commission is hereby given power to
8 administer oaths.] may conduct investigations concerning all
9 matters regarding the administration and enforcement of this
10 subdivision and rules and regulations promulgated under this
11 subdivision. The chairperson of the commission may administer
12 oaths and affirmations in relation to the investigations.

13 Section 633. Subpoenas.--(a) The commission [shall have
14 power to] may issue subpoenas over the signature of the
15 [chairman] chairperson to require the attendance of witnesses
16 and the production of records and papers pertaining to any
17 investigation or inquiry. The fees of [such] witnesses for
18 attendance and travel shall be the same as for witnesses
19 appearing in the courts and shall be paid from appropriations
20 for the incidental expenses of the commission.

21 (b) All officers in public service and employes shall attend
22 and testify [when] if required to do so by the commission.

23 [If any person shall refuse or neglect to obey any subpoena
24 issued by the commission he shall, upon conviction thereof in a
25 summary proceeding, be sentenced to pay a fine not to exceed one
26 hundred dollars (\$100), and in default of the payment of such
27 fine and costs shall be imprisoned not to exceed thirty days.

28 If any person shall refuse or neglect to obey any subpoena
29 issued by the commission, it may apply by petition to the court
30 of common pleas of the county for its subpoena requiring the

1 attendance of such persons before the commission or the court,
2 there to testify and to produce any records and papers
3 necessary, and in default thereof shall be held in contempt of
4 court.]

5 (c) If an individual refuses or neglects to obey a subpoena
6 issued by the commission, the individual shall, upon conviction,
7 be sentenced to pay a fine no less than \$250 and no more than
8 \$500. If the individual is in default of the payment of the fine
9 under this subsection, the individual shall be imprisoned for a
10 period not to exceed 30 days.

11 (d) If an individual refuses or neglects to obey a subpoena
12 issued by the commission, the commission may petition the court
13 of common pleas of the county to order the individual to appear
14 before the commission or the court to testify and produce
15 records and papers as the commission deems necessary. If the
16 individual refuses to comply with the court's order, the
17 individual shall be held in contempt of court.

18 Section 634. Annual Report.--The commission shall make an
19 annual report to the [township] board of commissioners
20 containing a brief summary of its work during the year, which
21 shall be available for public inspection in accordance with the
22 act of February 14, 2008 (P.L.6, No.3), known as the Right-to-
23 Know Law.

24 Section 635. General Provisions Relating to Examinations.--

25 (a) The commission shall make rules and regulations to be
26 approved as provided in section 630 [hereof], providing for the
27 examination of applicants for positions in the police force and
28 as paid [operators of fire apparatus] firefighters and for
29 promotions, which rules and regulations shall prescribe the
30 minimum qualifications of all applicants to be examined and the

1 passing grades. All examinations for positions or promotions
2 shall be practical in character and shall relate to [such]
3 matters and include [such] inquiries as will fairly test the
4 merit and fitness of the [persons] individuals examined to
5 discharge the duties of the employment sought by them. All
6 examinations shall be open to all applicants who have the
7 minimum qualifications required by the rules and regulations.

8 Each applicant for examination for an original position shall:

9 (1) be subject to the regulations adopted by the commission;

10 (2) either before or after [being admitted to the regular
11 examination held by the commission, be required to submit to]
12 the written examination, submit to a physical fitness or agility
13 examination that is job-related and consistent with business
14 necessity;

15 (3) if made a conditional offer of employment, be given a
16 physical and psychological medical examination in accordance
17 with section 643 [of this act]; and

18 (4) be subject to a background investigation. Background
19 investigations may be restricted to those candidates on an
20 eligibility list or those to be certified to the [township]
21 board of commissioners for appointment in accordance with
22 section 638 [of this act].

23 (a.1) [Each] An applicant for promotion shall be subject to
24 the regulations adopted by the commission and to examination and
25 selection in accordance with section 642 [of this act. Physical
26 fitness or agility examinations that are]. A physical fitness or
27 agility examination that is job related and consistent with
28 business necessity and physical and psychological medical
29 examinations may, but need not, be required for promotions.

30 (b) Public notice of the time and place of every

1 examination, together with the information as to the kind of
2 position [or place] to be filled, shall be given by publication
3 once in a newspaper of general circulation [in the township or
4 in a newspaper circulating generally in the township] at least
5 two weeks prior to each examination, and a copy of the notice
6 shall be prominently posted in the office of the commission or
7 other public place.

8 (c) The commission shall post in its office the [eligible]
9 eligibility list containing the names and grades of those who
10 have passed the examination.

11 Section 636. Application for Examination.--[Each person
12 desiring to apply for examination shall file with the commission
13 a formal application in which the applicant shall state under
14 oath or affirmation, (a) his full name and residence or post
15 office address, (b) his citizenship, place and date of birth,
16 (c) his condition of health and physical capacity for public
17 service, (d) his business or employment and his residence for
18 the past five years, and (e) such other information as may be]
19 An individual who desires to apply for examination must file
20 with the commission a formal application in which the applicant
21 shall provide under oath or affirmation information required by
22 the commission's rules and regulations showing the applicant's
23 qualifications for the position for which [he] the applicant is
24 being examined.

25 Section 637. Rejection of Applicant; Hearing.--(a) The
26 commission may refuse to examine or, if examined, may refuse to
27 certify after examination as eligible, any applicant who:

28 (1) is found to lack any of the minimum qualifications for
29 examination prescribed in the rules and regulations adopted for
30 the position or employment for which [he has applied, or who is

1 physically unfit for the performance of the duties of the
2 position to which he seeks employment, or who is illegally using
3 a controlled substance, as defined in section 102 of the
4 Controlled Substances Act (Public Law 91-513, 21 U.S.C. § 802),
5 or who has been guilty of any crime involving moral turpitude or
6 of infamous or notoriously disgraceful conduct, or who has been
7 dismissed from public service for delinquency or misconduct in
8 office, or who is affiliated with any group whose politics or
9 activities are subversive to the form of government set forth in
10 the Constitution and laws of the United States and Pennsylvania.

11 (b) If any applicant or person is aggrieved by refusal of
12 the commission to examine or certify the applicant as eligible
13 after examination, the commission shall, at the request of the
14 applicant, within ten (10) days appoint a time and place for a
15 public hearing, with or without counsel, at which time the
16 commission shall take testimony and review its refusal to
17 provide examination or certification. The decision of the
18 commission shall be final.] the applicant has applied;

19 (2) is physically unfit for the performance of the
20 duties of the position or employment for which the applicant
21 has applied;

22 (3) is illegally using a controlled substance as defined
23 in (Public Law 91-513, 21 U.S.C. § 802);

24 (4) has been found guilty of any crime involving moral
25 turpitude or of infamous or notoriously disgraceful conduct;

26 (5) has been dismissed from public service for
27 delinquency or misconduct in office; or

28 (6) is affiliated with any group which have policies or
29 engage in activities that are subversive to the form of
30 government established in Federal or State law.

1 (b) If an applicant is aggrieved by the commission's refusal
2 to certify the applicant as eligible after an examination or an
3 individual is aggrieved by the commission's refusal to examine
4 the individual, the commission shall, at the request of the
5 applicant or individual aggrieved, set a date, time and place
6 for a public hearing within 10 days after the receipt of the
7 request for a public hearing. At the public hearing, the
8 applicant or individual aggrieved may appear with or without
9 counsel and the commission shall take testimony and review the
10 commission's refusal to provide the examination or
11 certification. The deliberations of the commission regarding the
12 matter, including interim rulings on evidentiary or procedural
13 issues, may be held in the nature of a closed executive session.
14 The commission's disposition of the matter shall constitute
15 official action which shall occur at a public meeting held
16 pursuant to 65 Pa.C.S. Ch. 7 (relating to open meetings) and the
17 commission's decision on the matter shall be final.

18 Section 638. Eligibility List and Manner of Filling
19 Appointments.--(a) At the completion of the testing process,
20 including a physical agility or other [examinations, with the
21 exception of any background investigations to be conducted after
22 the establishment of an eligibility list and physical and
23 psychological medical examinations pursuant to section 643 of
24 this act,] examination, with the exception of a background
25 investigation to be conducted after the establishment of an
26 eligibility list and physical and psychological medical
27 examination under section 643, the commission shall rank the
28 candidates who have satisfied the minimum requirements for
29 appointment on an eligibility list. The eligibility list shall
30 contain the names of individuals eligible for appointment listed

1 from highest to lowest based on their scores on the examinations
2 administered by the commission and any points for which the
3 applicant was entitled by virtue of 51 Pa.C.S. Ch. 71 (relating
4 to veterans' preference). The eligibility list will be valid for
5 one year from the date the commission formally adopts the
6 eligibility list. Prior to expiration of the one-year period,
7 the commission may extend the validity of the eligibility list
8 for up to an additional twelve (12) months by a majority vote of
9 the commission at a duly authorized commission meeting. In the
10 absence of a lawful extension by the commission, the list shall
11 expire.

12 [(b) Every position or employment in the police force or as
13 paid operators of fire apparatus except that of chief of police
14 or chief of the fire department or equivalent shall be filled
15 only in the following manner: the township commissioners shall
16 notify the commission of any vacancy which is to be filled and
17 shall request the certification of an eligibility list. The
18 commission shall certify for each existing vacancy from the
19 eligibility list the names of the three persons who have
20 received the highest average. The township commissioners shall
21 make a conditional appointment from the three names certified
22 based solely on the merits and fitness of the candidates, unless
23 the township commissioners make objections to the commission
24 regarding one or more of the certified persons for any of the
25 reasons stated in section 637 of this subdivision. Should such
26 objections be sustained by the commission, as provided in
27 section 637, or if the conditional appointee is determined to be
28 unqualified in accordance with the procedures set forth in
29 section 643 of this act, the commission shall strike the name of
30 the person from the eligibility list and certify the next

1 highest name for each name stricken from the eligibility list.
2 As each subsequent vacancy occurs in the same or another
3 position, precisely the same procedure shall be followed.]

4 (b) Except as provided under subsection (c), an original
5 position or employment in the police force or as a paid
6 firefighter, except for the chief of police or chief of the fire
7 department or an equivalent official, shall be filled only in
8 the following manner:

9 (1) The board of commissioners shall notify the
10 commission of a vacancy which is to be filled and shall
11 request the certification of an eligibility list.

12 (2) For each vacancy, the commission shall certify three
13 individuals from the eligibility list, or a fewer number of
14 individuals if three individuals are not available, who have
15 received the highest average for the vacancy.

16 (3) The board of commissioners shall make a conditional
17 appointment from the certified individuals by the commission
18 based solely on the merits and fitness of the certified
19 individuals, unless the board of commissioners objects to the
20 commission regarding one or more of the certified individuals
21 for a cause specified under section 637.

22 (4) If any objections are sustained by the commission
23 under paragraph (3), or if the conditional appointee is
24 determined to be unqualified in accordance with the
25 procedures set forth under section 643, the commission shall
26 strike the name of the individual from the eligibility list
27 and certify the next highest individual from names stricken
28 from the eligibility list.

29 (b.1) The procedure under subsection (b) shall be used to
30 fill each subsequent vacancy that occurs in the same or another

1 position.

2 (c) A vacancy in an existing position in the police force or
3 as a paid [operator of fire apparatus] firefighter which occurs
4 as a result of retirement, resignation, disability or death may
5 be filled by the [township] board of commissioners by the
6 reappointment or reinstatement of a former employe of the police
7 force or fire department who had previously complied with [the
8 provisions of] this section. No examination, other than a
9 physical examination as directed by the [Civil Service
10 Commission] civil service commission, shall be required in a
11 case of reappointment or reinstatement to the force or
12 department with which the employe previously served, except at
13 the discretion of the [township] board of commissioners or as
14 otherwise required by law.

15 (d) In the case of a vacancy in the office of chief of
16 police or chief of the fire department or equivalent official,
17 the [township commissioners may nominate a person to the
18 commission. It shall thereupon become the duty of the commission
19 to subject the person to a non-competitive examination and if
20 the person shall be certified by the commission as qualified he
21 may then be appointed to the position and thereafter shall be
22 subject to all the provisions of this subdivision.] board of
23 commissioners may nominate an individual to the commission. The
24 commission shall subject the nominee to a noncompetitive
25 examination. If the nominee is certified by the commission as
26 qualified, the nominee may be appointed to the position and
27 shall be subject to the provisions of this subdivision.

28 Section 639. Age; Applicant's Residence.--[No person shall
29 be eligible to apply for examination unless he is more than
30 eighteen years of age at the date of application. The

1 commissioners may, at their option, accept applications from
2 non-residents of the township and may, by ordinance, require
3 non-resident policemen and firemen to become residents of the
4 township after appointment to such positions.] No individual
5 shall be eligible to apply for examination unless the individual
6 is at least 18 years of age at the date of application. The
7 board of commissioners may accept applications from nonresidents
8 of the township and may require nonresident police officers and
9 nonresident paid firefighters to become residents of the
10 township after appointment to the positions. The rules and
11 regulations of the civil service commission shall reflect the
12 residency requirements of the board of commissioners or a
13 collective bargaining agreement or award.

14 Section 640. [Probation Period.--All original appointments
15 to any position in the police force or as paid operators of fire
16 apparatus] Probationary Period.--(a) An original appointment to
17 a position in the police force or as a paid firefighter shall be
18 for a probationary period of not less than six months and not
19 more than one year, but during the probationary period an
20 appointee may be dismissed only for a cause specified in section
21 637 [of this act] or because of incapacity for duty due to the
22 use of alcohol or drugs. [If at the close of a probationary
23 period the conduct or fitness of the probationer has not been
24 satisfactory to the township commissioners, the probationer
25 shall be notified in writing that he will not receive a
26 permanent appointment, and the appointment shall cease. If the
27 probationer is not notified or dismissed in accordance with this
28 section, his retention shall be equivalent to a permanent
29 appointment.]

30 (b) If, at the close of a probationary period, the conduct

1 or fitness of the probationer has not been satisfactory to the
2 board of commissioners, the probationer shall be notified in
3 writing that the probationer will not receive a permanent
4 appointment and the appointment shall cease. If the probationer
5 is not notified or dismissed in accordance with this section,
6 the probationer's retention shall be equivalent to a permanent
7 appointment.

8 (c) The decision of a township to suspend or discharge a
9 probationer shall be final and shall not be subject to the
10 hearing provisions under section 645. The decision of a township
11 to suspend or discharge a probationer shall be rendered in
12 accordance with 65 Pa.C.S. Ch. 7 (relating to open meetings).

13 Section 641. Provisional Appointments.--[Whenever there are
14 urgent reasons for the filling of a vacancy in any position in
15 the police force and there are no names on the eligible list for
16 such appointment, the township commissioners may nominate a
17 person to the commission for non-competitive examination and if
18 such nominee shall be certified by the commission as qualified
19 after such non-competitive examination he may be appointed
20 provisionally to fill such vacancy. It shall thereupon become
21 the duty of the commission within three weeks to hold a
22 competitive examination and certify a list of eligibles and a
23 regular appointment shall then be made from the name or names
24 submitted by the commission: Provided, however, That nothing
25 herein contained shall prevent the appointment without
26 examination of persons temporarily as police officers in cases
27 of riot or other emergency or of operators of fire apparatus in
28 emergency cases.] (a) If there are urgent reasons for the

29 filling of a vacancy in a position in the police force and there
30 are no names on the eligibility list for the appointment, the

1 board of commissioners may nominate an individual to the
2 commission for a noncompetitive examination. If the nominee is
3 certified by the commission as qualified after the
4 noncompetitive examination, the nominee may be provisionally
5 appointed to fill the vacancy.

6 (b) Within 90 days of the provisional appointment under
7 subsection (a), the commission shall hold a competitive
8 examination, certify an eligibility list and make a regular
9 appointment to the position in accordance with section 638 from
10 the names submitted by the commission. Nothing in this section
11 shall be construed to prevent the appointment without an
12 examination of individuals temporarily as police officers in
13 cases of riot or other emergencies or firefighters in emergency
14 cases.

15 Section 642. Promotions.--[Promotions in the police force or
16 fire department shall be based on merits to be ascertained by
17 examinations to be prescribed by the commission. All questions,
18 relative to promotions shall be practical in character and such
19 as will fairly test the merit and fitness of persons seeking
20 promotion. The township] (a) A promotion shall be based on
21 merit to be ascertained by an examination to be prescribed by
22 the commission. All questions relative to a promotion shall be
23 practical in character and fairly test the merit and fitness of
24 individuals seeking promotion.

25 (b) The board of commissioners shall notify the commission
26 of a vacancy on the police force or fire department which is to
27 be filled by promotion and shall request the certification of an
28 eligibility list.

29 (c) The commission shall certify for each vacancy the names
30 of [the three persons] three individuals on the eligibility list

1 who have received the highest average in the last promotion
2 examination held within a period of two years preceding the date
3 of the request for the eligibility list. If three names are not
4 available, the commission shall certify the names remaining on
5 the eligibility list. The [township] board of commissioners
6 shall make an appointment from the names certified, based solely
7 on the merits and fitness of the candidate, unless the
8 [township] board of commissioners make objections to the
9 commission regarding any [person] individual on the eligibility
10 list for any reason provided under section 637.

11 [The township commissioners shall have power to]

12 (d) The board of commissioners may determine in each
13 instance whether an increase in salary [shall constitute]
14 constitutes a promotion.

15 Section 643. Physical and Psychological Medical
16 Examinations.--(a) An applicant selected from the eligibility
17 list shall receive a conditional offer of employment. The offer
18 of employment shall be conditioned upon the conditional employee
19 undergoing a physical and psychological medical examination and
20 a determination that the conditional employee is capable of
21 performing all the essential functions of the position. Physical
22 medical examinations shall be conducted under the direction of a
23 physician or other qualified medical professional. Psychological
24 medical examinations shall be conducted under the direction of a
25 psychiatrist or psychologist.

26 (b) The physician [or], other qualified medical professional
27 [and the], psychiatrist or psychologist shall be appointed by
28 the [township] board of commissioners and shall render an
29 opinion as to whether the conditional appointee has a physical
30 or mental condition which calls into question the [person's]

1 individual's ability to perform all of the essential functions
2 of the position for which the [person] individual was
3 conditionally appointed.

4 (c) If the opinion rendered by the physician, other
5 qualified medical professional, psychiatrist or psychologist
6 calls into question the conditional appointee's ability to
7 perform all essential functions of a position, [a person] an
8 individual designated by the [township] board of commissioners
9 shall meet with the conditional appointee for the purpose of
10 having one or more interactive discussions on whether the
11 conditional appointee can, with or without reasonable
12 accommodation, perform all the essential functions of the
13 position.

14 (d) If, at the conclusion of the interactive discussion
15 conducted under subsection (c), the [township] board of
16 commissioners determine that the conditional appointee is not
17 qualified, the [township] board of commissioners shall give
18 written notice to the conditional appointee and the [Civil
19 Service Commission] commission.

20 (e) Nothing in this [act] subdivision shall be construed to
21 authorize physical or psychological medical examinations prior
22 to conditional appointment.

23 (f) As used in this section, the following [definitions
24 shall apply] words and phrases shall have the meanings given to
25 them in this subsection unless the context clearly indicates
26 otherwise:

27 "Medical examination" shall mean any examination, procedure,
28 inquiry or test designed to obtain information about medical
29 history or a physical or mental condition which might disqualify
30 an applicant if it would prevent the applicant from performing,

1 with or without a reasonable accommodation, all of the essential
2 functions of the position.

3 ["Physician" shall have the meaning given to it in 1 Pa.C.S.
4 § 1991 (relating to definitions).]

5 "Qualified medical professional" shall mean an individual, in
6 collaboration with or under the supervision or direction of a
7 physician, as may be required by law, who is licensed:

8 (1) as a physician assistant pursuant to the act of December
9 20, 1985 (P.L.457, No.112), known as the "Medical Practice Act
10 of 1985," or the act of October 5, 1978 (P.L.1109, No.261),
11 known as the "Osteopathic Medical Practice Act"; or

12 (2) as a certified registered nurse practitioner pursuant to
13 the act of May 22, 1951 (P.L.317, No.69), known as "The
14 Professional Nursing Law."

15 Section 644. Removals.--(a) [No person] An individual
16 employed in [any] a police or fire force of [any] a township
17 [shall] may not be suspended without pay, removed or [reduced in
18 rank] demoted except for the following reasons: [(1) physical or
19 mental disability affecting his ability to continue in service,
20 in which cases the person shall receive an honorable discharge
21 from service; (2) neglect or violation of any official duty; (3)
22 violation of any law of this Commonwealth which provides that
23 such violation constitutes a misdemeanor or felony; (4)
24 inefficiency, neglect, intemperance, disobedience of orders, or
25 conduct unbecoming an officer; (5) intoxication while on duty;
26 (6) engaging or participating in conducting of any political or
27 election campaign otherwise than to exercise his own right of
28 suffrage, except that this clause shall only apply to a police
29 officer while on duty or in uniform or while using any township
30 property. A police officer may also be suspended, removed or

1 reduced in rank for engaging or participating in the conduct of
2 any political or election campaign for an incompatible office
3 pursuant to section 1401. A person so employed shall not be
4 removed for religious, racial or political reasons. A written
5 statement of any charges made against any individual so employed
6 shall be furnished to such individual within five days after the
7 same are filed with the commission.]

8 (1) Physical or mental disability affecting the
9 individual's ability to continue in service, in which case
10 the individual shall receive an honorable discharge from
11 service.

12 (2) Neglect or violation of any official duty.

13 (3) Violation of any law of this Commonwealth, if the
14 violation constitutes a misdemeanor or felony.

15 (4) Inefficiency, neglect, intemperance, disobedience of
16 orders or conduct unbecoming an officer.

17 (5) Intoxication while on duty.

18 (6) Engaging or participating in the conduct of a
19 political or election campaign otherwise than to exercise the
20 individual's own right of suffrage, except that this clause
21 shall only apply to a police officer while on duty or in
22 uniform or while using township property.

23 (7) Engaging or participating in the conduct of a
24 political or election campaign for an incompatible office
25 under section 1401.

26 (a.1) An individual employed by a police or fire force may
27 not be removed for religious, racial or political reasons.

28 (a.2) A written statement of charges made against an
29 individual employed shall be furnished to the individual within
30 five days after the same statement of charges are filed with the

1 commission. The individual shall have 10 days from the date of
2 receiving the notice to submit a written request for a hearing
3 to the commission under section 645.

4 (b) If, for reasons of economy or other reasons, it shall be
5 deemed necessary by [any] a township to reduce the number of
6 paid employes of the police or fire force, [then such] the
7 township shall furlough the [person or persons, including
8 probationers,] individual, including a probationer, last
9 appointed to the respective force. [Such] The removal shall be
10 accomplished by furloughing in numerical order commencing with
11 the [person] individual last appointed until [such] the
12 reduction shall have been accomplished. [In the event the said]
13 If the police or fire force shall again be increased, the
14 employes furloughed shall be reinstated in the order of their
15 seniority in the respective service. [The provisions of this
16 paragraph as to reductions in force shall not apply to any chief
17 of police.] This subsection as to reductions in force is not
18 applicable to a chief of police or fire chief.

19 Section 645. Hearings on Dismissals and [Reduction.--If the
20 person] Demotions.--(a) An individual suspended, removed or
21 [reduced in rank shall demand a hearing by the commission, the
22 demand shall be made to the commission. Such person] demoted may
23 make written answers to [any] charges filed against [him] the
24 individual not later than the day [fixed for hearing. The
25 commission shall grant him] scheduled for the hearing. The
26 commission shall grant the individual a hearing which shall be
27 held within a period of ten days from the filing of written
28 charges [in writing], unless continued by the commission for
29 cause at the request of the [township] board of commissioners or
30 the accused. The failure of the commission to hold a hearing

1 within ten days from the filing of the written charges shall not
2 result in the dismissal of the charges filed.

3 (b) At [any such hearing, the person] a hearing, the
4 individual against whom the charges are made may be present in
5 person and by counsel. The [township] board of commissioners, or
6 the chief of police or fire chief, as applicable, when the
7 [township] board of commissioners [are] is not in session, may
8 suspend [any such person] the individual without pay pending the
9 determination of the charges against [him] the individual, but
10 [in the event] if the commission fails to uphold the charges,
11 [then] the [person] individual sought to be suspended, removed
12 or demoted shall be reinstated with full pay for the period
13 during which [he] the individual was suspended, removed or
14 demoted, and no charges shall be officially recorded against
15 [his] the individual's record.

16 A stenographic record of all testimony taken at [such] the
17 hearings shall be filed with and preserved by the commission,
18 which record shall be sealed and not be available for public
19 inspection [in the event] if the charges are dismissed.

20 [In the event the commission shall sustain the charges and
21 order the suspension, removal or reduction in rank, the person
22 suspended, removed or reduced in rank]

23 (c) All parties shall have immediate right of appeal to the
24 court of common pleas of the county, and the case shall there be
25 determined as the court deems proper. No order of suspension
26 made by the commission shall be for a longer period than one
27 year. [Such] The appeal shall be taken within [sixty] 30 days
28 from the date of entry by the commission of its final order and
29 shall be by petition. Upon [such] the appeal being taken and
30 docketed, the court of common pleas shall [fix] schedule a day

1 for a hearing and shall proceed to hear the appeal on the
2 original record and [such] additional proof or testimony as the
3 parties concerned may desire to offer in evidence. The decision
4 of the court affirming or reversing the decision of the
5 commission shall be final and the employe shall be suspended,
6 discharged, demoted or reinstated in accordance with the order
7 of the court.

8 [The township commissioners and the person]

9 (d) The board of commissioners and the individual sought to
10 be suspended, removed or demoted shall at all times have the
11 right to employ counsel before the commission and upon appeal to
12 the court of common pleas. Unless the board of commissioners or
13 the individual sought to be suspended, removed or demoted
14 requests that the proceedings before the commission be open to
15 the public, the proceedings before the commission under this
16 section shall be held in the nature of a closed executive
17 session that shall not be open to the public. The request shall
18 be presented to the commission before the civil service hearing
19 commences. The deliberations of the commission, including
20 interim rulings on evidentiary or procedural issues, may be held
21 in private and shall not be subject to a request for being open
22 to the public by the board of commissioners or the individual
23 sought to be suspended, removed or demoted. The commission's
24 disposition of the disciplinary action shall constitute official
25 action which shall occur at a public meeting held under 65
26 Pa.C.S. Ch. 7 (relating to open meetings).

27 (e) In any case in which a police officer or firefighter who
28 is a member of a bargaining unit is subject to suspension,
29 discharge or discipline, the police officer or firefighter shall
30 have the option of challenging the suspension, discharge or

1 discipline imposed by using the procedures provided in this
2 section or by a proceeding in grievance arbitration. A choice to
3 proceed either by the procedures provided for in this section or
4 by grievance arbitration shall foreclose the opportunity to
5 proceed in the alternative method.

6 Section 646. Present Employees Exempted.--All appointments in
7 the police or fire forces of townships, including the chief of
8 police or equivalent official, [upon the effective date of this
9 act] prior to the creation of a commission, shall continue to
10 hold their positions and shall not be required to take any
11 examination under the provisions of this act except [such as]
12 that which may be required for promotion[: Provided, however,
13 That this]. This section shall not be construed to apply to
14 [persons] individuals employed temporarily in emergency cases.

15 Section 647. Discrimination [on Account of Political or
16 Religious Affiliations.--No question in any form of application
17 for examination or in any examination shall be so framed as to
18 elicit information concerning the political or religious
19 opinions of any applicant nor shall inquiry be made concerning
20 such opinion or affiliations and all disclosures thereof shall
21 be discountenanced.] Prohibited.--(a) No question in a form of
22 application for examination or in an examination or inquiry
23 shall be so framed as to elicit information from an applicant in
24 violation of Federal or State antidiscrimination laws, such as
25 the Civil Rights Act of 1964 (Public Law 88-352, 78 Stat. 241)
26 or the act of October 27, 1955 (P.L.744, No.222), known as the
27 Pennsylvania Human Relations Act. All disclosures by an
28 applicant of information protected by antidiscrimination laws
29 shall be ignored.

30 (b) No discrimination shall be exercised, threatened or

1 promised by [any] a person against or in favor of [any] an
2 applicant or employe [because of political or religious opinions
3 or affiliations or race,] in violation of Federal or State
4 antidiscrimination laws, such as the Civil Rights Act of 1964 or
5 the Pennsylvania Human Relations Act, and no offer or promise of
6 reward, favor or benefit, directly or indirectly, shall be made
7 to or received by [any person] an individual for [any] an act
8 done or duty omitted or to be done under this subdivision [of
9 this article].

10 Section 648. Penalty.--[Any township commissioner who by his
11 vote causes to be appointed any person to the police force or as
12 a fire apparatus operator contrary to the provisions of this
13 subdivision, or any township commissioner or member of the civil
14 service commission who wilfully refuses to comply with or
15 conform to the provisions of this subdivision, shall be deemed
16 guilty of a misdemeanor and, upon conviction thereof, shall be
17 sentenced to pay a fine not exceeding one hundred dollars (\$100)
18 or suffer imprisonment not exceeding three months, or both.] A
19 township commissioner who, by vote, appoints an individual to
20 the police force or as a firefighter contrary to the provisions
21 of this subdivision, or a township commissioner or member of the
22 commission who willfully refuses to comply with or conform to
23 the provisions of this subdivision, commits a misdemeanor and,
24 upon conviction, shall be sentenced to pay a fine not exceeding
25 five hundred dollars (\$500) or to imprisonment not exceeding
26 ninety days, or both.

27 Section 34. Section 649 of the act is repealed:

28 [Section 649. Salaries of Civil Service Commission.--The
29 civil service commissioners of townships shall receive no
30 compensation.]

1 Section 35. Sections 650, 701, 702, 703, 704, 801-A, 802-A,
2 803-A, 805-A, 806-A, 801-B, 901, 901.1, 902 and 903 of the act
3 are amended to read:

4 Section 650. Police Force and [Fire Apparatus Operators]
5 Firefighters Defined.--(a) Police force as used in this
6 subdivision shall mean a police force organized and operating as
7 prescribed by law, the members of which devote their normal
8 working hours to police duty or duty in connection with the
9 bureau, agencies and services connected with police protection
10 work and who are paid a stated salary or compensation for [such]
11 the work by the township.

12 [Fire apparatus operators as used in this subdivision shall
13 mean any person who operates fire apparatus and devotes his
14 normal working hours to operating any piece of fire apparatus or
15 other services connected with fire protection work and who is
16 paid a stated salary or compensation for such work done by the
17 township.]

18 (b) Firefighter as used in this subdivision shall mean an
19 individual who operates fire apparatus and devotes the
20 individual's normal working hours to operating a piece of fire
21 apparatus or other services connected with fire protection work
22 and who is paid a stated salary or compensation for the work
23 done by the township.

24 Section 701. Organization; Failure to Organize.--[The
25 township] (a) The board of commissioners shall organize on the
26 first Monday of January of each even-numbered year. If the first
27 Monday is a legal holiday the meeting shall be held the [first
28 day following. They shall assemble for such purpose at their
29 place of meeting at a time convenient to the governing body.
30 Until otherwise designated by ordinance, the place of meeting

1 shall be the oldest polling place in the township.

2 The] following day. The board of commissioners shall assemble
3 for the organization meeting at their place of meeting at a time
4 convenient to the governing body.

5 (b) At the organization meeting, the board shall [organize
6 by the election of one of their number as president and one as
7 a] elect one member as president and one as vice-president, who,
8 as long as they continue to be commissioners, shall hold office
9 until their successors are elected and qualified. The president,
10 or, in [his] the president's absence, the vice-president, shall
11 preside at all meetings of the board, and perform [such] other
12 duties as are specified in this act or which may be prescribed
13 by ordinance.

14 If a majority of [the commissioners shall not attend at] the
15 board of commissioners do not attend the organization meeting,
16 those present may adjourn the meeting from day to day until a
17 majority attend.

18 (c) If the [township commissioners of any township shall
19 fail] board of commissioners of a township fails to organize
20 within ten days from the time prescribed by this section, the
21 court of [quarter sessions] common pleas, upon the petition of
22 at least ten registered electors, verified by the affidavit of
23 one of the petitioners, shall issue a rule upon the delinquent
24 commissioners to show cause why their seats should not be
25 declared vacant. The rule shall be returnable not less than five
26 days from the time of its issue, and after hearing, the court
27 may declare the seats of [any delinquent vacant, and appoint
28 others in their stead] the members of the board responsible for
29 the failure to organize vacant, and shall appoint others in
30 their place to hold office for the respective unexpired terms.

1 [The meeting under this section may be considered as a
2 regular monthly meeting for the transaction of such business as
3 comes before it. The first order of business at this meeting
4 shall be organization of the board. Any action taken or business
5 transacted other than organization of the commissioners as a
6 board at any organization meeting held prior to the effective
7 date of this amending act, which is invalid for the reason that
8 the action was taken or business transacted at an organization
9 meeting, is hereby validated and confirmed.]

10 (d) The organization meeting under this section may be
11 considered a regular monthly meeting for the transaction of
12 business that may come before the board of commissioners. The
13 first order of business at this meeting shall be organization of
14 the board. The board of commissioners may, at the organization
15 meeting, appoint other officers as may be provided for by law or
16 ordinance, or as may be deemed necessary for the conduct of
17 affairs of the township.

18 Section 702. Monthly Meetings, Quorum, Voting.--(a) The
19 board of [township] commissioners shall meet at least once a
20 month, at [such time and such place as may be] a time and place
21 designated by ordinance.

22 (b) A majority of the members of the board of commissioners
23 shall constitute a quorum. Except as provided in subsection
24 (b.1)(1)(i), only members of the board of commissioners
25 physically present at a meeting place within the township shall
26 be counted in establishing a quorum.

27 (b.1) Telecommunication.--

28 (1) The board of commissioners may, pursuant to an
29 established telecommunications policy and as provided in
30 paragraph (2), provide for the participation of members of

1 the board in township meetings by means of telecommunication
2 devices, such as telephones or computer terminals, which
3 permit, at a minimum, audio communication between locations,
4 if the following apply:

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

14 (ii) The telecommunication device used permits the
15 member or members of the board not physically present at
16 the meeting to:

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

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

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

1 (2) Any changes to the board of commissioner's
2 established telecommunications policy shall become effective
3 no sooner than thirty days following the vote to change the
4 policy.

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

8 (c) A member of the board shall not be disqualified from
9 voting on any issue before the board solely because the member
10 had previously expressed an opinion on the issue in either an
11 official or unofficial capacity.

12 Section 703. Compensation.--[Each township commissioner may
13 receive a salary, established by ordinance, of not more than one
14 thousand eight hundred seventy-five dollars per year in
15 townships having a population of less than five thousand, not
16 more than two thousand five hundred dollars per year in
17 townships having a population of five thousand or more but less
18 than ten thousand, not more than three thousand two hundred
19 fifty dollars per year in townships having a population of ten
20 thousand or more but less than fifteen thousand, not more than
21 four thousand one hundred twenty-five dollars per year in
22 townships having a population of fifteen thousand or more but
23 less than twenty-five thousand, not more than four thousand
24 three hundred seventy-five dollars per year in townships having
25 a population of twenty-five thousand or more but less than
26 thirty-five thousand, and not more than five thousand dollars
27 per year in townships having a population of thirty-five
28 thousand or more. Such salaries shall be payable monthly or
29 quarterly for the duties imposed by the provisions of this act.
30 Benefits provided to the commissioners under section 1502(LXIII)

1 shall not be considered pay, salary or compensation; but payment
2 for all or a part of the premiums or charges for the benefits
3 shall be in accordance with section 1502(LXIII).] (a) Each

4 township commissioner may receive a salary, established by
5 ordinance, as follows:

6 (1) In townships with a population of less than 5,000, a
7 maximum of \$3,145 per year.

8 (2) In townships with a population of 5,000 or more but
9 less than 10,000, a maximum of \$4,190 per year.

10 (3) In townships with a population of 10,000 or more but
11 less than 15,000, a maximum of \$5,450 per year.

12 (4) In townships with a population of 15,000 or more but
13 less than 25,000, a maximum of \$6,915 per year.

14 (5) In townships with a population of 25,000 or more but
15 less than 35,000, a maximum of \$7,335 per year.

16 (6) In townships with a population of 35,000 or more but
17 less than 45,000, a maximum of \$8,385 per year.

18 (7) In townships with a population of 45,000 or more, a
19 maximum of \$210 per year per 1,000 residents or fraction of
20 1,000.

21 The salaries shall be payable monthly or quarterly for the
22 duties imposed by this act. Benefits provided to the
23 commissioners under section 1502.39 shall not be considered pay,
24 salary or compensation, but payment for all or a part of the
25 premiums or charges for the benefits shall be in accordance with
26 section 1502.39.

27 (a.1) Notwithstanding subsection (a), the board of
28 commissioners may provide for a member of the board of
29 commissioners to receive compensation on a per-meeting basis
30 based on attendance of board members. Total annual compensation

1 may not exceed the amounts specified in subsection (a).
2 Compensation shall only be payable for duly advertised public
3 meetings in which a member of the board of commissioners
4 participated. If the board of commissioners has provided that
5 board members shall receive compensation on a per-meeting basis,
6 the board of commissioners may provide for the forfeiture of up
7 to one-twelfth (1/12) of the annual compensation of a board
8 member or impose another appropriate penalty for each unexcused
9 absence from a regularly scheduled meeting.

10 (b) The population shall be determined by the latest
11 available official census figures[, except that no]. No township
12 shall be required to reduce the salary of a commissioner as a
13 result of a decrease in population [or when an increase in
14 salary is authorized pursuant to this section, the increase may
15 be applied to the amount of the salary of the commissioner at
16 the time such an increase is enacted by the board of
17 commissioners.]. Any change in salary, compensation or
18 emoluments of the elected office shall become effective at the
19 beginning of the next term of the township commissioner.

20 Section 704. Reports to Auditors.--[The township
21 commissioners shall annually, on or before the first day of
22 February, furnish to the township auditors such accurate
23 information concerning the construction, reconstruction,
24 maintenance and repair of the streets and the purchase of
25 equipment and machinery and road mileage as may be required to
26 enable the auditors to make the annual township report
27 hereinafter prescribed.] The board of commissioners shall
28 annually, on or before the first day of February, furnish to the
29 township auditors information concerning the construction,
30 reconstruction, maintenance and repair of streets or other

1 matters that may be required by a department of the Commonwealth
2 to be included in the annual township report.

3 Section 801-A. Township treasurer.

4 (a) Appointment.--The board of [township] commissioners
5 shall appoint a township treasurer, who may be the elected tax
6 collector or an employee of the township, to serve at the
7 pleasure of the board of [township] commissioners. The township
8 treasurer shall not be a member of the board of commissioners.

9 (b) Compensation.--The board of [township] commissioners
10 shall determine the compensation of the township treasurer.
11 Notwithstanding section 34 of the act of May 25, 1945 (P.L.1050,
12 No.394), known as the "Local Tax Collection Law," a township
13 treasurer who is the elected tax collector of the township may
14 receive a salary, compensation or emoluments of office for the
15 treasurer's work.

16 (c) Deputy.--[When the township treasurer is unable to
17 perform the duties of office or fails to appoint a deputy
18 treasurer, the board of township commissioners may appoint a
19 deputy treasurer to serve until the treasurer is again able to
20 perform the duties of his office. The deputy treasurer shall be
21 bonded for the same amount as the township treasurer when acting
22 in the capacity of township treasurer. The board of township
23 commissioners shall determine the compensation of the deputy
24 treasurer.]

25 (1) The township treasurer shall, within 60 days of the
26 treasurer's appointment, nominate to the board of
27 commissioners a person to be appointed by the board as the
28 deputy treasurer. The board may, subject to the nominated
29 person meeting the bonding qualifications in paragraph (3),
30 appoint the nominated person as the deputy treasurer.

1 (2) The deputy treasurer shall have the rights and
2 powers and shall perform the duties of the township treasurer
3 if the township treasurer is unable to perform the duties of
4 office due to sickness, absence or inability to act. If the
5 township treasurer is unable to perform the duties of office
6 and has failed to nominate a person for appointment as the
7 deputy treasurer, the board of commissioners may appoint a
8 deputy treasurer. The deputy treasurer shall serve until the
9 township treasurer is again able to perform the duties of the
10 office.

11 (3) The deputy treasurer shall be bonded for the same
12 amount, and in the same manner pursuant to section 802-A, as
13 the township treasurer when acting in the capacity of
14 township treasurer. The board of commissioners shall
15 determine the compensation of the deputy treasurer.

16 Section 802-A. Treasurer's and deputy treasurer's bond.

17 (a) Requirements for bond.--The township treasurer shall,
18 before entering upon the duties of office, give a fidelity bond
19 to the [Commonwealth] township in an amount [prescribed]
20 established by ordinance or resolution and at least equal to 50%
21 of the amount of township funds estimated by the board of
22 [township] commissioners to be available to the township
23 [treasurers] treasurer at any time during the current year. The
24 bond shall be [subscribed] provided by a surety company or
25 companies duly authorized to do business in this Commonwealth.
26 The bond given by the treasurer shall be conditioned on the
27 faithful performance of the duties as stated in section 803-A.
28 The treasurer shall not, in any event, be required to give bond
29 or bonds aggregating an amount in excess of the taxes to be paid
30 over to [him] the treasurer by the tax collector. The bonding

1 requirements of this section shall also apply to the deputy
2 treasurer.

3 (b) Insurance in lieu of bond.--In lieu of the bond required
4 for the faithful performance by the township treasurer or deputy
5 treasurer of official duties other than those of tax collector,
6 the board of commissioners may purchase insurance as provided in
7 section 602(b).

8 Section 803-A. Treasurer's duties.

9 The township treasurer shall:

10 (1) Receive all [moneys] money due the township and
11 promptly deposit [them] the money in a designated depository
12 in the name of the township.

13 (2) Keep distinct and accurate accounts of all sums
14 received from taxes and other sources, which accounts shall
15 be open to the inspection of the board of commissioners,
16 township auditor or controller.

17 (3) Annually [state] submit the accounts [with the books
18 and vouchers for audit by the township auditors or
19 controller.] to the township auditors or controller for
20 audit.

21 (4) Pay out all [moneys] money of the township only on
22 [orders] direction by the board of commissioners, upon an
23 order signed by the president or vice president and attested
24 by the secretary or assistant secretary of the board and
25 designating the appropriation out of which the [orders shall
26 be paid. The signature of the president or vice president may
27 be by facsimile signature.] order shall be paid. The order
28 shall not be executed unless there is money available in the
29 treasury. The following apply:

30 (i) Nothing in this act shall be construed to

1 preclude the use of electronic signatures and
2 transactions to the extent authorized by the act of
3 December 16, 1999 (P.L.971, No.69), known as the
4 "Electronic Transactions Act," or any other law.

5 (ii) When a treasurer pays out [moneys] money except
6 upon orders or pays [moneys] money in excess of the
7 appropriation, [he] the treasurer shall receive no credit
8 in the settlement of [his] the treasurer's accounts for
9 those amounts, nor shall [he] the treasurer have any
10 claim or right of action against the township.

11 (5) Preserve the account books, papers, documents and
12 other [things held in right of his] records of the office and
13 turn them over to the successor in office.

14 (6) Pay over to the successor any balance in money
15 remaining in [his hands] the treasurer's accounts or charged
16 against [him] the treasurer in the settlement of [his] the
17 treasurer's accounts.

18 Section 805-A. Use of special funds; penalty.

19 When [any moneys are] money is collected for [any] a special
20 purpose, [no] a township treasurer or township commissioner may
21 not apply [those moneys] that money to any purpose other than
22 that for which [they were] it was collected. Every
23 misapplication shall be a misdemeanor of the third degree, and,
24 in addition to the fine or penalty which may be imposed upon
25 conviction, the defendant shall be required to pay restitution
26 in the amount of [moneys] money improperly spent.

27 Section 806-A. Depositories of township funds.

28 The following shall apply:

29 (1) The board of [township] commissioners shall
30 designate by resolution a depository or depositories for

1 township funds. [Any funds] Funds deposited with [any] a
2 banking institution of this Commonwealth shall be insured
3 with the Federal Deposit Insurance Corporation or the
4 National Credit Union Share Insurance Fund or their successor
5 agencies, to the extent that accounts are so insured. The
6 designation is valid for a period of one year or until
7 another depository or other depositories are designated by
8 similar action of the board of [township] commissioners.

9 (2) The depository or depositories shall be banks,
10 banking institutions or trust companies located in this
11 Commonwealth.

12 (3) The depository or depositories shall not be required
13 to furnish bond or collateral security to cover the amount of
14 any deposit to the extent that the same is insured [with the
15 Federal Deposit Insurance Corporation] as provided in
16 paragraph (1).

17 (4) The township treasurer or deputy treasurer shall,
18 upon the designation of the depository or depositories by the
19 board of [township] commissioners, immediately transfer
20 [thereto] to the depository or depositories the township
21 funds and after that make deposits solely in the depository
22 or depositories in the name of the township.

23 (5) [No township treasurer or deputy treasurer complying
24 with the provisions of this section, nor his surety or
25 sureties, shall be chargeable with losses] The township
26 treasurer or deputy treasurer, acting in accordance with law,
27 shall not be liable for the loss of township funds caused
28 solely by the [failure] insolvency or negligence of the
29 depository or depositories.

30 [(6) The depository or depositories shall furnish a bond

1 to secure payment of deposits of township funds and any
2 interest to the township, with a proper warrant to confess
3 judgment in favor of the township, secured by a surety
4 company or individual sureties to be approved by the board of
5 commissioners, or deposit obligations of the United States,
6 or the Commonwealth of Pennsylvania or any political
7 subdivision thereof, to secure the payment of township
8 deposits and any interest thereon. Such surety bonds shall be
9 in a sum, to be fixed by ordinance or resolution, at least
10 equal to the probable greatest amount of such deposit at any
11 one time. The market value of deposit bonds shall be, at all
12 times, at least equal to 120% of the amount of township funds
13 to be secured. Such deposit bonds shall be accompanied by
14 proper assignments or powers of attorney to transfer the
15 same. In the event of the failure of the depository to pay to
16 the township the full amount of such deposit and interest
17 thereon, bonds and the proceeds of sale thereof shall belong
18 to the township until it shall receive therefrom the full
19 amount of such deposits and interest thereon, and the
20 township shall have a prior standing as respects such bonds
21 and be in all respects preferred to any and all claims except
22 such as have heretofore been preferred by law.]

23 (6) The following apply:

24 (i) The designated depositories shall, upon receipt
25 of notice of their selection as a depository of township
26 funds, collateralize deposits of public funds in
27 accordance with the act of August 6, 1971 (P.L.281,
28 No.72), entitled, "An act standardizing the procedures
29 for pledges of assets to secure deposits of public funds
30 with banking institutions pursuant to other laws;

1 establishing a standard rule for the types, amounts and
2 valuations of assets eligible to be used as collateral
3 for deposits of public funds; permitting assets to be
4 pledged against deposits on a pooled basis; and
5 authorizing the appointment of custodians to act as
6 pledgees of assets," which authorizes financial
7 institutions to pledge collateral in an account in the
8 name of the township or utilize a letter of credit from
9 the Federal Home Loan Bank, to secure public deposits in
10 excess of Federal Deposit Insurance Corporation insurance
11 limits. The depository shall provide a monthly report
12 within 15 days after the end of each month to the board
13 of commissioners in accordance with the reporting
14 requirements in the act of August 6, 1971 (P.L.281,
15 No.72), including the composition of the collateral and
16 related market value.

17 (ii) Townships may elect to require that
18 depositories must pledge collateral in an account in the
19 name of the township to collateralize deposits above the
20 Federal Deposit Insurance Corporation limit. These
21 accounts may be custodied with the depository's trust
22 department or at a third-party financial institution. The
23 arrangement with the depository may be governed by a
24 written agreement, approved by the board of directors or
25 loan committee of the depository, with approval reflected
26 in the minutes of the board or committee, which are kept
27 continuously as an official record of the depository, and
28 include the following if collateral is pledged instead of
29 a Federal Home Loan Bank Letter of Credit:

30 (A) Collateral shall be marked to market no less

1 frequently than weekly.

2 (B) Collateral shall be in investments as
3 prescribed in the investment program provided by the
4 board of investment or board of commissioners.

5 (C) If the financial institution serves as the
6 custodian, the pledged collateral shall be held in a
7 separate account established under the act of August
8 6, 1971 (P.L.281, No.72), in the depository's trust
9 department.

10 (D) The market value of the pledged collateral
11 shall be at least 102% of the township's deposits in
12 excess of federally insured limits.

13 (E) A monthly report shall be provided as
14 specified in subparagraph (i).

15 Section 801-B. Powers and duties of tax collector.

16 (a) Collection of taxes required.--The township tax
17 collector shall collect all county, institution district,
18 township, school and other taxes levied within [such] the
19 townships by authorities authorized to levy taxes.

20 (b) Collection of taxes permitted.--

21 (1) The tax collector may also be designated in the tax-
22 levying ordinance or resolution or be employed by the tax-
23 levying authority to collect taxes levied under the act of
24 December 31, 1965 (P.L.1257, No.511), known as The Local Tax
25 Enabling Act.

26 (2) No such ordinance or resolution may authorize the
27 collection of income taxes in a manner other than as provided
28 in Chapter 5 of The Local Tax Enabling Act.

29 (c) Other powers and duties.--In addition to the powers,
30 duties and responsibilities under this act, the tax collector

1 shall exercise all the powers and perform all the duties and be
2 subject to all the obligations and responsibilities for the
3 collection of taxes as are conferred upon tax collectors by law.

4 Section 901. [Election of Secretary; Salary.--The board of
5 commissioners in townships shall elect a secretary, who must not
6 be a member of the board. He shall act as secretary of the
7 board, shall be the official keeper of the minutes, and shall
8 perform such other duties as are prescribed by ordinance or
9 resolution of the board. He shall provide suitable books, the
10 cost of which shall be paid out of the township funds, wherein
11 he shall enter all matters of which he is required to keep a
12 record. His salary shall be fixed by ordinance or resolution.]

13 Appointment of Secretary and Salary.--The board of commissioners
14 shall appoint a secretary, to serve at the pleasure of the board
15 and who shall not be a member of the board. The secretary shall
16 act as secretary of the board. The secretary's salary shall be
17 fixed by ordinance or resolution.

18 Section 901.1. Assistant Secretary.--[Every board of
19 township commissioners may, by resolution, appoint an assistant
20 secretary who shall, in the absence or disability of the
21 secretary, perform the duties and exercise the powers of the
22 secretary. The compensation of such an assistant secretary shall
23 be determined by the board of township commissioners and he
24 shall give bond in such an amount as required by the said board
25 of commissioners. The assistant secretary may be appointed from
26 the membership of the board of township commissioners but shall
27 not be any other officer thereof and when so appointed, shall
28 not receive compensation for such services and shall be bonded.]

29 The board of commissioners may, by resolution, appoint an
30 assistant secretary. The assistant secretary shall assist the

1 secretary in the performance of the secretary's duties and, in
2 the absence or disability of the secretary, perform the duties
3 and exercise the powers of the secretary. The compensation of an
4 assistant secretary shall be determined by the board of
5 commissioners, and the assistant secretary shall be required to
6 give bond in an amount as required by the board of
7 commissioners. The assistant secretary may be appointed from the
8 membership of the board of commissioners but shall not be any
9 other officer of the board. If a member of the board of
10 commissioners is appointed as the assistant secretary, the
11 appointed member shall not receive compensation for the services
12 and shall be bonded.

13 Section 902. Duties[;] and Penalty.--(a) The secretary of a
14 township shall [keep a record of the appropriations made by the
15 township commissioners and the amounts chargeable thereto. He
16 shall furnish to any person, so requesting, a statement showing
17 the amount available for future charges against any appropriated
18 fund. Any secretary who shall knowingly and wilfully furnish an
19 incorrect statement shall, upon conviction thereof in a summary
20 proceeding, be sentenced to pay a fine of not more than three
21 hundred dollars and in default of the payment of such fine and
22 costs of prosecution shall be imprisoned for thirty days.]:

23 (1) Record the proceedings of the board of
24 commissioners.

25 (2) Preserve the minutes and other records and documents
26 of the township and turn them over to the successor in
27 office.

28 (3) Record appropriations made by the board of
29 commissioners and the amounts charged to each appropriation.

30 (4) Perform other duties as required by law or the board

1 of commissioners.

2 (b) The township shall furnish the secretary with the
3 necessary equipment and supplies as are necessary for the
4 conduct of the office, which shall be and remain the property of
5 the township.

6 Section 903. Records Open to Inspection.--The [minute book]
7 minutes and other records and documents of every township shall
8 be open [to the inspection of any taxpayer thereof, his, her, or
9 its agent, upon demand therefor at any time during business
10 hours.] in accordance with the act of February 14, 2008 (P.L.6,
11 No.3), known as the Right-to-Know Law.

12 Section 36. Article X of the act is amended by adding a
13 subarticle heading to read:

14 ARTICLE X

15 AUDITORS

16 (a) Elected Auditors

17 Section 36.1. Section 1001 of the act is amended to read:

18 Section 1001. Meetings; General Duties[; Compensation.--].--

19 (a) The township auditors [of townships] shall meet annually,
20 on the day following the day which is fixed by this act for the
21 organization of the township commissioners[, and shall audit,].
22 The auditors shall organize by the election of a chair and
23 secretary. Two auditors shall constitute a quorum.

24 (b) The auditors shall:

25 (1) Audit, settle, and adjust the accounts of the township
26 commissioners, township treasurer, tax collector, secretary, and
27 other officers and persons receiving and disbursing or
28 authorizing the disbursement of the moneys of the township
29 during the preceding fiscal year. [The auditors shall make an
30 audit of]

1 (2) Audit the dockets, transcripts, and other official
2 records of the offices of the [justice of the peace] magisterial
3 district judge of the township to determine the amounts of fines
4 and costs paid or due to the township. [All justices of the
5 peace] A magisterial district judge of the township shall open
6 and make available to the auditors their dockets, transcripts,
7 records, and all other official books or papers for the purpose
8 of the audit[: Provided, That in any case where a justice of the
9 peace]. If a magisterial district judge charges a fine contrary
10 to ordinances, or to any act which makes [such] the fine payable
11 to the township, the [said] auditors have the power to surcharge
12 [such justices of the peace in any amount or amounts] the
13 magisterial district judge in the amount undercharged [as set
14 forth in said ordinances or act. Two auditors shall constitute a
15 quorum. Each auditor shall receive twenty dollars (\$20) per diem
16 for each day necessarily employed in the duties of his office,
17 to be paid out of funds of the township. A day shall consist of
18 not less than five hours in the aggregate. In completing their
19 audit, the auditors shall not be employed more than the
20 following number of days: In townships having a population of
21 less than three thousand, twenty days; in townships having a
22 population of three thousand and more but less than ten
23 thousand, thirty days; and in townships having a population of
24 ten thousand and more, forty days.]

25 (3) As directed by the board of commissioners, audit and
26 report to the board of commissioners on the accounts of every
27 officer of the township, upon the death, resignation, removal or
28 expiration of the term of the officer.

29 (c) Unless otherwise agreed to by the auditors and the
30 person being audited, the audit shall be conducted at the place

1 the records of the person are normally kept.

2 Section 36.2. The act is amended by adding a section to
3 read:

4 Section 1001.1. Compensation.--(a) Subject to the
5 limitations set forth in subsection (b), each auditor shall
6 receive twenty dollars (\$20) per diem, to be paid by the
7 township, for each day necessarily employed in the discharge of
8 the auditor's duties. A day shall consist of not less than five
9 hours in the aggregate.

10 (b) A township auditor shall not be entitled to receive
11 compensation for more than the following number of days:

12 (1) In townships with a population of less than three
13 thousand, a maximum of twenty days.

14 (2) In townships with a population of three thousand or more
15 but less than ten thousand, a maximum of thirty days.

16 (3) In townships with a population of ten thousand or more,
17 a maximum of forty days.

18 Section 36.3. Section 1002 of the act is amended to read:

19 Section 1002. [~~Subpoenas; Power to Administer Oaths;~~
20 ~~Penalty.--~~] Subpoenas, oaths and perjury.--(a) The auditors of
21 each township may [issue]:

22 (1) Issue subpoenas to obtain the attendance of:

23 (i) the officers and persons whose accounts [they] the
24 auditors are required to [adjust, their executors and
25 administrators, and of] adjust;

26 (ii) executors and administrators of an office under
27 subparagraph (i); and

28 (iii) any persons whom it may be necessary to examine as
29 [witnesses, and to compel their attendance by attachment, in
30 like manner as any court of common pleas may in cases pending

1 before them, and may also compel the production of all books,
2 vouchers, and papers relative to such accounts. Such subpoena
3 and attachment shall be issued by a justice of the peace and be
4 served and executed by a constable or any township auditor.

5 The auditors of each township] a witness.

6 (2) Compel the production of documents, including financial
7 records, relative to township accounts. If any person refuses or
8 neglects to appear, to produce documents or to testify, the
9 auditors shall petition the court of common pleas of the county
10 to issue a subpoena to the person and to require the person to
11 produce documents or to appear and to testify before the court.
12 The court shall issue the subpoena if it deems the documents or
13 testimony relevant to the issue.

14 (b) The auditors may administer oaths and affirmations to
15 all persons brought or appearing before them, whether
16 accountants, witnesses, or otherwise. [All persons guilty of] A
17 person swearing or affirming falsely [on such] upon examination
18 [shall be] is guilty of perjury.

19 Section 36.4. Section 1003 of the act, amended October 24,
20 2018 (P.L.878, No.136), is amended to read:

21 Section 1003. [Surcharges; Auditors' Report; Publication of
22 Financial Statements.--] Completion, Filing and Publication of
23 Auditor's Report and Financial Statement.--(a) The auditors
24 shall complete [their] the annual audit, settlement, and
25 adjustment [within as short a time as possible, and shall file
26 copies thereof with the secretary of the township, the clerk of
27 the court or the prothonotary, as may be provided by local rules
28 of court, the Department of Community Affairs and the Department
29 of Highways not later than ninety days after the close of the
30 fiscal year. Any officer or person whose act or neglect has

1 contributed to the financial loss of the township shall be
2 surcharged by the auditors with the amount of such loss. They]
3 as soon as possible after the end of the fiscal year.

4 (b) The auditors shall, within ten days after the completion
5 of [their report] the report under subsection (c), publish, by
6 advertisement in at least one newspaper of general circulation
7 [published in the township, or if no newspaper is published
8 therein, then in one newspaper circulating generally in the
9 township] in accordance with the provisions of section 110,
10 concise financial information prepared or approved by the
11 auditors and consistent with the audited financial statements
12 for total assets, total liabilities and total net position at
13 the end of the fiscal year and total revenue, total expenses and
14 changes in total net position for that fiscal year and a
15 reference to a place within the township where copies of the
16 financial statements and accompanying auditors' report may be
17 examined. If the full financial statements and accompanying
18 auditors' report are not published, copies shall be supplied to
19 the publishing newspaper when the request for publication is
20 submitted.

21 (c) The annual auditors' report and annual financial
22 statement shall be [made on uniform forms] presented on a
23 uniform form prepared and furnished[,] as provided in section
24 1701a [of this act].

25 (d) The auditors' report and financial statement shall be
26 signed by all of the auditors and the auditors' report shall be
27 duly verified by the oath of one of the auditors. [Any auditor
28 refusing or wilfully neglecting to file an auditors' report
29 shall, upon conviction thereof, in a summary proceeding be
30 sentenced to pay a fine of five dollars for each day's delay

1 beyond the time fixed herein for the filing of such report and
2 costs. All fines recovered shall be for the use of the
3 Commonwealth.] A secretary of the auditors shall file a copy of
4 the report with the secretary of the township, the clerk of the
5 court or the prothonotary, as may be provided by local rules of
6 court, the Department of Community and Economic Development and
7 the Department of Transportation not later than ninety days
8 after the close of the fiscal year. Any secretary of the
9 auditors refusing or wilfully neglecting to file the report
10 commits a summary offense. If the failure to file the report
11 within the period specified is due to the failure of any or all
12 of the auditors to prepare the statement upon which the report
13 is to be based, the auditor commits a summary offense.

14 Section 36.5. Sections 1004, 1005 and 1006 of the act are
15 amended to read:

16 Section 1004. Canceling Orders.--The auditors shall cancel
17 all orders and vouchers [presented to them, which they] that the
18 auditors find have been paid[,] by writing the word "audited" on
19 the face [thereof] of the orders or vouchers.

20 Section 1005. Penalty for Failure to Perform Duty.--Any
21 auditor [neglecting or refusing to comply with the preceding
22 provisions of this article shall pay a penalty of one hundred
23 dollars, to be recovered by suit, instituted in the name of the
24 township, upon the complaint of any taxpayer, in the same manner
25 as debts of like amount are recoverable. Any penalty recovered
26 shall be paid into the treasury of the township.] who fails to
27 comply with the provisions of this subdivision commits a summary
28 offense.

29 Section 1006. [Employment and Compensation of Attorney.--]
30 Attorney to Auditors.--(a) The auditors[, in case of] may

1 employ an attorney if a disagreement [with] occurs between the
2 auditors and any official or board of officials whose accounts
3 [they] the auditors are required to audit[, may employ an
4 attorney. Such]. The attorney shall not be employed until
5 reasonable effort to reach an agreement has been made, and only
6 after notice of [their intention so to do] the auditors'
7 intention to hire the attorney has been given to [said] the
8 official or board of officials. [The compensation for such
9 attorney shall be fixed by the auditors, and shall not exceed
10 thirty dollars, unless an appeal is taken to the courts, in
11 which case the court shall fix the additional compensation for
12 the attorney. The compensation for said attorney shall be paid
13 out of the general fund, by a warrant drawn by the auditors upon
14 the township treasurer.]

15 (b) The auditors, with the agreement of the board of
16 commissioners, shall determine the compensation to be paid to
17 the attorney. If the auditors and board of commissioners cannot
18 agree on the compensation, upon petition of the auditors, the
19 court of common pleas shall establish the compensation for the
20 attorney employed by the auditors. The compensation for the
21 attorney shall be paid out of the township general fund.

22 Section 36.6. The act is amended by adding a section to
23 read:

24 Section 1006.1. Surcharge by Auditors.--(a) The amount of a
25 balance or shortage or of an expenditure of a kind or made in a
26 manner prohibited or not authorized by statute that causes a
27 financial loss to the township shall be a surcharge against an
28 officer or person responsible for the balance or shortage, or
29 who by vote, act or neglect has permitted or approved the
30 expenditure.

1 (b) The following shall apply:

2 (1) An elected or appointed officer of a township or person
3 may not be surcharged for an act, error or omission in excess of
4 the actual financial loss sustained by the township.

5 (2) A surcharge shall take into consideration as the
6 surcharge's basis the results of the act, error or omission and
7 the results had the procedure been strictly in accordance with
8 law. The surcharge imposed shall be limited to the difference
9 between the costs actually incurred by the township and the
10 costs that would have been incurred had legal means and
11 authorized procedures been employed.

12 (3) Paragraph (1) shall not apply to a case involving fraud
13 or collusion on the part of officers nor to any penalty enuring
14 to the benefit of or payable to the Commonwealth.
15 Notwithstanding this section, the procedures in the act of May
16 25, 1945 (P.L.1050, No.394), known as the "Local Tax Collection
17 Law," shall apply to balances and shortages in the tax accounts
18 of the tax collector.

19 (4) An elected or appointed officer of a township may not be
20 surcharged if the official acted in good faith reliance on a
21 written, nonconfidential opinion of the solicitor of the
22 township or on an opinion of the solicitor of the township
23 publicly stated at an open meeting of the township and recorded
24 in the official minutes of the meeting. This paragraph shall not
25 apply if a solicitor's opinion has been rendered under duress or
26 if the parties seeking and rendering the solicitor's opinion
27 have colluded to purposefully commit a violation of law. As used
28 in this paragraph, the term "solicitor" shall include a special
29 counsel appointed by the township for a specific matter.

30 (c) In any matter involving a financial transaction, an

1 officer knowingly and wilfully acting contrary to law commits a
2 misdemeanor and, upon conviction, may be sentenced to pay a fine
3 not exceeding one hundred dollars.

4 Section 36.7. Sections 1007, 1008, 1009, 1010 and 1012 of
5 the act are amended to read:

6 Section 1007. Balances Due to Be Entered as Judgments.--Any
7 balance, in any report of the auditors, against any officer of
8 the township shall constitute a surcharge against such officer
9 as fully as if expressly stated in [said] the report to be a
10 surcharge. [Unless an appeal is taken as hereinafter provided,
11 the auditors shall direct the clerk of the court of quarter
12 sessions to certify the amount of every such balance or
13 surcharge to the court of common pleas and the prothonotary
14 shall enter the same as a judgment against such officer and in
15 favor of the township.] The amount of a balance and of any

16 express surcharge shall, if no appeal is taken or after an
17 appeal has been finally determined in favor of the township, be
18 entered by the prothonotary as a judgment against the officer.
19 The clerk of the court of common pleas shall certify the amount
20 of every balance or surcharge contained in a report from which
21 no appeal has been taken within the time provided under this
22 subarticle to the court of common pleas for entry by the
23 prothonotary as a judgment.

24 Section 1008. Collection of Surcharges.--[The auditors or
25 any] Any auditor, registered elector or taxpayer of the township
26 may enforce the collection of a judgment entered for a surcharge
27 for the benefit of the township, by any appropriate action or
28 execution, upon filing in the court of common pleas a bond, with
29 one or more sureties (in the case of a registered elector or
30 taxpayer), conditioned to indemnify the township from all costs

1 [which may accrue in] of the proceedings undertaken by [such]
2 the registered elector or taxpayer, subject, however, to all
3 rights of appeal from the report of the auditors granted by this
4 [article] subarticle.

5 Section 1009. Appeals from Report.--The township, or any
6 registered elector or taxpayer [thereof] of the township on its
7 behalf, or any officer or person whose account is settled or
8 audited by the township auditors, may appeal from [any] the
9 settlement or audit to the court of common pleas within forty-
10 five days [after the settlement has been filed in the court of
11 quarter sessions] from the date of the filing of the auditors'
12 report with the clerk of the court of common pleas.

13 Section 1010. Appeal Bond.--No appeal by a registered
14 elector or taxpayer or officer shall be allowed unless the
15 appellant [shall enter into a recognizance to prosecute the same
16 with effect,] secures a bond with sufficient surety to prosecute
17 the appeal and to pay all costs [accruing thereon] of appeal in
18 case, if the appellant [be] is a registered elector or taxpayer,
19 [he shall fail] the appellant fails to obtain a final decision
20 more favorable to the township than that awarded by the
21 auditors, or in case the appellant [be] is an accounting
22 officer, [he shall fail] the appellant fails to obtain a final
23 decision more favorable to the officer than that awarded by the
24 auditors.

25 Section 1012. [Consolidation of Appeals.--When] Procedure on
26 Appeals.--(a) In any proceeding upon an appeal from a report of
27 the auditors, the accounts of the officer or the person in
28 question may be investigated de novo, and the burden shall be
29 upon each officer or person whose accounts are involved in the
30 appeal of establishing the right to credits claimed by the

1 officer or person, but the opposing party in the appeal may use
2 any facts, figures or findings of the report of the auditors as
3 prima facie evidence against any officer or person.

4 (b) If more than one appeal from the report of the auditors
5 is taken, [whether by the township, an officer or officers
6 thereof, or by a registered elector or taxpayer,] the court may
7 on its own motion and shall, upon petition of any interested
8 party [interested], direct [that] the several appeals be
9 consolidated.

10 Section 36.8. Sections 1013, 1014 and 1015 of the act are
11 repealed:

12 [Section 1013. Testimony and Argument.--Any person
13 interested may order the appeal upon the argument list, and
14 evidence may be taken by deposition.]

15 Section 1014. Framed Issues.--Whenever any matter of fact is
16 in dispute, the court of common pleas is authorized to frame an
17 issue for the trial thereof.]

18 Section 1015. Prima Facie Evidence.--The accounts of the
19 officer in question may be investigated de novo. The figures and
20 facts found and stated by the auditors in their report of audit
21 shall be taken as prima facie correct, as against any such
22 officer, and the burden shall be upon each officer whose
23 accounts are in question to establish the validity of the
24 credits which he claims.]

25 Section 36.9. Sections 1016 and 1017 of the act are amended
26 to read:

27 Section 1016. [Judgment] Findings of Facts and Law, Judgment
28 and Appeals.--After hearing, the court shall file its findings
29 of fact and law and enter judgment [in accordance therewith]
30 accordingly, and the judgment [so] entered may be enforced by

1 the prevailing party by any appropriate proceedings [by any
2 auditor, officer, registered elector, or taxpayer of the
3 township]. An appeal from the court's ruling may be taken in
4 accordance with law.

5 Section 1017. Cost.--In all cases of appeal from the report
6 or audit of the township auditors to the court of common pleas,
7 the costs shall [abide the event of the suit as in other cases]
8 be determined by the court.

9 Section 36.10. Section 1018 of the act is repealed:

10 [Section 1018. Appeals.--Any person interested may except to
11 the rulings of the court.]

12 Section 36.11. Section 1019 of the act is amended to read:

13 Section 1019. [Counsel Fees.--When an appeal is taken from
14 the township auditor's report or settlement of the accounts of
15 any public officer, in accordance with the laws relating
16 thereto, and such appeal results favorably to the appellants in
17 such a manner that money is recovered for any township, the
18 court hearing such appeal shall make an order to pay a counsel
19 fee.] Attorney Fees.--(a) Upon final determination of an appeal
20 taken under section 1009 from any report, audit or settlement of
21 the account of any township officer, attorney fees shall be
22 awarded as follows:

23 (1) If, in the opinion of the court, the final determination
24 is more favorable to the township officer involved than that
25 awarded by the auditors, the township shall pay reasonable
26 attorney fees or, under paragraph (3), a portion of reasonable
27 attorney fees incurred by the officer in connection with the
28 surcharge proceeding.

29 (2) If, in the opinion of the court, the final determination
30 is more favorable to the township than that awarded by the

1 auditors in the case of an appeal taken by the township or a
2 taxpayer, the township officer who is the subject of the
3 surchARGE proceeding shall pay reasonable attorney fees or,
4 under paragraph (3), a portion of reasonable attorney fees
5 incurred by the township, elector or taxpayer in connection with
6 the surcharge proceeding.

7 (3) If, in the opinion of the court, the final determination
8 is in part more favorable to the township and in part more
9 favorable to the township officer involved in the surcharge
10 proceeding than that awarded by the auditors, the court may
11 order:

12 (i) the township to pay a portion of reasonable attorney
13 fees incurred by the officer in connection with the surcharge
14 proceeding; or

15 (ii) the township officer who is the subject of the
16 surchARGE proceeding to pay a portion of reasonable attorney
17 fees incurred by the township or taxpayer in connection with the
18 surchARGE proceeding.

19 (b) The attorney fees in cases of appeals involving accounts
20 other than those of township officers shall be allocated in the
21 court's discretion.

22 Section 37. Article X is amended by adding a subarticle to
23 read:

24 (b) Appointed Independent Auditor
25 Section 1050. Appointment of independent auditor.

26 If an ordinance has been enacted for the appointment of an
27 independent auditor in lieu of elected auditors under section
28 503(a) (3), the board of commissioners shall appoint an
29 independent auditor by resolution and the provisions of this
30 subarticle shall apply. The independent auditor shall be a

1 certified public accountant or a firm of certified public
2 accountants.

3 Section 1051. Audits.

4 (a) Annual audit.--The independent auditor shall conduct an
5 annual audit of the finances of the township, as presented in
6 the annual audit and financial report, which shall include each
7 account in which the township is concerned and the accounts of
8 township officers, departments and offices which collect,
9 receive and disburse public money or are authorized with the
10 management, control or custody of public money on which the
11 independent auditor is required to report under this subarticle.
12 Nothing under this subarticle shall prohibit the board of
13 commissioners from requiring the independent auditor to conduct
14 a more complete or comprehensive audit than is required under
15 this subarticle.

16 (b) Interim audits.--The following shall apply:

17 (1) The board of commissioners may require advisory
18 interim reports from the independent auditor.

19 (2) The board of commissioners may direct the
20 independent auditor to audit the accounts of a township
21 officer upon the death, resignation, removal or expiration of
22 the term of the officer.

23 (c) Standards.--An annual or interim audit shall consist of
24 an examination in accordance with United States generally
25 accepted auditing standards. Errors or irregularities detected
26 in the course of an audit shall be communicated in accordance
27 with the standards under this subsection.

28 (d) Definition.--As used in this subarticle, the term
29 "annual audit and financial report" means the report that is
30 presented on the uniform form as provided in section 1052(d).

1 Section 1052. Completion, filing and publication of annual
2 audit and financial report.

3 (a) Completion.--The independent auditor shall complete the
4 annual audit as soon as practical after the end of the fiscal
5 year as directed by the board of commissioners.

6 (b) Filing.--A copy of the audited annual audit and
7 financial report shall be filed with the following:

8 (1) The secretary of the township, in accordance with
9 applicable rules and regulations of the township.

10 (2) The clerk of the court or the prothonotary, as may
11 be provided by local rules of court.

12 (3) The Department of Community and Economic
13 Development, in accordance with the department's rules and
14 regulations.

15 (c) Publication.--Notice that the audited annual audit and
16 financial report is available for public inspection shall be
17 published by the township secretary once in at least one
18 newspaper of general circulation in accordance with the section
19 110. Public inspection shall be in accordance with the act of
20 February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.
21 A copy, which may be in electronic format, of the complete
22 annual audit and financial report, including the accompanying
23 independent auditor's report, shall be supplied to the
24 publishing newspaper when the request for publication is
25 submitted. Nothing in this section shall preclude the township
26 from providing its audited annual audit and financial report on
27 the township's website.

28 (d) Presentation.--The annual audit report and annual
29 financial statements shall be presented on a uniform form
30 prepared and furnished as provided in section 1701a.

1 (e) Appeal.--Nothing in this subarticle shall prohibit a
2 registered elector or taxpayer from appealing an annual audit
3 and financial report of the independent auditor in accordance
4 with and subject to the procedures in sections 1009, 1010, 1012,
5 1016, 1017 and 1019 if the registered elector or taxpayer
6 believes a surcharge as described in section 1006.1 should exist
7 against an officer or person. The appeal shall be initiated
8 within 45 days of the filing specified in section 1052(b).

9 Section 37.1. Sections 1101, 1102, 1103, 1104, 1105, 1106,
10 1107, 1108, 1109 and 1110 of the act are amended to read:

11 Section 1101. Oath and Bond of Controller.--(a) The
12 township controller, [where such] if the office has been
13 created, shall, before entering upon the duties of [his] office,
14 take [and subscribe] the required oath [prescribed by this act
15 for township officers, and] or affirmation of office under 53
16 Pa.C.S. § 1141 (relating to form of oaths of office).

17 (b) Pursuant to section 602, the controller shall give bond
18 to the township, with a surety company or other company
19 authorized by law to act as surety, to be approved by the board
20 of commissioners, in [the sum of twenty thousand dollars] a sum
21 as the board of commissioners may direct by ordinance,
22 conditioned for the faithful discharge of [his] the controller's
23 duties[, and]. The amount of the bond shall be sufficient to
24 adequately protect the township from any illegal or unfaithful
25 action by the controller. The cost of [such] the bond shall be
26 paid by the township.

27 [The township controller may, at the instance of a taxpayer,
28 and by rule upon him for that purpose, be compelled to justify
29 his bond as to the amount thereof before the court of common
30 pleas.]

1 (c) In lieu of the bond required for the faithful
2 performance by the township controller of official duties, the
3 board of commissioners may purchase insurance as provided in
4 section 602(b).

5 Section 1102. Salary of Controller.--The annual salary of
6 the controller shall be fixed by ordinance, passed at least
7 thirty days before [his election. His salary shall not exceed
8 five thousand dollars.] the controller's election. Any change in
9 salary, compensation or emoluments of the elected office shall
10 become effective at the beginning of the next term of the
11 controller.

12 Section 1103. General Powers and Duties of Controller[; May
13 Require Attendance of Witnesses; Penalty].--(a) The township
14 controller shall [superintend] manage the fiscal affairs of the
15 township. [He] The controller shall examine, audit, and settle
16 all accounts [whatsoever] in which the township is concerned,
17 either as debtor or creditor, [where] if provisions for the
18 settlement [thereof] are made by law[, and where no such]. If no
19 provisions, or an insufficient provision, has been made, [he]
20 the controller shall examine [such] the accounts and report to
21 the board of commissioners the [facts relating thereto, with his
22 opinion thereon] relevant facts and opinions on the accounts.

23 (b) In the examination, audit and settlement of accounts the
24 controller shall have all of the powers and perform all of the
25 duties vested in and imposed on the auditors by this act. [He]
26 In the authentication of any account or claim or demand against
27 the township, the controller shall have the same power and
28 authority as the elected township auditors to obtain the
29 attendance of parties and witnesses and the production of
30 documents and to administer oaths and affirmations. An

1 individual guilty of swearing or affirming falsely before the
2 controller commits perjury. The controller shall make and file
3 an annual report of [his] the audit and make and publish the
4 annual financial statement in the same form and manner and at
5 the same time as [in this act] is required of the [auditors]
6 elected township auditors by this act.

7 (c) The township controller shall:

8 (1) have supervision and control of the accounts of all
9 departments, bureaus, and officers of the township, authorized
10 to collect, receive, or disburse the public [moneys] money, or
11 who are charged with the management or custody [thereof. He
12 shall] of the accounts;

13 (2) audit their respective accounts and may at any time
14 require from any of them a statement in writing of any [moneys]
15 money or property of the township in their [hands] possession or
16 under their control, showing the amount of cash on hand and the
17 amount deposited in banks and banking institutions, together
18 with the names of [such] the institutions[. He shall];

19 (3) have power to examine every [such] account of a township
20 officer in any bank or banking institution to verify the
21 accuracy of the statement of [such] the township, department,
22 bureau, or officer, and it shall be the duty of every [such]
23 bank and banking institution, and its officers and agents, to
24 furnish full information to the controller in relation to [such]
25 the account. No banker or banking institution, its officers or
26 agents, shall be subject to prosecution under other laws of this
27 Commonwealth for disclosing any such information with respect to
28 [any such] an account[. He shall,];

29 (4) immediately upon the discovery of any default,
30 irregularity or delinquency, report the same to the board of

1 commissioners[. He shall also]; and

2 (5) audit and report upon the account of [any such] an
3 officer upon the death, resignation, removal, or expiration of
4 the term of the [said] officer.

5 [In the making of any audit or settlement, and in the
6 authentication of any account or claim or demand against the
7 township, the controller of any township shall have the same
8 power and authority to obtain the attendance before him of
9 parties and witnesses, and the production of books and papers,
10 and to administer oaths and affirmations, as are given by law to
11 township auditors. All persons guilty of swearing or affirming
12 falsely before him shall be liable to the penalty for perjury.]

13 Section 1104. [Controller to Countersign] Countersigned
14 Warrants.--The township controller shall countersign all
15 warrants upon the township treasurer, with the form [thereof] of
16 the warrant to be prescribed by the board of commissioners, but
17 no warrant shall be countersigned unless there is sufficient
18 unencumbered money in the respective appropriation item to pay
19 the same. Whenever a warrant on the treasurer shall be presented
20 to the controller to be countersigned, the person presenting the
21 [same] warrant shall, if the controller [require] requires,
22 produce evidence[.] that:

23 [1. That] (1) the amount expressed in the warrant is due to
24 the person in whose favor it is drawn[.]; and

25 [2. That] (2) the supplies or services for payment of which
26 the warrant is drawn have been furnished or performed according
27 to law and the terms of the contract.

28 Section 1105. [Controller to Prevent Appropriation Over
29 Drafts] Prevention of Appropriation Overdrafts.--The township
30 controller shall not permit any appropriation made by the board

1 of [township] commissioners to be overdrawn. [Whenever] If an
2 appropriation is exhausted, the object of which is not complete,
3 [he] the commissioner shall immediately report the fact to the
4 board of commissioners, and accompany [such] the report with a
5 statement of the [moneys] money which [have] has been drawn on
6 [such] the appropriation and the particular purpose for which
7 [they are] it was drawn.

8 Section 1106. Amount of Contracts to Be Charged Against
9 Appropriations.--(a) Every contract involving appropriation of
10 money shall designate the item of appropriation on which it is
11 founded, and the estimated amount of the expenditure
12 [thereunder] which shall be charged against [such] the item and
13 [so] certified by the township controller on the contract,
14 before it shall take effect as a contract[, and the payment].
15 Payment required by [such] the contract shall be made from the
16 fund for which the contract is appropriated [therefor].

17 (b) If the controller [shall certify any] certifies a
18 contract in excess of the appropriation made [therefor], the
19 township shall not be liable for [such] the excess, but the
20 controller and [his] the controller's sureties shall be liable
21 for the [same] excess amount, which may be recovered in an
22 action at law by the aggrieved contracting party [aggrieved. It
23 shall be the duty of the].

24 (c) The controller [to] shall certify contracts for the
25 [payments] payment of which sufficient appropriations have been
26 made.

27 Section 1107. Management and Improvement of Township
28 Finances.--The township controller shall, as often as [he] the
29 controller may deem expedient or the board of commissioners
30 shall direct, suggest plans to the board of commissioners for

1 the management and improvement of the township finances.

2 Section 1108. [Books] Financial Records to Be Kept by
3 Controller.--The township controller shall [keep a regular set
4 of books, in which shall be opened and kept] maintain financial
5 records and maintain as many accounts, under appropriate titles,
6 as may be necessary to show separately and distinctly all the
7 estates and property [whatsoever], real and personal, vested in
8 the township, all trusts in the care of the [same] township, all
9 debts due and owing the township, all receipts and expenditures
10 of the various departments of the township government, and all
11 appropriations made by the board of commissioners and the sums
12 under the same, respectively.

13 Section 1109. Appeals from Controller's Report[; Bond;
14 Procedure on Appeal].--Appeals may be taken from the settlement
15 and audit of the controller as shown in the controller's report
16 to the court of common pleas of the county, by the same persons,
17 in the same manner, within the same time, subject to the same
18 conditions and procedure, and with like effect in every respect
19 as [in this act] provided in this act in the cases of appeals
20 from the settlement and audit of the auditors as shown in their
21 report.

22 Section 1110. Controller to Retain [Books, Documents, Et
23 Cetera,] Financial Records, Pending Appeals.--Every township
24 controller shall retain [in his] possession, during the forty-
25 five days' period elapsing between the date of filing [his] the
26 report and the expiration of the time for filing the appeal
27 [therefrom, all books, documents, vouchers, checks and other
28 papers which have been procured before him in the course of his
29 audit of the accounts of township officers, and, if any appeal
30 shall be taken, shall continue to hold the same for production

1 in the proceeding to determine the appeal.] from the report, all
2 financial records and other papers that were submitted to the
3 controller for audit of the accounts of township officers. If an
4 appeal is taken, the controller shall continue to hold the
5 financial records and papers for production in the proceeding to
6 determine the appeal.

7 Section 38. Section 1201 of the act is amended to read:

8 Section 1201. [Election; Vacancies.--The board of
9 commissioners at the commencement of the fiscal year in any
10 even-numbered year, or as soon thereafter as practicable, may
11 elect, by a vote of a majority of the members, one person
12 learned in the law, who shall be styled the township solicitor,
13 and who shall serve for the term of two years, and until his
14 successor qualifies. The compensation of the solicitor shall be
15 fixed by the board of commissioners. Vacancies in the office of
16 township solicitor shall be filled by the board of commissioners
17 for the unexpired term.] Township Solicitor.--The board of
18 commissioners may appoint and determine the compensation of a
19 township solicitor and, as needed, special counsel. The township
20 solicitor or special counsel must be licensed to practice law in
21 this Commonwealth and may be an individual or a law firm,
22 partnership, association or professional corporation. The
23 township solicitor or special counsel shall serve at the
24 pleasure of the board of commissioners.

25 Section 39. Section 1202 of the act is repealed:

26 [Section 1202. Bond.--The township solicitor shall, if the
27 board of commissioners so requires, give a bond to the township,
28 with a surety company or other company authorized by law to act
29 as surety, to be approved by the board of commissioners, in such
30 sum as it shall by ordinance or resolution direct, conditioned

1 for the faithful performance of his duty.]

2 Section 40. Sections 1203, 1204 and 1301 of the act are
3 amended to read:

4 Section 1203. [~~Solicitor to have Control of Law Matters.--~~
5 The law matters of the township shall be under the
6 superintendence, direction and control of the township
7 solicitor. No official or official body of the township, except
8 as herein otherwise provided, shall employ an additional counsel
9 without the assent or ratification of the board of
10 commissioners.] Control of Legal Matters.--

11 (a) Except where the board of commissioners has appointed
12 special counsel for a specific matter, the township solicitor
13 shall advise on the legal matters of the township.

14 (b) No department or officer of the township, except as
15 otherwise provided by law, shall employ or retain an additional
16 counsel without the consent or ratification of the board of
17 commissioners.

18 Section 1204. Duties of Solicitor.--The township solicitor
19 [shall prepare such bonds, obligations, contracts, leases,
20 conveyances, and assurances to which the township, or any
21 department thereof, may be a party, as may be directed by
22 ordinance or resolution; he shall commence and prosecute all
23 actions brought by the township for or on account of any of the
24 estates, rights, trusts, privileges, claims, or demands, as well
25 as defend all actions or suits against the township, or any
26 officer thereof, wherein or whereby any of the estates, rights,
27 privileges, trusts, ordinances, or accounts of the township may
28 be brought in question before any court in the Commonwealth; and
29 shall do every professional act incident to the office which he
30 may be authorized or required to do by the board of

1 commissioners or by any ordinance or resolution. He shall,
2 whenever required, furnish the board of commissioners, and the
3 committees thereof, with his opinion in writing upon any
4 question of law which may be submitted by any of them in their
5 official capacities.] or special counsel, as applicable, shall:

6 (1) Prepare or approve, if directed or requested to do so by
7 the board of commissioners, bonds, obligations, contracts,
8 leases, conveyances, ordinances and assurances to which the
9 township, or any department of the township, may be a party.

10 (2) Commence and prosecute all actions brought by the
11 township for or on account of any of the estates, rights,
12 trusts, privileges, claims or demands of the township and defend
13 the township or any township officer against all actions or
14 suits brought against the township or township officer in which
15 any of the estates, rights, privileges, trusts, ordinances or
16 accounts of the township may be brought in question before a
17 court in this Commonwealth.

18 (3) Furnish the board of commissioners and the township
19 committees, upon request, with an opinion in writing upon a
20 question of law, which may be submitted by any of them in their
21 official capacities.

22 (4) Perform every other professional act incident to the
23 office which the township solicitor or special counsel may be
24 authorized or required to perform by the board of commissioners
25 or by any ordinance or resolution.

26 Section 1301. [Election of Township Engineer; Term; Filling
27 of Vacancies.--The board of commissioners at the commencement of
28 the fiscal year in any even-numbered year, or as soon thereafter
29 as may be practicable, may elect, by a vote of a majority of the
30 members, one person as township engineer, who shall be a

1 registered civil engineer. He shall serve for a term of two
2 years, and until his successor qualifies. The board of
3 commissioners shall fix the compensation of the engineer.
4 Vacancies in the office of township engineer shall be filled by
5 the board of commissioners for the unexpired term.] Township
6 Engineer.--

7 (a) The board of commissioners may appoint and determine the
8 compensation of a township engineer who must be a registered
9 professional engineer. The township engineer serves at the
10 pleasure of the board of commissioners.

11 (b) As used in this article, the term "engineer" means one
12 or more registered professional engineers or a firm of
13 registered professional engineers.

14 Section 41. Section 1302 of the act is repealed:

15 [Section 1302. Bond.--The township engineer shall, if the
16 board of commissioners so requires, give a bond to the township,
17 with a surety company or other company authorized by law to act
18 as surety, to be approved by the board of commissioners, in such
19 sum as it shall by ordinance or resolution direct, conditioned
20 for the faithful performance of his duty.]

21 Section 42. Sections 1303, 1304, 1305 and 1306 of the act
22 are amended to read:

23 Section 1303. Control of Engineering Matters.--[The township
24 engineer shall have the superintendence, direction and control
25 of the engineering matters of the township. No department or
26 officer of the township shall employ or retain any additional
27 engineer, except with the consent and ratification of the board
28 of commissioners.]

29 (a) Except where the board of commissioners has appointed an
30 engineer for a specific matter, the township engineer shall

1 direct and control the engineering matters of the township.

2 (b) No department or officer of the township, except as
3 otherwise provided by law, may employ or retain an additional
4 engineer without the consent or ratification of the board of
5 commissioners.

6 Section 1304. Duties; Preparation of Plans.--The township
7 engineer shall perform [such duties as the board of
8 commissioners shall prescribe as to the construction,
9 reconstruction, maintenance, and repair of all streets, bridges,
10 culverts, and other engineering work. He shall prepare plans,
11 specifications, and estimates of all such work undertaken by
12 such township, and shall, whenever required, furnish the board
13 of commissioners, and the committees thereof, with reports,
14 information, or estimates on any township engineering work or on
15 questions submitted by any of them in their official capacity.]
16 duties and provide reports as the board of commissioners may
17 direct for the construction, reconstruction, maintenance and
18 repair of streets, bridges, culverts and other engineering work.
19 The township engineer may prepare plans, specifications and
20 estimates of the work undertaken by the township and shall
21 furnish the board of commissioners, and the committees of the
22 township, with reports, information or estimates on any township
23 engineering work or on questions submitted by the board of
24 commissioners.

25 Section 1305. Certificate of Commencement and of Completion
26 of Municipal Improvements.--

27 (a) The township engineer shall[, immediately after the
28 completion of any municipal improvement, the cost of which, in
29 whole or in part, is to be paid by the owner of the abutting
30 property, make certificate in which he shall state the day or

1 time on which the particular improvement was completed, and
2 shall file the same with the township secretary, who shall enter
3 the said day or time of completion of the work in a book to be
4 kept by him for said purpose. The said day or time mentioned in
5 said certificate shall be conclusive on all parties as to the
6 time the said work was completed. The time of completion of the
7 work, referred to in this section and in other parts of this
8 act, shall be taken to mean the time of the completion of the
9 whole contract for the improvement. He shall also furnish to the
10 township secretary a certificate showing the time at which any
11 such particular improvement was commenced, and such certificate
12 shall be conclusive evidence of the time when the said
13 improvement was begun. An entry of such date shall be made by
14 said secretary in the book aforesaid.] certify to the township
15 secretary the date of commencement and date of completion of all
16 municipal improvements, the cost of which, in whole or in part,
17 is to be paid by the owners of the abutting property. The
18 certification shall be made a part of the permanent records of
19 the township. The certified date of commencement and certified
20 date of completion shall be conclusive on all parties.

21 (b) As used in this section, the phrase "certified date of
22 completion" means the date of the completion of the whole
23 contract for the improvement.

24 Section 1306. Surveys.--The township engineer shall have the
25 charge and direction of all surveys and regulations authorized
26 by any act of Assembly or ordinance of [such] the township.

27 Section 43. Subdivision (b) of Article XIII is repealed:

28 [(b) Real Estate Registry

29 Section 1310. Provisions for Registration of Real Estate.--
30 For the purpose of procuring accurate information in reference

1 to the ownership of all real estate, the board of township
2 commissioners may provide, by ordinance for the registry thereof
3 in the manner following.

4 Section 1311. Preparation of Books, Plans and Maps.--The
5 township engineer of any township in which such registry shall
6 be established shall cause to be made all such necessary books,
7 maps and plans as will show the situation and dimensions of each
8 property therein, which books, maps or plans shall be so
9 prepared as to show the house number, if any, the name of the
10 owner or owners thereof, with blank spaces for the owner of each
11 lot, with provision for the names of future owners, and dates of
12 future transfer of title. For such purpose, the township
13 engineer shall have free access, without charge, to any of the
14 public records wherein the necessary information may be
15 obtainable therefor. He may also cause search to be made in any
16 other place for any muniments or evidence of title, not reported
17 to him as hereinafter provided, and requisite for the completion
18 of such books, maps or plans.

19 Section 1312. Preservation of Records.--The said books, maps
20 and plans shall be carefully preserved in the office of the
21 engineer of said township; and shall be so kept, by additions
22 from time to time, or otherwise, as to show the ownership of
23 every lot or piece of real estate, or subdivision thereof,
24 within the township limits, with the successive transfers of
25 title, from the date of the commencement of such plans; but
26 nothing therein or in this article shall invalidate any
27 municipal or tax claim by reason of the fact that the same is
28 not assessed or levied against the registered owner.

29 Section 1313. Certified Copies of Entries Admissible as
30 Evidence.--Certified copies, under the hand of the said

1 engineer, of any of the entries in said books, or upon said maps
2 or plans shall be received in evidence in the same manner as the
3 books, maps and plans themselves might be admissible for such
4 purposes; and may be also furnished to any person desiring the
5 same for such fee or compensation, for the use of the township,
6 as may be fixed by ordinance.

7 Section 1314. Duties Imposed on Owners of Real Estate When
8 Registry Established; Penalty.--All owners of unregistered real
9 estate within the township limits, within one month from the
10 date of the approval of the ordinance establishing such
11 registry, and every subsequent purchaser, and every devisee or
12 person acquiring title by partition, or otherwise, to any real
13 estate therein, within one month after acquiring such title,
14 shall furnish to the said engineer, at his office, descriptions
15 of their respective properties, upon blanks furnished by the
16 township, and, at the same time, present their conveyance to be
17 stamped by said engineer, without charge, as evidence of the
18 registration thereof. Any person or persons neglecting or
19 refusing to comply with the provisions of this section, for a
20 period of thirty days after public notice of the requirements
21 thereof, shall be liable to a penalty of five dollars, to be
22 recovered, with costs of suit, in the name and for the use of
23 the township, as penalties for the violation of township
24 ordinances are recoverable: Provided, however, That such
25 registration may, within said thirty day period, be also
26 effected by the Recorder of Deeds of the county in accordance
27 with existing law.

28 Section 1315. Registry of Properties; Duty of County
29 Officers.--The sheriffs of the respective counties in which such
30 townships are situated shall present for registry the deeds of

1 all properties within the township limits sold by them at
2 judicial sales, whether by execution or in partition or
3 otherwise; and the prothonotaries and recorders of deeds of such
4 counties shall not admit for record any deeds of any property in
5 such township, bearing a date subsequent to the approval of an
6 ordinance providing for the establishment of such registry,
7 unless the same shall first have been duly stamped, as
8 hereinbefore provided.

9 ~~Section 1316. Conservation District.--The board of~~
10 ~~commissioners may make appropriations to the conservation~~
11 ~~district, as defined in the act of May 15, 1945 (P.L.547,~~
12 ~~No.217), known as the "Conservation District Law," in which the~~
13 ~~township is located.]~~

14 Section 44. The act is amended by adding articles to read:

15 ARTICLE XIII-A

16 TOWNSHIP MANAGER

17 Section 1301-A. Township manager.

18 (a) Authorization.--The board of commissioners may create by
19 ordinance the office of township manager and, in like manner,
20 abolish the office. While the office exists, the board of
21 commissioners may appoint one individual, a partnership, a
22 limited partnership, an association or a professional
23 corporation as the township manager.

24 (b) Nature of office.--The township manager shall serve at
25 the pleasure of the board of commissioners, subject to
26 contractual rights that may arise under an employment agreement
27 or professional services agreement that may be entered in
28 accordance with section 1302-A.

29 Section 1302-A. Power and duties; agreement.

30 (a) General rule.--The powers and duties of the township

1 manager shall be regulated by ordinance. The board of
2 commissioners may delegate, subject to recall, any of their
3 nonlegislative and nonjudicial powers and duties to the township
4 manager.

5 (b) Scope of agreement and validity.--

6 (1) The board of commissioners may enter into an
7 employment agreement or professional services agreement with
8 the township manager that specifies the terms and conditions
9 of the appointment.

10 (2) The agreement may remain in effect for a specified
11 period terminating no later than the date of the board of
12 commissioners' organizational meeting following the next
13 municipal election.

14 (3) An agreement with a township manager executed on or
15 after a municipal election but before the first meeting in
16 January the year after the municipal election shall be void.

17 (4) An agreement entered into under this section may
18 specify conditions under which a township manager who is an
19 individual would be entitled to severance compensation, or in
20 the case of a partnership, limited partnership, association
21 or a professional corporation, payments for the termination
22 of the appointment. In no event may the agreement guarantee
23 retention or employment through the term of the agreement or
24 confer upon the township manager a legal remedy based on
25 specific performance.

26 (c) Status as public official.--The township manager, if an
27 individual, and, in the case of a partnership, limited
28 partnership, association or a professional corporation appointed
29 as the township manager, all officers and those employees
30 directly providing services as required or authorized by the

1 agreement, shall be considered a public official for purposes of
2 the provisions of 65 Pa.C.S. § 1103 (relating to restricted
3 activities).

4 Section 1303-A. Bond.

5 (a) General rule.--The township manager shall, if required
6 by the board of commissioners, give a bond to the township, with
7 a surety company or other company authorized by law to act as
8 surety, to be approved by the board of commissioners, in such
9 sum as the board of commissioners, by ordinance or resolution,
10 directs, conditioned for the faithful performance of the
11 township manager's duties.

12 (b) Insurance in lieu of bond.--In lieu of the bond required
13 for the faithful performance by the township manager of official
14 duties, the board of commissioners may purchase insurance as
15 provided in section 602(b).

16 Section 1304-A. Incompatibility.

17 (a) General rule.--No township manager may be eligible to
18 hold the office of township commissioner.

19 (b) Applicability.--In the case of a partnership, limited
20 partnership, association or a professional corporation appointed
21 as the township manager, the restriction in subsection (a)
22 applies to all officers and employees who directly provide
23 services as required or authorized by the agreement.

24 ARTICLE XIII-B

25 VETERANS' AFFAIRS

26 (a) Pennsylvania National Guard

27 Section 1301-B. Eminent domain for National Guard purposes.

28 (a) General rule.--Except as provided in subsection (b), the
29 board of commissioners may take, by the right of eminent domain
30 for the purpose of appropriating to the township for the use of

1 the Pennsylvania National Guard, public lands, easements and
2 public property in the township's possession or control and used
3 or held by the township for any other purpose notwithstanding
4 any limitation of the use by the township whether by donation,
5 dedication, appropriation, statute or otherwise.

6 (b) Limitation.--Eminent domain may not be exercised as to a
7 street, highway or wharf.

8 Section 1302-B. Land for armory purposes.

9 (a) General rule.--Except as provided in subsection (b), the
10 board of commissioners may acquire, by purchase, gift or eminent
11 domain, land for the use of the Pennsylvania National Guard, to
12 be conveyed to the Commonwealth in order to assist the State
13 Armory Board in the erection of armories.

14 (b) Limitation.--The power conferred by subsection (a) may
15 not be exercised to take church property or other actual place
16 of regularly stated religious worship, graveyard, cemetery or a
17 dwelling house or the curtilage of any of them in the actual
18 occupancy of the owner.

19 Section 1303-B. Assistance to armories.

20 (a) Appropriation or conveyance.--The board of commissioners
21 may appropriate money or convey land, either independently or in
22 conjunction with any other municipality, to the Commonwealth for
23 the following purposes:

24 (1) To assist the State Armory Board in the erection of
25 armories for the use of the Pennsylvania National Guard.

26 (2) To furnish reasonable utilities free of cost to the
27 Commonwealth for use in an armory of the Pennsylvania
28 National Guard.

29 (b) Authority.--The board of commissioners may do all things
30 necessary to accomplish the purposes specified in this section.

1 Section 1304-B. Support of Pennsylvania National Guard units.

2 (a) Annual appropriation.--The board of commissioners may
3 appropriate annually a sum not to exceed \$1,500 for the support,
4 maintenance, discipline and training of a unit of the
5 Pennsylvania National Guard. If the units are organized as a
6 battalion, regiment or similar organization, the total amount
7 due may be paid to the commanding officer of the battalion,
8 regiment or similar organization.

9 (b) Condition.--Money appropriated under this section shall
10 be paid by warrant drawn to the order of the commanding officer
11 of the unit conditioned upon certification by the Adjutant
12 General of the Commonwealth to the township that the unit has
13 satisfactorily passed the annual inspection provided by law.

14 (c) Use of funds.--Money appropriated under this section
15 shall be used and expended solely and exclusively for the
16 support, maintenance, discipline and training of the company,
17 battalion, regiment or similar organization.

18 (d) Accounting required.--

19 (1) The commanding officer shall account, by proper
20 vouchers to the township each year, for the expenditure of
21 money appropriated under this section.

22 (2) No appropriation may be made for any subsequent year
23 until the expenditure of the previous year is duly and
24 satisfactorily accounted for.

25 (3) The accounts of the expenditures shall be subject to
26 the inspection of the Department of Military and Veterans
27 Affairs and shall be audited by the Auditor General in
28 accordance with law.

29 (b) Support of Veterans' Organizations and Memorials

30 Section 1311-B. Appropriations to veterans' home associations.

1 The board of commissioners may make an annual appropriation
2 not to exceed \$300 for the support of any Veterans' Home
3 Association that provides a home or meeting facility within the
4 township for the use of United States war veterans, and which is
5 not maintained in whole or in part by the United States or any
6 governmental agency other than the township.

7 Section 1312-B. Memorial Day or Veterans' Day appropriations.

8 The board of commissioners may appropriate money for the
9 expenses of services for Memorial Day, Veterans' Day or a
10 similar day provided for by Federal or State law.

11 Section 1313-B. Care of memorials.

12 (a) Maintenance and repair.--The board of commissioners may
13 maintain and keep in good order and repair, at the expense of
14 the township, a soldiers' monument, gun or carriage or similar
15 memorial if the memorial is not in the charge or care of an
16 individual, body or organization and the memorial was not
17 erected by the Federal Government, the Commonwealth or the
18 commissioners of the county or by the direction or authority of
19 any other state.

20 (b) Donations.--The board of commissioners may receive money
21 from an individual or organization and may expend the money for
22 the benefit of memorials.

23 Section 1314-B. Purchase of burial grounds for deceased service
24 persons.

25 The board of commissioners may appropriate money and purchase
26 plots of ground in a cemetery or burial ground for the interment
27 of deceased service persons:

28 (1) Who die within the township or die beyond the
29 township limits but had a legal residence within the township
30 at the time of death.

1 (2) Whose bodies are entitled to be buried by the county
2 under the provisions of existing law.

3 Section 45. Section 1401 of the act is amended to read:

4 Section 1401. Appointment, Compensation and Training of
5 [Policemen.--The board of township commissioners shall,] Police
6 Officers.--(a) The board of commissioners may, subject to the
7 civil service provisions of this act, appoint and fix the
8 number, rank and compensation of the members of the township
9 police force. [No policeman shall at the same time hold any
10 public office other than constable, health officer or school
11 board member of a school district situated within a county of
12 the second class. A policeman, whether contracted or otherwise
13 employed by a school district, who holds the public office of
14 school director shall not be permitted to serve as a school
15 police officer, as provided for in section 778 of the act of
16 March 10, 1949 (P.L.30, No.14), known as the Public School Code
17 of 1949. The]

18 (b) Subject to the requirements of 53 Pa.C.S. Ch. 23 Subch.
19 A (relating to intergovernmental cooperation), the board of
20 commissioners may provide for police services as follows:

- 21 (1) by municipal police officers under a contract;
22 (2) through the purchase of police services; or
23 (3) by joining or developing a consolidated regional police
24 service.

25 (c) The board of commissioners may remove, suspend or demote
26 a police officer:

- 27 (1) in accordance with the act of June 15, 1951 (P.L.586,
28 No.144), entitled "An act regulating the suspension, removal,
29 furloughing and reinstatement of police officers in boroughs and
30 townships of the first class having police forces of less than

1 three members, and in townships of the second class"; or

2 (2) subject to Article VI, subdivision (d).

3 (d) No police officer may at the same time hold a public
4 office.

5 (e) No police officer may participate in a political or
6 election campaign while on duty or in uniform or while using
7 township property other than to exercise the officer's right of
8 suffrage.

9 (f) Except as provided in section 630, the board of
10 commissioners shall [prescribe all necessary] promulgate rules
11 and regulations for the organization of the police force. [The
12 board may assign the chief of police or any other member of the
13 force to undergo a course of training at any training school for
14 policemen, established and made available by the State or
15 Federal Government, and may provide for the payment by the
16 township of his expenses while in attendance in such training
17 school.]

18 (g) The board of commissioners may assign the chief of
19 police or any other member of the police force to attend
20 training classes offered by the Federal Government, State or
21 county government, and may pay a member's expenses while
22 attending the training classes.

23 Section 46. The act is amended by adding a section to read:

24 Section 1401.1. Special Fire Police.--The president of the
25 board of commissioners may confirm any member of a volunteer
26 fire company nominated to serve as special fire police under 35
27 Pa.C.S. Ch. 74 Subch. D (relating to special fire police). The
28 president of the board of commissioners may swear in or affirm
29 special fire police officers.

30 Section 47. Sections 1402, 1403, 1404 and 1405 of the act

1 are amended to read:

2 Section 1402. Chief of Police and Other Officers.--The board
3 of commissioners may designate the superintendent or the chief
4 of police and other officers[,] who shall serve until their
5 successors are duly designated and qualified.

6 Section 1403. Powers of [Policemen.--Policemen shall be ex-
7 officio constables of the township and may, without warrant and
8 on view, arrest and commit for hearing any and all persons
9 guilty of a breach of the peace, vagrancy, riotous, or
10 disorderly conduct or drunkenness, or who may be engaged in the
11 commission of any unlawful act tending to imperil the personal
12 security or endanger the property of the citizens, or violating
13 any of the ordinances of the township for the violation of which
14 a fine or penalty is imposed.] Police Officers.--A township
15 police officer shall have those powers and duties as are granted
16 to police officers under the laws of this Commonwealth, the
17 rules of the Supreme Court or the ordinances of the township,
18 for the violation of which a fine or penalty may be imposed.

19 Section 1404. Service of Process; Fees.--[Policemen shall
20 have authority to serve and execute all criminal process for the
21 violation of the township ordinances, which may be issued by any
22 justice of the peace of the township, and shall charge the same
23 fees and costs as pertain by law to constables for similar
24 services, but such fees and costs shall be paid to the township
25 treasurer for the use of the township.] Police officers may
26 serve and execute criminal process or processes issued for the
27 violation of township ordinances and shall charge the same fees
28 and costs as pertain by law to constables of the township for
29 similar services, but the fees and costs shall be paid to the
30 township treasurer for the use of the township.

1 Section 1405. Supervision of Police.--The chief of police
2 and [policemen shall obey the orders of the board of township
3 commissioners or such other person or committee as may be
4 designated by ordinance or resolution of the board for such
5 purposes.] police officers shall obey the orders of the board of
6 commissioners or any other person or committee as designated by
7 ordinance or resolution of the board for that purpose.

8 Section 48. Section 1406 of the act is repealed:

9 [Section 1406. Keepers to Receive Prisoners.--The keepers of
10 jails, lockups, and station-houses shall receive all persons
11 arrested by policemen for the commission of any offense against
12 the laws of the Commonwealth or the ordinances of the township.]

13 Section 49. Sections 1407, 1408, 1409 and 1409.1 of the act
14 are amended to read:

15 Section 1407. Badge.--[The police,] Township police
16 officers, when on duty, shall wear a badge or shield with the
17 words "Township Police" and the name of the township inscribed
18 [thereon] on the badge or shield.

19 Section 1408. [Not to Receive Fees.--Townships employing
20 policemen shall pay to all such policemen a fixed or stipulated
21 salary. It shall not be lawful for any such policemen to charge
22 or accept any fee or other compensation, in addition to his
23 salary, for any service rendered or performed by him of any kind
24 or nature whatsoever pertaining to his office or duties as a
25 policeman, except public rewards and the expenses incurred in
26 the discharge of his duties.] Compensation.--

27 (a) A township that employs police officers shall pay to all
28 the police officers a fixed or stipulated salary.

29 (b) No police officer may charge or accept a fee or other
30 compensation in addition to the salary paid by the township for

1 a service rendered or performed by the police officer, except
2 public rewards and the expenses incurred in the discharge of the
3 police officer's duties.

4 Section 1409. [Establishment of Police Pension Fund;
5 Management.--Townships] Police Pension Fund.--

6 (a) If a police force of less than three full-time members
7 is maintained, the township shall, unless there is a private
8 organization or association constituting and managing an
9 existing pension fund for the members of the police force in
10 [any such] the township, by ordinance, establish a police
11 pension fund to be maintained by member contributions of an
12 equal percentage charge against each member of the police
13 force[, which,]. The member contributions, except to the extent
14 that subsection (c) of section 607 of the act of December 18,
15 1984 (P.L.1005, No.205), known as the "Municipal Pension Plan
16 Funding Standard and Recovery Act," applies, shall not exceed
17 annually four [per centum] percent of the pay of [such] the
18 member. [All pension funds established under the provisions of
19 this section shall be under the direction of the township
20 commissioners or such committee as they may designate, and shall
21 be applied, under such regulations as the commissioners may by
22 ordinance prescribe, for the benefit of such members of the
23 police force as shall receive honorable discharge therefrom by
24 reason of age or disability and the families of such as may be
25 injured or killed in the service. Any allowances made to those
26 who are retired by reason of disability or age shall be in
27 conformity with a uniform scale.]

28 (b) In lieu of establishing a pension fund in accordance
29 with subsection (a), the township may, by ordinance, provide
30 investment or insurance instruments for the purpose of the

1 payment of pensions or annuities to the members of the police
2 force who receive honorable discharge by reason of age or
3 disability and the families of police officers injured or killed
4 in service.

5 (c) (1) All pension funds or investment or insurance
6 instruments established under this section shall be under the
7 direction of the board of commissioners, or a committee as the
8 board of commissioners may designate, and shall be applied under
9 regulations as the board of commissioners may, by ordinance,
10 prescribe for the benefit of the members of the police force who
11 receive honorable discharge by reason of age or disability and
12 the families of police officers injured or killed in the
13 service.

14 (2) The board of commissioners shall appoint by resolution a
15 chief administrative officer who shall have the primary
16 responsibility for the execution of the administrative affairs
17 of the pension plan, subject to the direction of the board of
18 commissioners.

19 (3) An allowance made to an individual who retires by reason
20 of disability or age shall be in conformity with a uniform
21 scale.

22 (d) The ordinance establishing the police pension fund may
23 prescribe a minimum period of continuous service of not less
24 than 20 years and an age limit after which members of the police
25 force may be retired from active duty and may be entitled to
26 benefits of the fund.

27 (e) Payments made on account of police pensions shall not be
28 a charge on any fund in the treasury of the township or under
29 the control of the township, except the police pension fund.

30 (f) A township that establishes a police pension fund under

1 this section shall make contributions to the police pension fund
2 in an amount sufficient to meet the minimum obligation of the
3 municipality with respect to the pension plan under the act of
4 December 18, 1984 (P.L.1005, No.205), known as the "Municipal
5 Pension Plan Funding Standard and Recovery Act."

6 (g) A township may take, by gift, grant, devise or bequest,
7 any money or property, real, personal or mixed, in trust for the
8 benefit of the police pension fund. The care, management,
9 investment and disposal of the trust funds or property, real,
10 personal or mixed, shall be vested in the officers as the board
11 of commissioners shall direct by ordinance and shall be governed
12 by the officers, subject to any directions not inconsistent with
13 the ordinance as the donors of the funds and property may
14 prescribe.

15 (h) (1) The basis of the apportionment of the pension
16 benefit shall be determined by the rate of monthly pay of the
17 member at the date of death, honorable discharge or retirement,
18 and shall not exceed in any year one-half the annual pay of the
19 member, computed at the member's monthly rate.

20 (2) No person who participates in the police pension fund
21 and becomes entitled to receive a benefit from the fund may be
22 deprived of the person's right to an equal and proportionate
23 share of the fund upon the basis upon which the person first
24 became entitled to the benefit.

25 (j) The act of May 29, 1956 (1955 P.L.1804, No.600),
26 referred to as the Municipal Police Pension Law, or the act of
27 February 1, 1974 (P.L.34, No.15), known as the Pennsylvania
28 Municipal Retirement Law, shall govern any township police
29 pension fund not established under the provisions of this
30 section.

1 Section 1409.1. Private Police Pension Funds; Optional
2 Transfers.--(a) [Where] If there is a private organization or
3 association constituting and managing an existing pension fund
4 for the members of the police force in any township, [such] the
5 township shall establish a police pension fund [under the
6 provisions of this act if the membership of such] for the
7 purpose of paying pensions to the members of the police force if
8 the membership of the organization or association, by a two-
9 thirds vote, elects to transfer its funds with all its assets
10 and liabilities into a township police pension fund as required
11 to be established by this act.

12 (b) [Whenever such a private organization or association
13 managing an existing police pension fund for the members of the
14 police force in any township elects, by a two-thirds vote, to
15 transfer its funds into the pension fund required to be
16 established by this act, all the assets and liabilities of such
17 existing fund shall be so transferred. Such transfer] The
18 transfer under subsection (a) may be made by the transfer of
19 securities. After [such] the transfer, the township police
20 pension fund shall assume the liability of continuing the
21 payment of pensions to members of the police force retired prior
22 to [such] the transfer in accordance with the laws and
23 regulations under which [such] the members were retired.

24 Section 50. Sections 1410, 1411, 1412, 1413, 1414 and 1415
25 of the act are repealed:

26 [Section 1410. Minimum Service for Retirement.--The
27 ordinance establishing the police pension fund may prescribe a
28 minimum period of continuous service, not less than twenty
29 years, and an age limit after which members of the force may be
30 retired from active duty and may be entitled to benefits of such

1 fund. Policemen so retired shall be subject to service as police
2 reserves until unfitted for such service by reason of age or
3 disability, when they may be finally discharged.

4 Section 1411. Retirement Allowance.--The basis of the
5 apportionment of the pension shall be determined by the rate of
6 monthly pay of the member at the date of death, honorable
7 discharge, or retirement, and shall not in any case exceed in
8 any year one-half the annual pay of such member, computed at
9 such monthly rate.

10 Section 1412. General Funds of Township not Liable.--
11 Payments made for retirement allowances shall be a charge on no
12 other fund in the treasury of the township or under its control
13 other than the police pension fund.

14 Section 1413. Township Appropriations; Gifts; Management.--
15 Any township shall make contributions to the police pension fund
16 in an amount sufficient to meet the minimum obligation of the
17 municipality with respect to the pension plan pursuant to the
18 act of December 18, 1984 (P.L.1005, No.205), known as the
19 "Municipal Pension Plan Funding Standard and Recovery Act," and
20 may take, by gift, grant, devise or bequest, any money or
21 property, real, personal or mixed, in trust for the benefit of
22 such police pension fund. The care, management, investment, and
23 disposal of such trust funds or property shall be vested in such
24 officers as the township commissioners shall, by ordinance,
25 direct, and shall be governed by such officers, subject to any
26 directions not inconsistent therewith, as the donors of such
27 funds and property may prescribe. Any township may also make
28 contributions to any incorporated police pension fund extending
29 retirement benefits to police officers of the township, subject
30 to such conditions as the township commissioners may impose and

1 in conformance with any applicable provisions of the "Municipal
2 Pension Plan Funding Standard and Recovery Act."

3 Section 1414. Reasons for Denying Retirement Allowance.--No
4 person participating in such police pension fund established by
5 ordinance, and becoming entitled to receive a benefit therefrom,
6 shall be deprived of his rights except for failing to comply
7 with some general regulation relating to the management of such
8 fund, which may be made by ordinance, and which provides that a
9 failure to comply therewith shall terminate the right to
10 participate in the pension fund, after such notice and hearing
11 as it shall prescribe.

12 Section 1415. Annuity Contracts in Lieu of Police Pension
13 Fund.--Townships may provide annuity contracts for the purpose
14 of paying pensions or annuities to the members of the police
15 force who receive honorable discharge therefrom by reason of age
16 or disability and the families of such as may be injured or
17 killed in service.]

18 Section 51. Section 1416 of the act is amended to read:

19 Section 1416. School Crossing Guards.--[(a) The board of
20 township commissioners, by resolution, may appoint school
21 crossing guards who shall be in uniform and be authorized only
22 in the management of traffic and pedestrians. Such school
23 crossing guards shall serve at the pleasure of the board of
24 township commissioners, except as provided in subsection (b),
25 and shall not come within the civil service provisions of this
26 act, nor shall they be eligible to join any township pension
27 fund. Their compensation shall be fixed by the board of township
28 commissioners and they shall be paid by the board of township
29 commissioners, or jointly by the board of township commissioners
30 and the board of school directors in a ratio to be determined by

1 the two boards. If the board of township commissioners and board
2 of school directors are unable to determine the ratio of
3 compensation of the school crossing guards to be paid by each
4 board, each such board shall pay one-half of the compensation of
5 such school crossing guards who shall have the duty of
6 controlling and directing traffic at or near schools.

7 (b) The board of township commissioners may approve an
8 ordinance allowing a board of school directors to assume hiring
9 and oversight of school crossing guards. Before the board of
10 township commissioners may approve such an ordinance, the board
11 of directors of the school district shall approve a resolution
12 requesting the authority to assume the hiring and oversight of
13 school crossing guards. The ordinance shall outline how the
14 police department will provide any necessary training and
15 assistance of the school crossing guards while on duty. Such
16 school crossing guards will be authorized only in the management
17 of traffic and pedestrians in and around areas identified by the
18 police department and the school district superintendent or his
19 or her designees. The school crossing guards shall not come
20 within the civil service provision of this act, nor shall they
21 fall under the bargaining unit of the school district nor be
22 considered an employe as defined under section 1101-A of the act
23 of March 10, 1949 (P.L.30, No.14), known as the "Public School
24 Code of 1949," or a school employe as defined under 24 Pa.C.S. §
25 8102 (relating to definitions) or under any plans hereafter
26 effective. Once the ordinance receives approval by the board of
27 township commissioners, the school district shall assume the
28 cost of compensation, including fixing such compensation, if
29 any, of the school crossing guards. Auxiliary policemen,
30 appointed as prescribed by general law, may be hired by the

1 school district to serve as school crossing guards. The board of
2 school directors shall notify the board of township
3 commissioners of those hired to serve as school crossing guards
4 and request that the necessary training or assistance be
5 provided as outlined by the ordinance.] (a) (1) The board of
6 commissioners, by resolution, may appoint school crossing guards
7 who shall be authorized only to manage traffic and pedestrians
8 at or near schools while the school crossing guards are in
9 uniform.

10 (2) School crossing guards shall serve at the pleasure of
11 the board of commissioners, except as provided in subsection
12 (b), shall not be subject to the civil service provisions of
13 this act and shall not be eligible to join any township pension
14 fund.

15 (3) The compensation of the school crossing guards, if any,
16 shall be fixed by the board of commissioners and shall be paid
17 by the board of commissioners, or jointly by the board of
18 commissioners and the board of school directors, in a ratio to
19 be determined by the boards. If the board of commissioners and
20 board of school directors are unable to determine the ratio of
21 compensation of the school crossing guards to be paid by each
22 board, each board shall pay one-half of the compensation of the
23 school crossing guards.

24 (b) (1) The board of commissioners may adopt a resolution
25 allowing a board of school directors to assume hiring and
26 oversight of school crossing guards. Before the board of
27 commissioners adopts the resolution, the board of directors of
28 the school district must adopt a resolution requesting authority
29 from the board of commissioners to assume the hiring and
30 oversight of school crossing guards.

1 (2) The resolution adopted by the board of commissioners
2 shall outline the manner in which the police department will
3 provide necessary training and assistance of the school crossing
4 guards while on duty.

5 (3) The school crossing guards shall be authorized only to
6 manage traffic and pedestrians in and around areas identified by
7 the police department and the school district superintendent or
8 the superintendent's designees.

9 (4) The school crossing guards shall not:

10 (i) Be subject to the civil service provision of this act.

11 (ii) Be considered part of the bargaining unit of the school
12 district.

13 (iii) Be considered an employe as defined under section
14 1101-A of the act of March 10, 1949 (P.L.30, No.14), known as
15 the "Public School Code of 1949," or a school employe as defined
16 under 24 Pa.C.S. § 8102 (relating to definitions) or an employe
17 under any township or school district pension or benefit plan.

18 (5) After the resolution is adopted by the board of
19 commissioners, the school district shall assume the cost of
20 compensation, including fixing compensation, if any, of the
21 school crossing guards.

22 (6) Notwithstanding any other provision of law, auxiliary
23 police officers appointed as prescribed by law may be hired by
24 the school district to serve as school crossing guards.

25 (7) The board of school directors shall notify the board of
26 commissioners of the individuals hired to serve as school
27 crossing guards and request that the necessary training or
28 assistance be provided as specified in the resolution adopted by
29 the board of commissioners.

30 Section 52. Section 1501 of the act, amended October 24,

1 2018 (P.L.921, No.151), is amended to read:

2 Section 1501. Suits; Property.--Townships of the first class
3 [may--

4 I. Sue and be sued.

5 II. Purchase, acquire by gift, or otherwise, hold, lease,
6 let and convey, by sale or lease, such real and personal
7 property as shall be deemed to be to the best interest of the
8 township: Provided, That no real estate owned by the township
9 shall be sold for a consideration in excess of one thousand five
10 hundred dollars except to the highest bidder after due notice by
11 advertisement for bids or advertisement of a public auction in
12 one newspaper of general circulation in the township. Such
13 advertisement shall be published once not less than ten days
14 prior to the date fixed for the opening of bids or public
15 auction, and such date for opening bids or public auction shall
16 be announced in such advertisement. The award of contracts shall
17 be made only by public announcement at a regular or special
18 meeting of the board of township commissioners or at the public
19 auction. All bids shall be accepted on the condition that
20 payment of the purchase price in full shall be made within sixty
21 days of the acceptance of bids.

22 The board of township commissioners shall have the authority
23 to reject all bids if such bids are deemed to be less than the
24 fair market value of the real property. In the case of a public
25 auction, the board of township commissioners may establish a
26 minimum bid based on the fair market value of the real property.

27 Except as otherwise hereinafter provided in the case of
28 personal property of an estimated fair market value of less than
29 two thousand dollars, no township personal property shall be
30 disposed of, by sale or otherwise, except upon approval of the

1 board of township commissioners, by ordinance or resolution. In
2 cases where the board of township commissioners shall approve a
3 sale of such property, it shall estimate the fair market value
4 of the entire lot to be disposed of. If the board of township
5 commissioners shall estimate the fair market value to be two
6 thousand dollars or more, the entire lot shall be advertised for
7 sale once, in at least one newspaper of general circulation in
8 the township, not less than ten days prior to the date fixed for
9 the opening of bids or public auction, and such date of opening
10 of bids or public auction shall be announced in such
11 advertisement, and sale of the property so advertised shall be
12 made to the best responsible bidder. A public auction of
13 personal property may be conducted by means of an online or
14 electronic auction sale. During an electronic auction sale, bids
15 shall be accepted electronically at the time and in the manner
16 designated in the advertisement. During the electronic auction,
17 each bidder shall have the capability to view the bidder's bid
18 rank or the high bid price. Bidders may increase their bid
19 prices during the electronic auction. The record of the
20 electronic auction shall be accessible for public inspection.
21 The purchase price shall be paid by the high bidder immediately
22 or at a reasonable time after the conclusion of the electronic
23 auction as determined by the board of township commissioners. In
24 the event that shipping costs are incurred, they shall be paid
25 by the high bidder. A township that has complied with the
26 advertising requirements of this clause may provide additional
27 public notice of the sale by bids or public auction in any
28 manner deemed appropriate by the board of township
29 commissioners. The advertisement for electronic auction sales
30 authorized in this clause shall include the Internet address or

1 means of accessing the electronic auction and the date, time and
2 duration of the electronic auction. The board of township
3 commissioners may reject any bids received if the bids are
4 believed to be less than the fair market value of the property.
5 The board of township commissioners shall, by resolution, adopt
6 a procedure for the sale of surplus personal property, either
7 individual items or lots of items, of an estimated fair market
8 value of less than two thousand dollars and the approval of the
9 board of township commissioners shall not be required for any
10 individual sale that shall be made in conformity to such
11 procedure.

12 The provisions of this clause shall not be mandatory where
13 township property is to be traded in or exchanged for new
14 township property.

15 The provisions of this clause shall not prohibit the sale or
16 exchange of township property to public utilities.

17 The provisions of this clause requiring advertising for bids
18 or sale at public auction and sale to the highest bidder shall
19 not apply where township real or personal property is to be sold
20 to a county, city, borough, town, township, institution
21 district, school district, volunteer fire company, volunteer
22 ambulance service or volunteer rescue squad located within the
23 township, or authority as defined in 53 Pa.C.S. § 5602 (relating
24 to definitions), or to a nonprofit corporation engaged in
25 community industrial, commercial or affordable housing
26 development or reuse or where real property is to be sold to a
27 person for his exclusive use in an industrial development
28 program or where real property is to be sold to a nonprofit
29 corporation organized as a public library, or where real
30 property is to be sold to a nonprofit medical service

1 corporation as authorized by clause LXXII of section 1502, or
2 where real property is to be sold to a nonprofit housing
3 corporation as authorized by clause LXXIII of section 1502. When
4 real property is to be sold to a nonprofit corporation organized
5 as a public library or to a nonprofit medical service
6 corporation or to a nonprofit housing corporation the board of
7 township commissioners may elect to accept such nominal
8 consideration for such sale as it shall deem appropriate. Real
9 property sold pursuant to this clause to a volunteer fire
10 company, volunteer ambulance service or volunteer rescue squad,
11 nonprofit medical service corporation or to a nonprofit housing
12 corporation shall be subject to the condition that when the
13 property is not used for the purposes of the company, service,
14 squad or the corporation the property shall revert to the
15 township.

16 Any officer who sells and each officer who votes in favor of
17 selling any township property, either real or personal, without
18 the provisions of this section having been complied with, shall
19 be subject to surcharge in the amount of any loss sustained by
20 the township by reason of such sale.

21 The exemption granted by this clause to nonprofit
22 corporations engaged in community, industrial, commercial or
23 affordable housing development or reuse shall not apply to
24 property owned and operated by the township or subcontracted or
25 operated on the behalf of the township in order to conduct
26 existing governmental functions.] may:

27 (1) Sue and be sued.

28 (2) Have and use a corporate seal and alter the seal.

29 (3) Purchase, exchange, acquire by gift, or otherwise, hold,
30 lease, let and convey, by sale or lease, real and personal

1 property deemed to be to the best interest of the township
2 subject to the restrictions, limitations or exceptions as set
3 forth in this act.

4 Section 53. The act is amended by adding sections to read:

5 Section 1501.1. Real Property.--(a) No real estate owned by
6 the township may be sold for a consideration in excess of six
7 thousand dollars except to the highest bidder after due notice
8 by advertisement for bids or advertisement of a public auction.

9 (b) The advertisement shall be published once in one
10 newspaper of general circulation not less than ten days prior to
11 the date scheduled for the opening of bids or public auction.
12 The date for opening bids or public auction shall be announced
13 in the advertisement.

14 (c) The award of contracts shall be made only by public
15 announcement at a regular or special meeting of the board of
16 commissioners or at the public auction. A bid shall be accepted
17 on the condition that payment of the purchase price in full
18 shall be made within sixty days of the acceptance of a bid
19 unless otherwise specified in the bid advertisement. If no
20 compliant bids are received after advertisement, the applicable
21 procedures in the act of October 27, 1979 (P.L.241, No.78),
22 entitled "An act authorizing political subdivisions,
23 municipality authorities and transportation authorities to enter
24 into contracts for the purchase of goods and the sale of real
25 and personal property where no bids are received," shall be
26 followed.

27 (d) The board of commissioners shall have the authority to
28 reject all bids if the bids are deemed to be less than the fair
29 market value of the real property. In the case of a public
30 auction, the board of commissioners may establish a minimum bid

1 based on the fair market value of the real property.

2 (e) Real estate owned by a township may be sold for a
3 consideration of six thousand dollars or less without
4 advertisement or competitive bidding only after the board of
5 commissioners estimates the value of the property upon receipt
6 of an appraisal by a qualified real estate appraiser. Prior to
7 selling real estate valued at six thousand dollars or less
8 without advertisement or competitive bidding, the board of
9 commissioners shall make a public announcement of the board's
10 intention to sell the real estate at a regular or special
11 meeting of the board at least thirty days prior to the sale.

12 (f) (1) Notwithstanding this section, the board of
13 commissioners shall have the authority to exchange real property
14 for real property of equal or greater value without complying
15 with this section if the property being acquired by the township
16 is to be used for municipal purposes. Municipal purposes as used
17 in this subsection include a subsequent sale or lease of the
18 property to any of the entities listed in section 1501.3.

19 (2) A conveyance of real property acquired in an exchange to
20 an entity listed in section 1501.3 may contain a clause under
21 which the lands and buildings will revert to the township if
22 they are no longer being used for the purposes of the entity.

23 (3) If the board of commissioners chooses to exercise its
24 power of real property exchange under this section, it shall be
25 by resolution adopted by the board of commissioners. Notice of
26 the resolution, including a description of the properties to be
27 exchanged, shall be published once in one newspaper of general
28 circulation not more than sixty days nor fewer than seven days
29 prior to adoption.

30 (4) Participation in a real property exchange may not

1 prohibit the application of the requirements of the act of
2 October 4, 1978 (P.L.851, No.166), known as the Flood Plain
3 Management Act.

4 Section 1501.2. Personal Property.--(a) Except as provided
5 in subsection (d), no township personal property may be disposed
6 of, by sale or otherwise, except upon approval of the board of
7 commissioners. In cases when the board of commissioners approves
8 a sale of the property, the board of commissioners shall
9 estimate the fair market value of the entire lot to be disposed
10 of. If the board of commissioners estimates the fair market
11 value to be two thousand dollars or more, the entire lot shall
12 be advertised for sale once, in at least one newspaper of
13 general circulation, not less than ten days prior to the date
14 fixed for the opening of bids or public auction. The date of
15 opening of bids or public auction shall be announced in the
16 advertisement, and sale of the property advertised shall be made
17 to the highest bidder.

18 (b) A public auction of personal property may be conducted
19 by means of an online or electronic auction sale. During an
20 electronic auction sale, bids shall be accepted electronically
21 at the time and in the manner designated in the advertisement.
22 During the electronic auction, each bidder shall have the
23 capability to view the bidder's bid rank or the high bid price.
24 A bidder may increase his bid price during the electronic
25 auction. The record of the electronic auction shall be
26 accessible for public inspection. The purchase price shall be
27 paid by the highest bidder immediately or at a reasonable time
28 after the conclusion of the electronic auction as determined by
29 the board of commissioners. In the event that shipping costs are
30 incurred, they shall be paid by the highest bidder. A township

1 that has complied with the advertising requirements of this
2 section may provide additional public notice of the sale by bids
3 or public auction in any manner deemed appropriate by the board
4 of commissioners. The advertisement for electronic auction sales
5 authorized in this section shall include the Internet address or
6 means of accessing the electronic auction and the date, time and
7 duration of the electronic auction.

8 (c) The board of commissioners may reject any bids received
9 if the bids are believed to be less than the fair market value
10 of the property. If no compliant bids are received after
11 advertisement, the applicable procedures in the act of October
12 27, 1979 (P.L.241, No.78), entitled "An act authorizing
13 political subdivisions, municipality authorities and
14 transportation authorities to enter into contracts for the
15 purchase of goods and the sale of real and personal property
16 where no bids are received," shall be followed.

17 (d) The board of commissioners shall, by resolution, adopt a
18 procedure for the sale of surplus personal property, either
19 individual items or lots of items, of an estimated fair market
20 value of less than two thousand dollars. The approval of the
21 board of commissioners shall not be required for an individual
22 sale that shall be made in conformity to the procedure.

23 (e) The provisions of this section shall not be mandatory
24 where township personal property is to be traded in or exchanged
25 for new or used personal property being acquired by the
26 township, except that the trade or exchange shall be by
27 resolution.

28 Section 1501.3. Exceptions.--(a) Nothing under this article
29 requiring advertising for bids or sale at public auction and
30 sale to the highest bidder shall apply if township real or

1 personal property is to be sold to any of the following:

2 (1) A county, city, borough, town, township, institution
3 district, school district, volunteer fire company, volunteer
4 ambulance service or volunteer rescue squad located within the
5 township.

6 (2) A council of government, consortium, cooperative or
7 other similar entity created under 53 Pa.C.S. Ch. 23 Subch. A
8 (relating to intergovernmental cooperation).

9 (3) An authority as defined in 53 Pa.C.S. § 5602 (relating
10 to definitions) or an authority or industrial and commercial
11 development authority as defined under section 3 of the act of
12 August 23, 1967 (P.L.251, No.102), known as the Economic
13 Development Financing Law.

14 (4) A nonprofit corporation engaged in community,
15 industrial, commercial or affordable housing development or
16 reuse.

17 (5) A person for the person's exclusive use in an industrial
18 development program.

19 (6) A nonprofit corporation organized as a public library.

20 (7) A nonprofit medical service corporation as authorized by
21 section 1502.46.

22 (8) A nonprofit housing corporation as authorized under
23 section 1502.47.

24 (b) If real property is to be sold to a nonprofit
25 corporation organized as a public library or to a nonprofit
26 medical service corporation or to a nonprofit housing
27 corporation, the board of commissioners may elect to accept
28 nominal consideration for the sale as the board deems
29 appropriate.

30 (c) Real property sold under this section to a volunteer

1 fire company, volunteer ambulance service or volunteer rescue
2 squad, nonprofit medical service corporation or to a nonprofit
3 housing corporation shall be subject to the condition that when
4 the property is not used for the purposes of the company,
5 service, squad or corporation the property shall revert to the
6 township.

7 Section 1501.4. Surcharge from Sale or Lease.--A
8 commissioner who votes in favor of or knowingly participates in
9 the sale or lease of township real or personal property in
10 violation of this article is subject to surcharge to the extent
11 of any loss or injury to the township as a result of the sale or
12 lease.

13 Section 1501.5. General Powers.--The board of commissioners
14 may make and adopt any ordinances, bylaws, rules and regulations
15 not inconsistent with or restrained by the Constitution and laws
16 of this Commonwealth as may be expedient or necessary for the
17 proper management, care and control of the township and its
18 finances, and the maintenance of peace, good government and
19 welfare of the township and its trade, commerce and
20 manufactures.

21 Section 54. Section 1502 of the act, amended July 2, 2019
22 (P.L.349, No.50), is amended to read:

23 Section 1502. [The corporate power of a township of the
24 first class shall be vested in the board of township
25 commissioners. The board shall have power--

26 I. Ordinances and Resolutions. (a) To adopt resolutions
27 and ordinances prescribing the manner in which powers of the
28 township shall be carried out, and generally regulating the
29 affairs of the township. All such proposed ordinances, unless
30 otherwise provided by law, shall be published at least once in

1 one newspaper of general circulation in the township not more
2 than sixty days nor less than seven days prior to passage.
3 Publication of any proposed ordinance shall include either the
4 full text thereof or the title and a brief summary prepared by
5 the township solicitor setting forth all the provisions in
6 reasonable detail and a reference to a place within the township
7 where copies of the proposed ordinance may be examined. If the
8 full text is not included a copy thereof shall be supplied to a
9 newspaper of general circulation in the township at the time the
10 public notice is published. If the full text is not included an
11 attested copy thereof shall be filed in the county law library
12 or other county office designated by the county commissioners
13 who may impose a fee no greater than that necessary to cover the
14 actual costs of storing said ordinances. Filing with the county
15 may be completed by the submission of an electronic copy of the
16 ordinance through a method available, in the sole discretion of
17 the county, to permit receipt by the office storing municipal
18 ordinances. Upon request by the township, the county shall
19 notify the township of the method by which electronic copies may
20 be submitted. The county may store the ordinance electronically,
21 provided that the public is able to access the electronically
22 stored township ordinances during regular business hours at the
23 office or at a remote location. The township shall retain a
24 printed copy of the e-mail and ordinance as transmitted. The
25 date of such filing shall not affect the effective date of the
26 ordinance, the validity of the process of the enactment or
27 adoption of the ordinance. In the event substantial amendments
28 are made in the proposed ordinance or resolution, upon
29 enactment, the board shall within ten days readvertise in one
30 newspaper of general circulation in the township, a brief

1 summary setting forth all the provisions in reasonable detail
2 together with a summary of the amendments. In any case in which
3 maps, plans or drawings of any kind are adopted as part of an
4 ordinance, the commissioners may, instead of publishing the same
5 as part of the ordinance, refer, in publishing the ordinance, to
6 the place where such maps, plans or drawings are on file and may
7 be examined. No ordinance, resolution pertaining to a tax levy,
8 or resolution of a legislative character in the nature of an
9 ordinance, shall be considered in force until the same is
10 recorded in the ordinance book of the township. All township
11 ordinances and all township resolutions pertaining to tax levies
12 shall, within one month after their passage, be recorded by the
13 township secretary in a book provided for that purpose, which
14 shall be at all times open to the inspection of citizens. A
15 failure to record within the time provided shall not be deemed a
16 defect in the process of the enactment or adoption of such
17 ordinance or resolution. The entry of the township ordinance or
18 resolution in the ordinance book by the secretary shall be
19 sufficient without the signature of the president of the board
20 of commissioners or other person. Any and all township
21 ordinances or portions thereof, the text of which prior to the
22 effective date of this amendment shall have been attached to the
23 ordinance book, shall be considered in force just as if such
24 ordinances or portions thereof had been recorded directly upon
25 the pages of such ordinance book: Provided, That all other
26 requirements of this act applicable to the enactment, approval,
27 advertising and recording of such ordinances or portions thereof
28 were complied with within the time limit prescribed by this act.

29 (b) Whenever any township shall have caused to be prepared a
30 consolidation, codification or revision of the general body of

1 township ordinances, or the ordinances on a particular subject,
2 the board of township commissioners may adopt such
3 consolidation, codification or revision as an ordinance of the
4 township, in the same manner that is now prescribed by law for
5 the adoption of township ordinances, except as hereinafter
6 provided.

7 Any such consolidation, codification or revision of township
8 ordinances to be enacted as a single ordinance shall be
9 introduced in the board of township commissioners at least
10 thirty days before its final enactment, and at least fifteen
11 days before its final enactment, notice of the introduction of
12 any consolidation, codification or revision, specifying its
13 general nature and listing its table of contents, shall be given
14 by advertisement in a newspaper of general circulation in said
15 township.

16 When any such consolidation, codification or revision has
17 been enacted as an ordinance, it shall not be necessary to
18 advertise the entire text thereof, but it shall be sufficient in
19 any such case, to publish a notice stating that such
20 consolidation, codification or revision, notice of the
21 introduction of which had previously been given, was finally
22 enacted.

23 The procedure set forth in this section for the
24 consolidation, codification or revision of township ordinances
25 as a single ordinance may also be followed in enacting a
26 complete group or body of ordinances, repealing or amending
27 existing ordinances as may be necessary, in the course of
28 preparing a consolidation, codification or revision of the
29 township ordinances, except that in such case the advertisement
30 giving notice of the introduction shall list, in lieu of a table

1 of contents, the titles only of each of the ordinances in such
2 complete group or body of ordinances, and the notice following
3 enactment shall simply state that such group or body of
4 ordinances was passed finally.

5 (c) Complaint as to the legality of any ordinance or
6 resolution may be made to the court. In cases of the laying out
7 of streets over private property the court shall have
8 jurisdiction to review the propriety as well as the legality of
9 the ordinance.

10 (d) Any ordinance may be adopted by reference to a standard
11 or nationally recognized code, or to parts thereof, determined
12 by the board, or the provisions of the ordinance may be supplied
13 by reference to a typed or printed code, prepared under the
14 direction of or accepted by the board, or the provisions may
15 consist of a standard or nationally recognized code, or parts
16 thereof, and also further provisions typed or printed as
17 aforesaid: Provided, however, That no portion of any code which
18 limits the work to be performed to any type of construction
19 contractor, or labor or mechanic classification shall be
20 adopted.

21 Publication of such code, or amendments thereto, in full
22 shall not be required, but it shall be sufficient compliance
23 with this act, in such publication as is required, to set forth
24 briefly the substance of such proposed code and to give notice
25 of the place where such code is on file and may be examined. Not
26 less than three copies of such code, portion, or amendment which
27 is incorporated or adopted by reference, shall be filed with the
28 secretary of the township at least ten days before the board
29 considers the proposed ordinance and upon enactment kept with
30 the ordinance book, and available for public use, inspection and

1 examination.

2 Any ordinance adopted by reference to any code shall be
3 enacted within sixty days after it is filed with the secretary
4 of the township and, in the case of a standard or nationally
5 recognized code, shall encompass the provisions of the code
6 effective as of the code date stated in the ordinance.

7 Any township that has adopted any standard or nationally
8 recognized code by reference may adopt subsequent ordinances
9 which incorporate by reference any subsequent changes thereof,
10 properly identified as to date and source, as may be adopted by
11 the agency or association which promulgated the code.

12 Any ordinances which incorporate code amendments by reference
13 shall become effective after the same procedure and in the same
14 manner as is herein specified for original adoption of any such
15 code.

16 II. Fines for Violation of Ordinances. To prescribe fines
17 and penalties, not exceeding one thousand dollars for a
18 violation of a building, housing, property maintenance, health,
19 fire or public safety code or ordinance and for water, air and
20 noise pollution violations, and not exceeding six hundred
21 dollars for a violation of any other township ordinance, which
22 fines and penalties may be collected by suit brought in the name
23 of the township before any justice of the peace, in like manner
24 as debts of like amount may be sued for by existing laws, and to
25 remit such fines and penalties.

26 III. Officers, Positions and Departments. To create any
27 office, position or department which may be deemed necessary for
28 the good government and interests of the township; and to fix
29 the compensation of persons appointed thereto.

30 IV. Township Manager. To create, by ordinance, the office of

1 township manager, and in like manner to abolish the same. The
2 township manager shall serve at the pleasure of the board of
3 commissioners, subject to contractual rights that may arise
4 under an employment agreement that may be entered in accordance
5 with this clause.

6 The powers and duties of the township manager shall be
7 regulated by ordinance. The board of commissioners may enter
8 into an employment agreement with the township manager. The
9 employment agreement may set forth the terms and conditions of
10 employment, and the agreement may provide that it shall remain
11 in effect for a specified period terminating no later than two
12 years after the effective date of the agreement or the date of
13 the board of commissioners' organizational meeting following the
14 next municipal election, whichever shall first occur. An
15 employment agreement entered into pursuant to this clause may
16 specify conditions under which a township manager would be
17 entitled to severance compensation, but in no event shall an
18 employment agreement guarantee employment through the term of
19 the agreement or confer upon the township manager any legal
20 remedy based on specific performance. The commissioners may
21 delegate, subject to recall, any of their respective non-
22 legislative and non-judicial powers and duties to the township
23 manager. He shall, if required by the township commissioners,
24 give a bond to the township, with a surety company or other
25 company authorized by law to act as surety, to be approved by
26 the commissioners, in such sum as it shall, by ordinance or
27 resolution, direct, conditioned for the faithful performance of
28 his duties.

29 V. Police Force. To establish, equip, and maintain a police
30 force, and to define the duties of the same.

1 VI. Lockups and Commitments. To provide for the erection or
2 purchase of lockups in the township for the detention and
3 confinement of vagrants and persons arrested by the police
4 officers until the persons so arrested can be taken before a
5 justice of the peace for hearing; but no person shall be
6 detained therein for a longer time than twenty-four hours
7 (Sunday excepted) except upon order of a justice of the peace,
8 legally authorized, who may commit any such person for further
9 hearing.

10 VII. Committing Magistrate. To designate, from time to time,
11 one of the justices of the peace to sit at the police station or
12 town hall as a committing magistrate.

13 VIII. Vagrants. To arrest and confine, and to set to work on
14 the streets or elsewhere, all vagrants found in the township.

15 IX. Disorderly Practices. To define and prohibit disorderly
16 practices within the limits of the township.

17 X. Public Safety. To take all needful means for securing the
18 safety of persons or property within the township.

19 XI. Road Implements. To purchase tools, implements,
20 machinery, timber, and materials necessary for the making,
21 paving, and repairing of streets and sidewalks, and other public
22 work; to employ sufficient number of laborers to make and repair
23 the same; and to lease or lend such tools, implements, and
24 machinery to other townships, boroughs, or cities.

25 XII. Lights. To establish lights along the streets and
26 highways, wherever deemed expedient. No such lights shall be
27 established upon State highways until a permit has first been
28 obtained from the State Department of Highways, or upon county
29 highways until a permit has first been obtained from the county
30 commissioners.

1 XIII. Lighting Assessments. On the petition of the owners of
2 a majority of the lineal feet frontage along any street or
3 highway, or portion thereof, in any village within the township,
4 to enter into contracts with electric, gas, or other lighting
5 companies to light and illuminate the streets, highways, and
6 other public places in said village with electric light, gas
7 light, or other illuminant.

8 The township commissioners shall annually assess, or cause to
9 be assessed, the cost and expense of the maintenance of said
10 lights by an equal assessment on all property benefited by such
11 lighting in proportion to the number of feet the same fronts on
12 the street, or highway, or portion thereof to be lighted. The
13 board of township commissioners may provide for an equitable
14 reduction from the frontage of lots, at intersections, or where,
15 from the peculiar or pointed shape of lots, an assessment of the
16 full frontage would be inequitable. No such assessment shall be
17 made against any farm land, but vacant lots between built-up
18 sections, whether tilled or untilled, shall not be deemed to be
19 farm lands: Provided, however, That the assessment per front
20 foot against vacant lots shall be only twenty-five per centum
21 (25%) of the assessment per foot front against property with
22 improvements thereon. All such assessments for street lighting
23 shall be filed with the township tax collector, who shall give
24 thirty days' written or printed notice that the assessments are
25 due and payable, stating the due date to each party assessed,
26 either by service on the owner of the property, or by mailing
27 such notice to the owner at his last known post office address.
28 The township tax collector shall be entitled to the same
29 commission for the collection of such assessments as he is
30 entitled to by law for the collection of the township tax. If

1 the assessments, or any of them remain unpaid, on the first
2 Monday of May of the succeeding year they shall be placed in the
3 hands of the township solicitor for collection. The solicitor
4 shall collect the same, together with five per centum (5%) as
5 attorney's commission, and interest from the date such
6 assessments were due, by a municipal claim filed against the
7 property of the delinquent owner in like manner as municipal
8 claims are by law filed and collected. Where an owner has two or
9 more lots against which there is an assessment for the same
10 year, all such lots shall be embraced in one claim. All
11 assessments, when collected, shall be paid over to the township
12 treasurer, who shall receive and shall keep all such assessments
13 collected for lighting the streets and highways in a separate
14 account and pay out the same only upon orders signed by the
15 president or vice president of the township commissioners,
16 attested by the secretary or assistant secretary. The treasurer
17 shall make a report to the auditor or controller of the township
18 annually.

19 Ornamental Standards for Street Lighting. On the petition of
20 the owners of seventy-five per cent of the lineal feet frontage
21 along any street or highway or portion thereof in any village
22 within the township to provide for the furnishing and
23 installation of ornamental standards for street lighting with
24 fittings and underground wiring therefor along such street or
25 highway or the portion thereof affected, and to enter into
26 contracts with electric, gas or other lighting companies to
27 furnish and install such standards with the fittings and wiring
28 therefor.

29 The board of township commissioners shall assess or cause to
30 be assessed the cost and expense of the furnishing and

1 installation of said standards, fittings and underground wiring
2 by an equal assessment on all property benefited by the
3 furnishing and installation of such standards, fittings and
4 underground wiring in proportion to the number of feet the same
5 fronts on the street or highway or portion thereof to be
6 lighted. The township commissioners may provide for an equitable
7 reduction from the frontage of lots at intersections, or where
8 from the peculiar or pointed shape of lots an assessment of the
9 full frontage would be inequitable. No such assessment shall be
10 made against any farm land, but vacant lots between built-up
11 sections, whether tilled or untilled, shall not be deemed to be
12 farm lands. All such assessments for the cost of furnishing and
13 installation of such standards, fittings and underground wiring
14 shall be filed with the township tax collector, who shall give
15 thirty days written or printed notice that the assessments are
16 due and payable, stating the due date to each party assessed,
17 either by service on the owner of the property or by mailing
18 such notice to the owner at his last known post office address.
19 The township tax collector shall be entitled to the same
20 commission for the collection of such assessments as he is
21 entitled to by law for the collection of the township tax. If
22 the assessments or any of them remain unpaid at the expiration
23 of a period not exceeding ninety days, the exact time to be
24 fixed by the board of township commissioners, they shall be
25 placed in the hands of the township solicitor for collection.
26 The solicitor shall collect the same together with five per
27 centum (5%) as attorney's commission and interest from the date
28 such assessments were due by a municipal claim filed against the
29 property of the delinquent owner in like manner as municipal
30 claims are by law filed and collected. Where an owner has two or

1 more lots against which there is an assessment all such lots may
2 be embraced in one claim. All assessments when collected shall
3 be paid over to the township treasurer who shall receive and
4 shall keep all such assessments collected in a separate account
5 and pay out the same only upon orders signed by the president or
6 vice president of the township commissioners, attested by the
7 secretary or assistant secretary. The treasurer shall make a
8 report to the auditor or controller of the township annually
9 until all of such assessments are paid in full.

10 XIV. Water Supplies. To enter into contracts with any person
11 or corporation to supply water for fire protection and other
12 purposes for a period not exceeding twenty years. No such
13 contract shall be exclusive as against the right of any other
14 water company, nor interfere with the right of such township to
15 erect, maintain, and operate its own waterworks.

16 XV. Fire and Water Districts; Bond Issues and Taxes. To
17 create, by ordinance, fire and water districts in any portion or
18 portions of townships when, in their opinion, the same is
19 necessary for the safety and convenience of the inhabitants of
20 said township; to issue bonds restricted to the districts so
21 created, for the purpose of procuring and maintaining the
22 necessary supply of water to said district; and to levy such
23 special tax restricted to said district as may be necessary to
24 redeem any bonds so issued. To pay the cost or part of the cost
25 of such water supply or water lines, the township commissioners
26 may charge for any such water supply or water lines by an
27 assessment of a special water or fire tax on all surface
28 properties or real estate located in the water or fire district,
29 which tax shall be based on the assessment for county purposes
30 as established for general taxation. Such tax may be levied for

1 a single year or for a term of years as the township
2 commissioners may determine, but in the case of fire districts
3 shall not exceed two mills per annum, and shall be collected in
4 the same manner as other taxes. In lieu of the foregoing
5 provisions, or in order to defray part of the cost of such water
6 supply or water lines, in all cases where said township shall
7 have established a water system and shall construct main water
8 lines in said township, the board of township commissioners may
9 charge the cost of construction of any municipal water lines or
10 lateral lines, upon any streets or highways adjacent to main
11 lines, or such portion of the cost of construction as the board
12 may deem proper, upon the properties benefited or accommodated
13 thereby. The ordinance, providing for such charge, shall be
14 adopted by the board within six months from date of the final
15 completion of such system of water lines. Said charges shall be
16 assessed and collected in the manner provided in this act for
17 the assessment and collection of charges for the construction of
18 sewers.

19 XVI. Fire Regulations. To make regulations within the
20 township or within such limits, as may be deemed proper,
21 relative to the cause and management of fires and the prevention
22 thereof; to purchase or contribute to the purchase of fire
23 engines and fire apparatus for the use of the township, and to
24 appropriate money to fire companies for the operation and
25 maintenance thereof and for the construction, repair and
26 maintenance of fire company houses; to ordain rules and
27 regulations for the government of such fire companies and their
28 officers, and to regulate the method to be followed in the
29 extinguishment of fires.

30 XVII. Fire Houses. To provide and maintain suitable places

1 for the housing of engines, hose carts, and other apparatus for
2 the extinguishment of fire.

3 XVIII. Building and Housing Regulations. To prohibit or
4 regulate the erection of wooden buildings and housing in certain
5 parts of the township and make regulations for the construction
6 of new buildings and housing and the alteration and repair of
7 old ones, and to require that before the work begins municipal
8 approval of the plans and specifications therefor be secured; to
9 classify buildings and housing or parts of buildings and housing
10 according to the use to be made of them; to specify the mode of
11 construction of such different classes of buildings and housing;
12 and to require that before any use or occupancy be changed from
13 any classification to a different classification, as to which
14 more stringent regulations are prescribed under the provisions
15 of any ordinance relating thereto, municipal approval of the
16 plans and specifications therefor be secured.

17 XIX. Building and Housing Sanitation Regulations. In
18 addition to other remedies provided by law, and in order to
19 promote the public health, safety, morals, and the general
20 welfare, to enact and enforce suitable ordinances to govern and
21 regulate the construction, alteration, repairs, occupation,
22 maintenance, sanitation, lighting, ventilation, water supply,
23 toilet facilities, drainage, use, and inspection of all
24 buildings and housing, or parts of buildings and housing,
25 constructed, erected, altered, designed or used, in whole or in
26 part, for human habitation or occupancy, and of the sanitation
27 and inspection of land appurtenant thereto in accordance with
28 Article XXXI-A.

29 XX. Building and Housing Inspectors.

30 XXI. Building Lines. To establish, by ordinance, and

1 maintain uniform building lines upon any or all public streets
2 or highways of the township.

3 XXII. Numbering Buildings. To provide for and regulate the
4 naming of streets and highways; and to require and regulate the
5 numbering of buildings.

6 XXIII. Insurance. To make contracts with any fire insurance
7 company, association or exchange, including mutual companies
8 duly authorized by law to transact insurance business in the
9 Commonwealth, insuring any building or property of the township;
10 to make contracts with any insurance company insuring any public
11 liability of the township; to appropriate such amount as may be
12 necessary to secure insurance or compensation for volunteer
13 firemen of companies duly recognized by the township by motion
14 or resolution, killed or injured while going to or returning or
15 attending fires; to make contracts of insurance with any
16 insurance company, association or exchange authorized to
17 transact business in this Commonwealth insuring township
18 employes or any class or classes thereof under a policy or
19 policies of insurance covering workmen's compensation, life,
20 health or accident insurance, and to contract with any such
21 company granting annuities or pensions for the pensioning of
22 such employes, and to agree to pay part or all of the premiums
23 or charges for carrying such contracts, and to appropriate
24 moneys from the township treasury for such purposes.

25 XXIV. Markets, Market Houses and Peddling. To regulate
26 markets and peddling, whether for individual use or for resale;
27 to provide and enforce regulations for markets and market
28 houses, whether for individual use or for sale or resale; and to
29 acquire and own ground for and to erect, establish, and maintain
30 market houses and market places, for which latter purposes,

1 parts of any streets, highways or sidewalks may be temporarily
2 used as specified by the township commissioners; to contract
3 with any person, firm, or corporation for the erection,
4 maintenance, and regulation of market houses and market places,
5 on such terms and conditions and in such manner as the board of
6 commissioners may prescribe; to provide for the payment of the
7 cost and expense of providing markets and market houses, either
8 in whole or in part, from township funds; and to levy and
9 collect a license tax from every person who may be authorized to
10 occupy any portion of said market houses or places.

11 XXV. Milk Inspection. To provide for the inspection of milk
12 and milk products; and to make regulations concerning the
13 character and kind of milk and milk products which may be sold.

14 XXVI. Nuisances. To prohibit and remove any obstruction or
15 nuisance in the streets and highways of the township; to make
16 regulations respecting pigpens, slaughter houses, manure pits,
17 drains, dumps, cesspools, and similar conditions, to prohibit
18 and remove any noxious or offensive manufacture, art or
19 business, or dangerous structure, or weeds, or any other
20 nuisance whatsoever, on public or private grounds, prejudicial
21 to the public health or safety, or to require the removal of the
22 same by the owner or occupier of such grounds; in default of
23 which, the township may cause the same to be done and collect
24 the cost thereof, together with a penalty of ten per centum of
25 such cost, in the manner provided by law for the collection of
26 municipal claims or by action of assumpsit without the filing of
27 a claim, or may seek relief by bill in equity.

28 XXVII. Ashes, Garbage, Rubbish and Refuse Materials. To make
29 regulations relative to the accumulation of manure, compost and
30 the like; to prohibit accumulation of ashes, garbage, rubbish

1 and other refuse materials upon private properties including the
2 imposition and collection of reasonable fees and charges for the
3 collection, removal and disposal thereof, and to prescribe fines
4 and penalties for the violation of such regulations; to collect,
5 remove and dispose of or to provide, by contract or otherwise,
6 for the collection, removal and disposal by incineration, land
7 fill or other methods of ashes, garbage, rubbish and other
8 refuse materials; and to prescribe penalties for the enforcement
9 thereof. Any such contract may be made for a period not
10 exceeding three years: Provided, That this limitation shall not
11 apply to contracts entered into with any other political
12 subdivision or with any municipality authority. To acquire any
13 real property and to erect, maintain, improve, operate and
14 lease, either as lessor or lessee, facilities for incineration,
15 land fill or other methods of disposal, either within or without
16 the limits of the township, including equipment, either
17 separately or jointly, with any other political subdivision or
18 with any municipality authority in order to provide for the
19 destruction, collection, removal and disposal of ashes, garbage,
20 rubbish and other refuse materials; and to provide for the
21 payment of the cost and expense thereof, either in whole or
22 part, out of the funds of the township and to acquire and to
23 maintain lands and places for the dumping of ashes, garbage,
24 rubbish and other refuse material. To fix, alter, charge and
25 collect rates, and other charges for the collection, removal and
26 disposal of ashes, garbage, rubbish and other refuse materials
27 and the costs of including the payment of any indebtedness
28 incurred for the construction, purchase, improvement, repair,
29 maintenance and operation of any facilities therefor, and the
30 amount due under any contract with any other political

1 subdivision or with any municipality authority furnishing any of
2 such services or facilities. To incur indebtedness and issue
3 bonds for the costs of the construction, purchase, improvement
4 and repair of any facilities for the collection, removal and
5 disposal of ashes, garbage, rubbish and other refuse materials,
6 including equipment to be used in connection therewith. To make
7 appropriations to any other political subdivision or any
8 municipality authority out of its general funds or out of any
9 other available funds, including the proceeds of bonds of the
10 township for the construction, purchase, improvement, repair,
11 maintenance and operation of any facilities for the collection,
12 removal and disposal of ashes, garbage, rubbish and other refuse
13 materials. In the event that any such bonds were issued for such
14 purposes, pursuant to a vote of the electors, any appropriation
15 of such proceeds as above set forth shall not be deemed such a
16 change of purpose from that for which such bonds were issued as
17 shall require the question to be again submitted to a vote of
18 the electors under any existing law. Any such funds appropriated
19 as herein authorized, which represent the proceeds of any bonds
20 heretofore or hereafter issued by the township for the above
21 purposes, shall be used by such other political subdivision or
22 municipality authority for or toward the purpose or purposes for
23 which such bonds were issued.

24 XXVIII. Inflammable and Explosive Articles. To prohibit the
25 manufacture, sale or storage of inflammable and explosive
26 articles; to prescribe the quantities of inflammable and
27 explosive articles that may be kept in any place; and to
28 prescribe such other safeguards as may be deemed necessary.

29 XXIX. Smoke Regulations. To regulate the emission of smoke
30 from chimneys, smokestacks and other sources, except locomotive

1 smokestacks.

2 XXX. Animals. To prohibit or regulate the running at large
3 of dogs and in the enforcement of such regulations to direct the
4 killing of dogs or their seizure and detention, including
5 reasonable charges therefor, or to provide for their sale for
6 the benefit of the township; to prohibit and regulate the
7 running at large of other animals and to authorize their seizure
8 and detention, including reasonable charges therefor, and to
9 provide for their sale for the benefit of the township.

10 XXXI. Amusements. To regulate, license, and fix the time of
11 opening and closing of, or to prohibit, theatrical exhibitions,
12 amusements and dances at which an admission or other fee is
13 charged; to regulate, license and fix the time of opening and
14 closing poolrooms, billiard-rooms, shooting galleries, skating
15 rinks and bowling alleys; and to license, regulate or prohibit
16 circuses.

17 XXXII. Party Walls and Fence Regulations. To make
18 regulations respecting foundations, party walls and partition
19 fences; and to prescribe reasonable fees for the services of its
20 officers and agents in the adjustment of party walls, partition
21 fences and the like, and to enforce payment of the same.

22 XXXIII. Watering Troughs. To erect watering troughs along
23 the streets or highways and to keep the same in repair.

24 XXXIV. Ambulances and Rescue and Life Saving Services. To
25 acquire and to operate and maintain motor vehicles for the
26 purposes of conveying sick and injured persons of such township
27 and the vicinity to and from hospitals, and, for such purposes,
28 to appropriate and expend moneys of the township or to
29 appropriate money annually towards ambulance and rescue and life
30 saving service, and to enter into contracts relating thereto.

1 All appropriations of money heretofore made and contracts
2 heretofore entered into by any township for such service are
3 hereby validated and confirmed.

4 XXXV. Display of Flags. To display the flag of the United
5 States, of the Commonwealth of Pennsylvania, the official
6 POW/MIA flag and the flag of any county, city, borough, or
7 township on the public buildings or grounds or any property of
8 the township.

9 XXXVI. Memorial Day Appropriations. To appropriate moneys
10 for the expenses of Memorial Day services.

11 XXXVII. Care of Memorials. To maintain and keep in good
12 order and repair at the expense of the township, and it shall be
13 their duty so to do, any soldiers' monument, gun, or carriage,
14 or other similar memorial, when there is not in existence any
15 person, body or organization to care for and maintain the same,
16 and when such memorials were not erected by the government of
17 the United States, the Commonwealth of Pennsylvania, any other
18 state, or by the commissioners of any county; and to receive
19 from persons or organizations funds for such purposes.

20 XXXVIII. Soldiers' Cemeteries. To purchase plots of ground
21 in any cemetery or burial ground for the interment of such
22 deceased service persons who shall hereafter die within such
23 township, or shall die beyond such township and shall have a
24 legal residence within such township at the time of their death,
25 and whose bodies are entitled to be buried by the county under
26 the provisions of existing laws. Such plots of ground shall be
27 paid for out of the treasury of such township.

28 XXXIX. Appropriations to Civic Associations. To annually
29 appropriate a sum, not exceeding two hundred dollars, for the
30 support of any voluntary association composed of electors of the

1 several townships within such county, or any of them, which
2 association is formed for the study and investigation of the
3 welfare, economics, management and government of townships, and
4 for the protection and safeguarding of the rights and franchises
5 of townships, and for the purpose of recommending legislation
6 beneficial to townships, or any one or more of such purposes.

7 XL. Armory Buildings. To appropriate money or convey land,
8 either independently or in connection with any county, city,
9 town, borough, or township, to the Commonwealth of Pennsylvania
10 for the purpose of assisting the Armory Board of the
11 Commonwealth in the erection of armories for the use of the
12 National Guard, and to furnish water, light, or fuel, free of
13 cost to the Commonwealth, for use in any armory, and to do all
14 things necessary to accomplish the purposes of this clause.

15 XLI. Land for Armories. To take by right of eminent domain,
16 for the purpose of appropriating to themselves, for the use of
17 the National Guard of Pennsylvania, such public land, easements,
18 and public property as may be in their possession or control,
19 and used or held by them for any other purpose. Such right,
20 however, shall not be exercised as to any street or highway or
21 wharf, but all other public easements and property may be
22 appropriated and used for the purpose herein provided, any
23 limitation of the use thereof by the township, either by
24 donation, dedication, appropriation, statute, or otherwise, to
25 the contrary notwithstanding.

26 XLII. Land for Armory Purposes. To acquire, by purchase or
27 by gift or by the right of eminent domain, any land for the use
28 of the National Guard of Pennsylvania, and to convey such lands
29 so acquired to the Commonwealth of Pennsylvania to assist the
30 Armory Board in the erection of armories. The proceedings for

1 the condemnation of lands under the provisions of this act, and
2 for the assessment of damages for property taken, injured or
3 destroyed, shall be taken in the same manner as is now provided
4 by this act for the condemnation of lands. The power conferred
5 by this clause shall not be exercised to take any church
6 property, graveyard, cemetery, or any dwelling house, or the
7 curtilage of the same, in the actual occupancy of the owner.

8 XLIII. Junk Dealers, Pawnbrokers, Auctions. To regulate and
9 license junk dealers, pawnbrokers, hucksters, peddlers, vendors,
10 and public auctions and auctioneers and to regulate and license
11 the establishment and maintenance of junk yards, salvage yards
12 and other places used and maintained for the collection, storage
13 and disposal of used and second-hand goods and materials.

14 XLIV. Health and Cleanliness Regulations. To make such
15 regulations as may be deemed necessary for the health, safety,
16 morals, general welfare, cleanliness, beauty, convenience and
17 comfort of the township and the inhabitants thereof.

18 XLV. Comfort and Waiting Stations and Drinking Fountains. To
19 acquire property for the purposes of providing, maintaining, and
20 operating thereon comfort and waiting stations and drinking
21 fountains; and to construct and maintain such stations and
22 fountains on any of the streets or highways of the township.

23 XLVI. 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 township,
6 by the Adjutant General of the State, that the said company or
7 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 the proper vouchers to the said township each
13 year, 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 Auditor General, in the manner provided by law,
20 for the audit of accounts of State moneys.

21 XLVII. Hospital Appropriations. For townships having a
22 population of two thousand inhabitants and upwards, to
23 appropriate moneys for the support of any incorporated hospital
24 which is engaged in charitable work, and extends treatment and
25 medical attention to the residents of such townships; but no
26 such appropriation shall exceed, in any year, the cost of free
27 service extended to residents of the township which is in excess
28 of any amount paid by the Commonwealth towards such free
29 service, and in no case more than the sum of one thousand
30 dollars (\$1000).

1 XLVII.I. Appropriations to Veterans' Home Associations. To
2 annually appropriate a sum not exceeding three hundred dollars
3 for the support of any Veterans' Home Association which provides
4 a home or club-house within the township, for the use of United
5 States War Veterans, and which is not maintained in whole or in
6 part by the United States or any governmental agency other than
7 the township.

8 XLVII.II. Appropriations for Community Nursing Services. To
9 appropriate money annually towards any nonprofit associations or
10 corporations which provide community nursing services for the
11 control of communicable disease, the immunization of children,
12 the operation of child health centers (Well-Baby Clinics),
13 instructive visits to parents of new babies beginning in the
14 prenatal period and family health guidance, including nutrition,
15 detection and correction of defects, all of which relate to the
16 responsibilities of local boards of health.

17 XLIX. Parking and Parking Lots. To regulate parking, to
18 provide parking accommodations so as to promote the convenience
19 and protection of the public and to establish or designate, at
20 the discretion of the commissioners, areas exclusively reserved
21 for parking by handicapped individuals; to erect parking meters
22 and to regulate parking meter charges and to post signs
23 regulating parking in areas established or designated for
24 handicapped parking. To acquire by gift or purchase, or the
25 right of eminent domain, lands for use as parking lots, and to
26 plan, design, locate, hold, construct, improve, maintain,
27 operate, own or lease, either in the capacity of lessor or
28 lessee and install facilities and equipment, including parking
29 meters, on any such land to be devoted to the parking of
30 vehicles of any kind, which in the judgment of the board of

1 township commissioners, may be necessary and desirable for the
2 purpose of establishing and maintaining such parking lots and to
3 regulate the use thereof. Whenever any lands shall be acquired
4 by any township for parking lots, they may be operated by such
5 townships as parking lots for parking vehicles only, but not for
6 the sale or distribution of any commodity, or when so provided
7 by ordinance or resolution, they may be let to and for private
8 operation as parking lots on such terms and conditions as may be
9 prescribed.

10 XLIX.I. Appropriations for Certain Streets. To appropriate
11 money annually for improvements to any street as defined in
12 section 102, located wholly or partially within the township,
13 whether township owned or not, which has been adversely affected
14 by parking availability as determined by the commissioners.

15 L. Airports. To acquire by lease or purchase or by
16 exercising the power of eminent domain, in the manner provided
17 in article nineteen of this act, any land lying either within or
18 without the limits of the township, which in the judgment of the
19 board of township commissioners, may be necessary and desirable
20 for the purpose of establishing and maintaining municipal
21 airdromes, aviation landing fields and airport facilities. The
22 title acquired by the township exercising the power of
23 condemnation shall be a title in fee simple. Any township having
24 acquired land for such purposes may establish, equip, condition,
25 operate and maintain the same as a municipal airport, airdrome,
26 landing field, or intermediate landing field, and may lease the
27 same or any part thereof, to any individual or corporation
28 desiring to use the same for aviation purposes, and may enter
29 into a contract in the form of a lease providing for the use of
30 said land, or any part thereof, by the Government of the United

1 States for the use by said Government of said land for aviation
2 purposes upon nominal rental or without consideration.

3 Any township may acquire, by lease or purchase, land for
4 aviation purposes as hereinbefore provided jointly with any
5 county, city, borough, township, or political subdivision or
6 municipality authority of this Commonwealth, and is hereby
7 authorized and empowered to operate and maintain said airport,
8 airdrome, landing field, or intermediate landing field jointly
9 with any county, city, borough, township, or other political
10 subdivision or municipality authority of this Commonwealth upon
11 such terms and conditions, as may be agreed upon between the
12 proper authorities of the county, city, borough, township, or
13 other political subdivision of this Commonwealth.

14 LI. Purchase and Planting of Trees. To accept, purchase and
15 plant or contribute to the purchase and planting of shade trees
16 and shrubs along the streets, highways and sidewalks of the
17 township, and to expend township moneys for such purpose.

18 LII. General Powers. To make and adopt all such ordinances,
19 by-laws, rules and regulations not inconsistent with or
20 restrained by the Constitution and laws of this Commonwealth as
21 may be deemed expedient or necessary for the proper management,
22 care and control of the township and its finances, and the
23 maintenance of peace, good government and welfare of the
24 township and its trade, commerce and manufactures.

25 LIII. Joint Municipal Agreements. To enter into agreements
26 with other political subdivisions in accordance with existing
27 laws in making joint purchases of materials, supplies or
28 equipment, and in performing governmental powers, duties and
29 functions, and in carrying into effect provisions of law
30 relating to said subjects which are common to such political

1 subdivisions.

2 LIV. Joint Contracts for Police and Fire Protection. To
3 enter into contracts with the proper authorities of near or
4 adjacent cities, boroughs and townships either for mutual aid or
5 assistance in police and fire protection, or for the furnishing
6 to or receiving from such cities, boroughs or townships aid and
7 assistance in police and fire protection, and to make
8 appropriations therefor: Provided, That in connection with such
9 contracts it shall not be necessary to receive bids or require
10 bonds as required for other contracts under existing law.

11 LV. Widening and Deepening Water-Courses. After a permit has
12 been secured from the Water and Power Resources Board, to widen
13 and deepen water-courses running through the township and to
14 erect such dykes, retaining walls and embankments along the same
15 as shall be necessary to prevent water from overflowing the
16 banks thereof. For such purposes, townships may enter upon and
17 condemn such property as may be necessary. Townships may enter
18 upon land lying near such water-courses and secure such material
19 as may be necessary in connection with such work. Damages for
20 property taken, injured or destroyed as the result of such work
21 shall be fixed and determined in the manner provided in article
22 nineteen of this act. Townships may appropriate moneys for the
23 purposes of carrying into effect the provisions of this clause.

24 LVI. Regulation of Charges. To make and regulate charges for
25 the use of facilities of the township.

26 LVII. Street, Sewer, Sidewalk, Etc., Regulations. To
27 regulate the streets, sewers, public squares, common grounds,
28 sidewalks, curbs, gutters, culverts and drains, and the heights,
29 grades, widths, slopes and construction thereof, and to grant
30 rights therein for the installation of public utilities in said

1 streets.

2 LVIII. Creation of Capital Reserve Fund for Anticipated
3 Capital Expenditures. To create and maintain a separate capital
4 reserve fund for any anticipated legal capital expenditures,
5 which fund shall be designated for a specific purpose or
6 purposes at the time of its creation. The money in the fund
7 shall be used, from time to time, for the construction, purchase
8 or replacement of or addition to municipal buildings, equipment,
9 machinery, motor vehicles or other capital assets of the
10 township as specified at the time of the creation of the fund
11 and for no other purpose: Provided, That it may be used for
12 capital expenditure other than the purpose or purposes specified
13 at the time it was created, if the commissioners by a four-
14 fifths vote shall declare that the original purpose or purposes
15 have become impracticable, inadvisable or impossible, or that
16 conditions have arisen in the township which make other capital
17 expenditures more urgent than those for which the fund was
18 created.

19 The township commissioners may appropriate moneys from the
20 general township funds to be paid into the capital reserve fund,
21 or place in the fund any moneys received from the sale, lease or
22 other disposition of any township property or from any other
23 source unless received or acquired for a particular purpose. The
24 fund shall be controlled, invested, reinvested and administered
25 and the moneys therein and income from such moneys expended for
26 the specific purpose or purposes for which the fund is created
27 in such manner as may be determined by the township
28 commissioners. The money in the fund, when invested, shall be
29 invested in securities designated by law as legal investments
30 for sinking funds of municipalities.

1 LIX. Appropriations for Handling, Storage and Distribution
2 of Surplus Foods. The board of township commissioners of any
3 township may appropriate from township funds moneys for the
4 handling, storage and distribution of surplus foods obtained
5 either through a local, State or Federal agency.

6 All appropriations of moneys heretofore made by the board of
7 township commissioners of any township for the handling, storage
8 and distribution of surplus foods obtained either through a
9 local, State or Federal agency are hereby validated.

10 LX. Appropriations for Industrial Promotions. To make
11 appropriations to an industrial development agency.

12 LXI. Non-Debt Revenue Bonds. To issue non-debt revenue bonds
13 pursuant to provisions of the act of June 25, 1941 (P.L.159),
14 known as the "Municipal Borrowing Law," to provide sufficient
15 moneys for and towards the acquisition, construction, extension
16 or improvement of municipal facilities, including water systems
17 or facilities, sewers, sewer systems and sewage disposal systems
18 or facilities, systems for the treatment or disposal of garbage
19 and refuse, aeronautical facilities including but not limited to
20 airports, terminals and hangars, and park and recreational
21 facilities, and parking lots to be secured solely by the pledge
22 of the whole or part of the rent, toll or charge for the use or
23 services of such facilities.

24 Included in the cost of the issue may be any costs and
25 expenses incident to constructing and financing the facilities
26 and selling and distributing the bonds.

27 LXII. Appropriating Money for Historical Properties. To
28 appropriate moneys to nonprofit associations or corporations
29 organized for the purpose of acquiring and maintaining
30 historical properties. Such appropriations shall only be used by

1 the association or corporation for the acquisition, restoration
2 and maintenance of the historical properties.

3 LXIII. Insurance. To expend out of the general township fund
4 such amount as may be necessary to secure workmen's compensation
5 insurance for its employes, including volunteer firemen of
6 companies duly recognized by the township by motion or
7 resolution killed or injured while going to, returning from or
8 attending fires, or while performing any other duties authorized
9 by the township; to make contracts of insurance with any fire
10 insurance company, duly authorized by law to transact business
11 in the Commonwealth of Pennsylvania, on any building or property
12 owned by such township, to make contracts with any insurance
13 company, so authorized, insuring any public liability of the
14 township, and to make contracts of insurance with any insurance
15 company, or nonprofit hospitalization corporation, or nonprofit
16 medical service corporation, authorized to transact business
17 within the Commonwealth, insuring its employes or commissioners,
18 or any class or classes thereof, or their dependents, under a
19 policy or policies of group insurance covering life, health,
20 hospitalization, medical and surgical service, or accident
21 insurance, and may contract with any such company, granting
22 annuities or pensions, for the pensioning of such employes, or
23 any class or classes thereof, and for such purposes, may agree
24 to pay part or all of the premiums or charges for carrying such
25 contracts, premiums, or charges, or portions thereof. The
26 commissioners are hereby authorized, enabled and permitted to
27 deduct from the employe's or commissioner's pay, salary or
28 compensation such part of the premium or charge, as is payable
29 by the employe or commissioner, and as may be so authorized by
30 the employe or commissioner in writing. Such insurance shall be

1 uniformly applicable to those covered and shall not give
2 eligibility preference to, or improperly discriminate in favor
3 of, commissioners. As used in this clause, the terms "employee"
4 and "employees" exclude independent contractors and all township
5 engineers and solicitors. Any life, health, hospitalization,
6 medical service or accident insurance coverage contract entered
7 into by a township between January 1, 1959, and December 31,
8 1984, that includes or provides coverage for commissioners shall
9 not be void or unlawful solely because of such inclusion of
10 commissioners; nor shall any penalty, assessment, surcharge or
11 disciplinary action of any kind occur as a result of such
12 participation by such commissioners; and insurance benefits
13 payable to insureds or their beneficiaries arising out of or on
14 account of deaths, injuries, accidents or illnesses occurring
15 prior to the effective date of this amendatory act shall remain
16 the property of the insureds or their beneficiaries.

17 Any pension or annuity contract entered into by a township
18 between January 1, 1959, and December 31, 1984, that includes or
19 provides for benefits for commissioners at township expense
20 shall not be void or unlawful solely because of such inclusion
21 of such commissioners; nor shall any penalty, assessment,
22 surcharge or disciplinary action of any kind occur as a result
23 of such participation by commissioners: Provided, however, That
24 anyone entitled to benefit coverage under a pension paid for, in
25 whole or in part, by any township without lawful authority shall
26 deliver, surrender and assign to the township all benefits paid
27 thereunder after December 31, 1984.

28 Where any official personally contributed toward such a
29 pension plan or a purchase of such an annuity, he shall be
30 refunded his total contributions thereto, plus any interest

1 accumulated thereon, less any amount already paid to him under
2 the annuity or pension plan, when the annuity or pension
3 benefits are delivered, surrendered or assigned to the township,
4 or when the annuity becomes the property of the township by
5 operation of this section. In lieu of a refund of total
6 contributions plus accumulated interest, an official who
7 personally contributed toward the pension plan or toward the
8 purchase of the annuity may elect to purchase from the township
9 its interest in that pension plan or annuity program. The
10 election option shall be exercised within sixty (60) days of the
11 effective date of this act. The value of the interest of the
12 township in the pension plan or annuity program with respect to
13 the official shall be determined by the actuary who prepared the
14 1983 municipal pension report for the township pension plan or
15 annuity program pursuant to the act of December 6, 1972
16 (P.L.1383, No.293), entitled "An act requiring municipal pension
17 systems to have an actuarial investigation of the fund made by
18 an actuary who shall report his findings to the Department of
19 Community Affairs," using the same applicable actuarial
20 assumptions as used in that report or, if no actuary was
21 retained for the 1983 report or no 1983 report was filed, by an
22 actuary retained for the purpose of valuing the township
23 interest. The cost of the actuarial valuation of the township
24 interest and any future administrative costs of the pension plan
25 or the annuity program attributable to the official shall be
26 payable by the official in a manner to be established by
27 agreement with the township auditors.

28 No elected or appointed township official included in a
29 township-paid pension or annuity plan entered into prior to
30 December 31, 1984, shall be subject to any penalty, assessment,

1 surcharge or disciplinary action of any kind as a result of said
2 participation. Any residual interest, value, refund of premium
3 or benefits payable on or after December 31, 1984, arising out
4 of the township-paid interest of the elected or appointed
5 township officials shall become the exclusive property of the
6 township.

7 LXIV. Appropriations for Urban Common Carrier Mass
8 Transportation. To appropriate funds for urban common carrier
9 mass transportation purposes from current revenues and to make
10 annual contributions to county departments of transportation or
11 to urban common carrier mass transportation authorities to
12 assist the departments or the authorities to meet costs of
13 operation, maintenance, capital improvements, and debt service,
14 and to enter into long-term agreements providing for the payment
15 of the said contributions.

16 LXV. Appropriating Money to Assist Political Subdivisions
17 and Municipality Authorities for Airports. To appropriate moneys
18 to assist any city, borough, town, township or other political
19 subdivision or municipality airport authority to acquire,
20 establish, operate and maintain any and all air navigation
21 facilities lying either within or without the limits of such
22 township.

23 LXVI. Open Burning. To regulate, including the prohibition
24 of the open burning of combustible material.

25 LXVII. Community Development. To undertake community
26 development programs, including but not limited to urban
27 renewal, public housing, model cities programs and neighborhood
28 development projects.

29 LXIX. Appropriations for Observances and Celebrations. To
30 appropriate annually an amount for the observance of holidays,

1 centennials or other anniversaries or for township celebrations
2 or civic projects or programs.

3 LXX. Building Hospitals. To appropriate not exceeding one
4 dollar (\$1) per township resident per year toward the
5 maintenance and/or support of any medical center or hospital
6 building and further appropriate from such funds toward the
7 purchase and/or erection of medical or hospital facilities.
8 Where the total cost of such purchase or erection exceeds one
9 hundred thousand dollars (\$100,000), it will necessitate
10 approval by the appropriate health planning agency. The number
11 of residents shall be determined from the latest decennial
12 Federal census.

13 LXXI. Appropriations to Tourist Promotion Agencies. To
14 appropriate annually, such amount of money but not in excess of
15 ten cents (10¢) for each resident of the township, as determined
16 by the latest official census, which may be deemed necessary, to
17 any "tourist promotion agency," as defined in the act of April
18 28, 1961 (P.L.111, No.50), known as the "Tourist Promotion Law,"
19 to assist such agencies in carrying out tourist promotional
20 activities.

21 LXXII. Sale of Real Property to Nonprofit Medical Service
22 Corporation. To sell township-owned real property to a nonprofit
23 medical service corporation for its exclusive use as a site for
24 a medical service facility.

25 LXXIII. Sale of Real Property to Nonprofit Housing
26 Corporation. To sell township-owned real property to a nonprofit
27 housing corporation for its exclusive use for housing for the
28 elderly.

29 LXXIV. Appropriations to Nonprofit Art Corporations. To
30 appropriate annually, such amount of money, which the board of

1 commissioners deems necessary but not exceeding an amount equal
2 to one mill of the real estate tax to any nonprofit art
3 corporation for the conduct of its artistic and cultural
4 activities. For the purposes of this section nonprofit art
5 corporation shall mean a local arts council, commission or
6 coordinating agency, or any other nonprofit corporation engaged
7 in the production or display of works of art, including the
8 visual, written or performing arts. Artistic and cultural
9 activities shall include the display or production of theater,
10 music, dance, painting, architecture, sculpture, arts and
11 crafts, photography, film, graphic arts and design and creative
12 writing.

13 LXXV. Appropriations for Neighborhood Crime Watch Programs.
14 To appropriate annually, solely at the discretion of the board,
15 an amount toward a neighborhood crime watch program.
16 Notwithstanding any other provision of law, no township or
17 official thereof shall become subject to contractual, tort or
18 other liability as a result of having made an appropriation
19 pursuant to this clause.

20 LXXVI. Appropriation for Support of Drug and Alcohol Abuse
21 Programs. To appropriate annually, out of the general funds to
22 the township, a sum not to exceed five thousand dollars (\$5000)
23 to be divided in such amounts as the commissioners deem proper
24 to be used for education and the development of programs within
25 the community dealing with drug and alcohol abuse. Such funds
26 also may be contributed to existing programs available to the
27 township's residents in adjacent communities or in the county
28 where the township is situate at the discretion of the township
29 commissioners.

30 LXXVII. Assessment of Tapping Fees. To enact, amend and

1 repeal ordinances charging certain enumerated fees to property
2 owners who desire to or are required to connect to any water or
3 sewer system owned or operated by the township or who desire to
4 increase their usages of such systems, including connection
5 fees, customer facility fees and tapping fees, in accordance
6 with the conditions and restrictions provided in clause (t) of
7 subsection B of section 4 of the act of May 2, 1945 (P.L.382,
8 No.164), known as the "Municipality Authorities Act of 1945." No
9 township may charge any tapping, connection or other similar fee
10 as a condition of connection to a township-owned sewer or water
11 system unless the fee is calculated as provided in the
12 applicable provisions of the "Municipality Authorities Act of
13 1945."

14 LXXVIII. Appropriations to Watershed Associations. To
15 appropriate money to nonprofit watershed associations for
16 watersheds serving the township. Such appropriations may not be
17 used to undertake litigation against any municipal corporation
18 or to seek redress against any individual landowner.

19 LXXIX. Emergency Services. (a) The township shall be
20 responsible for ensuring that fire and emergency medical
21 services are provided within the township by the means and to
22 the extent determined by the township, including the appropriate
23 financial and administrative assistance for these services.

24 (b) The township shall consult with fire and emergency
25 medical services providers to discuss the emergency services
26 needs of the township.

27 (c) The township shall require any emergency services
28 organizations receiving township funds to provide to the
29 township an annual itemized listing of all expenditures of these
30 funds before the township may consider budgeting additional

1 funding to the organization.] Specific Powers.--The corporate
2 power of a township of the first class shall be vested in a
3 board of commissioners. In the exercise of any specific powers
4 involving the enactment of an ordinance, passage of a resolution
5 or the making of any regulation, restriction or prohibition, the
6 township may provide for enforcement and penalties for
7 violations. The specific powers of the township shall include
8 the powers provided under this article.

9 Section 55. The act is amended by adding sections to read:

10 Section 1502.1. Officers, Positions and Departments.--(a)
11 The board of commissioners may create any office, position or
12 department which the board may deem necessary for the good of
13 government and interests of the township and to fix the
14 compensation of appointed individuals.

15 (b) The board of commissioners may provide for and regulate
16 the manner of hiring and discharging employes and the fixing of
17 salaries or compensation, consistent with applicable Federal and
18 State law.

19 Section 1502.2. Police Force.--The board of commissioners
20 may establish, equip, maintain and define the duties of a police
21 force.

22 Section 1502.3. Lockup facilities.--The board of
23 commissioners may provide for lockup facilities in the township
24 for the temporary detention and confinement of individuals.

25 Section 1502.4. Rewards.--The board of commissioners may
26 offer rewards for information leading to the arrest and
27 conviction of an individual guilty of a crime within the
28 township.

29 Section 1502.5. Disorderly Conduct.--The board of
30 commissioners may, by ordinance, prohibit disorderly conduct

1 within the limits of the township and provide for the imposition
2 of penalties for the conduct in accordance with this act. If an
3 ordinance is enacted, it shall define disorderly conduct in a
4 manner substantially similar to the provisions of 18 Pa.C.S. §
5 5503 (relating to disorderly conduct).

6 Section 1502.6. Public Safety.--The board of commissioners
7 may take all necessary means to secure the safety of persons or
8 property within the township.

9 Section 1502.7. Fire Protection.--The board of commissioners
10 may:

11 (1) Appropriate money for the use of the township or to fire
12 companies providing fire protection to the township for the
13 purchase, operation and maintenance of fire engines and fire
14 apparatus and for the construction, repair and maintenance of
15 fire stations.

16 (2) Contract with or make grants to near or adjacent
17 municipal corporations or volunteer fire companies for fire
18 protection in the township.

19 (3) By ordinance or resolution, make rules and regulations
20 for the government of fire companies providing fire protection
21 to the township and their officers.

22 Section 1502.8. Building and Housing Regulations.--In
23 addition to other remedies provided by law, the board of
24 commissioners may enact and enforce suitable ordinances relating
25 to building and housing regulations in accordance with Article
26 XXXI-A.

27 Section 1502.9. Numbering Buildings.--The board of
28 commissioners may, by ordinance, require and regulate the
29 numbering of buildings and lots.

30 Section 1502.10. Regulation of Business.--To provide for the

1 prohibition, licensing and regulation of business, a board of
2 commissioners may:

3 (1) In addition to licensing in accordance with Article
4 XXIX, prohibit, license and regulate by ordinance the following:

5 (i) The carrying on of any manufacture, art or business
6 which may be noxious or offensive and prejudicial to the public
7 health or safety of the inhabitants.

8 (ii) The establishment and maintenance of junk yards,
9 salvage yards and other places used and maintained for the
10 collection, storage and disposal of used or second-hand goods
11 and materials.

12 (iii) With respect to marketplaces:

13 (A) regulate markets whether for individual use or for
14 resale;

15 (B) purchase and own ground;

16 (C) erect, establish and maintain marketplaces for which
17 parts of a street or sidewalk may be temporarily used;

18 (D) contract with a person for the erection, maintenance and
19 regulation of marketplaces, on terms and conditions and in a
20 manner as the board of commissioners may prescribe;

21 (E) provide and enforce suitable regulations respecting
22 marketplaces;

23 (F) provide for the payment of the cost or expense of
24 marketplaces, either in whole or in part, out of the funds of
25 the township; and

26 (G) levy and collect a suitable license fee from each person
27 who may be authorized by the board of commissioners to occupy
28 any portion of a marketplace or any portion of a street or
29 sidewalk for temporary market purposes.

30 (2) Notwithstanding paragraph (1), prohibit, license and

1 regulate businesses unless prohibited by law.

2 (3) Issue licenses under the act of July 31, 1963 (P.L.410,
3 No.217), entitled "An act regulating and licensing all sales at
4 retail when such sales are advertised as 'Closing Out Sale,'
5 'Fire, Smoke or Water Damage Sale,' or 'Defunct Business Sale,'
6 with exceptions; requiring filing of inventory and bond; and
7 providing for appeals and penalties."

8 Section 1502.11. Nuisances and Dangerous Structures.--(a) A
9 board of commissioners may prohibit and remove any nuisance or
10 dangerous structure on public or private grounds, including, but
11 not limited to weeds, accumulations of municipal waste, the
12 storage of abandoned or junked automobiles and obstructions or
13 nuisances in the streets of the township.

14 (b) The board of commissioners may:

15 (1) require the removal of any nuisance or dangerous
16 structure by the owner or occupier of the grounds; or

17 (2) in default of the removal by the owner or occupier of
18 grounds under paragraph (1), remove the nuisance or dangerous
19 structure itself and collect the cost of removal, together with
20 a penalty of 10% of the cost, in the manner provided by law for
21 the collection of municipal claims, or by action of assumpsit
22 without the filing of a claim, or the township may seek relief
23 by bill in equity.

24 Section 1502.12. Municipal Waste.--(a) A board of
25 commissioners, in the manner authorized by the act of July 7,
26 1980 (P.L.380, No.97), known as the Solid Waste Management Act,
27 and the act of July 28, 1988 (P.L.556, No.101), known as the
28 Municipal Waste Planning, Recycling and Waste Reduction Act, may
29 prohibit accumulations of municipal waste on public and private
30 property, including the imposition and collection of reasonable

1 fees and charges for the collection, removal and disposal of the
2 municipal waste. As used in this act, "municipal waste" shall
3 have the same meaning as given to the term in the Municipal
4 Waste Planning, Recycling and Waste Reduction Act.

5 (b) (1) The board of commissioners may collect and remove,
6 by contract or otherwise, municipal waste and recyclable
7 materials and prescribe penalties for the enforcement of the
8 collection and removal.

9 (2) A contract with refuse haulers may be made for an
10 initial period not exceeding five years with optional renewal
11 periods of up to five years.

12 (3) Paragraph (2) shall not apply to a contract with any
13 other political subdivision or with any municipality authority.

14 (c) (1) The board of commissioners may dispose of, by
15 contract or otherwise, municipal waste.

16 (2) A contract with the owner of a private facility for the
17 disposal or incineration of municipal waste may be made for a
18 period not to exceed 20 years.

19 (3) Paragraph (2) shall not apply to a contract with any
20 other political subdivision or with any municipality authority.

21 (d) The board of commissioners may:

22 (1) Acquire any real property and erect, maintain, improve,
23 operate and lease, either as lessor or lessee, facilities for
24 incineration, landfill or other methods of disposal, either
25 inside or outside the limits of the township, including
26 equipment, either separately or jointly, with any other
27 political subdivision or with any municipality authority in
28 order to provide for the:

29 (i) collection, removal, disposal and destruction of
30 municipal waste;

1 (ii) collection and storage of recyclable materials; or

2 (iii) composting of leaf and yard waste.

3 (2) Provide for the payment of the cost, either in whole or
4 part, out of the funds of the township.

5 (3) Acquire land for landfill purposes and may maintain
6 lands and places for the dumping of municipal waste.

7 (e) The board of commissioners may establish, alter, charge
8 and collect rates and other charges for the:

9 (1) collection, removal and disposal of municipal waste and
10 recyclable materials; and

11 (2) cost of including the payment of any indebtedness
12 incurred for the construction, purchase, improvement, repair,
13 maintenance and operation of any facilities for collection,
14 removal and disposal; and

15 (3) amount due under a contract with any other political
16 subdivision or with any municipal authority furnishing the
17 services or facilities.

18 (f) The board of commissioners may make appropriations to
19 any other political subdivision or any municipality authority
20 out of the township's general funds, or out of any other
21 available funds, for the construction, purchase, improvement,
22 repair, maintenance and operation of a facility for the
23 collection, removal, disposal or marketing of municipal waste,
24 recyclable materials or composted leaf and yard waste.

25 (g) A township shall not be subject to requirements
26 otherwise imposed by law for the sale of personal property owned
27 by the township when selling recyclable materials or materials
28 separated, collected, recovered or created by recycling, as
29 provided in the act of April 9, 1992 (P.L.70, No.21) entitled
30 "An act excluding the sale of recyclable material from political

1 subdivision personal property sale restrictions relating to
2 advertising and bidding."

3 Section 1502.13. Fireworks and Inflammable Articles.--In
4 conformity with Federal and State laws and regulations, the
5 board of commissioners may provide for fireworks and inflammable
6 articles as follows:

7 (1) Regulate and prohibit, by ordinance, the manufacture of
8 fireworks or inflammable or dangerous articles.

9 (2) Grant permits for display fireworks and adopt rules and
10 regulations governing the displays.

11 (3) Adopt, by ordinance, rules and regulations relating to
12 the storage of inflammable articles.

13 (4) Impose, by ordinance, other safeguards concerning
14 fireworks and inflammable articles as may be necessary for the
15 health, safety and welfare of the public.

16 Section 1502.14. Smoke Regulations.--The board of
17 commissioners may regulate the emission of smoke from chimneys,
18 smokestacks and other sources, except locomotive smokestacks, to
19 the extent that the regulation is not otherwise prohibited by
20 applicable Federal or State law.

21 Section 1502.15. Prohibition of Fire Producing Devices and
22 Smoking.--The board of commissioners may prohibit and regulate
23 the smoking or carrying of lighted cigarettes, cigars, pipes or
24 matches and the use of matches or fire-producing devices. An
25 ordinance enacted or regulation or resolution adopted under this
26 section shall not regulate smoking in a manner that conflicts
27 with the act of June 13, 2008 (P.L.182, No.27), known as the
28 Clean Indoor Air Act.

29 Section 1502.16. Animals.--The board of commissioners may
30 prohibit or regulate, by ordinance, the following:

1 (1) The running at large of dogs and direct the seizure,
2 detention or euthanization of dogs running at large, including
3 reasonable associated charges, and provide for the sale of the
4 dogs for the benefit of the township.

5 (2) The running at large of other animals and authorize
6 their seizure and detention, including reasonable associated
7 charges, and provide for sale of the animals for the benefit of
8 the township.

9 Section 1502.17. Regulation of Foundations, Party Walls and
10 Partition Fences.--(a) Subject to the provisions of and
11 regulations adopted pursuant to the act of November 10, 1999
12 (P.L.491, No.45), known as the Pennsylvania Construction Code
13 Act, and other applicable law, the board of commissioners may
14 provide regulations for foundations, party walls and partition
15 fences.

16 (b) The board of commissioners may prescribe and enforce
17 reasonable fees for the services of its officers and agents in
18 the adjustment of party walls, partition fences and similar
19 items.

20 Section 1502.18. Ambulances and Rescue and Lifesaving
21 Services.--The board of commissioners may:

22 (1) Acquire, operate and maintain motor vehicles for the
23 purposes of transporting sick and injured individuals to and
24 from hospitals.

25 (2) Appropriate funds toward ambulance and rescue and
26 lifesaving services.

27 (3) Enter into contracts relating to rescue and lifesaving
28 services.

29 Section 1502.19. Display of Flags.--The board of
30 commissioners may display the flag of the United States, the

1 Commonwealth, the official POW/MIA flag or the flag of any
2 county or municipal corporation in this Commonwealth on any
3 public building or grounds of the township.

4 Section 1502.20. Health and Cleanliness Regulations.--The
5 board of commissioners may make regulations as necessary for the
6 health, safety, morals, general welfare, cleanliness, beauty,
7 convenience and comfort of the township and its inhabitants.

8 Section 1502.21. Public Facilities.--The board of
9 commissioners may acquire property for the purposes of
10 providing, maintaining and operating public facilities, such as
11 comfort and waiting stations, drinking fountains and watering
12 troughs.

13 Section 1502.22. Hospital Appropriations.--The board of
14 commissioners may, in townships having a population of two
15 thousand inhabitants or more, appropriate money for the support
16 of any incorporated hospital that is engaged in charitable work
17 and extends treatment and medical attention to the residents of
18 the township.

19 Section 1502.23. Community Nursing Services.--The board of
20 commissioners may appropriate money annually to any nonprofit
21 associations or corporations that provide for:

22 (1) community nursing services for the elderly and other
23 needy persons;

24 (2) the control of communicable disease;

25 (3) the immunization of children;

26 (4) the operation of child health centers; or

27 (5) instructive visits to parents of new babies beginning in
28 the prenatal period and family health guidance, including
29 nutrition, detection and correction of defects.

30 Section 1502.24. Parking and Parking Lots.--(a) The board

1 of commissioners may:

2 (1) regulate parking and parking lots and provide parking
3 accommodations to promote the convenience and protection of the
4 public;

5 (2) establish or designate, at the board's discretion, areas
6 exclusively reserved for parking by handicapped individuals and
7 post signs regulating the areas;

8 (3) erect parking meters and regulate parking meter charges;

9 (4) acquire by gift, purchase, lease or eminent domain,
10 lands that the board may deem necessary or desirable for the
11 purpose of establishing and maintaining parking lots;

12 (5) plan, design, locate, hold, construct, improve,
13 maintain, operate, own or lease, either in the capacity of
14 lessor or lessee, and install facilities and equipment on any
15 land to be devoted to the parking of vehicles.

16 (b) Consistent with 75 Pa.C.S. (relating to vehicles), the
17 right to regulate the use of the lots shall include the right to
18 impose fines and fees for violation of any law or ordinance
19 regulating parking.

20 (c) Nothing in this section may be construed to limit
21 statutory and regulatory protections and prohibitions relating
22 to the rights of disabled individuals.

23 Section 1502.25. Appropriations for Certain Streets.--The
24 board of commissioners may appropriate money annually for
25 improvements to any street, as defined in section 102, located
26 wholly or partially within the township which has been adversely
27 affected by parking availability as determined by the board.

28 Section 1502.26. Airports.--(a) A township is authorized
29 and empowered to acquire by grant, lease, purchase or
30 condemnation proceedings, subject to the limitations in 26

1 Pa.C.S. § 206 (relating to extraterritorial takings), any land
2 lying either within or without the limits of the township which,
3 in the judgment of the board of commissioners, may be necessary
4 and desirable for the purpose of establishing and maintaining a
5 municipal airport, landing field, intermediate landing field,
6 aviation easement or other airport facility.

7 (b) A township acquiring land under this section is
8 authorized to establish, equip, condition, operate and maintain
9 the land as a municipal airport, landing field, intermediate
10 landing field, aviation easement or other airport facility and
11 may lease the land, or any part, to any individual or
12 corporation desiring to use the land for aviation purposes. A
13 township may enter into a contract in the form of a lease
14 providing for the use of the land, or any part, by the Federal
15 Government for the Federal government's use of the land for
16 aviation purposes upon nominal rental or without consideration.

17 (c) In accordance with this section, a township may acquire
18 land jointly with another municipality for aviation purposes and
19 may jointly operate and maintain a municipal airport, landing
20 field, intermediate landing field, aviation easement or other
21 airport facility on the jointly acquired land in accordance with
22 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental
23 cooperation).

24 Section 1502.27. Appropriations for Airports.--The board of
25 commissioners may appropriate funds to assist a municipality or
26 municipal airport authority to acquire, establish, operate and
27 maintain air navigation facilities lying either within or
28 without the limits of the township.

29 Section 1502.28. Purchase and Planting of Trees.--The board
30 of commissioners may accept, purchase and plant, or contribute

1 to the purchase and planting of, shade trees and shrubs along
2 the streets, highways and sidewalks of the township and have the
3 care, custody and control of shade trees pursuant to Article
4 XXX.

5 Section 1502.29. Intergovernmental Cooperation.--The board
6 of commissioners may enter into agreements under 53 Pa.C.S. Ch.
7 23 Subch. A (relating to intergovernmental cooperation) with the
8 following:

9 (1) Other political subdivisions, in accordance with
10 existing laws, to:

11 (i) make joint purchases of materials, supplies or
12 equipment; and

13 (ii) perform governmental powers, duties and functions.

14 (2) The proper authorities of municipal corporations,
15 regional police or fire forces or other public safety or
16 governmental entities created by two or more municipal
17 corporations under 53 Pa.C.S. Ch. 23 Subch. A, for:

18 (i) mutual aid or assistance in police and fire protection
19 or any other public safety services or for the furnishing to or
20 receiving from the municipal corporations or governmental
21 entities police and fire protection or any other public safety
22 service; and

23 (ii) making appropriations for public safety services.

24 (3) In connection with an agreement under paragraph (2) for
25 police or fire protection or any other public safety service,
26 the township shall not be required to advertise for bids or
27 receive bonds as required for contracts under existing law. When
28 an agreement has been entered into, the police, firefighters,
29 fire police or any other public safety services of the employing
30 municipal corporation or governmental entity shall have the

1 powers and authority conferred by law on police, firefighters,
2 fire police or any other public safety services in the territory
3 of the municipal corporation which has contracted to secure the
4 service.

5 Section 1502.30. Widening and Deepening of Watercourses.--

6 (a) After permits have been secured from all applicable
7 agencies, the board of commissioners or an agent or employe of
8 the board may widen and deepen a watercourse running through the
9 township and erect dykes, retaining walls and embankments along
10 the watercourse as necessary to prevent water from overflowing
11 the watercourse's banks.

12 (b) For the purposes under paragraph (1), a township may
13 enter and condemn property as may be necessary. A township may
14 enter land lying near the watercourse and secure materials as
15 may be necessary in connection with the work. Damages for
16 property taken, injured or destroyed as the result of the work
17 shall be fixed and determined as provided under 26 Pa.C.S.
18 (relating to eminent domain). Townships may appropriate money to
19 effectuate the provisions of this section.

20 Section 1502.31. Regulation of Charges.--The board of
21 commissioners may make and regulate charges for the use of
22 township facilities.

23 Section 1502.32. Street, Sewer, Sidewalk, Etc.,

24 Regulations.--(a) The board of commissioners may:

25 (1) regulate the streets, sewers, public squares, common
26 grounds, sidewalks, curbs, gutters, culverts and drains within a
27 township;

28 (2) regulate the heights, grades, widths, slopes and
29 construction of any item listed under paragraph (1); and

30 (3) grant rights for the installation and maintenance of

1 public utilities in the streets, including pipes, wires, fibers,
2 cables or any other utility or service medium.

3 (b) The power granted under subsection (a) shall be
4 exercised in compliance with Federal and State law and shall be
5 subject to the power of the Pennsylvania Public Utility
6 Commission under 66 Pa.C.S. Pt. I (relating to public utility
7 code) to regulate the business, facilities and service of public
8 utilities, including determining the location and installation
9 of utility facilities.

10 Section 1502.33. Capital Reserve Fund.--The board of
11 commissioners may create and maintain a separate capital reserve
12 fund for anticipated legal capital expenditures and the
13 following shall apply:

14 (1) The fund shall be designated for a specific purpose or
15 purposes when created.

16 (2) The money in the fund shall be used for the
17 construction, purchase or replacement of or addition to
18 municipal buildings, equipment, machinery, motor vehicles or
19 other capital assets of the township as specified at the time of
20 the creation of the fund and for no other purpose unless the
21 commissioners by a four-fifths vote declare that the original
22 purpose or purposes have become impracticable, inadvisable or
23 impossible, or that conditions in the township make other
24 capital expenditures more urgent than those for which the fund
25 was created.

26 (3) The board of commissioners may appropriate money from
27 the general township funds to be paid into the capital reserve
28 fund, or place in the fund any money received from the sale,
29 lease or other disposition of any township property or from any
30 other source unless received or acquired for a particular

1 purpose.

2 (4) The fund shall be controlled, invested, reinvested and
3 administered and the money and any income derived from it
4 expended for any of the purposes for which the fund is created
5 in a manner determined by the board of commissioners.

6 (5) The money in the fund, when invested, shall be invested
7 in securities designated by 53 Pa.C.S. Pt. VII Subpt. B
8 (relating to indebtedness and borrowing) as legal investments
9 for sinking funds of municipalities.

10 Section 1502.34. Operating Reserve Fund.--(a) The board of
11 commissioners may create and maintain a separate operating
12 reserve fund in order to:

13 (1) minimize future revenue shortfalls and deficits;

14 (2) provide greater continuity and predictability in the
15 funding of vital government services;

16 (3) minimize the need to increase taxes to balance the
17 budget in times of fiscal distress; and

18 (4) provide the capacity to undertake long-range financial
19 planning and to develop fiscal resources to meet long-term
20 needs.

21 (b) The board of commissioners may annually make
22 appropriations from the general township fund to the operating
23 reserve fund, but no appropriation may be made to the operating
24 reserve fund if the effect of the appropriation would cause the
25 fund to exceed 25% of the estimated revenues of the township's
26 general fund in the current fiscal year.

27 (c) The board of commissioners may, at any time by
28 resolution, make appropriations from the operating reserve fund
29 for the following purposes only:

30 (1) meet emergencies involving the health, safety and

1 welfare of the residents of the township;

2 (2) counterbalance potential budget deficits resulting from
3 shortfalls in anticipated revenues or program receipts from any
4 source;

5 (3) counterbalance potential budget deficits resulting from
6 increases in anticipated costs for goods or services; or

7 (4) provide anticipated operating expenditures related
8 either to the planned growth of existing projects or programs or
9 to establish new projects or programs if, for a project or
10 program, appropriations have been made and allocated to a
11 separate restricted account established within the operating
12 reserve fund.

13 (d) The operating reserve fund shall be invested, reinvested
14 and administered in a manner consistent with the provisions of
15 section 1705.1.

16 Section 1502.35. Surplus Foods.--The board of commissioners
17 may make an appropriation for the handling, storage and
18 distribution of surplus foods obtained through a Federal, State
19 or local agency.

20 Section 1502.36. Industrial Promotions.--The board of
21 commissioners may make appropriations to an industrial
22 development agency.

23 Section 1502.37. Nondebt Revenue Bonds.--(a) The board of
24 commissioners may issue nondebt revenue bonds pursuant to
25 provisions of 53 Pa.C.S. Pt. VII Subpt. B (relating to
26 indebtedness and borrowing) to provide sufficient money for and
27 toward the acquisition, construction, reconstruction, extension
28 or improvement of:

29 (1) municipal facilities, including water systems or
30 facilities;

1 (2) sewers, sewer systems and sewage disposal systems or
2 facilities;

3 (3) systems for the treatment or disposal of garbage and
4 refuse;

5 (4) aeronautical facilities including, but not limited to,
6 airports, terminals and hangars; and

7 (5) park and recreational facilities, including parking
8 lots.

9 (b) Any nondebt revenue bonds issued under subsection (a)
10 shall be secured solely by the pledge of the whole or part of
11 the rent, toll or charge for the use or services of the
12 facilities.

13 (c) Included in the cost of the issue may be any costs and
14 expenses incident to constructing and financing the facilities
15 and selling and distributing the bonds.

16 Section 1502.38. Historical Properties.--The board of
17 commissioners may appropriate money to nonprofit associations or
18 corporations organized for the purpose of acquiring and
19 maintaining historical properties. The appropriations shall only
20 be used by the association or corporation for the acquisition,
21 restoration and maintenance of the historical properties.

22 Section 1502.39. Insurance.--(a) The board of commissioners
23 may secure insurance or compensation in accordance with Article
24 VI of the act of June 2, 1915 (P.L.736, No.338), known as the
25 Workers' Compensation Act, for:

26 (1) volunteer firefighters of companies duly recognized by
27 the township, by motion or resolution, killed or injured while
28 going to, returning from or attending fires, or while performing
29 any other duties authorized by the township; and

30 (2) township employes, as defined in section 601 of the

1 Workers' Compensation Act.

2 (b) The board of commissioners may enter into contracts for
3 insurance with any insurance company, association or exchange,
4 authorized by law to transact business in this Commonwealth, to
5 insure any building or property owned or leased by the township.

6 (c) The board of commissioners may enter into contracts for
7 insurance with any insurance company, association or exchange
8 authorized by law to transact business in this Commonwealth to
9 insure any public liability of the township.

10 (d) (1) The board of commissioners may enter into contracts
11 for insurance with any insurance company, nonprofit
12 hospitalization corporation, nonprofit medical service
13 corporation, association or exchange authorized by law to
14 transact business in this Commonwealth to insure its employes or
15 commissioners, or any class or classes of the employes or
16 commissioners or dependents of the employes or commissioners,
17 under a policy or policies of group insurance covering life,
18 health, hospitalization, medical and surgical service, or
19 accident insurance.

20 (2) Any life, health, hospitalization, medical service or
21 accident insurance coverage contract entered into by a township
22 between January 1, 1959, and December 31, 1984, that includes or
23 provides coverage for commissioners shall not be void or
24 unlawful solely because the inclusion of commissioners was
25 subsequently found to be without lawful authority. No penalty,
26 assessment, surcharge, forfeiture or disciplinary action of any
27 kind may occur as a result of participation by those
28 commissioners. Insurance benefits payable to insureds or their
29 beneficiaries arising out of or on account of deaths, injuries,
30 accidents or illnesses occurring before November 29, 1985,

1 remain the property of the insureds or beneficiaries of the
2 insureds.

3 (e) (1) The board of commissioners may contract with any
4 insurance company, granting annuities or pensions for the
5 pensioning of employes or any class or classes of employes and
6 pay part or all of the premiums or charges for carrying the
7 contracts.

8 (2) Any pension or annuity contract entered into by a
9 township between January 1, 1959, and December 31, 1984, that
10 includes or provides for benefits for commissioners at township
11 expense shall not be void or unlawful solely because the
12 inclusion of commissioners was subsequently found to be without
13 lawful authority. No penalty, assessment, surcharge or
14 disciplinary action of any kind may occur as a result of
15 participation by those commissioners provided that anyone
16 entitled to benefit coverage under a pension paid for, in whole
17 or in part, by a township without lawful authority shall
18 deliver, surrender and assign to the township all benefits paid
19 under the contract after December 31, 1984.

20 (3) If any official personally contributed toward a pension
21 plan or a purchase of an annuity under paragraph (2), the
22 official shall be refunded the official's total contributions,
23 plus any accumulated interest, less any amount already paid to
24 the official under the annuity or pension plan, when the annuity
25 or pension benefits are delivered, surrendered or assigned to
26 the township, or when the annuity becomes the property of the
27 township by operation of this section. In lieu of a refund of
28 total contributions plus accumulated interest, an official who
29 personally contributed toward the pension plan or toward the
30 purchase of the annuity may elect to purchase from the township

1 the township's interest in that pension plan or annuity program.
2 The election option shall be exercised within sixty days of
3 November 29, 1985. The value of the interest of the township in
4 the pension plan or annuity program with respect to the official
5 shall be determined by the actuary who prepared the 1983
6 municipal pension report for the township pension plan or
7 annuity program pursuant to the act of December 6, 1972
8 (P.L.1383, No.293), entitled "An act requiring municipal pension
9 systems to have an actuarial investigation of the fund made by
10 an actuary who shall report his findings to the Department of
11 Community Affairs," using the same applicable actuarial
12 assumptions as used in that report or, if no actuary was
13 retained for the 1983 report or no 1983 report was filed, by an
14 actuary retained for the purpose of valuing the township
15 interest. The cost of the actuarial valuation of the township
16 interest and any future administrative costs of the pension plan
17 or the annuity program attributable to the official shall be
18 payable by the official in a manner to be established by
19 agreement with the township auditors.

20 (4) No elected or appointed township official included in a
21 township-paid pension or annuity plan entered into prior to
22 December 31, 1984, shall be subject to any penalty, assessment,
23 surchage or disciplinary action of any kind as a result of the
24 participation. Any residual interest, value, refund of premium
25 or benefits payable on or after December 31, 1984, arising out
26 of the township-paid interest of the elected or appointed
27 township officials shall become the exclusive property of the
28 township.

29 (f) The board of commissioners may appropriate money from
30 the general township fund for the purposes of this section.

1 (g) Nothing in this section shall affect any contract, right
2 or coverage of insurance vested or existing on the effective
3 date of this subsection. Contract, as used in this section,
4 includes an annuity contract if the option to renew continues to
5 provide the same rights to the annuitant that existed on the
6 effective date of this subsection.

7 (h) The commissioners are hereby authorized, enabled and
8 permitted to deduct from the employe's or commissioner's pay,
9 salary or compensation the part of the premium or charge, as is
10 payable by the employe or commissioner, and as may be authorized
11 by the employe or commissioner in writing. The insurance shall
12 be uniformly applicable to each employe or commissioner covered
13 and shall not give eligibility preference to, or improperly
14 discriminate in favor of, commissioners. As used in this
15 section, the terms "employe" and "employes" exclude independent
16 contractors and all township engineers and solicitors.

17 Section 1502.40. Appropriations for Urban Common Carrier
18 Mass Transportation.--The board of commissioners may:

19 (1) appropriate funds for urban common carrier mass
20 transportation purposes from current revenues;

21 (2) make annual contributions to county departments of
22 transportation or urban common carrier mass transportation
23 authorities to assist the departments or the authorities to meet
24 the costs of operation, maintenance, capital improvements and
25 debt service; and

26 (3) enter into long-term agreements providing for the
27 payment of the contributions.

28 Section 1502.41. Open Burning.--The board of commissioners
29 may regulate open burning, including the prohibition of the open
30 burning of combustible material.

1 Section 1502.42. Community Development.--The board of
2 commissioners may undertake community development programs,
3 including, but not limited to, urban renewal, public housing,
4 model cities programs and neighborhood development projects.

5 Section 1502.43. Observances and Celebrations.--The board of
6 commissioners may appropriate funds annually for the observance
7 of holidays, centennials or other anniversaries or for township
8 celebrations or civic projects or programs.

9 Section 1502.44. Building Hospitals.--The board of
10 commissioners may appropriate funds toward the purchase,
11 erection, maintenance or support of any medical center or
12 hospital building facilities. Approval by the appropriate health
13 planning agency is required if the total cost of the purchase or
14 erection exceeds \$100,000.

15 Section 1502.45. Tourist Promotion Agencies.--The board of
16 commissioners may appropriate funds annually to any tourist
17 promotion agency to assist the agencies in carrying out tourist
18 promotional activities. "Tourist promotion agency" shall have
19 the same meaning given to it under section 2 of the act of July
20 4, 2008 (P.L.621, No.50), known as the Tourism Promotion Act.

21 Section 1502.46. Sale of Real or Personal Property to
22 Nonprofit Medical Service Corporation.--The board of
23 commissioners may sell to a nonprofit medical service
24 corporation any township-owned:

25 (1) real property for its exclusive use as a site for a
26 medical service facility; and

27 (2) personal property for its use at the medical service
28 facility.

29 Section 1502.47. Sale of Real or Personal Property to
30 Nonprofit Housing Corporation.--The board of commissioners may

1 sell to a nonprofit housing corporation any township-owned:

2 (1) real property for its exclusive use for housing for the
3 elderly; and

4 (2) personal property for its use at the nonprofit housing
5 corporation.

6 Section 1502.48. Nonprofit Art Corporations.--(a) The board
7 of commissioners may appropriate funds annually, of an amount
8 not more than equal to one mill of the real estate tax, to any
9 nonprofit art corporation for the conduct of the corporation's
10 artistic and cultural activities.

11 (b) As used in this section, the following words and phrases
12 shall have the meanings given to them in this subsection:

13 "Artistic and cultural activities." The term shall include
14 the display or production of theater, music, dance, painting,
15 architecture, sculpture, arts and crafts, photography, film,
16 graphic arts and design and creative writing.

17 "Nonprofit art corporation." A local arts council,
18 commission or coordinating agency or any other nonprofit
19 corporation engaged in the production or display of works of
20 art, including the visual, written or performing arts.

21 Section 1502.49. Neighborhood Crime Watch Programs.--The
22 board of commissioners may appropriate annually an amount toward
23 a neighborhood crime watch program. Notwithstanding any other
24 provision of law, no township or official of a township shall
25 become subject to contractual, tort or other liability as a
26 result of having made an appropriation pursuant to this section.

27 Section 1502.50. Drug and Alcohol Abuse Programs.--The board
28 of commissioners may appropriate annually, out of the general
29 funds of the township, a sum to be divided in amounts as the
30 commissioners may determine and to be used for education and

1 development of programs within the community dealing with drug
2 and alcohol abuse. The funds may also be contributed to existing
3 programs available to the township's residents in adjacent
4 communities or in the county where the township is situate at
5 the discretion of the board of commissioners.

6 Section 1502.51. Watershed Associations.--The board of
7 commissioners may make appropriations to nonprofit watershed
8 associations for watersheds serving the township. Appropriations
9 may not be used to undertake litigation against any municipality
10 or to seek redress against any individual landowner.

11 Section 1502.52. Emergency Services.--(a) The township
12 shall be responsible for ensuring that fire and emergency
13 medical services are provided within the township by the means
14 and to the extent determined by the township, including the
15 appropriate financial and administrative assistance for these
16 services.

17 (b) The township shall consult with fire and emergency
18 medical services providers to discuss the emergency services
19 needs of the township.

20 (c) The township shall require each emergency services
21 organization receiving township funds to provide to the township
22 an annual itemized listing of all expenditures of these funds
23 before the township may consider budgeting additional funding to
24 the organization.

25 Section 1502.53. Mines and Quarries.--(a) The owner,
26 operator or superintendent of each mine, colliery or quarry
27 located wholly or partially within the limits of the township
28 shall furnish maps, plans and drawings of workings, excavations
29 and surface support to the township as the board of
30 commissioners may require and the following shall apply:

1 (1) In the case of a coal mine or colliery, the map or plan
2 shall exhibit the workings or excavations in every seam of coal
3 on a separate sheet and the tunnels and passages connecting with
4 the workings or excavations.

5 (2) The map or plan under paragraph (1) shall show:

6 (i) in degrees the general inclination of the strata, with
7 any material deflection in the strata in the workings or
8 excavations, and shall also show the tidal elevations of the
9 bottom of every shaft, slope, tunnel and gangway and of any
10 other point in the mine or on the surface where the elevation
11 shall be deemed necessary by the township;

12 (ii) the number of the last survey on the gangways or the
13 most advanced workings.

14 (3) Each owner, operator or superintendent of a mine,
15 colliery or quarry shall update, at least once every three
16 months, the pertinent maps, plans and drawings to reflect any
17 extensions made in any mine, colliery or quarry during the three
18 preceding months, except those made within thirty days
19 immediately preceding the time of placing the extensions upon
20 the map or drawing.

21 (4) A township engineer, assistant or other person
22 authorized by the board of commissioners may enter and survey
23 any mine, colliery or quarry within the limits of the township,
24 at all reasonable times, but not so as to impede or obstruct the
25 workings of the mine, colliery or quarry.

26 (5) The owner, operator or superintendent of the mine,
27 colliery or quarry shall furnish the means necessary for the
28 entry, survey and exit.

29 Section 1502.54. Conservation District.--The board of
30 commissioners may make appropriations to a conservation

1 district, as the term is defined under section 3 of the act of
2 May 15, 1945 (P.L.547, No.217), known as the Conservation
3 District Law, in which the township is located.

4 Section 1502.55. Electricity.--The board of commissioners
5 may manufacture and sell electricity and regulate its use and
6 prices pursuant to Article XXVII-A.

7 Section 1502.56. Storm Water.--A township may, by ordinance,
8 after obtaining any required permit from the Department of
9 Environmental Protection or other Federal or State entity,
10 acquire, operate and maintain areas for the infiltration,
11 detention or retention of storm water and for other methods of
12 storm water management authorized by the Department of
13 Environmental Protection.

14 Section 56. Section 1503 of the act is amended to read:

15 Section 1503. [Typewritten, Printed, Photostated and
16 Microfilmed Records Valid; Recording or Transcribing Records.]

17 Typewritten, printed, photocopied, microfilmed and
18 electronically or digitally stored records valid and recording
19 or transcribing records.--(a) All township records required to
20 be recorded or transcribed shall be deemed valid if typewritten,
21 printed, [photostated or microfilmed, and where recording]
22 photocopied, microfilmed or electronically or digitally stored
23 or retained by any other process that accurately reproduces the
24 original and forms a durable medium for recording, storing and
25 reproducing in accordance with the act of May 9, 1949 (P.L.908,
26 No.250), entitled "An act relating to public records of
27 political subdivisions other than cities and counties of the
28 first class; authorizing the recording and copying of documents,
29 plats, papers and instruments of writing by digital,
30 photostatic, photographic, microfilm or other process, and the

1 admissibility thereof and enlargements thereof in evidence;
2 providing for the storage of duplicates and sale of microfilm
3 and digital copies of official records and for the destruction
4 of other records deemed valueless; and providing for the
5 services of the Pennsylvania Historical and Museum Commission to
6 political subdivisions."

7 (b) If recording or transcribing in a specified book of
8 record is required, including minutes of the proceedings of the
9 board of commissioners, [such records may] the records shall be
10 recorded or transcribed as follows:

11 (1) in a mechanical post binder book capable of being
12 permanently sealed with consecutively numbered pages with a
13 security code printed [thereon] on it and a permanent locking
14 device with the township seal being impressed upon each page[,];
15 or

16 (2) in a bound book with pages being consecutively numbered
17 by transcribing directly upon the pages of [such] the book of
18 record or [may be attached thereto to such book of record by
19 stapling or by glue or any other adhesive substance or material,
20 and all records heretofore recorded or transcribed in any manner
21 authorized by this section are validated. When any record shall
22 be recorded or transcribed after the effective date of this
23 amendment by attaching such record or a copy thereof to the book
24 of record as hereinabove provided,] by permanently attaching the
25 records or copies to the book of record with the township seal
26 [shall be] being impressed upon each page to which [such] the
27 record is attached, with each impression [thereof] covering both
28 a portion of the attached record and a portion of the page of
29 the book of record to which [such] the record is attached.

30 (c) All records previously recorded or transcribed in any

1 manner authorized by this act at the time the records were
2 recorded or transcribed are validated.

3 Section 57. The act is amended by adding an article to read:

4 ARTICLE XV-A

5 REAL ESTATE REGISTRY

6 Section 1501-A. Real Estate Registry.

7 (a) General rule.--For the purpose of procuring accurate
8 information on the ownership of all real estate, the board of
9 commissioners may provide, by ordinance, for a real estate
10 registry in a manner not inconsistent with the act of October 9,
11 2008 (P.L.1400, No.110), known as the Uniform Municipal Deed
12 Registration Act.

13 (b) Registry.--The board of commissioners shall designate a
14 person to have charge of the registry who shall cause to be made
15 and shall carefully preserve all necessary books, maps and plans
16 as may show the location and ownership of every lot, piece of
17 real estate and subdivision of real estate. For purposes of
18 establishing or maintaining the registry, the person in charge
19 of the registry shall have access to public records without
20 charge.

21 (c) Validity of certain claims.--Information contained
22 within a real estate registry shall not affect the validity of
23 any municipal claim or tax claim of the township.

24 (d) Additional information as may be required.--Nothing in
25 this section shall prohibit a township from requiring owners to
26 provide information relevant to the enforcement of any township
27 ordinance in accordance with law.

28 Section 58. Subdivision (a) heading of Article XVI of the
29 act is repealed:

30 [(a) Boards of Health]

1 Section 59. Sections 1601, 1602, 1603, 1604, 1605, 1606,
2 1607, 1608, 1609, 1610 and 1611 of the act are amended to read:

3 Section 1601. Appointment of Boards of Health and Health
4 Officers.--[The administration of the health laws in townships
5 shall be enforced by a board of health, or by a health officer
6 or officers, as the case may be, appointed by the township
7 commissioners.]

8 Where township commissioners elect to appoint a health
9 officer or officers, the said health officer or officers shall
10 have the same powers and duties, and exercise the same
11 authority, as is prescribed for boards of health in townships.

12 All health officers, whether appointed by boards of health or
13 township commissioners, shall have had some] (a) The board of
14 commissioners may, by ordinance, establish a board of health or
15 the office of health officer to administer and enforce the
16 health ordinances and related ordinances of the township. A
17 health officer must, whether appointed by the board of
18 commissioners or by the board of health, have experience or
19 training in public health work [in accordance with rules and
20 regulations established by the advisory health board of the] and
21 must, within six months of taking the oath of office, be
22 certified for the office of health officer by the State
23 Department of Health. [Such health officers shall not enter upon
24 the performance of their duties until they are certified so to
25 do by the State Department of Health.]

26 (b) Expenses incurred by the board of health or a health
27 officer shall be paid by the township.

28 (c) A township may, by ordinance, dissolve a board of health
29 or the office of health officer and decide to become subject to
30 the jurisdiction of a county department of health or joint

1 county department of health under the act of August 24, 1951
2 (P.L.1304, No.315), known as the Local Health Administration
3 Law.

4 Section 1602. Members of Board; Terms; Secretary.--[Where
5 the township commissioners decide to appoint a board of health,
6 said board shall be composed of five members--at least one of
7 whom shall be a reputable physician of not less than two years'
8 experience in the practice of his profession, if one resides
9 within the township. The members of the board shall be appointed
10 by the township commissioners. At the first appointment, one
11 member shall be appointed to serve for one year; one, for two
12 years; one, for three years; one, for four years; and one, for
13 five years; and thereafter one member shall, in like manner, be
14 appointed each year, to serve for five years.] (a) A board of
15 health appointed by the board of commissioners shall be composed
16 of three or five members, at the discretion of the board, and
17 the following shall apply:

18 (1) At least one of the board members shall be a reputable
19 professional health care provider of not less than two years'
20 experience in the practice of the respective profession.

21 (2) If no professional health care provider can be
22 identified to serve on the board, the board of commissioners may
23 appoint an individual at a public meeting who has experience in,
24 or is knowledgeable of, public health issues.

25 (b) At the first appointment for a board:

26 (1) With three members:

27 (i) one member shall be appointed to serve for one year;

28 (ii) one member shall be appointed to serve for two years;

29 and

30 (iii) one member shall be appointed to serve for three

1 years.

2 (2) With five members:

3 (i) one member shall be appointed to serve for one year;

4 (ii) one member shall be appointed to serve for two years;

5 (iii) one member shall be appointed to serve for three

6 years;

7 (iv) one member shall be appointed to serve for four years;

8 and

9 (v) one member shall be appointed to serve for five years.

10 (3) Subsequent terms for board members shall be staggered,

11 and, for a three-member board, a subsequent term shall be three

12 years, and, for a five-member board, a subsequent term shall be

13 five years.

14 (c) The members of the board of health shall serve without
15 compensation, but if any member of the board shall be elected to
16 the office of secretary, [he] the member shall be entitled to
17 receive a salary[,] fixed by the board for that office.

18 (d) Definitions.--As used in this section, the following
19 words and phrases shall have the meanings given to them in this
20 subsection:

21 "Professional health care provider." An individual who is
22 licensed, certified or registered to practice or operate in the
23 health care field under the laws of this Commonwealth. The term
24 shall include the following:

25 (1) A physician.

26 (2) A dentist.

27 (3) A podiatrist.

28 (4) A chiropractor.

29 (5) An optometrist.

30 (6) A psychologist.

- 1 (7) A pharmacist.
2 (8) A registered or practical nurse.
3 (9) A physical therapist.
4 (10) A physician's assistant.
5 (11) A paramedic.
6 (12) An administrator of any hospital, nursing or
7 convalescent home or other health care facility.
8 (13) A veterinarian.

9 Section 1603. Organization of Board; Salary of Secretary;
10 Bonds; Fees and Penalties; Power to Administer Oaths.--(a) The
11 members of the board shall [severally, take and subscribe to the
12 oath prescribed for township officers; and] each take the oath
13 or affirmation prescribed for township officers.

14 (b) The board shall annually organize by electing a
15 president from among the members of the board, a secretary, who
16 may or may not be a member of the board, and a health officer,
17 who shall not be a member of the board. The secretary and the
18 health officer shall receive [such salary as may be] salaries
19 fixed by the board and ratified by the board of commissioners
20 [of the township], and shall serve for a period of one year or
21 until [such time thereafter as their successors may be] a
22 successor is elected and qualified. [They, if required by the
23 board of commissioners, shall, severally, give bond to the
24 township, in such sums as may be fixed by ordinance, for the
25 faithful discharge of their duties, and shall also take and
26 subscribe to the oath required of members of the board.]

27 (c) The board of commissioners may require the secretary and
28 health officer to furnish a bond to the township, in an amount
29 fixed by ordinance, for the faithful discharge of the
30 secretary's or health officer's duties and shall also take and

1 subscribe to the oath or affirmation required of members of the
2 board.

3 (d) All fees [which shall be] collected or received by the
4 board, or by any officer [thereof in his] in the officer's
5 official capacity, shall be paid over into the township treasury
6 monthly, together with all penalties which shall be recovered
7 for the violation of any regulation of the board. The president
8 and secretary shall have full power to administer oaths or
9 affirmations in any proceeding or investigation [touching]
10 regarding the regulations of the board, but shall not be
11 entitled to receive any fee [therefor] for the administration of
12 oaths and affirmations.

13 Section 1604. Duties of Secretary.--The secretary of the
14 board [shall keep the minutes of its proceedings; shall keep
15 accurate accounts of the expenditures of the board, shall
16 transmit all bills to the board of township commissioners for
17 payment in the same manner as other bills of the township are
18 paid; shall draw all requisitions for the payment of moneys on
19 account of the board of health and present the same to the
20 president of the board for his approval; shall render statements
21 of the expenditures to the board at each stated meeting or as
22 frequently as the board may require; shall prepare, under the
23 directions of the board, the annual report to the township
24 commissioners, together with the estimate of appropriation
25 needed for the ensuing year. He shall report to the State
26 Department of Health at the end of each week, and for the
27 fraction of each week occurring at the end of each month, the
28 cases of communicable disease reported to the board of health,
29 on the form provided for that purpose by the State Department of
30 Health; shall also make an annual report to the State Department

1 of Health; and shall make such other reports and perform such
2 other duties as the board of health may require.] has the
3 following duties:

4 (1) Maintain, under 53 Pa.C.S. Ch. 13 Subch. F (relating to
5 records), the minutes of the proceedings of the board and keep
6 accurate accounts of the expenditures of the board.

7 (2) Transmit all bills to the board of commissioners for
8 payment in the same manner as other bills of the township are
9 paid.

10 (3) Draw requisitions for the payment of money on account of
11 the board of health and present the requisitions to the
12 president of the board for the president's approval.

13 (4) Render statements of the expenditures to the board at
14 each stated meeting or as frequently as the board requires.

15 (5) Prepare, under the direction of the board, the annual
16 report to the board of commissioners and the estimate of
17 appropriation needed for the ensuing year.

18 (6) Report to the State Department of Health at statutory or
19 regulatory required intervals the cases of communicable disease
20 reported to the board of health on the form provided by the
21 State Department of Health and make an annual report to the
22 State Department of Health.

23 (7) Perform other duties as may be required by the board of
24 health.

25 Section 1605. Powers and Duties of Health Officer.--[It
26 shall be the duty of the health officer to attend all stated and
27 special meetings of the board of health, and at all times be
28 ready and available for the prompt performance of his official
29 duties. He shall placard and quarantine all premises upon which
30 cases of communicable disease exist, which have been reported to

1 the board of health or of which he or the board of health may
2 have knowledge, which are required by law or by regulation of
3 the State Department of Health to be placarded and quarantined;
4 and shall disinfect such premises upon the expiration of the
5 quarantine period and the recovery of the last person therein
6 suffering from such disease. He shall serve written notice on
7 teachers and persons in charge of public, parochial, Sunday, and
8 other schools, requiring the exclusion from school of children
9 who are suffering from or who reside in the same premises with
10 other persons who are suffering from communicable diseases;
11 shall make sanitary inspections; shall execute the orders of the
12 board of health; and shall, in the performance of his duties,
13 have the power and authority of a township police officer.] (a)

14 A health officer may issue a citation for the violation of a
15 health ordinance or related law.

16 (b) A health officer has the following duties:

17 (1) Administer and enforce the health ordinances of the
18 township and related laws.

19 (2) Perform the duties as are vested in local health
20 officers by statute or regulation.

21 (3) Make sanitary inspections.

22 (4) Execute the orders of the board of health.

23 (5) Attend all regular and special meetings of the board of
24 health.

25 Section 1606. Powers and Duties of Board of Health.--[The
26 board of health shall have the power, and it shall be its duty,
27 to enforce the laws of the Commonwealth, the regulations of the
28 State Department of Health, and any ordinances of the township
29 relating to health work, and to make and enforce such additional
30 rules and regulations to prevent the introduction and spread of

1 infectious or contagious diseases, by the regulation of
2 intercourse with infected places, by the separation of infected
3 persons and persons who shall have been exposed to any
4 infectious or contagious disease, and by abating and removing
5 all nuisances which it shall deem prejudicial to the public
6 health, to mark infected houses or places, to prescribe rules
7 for the construction and maintenance of house drains, wash
8 pipes, soil pipes and cesspools, and make all such other rules
9 and regulations as it shall deem necessary for the preservation
10 of the public health, and such other powers relating to health
11 work as may be delegated by the township commissioners. The
12 board shall also have power, with the consent of the township
13 commissioners, in case of a prevalence or apprehended prevalence
14 of any contagious or infectious diseases in its township, to
15 establish one or more emergency hospitals, and to make
16 provisions and regulations for the maintenance and management of
17 the same.

18 The board shall also have the power to make, enforce, and
19 cause to be published, all necessary rules and regulations not
20 inconsistent with law for carrying into effect the powers and
21 functions with which it is invested by law, and the power and
22 authority relating to the public health conferred on townships.
23 Such rules and regulations, when approved by the township
24 commissioners, and when advertised in the same manner as other
25 ordinances, shall have the force of ordinances of the township.
26 All penalties or punishments prescribed for the violation
27 thereof, as well as the expenses actually and necessarily
28 incurred in carrying such rules and regulations into effect,
29 shall be recoverable, for the use of the township, in the same
30 manner as penalties for violation of the ordinances of the

1 township, and subject to the like limitations as to the amount
2 thereof.] (a) A board of health has the following powers:

3 (1) Recommend to the board of commissioners rules and
4 regulations necessary for the preservation of the public health
5 and for carrying into effect the functions of the board.

6 (2) Appoint a health officer.

7 (3) Abate and remove nuisances the board of health deems
8 detrimental to the public health.

9 (4) Mark infected premises.

10 (b) A board of health has the duty to enforce all of the
11 following related to the promotion of public health and
12 prevention of the introduction and spread of infectious or
13 contagious disease:

14 (1) A statute.

15 (2) A regulation of the State Department of Health.

16 (3) An ordinance of the township.

17 Section 1607. Entry of Premises.--[The board of health shall
18 have the power, as a body or by committee, as well as the health
19 officer, together with their assistants, subordinates, and
20 workmen, under and by order of the said board, to enter at any
21 time upon any premises in the township upon which there is
22 suspected to be any infectious or contagious disease, or
23 nuisance detrimental to the public health, for the purpose of
24 examining and abating the same, and for any other purpose
25 arising in connection with or in the performance of their

26 duties.] (a) A member of the board of health, a health officer,
27 an employee of a board or a health officer or an agent of a
28 board or a health officer may, upon order of the board or upon
29 order of a health officer if there is no board, enter a premises
30 in the township where an infectious or contagious disease or a

1 nuisance detrimental to the public health is suspected and
2 examine and abate the disease or nuisance.

3 (b) If entry to the premises under subsection (a) is
4 prevented, the board of health or health officer may obtain an
5 administrative search warrant from a magisterial district judge
6 with jurisdiction over the premises upon a showing of any of the
7 following:

8 (1) Reasonable standards and an administrative plan for
9 conducting inspections.

10 (2) The condition of the premises or general area and the
11 passage of time since the last inspection.

12 (3) Probable cause of a violation of a law specified in
13 section 1606(b).

14 Section 1608. [Inspections.--The board of health may inspect
15 house drains, waste and soil pipes, cesspools, waterclosets,
16 slaughterhouses, hogpens, stables, stable yards, and any
17 conditions or places whatsoever, in the township, which may
18 constitute a nuisance or a menace to public health. Whenever any
19 condition or place in the township is found by it to be a
20 nuisance or a menace to the health of the people of the
21 township, it shall issue a written order of abatement, directed
22 to the owner, or agent of the owner of the premises, or to the
23 occupant thereof, stating that the conditions specified therein
24 constitute a nuisance or a menace to health, and ordering an
25 abatement thereof within such time as may be specified by it in
26 such order. In case such order of abatement is not obeyed within
27 the time specified therein, it shall thereupon issue a further
28 written order to the health officer, directing him to remove or
29 abate the same, which order shall be executed by him and his
30 subordinates and workmen, and the expense thereof shall be

1 recoverable from the owner of the premises upon or from which
2 the nuisance or menace to health is abated or removed, in the
3 same manner as debts of like character are now collected by law;
4 or the said board of health may proceed to enforce such other
5 remedy or inflict such penalty as may, by ordinance of the
6 township, be provided.] Abatement of Nuisances.--(a) If the
7 board of health, or health officer if there is no board, finds a
8 condition or premises to be a nuisance to the health of the
9 residents of the township, it shall issue a written order of
10 abatement directed to the owner, agent of the owner or the
11 occupant of the premises. The order, which shall be a public
12 record, shall state that the conditions specified in the order
13 constitute a nuisance and order an abatement of the nuisance
14 within a specified reasonable time.

15 (b) Upon noncompliance of the order under subsection (a),
16 the board shall issue a written order to the health officer
17 directing removal or abatement of the nuisance. An order shall
18 be executed by the health officer or an agent of the health
19 officer. The expense of the execution of the order shall be
20 recoverable as a nuisance claim from the owner of the premises
21 with a ten percent penalty.

22 (c) In lieu of or in addition to the procedure under
23 subsections (a) and (b), the board of commissioners may seek
24 relief from a nuisance or threatened nuisance by an action at
25 law or in equity. The board of commissioners may seek guidance
26 of the board or the health officer in determining the nature of
27 the relief requested.

28 Section 1609. [Budget; Appropriations.--It shall be the duty
29 of the board of health or appointed health officer or officers
30 to submit annually, to the township commissioners, before the

1 commencement of the fiscal year, an estimate of the probable
2 expenditures of the board during the ensuing year; and the
3 township commissioners shall then proceed to make such
4 appropriations as may be deemed necessary. The board of health,
5 health officer or officers, shall, at the close of each fiscal
6 year, submit a report, in writing, to the township
7 commissioners, of its appropriation and expenditures for the
8 preceding year, together with such other information on subjects
9 relative to the sanitary conditions or requirements of the
10 township as may be necessary.] Expenditures.--(a) The board of

11 health or the health officer shall submit to the board of
12 commissioners, before commencement of the township's fiscal
13 year, an estimate of the probable expenditures of the board of
14 health or the health officer during the ensuing fiscal year.

15 (b) The board of commissioners shall make appropriations
16 based on the estimate as deemed necessary.

17 (c) The board of health or the health officer shall, each
18 January, submit a report to the board of commissioners on the
19 appropriation and expenditures for the preceding fiscal year and
20 information on subjects relative to the sanitary conditions or
21 requirements of the township.

22 Section 1610. Cooperation in Health Work.--[Any township may
23 cooperate with the county, or with any city, borough, township
24 or school district, as well as with the State Department of
25 Health, in the administration and enforcement of health laws.] A
26 township may cooperate with any political subdivision and with
27 the State Department of Health in the administration and
28 enforcement of health laws.

29 Section 1611. Powers of [Secretary] State Department of
30 Health.--[Whenever, in the opinion of the Secretary of Health of

1 the Commonwealth, conditions found by him to exist in any
2 township shall constitute a menace to the lives and health of
3 people living outside the boundaries of such township, or if it
4 be known to him that any township is without an existing or
5 efficient board of health, or health officer or officers, the
6 Secretary of Health may enter, and take full charge of, and
7 administer the health laws, regulations, and ordinances in such
8 township, and may continue in charge thereof until he shall
9 decide that a competent and efficient board of health, or health
10 officer or officers, has been appointed and qualified for such
11 township, and is ready, able and willing to assume and carry
12 into effect the duties imposed upon it by law.] (a) Nothing in
13 this act may be construed to limit the powers and duties of the
14 State Department of Health, including the powers and duties
15 under Article XXI of the act of April 9, 1929 (P.L.177, No.175),
16 known as "The Administrative Code of 1929."

17 (b) (1) The expenses of the State Department of Health for
18 which the township is liable shall be paid by the township where
19 the expenses have been incurred.

20 (2) If expenses under paragraph (1) are unpaid for a period
21 of more than three months after a statement of the expenses has
22 been rendered to the township and demand for payment is made,
23 the Secretary of Health shall, with the approval of the
24 Governor, institute an action against the township for the
25 collection of the expenses. The reasonableness of the
26 expenditures made by the secretary shall be submitted to the
27 jury for its determination.

28 (3) Upon payment, the State Department of Health shall
29 return the money to the State Treasurer, who shall credit the
30 amount to the appropriation made to the State Department of

1 Health.

2 Section 60. Sections 1612, 1613 and 1614 and Subdivision (b)
3 of Article XVI of the act are repealed:

4 [Section 1612. Expenses Incurred by Board or Secretary of
5 Health.--All expenses incurred by any local board of health, its
6 officers or employes, in the performance of the duties imposed
7 upon it by law, and all expenses incurred by the Secretary of
8 Health in accordance with the provisions of the preceding
9 section, shall be paid by the township wherein such duties are
10 performed, in the same manner as other expenses of such township
11 are paid.]

12 Section 1613. Suits by State Secretary of Health to Recover
13 Expenses.--Whenever expenses incurred by the State Secretary of
14 Health or his agents, in the administration of health laws in
15 any township, in accordance with the provisions of this act,
16 shall remain unpaid by said township for a period of more than
17 three months after a statement of such expense has been rendered
18 by him to such township, and demand for payment by him made, he
19 shall, with the approval of the Governor, institute, in the name
20 of the Commonwealth as plaintiff, an action of assumpsit against
21 such township for the collection of such expense from the
22 township, in the same manner as debts of like amount are
23 collected by law: Provided, however, That upon the trial of any
24 such action of assumpsit, the reasonableness of the expenditures
25 made by the Secretary of Health shall be submitted to the jury
26 for its determination.

27 Section 1614. Payment of Expenses Recovered Into State
28 Treasury.--All expenses incurred by the State Secretary of
29 Health in the administration of health laws in any township,
30 when paid to him by such township, or when collected by him,

1 shall be returned by him to the State Treasurer, who shall
2 credit the amount so received to the appropriation made to the
3 Department of Health.

4 (b) Vacation of Streets Declared Nuisances
5 by Board of Health

6 Section 1620. Petitions to Vacate Nuisances.--Whenever the
7 board of health shall declare as a nuisance any public street or
8 part thereof, any two or more owners of property adjacent or
9 abutting upon the same may present their petition, verified by
10 oath or affirmation, to the court of quarter sessions, setting
11 forth the facts regarding such nuisance and praying that said
12 street may be vacated. Such petition shall be accompanied by a
13 certificate of the board of health, setting forth that they have
14 declared such street to be a public nuisance.

15 Section 1621. Jury of View.--The court shall thereupon
16 appoint a jury of view of three persons of the county. The jury,
17 being sworn or affirmed to faithfully perform its duties, shall
18 give notice to all parties likely to be affected by the
19 proceedings, of the time and place of the first meeting, in such
20 manner as the court shall direct.

21 Section 1622. Hearings and Report.--After the first meeting,
22 the jury shall proceed to view the premises, hear all parties
23 interested and their witnesses, and shall prepare a report of
24 their finding and recommendations as to whether or not such
25 street, or part thereof, should be vacated; and in such report
26 shall award damages and assess benefits to the property
27 affected.

28 Section 1623. Notice of Filing Report.--The jury shall give
29 notice, in writing, to all parties affected by their report, at
30 least ten days before the same is filed in court. The notice

1 shall state the time and place where such report will be open to
2 inspection.

3 Section 1624. Exceptions to Report.--Any person aggrieved by
4 such report may file exceptions thereto with the jury; whereupon
5 the jury shall reconsider their report with the exceptions and
6 change the same as justice may require. The report as finally
7 prepared shall be filed in court.

8 Section 1625. Appeals from Report.--Any person affected by
9 the report shall have the right of an appeal to the court of
10 common pleas, within thirty days after the report is filed, and
11 the procedure on such appeal shall be the same as in actions of
12 trespass.

13 Section 1626. Confirmation of Report.--At the end of the
14 period allowed for an appeal, the report shall be absolutely
15 confirmed by the court as to such awards or assessments from
16 which no appeals have been taken.

17 Section 1627. When Vacation Proceedings not to Be Had.--No
18 street, or part thereof, shall be vacated in any case where the
19 vacating deprives any lot abutting thereon of the sole means of
20 ingress or egress, otherwise than to or from the front line
21 thereof; nor where it was created by grant or contract and not
22 theretofore accepted by the public.]

23 Section 61. Sections 1701, 1701.1, 1701a and 1702 of the act
24 are amended to read:

25 Section 1701. Fiscal Year; Annual Budget; Regulation of
26 Appropriations.--(a) The fiscal year in townships of the first
27 class shall [commence on the first day of January of each year]
28 begin on January 1 and end on December 31.

29 (b) The board of [township] commissioners shall [each year,
30 at least thirty days prior to the adoption of the annual budget,

1 begin preparation of a proposed budget for all funds showing an
2 estimate of the several amounts of money which will be required
3 for the several specific purposes of township government and
4 expenses for the ensuing fiscal year, and by ordinance
5 appropriate, out of the revenues available for the year, the
6 specific sums required as shown by the budget as finally
7 adopted.

8 At the option of the township commissioners, such budget may
9 be prepared and adopted prior to the first Monday of January of
10 the fiscal year to which such budget shall apply. Whenever the
11 township commissioners shall exercise such option, the first
12 reading of the budget shall take place in November and the
13 budget shall be finally adopted in the month of December prior
14 to the fiscal year to which such budget shall apply. Said budget
15 shall reflect as nearly as possible the estimated revenues and
16 expenditures of the township for the year for which the budget
17 is prepared. It shall be unlawful to prepare and advertise
18 notice of a proposed budget when the same is knowingly
19 inaccurate. Where, upon any revision of the budget, it appears
20 that the estimated expenditures in the adopted budget will be
21 increased more than ten percent in the aggregate, or more than
22 twenty-five percent in any individual item, over the proposed
23 budget, it shall be presumed that the tentative budget was
24 inaccurate, and such budget may not be legally adopted with any
25 such increases therein unless the same is again advertised once,
26 as in the case of the proposed budget, and an opportunity
27 afforded to taxpayers to examine the same and protest such
28 increases.

29 Final action shall not be taken on the proposed budget until
30 after at least ten days public notice. The proposed budget shall

1 be published or otherwise made available for public inspection
2 at least twenty days prior to the date set for the adoption of
3 the budget. The township commissioners after making such
4 revisions and changes therein, as appear advisable, shall adopt
5 the budget not later than the thirty-first day of December.

6 (c) The township commissioners may at any time by resolution
7 make supplemental appropriations for any lawful purpose from any
8 funds on hand or estimated to be received within the fiscal year
9 and not appropriated to any other purpose, including the
10 proceeds of any borrowing now or hereafter authorized by law.]
11 annually prepare a proposed budget for all funds for the ensuing
12 fiscal year. The proposed budget shall reflect as nearly as
13 possible the estimated revenues and expenditures of the township
14 for the year for which the budget is prepared.

15 (b.1) Notice that the proposed budget is available for
16 inspection and copying shall be published by the township in a
17 newspaper of general circulation in accordance with the
18 provisions of section 110. The proposed budget shall be kept on
19 file with the township secretary and be made available for
20 public inspection and copying by the township secretary for a
21 period of twenty days. The notice shall state the date fixed by
22 the board of commissioners for adoption of the proposed budget
23 and notice shall be published at least twenty days prior to the
24 time fixed by the board of commissioners for adoption of the
25 proposed budget. A township shall not prepare and advertise
26 notice of a proposed budget when it is knowingly inaccurate.

27 (b.2) After the proposed budget has been available for
28 public inspection for at least twenty days, the board of
29 commissioners shall, after making revisions as appropriate,
30 adopt the final budget not later than December 31.

1 (b.3) Upon any revision of the proposed budget, if the
2 estimated revenues or expenses in the budget will be increased
3 more than ten percent in the aggregate, or more than twenty-five
4 percent on any individual item, over the proposed budget, it
5 shall be presumed that the tentative budget was inaccurate, and
6 the proposed budget may not be legally adopted with the
7 increases unless the proposed budget is again advertised once,
8 at least ten days before adoption, and an opportunity given to
9 taxpayers to examine the amended proposed budget.

10 (b.4) The tax levied by the board of commissioners shall be
11 fixed within the limit allowed by law that together with other
12 sources of revenue will meet and cover appropriations. The total
13 appropriation shall not exceed the revenues estimated as
14 available for the fiscal year. If the funds available from
15 taxation and other sources shall be estimated to be in excess of
16 the requirements of the ensuing fiscal year, an appropriation
17 may be made for the payment of township orders or indebtedness
18 of the previous years. A budget adopted in the December prior to
19 the fiscal year to which the budget applies may be amended.

20 (c) The board of commissioners may at any time by resolution
21 make supplemental appropriations for any lawful purpose from any
22 funds on hand or estimated to be received within the fiscal year
23 and not appropriated to any other purpose, including the
24 proceeds of any borrowing as authorized by law. Supplemental
25 appropriations may be made whether or not an appropriation for
26 that purpose was included in the original budget as adopted.

27 (d) The [township] board of commissioners [shall have power
28 to authorize the transfer within the same fund of any
29 unencumbered balance, or any portion thereof, from one spending
30 agency to another, but such action shall be taken only during

1 the last nine months of the fiscal year. However, when a
2 transfer of over five percent of an appropriation item is made
3 within a fund, or when a transfer of over five percent of the
4 total appropriation to a fund is made from said fund to another
5 fund, an affirmative vote of two-thirds of the township
6 commissioners shall be required.] may, by resolution, transfer
7 unencumbered money from one township account to another but no
8 money may be transferred from the fund allocated for the payment
9 of debts or from any fund raised by a special tax levy or
10 assessment for a particular purpose. Transfers may not be made
11 during the first three months of the fiscal year. No funds shall
12 be paid out of the township treasury except upon appropriation
13 made according to law.

14 Section 1701.1. Amending Budget; Notice.--(a) During the
15 month of January next, following any municipal election, the
16 board of commissioners [of any township] may amend the budget
17 and the levy and tax rate to conform with its amended budget. A
18 period of ten days' public inspection at the office of township
19 secretary of the proposed amended budget after notice by the
20 township secretary to that effect is published once in a
21 newspaper of general circulation, as provided in section 110 [of
22 this act], shall intervene between the proposed amended budget
23 and [the] its adoption [thereof. Any amended budget must be
24 adopted by the township]. An amended budget must be adopted by
25 the board of commissioners on or before the fifteenth day of
26 February.

27 [No such] (b) No proposed amended budget shall be revised
28 upward in excess of ten percent in the aggregate [thereof, or
29 as, to an individual item] or in excess of twenty-five percent
30 of the amount of [such] an individual item in the proposed

1 amended budget.

2 Section 1701a. [Committee to Prepare Uniform Forms.--Uniform
3 forms for the annual reports of township auditors and
4 controllers to the Department of Community and Economic
5 Development, as required in sections 1003 and 1103 of this act,
6 shall be prepared by a committee consisting of four
7 representatives from the Pennsylvania State Association of
8 Township Commissioners and the Secretary of Community and
9 Economic Development, or his agent who shall be a person trained
10 in the field of municipal finance. Such representatives shall be
11 appointed by the president of said organization within sixty
12 days after the effective date of this act.] Uniform Financial
13 Report and Forms.--(a) The uniform forms for the annual
14 financial report required to be made by the township auditors or
15 controller to the Department of Community and Economic
16 Development, shall be prepared by a committee consisting of four
17 representatives from the Pennsylvania State Association of
18 Township Commissioners and the Secretary of Community and
19 Economic Development, or the secretary's agent or designee who
20 shall be a person trained in the field of municipal finance.

21 (b) The representatives of townships shall be appointed by
22 the president of the Pennsylvania State Association of Township
23 Commissioners. The representatives shall be chosen from among
24 the finance officers or other officers of townships who have
25 knowledge of fiscal procedures. As far as possible, [such] the
26 representatives shall be chosen to represent townships in the
27 various population groups within the range of townships of the
28 first class. The president of [said] the organization shall
29 supply to the Department of Community and Economic Development
30 the names and addresses of [such] the representatives

1 immediately upon their appointment.

2 [Said representatives shall serve without compensation, but
3 they shall be reimbursed by the Commonwealth for all] (c) The
4 representatives shall serve without compensation but shall be
5 reimbursed by the Commonwealth for the necessary expenses
6 incurred in attending meetings of the committee. The committee
7 shall meet at the call of the Secretary of Community and
8 Economic Development, or [his agent] the secretary's agent or
9 designee, who shall serve as [chairman] chairperson of the
10 committee.

11 (d) It shall be the duty of the Secretary of Community and
12 Economic Development, or [his agent, to see to it that the forms
13 required by this act are prepared in cooperation with said
14 committee. In the event that said committee should for any
15 reason fail to furnish such cooperation, the Secretary of
16 Community and Economic Development, or his agent, shall complete
17 the preparation of the forms. After their preparation, he shall
18 issue said forms and distribute them annually, as needed, to the
19 proper officers of each township.] the secretary's agent or
20 designee, to ensure that the forms required by this act are
21 prepared in cooperation with the committee. In the event that
22 the committee should for any reason fail to cooperate, the
23 Secretary of Community and Economic Development, or the
24 secretary's agent or designee, shall prepare the forms. After
25 the forms are prepared, the Secretary of Community and Economic
26 Development, or the secretary's agent or designee, shall issue
27 the forms and distribute them annually, as needed, to the
28 designated officers of each township.

29 Section 1702. Appropriations Not to Be Exceeded; Changes in
30 Appropriations.--[No work shall be hired to be done, no

1 materials purchased, no contracts made, and no orders issued for
2 the payment of any moneys, by the authorities of any township,
3 in any amount which will cause the sums appropriated to specific
4 purposes to be exceeded. No change in the purpose of the
5 appropriations shall be made unless by an ordinance, which shall
6 set out the reasons for and character of such change. If any
7 work shall be done for or materials furnished to any township
8 contrary to the provisions of this section, the township
9 commissioners are hereby prohibited from authorizing payment
10 therefor as a moral obligation or otherwise, unless ordered or
11 directed so to do by the court of common pleas or the court of
12 quarter sessions of the county in which such township is
13 situate.] The township may not hire employees, purchase
14 materials, execute contracts or issue orders for the payment of
15 any money if it would result in the total expenditure of money
16 for a specific purpose to exceed the amount appropriated for
17 that purpose.

18 Section 62. Sections 1703, 1704 and 1705 of the act are
19 repealed:

20 [Section 1703. Certain Contracts Invalid.--No contracts,
21 hirings, or purchases made, or orders or warrants issued, not
22 provided for by an appropriation by the township commissioners
23 as is required by law, or which would cause any appropriation to
24 be exceeded, shall be valid.

25 Section 1704. Power to Create Indebtedness; Sinking Fund;
26 Temporary Indebtedness.--The board of township commissioners
27 may, by ordinance, borrow money and issue evidences of
28 indebtedness therefor to the extent, and in the manner, in which
29 municipal districts are now authorized to incur or increase the
30 same, for the purpose of permanent improvements, but the total

1 indebtedness so created shall not exceed five per centum of the
2 county valuation of the property within the township without the
3 assent of the electors of the township; or, by resolution of the
4 board of township commissioners, they may authorize payment for
5 permanent improvements or for other contracted obligations of
6 the township by the issuance of certificates of indebtedness,
7 payable on a certain date, not exceeding one year from the date
8 of issue: Provided, That the total indebtedness so created by
9 the township commissioners, together with other indebtedness
10 created by them, does not exceed five per centum of the county
11 valuation of the property within the township, without the
12 assent of the electors thereof. The rate of interest on such
13 indebtedness shall not exceed six per centum per annum. In
14 authorizing the issue of obligations or securities for such
15 loans, the township commissioners shall provide that moneys
16 subsequently derived from assessments upon parties benefited by
17 such improvements shall be deposited in the sinking fund for the
18 payment of the principal and interest of said obligations or
19 securities.

20 Whenever the township funds have been exhausted, the township
21 commissioners may make temporary loans, on the credit of the
22 township, in anticipation of taxes to be collected for the
23 current fiscal year, and issue a certificate of indebtedness
24 therefor. All such loans shall be repaid from the first moneys
25 available from taxes in anticipation of which the same were
26 made.

27 Section 1705. Sinking Fund; Regulations and Investments.--It
28 shall be the duty of the board of commissioners to cause
29 accounts of the sinking fund and other accounts relating to the
30 indebtedness of the township to be kept, and to see to the

1 proper application and superintend the investment of moneys
2 therein in accordance with law. The commissioners shall meet as
3 often as may be necessary, and keep a record of the proceedings.
4 The board of commissioners may (i) make investment of township
5 sinking funds as authorized by the act of July 12, 1972
6 (P.L.781, No.185), known as the "Local Government Unit Debt
7 Act"; and (ii) liquidate any such investment, in whole or in
8 part, by disposing of securities or withdrawing funds on
9 deposit. Any action taken to make or to liquidate any investment
10 shall be made by the officers designated by action of the
11 commissioners. The income derived from such investments or on
12 any bank balances credited to the sinking fund shall be credited
13 and applied only to the sinking fund.]

14 Section 63. Sections 1705.1, 1706 and 1708 of the act are
15 amended to read:

16 Section 1705.1. Investment of Township Funds.--(a) The
17 board of commissioners shall have power to provide for the
18 investment of [moneys] money, in the general township fund or in
19 special funds.

20 (a.1) The board of commissioners shall have power to invest
21 township sinking funds as authorized by 53 Pa.C.S. Pt. VII
22 Subpt. B (relating to indebtedness and borrowing).

23 (b) The [township] board of commissioners shall invest
24 township funds consistent with sound business practice.

25 (c) The board of commissioners shall provide for an
26 investment program subject to restrictions contained in this act
27 and in any other applicable statute and any rules and
28 regulations adopted by the board of commissioners.

29 (d) Authorized types of investments for township funds
30 [~~shall be:~~], in addition to those authorized under the act of

1 July 25, 1973 (P.L.217, No.53), entitled "An act authorizing
2 cities of the first class and second class to invest all funds
3 received and deposited with the city treasurer in certain
4 commercial paper under certain terms and conditions; and
5 providing for investment of public corporation or municipal
6 authority funds," are:

7 (i) United States Treasury bills.

8 (ii) Short-term obligations of the United States Government
9 or its agencies or instrumentalities.

10 (iii) Deposits in savings accounts or time deposits, other
11 than certificates of deposit, or share accounts of institutions
12 insured by the Federal Deposit Insurance Corporation [~~or the~~
13 ~~Federal Savings and Loan Insurance Corporation~~] or the National
14 Credit Union Share Insurance Fund [~~or the Pennsylvania Deposit~~
15 ~~Insurance Corporation or the Pennsylvania Savings Association~~
16 ~~Insurance Corporation to the extent that such accounts~~] to the
17 extent that the accounts are so insured, and, for any amounts
18 above the insured maximum, provided that approved collateral as
19 provided by law therefore shall be pledged by the depository.
20 Such deposits are differentiated from savings or demand deposits
21 as authorized by the act of July 25, 1973 (P.L.217, No.53).

22 (iv) Obligations of the United States of America or any of
23 its agencies or instrumentalities backed by the full faith and
24 credit of the United States of America, the Commonwealth of
25 Pennsylvania or any of its agencies or instrumentalities backed
26 by the full faith and credit of the Commonwealth, or of any
27 political subdivision of the Commonwealth of Pennsylvania or any
28 of its agencies or instrumentalities backed by the full faith
29 and credit of the political subdivision.

30 (v) Shares of an investment company registered under the

1 Investment Company Act of 1940 (54 Stat. 789, 15 U.S.C. § 80a-1
2 et seq.), whose shares are registered under the Securities Act
3 of 1933 (48 Stat. 74, 15 U.S.C. § 77a et seq.), provided that
4 the only investments of that company are in the authorized
5 investments for township funds listed in (i) through (iv) [.] ,
6 and both of the following conditions are met:

7 (A) The investment company is managed in accordance with 17
8 CFR 270.2a-7 (relating to money market funds).

9 (B) The investment company is rated in the highest category
10 by a nationally recognized rating agency.

11 (vi) Certificates of deposit purchased from institutions
12 insured by the Federal Deposit Insurance Corporation [~~or the~~
13 ~~Federal Savings and Loan Insurance Corporation~~] or the National
14 Credit Union Share Insurance Fund [~~or the Pennsylvania Deposit~~
15 ~~Insurance Corporation or the Pennsylvania Savings Association~~
16 ~~Insurance Corporation to the extent that such accounts are so~~
17 ~~insured. However, for any amounts above the insured maximum,~~
18 ~~such certificates of deposit shall be collateralized by a pledge~~
19 ~~or assignment of assets of the institution, and such collateral~~
20 ~~may include loans (including interest in pools of loans) secured~~
21 ~~by first mortgage liens on real property.] to the extent that
22 the accounts are so insured, and, for any amounts above the
23 insured maximum, provided that approved collateral as provided
24 by law therefore shall be pledged by the depository.~~

25 Certificates of deposit purchased from commercial banks shall be
26 limited to an amount equal to twenty percent of a bank's total
27 capital and surplus. Certificates of deposit purchased from
28 savings and loan associations or savings banks shall be limited
29 to an amount equal to twenty percent of an institution's assets
30 minus liabilities.

1 (vii) Any investment authorized by 20 Pa.C.S. Ch. 73
2 (relating to [fiduciaries] municipalities investments) shall be
3 an authorized investment for any pension or retirement fund.

4 (e) In making investments of township funds, the board of
5 commissioners shall have authority[:

6 (i) To permit assets pledged as collateral under subsection
7 (d)(iii), to be pooled in accordance with the act of August 6,
8 1971 (P.L.281, No.72), relating to pledges of assets to secure
9 deposits of public funds.

10 (ii) To combine moneys] to:

11 (i) Permit assets pledged as collateral under subsection (d)
12 (iii), to be pooled in accordance with the act of August 6, 1971
13 (P.L.281, No.72), entitled "An act standardizing the procedures
14 for pledges of assets to secure deposits of public funds with
15 banking institutions pursuant to other laws; establishing a
16 standard rule for the types, amounts and valuations of assets
17 eligible to be used as collateral for deposits of public funds;
18 permitting assets to be pledged against deposits on a pooled
19 basis; and authorizing the appointment of custodians to act as
20 pledgees of assets."

21 (ii) Combine money from more than one fund under township
22 control for the purchase of a single investment, [provided that]
23 if each of the funds combined for the purpose shall be accounted
24 for separately in all respects and that the earnings from the
25 investment are separately and individually computed and
26 recorded[,] and credited to the accounts from which the
27 investment was purchased.

28 (iii) [To join] Join with one or more other political
29 subdivisions and municipal authorities in accordance with [the
30 act of July 12, 1972 (P.L.762, No.180), entitled "An act

1 relating to intergovernmental cooperation," in the purchase of a
2 single investment, provided that the requirements of subclause
3 (ii) on separate accounting of individual funds and separate
4 computation, recording and crediting of the earnings therefrom
5 are adhered to.] 53 Pa.C.S. Ch. 23 Subch. A (relating to
6 intergovernmental cooperation) in the purchase of a single
7 investment, provided that the requirements of subclause (ii) are
8 adhered to.

9 Section 1706. Indebtedness and Orders of Previous Years.--No
10 orders or indebtedness of any previous years shall be paid out
11 of the funds of any fiscal year, unless the funds available from
12 taxation and other sources shall be estimated to be in excess of
13 requirements for the current fiscal year[, in which case]. If
14 the available funds are in excess of the current fiscal year
15 requirements, an appropriation may be made for [such] this
16 purpose to the extent of [such] the excess, or unless, after the
17 close of the fiscal year, it shall be ascertained that the funds
18 appropriated and available therefor are in excess of the amount
19 required, in which case [such] the surplus may be applied to
20 [such] the former orders of indebtedness.

21 Section 1708. Disbursements to Pay Indebtedness.--All
22 disbursements in discharge of township indebtedness duly
23 incurred shall be made by the township treasurer or [his] the
24 treasurer's deputy, by virtue of warrants or orders drawn on
25 [him] the treasurer by the order of the board of [township]
26 commissioners, signed by the president or vice president and
27 attested to by the secretary or assistant secretary of the
28 board. The board shall prescribe, by ordinance, the manner in
29 which bills for township indebtedness shall be approved for
30 payment.

1 Section 63.1. Section 1709 of the act, amended July 2, 2019
2 (P.L.349, No.50), is amended to read:

3 Section 1709. Tax Levies.--(a) The board of [township
4 commissioners may levy taxes by resolution for taxes levied at
5 the same rate as or a rate lower than the previous fiscal year,
6 and by ordinance if the tax rate increases from the previous
7 fiscal year, upon all property and upon all occupations within
8 the township made taxable for township purposes, as ascertained
9 by the valuation for county purposes made by the assessors of
10 the several counties of this Commonwealth for the year for which
11 the township taxes are levied, for the purposes and at the rate
12 hereinafter specified: Provided, however, That such valuation
13 shall be subject to correction by the county commissioners of
14 the several counties, and to appeal by the taxable persons in
15 accordance with existing laws.

16 One.] commissioners may levy taxes by resolution for taxes
17 levied at the same rate as or a rate lower than the previous
18 fiscal year, and by ordinance if the tax rate increases from the
19 previous fiscal year, upon all property and upon all occupations
20 within the township made taxable for township purposes and
21 subject to valuation and assessment by the county assessment
22 office, for the following purposes and at the following rates:

23 (1) An annual tax for general township purposes, not
24 exceeding thirty mills, unless the board of [township]
25 commissioners by majority action shall, upon due cause shown by
26 resolution, petition the court of [quarter sessions, in which
27 case the court may order a rate of not more than five mills
28 additional to be levied: Further provided, That if, at the
29 hearing before the court of quarter sessions upon said petition,
30 of which notice shall be given as the court may direct, which

1 hearing shall be held not less than ten nor more than fifteen
2 days after said petition shall be presented, the owners of real
3 estate having assessed valuation of fifty per centum of the
4 total assessed valuation of real estate in said township shall,
5 by petition, object to the making of an order for any additional
6 tax levy, the court shall thereupon deny the prayer of said
7 petition.] common pleas for the right to levy additional millage
8 for general revenue purposes. The court, after public notice as
9 it may direct and after hearing, may order a greater rate than
10 thirty mills but not exceeding five additional mills to be
11 levied.

12 [Two.] (2) (i) An annual tax not exceeding three mills for
13 the purpose of:

14 (A) building and maintaining suitable places for the housing
15 of fire apparatus;

16 (B) purchasing, maintaining and operating fire apparatus;

17 (C) making of appropriations to fire companies [within or
18 without] located inside or outside the township;

19 (D) contracting with adjacent municipalities or volunteer
20 fire companies therein for fire protection;

21 (E) the training of fire personnel and payments to fire
22 training schools and centers;

23 (F) the purchase of land upon which to erect a fire house;
24 and

25 (G) the erection and maintenance of a fire house or fire
26 training school and center.

27 (ii) The township may appropriate up to one-half, but not to
28 exceed one mill, of the revenue generated from a tax under this
29 clause for the purpose of paying salaries, benefits or other
30 compensation of fire suppression employes of the township or a

1 fire company serving the township.

2 (iii) If an annual tax for the purposes specified in this
3 clause is proposed to be set at a level higher than three mills
4 the question shall be submitted to the voters of the township,
5 and the county board of elections shall frame the question in
6 accordance with the election laws of the Commonwealth for
7 submission to the voters of the township.

8 [Three.] (3) An annual tax, not exceeding one-tenth of one
9 mill, for the purpose of caring for trees planted under the
10 supervision of the [shade-tree] shade tree commission, and for
11 the purpose of publishing notices of meetings to consider the
12 planting, removing, or changing of trees. In lieu of the tax
13 provided for in this clause, the [township] board of
14 commissioners may, by specific appropriation, provide for the
15 maintenance of [such trees] shade trees by appropriation from
16 the general funds of the township.

17 [Four.] (4) An annual tax so long as necessary, for the
18 purpose of procuring a lot and/or erecting a building thereon
19 for a [townhouse] municipal building, and for the payment of
20 indebtedness incurred in connection therewith.

21 [Five.] (5) An annual tax sufficient to pay interest and
22 principal on any indebtedness incurred pursuant to [the act of
23 July 12, 1972 (P.L.781, No.185), known as the "Local Government
24 Unit Debt Act,"] 53 Pa.C.S. Pt. VII Subpt. B (relating to
25 indebtedness and borrowing) or any prior or subsequent act
26 governing the incurrence of indebtedness of the township.

27 [Six. The commissioners of the township shall have the power
28 to levy and collect annually on the valuation assessed for
29 general township purposes as now is or may be provided by law,
30 an additional]

1 (6) An annual tax not exceeding one-half (1/2) mill to
2 provide for pensions, retirement, or the purchase of annuity
3 contracts for township employes. This tax shall be kept in a
4 separate fund and used only for the purposes [herein] provided
5 in this clause.

6 [Seven.] (7) (i) An annual tax not exceeding one-half mill
7 for the purpose of supporting ambulance, rescue and other
8 emergency services serving the township, except as provided in
9 subsection (c).

10 (ii) The township may appropriate up to one-half of the
11 revenue generated from a tax under this clause for the purpose
12 of paying salaries, benefits or other compensation of employes
13 of an ambulance, rescue or other emergency service serving the
14 township.

15 (8) An annual tax not exceeding five mills to create and
16 maintain a revolving fund to be used in making permanent street,
17 sidewalk, water supply or sewer improvements before the
18 collection of all or part of the cost from property owners as
19 otherwise authorized by this act. A revolving fund may also be
20 used for the deposit of funds raised through the issuance of
21 general obligation bonds of the township for the making of
22 permanent street, sidewalk, water supply or sewer improvements.
23 When all or part of the cost of the construction of any
24 permanent street, sidewalk, water supply or sewer improvement is
25 paid from the revolving fund and is later assessed and collected
26 from property owners as otherwise authorized by this act, the
27 collections shall be applied to the credit of the revolving fund
28 to the extent of the withdrawal from the revolving fund for that
29 purpose.

30 (9) An annual tax sufficient for the purpose of

1 constructing, maintaining and operating parks, recreation areas,
2 facilities and programs or for paying the township's share of a
3 joint action with one or more political subdivisions, in
4 accordance with section 3013.

5 (b) This section does not include the levy of any taxes upon
6 particular districts, or parts of any township, for particular
7 purposes, nor special levies otherwise provided for in this act.

8 (c) The tax for supporting ambulance and rescue squads serving
9 the township shall not exceed the rate specified in [clause
10 seven of subsection (a)] subsection (a) (7) except when the
11 question is submitted to the voters of the township in the form
12 of a referendum which will appear on the ballot in accordance
13 with the election laws of the Commonwealth, in which case the
14 rate shall not exceed three mills. The county board of elections
15 shall frame the question to be submitted to the voters of the
16 township in accordance with the election laws of the
17 Commonwealth.

18 Section 64. Section 1709.1 of the act is amended to read:

19 Section 1709.1. Additions and Revisions to Duplicates.--
20 [When there is any construction of a building or buildings not
21 otherwise exempt as a dwelling after January first of any year
22 and the building is not included in the tax duplicate of the
23 township, the authority responsible for assessments in the
24 township shall, upon the request of the board of township
25 commissioners, inspect and reassess, subject to the right of
26 appeal and adjustment by the law under which assessments are
27 made,] If in any township there is any construction of a
28 building or buildings not otherwise exempt as a dwelling after
29 January first of any year and the building is not included in
30 the tax duplicate of the township, the county assessment office

1 shall, upon the request of the board of commissioners, direct
2 the assessor in the county assessment office to inspect and
3 reassess, subject to the right of appeal and adjustment by
4 statute, all taxable property in the township to which major
5 improvements have been made after January first of any year and
6 to give notice of the reassessments within ten days to the
7 authority responsible for assessments, the township and the
8 property owner. The real property shall be added to the
9 duplicate and [is] shall be taxable for township purposes at the
10 reassessed valuation for that proportionate part of the fiscal
11 year of the township remaining after the property was improved.
12 Any improvement made during the month shall be computed as
13 having been made on the first day of the month. A certified copy
14 of the additions or revisions to the duplicate shall be
15 furnished by the board of township commissioners to the township
16 tax collector, together with the board's warrant for collection
17 of the same, and within ten days the township tax collector
18 shall notify the owner of the property of the taxes due the
19 township.

20 [When an assessment is made for a portion of a year, the
21 assessment shall be added to the duplicate of the following or
22 succeeding year unless the value of the improvements has already
23 been included in that duplicate.]

24 Section 64.1. Section 1710 of the act, amended July 2, 2019
25 (P.L.349, No.50), is amended to read:

26 Section 1710. Tax Rates to Be Expressed in Dollars and
27 Cents.--Whenever the board of commissioners [of any township]
28 shall, by ordinance or resolution, fix the rate of taxation for
29 any year at a mill rate, [such] the ordinance or resolution
30 shall also include a statement expressing the rate of taxation

1 in dollars and cents on each one hundred dollars of assessed
2 valuation of taxable property.

3 Section 65. Sections 1711, 1712 and 1801 of the act are
4 amended to read:

5 Section 1711. Special Levies to Pay Indebtedness.--[In
6 addition to the levies hereinbefore provided for, when it is
7 shown to the court that the debts due by any township exceed the
8 amount which the township commissioners may collect in any year
9 by taxation, the court, after ascertaining the amount of
10 indebtedness of any such township, may, by a writ of mandamus,
11 direct the township commissioners, by special taxation, to
12 collect an amount sufficient to pay the same. If the amount of
13 such indebtedness is so large as to render it unadvisable to
14 collect the same in any one year, taking into consideration
15 other necessary taxation, the court may direct the same to be
16 levied and collected by annual instalments, and may order such
17 special taxes to be levied and collected during such successive
18 years as may be required for payment of the same.] In addition
19 to the levies provided for in section 1709, when it is shown to
20 the court that the debts due by any township exceed the amount
21 which the board of commissioners may collect in any year by
22 taxation, the court, after ascertaining the amount of
23 indebtedness of the township, may, in an action of mandamus,
24 direct the board of commissioners, by special taxation, to
25 collect an amount sufficient to pay the debts. If the amount of
26 the indebtedness is so large as to render it unadvisable to
27 collect the entire amount in any one year, taking into
28 consideration other necessary taxation, the court may direct the
29 special taxes to be levied and collected during successive years
30 as may be required for payment of the debt.

1 Section 1712. Delivery of Duplicates.--The board of
2 [township] commissioners shall within thirty days after adoption
3 of the budget or within thirty days after receipt of the
4 assessment roll from the county, whichever is later, deliver a
5 duplicate of the assessment of township taxes to the township
6 tax collector, together with the board's warrant for collection
7 of the taxes.

8 Section 1801. Power to Make Contracts.--[Townships] (a) A
9 township may make contracts for lawful purposes and for the
10 [purpose] purposes of carrying into execution the provisions of
11 this act and the laws of the Commonwealth.

12 (b) Except as otherwise specifically provided in this act,
13 all contracts and purchases must be made with and from the
14 lowest responsible bidder. For purposes of this article, the
15 lowest responsible bidder need not be the bidder submitting the
16 lowest dollar amount bid. A township may also consider the
17 quality of goods or services supplied, ease of repair,
18 compatibility with other township equipment or services,
19 responsiveness, past performance of the bidder and any other
20 reasonable factors specified in the advertisement for bids.

21 (c) A township may permit the electronic submission of bids
22 and may receive bids electronically for competitive bid
23 purchases and contracts pursuant to 62 Pa.C.S. Ch. 46 (relating
24 to electronic bidding by local government units).

25 Section 66. Section 1802 of the act, amended October 24,
26 2018 (P.L.886, No.141), is amended to read:

27 Section 1802. [General Regulations Concerning Contracts.--
28 (a) All contracts or purchases made by any township, involving
29 the expenditure of over the base amount of eighteen thousand
30 five hundred dollars, subject to adjustment under subsection

1 (a.2), except those hereinafter mentioned, shall not be made
2 except with and from the lowest responsible bidder, shall be in
3 writing, and shall be made only after notice by the secretary,
4 published, in one newspaper of general circulation, published or
5 circulating in the county in which the township is situated, at
6 least two times at intervals of not less than three days where
7 daily newspapers of general circulation are employed for such
8 publication, or in case weekly newspapers are employed then the
9 notice shall be published once a week for two successive weeks.
10 The first advertisement shall be published not more than forty-
11 five days and the second advertisement not less than ten days
12 prior to the date fixed for the opening of bids. Advertisements
13 for contracts or purchases shall also be posted in a conspicuous
14 place within the township. Advertisements] Regulation of

15 Contracts.--(a) All contracts or purchases in excess of the
16 base amount of eighteen thousand five hundred dollars, subject
17 to adjustment under subsection (a.2), except those mentioned in
18 this section and except as provided by the act of October 27,
19 1979 (P.L.241, No.78), entitled "An act authorizing political
20 subdivisions, municipality authorities and transportation
21 authorities to enter into contracts for the purchase of goods
22 and the sale of real and personal property where no bids are
23 received," shall be in writing, and shall be made only after
24 notice by the secretary, published once in one newspaper of
25 general circulation, published or circulating in the township in
26 which the township is situated. The advertisement shall be
27 published not less than ten days prior to the date fixed for the
28 opening of bids and shall also be posted in a conspicuous place
29 within the township. The advertisement for contracts or
30 purchases shall contain the date, time and location for opening

1 of bids and shall state the amount of the performance bond
2 determined under subsection (c). The advertisement shall also
3 contain full plans and specifications, or refer to the places
4 where copies thereof can be obtained. All plans and
5 specifications shall be on file [at least] not less than ten
6 days in advance of opening bids. The amount of the contract
7 shall in all cases, whether of straight sale price, conditional
8 sale, [bailment] lease, lease purchase or otherwise, be the
9 entire amount which the township pays to the successful bidder
10 or [his] the bidder's assigns in order to obtain the services or
11 property, or both, and shall not be construed to mean only the
12 amount [which] that is paid to acquire title or to receive any
13 other particular benefit or benefits of the whole bargain.

14 (a.1) Written or telephonic price quotations from at least
15 three qualified and responsible contractors shall be requested
16 for all contracts in excess of the base amount of ten thousand
17 dollars, subject to adjustment under subsection (a.2) but less
18 than the amount requiring advertisement and competitive bidding
19 or, in lieu of price quotations, a memorandum shall be kept on
20 file showing that fewer than three qualified contractors exist
21 in the market area within which it is practicable to obtain
22 quotations. A written record of telephonic price quotations
23 shall be made and shall contain at least the date of the
24 quotation, the name of the contractor and the contractor's
25 representative, the construction, reconstruction, repair,
26 maintenance or work [which] that was the subject of the
27 quotation and the price. Written price quotations, written
28 records of telephonic price quotations and memoranda shall be
29 retained for a period of three years. Written price quotations
30 as used throughout this section include electronic mail.

1 (a.2) Adjustments to the base amounts specified under
2 [subsection (a)] subsections (a) and (a.1) shall be made as
3 follows:

4 (1) The Department of Labor and Industry shall determine the
5 percentage change in the Consumer Price Index for All Urban
6 Consumers: All Items_(CPI-U) for the United States City Average
7 as published by the United States Department of Labor, Bureau of
8 Labor Statistics, for the twelve-month period ending September
9 30, 2012, and for each successive twelve-month period
10 [thereafter].

11 (2) If the department determines that there is no positive
12 percentage change, then no adjustment to the base amounts shall
13 occur for the relevant time period provided for in this
14 subsection.

15 (3) (i) If the department determines that there is a
16 positive percentage change in the first year that the
17 determination is made under [clause] paragraph (1), the positive
18 percentage change shall be multiplied by each base amount, and
19 the products shall be added to the base amounts, respectively,
20 and the sums shall be preliminary adjusted amounts.

21 (ii) The preliminary adjusted amounts shall be rounded to
22 the nearest one hundred dollars, to determine the final adjusted
23 base amounts for purposes of [subsection (a)] subsections (a)
24 and (a.1).

25 (4) In each successive year in which there is a positive
26 percentage change in the CPI-U for the United States City
27 Average, the positive percentage change shall be multiplied by
28 the most recent preliminary adjusted amounts, and the products
29 shall be added to the preliminary adjusted amount of the prior
30 year to calculate the preliminary adjusted amounts for the

1 current year. The sums [thereof] shall be rounded to the nearest
2 one hundred dollars to determine the new final adjusted base
3 amounts for purposes of [subsection (a)] subsections (a) and
4 (a.1).

5 (5) The determinations and adjustments required under this
6 subsection shall be made in the period between October 1 and
7 November 15 of [the year following the effective date of this
8 subsection and annually between October 1 and November 15 of
9 each year thereafter.] each year.

10 (6) The final adjusted base amounts and new final adjusted
11 base amounts obtained under [clauses] paragraphs (3) and (4)
12 shall become effective January 1 for the calendar year following
13 the year in which the determination required under [clause]
14 paragraph (1) is made.

15 (7) The department shall [publish notice] transmit notice to
16 the Legislative Reference Bureau for publication in the
17 Pennsylvania Bulletin prior to January 1 of each calendar year
18 of the annual percentage change determined under [clause]
19 paragraph (1) and the unadjusted or final adjusted base amounts
20 determined under [clauses] paragraphs (3) and (4) at which
21 competitive bidding is required under subsection (a) and written
22 or telephone price quotations are required under subsection
23 (a.1), respectively, for the calendar year beginning the first
24 day of January after publication of the notice. The notice shall
25 include a written and illustrative explanation of the
26 calculations performed by the department in establishing the
27 unadjusted or final adjusted base amounts under this subsection
28 for the ensuing calendar year.

29 (8) The annual increase in the preliminary adjusted base
30 amounts obtained under [clauses] paragraphs (3) and (4) shall

1 not exceed three [per centum] percent.

2 (b) (1) [In every instance in which any contract for any
3 public work, construction, materials, supplies, or other matters
4 or things for any township shall be awarded upon competitive
5 bids, it shall be the duty of the authorities authorizing the
6 same to award said contract to the lowest responsible bidder.
7 Any published notice for bids shall contain full plans and
8 specifications, or refer to the places where copies thereof can
9 be obtained, and give the time and place of a public meeting of
10 a committee, appointed by the township commissioners or an open
11 meeting of the township commissioners, at which committee or
12 commissioners meeting, bids shall be publicly opened and read,
13 and if it is an open meeting of the township commissioners, the
14 contract may be awarded. If, through lack of a quorum or other
15 reason, no meeting shall be held at such time and place, notice
16 of the same kind shall be repeated once at least six days before
17 the meeting of the subsequent time and place fixed, and the
18 foregoing provisions as to bids shall apply. The same course
19 shall be pursued until a meeting of a committee or the
20 commissioners shall actually be held for receiving and opening
21 bids.

22 (2) Notwithstanding clause (1), the board of township
23 commissioners may direct that a committee of the board, a member
24 of the board or a member of the township staff receive, open and
25 review bids during normal business hours and forward the
26 information to the board of township commissioners for
27 subsequent award at a public meeting. Bidders shall be notified
28 and other interested parties, upon request, shall be notified of
29 the date, time and location of the opening of bids and may be
30 present when the bids are opened.

1 (3)] (i) If advertisement and bidding are required, the
2 advertisement shall specify the date, time and place bids will
3 be received and the date, time and place for the opening of
4 bids.

5 (ii) At the board of commissioners' request, the bids
6 advertised for must be accompanied by cash, money order, a
7 certified or cashier's good faith check or other irrevocable
8 letter of credit drawn upon a bank authorized to do business in
9 this Commonwealth or by a bond with corporate surety in the
10 amount as the board of commissioners determine, and, when
11 requested, no bid may be considered unless so accompanied.

12 (iii) Bids received pursuant to an advertisement shall be
13 opened publicly by the board of commissioners or the board's
14 agent or employees. The amount of each bid and any other
15 relevant information as may be specified by the board, together
16 with the name of each bidder, shall be disclosed and recorded,
17 and the record shall be open to public inspection and copying.

18 (iv) At a public meeting of the board of commissioners, the
19 board shall either award the contract or reject all bids.

20 (2) Any contract [made] executed in violation of the
21 provisions of this section shall be void. [But nothing
22 contained] Nothing in this section shall prevent the making of
23 contracts for governmental services for a period exceeding one
24 year, but any contract [so made shall be executory] shall be
25 executed only for the amounts agreed to be paid for [such
26 services to be rendered in succeeding fiscal years: Provided,
27 That if, prior to the letting of any contract, taxpayers of the
28 township, whose property valuation as assessed for taxable
29 purposes within the township shall amount to sixty per centum or
30 over of the total property valuation as assessed for taxable

1 purposes within the township, shall sign and file, with the
2 township secretary of the board, a written protest against such
3 contemplated contract, then such contract shall not be let.

4 (4) Every contract for the construction, reconstruction,
5 repair, improvement or maintenance of public works shall contain
6 a provision that any steel products used or supplied in the
7 performance of the contract or any subcontracts thereunder shall
8 be from steel made in the United States. The provisions of this
9 act shall be construed in a manner consistent with the act of
10 March 3, 1978 (P.L.6, No.3), known as the "Steel Products
11 Procurement Act."] the services to be rendered in succeeding
12 fiscal years.

13 (c) The successful bidder, when advertising is required
14 [herein], shall be required to furnish bond or irrevocable
15 letter of credit or other security with suitable reasonable
16 requirements guaranteeing the performance of the contract, with
17 sufficient surety, in an amount as determined by the [township]
18 board of commissioners which shall be not less than ten [per
19 centum] percent nor more than one hundred [per centum] percent
20 of the amount of the liability under the contract within twenty
21 days after the contract has been awarded, unless the [township]
22 board of commissioners shall prescribe a shorter period of not
23 less than ten days. Upon failure to furnish [such bond within
24 such time] the security within the prescribed time, the previous
25 award shall be void. Deliveries, accomplishment and guarantees
26 may be required in all cases of expenditures including
27 exceptions herein.

28 (d) The contracts or purchases made by the board of
29 commissioners which shall not require advertising, bidding or
30 price quotations, as [hereinbefore provided,] provided in this

1 article, are as follows:

2 (1) Those for maintenance, repairs or replacements for
3 water, [electric light] electricity, or other public works of
4 the township, provided they do not constitute new additions,
5 extensions or enlargements of existing facilities and equipment
6 but [a bond] security may be required by the board of
7 commissioners as in other cases of work done.

8 (2) Those made for improvements, repairs and maintenance of
9 any kind made or provided by [any] a township through its own
10 employes[: Provided, however, That all materials used for street
11 improvement, maintenance, and/or construction in excess of the
12 base amount of ten thousand dollars be subject to the relevant
13 price quotation or advertising requirements as contained herein
14 and to adjustment under subsection (a.2).] if the materials used
15 for street improvement or construction in excess of the amount
16 specified or adjusted under subsection (a.1) are subject to the
17 relevant price quotation or advertising requirements contained
18 in this section.

19 (3) Those where particular types, models or pieces of new
20 equipment, articles, apparatus, appliances, computer software,
21 vehicles or parts thereof are desired by the board of
22 commissioners which are patented [and manufactured products.] or
23 copyrighted products or are needed to ensure compatibility with
24 existing systems, facilities or equipment.

25 (3.1) Those for used personal property, such as equipment,
26 articles, apparatus, appliances, vehicles or parts thereof being
27 purchased from a public utility, municipal corporation, county,
28 school district, [municipality] municipal authority, council of
29 government, volunteer fire company, volunteer ambulance service,
30 volunteer rescue squad or Federal or State Government.

1 (4) Those involving [any policies of insurance or surety
2 company bonds; those made for public utility service under
3 tariffs on file with the Pennsylvania Public Utility Commission;
4 those made with another political subdivision or a county; the
5 Commonwealth of Pennsylvania; the Federal Government; any agency
6 of the Commonwealth or the Federal Government or any municipal
7 authority, including the sale, leasing or loan of any supplies
8 or materials by the Commonwealth or Federal Government or their
9 agencies. But the price thereof shall not be in excess of that
10 fixed by the Commonwealth, the Federal Government or their
11 agencies.] a policy of insurance or a surety bond.

12 (4.1) Those made for public utility service and electricity,
13 natural gas or telecommunications services.

14 (4.2) Those made with another political subdivision or a
15 county, or council of governments, consortium, cooperative or
16 other similar entity created under 53 Pa.C.S. Ch. 23 Subch. A
17 (relating to intergovernmental cooperation) or the Federal
18 Government, the Commonwealth, any agency of the Federal
19 Government or the Commonwealth or any municipal authority,
20 including the sale, leasing or loan of any supplies or materials
21 by the Federal Government or the Commonwealth or their agencies.
22 The price may not be in excess of that fixed by the Federal
23 Government or the Commonwealth, or their agencies.

24 (5) Those involving personal or professional services.

25 (6) Those made for materials and supplies or equipment
26 rental under emergency conditions under 35 Pa.C.S. Pt. V
27 (relating to emergency management services).

28 (7) Those involving equipment rental with operators if more
29 than fifty percent of the total labor personnel hours required
30 for the completion of the contract is supplied by the township

1 through its own employees.

2 (8) Those for the purchase of repair parts or materials for
3 use in existing township equipment or facilities if the item or
4 material to be purchased is the sole item of its kind on the
5 market or is manufactured as a replacement for the original item
6 or equipment being repaired.

7 (9) Those for emergency maintenance, repairs or replacements
8 for water, electricity or public works of the township, if they
9 do not constitute new additions, extensions or enlargements of
10 existing facilities and equipment, but security may be required
11 by the board of commissioners, as in other cases of work done.
12 The actual emergency and the nature of the procurement shall be
13 stated in a resolution by the board of commissioners and adopted
14 at the next public meeting.

15 (10) Those for the mitigation of a real or potential
16 emergency involving a clear and present danger to the health,
17 safety and welfare of the residents of the township. For those
18 contracts or purchases made in cases of emergencies, the actual
19 emergency and the nature of the procurement shall be stated in a
20 resolution by the board of commissioners and adopted at the next
21 public meeting.

22 Nothing in this subsection prohibits the board of
23 commissioners from engaging in advertising, bidding or price
24 quotations if the board of commissioners determines that the
25 advertising, bidding or price quotations are in the public
26 interest.

27 (e) [Every contract for the construction, reconstruction,
28 alteration, repair, improvement or maintenance of public works
29 shall comply with the provisions of the act of March 3, 1978
30 (P.L.6, No.3), known as the "Steel Products Procurement Act."]

1 The board of commissioners shall award contracts subject to the
2 requirements of and may exercise any powers granted by the
3 following acts to the extent applicable:

4 (1) The act of August 15, 1961 (P.L.987, No.442), known as
5 the "Pennsylvania Prevailing Wage Act."

6 (2) The act of December 20, 1967 (P.L.869, No.385), known as
7 the "Public Works Contractors' Bond Law of 1967."

8 (3) The act of January 17, 1968 (P.L.11, No.5), known as
9 "The Minimum Wage Act of 1968."

10 (4) The act of January 23, 1974 (P.L.9, No.4), referred to
11 as the Public Contract Bid Withdrawal Law.

12 (5) The act of March 3, 1978 (P.L.6, No.3), known as the
13 "Steel Products Procurement Act."

14 (6) The act of February 17, 1994 (P.L.73, No.7), known as
15 the "Contractor and Subcontractor Payment Act."

16 (7) 62 Pa.C.S. Pt. II (relating to general procurement
17 provisions).

18 (f) No person, consultant, firm or corporation contracting
19 with a township for purposes of rendering personal or
20 professional services to the township shall share with any
21 township officer or employe, and no township officer or employe
22 shall accept, any portion of the compensation or fees paid by
23 the township for the contracted services provided to the
24 township except under the following terms or conditions:

25 (1) Full disclosure of all relevant information regarding
26 the sharing of the compensation or fees shall be made to the
27 board of commissioners.

28 (2) The board of commissioners must approve the sharing of
29 any fee or compensation for personal or professional services
30 prior to the performance of [said] the services.

1 (3) No fee or compensation for personal or professional
2 services may be shared except for work actually performed.

3 (4) No shared fee or compensation for personal or
4 professional services may be paid at a rate in excess of that
5 commensurate for similar personal or professional services.

6 Section 66.1. Sections 1802.1, 1804, 1804.1, 1805 and 1806
7 of the act are amended to read:

8 Section 1802.1. Evasion of Advertising Requirements.--(a)

9 (1) No commissioner or commissioners shall evade the provisions
10 of section [one thousand eight hundred two] 1802 as to
11 advertising for bids[,] by purchasing or contracting for
12 services and personal properties piecemeal for the purpose of
13 obtaining prices under eighteen thousand five hundred dollars,
14 subject to adjustment under section 1802(a.2), upon
15 transactions, which transactions should, in the exercise of
16 reasonable discretion and prudence, be conducted as one
17 transaction amounting to more than eighteen thousand five
18 hundred dollars, subject to adjustment under section 1802(a.2).

19 [This provision]

20 (2) This subsection is intended to make unlawful the evading
21 of advertising requirements by making a series of purchases or
22 contracts, each for less than the advertising requirement price,
23 or by making several simultaneous purchases or contracts, each
24 below [said] the price, when in either case, the transactions
25 involved should have been made as one transaction for one price.

26 (3) Any commissioners who [so] vote in violation of this
27 [provision, and who] subsection and know that the transaction
28 upon which they so vote is or [ought to] should be a part of a
29 larger transaction[, and that it] and is being divided in order
30 to evade the requirements as to advertising for bids, shall be

1 jointly and severally subject to surcharge for ten [per centum]
2 percent of the full amount of the contract or purchase.

3 [Whenever it shall appear]

4 (4) If it appears that a commissioner may have voted in
5 violation of this section, but the purchase or contract on which
6 [he so] the commissioner voted was not approved by the board of
7 commissioners, this section shall [be inapplicable] not apply.

8 (b) Any commissioner who votes to unlawfully evade the
9 provisions of section [one thousand eight hundred two] 1802 and
10 who knows that the transaction upon which [he so] the member
11 votes is or [ought to] should be a part of a larger transaction
12 and [that it] is being divided in order to evade the
13 requirements as to advertising for bids commits a misdemeanor of
14 the third degree for each contract entered into as a direct
15 result of that vote. [This penalty shall be in addition to any
16 surcharge which may be assessed pursuant to subsection (a).] The
17 penalty under this subsection shall be in addition to a
18 surcharge that may be assessed under subsection (a).

19 Section 1804. Bonds for Protection of Labor and
20 [Materialmen.--It shall be the duty of every township to require
21 any person, copartnership, association, or corporation, entering
22 into a contract with such township for the construction,
23 erection, installation, completion, alteration, repair of or
24 addition to any public work or improvement of any kind
25 whatsoever, where the amount of such contract is in excess of
26 one thousand five hundred dollars (\$1,500), before commencing
27 work under such contract, to execute and deliver to such
28 township, in addition to any other bond which may now or
29 hereafter be required by law to be given in connection with such
30 contract, an additional bond for the use of any and every

1 person, copartnership, association, or corporation interested,
2 in a sum not less than fifty per centum (50%) and not more than
3 one hundred per centum (100%) of the contract price, as such
4 township may prescribe, having as surety thereon one or more
5 surety companies legally authorized to do business in this
6 Commonwealth, conditioned for the prompt payment of all material
7 furnished and labor supplied or performed in the prosecution of
8 the work, whether or not the said material or labor enter in and
9 become component parts of the work or improvement contemplated.
10 Such additional bond shall be deposited with and held by the
11 township for the use of any party interested therein. Every such
12 additional bond shall provide that every person, copartnership,
13 association, or corporation, who, whether as sub-contractor or
14 otherwise, has furnished material or supplied or performed labor
15 in the prosecution of the work as above provided, and who has
16 not been paid therefor, may sue in assumpsit on said additional
17 bond, in the name of the township, for his, their, or its use
18 and prosecute the same to final judgment for such sum or sums as
19 may be justly due him, them, or it, and have execution thereon:
20 Provided, however, That the township shall not be liable for the
21 payment of any costs or expense of any suit.] Materials.--Before
22 a contract exceeding ten thousand dollars is awarded to a prime
23 contractor or construction manager for the construction,
24 erection, installation, completion, alteration, repair of or
25 addition to a public work or improvement of any kind, the
26 contractor shall furnish to the township a payment bond for the
27 protection of claimants supplying labor or materials to the
28 prime contractor to whom the contract is awarded, at no less
29 than one hundred percent of the contract amount, conditioned for
30 the prompt payment of the materials furnished or labor supplied

1 or performed in the prosecution of the contract under the act of
2 December 20, 1967 (P.L.869, No.385). The bond requirement is in
3 addition to any other bond requirement required by law to be
4 given in connection with the contract.

5 Section 1804.1. Purchase Contracts for Petroleum Products;
6 Fire Company, Etc., Participation.--The board of commissioners
7 of each township shall have power to permit, subject to [such]
8 terms and conditions as it may, and as [hereinafter]
9 specifically provided, shall, prescribe [any] a paid or
10 volunteer fire company, paid or volunteer rescue company and
11 paid or volunteer ambulance company in the township to
12 participate in purchase contracts for petroleum products entered
13 into by the township. [Any such] A company desiring to
14 participate in [such] purchase contracts shall file with the
15 township secretary a request [that it be authorized] to
16 authorize it to participate in contracts for the purchase of
17 petroleum products of the township and agreeing that it will be
18 bound by [such] the terms and conditions as the township may,
19 and as [hereinafter] specifically provided, shall, prescribe and
20 that it will be responsible for payment directly to the vendor
21 under each purchase contract. Among [such] the terms and
22 conditions, the township shall prescribe that all prices shall
23 be F.O.B. destination.

24 Section 1805. Separate Specifications for Branches of
25 Work.--[In] If, in the preparation of specifications for the
26 erection or alteration of any public building, [when] the entire
27 cost of [such] the work exceeds the base amount of eighteen
28 thousand five hundred dollars (\$18,500), subject to annual
29 adjustment under section 1802(a.2), the architect, engineer, or
30 other person preparing [such specifications shall] the

1 specifications may, if requested by the board of commissioners,
2 prepare separate specifications for the plumbing, heating,
3 ventilating, and electrical work, and the township shall receive
4 separate bids upon each of [such] the branches of work, and
5 award the contract for the same to the lowest responsible bidder
6 for each of the branches.

7 Section 1806. [Workmen's Compensation Insurance.--All
8 contracts executed by any township, which involve the
9 construction or doing of any work involving the employment of
10 labor, shall contain a provision that the contractor shall
11 accept, in so far as the work covered by any such contract is
12 concerned, the provisions of the Workmen's Compensation Act of
13 one thousand nine hundred and fifteen, and any supplements or
14 amendments thereto, and that the said contractor will insure his
15 liability thereunder, or file with the township, with which the
16 contract is made, a certificate of exemption from insurance from
17 the Bureau of Workmen's Compensation of the Department of Labor
18 and Industry.

19 Every officer of any township who shall sign, on behalf of
20 the township, any contract, requiring in its performance the
21 employment of labor, shall require, before the said contract
22 shall be signed, proof that the said contractor with whom the
23 contract is made shall have accepted the Workmen's Compensation
24 Act of one thousand nine hundred and fifteen, and any
25 supplements or amendments thereto, and proof that the said
26 contractor has insured his liability thereunder in accordance
27 with the terms of the said act, or that the said contractor has
28 had issued to him a certificate of exemption from insurance by
29 the Bureau of Workmen's Compensation of the Department of Labor
30 and Industry.

1 In any contract executed in violation of the provisions of
2 this act, the township, which is a party thereto, shall be
3 regarded as the employer and liable to pay compensation to any
4 person entitled to compensation, under the laws of the
5 Commonwealth, as the result of employment pursuant to such
6 contract.] Workers' Compensation Insurance.--(a) A contract
7 executed by a township or an officer of a township, which
8 involves the construction or doing of work involving the
9 employment of labor, shall contain a provision that the
10 contractor shall accept, in so far as the work covered by the
11 contract is concerned, the provisions of the act of June 2, 1915
12 (P.L.736, No.338), known as the "Workers' Compensation Act," and
13 any supplements or amendments to the act, and that the
14 contractor will insure the contractor's liability under the act
15 and will file with the township with which the contract is made
16 a certificate of exemption from insurance from the Bureau of
17 Workers' Compensation of the Department of Labor and Industry.
18 The certificate of exemption from insurance may be issued on the
19 basis of either individual self-insurance or group self-
20 insurance. Additionally, a contractor shall file with the
21 township with which the contract is made any applications to be
22 excepted by the provisions of the "Workers' Compensation Act" in
23 respect to certain employees on religious grounds if the
24 applications have been accepted by the Department of Labor and
25 Industry.

26 (b) A contract executed in violation of subsection (a) is
27 void.

28 Section 67. Sections 1807 and 1808 of the act are repealed:

29 [Section 1807. Engineers and Architects Not to Be Interested
30 in Contracts.--It shall be unlawful for any architect or

1 engineer in the employ of a township, and engaged in the
2 preparation of plans, specifications, or estimates, or for any
3 officer or employe of the township, directly or indirectly, to
4 bid on any public work at any letting of such work in such
5 township.

6 It shall be unlawful for the officers of a township, charged
7 with the duty of letting any public work, to award a contract to
8 any such architect, engineer, officer, or employe in the employ
9 of the township.

10 It shall be unlawful for any architect, engineer, officer, or
11 employe, in the employ of any township, to be in any wise
12 interested in any contract for public work in such township, or
13 to receive any remuneration or gratuity from any person
14 interested in such contract except under the terms and
15 conditions as provided in section 1802(f).

16 Any person or persons violating these provisions, or any one
17 of them, shall forfeit his office, and shall be guilty of a
18 misdemeanor, and, on conviction thereof, shall be sentenced to
19 pay a fine not exceeding five hundred dollars, or to undergo
20 imprisonment of not less than six months, or both, in the
21 discretion of the court.

22 Section 1808. Minimum Wages under Contracts.--(a) The
23 specifications upon which contracts are entered into by any
24 township for the construction, alteration or repair of any
25 public work or improvement may, at the option of any such
26 township, contain the minimum wage or wages which may be paid by
27 the contractor or his subcontractors for the work performed by
28 laborers and mechanics employed on such public work or
29 improvement, and such laborers and mechanics shall in such cases
30 be paid not less than such minimum wage or wages.

1 (b) Every contract for the construction, alteration or
2 repair of any public work or improvement founded on
3 specifications containing any such stipulation for minimum wage
4 or wages shall stipulate a penalty of an amount equal to twice
5 the difference between the minimum wage contained in said
6 specifications and the wage actually paid to each laborer or
7 mechanic for each day during which he has been employed at a
8 wage less than that prescribed in said specifications.

9 (c) Every officer or person designated as an inspector of or
10 having supervision over the work to be performed under any such
11 contract in order to aid in enforcing the fulfillment thereof
12 shall, upon observation or investigation, report to the
13 commissioners of the township all violations of minimum wage
14 stipulations, together with the name of each laborer or mechanic
15 who has been paid a wage less than that prescribed by the
16 specifications and the day or days of such violation.

17 (d) All such penalties shall be withheld and deducted for
18 the use of the township from any moneys due the contractor by
19 the officer or person whose duty it shall be to authorize the
20 payment of moneys due such contractor, whether the violation of
21 the minimum wage stipulation of the specifications was by the
22 contractor or by any of his subcontractors: Provided, That if
23 any such contractor or subcontractor subsequently pays to all
24 laborers and mechanics the balance of the amounts stipulated in
25 such contract, the township shall pay to the contractor the
26 amounts so withheld as penalties.]

27 Section 68. Section 1811 of the act is amended to read:

28 Section 1811. [Penalty for Personal Interest in Contracts.--
29 Except as otherwise provided in this act, no township official,
30 either elected or appointed, who knows or who by the exercise of

1 reasonable diligence could know, shall be interested to any
2 appreciable degree, either directly or indirectly, in any
3 contract for the sale or furnishing of any supplies or materials
4 for the use of the township or for any work to be done for such
5 township involving the expenditure by the township of more than
6 three hundred dollars in any year, but this limitation shall not
7 apply to cases where such officer or appointee of the township
8 is an employe of the person, firm or corporation to which the
9 money is to be paid in a capacity with no possible influence on
10 the transaction and in which he cannot be possibly benefited
11 thereby, either financially or otherwise. But in the case of a
12 commissioner, if he knows that he is within the exception just
13 mentioned, he shall so inform the commissioners and shall
14 refrain from voting on the expenditure or any ordinance relating
15 thereto and shall in no manner participate therein. Any official
16 or appointee who shall knowingly violate the provisions of this
17 section shall be subject to surcharge to the extent of the
18 damage shown to be thereby sustained by the township, to ouster
19 from office, and shall be guilty of a misdemeanor, and, upon
20 conviction thereof, shall be sentenced to pay a fine not

21 exceeding five hundred dollars.] Personal Interest in Contracts
22 and Purchases.--Elected and appointed township officials and
23 township employees are restricted from an interest in township
24 contracts and purchases to the extent provided in 65 Pa.C.S. Ch.
25 11 (relating to ethics standards and financial disclosure).

26 Section 69. Subdivision (a) heading of Article XIX of the
27 act is repealed:

28 [(a) General Provisions Relating to Eminent Domain]

29 Section 70. Sections 1901 and 1902 of the act are amended to
30 read:

1 Section 1901. Exercise of Eminent Domain.--[In the laying
2 out, opening, widening, extending, vacating, grading or changing
3 the grades or lines of streets or highways, the construction of
4 bridges and the piers and abutments therefor, the construction
5 of slopes, embankments and sewers, including storm water drains,
6 the erection and extension of waterworks, wharves and docks,
7 public buildings, public works, lands and places for the
8 disposal of ashes and other refuse materials, garbage treatment
9 works and libraries, the establishing of parks, playgrounds and
10 recreation places, the changing of watercourses, and for all
11 other purposes authorized by this act, a township of the first
12 class may enter upon, appropriate, injure or destroy private
13 lands, property and material.] (a) A township may acquire

14 property by eminent domain, including entering upon,
15 appropriating, taking, using and occupying private lands and
16 property for any of the following public purposes:

17 (1) The laying out, opening, widening, extending, vacating,
18 grading or changing the grades or lines of streets or highways.

19 (2) The construction of bridges and the piers and abutments
20 for bridges.

21 (3) The construction of slopes, embankments and storm water
22 sewers and storm water facilities, the changing of watercourses,
23 and the construction of sanitary sewer mains, drains or
24 treatment works.

25 (4) The erection and extension of water systems, wharves and
26 docks, public buildings, public works or land for a public works
27 related function, municipal waste processing and disposal
28 facilities, including municipal waste landfills, libraries, and
29 the establishing of parks, playgrounds and recreation places.

30 (5) For all other purposes authorized by this act.

1 (b) Eminent domain proceedings shall be subject to and
2 conform with the provisions of 26 Pa.C.S. (relating to eminent
3 domain).

4 Section 1902. Restrictions As to Certain Property.--(a) In
5 addition to the restrictions made by other provisions of this
6 act in particular cases or by any other provision of law, no
7 township shall exercise the right of eminent domain [as against
8 land now occupied by any building which was used during the
9 Colonial or Revolutionary period as a place of Assembly by the
10 Council of the Colony of Pennsylvania, the Supreme Executive
11 Council of the Commonwealth of Pennsylvania, or the Congress of
12 the United States; or as against the land occupied by any fort,
13 redoubt, or blockhouse, erected during the Colonial or
14 Revolutionary period, or any building used as headquarters by
15 the Commander-in-Chief of the Continental Army; or as against
16 the site of any building, fort, redoubt, blockhouse, or
17 headquarters which are preserved for their historic associations
18 and not for private profit. The Colonial and Revolutionary
19 period shall be taken as ended on the third day of September,
20 one thousand seven hundred and eighty-three.] against:

21 (1) land now occupied by any building that was used during
22 the Colonial or Revolutionary period as a place of Assembly by
23 the Council of the Colony of Pennsylvania, the Supreme Executive
24 Council of the Commonwealth of Pennsylvania, or the Congress of
25 the United States;

26 (2) the land occupied by any fort, redoubt, or blockhouse
27 erected during the Colonial or Revolutionary period or any
28 building used as headquarters by the Commander-in-Chief of the
29 Continental Army; or

30 (3) the site of any building, fort, redoubt, blockhouse, or

1 headquarters that is preserved for the site's historic
2 associations and not for private profit.

3 (b) For the purposes of subsection (a), the Colonial and
4 Revolutionary period shall be deemed to have ended on September
5 3, 1783.

6 Section 71. The act is amended by adding a section to read:

7 Section 1902.1. Declaration of Intention.--A township shall
8 declare its intention to acquire, enter upon, take, use and
9 appropriate any private property or land for any of the purposes
10 authorized by this act by ordinance or resolution.

11 Section 72. Sections 1906 and 1917 of the act are amended to
12 read:

13 Section 1906. Value of Land or Property Not to Be Assessed
14 as Benefits; Exceptions.--In [all cases of] the appropriation of
15 land or property for public use, other than for streets, it
16 shall not be lawful to assess any portion of the damage done to
17 or value of the appropriated land or property [so appropriated]
18 against the other property adjoining or in the vicinity of the
19 appropriated land or property [so appropriated].

20 Section 1917. Title Acquired.--[In all cases where land or
21 property is acquired in eminent domain proceedings other than
22 for street or highway purposes, or is acquired by gift, purchase
23 or otherwise, the title obtained by the township shall be in fee
24 simple: Provided, That in particular instances a different title
25 may by agreement be acquired.] Except as otherwise provided by
26 law, if land or other real or personal property is acquired by a
27 township in eminent domain proceedings other than for street or
28 highway or easement purposes, or is acquired by gift, purchase
29 or otherwise, the title obtained by the township shall be in fee
30 simple absolute or like absolute ownership unless the parties

1 agree otherwise in writing and the agreement expressly appears
2 in a recorded deed affecting any real property acquired by the
3 township or in the notice of condemnation.

4 Section 73. Subdivision (b) of Article XIX and Subdivision
5 (a) heading of Article XX of the act are repealed:

6 [(b) Procedure for the Exercise of Eminent Domain and for
7 the Assessment of Damages and Benefits

8 Section 1924. Assessment of Damages and Benefits.--The
9 damages may be paid in whole or in part by the township, or may
10 be assessed in whole or in part upon the land or property
11 benefited. In the latter case, the viewers, having first
12 determined the damages apart from the benefits, shall assess the
13 total cost of the improvement, or so much thereof as may be just
14 and reasonable, upon the lands or properties peculiarly
15 benefited, including in the assessment all parties for which
16 damages have been allowed, and shall report the same to the
17 court. The total assessments for benefits shall not exceed the
18 total damages awarded or agreed upon.

19 Section 1925. Assessment Awards.--In proceedings to assess
20 damages and benefits, if the land or property is both benefited
21 and damaged by such improvements, the excess of damages over
22 benefits, or the excess of benefits over damages, or nothing in
23 case the benefits and damages are equal, shall be awarded to or
24 assessed against the several owners of the land or property
25 affected thereby.

26 Section 1952. Assessments to Bear Interest.--All assessments
27 for benefits, costs, and expenses shall bear interest at six per
28 centum per annum from the expiration of thirty days after they
29 shall have been finally ascertained, and shall be payable to the
30 treasurer of the township.

1 (a) Plans of Streets and Highways]

2 Section 74. The act is amended by adding sections to read:

3 Section 2002. Definitions.--The following words and phrases
4 when used in this article shall have the meanings given to them
5 in this section unless the context clearly indicates otherwise:

6 "Improving a street" or "improvement." The term includes
7 work on a street or portion thereof done or proposed to be done
8 in order to open the street if the street has not previously
9 been opened or, if previously opened, to make the street more
10 usable or more suitable for use by the traveling public or safer
11 for use. The term includes, but is not limited to, grading,
12 paving, and curbing. The term shall not include maintenance or
13 repaving.

14 "Laying out." The term includes the plotting of:

15 (1) An unopened street or portion of the street on a
16 township plan or official map adopted in accordance with the act
17 of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania
18 Municipalities Planning Code, on a subdivision or land
19 development plan or by the enactment of an ordinance adopted in
20 accordance with this article.

21 (2) An unopened street in a case where any of the lines of
22 the street are proposed to be revised or in a case where the
23 street was never previously laid out although the street may
24 have been opened and used.

25 "Opened streets." The term includes the streets within the
26 township used as public passageways.

27 "Opening a street." The term includes the construction and
28 grading of a street or portion thereof and the act of physically
29 taking possession of an area or laid-out street for the purpose
30 of making the same usable to the traveling public.

1 "Portion." The term includes a portion either of the width
2 or length of a street. Opening a portion of a street may mean
3 extending or widening a street, and vacating a portion of a
4 street may mean closing or narrowing a street.

5 "Street." The term includes a street, road, lane, alley,
6 court or public square, either for or intended for public use
7 and shall include the cartway, sidewalk, gutter, curb or the
8 right-of-way area, whether or not the street, or any portion of
9 the street, is owned in fee by others than the township. Streets
10 are of two classes, opened and unopened.

11 "Unopened streets." The term includes the streets within the
12 township neither used as a public passageway nor accepted or
13 maintained, but plotted in one of the following:

14 (1) a township plan or official map adopted in accordance
15 with the Pennsylvania Municipalities Planning Code;

16 (2) an ordinance laying out the street in accordance with
17 this article;

18 (3) a subdivision or land development plan; or

19 (4) an individual deed.

20 Section 2003. Township Street Plan.--(a) A township that
21 has not maintained an accurate plan of township streets adopted
22 in accordance with this article prior to the effective date of
23 this section may only adopt a plan of streets under the act of
24 July 31, 1968 (P.L.805, No.247).

25 (b) If a township maintains a plan of streets adopted prior
26 to the effective date of this section, or maintains an official
27 map containing opened and unopened streets, a street laid out in
28 accordance with this article by ordinance or by final approval
29 of a subdivision or land development plan must be deemed an
30 amendment to the plan. Notwithstanding any other provision of

1 law, a deemed amendment as provided in this section and a
2 subsequent placement of the street on a plan may not be subject
3 to public notice or public hearing if the street has been laid
4 out in accordance with the requirements of this article.

5 (c) The maintenance of a plan of streets or official map
6 shall not be required in order for a township to lay out streets
7 in accordance with section 2005 and section 2007.

8 Section 2004. Certain Streets Declared Public Streets.--(a)
9 Every street which has been used for public travel and
10 maintained and kept in repair continuously by the township for a
11 period of at least twenty-one years, pursuant to authorization
12 by the board of commissioners, is a public street having a
13 right-of-way of not less than twenty-four feet, even though
14 there is no public record of the laying out or dedication for
15 public use of the street.

16 (b) In any proceeding pursuant to this section, any relevant
17 oral or documentary evidence of public travel or maintenance and
18 repairs by the township shall, if presented, be considered,
19 including, but not limited to:

20 (1) Maps or surveys which are either generated by any
21 governmental unit or are created pursuant to any judicial
22 proceeding of the courts of this Commonwealth.

23 (2) Evidence concerning the distribution of government funds
24 to the township pursuant to the act of June 1, 1956 (1955
25 P.L.1944, No.655), referred to as the Liquid Fuels Tax Municipal
26 Allocation Law.

27 (3) Approved subdivision plans, deeds or other documents
28 containing a designation of the street as either a township
29 street or otherwise.

30 (4) Evidence that the street is an extension from a public

1 street or public cul-de-sac or a throughway between other
2 municipal or State streets or provides the only access to a
3 municipal boundary line.

4 (5) Court orders, decisions, findings of fact or other
5 matters of judicial record relating to public or private rights
6 in the street.

7 (c) For purposes of this section:

8 (1) The frequency of use of a street may be considered
9 relevant in any proceeding pursuant to this section, but, in the
10 absence of additional findings on the purpose of such use, shall
11 not alone be sufficient to establish that the street has been
12 used for public travel.

13 (2) The condition or sufficiency of the street surface for
14 public travel may be considered relevant in any proceeding
15 pursuant to this section, but, absent additional findings of
16 actual public maintenance and repair, shall not alone be
17 sufficient to establish maintenance and repair by the township.

18 (d) Nothing in this section shall be construed as affecting
19 the weight or persuasiveness of any evidence presented in
20 accordance with subsection (b) or the relevance of any evidence
21 presented except as otherwise provided in this section.

22 (e) In any proceeding in which this section is relied upon
23 to allege the existence of a public street, the proponent of the
24 public status of the street shall present evidence first, and
25 the burden shall then shift to the opponent to present evidence
26 to refute the public status of the street.

27 Section 75. Subdivision (b) heading of Article XX is
28 repealed:

29 [(b) Laying Out, Opening, Widening, Straightening,
30 Vacating and Relaying Streets, Highways,

1 Et Cetera; Repairs and Detours]

2 Section 76. Sections 2005, 2006 and 2007 of the act are
3 amended to read:

4 Section 2005. Power to Lay Out, Open, [Widen, Vacate, Et
5 Cetera.--(a) The board of township commissioners may enact,
6 ordain, survey, lay out, open, widen, straighten, vacate, and
7 relay all streets, and parts thereof, which are wholly within
8 the township, upon the petition of a majority in interest of the
9 owners of property or properties through whose land such street
10 passes, or upon whose land it abuts, or without petition of the
11 owners of abutting property if, in the judgment of the board of
12 commissioners, it is necessary for the public convenience; and
13 the authority to open, widen and straighten highways with the
14 approval of the Secretary of Transportation. Such power shall
15 include authority to vacate in whole or in part streets laid out
16 by the Commonwealth where the same have remained unopened for a
17 period of thirty years; and also the authority to lay out and
18 open a street which will be a continuation or extension of a
19 street already open by an adjacent city, borough, or township.

20 (b) For the purposes of subsection (a) "street" shall mean
21 and include any street as defined by section 102, either for or
22 intended for public use and shall include the cartway, sidewalk,
23 gutter or the right-of-way area, whether or not such street, or
24 any part thereof, is owned in fee by others than the township.]

25 Vacate and Alter Streets.--With regard to any street or portion
26 of a street within township limits, a township may, with or
27 without petition of abutting property owners, do any of the
28 following:

29 (1) Lay out, open, widen, straighten, alter, extend,
30 relocate and improve.

- 1 (2) Establish or reestablish the grades.
2 (3) Keep in order and repair and in safe passable condition.
3 (4) Vacate and discontinue when deemed expedient for the
4 public good.
5 (5) With the approval of the Department of Transportation,
6 vacate highways laid out by the Commonwealth within the township
7 limits which have remained unopened for thirty years.

8 Section 2006. [Burial Grounds, Et Cetera, Saved]
9 Prohibition.--No street shall be laid out and opened through any
10 burial ground or cemetery, nor through any grounds occupied by a
11 building used as a place for public worship, or as a public or
12 parochial school or educational or charitable institution or
13 seminary, unless the consent of the owner [or corporation or
14 person controlling] of the premises is first secured.

15 Section 2007. [Notice of Hearing.--The board of
16 commissioners shall give ten days' notice to the property owners
17 affected thereby of the time and place when and where all
18 parties interested may meet and be heard. Witnesses may be
19 summoned and examined by the board of commissioners and by the
20 parties interested at such meeting or any adjournment thereof.]

21 Procedures for Laying Out, Opening, Changing, Improving or
22 Vacating Streets.--(a) Before the enactment of any ordinance
23 for the laying out, opening, widening, straightening, extending,
24 altering, improving, relocating, vacating of any street or
25 highway or portion of any street or highway, the board of
26 commissioners shall give ten days' written notice to the owners
27 of property adjacent to the street or highway or portions of the
28 street or highway affected thereby of the time and place set for
29 a hearing on the proposed matter. Witnesses may be summoned and
30 examined by the board of commissioners and by the parties

1 interested at the hearing.

2 (b) After the hearing and a consideration of the matter
3 under subsection (a), if the board of commissioners votes in
4 favor of exercising the power so conferred, the board shall make
5 written report, together with a draft or survey of the street or
6 highway, which shall include:

7 (1) the width of the street or highway;

8 (2) the improvements along the street or highway; and

9 (3) the names of the owners of property which the street or
10 highway shall pass through or abut.

11 (c) The report and draft shall be filed in the recorder of
12 deeds office of the county.

13 (d) Any resident or property owner affected by the report
14 may, within thirty days after the filing of the report of the
15 board of commissioners, upon entering in the court sufficient
16 surety to indemnify the board of commissioners for all costs
17 incurred in the proceedings, file exceptions to the report,
18 together with a petition for a review.

19 (e) The following shall apply after the expiration of the
20 term allowed for filing exceptions or upon an order of the court
21 upon disposition of any exceptions:

22 (1) If the board of commissioners desires to lay out, open,
23 widen, straighten, alter, extend, improve, relocate or vacate
24 the street or highway or portion thereof, the board of
25 commissioners shall enact an ordinance for the same.

26 (2) The court of common pleas, on application by petition by
27 the board of commissioners or any person interested, shall
28 appoint three viewers from the county board of viewers to assess
29 the damages and benefits occasioned by the proceeding unless the
30 damages and benefits are otherwise agreed upon.

1 Section 77. Sections 2008, 2009, 2010 and 2011 of the act
2 are repealed:

3 [Section 2008. Draft; Report.--After such hearing and a
4 consideration of the matter, should the board of commissioners,
5 or a majority thereof, decide in favor of exercising the power
6 so conferred, they shall make written report, together with a
7 draft or survey of the street or highway, fixing the width
8 thereof and noting the improvements along the line thereof, and
9 the names of the owners of property through which the same shall
10 pass or whereon it shall abut. Such report and draft shall be
11 filed in the office of the clerk of the court of quarter
12 sessions.

13 Section 2009. Exceptions to Report.--Any citizen or
14 freeholder of the township may, within thirty days after the
15 filing of the report of the board of commissioners, upon
16 entering in the court sufficient surety to indemnify the board
17 for all costs incurred in the proceedings, file exceptions to
18 the report, together with a petition for a review.

19 Section 2010. Appointment of Viewers.--Upon favorable action
20 on such matter by the board of commissioners, and after the
21 expiration of the term allowed for filing exceptions, or upon
22 the order of the court upon the disposition of any exceptions,
23 if in either case the compensation for the damages or benefits
24 accruing therefrom have not been agreed upon, the court of
25 common pleas, or any law judge thereof in vacation, on
26 application by petition by the board of commissioners or any
27 person interested, shall appoint three viewers, from the county
28 board of viewers, to assess the damages and benefits occasioned
29 by the proceeding in the manner provided by this act for such
30 proceedings.

1 Section 2011. Notices to Be Posted Along Improvement.--After
2 the passage or approval of any ordinance by the board of
3 commissioners, for the opening, widening, straightening,
4 extending, or vacating any street or highway, notice shall,
5 within ten days thereafter, be given by handbills posted in
6 conspicuous places along the line of the proposed improvement.
7 Such notice shall state the fact of the passage or approval of
8 the ordinance, and the date of the passage or approval.]

9 Section 78. The act is amended by adding sections to read:

10 Section 2011.1. Petition for Opening, Etc.--(a) A petition
11 may be presented to the board of commissioners for the opening,
12 widening, straightening, extending, altering, improving,
13 relocating, vacating or establishing or reestablishing the grade
14 of any street.

15 (b) A petition made pursuant to this section must be:

16 (1) Signed by a majority, in number and interest, of the
17 owners of property abutting on the line of the proposed
18 improvement or vacation as fixed at the time of presentation of
19 the petition.

20 (2) Verified by affidavit of one or more of the petitioners.

21 (3) Accompanied by payment of reasonable and necessary fees
22 established by resolution in a form acceptable to the township.
23 Fees may include those reasonable and necessary costs and
24 expenses anticipated to be incurred by the township in
25 responding to the petition, such as advertising, engineering,
26 hearing, legal and similar costs.

27 (c) The majority in interest of owners of undivided
28 interests in any piece of property shall be deemed as one person
29 for the purposes of the petition.

30 Section 2011.2. Notice of Petition.--(a) After a petition

1 has been presented in accordance with section 2011.1 and the
2 board of commissioners has determined the adequacy of the
3 petition, but before final enactment of any ordinance enacted
4 pursuant to the petition, notice shall be published once in a
5 newspaper of general circulation pursuant to section 110, and
6 handbills shall be posted in conspicuous places along the line
7 of the proposed improvement.

8 (b) The notice and handbills shall include the following:

9 (1) Statement that the petition for the improvement was
10 signed by a majority, in interest and number, of the owners of
11 property abutting the line of the proposed improvement.

12 (2) Any person interested may provide comments at a public
13 hearing to be held at a date, time and place as stated in the
14 published notice and handbills.

15 (c) If, after a hearing, the board of commissioners
16 determines to proceed with the consideration of an ordinance
17 pursuant to the petition, it shall publish notice of the
18 proposed ordinance and incorporate reference to any maps or
19 drawing in accordance with Article XXXIII-A.

20 Section 79. Sections 2012, 2013 and 2014 of the act are
21 amended to read:

22 Section 2012. Width of [Public Roads.--The width of a street
23 in townships shall not be less than thirty-three feet or more
24 than one hundred and twenty feet, unless, in any particular
25 case, the township commissioners shall determine that a street
26 of lesser width will be sufficient for public use and travel;
27 but in no case shall any public street be less than twenty-four
28 feet in width: Provided, That the limits of width shall not be
29 construed to include the width required for necessary slopes in
30 cuts or fills, when the limits of the street and the extra width

1 required for such slopes exceed the limits of width herein
2 specified.] Public Streets.--(a) The width of a street in
3 townships shall not be less than twenty-four feet nor more than
4 one hundred and twenty feet. The minimum required width shall be
5 in addition to any width required for necessary slopes in cuts
6 or fills.

7 (b) The width of an alley shall be subject to the discretion
8 of the board of commissioners.

9 Section 2013. Opening and Repairing [~~Roads.--Streets laid~~
10 ~~out by lawful authority in townships shall, as soon as may be]~~
11 Streets.--(a) Laid out public streets in townships shall, as
12 soon as practicable, be effectually opened and constantly kept
13 in repair. All streets shall, at all seasons, be kept reasonably
14 clear of all impediments to easy and convenient traveling, at
15 the expense of the township.

16 [~~Whenever proceedings have been heretofore or may hereafter~~
17 ~~be begun for the opening and laying out of any street in any~~
18 ~~township, such street shall be physically opened upon the ground~~
19 ~~for use by the public within the period of five years next after~~
20 ~~the completion of such proceedings, and if not so opened, then~~
21 ~~such proceedings shall be deemed to be void and of no effect,~~
22 ~~and the land proposed to be taken shall revert to the owners of~~
23 ~~the land, as in the case of the vacation of a street, free of~~
24 ~~any easement or right of the public to use the same.]~~

25 (b) When proceedings have been initiated under this act for
26 the opening and laying out of any public street in any township,
27 the street shall be physically opened for use by the public
28 within a period of five years after the completion of the
29 proceedings. If the street is not opened or if no proceedings
30 have been commenced to compel the opening in five years, then

1 the proceedings are void and the land proposed to be taken shall
2 revert to the owners of the land free of any easement or right
3 of the public to use the land.

4 Section 2014. [Detours.--Except in the case of emergencies
5 wherein the safety of the public would be endangered, no street
6 in any township shall be closed to vehicular traffic, except
7 upon order of the township commissioners, nor for a longer
8 period than is necessary for the purpose for which such order is
9 issued: Provided, however, That no street shall be closed to
10 vehicular traffic when the same has been designated as a detour
11 by the State Department of Highways, unless the written consent
12 of the Department of Highways has first been obtained, or unless
13 the township commissioners shall, by resolution duly recorded on
14 their minutes, declare such closing necessary for the protection
15 of the public safety.

16 When any street shall be closed, as hereinbefore provided, it
17 shall be the duty of the township commissioners authorizing the
18 closing to immediately designate or lay out a detour, on which
19 they shall erect or cause to be erected and maintained while
20 such detour is in use, legible direction signs at each public
21 road intersection throughout its entire length. During the
22 period when such detour is in use, it shall be the duty of the
23 township commissioners to maintain such detour in safe and
24 passable condition, except in the case of State or county
25 highways. It shall also be the duty of the authorities
26 maintaining the detour to immediately remove all detour signs
27 when the street originally closed is opened for traffic. Except
28 in the case of State or county highways, the commissioners
29 shall, as soon as possible, repair the street designated as a
30 detour, and place same in a condition at least equal to its

1 condition when designated as a detour. Whenever necessary in the
2 creation of a detour, as aforesaid, the township commissioners
3 responsible for laying out the detour] Street Closings and

4 Detours.--(a) The following shall apply to the closing of a
5 street to vehicular traffic:

6 (1) No street shall be closed to vehicular traffic, except
7 upon order of the board of commissioners or, in cases of
8 emergency, when immediate action is necessary to protect public
9 safety, by order of the police, an authorized fire official or
10 other authorized public employee.

11 (2) A street may not remain closed for a longer period than
12 is necessary for the purpose for which the order to close was
13 issued.

14 (3) Except in cases of emergency, when immediate action is
15 necessary to protect public safety, no street shall be closed to
16 vehicular traffic when the street has been designated as a
17 detour by the Department of Transportation, unless the Secretary
18 of Transportation has provided written consent or the board of
19 commissioners has, by resolution duly recorded on its minutes,
20 declared the closing necessary for the safety of the public.

21 (4) When any street which forms a part or section of a State
22 highway or has been designated as a detour by the Department of
23 Transportation is closed to vehicular traffic, the township
24 shall at once notify the Department of Transportation of the
25 creation of a detour under this section. The Department of
26 Transportation shall be notified immediately after the detour is
27 removed.

28 (5) When any street is to be closed, it shall be the duty of
29 the board of commissioners or official authorizing the closing
30 to immediately designate or lay out a detour.

1 (6) While the detour is in use, legible signs shall be
2 erected and maintained at reasonable intervals indicating the
3 proper direction and the detour shall be maintained in a safe
4 and passable condition, except in the case of State or county
5 highways.

6 (7) When the street that had been closed is opened for
7 traffic, all detour signs shall be removed.

8 (8) Except in the case of State or county highways, the
9 board of commissioners shall, as soon as possible, repair the
10 street designated as a detour and place the street in a
11 condition at least equal to its condition when designated as a
12 detour.

13 (b) The board of commissioners may enter into agreement with
14 the owners of private lands, covering the acquisition of right
15 of way privileges for a detour over private property for the
16 period when the street shall be closed to traffic. If the
17 parties cannot reach an agreement, the township may proceed with
18 the construction of the detour with the owner of the property
19 taken for the detour entitled to seek damages, if any, in the
20 same manner as damages are now ascertained for the opening of
21 streets in the township.

22 (c) In the exercise of the rights conferred by this
23 section[, the township commissioners responsible are hereby]
24 relating to detours, the board of commissioners is empowered to
25 pay for the necessary maintenance, subsequent repair, and land
26 rental out of [such funds as are] the money available for the
27 construction and maintenance of [the streets in their charge.

28 Any person who shall wilfully remove, deface, destroy, or
29 disregard any barricade, light, danger sign, detour sign, or
30 warning of any other character whatsoever, erected or placed

1 under authority of this section, or who shall drive on, over or
2 across any street which has been properly closed, shall upon
3 conviction thereof in a summary proceeding before a justice of
4 the peace, be sentenced to pay a fine of not more than one
5 hundred dollars, and the costs of prosecution, and, in default
6 of the payment thereof, shall be imprisoned one day for each
7 dollar of fine and costs unpaid: Provided, however, That persons
8 who have no outlet due to the closing of a street may drive on,
9 over or across such street, with the consent in writing of, and
10 subject to such conditions as may be prescribed by, the township
11 commissioners responsible for the closing, or their agents or
12 contractors, without being subject to the penalties imposed by
13 this section.

14 In addition to the penalties herein provided, the township
15 commissioners responsible for the maintenance of a street which
16 has been closed to vehicular traffic, or their agents or
17 contractors, may, in an action at law, recover damages from any
18 person or persons who have damaged a street by driving on, over
19 or across the same when it is closed to vehicular traffic in
20 accordance with the provisions of this act.

21 All fines and moneys collected under the provisions of this
22 section shall be paid by the officer receiving the same to the
23 treasurer of the township in which the offense was committed.

24 The commissioners of any township may temporarily close any
25 street when, in their opinion, excessive or unusual conditions
26 have rendered such street unfit or unsafe for travel, and
27 immediate repair, because of the time of year or other
28 conditions, is impracticable. The street or portion thereof so
29 closed shall be properly marked at its extremities, and a means
30 of passage for the customary users of such road shall, whenever

1 possible, be provided.

2 Anyone using such street or portion thereof after the same
3 has been properly closed and marked, without a permit from the
4 commissioners, shall be subject to a penalty of not more than
5 one hundred dollars, to be recovered in a summary proceeding.
6 The penalties so recovered shall be payable to the treasurer of
7 the township wherein the offense was committed.] township
8 streets.

9 (d) Any person who willfully removes, defaces, destroys or
10 disregards any barricade, light, danger sign, detour sign, or
11 warning of any other type legally erected or placed or who
12 drives on, over or across any street which has been closed by
13 proper authority commits a summary offense punishable upon
14 conviction in accordance with section 3321-A.

15 (e) A person who has no outlet due to the closing of a
16 street may drive on, over or across the street, subject to
17 reasonable conditions as may be prescribed by the township
18 without being subject to the penalties imposed by this section.

19 (f) In addition to the penalties provided in subsection (d),
20 the township or the township's agents or contractors, may, in an
21 action at law, recover damages, including costs of labor,
22 materials and prosecution from any person who damages a street
23 when it is closed to vehicular traffic.

24 (g) All money collected under the provisions of this section
25 shall be paid over to the township treasurer.

26 (h) The board of commissioners may temporarily close any
27 street when it determines that excessive or unusual conditions
28 have rendered the street unfit or unsafe for travel, and
29 immediate repair, because of the time of year or other
30 conditions, is impracticable. The street or portion of the

1 street closed shall be properly marked at the street's
2 extremities and a means of passage for the customary users of
3 the street shall, whenever possible, be provided.

4 Section 80. Section 2015 of the act is repealed:

5 [Section 2015. Laying out Roads under the General Road
6 Law.--All roads partly within townships of the first class,
7 where one of the termini of such roads is without the township,
8 shall be laid out, widened, changed, or vacated only by the
9 courts of quarter sessions, as heretofore, in the manner
10 provided by the general road law and the amendments, additions,
11 and supplements thereto. But no such road shall be opened,
12 changed, widened, altered, or vacated unless and until the board
13 of commissioners of the township shall have passed a resolution
14 consenting and approving thereto, and shall have filed, with the
15 clerk of said court, a copy of such resolution, duly certified
16 by the township secretary. All damages and benefits occasioned
17 by such laying out and the subsequent opening thereof, or by any
18 such widening, changing, or vacation, shall be assessed,
19 collected, and paid in the manner provided by the general road
20 law and the amendments, additions, and supplements thereto:
21 Provided, That all damages occasioned by such laying out, and
22 the opening thereof, or by the widening, changing, or vacating
23 of all roads within townships of the first class shall be
24 assessed, collected, and paid by such townships of the first
25 class.]

26 Section 81. The act is amended by adding a section to read:

27 Section 2016. Street Connecting with Street of Another
28 Municipal Corporation.--(a) All streets partly within a
29 township of the first class shall be laid out, opened, widened,
30 straightened, altered, extended, vacated, improved, relocated or

1 have grades established or reestablished pursuant to this
2 article to the extent the street or portion of the street is
3 within the township.

4 (b) (1) The procedures applicable to any portion of the
5 street outside the township shall be pursuant to the code
6 applicable to the classification of the other municipal
7 corporation with which the street is shared.

8 (2) Notwithstanding paragraph (1), no action may be taken
9 under this article that would result in the change of location
10 or grade or the vacation of a street or portion of the street
11 that connects with a street of another municipal corporation
12 without approval of the court of common pleas of the county in
13 which the other municipal corporation is located, unless the
14 municipal corporation first files with the township secretary
15 the municipal corporation's approval of the proposed action.

16 Section 82. Subdivision (c) heading of Article XX and
17 section 2019 are repealed:

18 [(c) Dedicated Streets and Drainage Facilities
19 Section 2019. Scope of Subdivison.--The provisions of this
20 subdivision (c) of this article shall only apply in case a
21 township shall fail to adopt and enforce land subdivision
22 regulations as provided in Article XXX-A of this act and to
23 situations not covered by such regulations.]

24 Section 83. Section 2020 of the act is amended to read:

25 Section 2020. [Plans of Dedicated Streets.--The
26 commissioners of any township may accept in the name of the
27 township any land dedicated by deed to the township to be used
28 in any manner for road purposes. No person shall construct,
29 open, or dedicate any street, or any drainage facilities in
30 connection therewith, for public use or travel in any township,

1 without first submitting plans thereof to the township
2 commissioners for their approval. Such plans shall be prepared
3 in duplicate in accordance with such rules and regulations as
4 may be prescribed by the commissioners, and shall show the
5 profiles of such streets, the course, structure, and capacity of
6 any drainage facilities, and the method of drainage of the
7 adjacent or contiguous territory, and also any other or further
8 details, that may be required under the rules and regulations
9 adopted by the township commissioners. Before acting upon any
10 such plans, the commissioners may, in their discretion, arrange
11 for a public hearing, after giving such notice as they may deem
12 desirable in each case. The township commissioners are
13 authorized to alter such plans, or order the same to be altered,
14 and to specify any changes or modifications of any kind which
15 they, in their discretion, may deem necessary with respect
16 thereto, and may make their approval of such plans subject to
17 any such alterations, changes or modifications, but no plans
18 shall be approved until there is a solicitor's report as to
19 municipal liens. Any plans when so approved shall be signed, in
20 duplicate, on behalf of the township by such officer as the
21 commissioners may designate, and an approved duplicate copy
22 shall be filed in the township engineer's office or other proper
23 office, where the same shall be available to public inspection.
24 No street, or any drainage facilities in connection therewith,
25 shall be opened, constructed, or dedicated for public use or
26 travel, except in strict accordance with plans so approved by
27 the commissioners, or with further plans subsequently approved
28 by them in the same manner, nor until such plan, and the
29 approval thereof, has been recorded as hereinafter provided.]

30 Acceptance of Land for Street Purposes.--(a) The board of

1 commissioners may, by ordinance or resolution, accept in the
2 name of the township any land dedicated by deed to the township
3 to be used in any manner for street purposes.

4 (b) No person shall construct, open, or dedicate any street
5 or any drainage facilities in connection with the street for
6 public use or travel in any township without first submitting
7 plans to the board of commissioners for their approval. The
8 plans shall be prepared in accordance with rules and regulations
9 as may be prescribed by the commissioners and shall show the
10 profiles of the streets, the course, structure, and capacity of
11 any drainage facilities and the method of drainage of the
12 adjacent or contiguous territory and any other details required
13 under the rules and regulations adopted by the board of
14 commissioners.

15 (c) The act of July 31, 1968 (P.L.805, No.247), known as the
16 Pennsylvania Municipalities Planning Code, shall apply to the
17 construction, security requirements and dedication of streets
18 and connected drainage facilities if the streets proposed to be
19 constructed are part of a plan required by an ordinance adopted
20 under the Pennsylvania Municipalities Planning Code.

21 (d) (1) Before acting upon plans not subject to review
22 under subsection (c), the board of commissioners may, in the
23 board's discretion, arrange for a public hearing, after giving
24 notice as they may deem desirable in each case. The board of
25 commissioners may alter the plans and specify changes or
26 modifications of any kind and may make its approval of the plans
27 subject to alterations, changes or modifications. Plans, when so
28 approved, shall be signed on behalf of the township by an
29 officer as the commissioners may designate, and an approved copy
30 shall be filed in the township engineer's office or other proper

1 office, where the same shall be available to public inspection.

2 (2) No street or any drainage facilities in connection with
3 the street shall be opened, constructed, or dedicated for public
4 use or travel except in compliance with plans approved by the
5 board of commissioners and until the approved plan is recorded
6 as required in this article.

7 (e) If the board of commissioners refuses to approve any
8 plans submitted to the board under this section, any person
9 aggrieved by the action of the board of commissioners may within
10 thirty days after the action appeal from the action by petition
11 to the court of common pleas and the court shall hear the matter
12 de novo. The following shall apply:

13 (1) After a hearing, the court may enter a decree affirming,
14 reversing or modifying the action of the board of commissioners
15 as may appear just.

16 (2) The court shall designate the manner in which notices of
17 the hearing of any appeal shall be given to all parties
18 interested.

19 (3) The decision of the court shall be final.

20 (4) A plan approved by the action of the board of
21 commissioners or by the court on appeal shall be recorded by the
22 person applying for approval in the office of the recorder of
23 deeds of the county.

24 (f) If any street or any drainage facilities in connection
25 with a street is opened, constructed or dedicated for public use
26 or travel, except in compliance with plans approved and
27 recorded, neither the board of commissioners nor any public
28 authority shall be required to place, construct or operate any
29 sewer, drain, water pipe or other facilities or do any work of
30 any kind in or upon the street. Neither the board of

1 commissioners nor any other public authority shall have any
2 responsibility of any kind with respect to the street or
3 drainage facilities even if the street or drainage facilities
4 are in use by the public, unless the street or drainage
5 facilities is accepted by ordinance or by deed of dedication.
6 Nothing in this act shall prevent the laying of trunk sewers,
7 drains or water or gas mains if required by engineering
8 necessity for the accommodation of other territory.

9 (g) If a person opens a street or drainage facility in
10 connection with the street without submitting and obtaining
11 approval of plans as provided in this section, and if the board
12 of commissioners shall have no information that the street or
13 drainage facility is intended for public use or travel, the
14 board of commissioners may, in their discretion, file with the
15 recorder of deeds of the county a certificate containing a
16 description of the land served by the street or drainage
17 facility in connection with the street. The board of
18 commissioners shall include a statement that, as the board of
19 commissioners have not approved the plans, neither the board of
20 commissioners nor any other public authority shall have any
21 responsibility to furnish any facilities or services with
22 respect to the land or have any responsibility of any kind with
23 respect to the street or drainage facility. The owner of the
24 land shall be designated and indexed as grantor in the records
25 of the office of the recorder of deeds, and the township shall
26 be designated and indexed as grantee. It shall not be necessary
27 for the certificate to be executed by any party other than the
28 board of commissioners filing the same.

29 (h) The following shall apply:

30 (1) Nothing in this section shall be deemed to prevent the

1 board of commissioners from enforcing the provisions of this act
2 in which any street or any drainage facility in connection with
3 the street is intended for public use or travel.

4 (2) If a township fails to file a certificate under
5 subsection (g), nothing in this section shall be interpreted to
6 create a deemed approval of the plans nor create any
7 responsibility of the township with respect to the land, street
8 or drainage facility.

9 (i) Any person who constructs, opens or dedicates any street
10 or drainage facilities for public use or travel in any township
11 without having first complied with the provisions of this
12 section and of any ordinances or resolutions of the board of
13 commissioners commits a misdemeanor of the third degree and is
14 subject to suit for all costs and damages incurred by the
15 township or property owners in the course of correcting
16 substantive violations of State or municipal law or regulations
17 resulting from or arising out of the unlawfully constructed
18 street or facility. All money recovered shall be paid to the
19 township treasurer.

20 (j) No approval of plans by the board of commissioners shall
21 obligate or require the township to construct, reconstruct,
22 maintain, repair or grade the streets.

23 Section 84. Sections 2021, 2022, 2023, 2024 and 2025 of the
24 act are repealed:

25 [Section 2021. Appeals where Commissioners Refuse
26 Approval.--In any case where the township commissioners shall
27 refuse to approve any plans submitted to them in accordance with
28 this act, any person aggrieved by the action of the
29 commissioners may, within thirty days after such action, appeal
30 therefrom by petition to the court of quarter sessions of the

1 county, which court shall hear the matter de novo, and, after
2 hearing, may enter a decree affirming, reversing, or modifying
3 the action of the commissioners as may appear just in the
4 premises. The court shall designate the manner in which notices
5 of the hearing of any such appeal shall be given to all parties
6 interested. The decision of the court shall be final.

7 The action of the township commissioners, or of the court on
8 appeal, in approving any such plans, and an approved duplicate
9 copy of such plans, shall be recorded by the person applying for
10 such approval in the office of the recorder of deeds of the
11 county.

12 Section 2022. No Responsibility on Township Where Plans Not
13 Approved.--If any street, or any drainage facilities in
14 connection therewith, shall be opened, constructed, or dedicated
15 for public use or travel, except in strict accordance with plans
16 approved, and recorded as herein provided, neither the township
17 commissioners nor any public authorities shall place, construct,
18 or operate any sewer, drain, water pipe, or other facilities, or
19 do any work of any kind, in or upon such street; and neither the
20 township commissioners, nor any other public authorities, shall
21 have any responsibility of any kind with respect to any such
22 street, or drainage facilities, notwithstanding any use of the
23 same by the public, unless such street, or drainage facilities,
24 is accepted by ordinance, or by deed of dedication: Provided,
25 however, That nothing herein contained shall prevent the laying
26 of trunk sewers, drains, water or gas mains, if required by
27 engineering necessity for the accommodation of other territory.
28 If any person shall open any street, or any drainage facility,
29 in connection therewith, without submitting and obtaining
30 approval of plans, as approved in section two thousand twenty of

1 this act, and if the township commissioners shall have no
2 information that such street, or drainage facility, in
3 connection therewith, shall be intended for public use, or
4 travel, the township commissioners may, in their discretion,
5 file with the recorder of deeds of the county, a certificate
6 containing a description of the land served by such street, or
7 drainage facility, in connection therewith and a statement that,
8 as the township commissioners have not approved such plans,
9 neither the township commissioners nor any other public
10 authority shall have any responsibility to furnish any
11 facilities, or services, with respect to such land; or any
12 responsibility of any kind with respect to such street, or
13 drainage facility, in connection therewith. The owner of such
14 land shall be designated and indexed as grantor in the records
15 of the office of the recorder of deeds, and the township shall
16 be designated and indexed as grantee therein. It shall not be
17 necessary for such certificate to be executed by any other party
18 than the township commissioners filing the same. Nothing herein
19 contained shall be deemed to prevent the township commissioners
20 from enforcing the provisions of this act in any case in which
21 any such street, or any drainage facility, in connection
22 therewith, is intended for public use, or travel.

23 Section 2023. Entry of Lands.--The township commissioners
24 and their representatives and workmen may enter upon any land
25 and property, and maintain marks and monuments, so far as the
26 commissioners deem necessary in carrying out their powers and
27 duties of this subdivision.

28 Section 2024. Penalty.--Any person, copartnership, or
29 corporation who or which shall construct, open, or dedicate any
30 street, or any drainage facilities in connection therewith, for

1 public use or travel in any township, without having first
2 complied with the provisions of this subdivision, and of any
3 ordinances or resolutions of the township commissioners adopted
4 pursuant hereto, shall be guilty of a misdemeanor, and, upon
5 conviction thereof, such person or the members of such
6 copartnership or the officers of such corporation responsible
7 for such violation shall be sentenced to suffer imprisonment not
8 exceeding two years, or pay a fine not exceeding one thousand
9 dollars, or both, in the discretion of the court.

10 Section 2025. Powers of State and Counties Preserved.--
11 Nothing contained in this subdivision shall be held to restrict
12 or limit the State Department of Highways or any county in the
13 exercise of any of its duties, powers, and functions under the
14 provisions of any act of Assembly now in force or hereafter to
15 be enacted.]

16 Section 85. The act is amended by adding sections to read:

17 Section 2025.1. Powers of State and Counties Preserved.--
18 Nothing contained in this article shall be held to restrict or
19 limit the Department of Transportation or any county in the
20 exercise of any of its duties, powers, and functions under the
21 provisions of any State law.

22 Section 2026. Exclusive Nature of Provisions.--No street may
23 be dedicated, accepted, acquired, laid out, opened or vacated by
24 a township except under this article.

25 Section 2027. Failure of Board of Commissioners to Hold
26 Hearing.--If, after the filing of a petition under this article,
27 the board of commissioners fails to hold a required hearing, an
28 aggrieved party may file a mandamus action in the court of
29 common pleas requesting that a hearing be held.

30 Section 2028. Entry on Land to Maintain Marks and

1 Monuments.--The board of commissioners and the board of
2 commissioners' agents and employees may enter upon any land or
3 property to maintain marks and monuments as the board of
4 commissioners deems necessary in carrying out the board of
5 commissioners' powers and duties under this article.

6 Section 2029. Bike Paths.--The board of commissioners may
7 provide for the construction and maintenance of bike paths for
8 the protection or convenience of the traveling public.

9 Section 86. Subdivision (d) heading of Article XX of the act
10 is repealed:

11 [(d) Relocation, Alteration, and Vacation of
12 Streets in or near State Parks]

13 Section 86.1. Section 2030 of the act is amended to read:

14 Section 2030. [Agreements to Relocate, Alter, and Vacate]
15 Streets in or near [State] Public Parks.--[Whenever a public
16 road or highway within a park or public ground, title to which
17 park or public grounds is vested in the State of Pennsylvania,
18 is laid out, located, relocated, altered, or vacated in such
19 manner that a street, approaching, leading into, or contiguous
20 to such park or public grounds, shall become either useless,
21 inconvenient or burdensome, such street, approaching, leading
22 into, or contiguous to such park or public grounds, may be
23 altered, relocated, or vacated, by the township commissioners
24 charged with the duty of maintaining such streets, in whole or
25 in part for the purpose of making it convenient and suitable as
26 an approach to the roads and highways within said park or public
27 grounds, upon the consent and agreement of: (a) The
28 commissioners or officials charged with the care and management
29 of said park or public grounds; (b) the township commissioners
30 charged with the duty of maintaining said street, approaching,

1 leading into, or contiguous to said park or public grounds; and
2 (c) the property owners owning the majority of the frontage of
3 land abutting upon the relocated portion of the street
4 approaching, leading into, or contiguous to said park or public
5 grounds.] (a) The board of commissioners may contract with the
6 Commonwealth, a county or a municipal corporation owning and
7 operating parks inside the township to establish, relocate,
8 alter or vacate public streets inside or contiguous to those
9 parks. The board of commissioners shall take no action with
10 respect to the public streets without the written consent and
11 agreement of the Commonwealth, county or municipal corporation
12 owning and operating the parks. Any street when altered or
13 relocated under this section shall be maintained and repaired
14 the same as other township streets.

15 (b) The agreement shall be adopted by ordinance and within
16 thirty days the street shall be a public street of the township.

17 (c) The owner of any land through which any public street
18 may be located or relocated may apply by petition to the court
19 of common pleas, setting forth the injury that has been
20 sustained by reason of the relocation of the public street. The
21 proceedings relative to the assessment and payment of damages of
22 the landowner shall be pursuant to 26 Pa.C.S. (relating to
23 eminent domain).

24 Section 86.2. Sections 2031, 2032 and 2033, Subdivision (e)
25 and Subdivision (f) heading of Article XX of the act are
26 repealed:

27 [Section 2031. Agreement to Be Filed in Court; Effect of
28 Filing.--The filing of the consent and agreement of
29 commissioners or officials charged with the care and management
30 of such park or public grounds, the township commissioners

1 charged with the maintenance of said streets, and of the
2 property owners, provided for in the preceding section, in the
3 court of quarter sessions of the county or counties in which the
4 altered, relocated, or vacated street is situate, shall have the
5 same force and effect as the filing and the approval and
6 absolute confirmation by the court of quarter sessions of a
7 report of viewers appointed in accordance with the general road
8 law, and shall have the same force and effect as though said
9 viewers had laid out, located, relocated, altered, or vacated
10 such street in accordance with the agreement filed as aforesaid,
11 and the report of said viewers had been filed, approved, and
12 absolutely confirmed by the court.

13 The filing of said agreement in the court of quarter sessions
14 shall be conclusive as to the question of the necessity for the
15 laying out, location, relocation, alteration, or vacation of
16 said streets, as contained in the said agreement, and that the
17 portion or portions of said street abandoned or vacated was
18 useless, inconvenient, and burdensome.

19 Section 2032. Altered and Relocated Streets Declared
20 Township Streets.--Such street, when altered or relocated, shall
21 be maintained and repaired in the same manner as other township
22 streets are maintained and repaired.

23 Section 2033. Assessment of Damages.--The owner of any land
24 through which any street may be so relocated may apply, by
25 petition, to the court of quarter sessions of the proper county,
26 setting forth the injury which has been sustained by reason of
27 the relocation of the said street, and the proceedings relative
28 to the assessment and payment of damages of said land owner
29 shall be in accordance with the provisions of this act for
30 proceedings for the assessment of damages and benefits.

1 (e) Elimination of Curves

2 Section 2035. Any township may acquire, by purchase or by
3 the right of eminent domain, such property and lands situate
4 along or adjacent to any township street or highway as, in the
5 opinion of the commissioners of such township, may be necessary
6 to eliminate dangerous curves and widen narrow streets or
7 highways for the better protection and safety to the traveling
8 public.

9 Upon any such purchase or condemnation, the township
10 commissioners may, from time to time, abate or remove, or cause
11 to be abated or removed, any such dangerous curve or curves, or
12 widen such narrow street or highway, to the extent of the
13 property and land so acquired.

14 The proceedings for the condemnation of such property and
15 lands under the provisions of this section, and for the
16 assessment of damages for property or land taken, injured or
17 destroyed, shall be taken in the same manner as is provided by
18 this act for the condemnation of lands by townships.

19 (f) Acquisition of Unobstructed Views at Curves
20 and Intersections]

21 Section 87. Section 2040 of the act is amended to read:

22 Section 2040. [Any township may acquire, by purchase or by
23 the right of eminent domain, a free and unobstructed view down
24 and across such lands located at or near the intersection of any
25 two streets or highways, or a street or highway and a railroad
26 or railway, or at any curve in any street or highway, as may be
27 necessary to assure a free and unobstructed view in all
28 directions at such crossings, and to so prevent the use of such
29 lands for any purpose or in any manner which may interfere with
30 or obstruct the vision of persons traveling upon any such street

1 or highway.

2 Upon any such condemnation, the township commissioners,
3 having had such view condemned, may from time to time, abate or
4 remove, or cause to be abated or removed, any obstruction to
5 such view over and across such lands.

6 The proceedings for the condemnation of such view over and
7 across such lands and for the assessment of damages for property
8 taken, injured or destroyed, shall be taken in the same manner
9 as is provided in this act for the condemnation of land by
10 townships.

11 Upon the condemnation of a view, the owner of such lands may
12 make every such use thereof as will not interfere with a free
13 and unobstructed view at such dangerous crossing or curve, and,
14 unless specially provided for in such condemnation proceedings,
15 such condemnation shall not be construed to prevent the owner
16 thereof from using such land for pasture or the growing of
17 grass, oats, wheat, or other crops which will not obstruct the
18 vision more than wheat.] Elimination of Curves and Acquisition

19 of Views.--(a) Any township may, singly or jointly with another
20 municipality, acquire, by purchase or by the right of eminent
21 domain, lands or easements along or adjacent to any township
22 street that may be necessary to eliminate dangerous curves,
23 widen streets or provide a free and unobstructed view down and
24 across lands located at or near the intersection of any two
25 streets or highways, or a street or highway and a railroad or
26 railway or at a curve in any street or highway, for the better
27 protection and safety to the traveling public.

28 (b) After condemnation, the township may abate or remove, or
29 cause to be abated or removed, any obstruction to the view over
30 and across the lands.

1 (c) The proceedings for the condemnation of lands and for
2 the assessment of damages for property, or portions of property,
3 taken, injured or destroyed, agreed to be paid by the township
4 if the taking is jointly with another municipality, shall be
5 taken in the manner provided under the law governing eminent
6 domain.

7 (d) Upon the purchase or condemnation of lands or easements
8 for a free and unobstructed view, the owner of the lands may
9 make every use of the lands as will not interfere with a free
10 and unobstructed view at the dangerous crossing or curve.

11 Section 88. Subdivision (g) heading of Article XX of the act
12 is repealed:

13 [(g) Changing or Altering Streets by Agreement
14 with Property Owners]

15 Section 89. Section 2045 of the act is amended to read:

16 Section 2045. Improving or Vacating Streets by Agreement.--
17 [Whenever the commissioners of any township deem it advisable to
18 construct, change, widen, relocate or alter any part of any
19 street under their supervision, and can agree with the property
20 owners affected by such change as to damages, they may, upon
21 payment of damages agreed upon, change, widen, relocate, or
22 alter such part of such street as contemplated in such agreement
23 without the formality of a view.

24 No such improvement of any part of any street shall be made,
25 the costs and expenses of which to such township, including
26 damages, shall exceed one thousand dollars. A petition setting
27 forth the facts, accompanied by a map or draft of such proposed
28 improvement, shall be presented to the court of quarter sessions
29 for approval before such actual improvement is made; whereupon
30 the new location, approved by the court, shall be taken to be

1 the street and the old location shall be vacated.] (a) When the
2 board of commissioners constructs, changes, widens, relocates,
3 vacates or alters any portion of any public street under their
4 supervision, and can agree with the property owners affected by
5 the change as to damages, the board of commissioners may, upon
6 payment of damages agreed upon, construct, change, widen,
7 relocate, vacate or alter the portion of the street as
8 contemplated in the agreement without the formality of a view.

9 (b) A copy of the agreement setting forth the facts
10 regarding the construction, change, widening, relocation,
11 vacation or alteration, accompanied by a map or draft of the
12 street agreed to be constructed, changed, widened, relocated,
13 vacated or altered, shall be presented and recorded in the
14 office of the recorder of deeds or similar office in home rule
15 counties after which the new location is the public street or
16 the old location is vacated.

17 (c) Nothing contained in this section shall be construed to
18 prohibit a township from paying for curbs, gutters, sidewalks,
19 retaining walls and incidental work necessitated by such
20 construction, change, alteration, relocation, vacation or
21 widening in cases where the necessary land [necessary therefor]
22 is dedicated to the township for public use.

23 Section 90. Subdivision (h) heading of Article XX of the act
24 is repealed:

25 [(h) Grading, Draining, Curbing, Paving,
26 Macadamizing Streets or Highways on Petition,
27 and Assessment of Benefits by Viewers]

28 Section 91. Section 2050 of the act is amended to read:

29 Section 2050. Proceedings [on Petition.--Upon the petition
30 of a majority of property owners in interest or number, abutting

1 on the line of any proposed improvement, to be verified by the
2 affidavit of at least one of the petitioners, a majority in
3 interest of owners of undivided interests in any piece of
4 property to be treated as one person, a township may grade,
5 curb, pave, or macadamize, or otherwise improve, any street or
6 highway, or part thereof, or which may be, in whole or in part,
7 boundaries thereof, and provide for the necessary drainage
8 thereof; and may also provide for the improvement of any street
9 or highway, and any sections or parts thereof, in length, in the
10 space between the curb, gutter, or actual carriageway line and
11 the property line, either by an original work or improvement
12 thereon, or by a change, repair, renewal, or alteration in the
13 said street or highway, curb, parking spaces, or shade trees, or
14 by changing, altering, renewing, replanting, pruning, or
15 otherwise improving the same, in any or all of said particulars.
16 The majority in interest or number required for such petitions
17 shall be fixed as of the date of such petition.] With or Without
18 Petition.--Townships may improve streets, portions of streets or
19 a particular width or additional widths of streets, with or
20 without the assistance or contribution of the Federal
21 Government, the Commonwealth, the county or a corporation
22 occupying the thoroughfare, and may assess and collect the
23 following from the owners of real estate abutting on the
24 improvement in accordance with Article XXV-A:

25 (1) The whole cost of improvement.

26 (2) The whole cost of improvement not aided or contributed
27 to by the Federal Government, the Commonwealth, the county or a
28 corporation.

29 (3) Any part of the cost.

30 Section 92. Sections 2051, 2052, 2053, 2054, 2055 and 2056

1 and Subdivisions (i) and (j) of Article XX of the act are
2 repealed:

3 [Section 2051. Grading Restrictions.--In grading a street,
4 it shall be unlawful to raise the street above the ordinary
5 grade when a drain or culvert is constructed under such street,
6 or where a street is constructed over such drain or culvert.

7 Section 2052. Notice.--After the passage of any ordinance
8 for the grading, curbing, paving, or macadamizing, or otherwise
9 improving any street or highway, notice shall be given, within
10 ten days thereafter, by handbills posted in conspicuous places
11 along the line of the proposed improvement.

12 Section 2053. Contents of Notice.--The notice shall state
13 the fact and the date of the passage of such ordinance, that the
14 petition for the improvement was signed by a majority in
15 interest and number of owners of property abutting on the line
16 of the proposed improvement, and that any person interested,
17 denying the fact that said petition was so signed, may appeal to
18 the court of common pleas of the county within thirty days from
19 the passage of the ordinance.

20 Section 2054. Appeals from Ordinance.--Any person interested
21 may, within thirty days from the passage of such ordinance,
22 present a petition to the court of common pleas of the county,
23 setting forth the facts; whereupon the court shall determine
24 whether such improvement was petitioned for by the requisite
25 majority. If the court shall find that it was not so petitioned
26 for, it shall quash the ordinance, but if it shall find that it
27 was so petitioned for, it shall approve the same. If no appeal
28 shall be taken, or if the court, on appeal, shall approve the
29 ordinance, the township may proceed with the improvement, and
30 thereafter all parties shall be estopped from denying the fact

1 that such petition was properly signed.

2 Section 2055. Assessment of Damages and Benefits by
3 Viewers.--On petition, viewers shall be appointed, as provided
4 in this act, who shall assess the damages, costs, and expenses
5 of such grading, curbing, paving, or macadamizing, or parking,
6 shade tree planting, or changing or altering, renewing,
7 replanting, pruning, or improving, including the expenses for
8 necessary drainage, upon the property benefited, according to
9 benefits, if sufficient can be found, but if not, the
10 deficiency, when ascertained, shall be paid by the township. The
11 proceedings of the viewers and the proceedings on their report
12 shall be as provided in this act for such proceedings.

13 Section 2056. Assessments to Bear Interest; Collection.--All
14 such assessments for benefits if not paid within thirty days
15 shall bear interest as provided by this act in such cases, and,
16 if any such assessment remains unpaid, it shall be the duty of
17 the township solicitor to collect the same with interest, by
18 action of assumpsit, or by a lien to be filed and collected in
19 the manner provided by law for the filing and collection of
20 municipal claims. When an owner has two or more lots against
21 which there is an assessment for the same improvement, all of
22 such lots may be embraced in one claim.

23 (i) Grading, Draining, Curbing, Paving or
24 Macadamizing Streets or Highways, and Collection
25 of Cost by Foot Front Rule

26 Section 2060. Proceedings With or Without Petition.--
27 Townships, with petition or without petition, may grade, curb,
28 gutter, pave, macadamize, or otherwise improve, streets or
29 highways, or parts thereof, or a particular width or additional
30 widths thereof, with or without the assistance or contribution

1 of the State, county, or a corporation occupying the
2 thoroughfare, and may assess and collect the whole cost thereof,
3 or the whole cost not thus aided or contributed, or any part
4 thereof, from the owners of real estate abutting on the
5 improvement, by an equal assessment on the foot front, including
6 the expense of the necessary drainage. The board of
7 commissioners may make equitable adjustments for corner lots, or
8 lots of irregular shape, where an assessment for full frontage
9 would be unjust. Property not otherwise assessable shall become
10 assessable by the petition of the owner or the owner's
11 representative. In all cases where the whole width of the street
12 is being paved without State or county aid, and more than two-
13 thirds of the total cost is proposed to be assessed on abutters,
14 the township shall, for this purpose, be considered as owner of
15 non-assessable property, of street intersection, and of the
16 deducted frontage on equitable adjustments. On petition of
17 owners representing two-thirds of the number of feet of
18 assessable properties abutting on the proposed improvement, the
19 total cost of the improvement, or a lesser amount if the
20 township desires, may be assessed on the assessable properties
21 abutting, without any deduction for non-assessable property, or
22 street intersection, or for the equitable adjustments aforesaid:
23 Provided, That the petition states that the total cost may be
24 assessed on the abutters.

25 Section 2061. Grading Restrictions.--In grading a street, it
26 shall be unlawful to raise the street above the ordinary grade
27 when a drain or culvert is constructed under such street, or
28 where a street is constructed over such drain or culvert.

29 Section 2062. Notice of Assessments.--The secretary of the
30 township shall cause thirty days' notice of the assessment to be

1 given to each party assessed, either by service on the owner or
2 his agent, or left on the assessed premises.

3 Section 2063. Collection of Assessments.--If any assessment
4 shall remain unpaid at the expiration of the notice, it shall be
5 the duty of the township solicitor to collect the same, with
6 interest from thirty days after the completion of the
7 improvement, by action of assumpsit, or by a lien to be filed
8 and collected in the same manner as municipal claims. When an
9 owner has two or more lots against which there is an assessment
10 of the same improvement, all of such lots may be embraced in one
11 claim.

12 (j) Road Material, Ditches, Drains and Watercourses

13 Section 2065. Power to Enter Lands.--When material cannot be
14 conveniently obtained by contract at reasonable prices, the
15 commissioners of townships may enter upon any land or enclosure
16 within their township, lying near the street or highway, and
17 dig, gather, and carry upon the street or highway any stones,
18 sand, or gravel which they think necessary to make, maintain, or
19 repair the street or highway. In exercising such right they
20 shall do no unnecessary damage to the owners of the land, and
21 shall repair any breaches of fences which they make.

22 Section 2066. Viewers to Fix Damages.--Whenever the
23 commissioners and the owners of any such materials cannot agree
24 upon the price to be paid therefor, the value of such materials
25 shall be assessed by viewers to be appointed and to make report
26 as provided in this act in the case of eminent domain
27 proceedings.

28 Section 2067. Ditches, Drains, and Watercourses; Approval of
29 Plans.--No person shall stop, fill up, confine, pave or
30 otherwise interfere with any drain, ditch, watercourse, or

1 drainage facilities, in a township, without first submitting
2 suitable plans thereof to the township commissioners for their
3 approval. Such plans shall be prepared in accordance with such
4 rules and regulations as may be prescribed by the commissioners,
5 and shall show the exact nature of the work to be performed.
6 Before acting upon any such plan, the commissioners may, in
7 their discretion, arrange for a public hearing, after giving
8 such notice as they may deem desirable in each case. The
9 commissioners are authorized to alter such plans, and to specify
10 any changes or modifications of any kind which they, in their
11 discretion, may deem necessary with respect thereto, and may
12 make their approval of such plans subject to any alterations,
13 changes or modifications. Any plans, when so approved, shall be
14 signed on behalf of the township by such officer as the
15 commissioners may designate, and shall be filed in the township
16 offices where the same shall be available for public inspection.
17 No drain, ditch, watercourse, or drainage facilities, shall be
18 constructed, altered, stopped, filled up, confined, paved, or
19 otherwise interfered with, except in strict accordance with
20 plans so approved by the commissioners, or with further plans
21 subsequently approved by them in the same manner. No township
22 shall have any responsibility with respect to conditions arising
23 as a result of the failure on the part of any person to comply
24 with the requirements of this act.

25 The township commissioners may enter upon any lands or
26 enclosures and cut, open, maintain, and repair such drains or
27 ditches through the same as, in their judgment, are necessary to
28 carry the water from the streets or highways.

29 Any person who shall stop, fill up, or confine, pave, or
30 otherwise interfere with any such drain or ditch, watercourse,

1 or drainage facilities, or shall divert or change the course
2 thereof, without the approval of the commissioners as herein
3 provided, shall upon conviction thereof, in a summary
4 proceeding, be sentenced to pay a fine not exceeding twenty-five
5 dollars for each offense, and in default of the payment of such
6 fine and costs shall be sentenced to imprisonment of not more
7 than ten days.

8 Nothing contained in this section shall be held to restrict
9 or limit the State Department of Highways or any county in the
10 exercise of any of its powers and duties under the provisions of
11 any law of this Commonwealth, nor to obviate the necessity of
12 securing the consent of the Water and Power Resources Board
13 where required by existing law.]

14 Section 93. The act is amended by adding a section to read:

15 Section 2068. Power to Open Drains and Ditches.--(a) The
16 board of commissioners or its agents and employees may enter any
17 lands or enclosures and cut, open, maintain and repair drains or
18 ditches through the property when necessary to carry the water
19 from the streets.

20 (b) Any person who damages or diverts any drain or ditch
21 without the authority of the board of commissioners commits a
22 summary offense and is liable for the cost of restoring the
23 drain or ditch. All money recovered under this subsection shall
24 be paid to the township treasurer.

25 Section 94. Subdivision (k) heading of Article XX of the act
26 is repealed:

27 [(k) Trees, Shrubbery, and Obstructions within
28 Limits of Streets or Highways]

29 Section 95. Section 2070 of the act is amended to read:

30 Section 2070. Trees and Shrubbery Within Right-of-Way.--(a)

1 In order to provide for easy and convenient traveling upon the
2 public streets or highways, the [township] board of
3 commissioners may cut, alter or remove any trees, shrubbery,
4 underbrush, refuse or obstructions within the legal width of any
5 public street or highway, or any [part] portion thereof.

6 [All logs, cordwood, or other forms of wood, derived from the
7 destruction or removal of any trees growing along such streets
8 or highways, shall become the property of the abutting owners,
9 provided that such abutting owners shall, within ten days after
10 notice from the township, remove such logs, cordwood, or other
11 forms of wood from the legal width of the street or highway. In
12 the event of their failure to do so, they shall forfeit all
13 interest therein, and the same may be disposed of as the
14 township commissioners deem proper.]

15 (b) All logs, cordwood, branch wood or other forms of wood
16 derived from the destruction or removal of any trees growing
17 along streets or highways shall be surrendered to and remain the
18 property of the abutting owners, provided that the abutting
19 owners shall, within ten days after notice from the township,
20 remove the logs, cordwood, branch wood or other forms of wood
21 from the legal width of the street or highway. In the event of
22 the abutting owners' failure to do so, they shall forfeit all
23 interest therein, and the same may be disposed of as the board
24 of commissioners deem proper.

25 Section 96. Subdivision (1) heading of Article XX of the act
26 is repealed:

27 [(1) Protection of Streets or Highways from Snowdrifts]

28 Section 97. Section 2078 of the act is amended to read:

29 Section 2078. [Whenever any streets or highways, in
30 townships, are so located as to render them liable, on account

1 of high wind during the winter season, to be so filled with snow
2 as to make them impassable, and, in the judgment of the
3 commissioners, such drifts of snow can be avoided by the removal
4 of any fence erected along either side of such street or highway
5 and replacing the same by a fence constructed of posts, wire,
6 and boards or rail combined, such commissioners may agree with
7 the owners of such fences upon a plan for the erection of a
8 fence constructed of posts, wire, and board or rail combined.
9 The township may pay the owners of such fences a sum not to
10 exceed the first cost of the wire used in the construction of
11 such fences. The wire used in the construction of such fences
12 shall be without barbs. This section shall not apply to any
13 stone wall, hedge, or ornamental fence.

14 Any township which is responsible for the maintenance of any
15 street shall have authority to enter upon private property
16 adjacent to such street and place thereon a snow fence, at any
17 point as may be deemed necessary to within a limit of one
18 hundred (100) feet from the right of way line of such street, in
19 order to eliminate snow drifting on the traveled portion of the
20 street.

21 No such snow fence authorized shall be placed prior to
22 November first, nor shall the same remain in place after April
23 first of the succeeding year, unless the written consent of the
24 owner of the adjacent property is obtained agreeing to an
25 extension of time for the removal of said snow fence.

26 If the township shall not be able to enter into an agreement
27 with the owner of the adjacent property occupied by such snow
28 fence as to the amount of damages sustained as a result of said
29 fence being placed and removed, the owner may petition the court
30 of common pleas of the county for the appointment of viewers to

1 ascertain the amount of damage incurred in such case, in the
2 manner provided in this act for eminent domain proceedings. Such
3 damages, if any, when ascertained, shall be paid by the
4 township. Any funds available for the construction and
5 maintenance of streets shall be available for the payment of
6 such damages.] Protection of Streets or Highways from

7 Snowdrifts.--(a) A township may enter upon private property
8 adjacent to any public street or highway and place thereon a
9 snow fence to within a limit of one hundred (100) feet from the
10 right of way line of the public street or highway in order to
11 eliminate snow drifting on the traveled portion of the street.

12 (b) A snow fence may not be placed before the first day of
13 November or remain in place after the first day of April of the
14 succeeding year unless the written consent of the owner of the
15 adjacent property is obtained agreeing to an extension of time
16 for the removal of the snow fence.

17 (c) If the board of commissioners and the owner of the
18 property upon which a snow fence is placed and removed under
19 this section cannot agree to the amount of compensation, if any,
20 to be paid to the owner for placing the fence, including the
21 amount of damages, if any, to be paid for injury to the property
22 resulting from placing and removing the fence, the owner may
23 petition the court of common pleas of the county for the
24 appointment of viewers to ascertain the amount of damage
25 incurred in the manner provided in this act for eminent domain
26 proceedings. Damages, if any, when ascertained, shall be paid by
27 the township from the general township fund.

28 Section 98. Subdivision (m) heading of Article XX and
29 section 2080 of the act are repealed:

30 [(m) Guideposts and Index Boards

1 Section 2080. Duty to Erect.--The commissioners of the
2 township shall erect posts at the intersection of all streets or
3 highways, and at one of the angles where any street or highway
4 crosses another street or highway, and shall firmly fix thereon
5 boards or metal signs with index hands pointing to the direction
6 of such street or highway, but if a tree, trolley pole,
7 telephone pole, telegraph pole or building is so erected that it
8 can be used in place of a post, and permission has been secured
9 from the owner thereof, such tree, pole, or building may be used
10 in place of a post. On such boards and signs shall be inscribed,
11 in large and legible characters, the name of the town, village,
12 or place to which such streets or highways lead, and the
13 distance thereto computed in miles. Where any street intersects
14 or crosses a State highway, application for a permit shall be
15 made by the commissioners to the State Department of Highways
16 for the erecting of such signs.]

17 Section 99. The act is amended by adding sections to read:

18 Section 2080.1. Naming of Streets.--The board of
19 commissioners may provide for and regulate the naming of streets
20 and highways. When the naming of a street or highway will affect
21 signing maintained by the Department of Transportation, the
22 board of commissioners shall notify the department.

23 Section 2080.2. Street Lighting, Ornamental Lighting and
24 Traffic Control Signals and Devices.--The board of commissioners
25 may provide street lights and ornamental lighting and make
26 regulations for the protection of lighting. The board may assess
27 the costs of street lighting and ornamental lighting in
28 accordance with Article XXV-A. The board may provide for the
29 erection, maintenance and operation of traffic control signals
30 and devices in accordance with 75 Pa.C.S. (relating to

1 vehicles).

2 Section 100. Section 2081 of the act is amended to read:

3 Section 2081. [Penalty for Destroying.--It shall be unlawful
4 for any person to wilfully destroy, remove, injure, or deface
5 any guidepost or sign or index board legally erected upon or
6 near any street, highway or bridge by the authorities of any
7 township, or legally erected with the consent of the authorities
8 having jurisdiction over such street, highway or bridge, by any
9 club, association, or other organized body, for the direction,
10 guidance or safety of travelers. It shall also be unlawful for
11 any person to wilfully destroy, remove, injure or deface any
12 temporary traffic-control device legally erected for the purpose
13 of enhancing traffic or worker safety in a construction or
14 maintenance work zone, including, but not limited to, cones,
15 batons, barrels, barricades, signs, sign trucks, arrow boards or
16 other devices specified in a traffic safety plan approved by the
17 township or the Department of Transportation. Any person
18 violating any of the provisions of this section shall, upon
19 conviction in a summary proceeding, be sentenced to pay a fine
20 of not less than two hundred dollars nor more than five hundred
21 dollars for the first offense, and a mandatory fine of five
22 hundred dollars for the second or any subsequent offense, with
23 all costs of prosecution, together with the value of such sign
24 so destroyed, removed, or defaced, and in default of such
25 payment shall be sentenced to imprisonment of not more than ten
26 days. Fines and moneys so collected shall be paid to the
27 township treasurer.] Penalty for Destroying Signs.--(a) It
28 shall be unlawful for any person to wilfully destroy, remove,
29 injure, or deface any sign legally erected upon or near any
30 public street, highway or bridge by the board of commissioners,

1 or legally erected with the consent of the board of
2 commissioners over any public street, highway or bridge, by any
3 club, association, or other organized body, for the direction,
4 guidance or safety of travelers. It shall also be unlawful for
5 any person to wilfully destroy, remove, injure or deface any
6 temporary traffic-control device legally erected to enhance
7 traffic or worker safety in a construction or maintenance work
8 zone, including, but not limited to, cones, batons, barrels,
9 barricades, signs, sign trucks, arrow boards or other devices
10 specified in a traffic safety plan approved by the township or
11 the Department of Transportation.

12 (b) Any person who violates this section commits a summary
13 offense punishable upon conviction in accordance with section
14 3321-A, which may include the costs of labor, materials and
15 prosecution. Money collected shall be paid to the township
16 treasurer.

17 Section 101. Subdivision (n) heading of Article XX of the
18 act is repealed:

19 [(n) Streets Crossing Railroad; Special Uses of Streets]

20 Section 102. Sections 2083 and 2084 of the act are amended
21 to read:

22 Section 2083. Railroad Crossings.--[Every township
23 constructing a street across a railroad shall construct the same
24 above or below the grade thereof, unless permitted by the Public
25 Utility Commission to construct the same at grade.]

26 Any such crossing of a railroad by a street, or any vacation
27 of any street crossing a railroad, shall be constructed only in
28 the manner prescribed by and under the jurisdiction of the
29 Public Utility Commission. In such cases compensation for
30 damages to the owners of adjacent property, taken, injured or

1 destroyed, shall be ascertained, fixed, and paid in the manner
2 prescribed in the Public Utility Law.] (a) Every township
3 constructing a street across a railroad shall construct the same
4 above or below the grade of the railroad, unless permitted by
5 the Pennsylvania Public Utility Commission to construct the
6 street at grade.

7 (b) Any new construction of a street crossing a railroad or
8 any vacation of any street crossing a railroad shall be
9 constructed or vacated only in the manner consistent with the
10 rules and regulations and under the jurisdiction of the
11 Pennsylvania Public Utility Commission.

12 (c) Compensation for damages to the owners of adjacent
13 property taken, injured or destroyed by the construction of a
14 street crossing a railroad or any vacation of any street
15 crossing a railroad shall be ascertained, fixed and paid under
16 66 Pa.C.S. Pt. I (relating to public utility code).

17 Section 2084. Street Permits.--No railroad or street railway
18 shall [hereafter] be constructed upon any township street, nor
19 shall any railroad or street railway crossings, [nor any],
20 driveway connections, gas pipe, water pipe, electric conduits,
21 or other piping be laid upon or in, nor shall any telephone,
22 telegraph or electric light or power poles, or any coal tipples
23 or any other obstructions or facilities of non-public utility
24 communication providers be erected upon or in, any portion of a
25 township street, except under [such] conditions, restrictions
26 and regulations, and subject to the payment of [such] fees for
27 permits as may be prescribed and required by the board of
28 [township] commissioners, not exceeding the reasonable cost of
29 issuing the permit and expense of inspecting the work authorized
30 by [such] the permit upon completion thereof. All fees [so]

1 collected for permits shall be paid into the township treasury.

2 Section 103. Subdivision (o) heading of Article XX of the
3 act is repealed:

4 [(o) County-aid in the Improvement of Township Streets]

5 Section 104. Section 2086 of the act is amended to read:

6 Section 2086. County Aid in the Improvement of Township

7 Streets.--(a) Whenever the owners of the majority of the

8 assessed valuation of real property within any township desire

9 any principal street within the township to be improved and

10 maintained at the joint expense of the county and township, they

11 may petition the board of commissioners of the township for

12 [said] the improvement and require [them] the board of

13 commissioners to make application to the county commissioners

14 for [such] the improvement and maintenance in accordance with

15 the provisions of existing law.

16 [In all cases where the township] (b) If the board of

17 commissioners refuse to act upon, or unduly delay action on, any

18 petition for the improvement and maintenance of any street, any

19 citizen taxpayer of the township or county may, by petition,

20 present the facts of the matter to the court of [quarter

21 sessions] common pleas, requesting the court to order such

22 action thereon as the case may require. If after due hearing had

23 before [said] the court it shall appear that the truth of the

24 matters alleged in the petition are sustained, the court shall

25 make an order directing the [township] board of commissioners to

26 forthwith act upon [said] the application or applications, and

27 that the [said] application or petition for the improvement be

28 forthwith forwarded to the county commissioners.

29 Section 105. Subdivisions (p) and (q) of Article XX of the

30 act are repealed:

1 [(p) Penal Provisions

2 Section 2088. If any person working upon any street in any
3 township, or if any one in company with such person, shall ask
4 money or reward, or by any means whatever shall extort or
5 endeavor to extort any money, intoxicating drink, or other
6 thing, from any person traveling upon or near such street, the
7 person so offending shall for every such offense forfeit and pay
8 a sum not exceeding five dollars.

9 If any township commissioner shall connive with any person so
10 asking, demanding, or contriving to extort money, intoxicating
11 drink, or any other thing from any person traveling as
12 aforesaid, such commissioner shall, for every such offense,
13 forfeit and pay a sum not exceeding ten dollars.

14 If any person shall stop or obstruct any street or highway in
15 any township, or shall commit any nuisance thereon by felling
16 trees, making fences, turning the road, or in any other way, and
17 shall not, on notice given by the township commissioners,
18 forthwith remove the obstruction or nuisance and repair the
19 damage done to such street or highway, such person shall, for
20 every such offense, forfeit and pay a sum not more than twenty-
21 five dollars. Nothing in this section shall debar an indictment
22 for any such nuisance, as in case of misdemeanor at common law.

23 All penalties provided for in this section shall be recovered
24 by summary proceeding for the use of the township.

25 (q) Opening, Making, Amending, and Repairing Streets
26 and Bridges by Contracts with Taxpayers

27 Section 2090. Taxpayers' Rights.--Any taxpayers of any
28 township may acquire the right to furnish all the materials and
29 labor necessary for opening, making and repairing the streets
30 and bridges of such township, in the manner and under the

1 conditions set forth in this subdivision of this act.

2 Section 2091. Petition to Court.--To acquire such right, any
3 such taxpayer shall, before the beginning of the township fiscal
4 year, present to the court of quarter sessions a petition
5 setting forth that he is the owner of property assessed and
6 taxed in such township, the approximate number of miles of
7 streets in such township, and the ability of the petitioner to
8 lay out, open, make, and repair the streets and bridges of such
9 township wholly at his own expense, for the ensuing township
10 fiscal year or fiscal period, and to pay the other expenses of
11 such township as hereinafter provided, without any right against
12 or claim upon such township for or by reason of the materials,
13 labor, or money so furnished.

14 Section 2092. Bond of Petitioner.--The petitioner shall,
15 with the petition, present a bond to the township, in the sum of
16 ten thousand dollars or in a sum equal to five hundred dollars
17 for each mile of public street in the township, whichever shall
18 be greater, with one or more sufficient sureties to be approved
19 by the court, conditioned for the faithful performance by said
20 petitioner of his duty, and to save the township harmless from
21 any loss or claim by reason of failure so to perform said duty.

22 Section 2093. Notice to Commissioners and Auditors.--Notice
23 of the intention of presenting the petition and bond, and of the
24 time when said petition and bond will be presented to the court,
25 shall be given to the commissioners and auditor or controller of
26 the township at least ten days before the same are presented.

27 Section 2094. Contracts; Stipulations.--When the petition,
28 bond, and proof of the notice required in the preceding section
29 are presented to the court, the same shall be ordered filed; and
30 the court being satisfied of the good faith of the petitioner,

1 and the sufficiency of the petition, bond, and notice, shall
2 order and direct the commissioners, on behalf of the township,
3 to enter into a contract with the petitioner. In such contract,
4 the petitioner shall bind himself:

5 First. To open, make, and repair the streets and bridges of
6 the township for the ensuing fiscal year or fiscal period in a
7 lawful and workmanlike manner, wholly at the expense of the
8 petitioner, and without creating thereby any claim upon or right
9 against the township for or by reason of the materials, labor,
10 or money for persons employed.

11 Second. To indemnify and save harmless the township from all
12 claim, damage, cost, or expense of whatever kind, for or by
13 reason of any act or omission of said petitioner whereby any
14 claim, suit, or other demand may be set up or recovered against
15 the township.

16 Third. To pay, within sixty days from the beginning of the
17 fiscal year to the following officers of such township, the
18 following sums, to be received by said officers in full for all
19 demands against such township for their respective services as
20 such officers of the township for the fiscal years for which the
21 said contract is made, which shall be in lieu of the
22 compensation otherwise in this act provided for such officers,
23 namely: To each township secretary, the sum of fifty dollars; to
24 the auditor or controller of such township, the sum of twenty-
25 five dollars; to an attorney, to be elected by such
26 commissioners as counsel for the township, the sum of fifty
27 dollars; to each commissioner, the sum of one hundred dollars.

28 Section 2095. No Street Tax to Be Levied.--In consideration
29 of the obligations set out in the preceding section to be
30 assumed and performed by the petitioner, the commissioners, on

1 behalf of such township, shall stipulate that the township will
2 not assess, levy, or collect any tax for street purposes during
3 the fiscal year for which such contract is made.

4 Section 2096. Inspection.--The commissioners shall view and
5 inspect the making and repairing of the streets in such
6 townships, at least once during every month, and satisfy
7 themselves that the petitioner has fully complied with his
8 contract, before final settlement and expiration of contract.

9 If, at any time, the commissioners shall see that any portion of
10 the streets need repair, they shall notify the petitioner to
11 repair the same. In case said petitioner fails to repair said
12 street within five days after notice, the commissioners are
13 empowered to purchase such materials and employ such men as may
14 be necessary to repair such street, and charge the same to the
15 petitioner.]

16 Section 106. The act is amended by adding sections to read:

17 Section 2097. Boundary Streets.--(a) When any street, other
18 than a State or county road, is created or located along, on or
19 over boundaries between a township and any other municipal
20 corporation, the creation, location, construction, maintenance
21 and repair of the street shall be the joint responsibility of
22 the township and the municipal corporation with which the common
23 boundary is shared.

24 (b) The board of commissioners may make agreements with the
25 governing body of the municipal corporation with which the
26 common boundary is shared to provide for the apportionment of
27 the cost of construction, maintenance and repair of boundary
28 streets.

29 (c) If an amicable agreement on the proportionate share of
30 costs of construction, maintenance and repair of boundary

1 streets cannot be executed, the board of commissioners or the
2 governing body of the other municipal corporation involved may
3 petition the court of common pleas of the county for a
4 determination of the rights and responsibilities of the
5 respective municipal corporations involved.

6 (d) The court, after hearing of which notice shall be given
7 to all parties interested as the court may direct, shall make an
8 order directing the manner of the opening and maintenance and
9 the division of the costs between the township and the other
10 municipal corporation.

11 Section 2098. Streets, the Center Line of Which is the
12 Boundary Between a Township and Another Municipal Corporation.--

13 (a) A township may enter into a contract with a municipal
14 corporation to provide for the grading, curbing, draining, and
15 paving of any street that constitutes the dividing line between
16 the township and the municipal corporation.

17 (b) The alterations and improvements shall be made under the
18 supervision of the township or municipal corporation, or by
19 contract let by the township or the municipal corporation, as
20 may be provided for in the contract between the township and the
21 municipal corporation.

22 Section 2099. Streets Having More Than Half of Their Width
23 Within Township.--(a) If any street, more than one-half the
24 width of which is within the limits of the township, shall
25 divide the township from any other municipal corporation, the
26 street may be improved by the township in the same manner as if
27 the street were entirely located within the limits of the
28 township.

29 (b) The property, within or outside the township, that abuts
30 the street and benefits from the improvements may, for a depth

1 of one hundred fifty feet plus one-half the width of the street
2 measured from its center line, be assessed for any and all
3 municipal improvements to or on the street in the same manner as
4 the property would be assessed under the provisions of this
5 article if it were entirely located within the limits of the
6 township.

7 Section 2099.1. Assessment for Improvements on Property
8 Outside Limits Where Street Entirely Within Township.--Whenever
9 any street, entirely within the limits of any township, shall
10 divide the township from any other municipal corporation, the
11 property on the side of the street, within or outside the
12 township, that abuts the street and benefits from the
13 improvement may, for a depth of one hundred fifty feet from its
14 center line, be assessed for any and all municipal improvements
15 to or on the streets on which the property abuts in the same
16 manner as the property would be assessed under the provisions of
17 this act if it were entirely located within the limits of the
18 township.

19 Section 107. Article XXI of the act is repealed:

20 [ARTICLE XXI

21 BOUNDARY ROADS AND STREETS

22 (a) Opening, Repairing and Improving Streets

23 on Division Line of Townships

24 Section 2101. Roads or streets laid out on a line which
25 divides a township of the first class and another township shall
26 be opened, made, kept clear and in repair at the joint and equal
27 charge of such townships. Any township necessarily incurring
28 more than its due proportion of such charge may recover the
29 excess so incurred from the other township.

30 When any public road or street is laid out on the line of two

1 townships, if the commissioners or supervisors of either
2 township neglect or refuse to join with the commissioners or
3 supervisors of the other township in opening or repairing such
4 road or street, the commissioners or supervisors of the other
5 township shall open, and repair the road or street, and are
6 authorized to collect a just portion of the cost of the opening
7 and repairing of such road or street from the township so
8 neglecting or refusing to join such opening or repairing. The
9 commissioners or supervisors so neglecting or refusing shall be
10 liable to a penalty of not exceeding fifty dollars, to be
11 recovered in a summary proceeding. All such penalties when
12 recovered shall be paid into the township road fund.

13 (b) Maintenance of Streets between Township
14 and Cities or Boroughs

15 Section 2105. Whenever any street is on the boundary line
16 between any township and any city or borough, such street shall
17 be maintained jointly by the city or borough and the township.
18 For the purpose of maintaining any such street, the authorities
19 of any such township are hereby directed to enter into
20 agreements, with such city or borough, providing the manner in
21 which the same shall be maintained, and providing for the
22 division of the cost of maintenance between the city or borough
23 and township. If any such city or borough and township shall
24 fail or refuse to enter into any such contract, or if the city
25 or borough and township cannot agree, any taxpayer or the
26 township commissioners of the township may present a petition to
27 the court of quarter sessions of the county, setting forth the
28 facts, and the court, after hearing, of which such notice shall
29 be given to all parties interested as the court may direct,
30 shall make an order directing the manner of such maintenance and

1 the division of the cost of maintenance between the city or
2 borough and the township. The action of the court shall be
3 final.

4 (c) Street, the Centre Line of which is the Dividing
5 Line between Townships and Boroughs or
6 Cities in the Same County

7 Section 2110. Whenever the centre line of any street
8 constitutes the dividing line between a township and any city or
9 borough located in the same county, the commissioners of the
10 township may, jointly with the county, enter into a contract
11 with the city or borough providing for the grading, curbing, and
12 macadamizing or paving of such street.

13 Such alteration or improvement shall be constructed, and
14 subsequent repairs shall be made, under the supervision of the
15 proper authorities of the city or borough, in compliance with
16 the laws governing the construction of such alterations or
17 improvements in such city or borough, and with plans and
18 specifications to be agreed upon in writing between the
19 commissioners of the township and the city or borough and the
20 commissioners of the county.

21 The cost of any alteration or improvement shall be borne one-
22 half by the city or borough and one-half by the county and
23 township in equal portions.

24 The cost of repairs shall be borne one-half by the city or
25 borough and one-half by the township, or by the county and
26 township in equal portions, or such other proportions as are
27 agreed upon in the joint contract of the township with the
28 county.

29 (d) Street, the Centre Line of which is the
30 Dividing Line between Townships and Cities

1 in an Adjacent County

2 Section 2115. Whenever the centre line of any street
3 constitutes a dividing line between a township and a city
4 located in an adjacent county, it shall be lawful for the
5 township commissioners to enter into a contract, with the county
6 in which it is located and with the city, providing for the
7 grading, curbing, macadamizing, or paving of the roadway of said
8 street, the cost thereof to be borne one-half by the city, and
9 one-half by the township and the county in which such township
10 shall be situated in equal portions.

11 The said alteration or improvement shall be constructed, and
12 subsequent repairs shall be made, under the supervision of the
13 proper authorities of the said city, in compliance with existing
14 laws governing such construction or improvement of such city,
15 and in further compliance with plans and specifications to be
16 agreed upon in writing between such city and the commissioners
17 of the county and the township commissioners of the said
18 township. The cost of repairs shall be borne one-half by the
19 city and one-half by the township, or by the county and township
20 in equal portions, or such other proportions as may be agreed
21 upon by the county and township.

22 In all cases in which it shall be found impossible to enter
23 into such contract or agreement as is provided for in this
24 section, or where either the city or the township or the county
25 in which such township is situated shall refuse to enter into
26 such contract or agreement, it shall be lawful for the township
27 to present its petition to the court of common pleas of either
28 county, setting forth the facts and circumstances, including the
29 condition of the street from which the necessity or desirability
30 for the grading, curbing, macadamizing, or paving of the roadway

1 appears, and the estimated cost thereof, and that the terms of
2 the said contract as provided for in this section cannot be
3 agreed upon by the said city and the county or township, or
4 either or any of them, or that either such city or the county or
5 township, or any or either of them, refuses to enter into such
6 contract. Such petition may pray that such court may, after
7 hearing all the parties concerned, make its order or decree
8 defining the nature and character of the improvement reasonably
9 necessary or desirable to be made to the roadway, and requiring
10 the parties hereinabove specified to enter into a contract or
11 contracts for the making and constructing of the same as herein
12 provided for. A copy of the said petition, duly certified, shall
13 be served upon the city or the county and township concerned,
14 other than the petitioner, with notice of such day as may be
15 fixed by the court for the hearing. Thereupon either or both of
16 the parties served with such notice shall be entitled, on or
17 before such date, to file in the said court its answer to the
18 said petition, setting forth its version of the facts or such
19 other matters in relation thereto as may be deemed necessary or
20 proper by it. The said court, upon the date so fixed or at such
21 other time as it may appoint, shall hear the evidence of the
22 parties, or it may refer the matter to a master, who shall hear
23 the testimony of the parties and report his findings, in the
24 same manner and under the same procedure as provided by the
25 rules in equity in similar cases, to the said court, which may
26 reject, confirm, or modify the same, and may make its decree or
27 order directing the making of such alterations or improvements
28 to the roadway as may be deemed reasonably necessary or
29 desirable and providing for the sharing of the cost of such
30 improvements, one-half by the city, and one-half by the county

1 and township in equal portions. The said order or decree may
2 further provide that the repairs to such alterations and
3 improvements subsequently required shall be borne one-half by
4 the city and one-half by the county or township in equal
5 portions, or such other proportions as between the county and
6 the township as such court may find to be legal and proper; and
7 thereupon the said grading, curbing, macadamizing, or paving of
8 the roadway of such street shall proceed in accordance with the
9 decree or order of the said court in the same manner as if the
10 contract or agreement provided for in this section had been
11 entered into and duly executed.

12 (e) Improvement of Street where more than
13 One-Half of Width is in Township; Assessment of
14 Property outside Limits

15 Section 2120. Whenever any street or road, more than one-
16 half the width of which is within the limits of any township,
17 shall divide the said township from any other municipality or
18 township located within the same county, such street or road may
19 be improved by the township within which the greater width is
20 located in the same manner as if the said street or road were
21 entirely located within the limits of said township.

22 The property abutting on the side of said street or road
23 which is located outside the limits of the township making such
24 improvements shall, for a depth of one hundred and fifty feet,
25 plus one-half the width of said street or road from its centre
26 line, be assessed for any and all municipal improvements to or
27 on the said street or road in the same manner as such property
28 would be assessed under this act if it were entirely located
29 within the limits of such township.

30 (f) Assessment of Property outside Limits of

1 Township for Street Improvements

2 Section 2125. Whenever any street shall divide such township
3 from any other municipality or township located in the same
4 county, the property on the side of the street outside the line
5 of such township shall, for a depth of one hundred and fifty
6 feet, be assessed for municipal improvements on such street on
7 which property shall abut. Such assessment shall be made in the
8 same manner and in the same proceeding as is used for the
9 assessment of property within such township for such
10 improvement.

11 (g) Grading, Curbing, Paving, Macadamizing
12 Boundary Street or Highway, Et Cetera

13 Section 2130. Townships may enter into agreements with
14 adjoining boroughs for the grading, paving and curbing, or
15 macadamizing of streets or highways which may be boundaries
16 between such townships and boroughs; and may provide in such
17 contract that the damages, costs, and expenses of such
18 improvement shall be divided between such townships and boroughs
19 in proportions agreed upon.

20 In grading, paving and curbing, or macadamizing any such
21 street or highway, townships shall exercise such power only upon
22 petition of a majority of the property owners in interest and
23 number abutting the line of the proposed improvement within the
24 township limits, to be verified by the affidavit of one of the
25 petitioners; a majority in interest of owners of undivided
26 interest in any piece of property to be treated as one person
27 asking that such improvement be made.

28 The portion of the damages, costs, and expenses agreed to be
29 paid by any township shall be ascertained, and the benefits
30 incident thereto shall be assessed and collected, in the manner

1 provided in this act for the assessment of damages and benefits
2 by viewers.]

3 Section 108. Article XXII heading of the act is amended to
4 read:

5 ARTICLE XXII

6 BRIDGES [AND VIADUCTS]

7 Section 109. Subdivision (a) heading of Article XXII of the
8 act is repealed:

9 [(a) As Part of Street]

10 Section 110. Section 2201 of the act is amended to read:

11 Section 2201. [Whenever, in the opening, grading, or
12 improving of any street in any township, it is necessary to
13 erect or construct any bridge and the piers, abutments and
14 approaches therefor, the same may be erected and constructed by
15 the township as part of such street. In any such erection or
16 construction, the township may take, use, and occupy private
17 property. All damages shall be awarded and benefits assessed as
18 part of the proceeding to open, grade, or improve the street of
19 which the bridge is a part.] Construction and Acquisition of
20 Bridges.--(a) Any township may erect and construct, or acquire
21 by purchase, condemnation or otherwise, any bridge and the
22 piers, abutments and approaches for the bridge, to be used and
23 thereafter improved and maintained as a street whether the
24 bridge is wholly or partly within the township limits.

25 (b) The proceedings for laying out and opening a bridge
26 shall be the same as provided by this act for the laying out and
27 opening of streets, and the bridge or portion of the bridge may
28 thereafter be vacated under the same procedure as provided in
29 this act for the relocation or vacation of streets or portions
30 of streets.

1 (c) Nothing in this article shall affect the powers or
2 duties of the Pennsylvania Public Utility Commission to the
3 extent otherwise provided by law.

4 (d) Bridges over railroads shall not obstruct the railroad
5 over which it is built. Nothing in this section shall release
6 railroad or other companies or the Commonwealth from the
7 requirements of existing laws.

8 (e) As used in this article, the term "bridge" shall mean a
9 structure built to span and provide passage over a valley,
10 street, railroad track, private property, gully, river, creek,
11 stream or any other body of water or physical obstacle and shall
12 include viaducts constructed from a series of spans or arches.

13 Section 111. Subdivision (b) heading of Article XXII and
14 section 2205 of the act are repealed:

15 [(b) Over Railroads

16 Section 2205. Power to Construct.--Townships may build or
17 purchase existing bridges or viaducts over railroads, rivers,
18 creeks, streams and private property, or over railroads and any
19 of them, or over railroads only, whether the bridges or viaducts
20 are wholly or partly within the township limits, for the purpose
21 of uniting two or more streets or a street and a road or a
22 highway or separate portions of the same street. Such bridges
23 and viaducts must in all cases cross railroads. Such bridges and
24 viaducts and the approaches thereto shall be constructed, and
25 the damages in connection therewith paid, as provided by the
26 Pennsylvania Public Utility Law.]

27 Section 112. Section 2206 of the act is amended to read:

28 Section 2206. Maintenance.--[Such viaduct or bridge shall be
29 maintained as a township structure, and the township is
30 authorized to contract with any party interested, except the

1 county, for the maintenance of the same.] (a) A bridge shall be
2 maintained as a township structure, and the township may
3 contract with any party interested, except the county, for the
4 maintenance of the bridge.

5 (b) Whenever a bridge, or part thereof, has been built by
6 the county, or the whole or part of the money necessary to build
7 it has been furnished by the county, and the bridge has not been
8 entered on record as a county bridge, the bridge shall be
9 maintained, kept in repair, and rebuilt, when necessary, by the
10 township or municipal corporation in which, or on the boundary
11 line of which it is located, without rendering the county liable
12 for the same.

13 Section 113. Subdivision (c) and Subdivision (d) heading of
14 Article XXII of the act are repealed:

15 [(c) Over Marshy or Swampy Grounds, Creeks,
16 Rivulets, Gullies, Canals and Railroads

17 Section 2210. Power to Make and Maintain.--The commissioners
18 of townships, in making and repairing the streets, shall make
19 and maintain within their township sufficient bridges over all
20 small creeks, rivulets, deep gullies, canals, and railroads,
21 where the same is necessary for the ease and safety of
22 travelers.

23 Such bridges over canals or railroads shall not obstruct the
24 railroad or canal over which it is built. Nothing in this
25 section shall release railroad or other companies or the
26 Commonwealth from the requirements of existing laws.

27 Section 2211. Damages.--In the construction and maintenance
28 of such bridges, all damages shall be awarded and benefits
29 assessed as part of the proceeding to lay out, open, make, or
30 repair the road of which the bridge is a part.

1 (d) Over Streams, Railroads and Canals

2 on Township Boundaries]

3 Section 114. Section 2220 of the act is amended to read:

4 Section 2220. [Bridges on Division Line of Townships.--Where
5 a small creek or a railroad or canal, over which a bridge is
6 necessary, is on the boundary line of two townships, the bridge
7 shall be built and maintained at the joint and equal expense of
8 the townships, by their respective commissioners or supervisors,
9 in the manner directed by this act in the case of streets or
10 roads which may be the division line of townships.] Boundary

11 Bridges.--(a) If a bridge crosses the boundary line of a
12 township and another municipal corporation, the township may
13 enter into an intergovernmental cooperation agreement in
14 accordance with 53 Pa.C.S. Ch. 23 Subch. A (relating to
15 intergovernmental cooperation) with the municipal corporation
16 for the construction and maintenance of the bridge and for
17 apportionment of the costs.

18 (b) If an amicable agreement on the proportionate share of
19 costs of construction, maintenance and repair of boundary
20 bridges cannot be executed, the board of commissioners or the
21 governing body of the other municipal corporation involved may
22 petition the court of common pleas of the county or counties for
23 a determination of the rights and responsibilities of the
24 respective municipal corporations involved.

25 Section 115. Sections 2221 and 2222 and Subdivision (e) of
26 Article XXII of the act are repealed:

27 [Section 2221. Bridges between Townships and
28 Municipalities.--Whenever a creek, railroad, or canal, over
29 which a bridge is necessary, is on the division line of a
30 township and a municipality, the township shall unite with such

1 municipality in the construction and maintenance of such bridge
2 and pay an equal share of the expenses incident thereto.

3 Section 2222. Bridges over Railroad or Canal.--If a bridge
4 is built over such boundary railroad or canal by virtue of the
5 provisions of the preceding section of this act, such bridge
6 shall not obstruct the railroad or canal over which it is built.
7 Nothing in said section shall release railroad or other
8 companies or the Commonwealth from the requirements of existing
9 laws.

10 (e) Maintenance, Repair, and Rebuilding
11 of Bridges Built by County

12 Section 2225. Whenever a bridge, or part thereof, has been
13 built by the county, or the whole or part of the money necessary
14 to build it has been furnished by the county, and the bridge has
15 not been entered on record as a county bridge, such bridge shall
16 be maintained, kept in repair, and rebuilt, when necessary, by
17 the township or townships in which, or on the boundary line of
18 which, it is located, without rendering the county liable for
19 the same.]

20 Section 116. Sections 2301, 2302, 2303 and 2304 of the act
21 are amended to read:

22 Section 2301. Power to Lay Out[, Ordain and Establish
23 Grades.--Townships may lay out, ordain and establish sidewalks
24 along any street, including State highways and county roads, and
25 may establish grades for such sidewalks, which grades may be
26 separate and apart from the grade established for the street or
27 highway, and, for this purpose, any township may acquire land by
28 purchase, gift, or by the right of eminent domain.] and
29 Establish Grades.--Townships may, by ordinance, lay out and
30 establish sidewalks, curbs, gutters and surface water drains

1 along any street and, with the consent of the Secretary of
2 Transportation, along any State highway, and with the consent of
3 the county commissioners, along any county road. Townships may
4 establish grades for the sidewalks, which grades may be separate
5 and apart from the grade established for the street or highway.
6 For the purposes of this section, any township may acquire land
7 by purchase, gift, or by the right of eminent domain.

8 Section 2302. Width.--The width of any sidewalk shall be
9 fixed by the [township] board of commissioners either by
10 ordinance or resolution.

11 Section 2303. Paving and Curbing Sidewalks.--[Townships may,
12 upon such notice as may be provided by ordinance, require owners
13 of property abutting on any street, including State highways and
14 county roads, to construct, pave, curb, repave and recurb the
15 sidewalks along such property with such materials, at such
16 grades and under such regulations as may be prescribed by
17 ordinance, and upon failure of such owners to comply with such
18 notice, or without notice to the property owners as above
19 provided, the townships shall in either case have power to cause
20 the same to be done by the township, and to levy and collect the
21 cost thereof from such owners of property abutting such
22 sidewalk. All reconstruction, repaving and recurbing may be
23 provided for in the ordinance providing for the original
24 construction, paving and curbing, without the necessity for
25 adopting a new ordinance providing for such reconstruction,
26 repaving and recurbing.

27 The cost of any such grading, paving, curbing, repaving and
28 recurbing shall be a lien upon the premises from the time of the
29 commencement of the work, which date shall be fixed by the
30 township engineer and shall be filed with the township

1 secretary. Any such lien may be collected by action in assumpsit
2 or by lien filed in the manner provided by law for the filing
3 and collection of municipal claims.

4 The cost of any such paving, curbing, repaving and recurbing
5 may, in any case, be borne in whole or in part by the township.

6 No sidewalks shall be established and constructed upon any
7 State highway without the consent of the State Department of
8 Highways, or upon any county road without the consent of the
9 county commissioners.] (a) Townships may, upon notice as

10 provided by ordinance, require owners of property abutting on
11 any street, including State highways and county roads, to
12 construct, grade, pave, curb, repave and recurb the sidewalks
13 along the property under regulations and specifications
14 prescribed by ordinance. All reconstruction, repaving and
15 recurbing may be provided for in the ordinance providing for the
16 original construction, paving and curbing, without the necessity
17 for adopting a new ordinance providing for the reconstruction,
18 repaving and recurbing.

19 (b) Upon the failure of any property owner to comply with
20 the notice under subsection (a), a township may cause the
21 construction, grading, paving, curbing, repaving and recurbing
22 to be done by the township itself, or by contract, and to levy
23 and collect the cost of the work from the property owner
24 abutting the sidewalk.

25 (c) The cost of any work incurred by the township pursuant
26 to subsection (b) may be levied against and collected from the
27 owner who failed to complete the work pursuant to notice to do
28 so, together with a penalty of ten percent of the costs and all
29 charges and expenses. The costs, penalties, charges and expenses
30 provided for shall be a lien upon the property for which the

1 notice to do the work was given. The lien shall exist from the
2 time of the commencement of the work, which date shall be fixed
3 by the township engineer and certified to the township secretary
4 in accordance with section 1305. Any lien may be collected by
5 action in assumpsit or by lien filed in the manner provided by
6 law for the filing and collection of municipal claims or the
7 cost of any construction, grading, paving, curbing, repaving and
8 recurring may be borne in whole or in part by the township. If
9 the township pays in part, the remaining cost shall be collected
10 as provided by this section.

11 (d) The following shall apply:

12 (1) Each notice shall be served upon the owner of the
13 premises to which the notice refers, if the owner is a resident
14 of the township. If the owner is not a resident, the notice may
15 be served upon the agent or tenant of the owner or upon the
16 occupant of the premises. If the owner has no agent or tenant or
17 there is no occupier of the premises, service shall be by notice
18 posted upon the premises.

19 (2) The notice required by this section shall specify a
20 period of time of not less than sixty days for the owner to
21 complete the specified work. If the work has not been completed
22 after the specified time has elapsed, the owner shall be deemed
23 to have failed to comply.

24 Section 2304. Repair of Sidewalks.--[The owner of the
25 abutting property shall keep the sidewalk, together with any
26 portion of his property paved and used as a sidewalk or public
27 walk, immediately in front of his property, in good order and
28 repair, and, at all times, free and clear of all obstruction to
29 safe and convenient passage, and free of any merchandise placed
30 there for display, if the removal thereof is ordered by the

1 township commissioners. If the owner of any property neglects to
2 perform the duty so required of him, the township commissioners
3 may serve written notice upon him requiring him to do what is
4 necessary. If such property owner fails to comply with the
5 requirements of such notice within thirty days from the date of
6 its service, the township commissioners may make the necessary
7 repairs or remove any obstruction. The cost of the same,
8 together with a penalty of ten per centum, shall be paid by the
9 delinquent property owner, and may be collected by action of
10 assumpsit, or the township commissioners may file a municipal
11 lien against the property. The notice provided for in this
12 section may be served on the property owner by leaving the same
13 at his place of residence, or if he has no residence in the
14 township, then by posting the same on the premises and mailing a
15 copy thereof to the owner at his last known address.] (a) An
16 abutting property owner shall keep the sidewalk, together with
17 any portion of the property paved and used as a sidewalk or
18 public walk immediately in front of the property, in good order
19 and repair, and, at all times, free and clear of all obstruction
20 to safe and convenient passage.

21 (b) If the property owner neglects to perform the duty
22 imposed in subsection (a), the board of commissioners may serve
23 written notice upon the property owner pursuant to section
24 2303(d)(1) to do what is necessary. If the property owner fails
25 to comply with the requirements of the notice within thirty days
26 from the date of its service, the township may make the
27 necessary repairs or remove any obstruction. The cost of the
28 same, together with a penalty of ten percent, shall be paid by
29 the delinquent property owner, and may be collected by action of
30 assumpsit, or the township may file a municipal lien against the

1 property.

2 Section 117. The act is amended by adding a section to read:

3 Section 2305. Emergency Repairs.--(a) A township may make
4 emergency repairs to sidewalks, within its corporate limits, if
5 an officer or designated individual representing the department
6 or committee in charge of repairs to sidewalks upon inspection
7 determines that a substantial and immediate danger exists to
8 public health, safety and welfare.

9 (b) The officer or individual shall prepare a written report
10 of those conditions which shall be conclusive evidence of the
11 existence of the emergency justifying the repair.

12 (c) This section is intended to provide an additional remedy
13 for townships in connection with emergency repairs of sidewalks.

14 (d) The following shall apply:

15 (1) A copy of the written report shall be served upon the
16 abutting property owner, along with a notice to make emergency
17 repairs to the sidewalk within forty-eight hours of service of
18 the notice and report.

19 (2) The notice and copy of the report shall be served
20 pursuant to section 2303(d)(1).

21 (3) The report shall expressly state that emergency repairs
22 are required.

23 (4) If the owner fails to make the emergency repairs within
24 the prescribed time, the township may make the emergency repairs
25 to the sidewalk.

26 (e) Upon the completion of any emergency repairs, the cost
27 of the repairs shall be a charge against the owner of the
28 abutting property and shall be a lien, until paid, upon the
29 abutting property, provided that a claim is filed for the lien
30 in accordance with the law providing for the filing and

1 collection of municipal claims.

2 (f) The amount of the claim against the owner of the
3 abutting property may also be collected from the owner by an
4 action in assumpsit.

5 Section 118. Article XXIV heading of the act is amended to
6 read:

7 ARTICLE XXIV

8 SANITARY SEWERS AND DRAINS

9 Section 119. Sections 2401 and 2401.1 of the act are amended
10 to read:

11 Section 2401. Power to Establish and Construct Sewers and
12 Drains; Require Connections; Sewer Rentals.--[Townships may
13 establish and construct a system of sanitary sewers and
14 drainage, locating the same, as far as practicable, in the
15 center of the street or on either side of the cartway or of the
16 curb lines thereof in any street and may be for the service and
17 use of properties on both sides of the street or on only one
18 side of the street in which they are laid, as seems advisable to
19 the commissioners. The township commissioners may permit, and,
20 where necessary for the public health by ordinance, require any
21 owner of property benefited, improved or accommodated by
22 sanitary sewers, to make connections with such sewer or drainage
23 in such manner as the commissioners may order for the purpose of
24 discharge of such drainage or waste matter as the commissioners
25 may specify. The township commissioners may by penalties enforce
26 any regulation they may ordain with reference to any sanitary
27 sewer or drainage connections. All connections required shall be
28 uniform. All persons so connecting may be required to pay, in
29 addition to the cost of making such connections, a monthly or
30 annual rate prescribed by ordinance. Such monthly or annual rate

1 shall constitute a lien, until paid, against the property so
2 connecting with such system, and the amount thereof may be
3 recovered by due process of law. All water utilities supplying
4 water to users within the boundaries of any township shall, at
5 the request of the township commissioners, furnish to the
6 township, on or before the fifteenth day of the month following
7 the month during which bills are issued, a list of all water
8 meter readings and flat-rate water bills and the basis for each
9 flat-rate water charge, so that the data may be used in
10 calculating a monthly or annual rate. The township is authorized
11 and empowered to pay to such utilities, reasonable amounts for
12 necessary clerical and other expenses incurred in the
13 preparation of such lists.] (a) Townships may establish and
14 construct a system of sanitary sewers and drainage, locating the
15 system, as far as practicable, in the right-of-way of the street
16 in any street and may be for the service and use of properties
17 on both sides of the street or on only one side of the street in
18 which they are laid, as seems advisable to the township
19 commissioners.

20 (b) The board of commissioners may, in accordance with
21 2401.1(a), permit, and, if necessary for the public health by
22 ordinance, require any owner of property benefited, improved or
23 accommodated by sanitary sewers, to make connections with the
24 sanitary sewer system in the manner specified by the board of
25 commissioners. All connections required shall be uniform.

26 (c) The board of commissioners may, by ordinance, make
27 regulations relating to the use and maintenance of the sanitary
28 sewer system and treatment works. Violations of the ordinance
29 may be enforced by penalties. The regulations may do all of the
30 following:

1 (1) Specify materials and substances which may or may not
2 enter the public sewer or sewer system.

3 (2) Require that certain types or classes of waste be
4 subjected to treatment or to grinding or other reduction in size
5 before entering into the sewer.

6 (3) Restrict the quantity of waste material that may enter a
7 sanitary sewer from any premises within any time interval.

8 (d) (1) Each person whose property is connected to a
9 sanitary sewer system shall pay a monthly, quarterly, semiannual
10 or annual rate to the township, in addition to the cost of
11 making connections to the sanitary sewer system.

12 (2) The initial imposition of the rate under paragraph (1)
13 shall be established by ordinance. Any subsequent rate
14 adjustments may be by resolution provided that the ordinance
15 establishing the rate allows for future rate adjustments by
16 resolution adopted at a public meeting. This paragraph shall not
17 be construed to invalidate or void any rate imposed or adjusted
18 prior to the effective date of this paragraph.

19 (3) The rate under this subsection shall constitute a lien,
20 until paid, against the property connected to the sanitary sewer
21 system, and the amount thereof may be recovered by due process
22 of law through an action in assumpsit in the name of the
23 township against the owner of the property charged or by a lien
24 filed in the nature of a municipal lien.

25 (e) All water utilities supplying water to users within the
26 boundaries of any township shall, at the request of the board of
27 commissioners, furnish to the township, on or before the
28 fifteenth day of the month following the month during which
29 bills are issued, a list of all water meter readings and flat-
30 rate water bills and the basis for each flat-rate water charge,

1 so that the data may be used in calculating sewer rates. The
2 township may reimburse utilities reasonable amounts for
3 necessary clerical and other expenses incurred in the
4 preparation of the lists.

5 (f) The term "sanitary sewer," as used in this article,
6 shall mean and include a sewer used for receiving and collecting
7 sewage matter and liquid waste from the inside of buildings and
8 structures, and, in those townships where there shall be what is
9 known as "combined sewers," receiving, in addition to such
10 sewage and liquid waste from the inside of buildings and
11 structures, storm, roof or surface drainage or any of them, the
12 term "sanitary sewer," as used in this article, shall include
13 such combined sewers.

14 (g) Nothing in this section shall be construed to repeal or
15 modify any of the provisions of [the Public Utility Law.] 66
16 Pa.C.S. (relating to public utilities).

17 (h) If required by other law, a township shall obtain the
18 consent and permit of the Department of Environmental Protection
19 or other Federal, State or county entity, including the
20 Pennsylvania Turnpike Commission, for the laying out and
21 construction of a sanitary sewer and treatment works.

22 Section 2401.1. [Sewer and Drainage Systems; Constructed by
23 any Municipality Authority; Connection by Owners; Enforcement.--
24 Whenever a sewer or drainage system is established or
25 constructed by any municipality authority within a township, the
26 township commissioners shall be empowered by ordinance to compel
27 all owners of property abutting on, or adjoining any street or
28 highway, in which such sewer or drainage system is located, to
29 make connection with such sewer or drainage system in such
30 manner as they may order for the purpose of discharge of such

1 drainage or waste as they may specify. The township
2 commissioners may by ordinance impose penalties to enforce any
3 regulation or order they may ordain with reference to any sewer
4 or drainage connections.] Required Connection and Fees.--(a) A
5 township may, by ordinance, require a property owner to connect
6 with and use a sanitary sewer system established or constructed
7 by the township, joint sanitary sewer board or a municipal
8 authority serving the township if the property abuts on or
9 adjoins any street or highway along which the sewer system is
10 located or whose principal building is within one hundred fifty
11 feet from the sanitary sewer.

12 (b) (1) If an owner of property abutting on or adjoining or
13 whose principal building is within one hundred fifty feet from
14 the sanitary sewer fails to connect with and use the sanitary
15 sewer under subsection (a) for a period of sixty days after
16 notice to do so has been served by the board of commissioners,
17 either by personal service or by registered mail, the board of
18 commissioners or their agents may enter the property and
19 construct the connection.

20 (2) The board of commissioners shall send an itemized bill
21 of the cost of construction under paragraph (1) to the owner of
22 the property to which connection has been made, which shall be
23 payable immediately.

24 (3) If the owner fails to pay the bill under paragraph (2),
25 the board of commissioners shall file a municipal lien for the
26 cost of the construction. The township may also by ordinance
27 impose penalties to enforce regulations or orders in regards to
28 sewer connections.

29 (c) As a condition of connection to a sanitary sewer
30 collection, treatment or disposal facility, owned or operated by

1 a township, a township may impose and charge the following to
2 property owners who desire or are required to connect to the
3 sanitary sewer system or who desire to increase their usages of
4 the system:

5 (1) A connection fee.

6 (2) A customer facilities fee.

7 (3) A tapping fee.

8 (4) Similar fees, as enumerated and defined by 53 Pa.C.S. §
9 5607(d)(24) (relating to purposes and powers).

10 Section 120. The act is amended by adding a section to read:

11 Section 2401.2. Notice of Contemplated Construction.--No
12 sanitary sewer system shall be constructed under this article
13 unless an ordinance of the board of commissioners authorizing
14 the construction is published once in a newspaper of general
15 circulation pursuant to section 110.

16 Section 121. Sections 2402 and 2403 of the act are amended
17 to read:

18 Section 2402. Location of Sanitary Sewers on Private
19 Property.--Where it is reasonably impracticable, in the judgment
20 of the [commissioners, in any part of such system, to carry such
21 sewers or drains along the lines of public streets or highways,
22 the commissioners may locate and construct so much of the same
23 as is necessary through private lands and may acquire the
24 necessary land or right of way for such purpose by gift,
25 purchase, or by the exercise of the right of eminent domain.]

26 board of commissioners, in any part of the sanitary sewer
27 system, to carry sanitary sewers along the lines of public
28 streets or highways, the board of commissioners may locate and
29 construct so much of the sanitary sewers as is necessary through
30 private lands and may acquire the necessary land or right of way

1 for this purpose by gift, purchase or by the exercise of the
2 right of eminent domain.

3 Section 2403. Treatment Works and Facilities [Therefor].--

4 [The commissioners shall make the necessary provisions for the

5 disposition of the sewage and drainage within, or for carrying

6 the same beyond, the limits of the township; and, to this end,

7 they are hereby authorized to enter into contracts with other

8 municipalities, and other corporations or persons, to purchase,

9 acquire, enter upon, take, appropriate, occupy, and use such

10 lands, rights, and interests therein, within the corporate

11 limits of other townships or boroughs, as shall be necessary for

12 the proper location, construction, maintenance, use and

13 operation of sewer mains, drains, or treatment works, including

14 such lands, rights, and interests therein as shall be necessary

15 for future additions to and enlargements of such sewage or

16 drainage facilities, and as may be necessary to carry out the

17 plans and specifications upon which a permit has been issued by

18 the Secretary of Health, in accordance with law.] The board of

19 commissioners may acquire by eminent domain or enter into

20 contracts with other municipal corporations, corporations or

21 persons for the acquisition of lands or facilities for the

22 location, construction, maintenance, use and operation of

23 sanitary sewer systems and treatment facilities. Acquisitions

24 may be made for the purpose of future additions to and

25 enlargements of existing systems. The acquired land may be

26 located either inside or outside the boundaries of the township.

27 Any extension shall be in conformity with 26 Pa.C.S. § 206

28 (relating to extraterritorial takings) and any other applicable

29 requirement of 26 Pa.C.S. (relating to eminent domain).

30 Section 122. Sections 2404 and 2405 of the act are repealed:

1 [Section 2404. Entry on Lands to Mark Sewer Routes;
2 Damages.--In the event of inability to agree with the owners,
3 either for the land necessary for so much of the line of sewers
4 and drains as are not located upon public roads, streets or
5 highways, or for so much land as is required for the disposition
6 of the sewage or drainage, the commissioners may enter upon said
7 land and mark thereon the route and width necessary for the
8 construction of the line of sewers or drains, or the boundaries
9 of so much land as is necessary for the disposition of such
10 sewage or drainage, and occupy the said land for such purposes.
11 For all damage done or suffered, or which accrues to the owner
12 or owners of such land, by reason of the taking of the same, the
13 funds of the township raised by taxation shall be pledged and
14 deemed as security. Such damages shall be determined by viewers
15 in the manner provided in this act for eminent domain
16 proceedings.]

17 Section 2405. Enforcement of Judgment for Damages.--The
18 damages as awarded when the report of viewers is finally
19 confirmed shall be entered as a judgment, and, if the same is
20 not paid within thirty days after the entry thereof, execution
21 to enforce the collection thereof may be issued, as in other
22 cases of judgment against townships.]

23 Section 123. Sections 2406, 2407 and 2408 of the act are
24 amended to read:

25 Section 2406. Cost of Construction[; How Paid.--] and
26 Payment.--The cost of construction of any system of sanitary
27 sewers or drains, constructed by the authority of this
28 subdivision of this [act] article, may be charged upon the
29 properties benefited, improved or accommodated thereby to the
30 extent of [such] the benefits, or may be paid for wholly or

1 partially by general taxation. Any amount not legally chargeable
2 upon properties benefited, improved or accommodated shall be
3 paid out of the general township fund.

4 Section 2407. Sewer Districts.--[Whenever a sewer system is
5 constructed by a township for the accommodation of a certain
6 portion only of the township, the commissioners of such township
7 may constitute the territory accommodated into a sewer district
8 or divide it into several sewer districts. In every such case of
9 division into several districts, the commissioners shall make an
10 estimate of the proportion of the cost of the sewer system which
11 should equitably be charged on each of said districts, and
12 declare and establish such apportionment by ordinance. No
13 district shall be charged with more than its due proportion of
14 the cost of the main sewers, pumping stations, treatment works,
15 et cetera, used jointly by more than one district. The aggregate
16 amount charged on property in any such district shall not exceed
17 the amount of such estimate. Where the whole of the township is
18 accommodated by the system, it may also be treated as a single
19 district or divided into districts, and be subject to the
20 foregoing provisions.] (a) When a sanitary sewer system is
21 constructed by a township for the accommodation of a certain
22 portion of the township, the board of commissioners may
23 designate the territory accommodated into a sewer district or
24 divide the portion into several sewer districts.

25 (b) The board of commissioners shall estimate the proportion
26 of the cost of the sanitary sewer system to be charged on each
27 of the districts and declare and establish the apportionment by
28 resolution and the following shall apply:

29 (1) No district shall be charged more than the district's
30 due proportion of the cost of a sanitary sewer system, or any

1 part of the system, used jointly by more than one district.

2 (2) The aggregate amount charged on a property in any
3 district shall not exceed the amount of the estimate.

4 (3) Where the whole of the township is accommodated by the
5 sanitary sewer system, the township may be treated as a single
6 district or divided into districts, and be subject to the
7 provisions of this section.

8 Section 2408. [Manner of Assessment.--The charge for any
9 such sewer system construction in any township shall be assessed
10 upon the properties benefited, improved or accommodated in
11 either of the following methods:

12 (a) By an assessment, pursuant to township ordinance,
13 against each lot or piece of land benefited, improved or
14 accommodated by the sewer system according to the foot-front
15 rule, allowing such reduction in the case of corner properties
16 and unusually shaped properties or those properties benefited,
17 improved or accommodated by more than one sanitary sewer as the
18 ordinance may specify; the ordinance may provide for equitable
19 assessments or adjustments when special conditions exist where
20 an assessment for the full frontage would be unjust. The
21 secretary of the township shall cause thirty days' notice of the
22 assessment to be given to each party assessed, either by service
23 on the owner or his agent, or left on the assessed premises.
24 However, when the lot or piece of land is on a corner it shall
25 be assessed for its entire frontage abutting on any sewer except
26 when such property is a vacant lot or contains only a single
27 family dwelling in which case it shall be assessed along the
28 shorter frontage and assessed along the longer frontage abutting
29 on a sewer, commencing at a point no closer to the corner than
30 one hundred twenty-five feet. When a township shall have

1 determined to assess properties in proportion to frontage, any
2 property benefited, improved or accommodated by the sanitary
3 sewer which shall not be lawfully subject to such manner of
4 assessment or as to which such manner of assessment shall not
5 reasonably measure the benefit to such property, shall be
6 assessed by the township in accordance with the method herein
7 provided in subsection (b) of this section 2408, but each such
8 benefited, improved or accommodated property shall be assessed
9 with not less than the whole amount of the benefit accruing to
10 it and legally assessable.

11 (b) By an assessment against the several properties
12 benefited, improved or accommodated by the sanitary sewer to the
13 extent of such benefits. The amount of the charge on each
14 property shall be ascertained as provided in this act for the
15 assessment of benefits.

16 When a township is divided into sewer districts, the
17 assessment in each district may be by different methods.]
18 Assessments.--Assessments, whether based according to benefits
19 conferred or by the front foot basis, and assessment awards, if
20 any, shall be calculated pursuant to Article XXV-A (relating to
21 assessments and charges for public improvements).

22 Section 124. Sections 2409, 2410 and 2411 of the act are
23 repealed:

24 [Section 2409. Procedure for Assessment of Benefits.--In all
25 cases where the township commissioners shall select the method
26 provided by subdivision (b) of the foregoing section, they shall
27 petition the court of common pleas for appointment of viewers to
28 assess benefits. In all cases where they shall neglect for a
29 period of three months after the completion of the sewer system
30 to either ordain assessments by frontage or present a petition

1 for appointment of viewers, taxpayers of the township, whose
2 property valuation as assessed for taxable purposes within the
3 township shall amount to fifty per centum of the total property
4 valuation as assessed for taxable purposes within the township,
5 may present a petition to the court of common pleas of the
6 proper county for the appointment of viewers to assess benefits;
7 and in all cases where such taxpayers shall, within three months
8 of the adoption of any ordinance levying an assessment under the
9 method provided by subsection (a) of said section, by petition
10 state to said court that such assessment insufficiently
11 represents the benefits accruing to abutting properties, they
12 may include in such petition a prayer for the appointment of
13 viewers to assess benefits. In either case the said court shall
14 thereupon appoint three disinterested persons from the county
15 board of viewers, neither of whom shall be a resident of that
16 portion of the township which is accommodated by the sewer in
17 question, and the viewers so appointed shall proceed as provided
18 in this act for proceedings for the assessment of damages and
19 benefits by viewers. The aggregate of the assessments in any
20 sewer district shall not exceed the amount charged in such
21 district for its share of the cost of the sewer system
22 construction, unless the same shall, by petition of taxpayers,
23 whose property valuation as aforesaid shall amount to fifty per
24 centum of the total property valuation as assessed for taxable
25 purposes within the township, presented within three months
26 after the adoption of an ordinance providing for an assessment
27 by frontage, be stated to insufficiently represent the amount of
28 benefits to such properties, in which case the proceedings by
29 taxpayers authorized above shall be applicable. Upon the filing
30 of such a petition, by taxpayers as aforesaid, for appointment

1 of viewers, any assessment made by the commissioners and any
2 proceedings thereunder shall be null and void.

3 Section 2410. Lien for Assessments; Costs of Proceedings.--

4 After the amount of the assessment charged upon the several
5 properties has been established, either by ordinance making
6 assessments according to frontage or by confirmation of any
7 report of viewers in whole or in part, it shall be the duty of
8 the township commissioners to file municipal liens for the
9 assessments covered by such ordinance or confirmation within the
10 time and in the manner provided by law; the same to be subject
11 in all respects to the general law providing for the filing and
12 recovery of municipal liens. The amounts of all assessments
13 shall be payable to the township treasurer for the use of the
14 township. The commissioners shall also make out bills for the
15 amounts charged against each property, which shall be forthwith
16 sent to all property owners residing in the township, and mailed
17 to all such owners residing elsewhere whose address is known.
18 The costs of publication of notices in proceedings before
19 viewers shall be paid by the township, upon presentation of
20 bills approved by the court.

21 Section 2411. Assessment of Property Outside Limits of

22 Townships for Sewers.--Whenever any sewer is located in any
23 street or highway dividing such township from any other
24 municipality or township located in the same county, the
25 property on the side of the street or highway outside the line
26 of such township, for a depth of one hundred fifty feet, shall
27 be assessed for sewers on such street or highway on which
28 property shall abut. Such assessment shall be made in the same
29 manner and in the same proceeding as is used for the assessment
30 of property within the township for such sewers.]

1 Section 125. Sections 2415, 2420, 2425 and 2430 of the act
2 are amended to read:

3 Section 2415. [(a) Any township in which any person, firm,
4 or corporation, or other township or municipal corporation is
5 maintaining sewers and culverts with the necessary inlet and
6 appliances for surface and under surface and sewage drainage, or
7 in which any person or persons are maintaining a community
8 sewage collection or disposal system as herein defined, may
9 become the owner of such sewers, culverts, inlet, and
10 appliances, or the owner of such community sewage collection or
11 disposal system, by paying therefor not more than the actual
12 value of the same at the time of the taking by the township, or
13 by gift from the owner or owners thereof.]

14 (b) In case the commissioners of the township cannot agree
15 with the owners of such sewers or sewage collection or disposal
16 system as to the price to be paid therefor, the commissioners
17 may enter upon and take possession of such sewers, culverts,
18 inlets and appliances or of such sewage collection or disposal
19 system. For all damage done or suffered, or which accrues to the
20 owner or owners of the sewer or sewage collection or disposal
21 system by reason of the taking of the same, the funds of the
22 township, raised by taxation, shall be pledged and deemed as
23 security, such damages to be determined by viewers in the manner
24 provided by this act for eminent domain proceedings. If any
25 sewer, sewer system or sewage collection or disposal system is
26 acquired by purchase under the provisions of this section, the
27 cost of such acquisition may be distributed or assessed in the
28 same manner as provided by this act in cases where a sewer or
29 drainage system is constructed by the township.]

30 (c) For the purposes of this section, a community sewage

1 collection or disposal system is all or part of a device or
2 devices, installed on any privately or publicly owned parcel of
3 land, intended to treat or dispose of the sewage or equivalent
4 volume of domestic sewage from two or more residences, buildings
5 or occupied parcels of land, or any system of piping used in
6 collection and conveyance of sewage or private or public
7 property.

8 (d) After a community sewage collection or disposal system
9 has been acquired under the provisions of this section by the
10 township, the commissioners shall have the power to enlarge such
11 system, if they deem it advisable. In such cases, the cost and
12 expenses of such enlargement may be distributed or assessed in
13 the same manner as if the enlargement was a regular sewer
14 constructed by the township under other provisions of this act.

15 (e) Whenever a community sewage collection or disposal
16 system is or shall have been established or constructed within a
17 township by a private owner or owners, and the township
18 commissioners are thereafter empowered, by ordinance, to acquire
19 the ownership of the sewage disposal system so established, or
20 when any such system has been enlarged by the township, such
21 acquisition and ownership shall be subject to the following
22 provisions of this subsection:

23 (1) When the person or persons having established or
24 constructed a community sewage collection or disposal system, or
25 when more than one-half the number of the owners of properties
26 which are connected with, have a right to use and are using a
27 community collection or disposal system, enter into an agreement
28 with the township for the acquisition of the system by the
29 township, such agreement shall be considered a valid agreement
30 by the owners of the sewage collection or disposal system and a

1 transfer of ownership to the township.

2 (2) The township shall operate and maintain any sewage
3 collection or disposal system acquired and any enlargement or
4 addition thereto for the use of persons having acquired from the
5 township or from the former owner or owners the right to use the
6 system, and for the use of other owners of property accessible
7 thereto up to the capacity of the sewage collection or disposal
8 system.] Power to Acquire Community Sewage Collection or

9 Disposal Systems.--(a) A township may, by ordinance, acquire
10 ownership of a community sewage collection or disposal system by
11 purchase, the exercise of eminent domain pursuant to 26 Pa.C.S.
12 (relating to eminent domain) or by gift from the owner or
13 owners.

14 (b) In eminent domain proceedings, the viewers shall assess
15 the costs and expenses of the community sewage collection or
16 disposal system acquired by the township upon the property or
17 properties benefited according to benefits. Any deficiency that
18 is not assessed upon the benefited property or properties shall
19 be paid by the township.

20 (c) After a community sewage collection or disposal system
21 has been acquired under this section by the township, the board
22 of commissioners shall have the power to enlarge the system if
23 they deem it advisable. The cost and expenses of the enlargement
24 may be distributed or assessed in the same manner as if the
25 enlargement was a regular sewer constructed by the township
26 under other provisions of this act.

27 (d) If a community sewage collection or disposal system is
28 established or constructed within a township by a private owner
29 or owners, and the board of commissioners are empowered by
30 ordinance to acquire the ownership of the sewage disposal

1 system, or when the system has been enlarged by the township,
2 the acquisition and ownership shall be subject to the following
3 provisions:

4 (1) An agreement shall be considered a valid agreement by
5 the owners of the sewage collection or disposal system and shall
6 be a transfer of ownership to the township when any of the
7 following enter into an agreement with the township for the
8 acquisition of the system by the township:

9 (i) The person or persons having established or constructed
10 a community sewage collection or disposal system.

11 (ii) More than one-half of the number of owners of
12 properties which are connected with, have a right to use and are
13 using a community sewage collection or disposal system.

14 (2) The township shall operate and maintain any community
15 sewage collection or disposal system acquired or enlargement or
16 addition to a system for the use of the following:

17 (i) Persons having acquired from the township or from the
18 former owner or owners the right to use the system.

19 (ii) Other owners of property accessible to the system up to
20 the capacity of the community sewage collection or disposal
21 system.

22 (3) All persons whose property connects with the community
23 sewage collection or disposal system acquired or constructed by
24 the township shall pay to the township treasurer, a monthly,
25 quarterly, [~~semi-annual~~] semiannual or annual charge prescribed
26 by a resolution of the board of commissioners. The amount of the
27 charges shall not be in excess of the estimated amount necessary
28 to maintain and operate the system and to establish a reserve
29 fund sufficient for its future replacement.

30 (4) All sewer rentals or charges imposed by the board of

1 commissioners against properties connected with a community
2 sewage collection or disposal system under [the provisions of]
3 this section shall constitute liens against the properties and
4 may be collected in the same manner as other sewer charges.

5 (5) All [moneys] money received from the sewer charges shall
6 be deposited as a special reserve fund[,] and shall be used only
7 for the payment of the cost of operating and maintaining the
8 community sewage collection or disposal system and the
9 replacement [thereof], if necessary and economically desirable.
10 If, at any time after the acquisition or enlargement of the
11 community sewage system, a regular sewer system is made
12 available by the township for connection with the properties
13 using the community sewage collection or disposal system, the
14 owners of [such] the properties shall be subject to the other
15 provisions of this act relating to sewers, and all money at that
16 time in the reserve fund which was received from charges for the
17 use of that particular community sewage collection or disposal
18 system[,] and which is over and above the amount expended for
19 the operation and maintenance of that particular sewage
20 collection or disposal system[,] shall be used towards the
21 payment of any sewer assessments charged against [such] the
22 properties under other sections of this act.

23 (e) The following words and phrases when used in this
24 section shall have the meanings given to them in this subsection
25 unless the context clearly indicates otherwise:

26 "Community sewage collection or disposal system." All or
27 part of a device or devices installed on any privately or
28 publicly owned parcel of land intended to treat or dispose of
29 the sewage or equivalent volume of domestic sewage from two or
30 more residences, buildings or occupied parcels of land, or any

1 system of piping used in collection and conveyance of sewage on
2 private or public property.

3 (f) Nothing in this section may be construed to supersede
4 the requirements of the act of January 24, 1966 (1965 P.L.1535,
5 No.537), known as the "Pennsylvania Sewage Facilities Act."

6 Section 2420. [In any case where, under the authority of
7 section two thousand four hundred and one of this act, a system
8 of sewage and drainage covering any township in whole or in part
9 shall have been approved and authorized by ordinance, the
10 commissioners may enter into a contract with any responsible
11 individual or individuals or corporation for the construction of
12 such system of sewage or drainage at the expense of such
13 individual or individuals or corporation. He, they, or it shall
14 be entitled, under such contract, to exercise all the powers of
15 the township in the construction, maintenance, and operation of
16 such system of sewage or drainage, with the right to collect
17 such charges in connection therewith as the commissioners
18 prescribe, in as full manner as the same might have been
19 collected by the township or the commissioners. In such contract
20 the commissioners shall reserve to the township the right at any
21 time, after a prescribed time, to itself take possession of such
22 system of sewage and drainage, and its appurtenances, at a price
23 and upon terms to be fixed in the contract.] Contracts for Sewer
24 and Drainage Systems.--(a) In a case where, under the authority
25 of section 2401, a system of sewage and drainage covering a
26 township in whole or in part shall have been approved and
27 authorized by ordinance, the board of commissioners may enter
28 into a contract with any responsible individual or corporation
29 for the construction of a system of sewage or drainage at the
30 expense of the individual or corporation and the following shall

1 apply:

2 (1) The individual or corporation shall be entitled under
3 the contract to exercise all the powers of the township in the
4 construction, maintenance and operation of the system of sewage
5 or drainage, with the right to collect fees connected to the
6 construction, maintenance and operation as the board of
7 commissioners prescribes, in as full manner as the fees might
8 have been collected by the township or the commissioners.

9 (2) In the contract the board of commissioners shall reserve
10 to the township the right at any time, after a prescribed time,
11 to take possession of the system of sewage and drainage, and the
12 system's appurtenances, at a price and upon terms to be fixed in
13 the contract.

14 (b) Nothing in this section shall be construed to repeal or
15 modify any of [the provisions of the Pennsylvania Public Utility
16 Law] 66 Pa.C.S. (relating to public utilities).

17 Section 2425. Cost of Construction.--Townships may construct
18 sanitary sewers and drains in any street or highway, or through
19 or on or over private property. The costs, damages, and expenses
20 of the construction of any [such] sanitary sewers or drains may
21 be paid for wholly or partially by general taxation, or may be
22 assessed upon the properties accommodated or benefited [in
23 either of the following methods:

24 (a) By an assessment, pursuant to township ordinance, of
25 each lot or piece of land in proportion to its frontage abutting
26 on the sewer, allowing such reduction in the case of properties
27 abutting on more than one sewer as the ordinance may specify. No
28 assessment by frontage shall be made on properties of such a
29 character as not to be lawfully subject to such manner of
30 assessment, and each abutting property shall be assessed with

1 not less than its proportion, aforesaid, of the entire cost and
2 expense of such construction.

3 (b) By an assessment upon the several properties abutting on
4 the sewer in proportion to benefits. The amount of the charge on
5 which property shall be ascertained and the rights of taxpayers
6 conferred in connection therewith as provided in this act for
7 the assessment of damages and benefits by viewers.] pursuant to
8 Article XXV-A.

9 Section 2430. [Consent Necessary.--Townships may construct
10 sewers and drains in and under any county or State highway
11 within the township boundaries. In case of the construction of
12 sewers upon county highways, the consent of the county
13 commissioners of the county shall first be obtained; and in case
14 of the construction of sewers upon any State highway, the
15 consent of the State Department of Highways shall first be
16 obtained.] State and County Highways and Consent Required.--(a)
17 A township may construct a sanitary sewer and drain in or under
18 any State or county highway within the township boundaries.

19 (b) (1) For the construction of a sanitary sewer in or
20 under a county highway, the consent of the county commissioners
21 of the county shall be obtained.

22 (2) For the construction of a sanitary sewer in or under a
23 State highway, the consent of the Department of Transportation
24 shall be obtained.

25 Section 126. Section 2431 of the act is repealed:

26 [Section 2431. Assessment of Cost.--Whenever sewers have
27 been or shall be laid or constructed by any township in and
28 under such highways, such township may ascertain, levy, and
29 collect the costs and expenses of the construction thereof from
30 the abutting property holders by viewers, in accordance with

1 provisions of this act relating to the assessment of damages and
2 benefits by viewers.]

3 Section 127. Subdivision (f) heading of Article XXIV and
4 section 2435 of the act are amended to read:

5 (f) Connecting with [Sewer of Adjoining
6 Municipality] Adjoining Sewer

7 Section 2435. [Connection by Agreement or Petition;
8 Appointment of Viewers.--Whenever any township shall desire to
9 connect with the existing sewer of any adjacent municipality,
10 the two municipalities so joining may enter into an agreement
11 for such purposes, or if no agreement has been reached between
12 such township and the adjacent municipality, then such township
13 shall proceed in the following manner:

14 An application shall be made by the board of commissioners to
15 the court of quarter sessions, setting forth the desire of the
16 township to connect with the sewer of the municipality. If the
17 court shall be of the opinion that such connection can be made
18 without impairing the usefulness of the existing sewer, it shall
19 appoint three viewers, who shall view the premises, and
20 investigate the facts of the case, and shall, in the manner
21 provided by this act for such proceedings, assess the
22 proportionate part of the expense of building the original sewer
23 upon the petitioning township, and shall fix the proportion of
24 the expense for repairs which the municipality and such township
25 shall thereafter bear and determine all other questions which
26 are likely to arise in connection therewith.] Connection by

27 Agreement or Petition and Appointment of Viewers.--(a) If a
28 township desires to connect with the existing sanitary sewer of
29 an adjacent municipal corporation or municipal authority for
30 either sewage collection or treatment purposes, the entities may

1 enter into an agreement for this purpose. If no agreement has
2 been reached between the township and the adjacent municipal
3 corporation or municipal authority, the township shall proceed
4 as provided under subsection (b).

5 (b) An application shall be made by the board of
6 commissioners to the court of common pleas of the county where
7 the proposed connection is to be located, setting forth the
8 desire of the township to connect with the existing sanitary
9 sewer of the municipal corporation or municipal authority. If
10 the court determines that the connection can be made without
11 impairing the usefulness of the existing sanitary sewer, it
12 shall appoint three viewers who shall:

13 (1) View the premises and investigate the facts of the case.

14 (2) Assess the proportionate part of the expense of building
15 the original sanitary sewer upon the petitioning township.

16 (3) Fix the proportion of the expense for repairs which the
17 municipal corporation or municipal authority and the township
18 shall thereafter bear.

19 (4) Determine all other questions which are likely to arise
20 in connection with the sanitary sewer.

21 (c) The viewers shall report the results of their
22 investigation under subsection (b) to the court, and the court
23 shall confirm the report within thirty days of the report's
24 submission unless exceptions are filed. Any interested party may
25 appeal the disposition of filed exceptions.

26 Section 128. Section 2436 of the act is repealed:

27 [Section 2436. Notice of Contemplated Construction; Protests
28 by Property Owners.--No sewer, system of sewers, or drains shall
29 be constructed under the provisions of this subdivision, unless
30 a resolution of the board of commissioners authorizing the same

1 shall be published in a newspaper of general circulation
2 published in the county in which the township is situated once a
3 week for three successive weeks. If within twenty days after the
4 last publication, or at any time during the period of
5 publication sixty per centum of the total property owners within
6 the township, or the affected sewer district, if such district
7 has been constituted, shall sign, and file in the office of the
8 prothonotary of the court of common pleas of the county in which
9 the township is located, a written protest against the
10 construction of such sewer, sewer system, or drain, then the
11 construction authorized by such resolution shall not be
12 undertaken or proceeded with.]

13 Section 129. Subdivision (g) heading of Article XXIV and
14 section 2440 of the act are amended to read:

15 (g) Joint Sanitary Sewers and Drains

16 Section 2440. Building Joint Sewers.--[(a) Townships may
17 jointly with cities, boroughs or other townships build and
18 construct sewers, including trunk-line sewers or drains and
19 sewage treatment works, and may connect into such system
20 existing sewers, and may assess their respective portions of the
21 cost thereof, or so much thereof as may be legally assessable,
22 upon property benefited by the improvement as is provided in the
23 case of townships by sections two thousand four hundred eight,
24 two thousand four hundred nine, and two thousand four hundred
25 ten of this act. Any portion of the cost of such an improvement
26 not assessed or not assessable shall be paid by the respective
27 townships, cities, and boroughs joining as may be agreed upon.

28 (b) The townships, cities, and boroughs joining or
29 contemplating joining in any such improvement, in order to
30 facilitate the building of the same and securing preliminary

1 surveys and estimates, may by ordinance provide for the
2 appointment of a joint sewer board composed of one
3 representative from each of the townships, cities, and boroughs
4 joining which shall act generally as the advisory and
5 administrative agency in the construction of such improvement,
6 and its subsequent operation and maintenance. The members of
7 such board shall serve for terms of six years each from the
8 dates of their respective appointments, and until their
9 successors are appointed. The board shall organize by the
10 election of a chairman, secretary, and treasurer. The several
11 townships, cities, and boroughs, may in the ordinances creating
12 the board, authorize the board to appoint an engineer, a
13 solicitor, and such other assistants as are deemed necessary;
14 and agree to the share of the compensation of such persons each
15 township, city, and borough is to pay. The members of the board
16 shall receive such compensation for attending meetings of the
17 board as shall be fixed in the budget, prepared by the board for
18 submission to, and adoption by, the several townships, cities,
19 and boroughs, as hereinafter provided, and the budget item
20 providing for the compensation to members for attending meetings
21 shall not exceed a total of two hundred and fifty dollars (\$250)
22 per year, and no member shall be paid unless he actually
23 attends, and the fee for each such attendance shall be
24 stipulated, and the members, in addition thereto, shall be
25 entitled to actual expenses to be paid by the respective
26 townships, cities, and boroughs which such members represent.

27 (c) The board shall have power to adopt rules and
28 regulations to govern its proceedings, and shall prepare and
29 suggest any practical measures and plans by means of which the
30 joint improvement may be carried to successful completion; and

1 plan the future development of the system, so as to conform to a
2 general plan. It shall have power to prepare a joint agreement
3 or agreements for submission to and adoption by the several
4 townships, cities, and boroughs defining the advisory and
5 administrative powers of the board; setting forth the consents
6 of the several townships, cities, and boroughs to the proposed
7 improvement; the manner in which preliminary and final plans,
8 specifications, and estimates for the proposed improvement shall
9 be prepared and adopted; how proposals for bids shall be
10 advertised, and contracts let; the manner in which the costs of
11 the improvement and other incidental and preliminary expenses in
12 connection therewith, and the future cost of operation and
13 maintenance shall be equitably shared, apportioned, and paid;
14 and all such other matters including the preparation and
15 submission of annual and other budgets, as may be deemed
16 necessary or required by law, to carry the proposed improvement
17 to completion and to assure future maintenance and operation
18 thereof. But nothing herein contained shall authorize the board
19 to make any improvement or expend any public moneys which has
20 not first been authorized by all of the townships, cities, and
21 boroughs proceeding with the improvement.

22 (d) In any case where it shall be necessary to acquire,
23 appropriate, injure, or destroy private property, lands,
24 property, or material to build any such joint sewer improvement,
25 and the same cannot be acquired by purchase or gift, the right
26 of eminent domain shall vest in the township, city, or borough
27 where such property is located. In any case where it shall be
28 necessary to acquire, injure, or destroy property in any
29 territory not within the limits of any of the townships, cities,
30 or boroughs joining in the improvement; then the right of

1 eminent domain shall be vested in any township, city, or borough
2 adjacent to such territory where such property is located.
3 Damages for any property taken, injured, or destroyed shall be
4 assessed as provided by the general laws relating to the
5 townships, cities, and boroughs exercising the right of eminent
6 domain; and shall be paid by the several townships, cities, and
7 boroughs joining in the same proportion as other costs of the
8 improvement.

9 (e) Each of the townships joining in any such improvement
10 shall have power to incur or increase its indebtedness, not
11 exceeding the constitutional limits, for the purpose of paying
12 its share or portion of the cost of such improvement in the
13 manner now provided by law for the incurring of indebtedness.]

14 (a) Pursuant to 53 Pa.C.S. Ch. 23 Subch. A (relating to
15 intergovernmental cooperation), a township may contract with
16 another municipal corporation providing for the joint
17 construction or maintenance of sanitary sewer systems and for
18 joint construction onto existing sanitary sewer systems, and the
19 following shall apply:

20 (1) The agreement shall provide for the apportionment of
21 costs among the municipal corporations.

22 (2) The board of commissioners may assess the township's
23 respective portion of the costs, as may be legally assessable,
24 upon property benefited by the facilities pursuant to Article
25 XXV-A.

26 (3) Any portion of the cost not assessed or assessable shall
27 be paid by the respective municipal corporations under the
28 agreement.

29 (4) In addition to or in lieu of contracting with other
30 municipal corporations, townships may contract with municipal

1 authorities for the purposes of this section.

2 (b) (1) The municipal corporations joining or contemplating
3 joining in any improvement, in order to facilitate the building
4 of the sanitary sewer system and in securing preliminary surveys
5 and estimates, may by ordinance provide for the appointment of a
6 joint sanitary sewer board composed of one representative from
7 each of the municipal corporations joining. The board shall act
8 as the advisory and administrative agency in the construction of
9 the improvement and its subsequent operation and maintenance.

10 (2) Members of the joint sanitary sewer board established
11 under paragraph (1) shall serve for terms of six years each,
12 from the date of the member's appointment until the member's
13 successor is appointed. The joint sanitary sewer board shall
14 organize by the election of a chairperson, secretary, and
15 treasurer.

16 (3) The municipal corporations may, in the ordinances
17 creating the joint sanitary sewer board, authorize the board to
18 appoint an engineer, a solicitor and other assistants as deemed
19 necessary and agree to the share of the compensation of those
20 persons each municipal corporation is to pay.

21 (4) The members of the joint sanitary sewer board shall
22 receive compensation for attending board meetings as established
23 in the budget that is prepared by the joint sanitary sewer board
24 and submitted to and adopted by the municipal corporations. The
25 members shall be entitled to actual expenses to be paid by the
26 respective municipal corporations the members represent.

27 (c) (1) A joint sanitary sewer board may adopt rules and
28 regulations consistent with the requirements of this article to
29 govern its proceedings and shall prepare and suggest any
30 practical measures and plans by means of which the joint

1 improvement may be carried to successful completion and plan the
2 future development of the system, so as to conform to a general
3 plan.

4 (2) The joint sanitary sewer board may prepare a joint
5 agreement or agreements for submission to and adoption by the
6 municipal corporations defining the advisory and administrative
7 powers of the joint sanitary sewer board and setting forth the
8 following:

9 (i) consent of the municipal corporations to the proposed
10 improvement;

11 (ii) the manner in which preliminary and final plans,
12 specifications and estimates for the proposed improvement shall
13 be prepared and adopted;

14 (iii) how proposals for bids shall be advertised and
15 contracts awarded;

16 (iv) the manner in which the costs of the improvement and
17 other incidental and preliminary expenses in connection with the
18 improvement and the future cost of operation and maintenance
19 shall be equitably shared, apportioned and paid; and

20 (v) all other matters, including the preparation and
21 submission of annual and other budgets, as may be deemed
22 necessary or required by law to complete the proposed
23 improvement and to assure future maintenance and operation
24 thereof.

25 (3) The joint sanitary sewer board may not make any
26 improvement or expend any public money which has not first been
27 authorized by all of the municipal corporations proceeding with
28 the improvement.

29 (d) (1) When it is necessary to acquire, appropriate,
30 injure or destroy private property to build a joint sanitary

1 sewer system or improvement and the property cannot be acquired
2 by purchase or gift, the right of eminent domain shall vest in
3 the municipal corporation where the property is located.

4 (2) When it is necessary to acquire, injure or destroy
5 property in any territory not within the limits of any of the
6 municipal corporations joining in the improvement, the right of
7 eminent domain shall be vested in a municipal corporation
8 adjacent to the territory where the property is located subject
9 to 26 Pa.C.S. § 206 (relating to extraterritorial takings).

10 (3) Damages for any property taken, injured or destroyed
11 shall be assessed as provided by the laws relating to the
12 municipal corporation exercising the right of eminent domain and
13 shall be paid by the municipal corporations joining in the same
14 proportion as other costs of the improvement.

15 (e) Each township joining in an improvement shall have power
16 to incur or increase the township's indebtedness, not exceeding
17 constitutional limits, for the purpose of paying the township's
18 share or portion of the cost of the improvement in the manner
19 now provided by law for the incurring of indebtedness.

20 Section 130. Section 2441 and Subdivision (h) heading of
21 Article XXIV of the act are repealed:

22 [Section 2441. State Permit.--No such sewer or sewage
23 treatment plant shall be constructed until plans and
24 specifications have been submitted to the Sanitary Water Board
25 and approved in accordance with existing laws.]

26 (h) Non-debt Revenue Sewer Bonds]

27 Section 131. (Reserved).

28 Section 132. Article XXV of the act is repealed:

29 [ARTICLE XXV

30 COLLECTION BY INSTALMENT OF THE COST OF

1 STREET, CURB, SIDEWALK AND SEWER IMPROVEMENTS

2 Section 2501. Ordinances for Instalment Payments.--When any
3 township shall authorize the grading, sub-grading, or the
4 permanent paving and improvement of any streets, or parts
5 thereof, or the construction of curbs, sidewalks, or sewers, and
6 the entire cost, or any part thereof, shall be assessed against
7 the properties abutting on such improvement, whether by the foot
8 front rule or according to benefits, the board of commissioners
9 may provide in the ordinance that the assessment or any of them
10 may be paid in semiannual or annual instalments, and it may also
11 provide that sewer assessments may be paid in twelve monthly or
12 in quarterly instalments. Such instalments shall bear interests,
13 at a rate not exceeding six per centum, to be fixed by the board
14 of commissioners in the ordinance, commencing at such time as
15 may be fixed by ordinance.

16 Section 2502. Issue of Bonds.--In order to provide for the
17 payment of the cost and expenses of such improvement, the board
18 of commissioners may, from time to time, issue bonds, in sums
19 equal to the amount of assessments. The bonds shall bear the
20 name of the street to be improved, or the curbs, sidewalks, or
21 sewer to be constructed.

22 Section 2503. Sale of Bonds; Interest.--The bonds shall bear
23 interest at a rate not exceeding six per centum per annum,
24 payable semiannually or annually, as the ordinance shall direct;
25 and shall be negotiated at not less than par, and the proceeds
26 thereof applied solely to the payment of such improvement.

27 Section 2504. Entry of Liens.--Liens to secure the
28 assessments, or any part thereof, remaining due shall be entered
29 in the prothonotary's office of the county, in the same form and
30 collected in the same manner as municipal claims are filed and

1 collected: Provided, however, That when any person has accepted
2 the monthly or quarterly payment plan for any sewer assessment,
3 as herein provided, no lien shall be filed for such assessment,
4 except upon a default in payment, as provided in section two
5 thousand five hundred six, as herein amended.

6 Section 2505. Assessments, Where Payable.--Such assessments
7 shall be payable at the office of the township treasurer, or
8 such other place as the ordinance shall provide, in semiannual
9 or annual instalments, and in the case of sewer assessments in
10 monthly or quarterly instalments, with interest at the rate
11 provided from the date from which interest is computed on the
12 amount of the assessments. The moneys so received by the
13 township shall be applied to the payment of such bonds and
14 interest thereon exclusively.

15 Section 2506. Default in Payment of Instalment.--In case of
16 default in the payment of any semiannual or annual instalment
17 and interest for a period of sixty days after the same shall
18 become due, the entire assessment and accrued interest shall
19 become due, and the township solicitor shall proceed to collect
20 the same under the general laws relating to the collection of
21 municipal claims.

22 In case of default in the payment of any monthly or quarterly
23 instalment, and interest of a sewer assessment for a period of
24 thirty days after the same shall become due, a lien shall be
25 filed for the balance due on such assessment and interest
26 accrued thereon. In no case shall a township lose its right to
27 file a lien for any sewer assessment by reason of its failure to
28 file the same within the time fixed by general law relating to
29 the filing of municipal liens for any sewer assessment which is
30 being paid under the instalment plan herein provided, and if any

1 lien is filed after the time fixed by said general law for the
2 filing thereof because of default in the payment of any
3 instalment, such delayed filing is hereby validated, and the
4 lien of such assessment claim so filed shall be in full force
5 and effect from the time of such filing.

6 Section 2507. Payments in Full; Subdivisions of Property.--
7 Any owner of property against whom any such assessment has been
8 made may pay the same in full, at any time, with interest
9 thereon to the next semiannual or annual payment, and such
10 payment shall discharge the lien. If any owner shall subdivide
11 any property after the lien attaches, he may, in like manner,
12 discharge the same upon any subdivided portion thereof by paying
13 the amount for which such part would be liable.]

14 Section 133. The act is amended by adding an article to
15 read:

16 ARTICLE XXV-A

17 ASSESSMENTS FOR PUBLIC IMPROVEMENTS

18 Section 2501-A. Definitions.

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

22 "Front foot." The term includes, but is not limited to,
23 front linear foot, lot, parcel, dwelling unit or square foot.

24 "Public improvement." The term includes, but is not limited
25 to, the following:

26 (1) The building, paving, grading, rebuilding, repaving
27 and regrading of streets, sidewalks, curbs and gutters.

28 (2) The creation, extension and renovation of water
29 treatment, transmission, distribution and disposal systems.

30 (3) The creation, extension and renovation of sewage

1 collection, transmission, distribution, treatment and
2 disposal systems.

3 (4) The creation, extension and renovation of storm,
4 surface and subsurface drainage systems.

5 (5) The construction, reconstruction and repair of
6 wharves and docks.

7 (6) The installation, maintenance or operation of
8 lighting that services the streets, sidewalks and other
9 public places within the township.

10 (7) The planting, transplanting, removal and protection
11 of shade trees.

12 Section 2502-A. Authority to assess.

13 (a) Authority.--Unless otherwise provided for in this
14 article, a township is authorized to assess all or any portion
15 of the costs of a public improvement against any properties that
16 are benefited by the public improvement.

17 (b) Payment of costs.--Unless otherwise provided in this
18 article, in addition to the authority to assess the cost of
19 public improvements against properties benefited either on the
20 front foot method or benefit conferred method of assessment, a
21 township may pay for the cost of public improvements, in whole
22 or in part, from the township general fund or from a special
23 township fund dedicated to that purpose.

24 (c) Indebtedness.--If a township incurs indebtedness
25 pursuant to 53 Pa.C.S. Pt. VII Subpt. B (relating to
26 indebtedness and borrowing) for the purposes of funding the cost
27 and expense of making public improvements for which assessments
28 are made in accordance with this article, payments made on the
29 assessments must be applied to pay the debt service for the
30 indebtedness incurred for funding the cost and expense of making

1 the public improvements.

2 (d) Assessment outside of township.--Property benefited,
3 improved or accommodated that is located outside the limits of
4 the township that constructed the public improvement may, if
5 located no more than 150 feet from the public improvement, be
6 assessed for the cost of the public improvement in the same
7 manner as the property would be assessed under the laws of this
8 Commonwealth if it were entirely located within the limits of
9 the township.

10 Section 2503-A. Method of assessment.

11 (a) Ordinance.--If the board of commissioners elect to
12 exercise the power to make assessments for a given public
13 improvement as authorized in section 2502-A, the board of
14 commissioners shall, by ordinance and in conformity with this
15 article, establish the method and procedure pursuant to which
16 assessments shall be made.

17 (b) Allocation of costs and expenses.--The following shall
18 apply:

19 (1) The board of commissioners may, by ordinance, make
20 the assessment by any means that results in fairly allocating
21 all or a portion of the costs and expenses of the public
22 improvement among all properties benefited by the improvement
23 in reasonable proportion to the benefits conferred upon each
24 property. The methods that may be used to make assessments in
25 accordance with this subsection may include, but are not
26 limited to:

27 (i) An equal assessment per front foot.

28 (ii) An assessment made by benefits conferred.

29 (2) Only one assessment method may be used in allocating
30 the costs for a particular public improvement unless a

1 township is divided into districts for sanitary sewer or
2 water, in which case the assessment in each district may be
3 by different methods so long as the same assessment method is
4 used within a particular district.

5 (c) Front foot method.--If the front foot method is used:

6 (1) The cost to be collected shall be divided by the
7 total number of linear feet of street frontage of all
8 properties benefited.

9 (2) The assessment against each property shall be that
10 portion of the cost which is determined by multiplying the
11 dividend under paragraph (1) by the number of linear feet for
12 street frontage of that property.

13 (3) In the case of corner or irregularly shaped lots or
14 where special conditions exist, the board of commissioners
15 shall have the power and its duty shall be to provide for an
16 equitable adjustment, as necessary, to prevent an unjust or
17 excessive assessment.

18 (4) If the front foot method is used but is comprised of
19 other than linear feet, such as lots, parcels, dwelling units
20 or square feet, the formula in paragraphs (1) and (2) shall
21 be adapted to comport with the unit of lots, parcels,
22 dwelling units or square feet as applicable.

23 (d) Assessment of benefits conferred method.--In lieu of the
24 front foot method, the board of commissioners may elect to have
25 the benefits of public improvements assessed, in whole or in
26 part, upon property benefited, improved or accommodated by
27 assessing an equal assessment on the properties benefited,
28 improved or accommodated in proportion to the total cost of
29 construction of the improvement. The amount of the charge on
30 each property shall be determined by the board of commissioners.

1 (e) Certificate of assessment.--The board of commissioners
2 shall issue a certificate of assessment when either assessing on
3 the front foot method or on the basis of benefits conferred upon
4 property benefited, improved or accommodated, duly certified
5 under the seal of the township and attested by the president of
6 the board of commissioners and secretary. The certificate of
7 assessment shall state the method of assessment used. The
8 certificate of assessment shall be prima facie evidence in any
9 suit for recovery of the same of the correctness and validity of
10 the assessment.

11 Section 2504-A. Petition for viewers by board of commissioners.

12 The board of commissioners may petition the court of common
13 pleas for the appointment of viewers to assess the total cost of
14 an improvement as set forth in this article. The viewers shall
15 assess the total cost of the improvement, or so much of the cost
16 as may be just and reasonable, upon the lands or properties
17 peculiarly benefited.

18 Section 2505-A. Petition for viewers by taxpayers.

19 (a) Petition.--Taxpayers of the township whose property is
20 being assessed for benefits for a public improvement may present
21 a petition to the court of common pleas stating that the
22 assessment insufficiently represents the benefits accruing to
23 abutting, benefited or accommodated properties. The petition may
24 include a request for the appointment of viewers to assess
25 benefits if at least 50% of the taxpayers whose parcels are
26 abutting, benefited or accommodated by the public improvement in
27 question join the petition or if taxpayers whose property
28 valuation as assessed for taxable purposes within the township
29 amounts to at least 50% of the total property valuation of the
30 properties being assessed for the public improvement join the

1 petition. The petition must be presented within 90 days of the
2 issuance of the certificate of assessment.

3 (b) Viewers.--The court shall appoint three disinterested
4 viewers, none of whom shall be a resident of that portion of the
5 township that is benefited or accommodated by the public
6 improvement in question. The viewers shall proceed under this
7 part and 26 Pa.C.S. (relating to eminent domain) for the
8 assessment of damages and benefits by viewers. Upon the filing
9 of the petition by taxpayers for the appointment of viewers, any
10 assessment made by the board of commissioners and any
11 proceedings shall be stayed pending the disposition of the
12 petition by the court.

13 Section 2506-A. Notice of assessment.

14 (a) Personal notice.--After the amounts to be assessed
15 against the properties to be benefited by the public improvement
16 have been calculated pursuant to the method and procedures as
17 prescribed by ordinance, the township shall give personal notice
18 of the assessment to the owner of each property that is being
19 assessed. The notice shall also state that the owner has 30 days
20 from receipt of the notice to appeal the assessment. If a
21 certificate is required to be filed with the board of
22 commissioners relating to the public improvement as otherwise
23 provided in this act, a copy of the certificate shall accompany
24 the notice.

25 (b) Assessment effective.--An assessment made pursuant to
26 this article shall become effective 30 days after personal
27 notice is given by any of the following means:

28 (1) Personal service on the owner or the owner's agent.

29 (2) Certified mail, addressee only, return receipt
30 requested, to the owner at the owner's last known address.

1 (3) Posting notice at or upon the property after
2 reasonable attempts to give personal notice pursuant to
3 paragraphs (1) and (2) have failed.

4 Section 2507-A. Benefits and damages.

5 In any proceeding in which damages to property are being
6 sought as a result of a public improvement for which an
7 assessment of benefits has been made, the excess of damages over
8 benefits, the excess of benefits over damages or nothing in case
9 the benefits and damages are equal, shall be awarded to or
10 assessed against the owner of land and property affected by the
11 public improvement. Damages shall be calculated pursuant to 26
12 Pa.C.S. (relating to eminent domain).

13 Section 2508-A. Payment of assessments in installments.

14 (a) Authorization.--An ordinance providing for a public
15 improvement, the expense of which is to be defrayed by an
16 assessment against properties benefited by the public
17 improvement, may authorize payment of the assessment in
18 installments. The ordinance shall:

19 (1) Set a time when the installment payments shall
20 commence.

21 (2) Specify the length of time over which the
22 installments may be extended. The period during which
23 installments may be paid shall not exceed the lesser of 10
24 years or the number of years equal to the period of maturity
25 of the bonds issued to fund the public improvement.

26 (3) Specify whether payments are to be made by equal
27 annual or more frequent installments.

28 (b) Interest rate.--The ordinance shall set forth the rate
29 of interest for the installments, which shall not be more than
30 6% per year unless a bond is issued for the improvement, in

1 which case the maximum interest rate on the installment payments
2 shall be in accordance with section 9 of the act of May 16, 1923
3 (P.L.207, No.153), referred to as the Municipal Claim and Tax
4 Lien Law.

5 (c) Written agreement.--The township shall enter into a
6 written installment agreement with each property owner that will
7 pay the assessment in installments, subject to the requirements
8 of the ordinance pertaining to the agreements and this article.

9 (d) Installments not paid.--If any of the installments
10 remain unpaid for 60 days after the installments have become due
11 and payable:

12 (1) The entire unpaid assessment, plus unpaid accrued
13 interest and any costs, shall be due and payable.

14 (2) The township may proceed to collect the installments
15 by filing a lien in the same manner as municipal claims are
16 filed under the Municipal Claim and Tax Lien Law or by
17 instituting a civil action.

18 (e) Advance payments.--A property owner upon whom an
19 assessment has been made may pay all or as many of the
20 installments before they are due, with interest and costs to the
21 due date of the next installment.

22 Section 2509-A. Collection of assessments.

23 (a) Authority.--The board of commissioners shall have the
24 power to authorize the township treasurer or other township
25 official to collect assessments.

26 (b) Procedure.--The following shall apply to the collection
27 of assessments:

28 (1) A township may collect an assessment that remains
29 unpaid for 60 days after personal notice was given pursuant
30 to section 2506-A unless an installment agreement has been

1 entered into pursuant to section 2508-A.

2 (2) An assessment made under this article may be
3 collected in the same manner as municipal claims under the
4 Municipal Claim and Tax Lien Law or by instituting a civil
5 action against the owner of the benefited property.

6 (3) Interest on an unpaid assessment shall begin to
7 accrue from the time of completion of the improvement at a
8 rate not to exceed 6% per year unless a bond is issued for
9 the improvement, in which case the maximum interest rate
10 shall be pursuant to section 9 of the Municipal Claim and Tax
11 Lien Law.

12 (4) If a property owner has two or more lots against
13 which there is an assessment for the same improvement, all of
14 the lots may be embraced in one claim.

15 (5) Assessments, whether paid one time or by
16 installments, shall be payable at the office of the township
17 treasurer or any other place designated by ordinance.

18 Section 134. Article XXVI of the act is repealed:

19 [ARTICLE XXVI

20 REVOLVING FUND FOR STREET AND

21 SEWER IMPROVEMENTS

22 Section 2601. Special Tax; Bond Issue.--The several
23 townships are hereby empowered to levy and collect annually a
24 tax upon all property, taxable for township purposes, not to
25 exceed five mills on the dollar in any one year, for the purpose
26 of creating and maintaining a revolving fund, to be used by such
27 township in making permanent street, sidewalk, water lines, or
28 sewer improvements, and to pay contract prices for permanent
29 street, sidewalk, water lines, or sewer improvements, prior to
30 the collection of the cost and expense, or any part thereof,

1 from the property owners adjoining or abutting thereon by such
2 townships under existing laws. Any such revolving fund may also
3 be begun by funds raised by the issuance of bonds of the
4 township, in the manner provided by law, for the making of
5 permanent street, sidewalk, water lines, and sewer improvements.

6 Section 2602. Repayments into Revolving Fund.--When the cost
7 and expense, or any part thereof, of the construction of any
8 permanent street, sidewalk, or sewer improvement, which has been
9 made under existing laws, and which has been aided in its
10 construction from the said revolving fund hereby provided for,
11 shall have been assessed and collected from the owners of the
12 property adjoining or abutting upon such improvement, it shall
13 be applied to the credit of the said revolving fund, to the
14 extent of the withdrawal therefrom for such purpose.]

15 Section 135. Article XXVII heading and section 2701 of the
16 act are amended to read:

17 ARTICLE XXVII

18 WATER SUPPLY [AND WATERWORKS]

19 Section 2701. [Contract with Water Companies and
20 Municipality; Development of Own Water Supply.--Townships may
21 contract with any adjoining municipality, owning a waterworks
22 system, or with a private company, for a supply of water for
23 public and private uses to be delivered into the lines of the
24 township at or near or within the boundaries thereof.

25 This section does not prohibit a contract between a township
26 and a municipality, or a private company, for the supply of
27 water in territory being supplied by any other private company.
28 A township shall have full power by contract to develop an
29 independent supply of water at any time, and it is not required
30 to purchase such water supply as the township shall need from

1 either an adjoining municipality or private company.] Contracts
2 for Water Supply; Development of Own Water Supply.--(a)
3 Townships may contract with any adjoining municipal corporation
4 owning a water system, or with a municipal authority or a
5 private company, for a supply of water for public and private
6 uses to be delivered into the lines of the township at or near
7 or within the boundaries of the township.

8 (b) This section does not prohibit a contract between a
9 township and a municipal corporation, or a private company, for
10 the supply of water in territory being supplied by any other
11 private company.

12 (c) A township may construct, maintain and operate its own
13 water system and shall have full power by contract to develop an
14 independent supply of water at any time, and it is not required
15 to purchase a water supply needed by the township from either an
16 adjoining municipal corporation or from a private company.

17 Section 136. The act is amended by adding sections to read:

18 Section 2701.1. Public Utility Law Saved.--Nothing contained
19 in this article shall be construed to repeal or to supersede any
20 of the provisions of 66 Pa.C.S. (relating to public utilities).

21 Section 2701.2. Rates.--(a) For water supplied by the
22 township, the board of commissioners shall fix the rates charged
23 to users of water or to owners whose properties are connected to
24 the water system. The board of commissioners shall provide for
25 the collection of the water rates. The rates shall be in
26 addition to the cost of making any connections under section
27 2707. In the case of users outside the township, the fixing of
28 rates shall be subject to, and in accordance with, applicable
29 law and the rules and regulations of the Pennsylvania Public
30 Utility Commission.

1 (b) The initial imposition of the rate imposed under
2 subsection (a) shall be established by ordinance. Any subsequent
3 rate adjustments may be by resolution provided that the
4 ordinance establishing the rate allows for future rate
5 adjustments by resolution adopted at a public meeting. This
6 subsection shall not be construed to invalidate or void any rate
7 imposed or adjusted prior to the effective date of this section.

8 Section 137. Sections 2702, 2703 and 2704 of the act are
9 amended to read:

10 Section 2702. [State Permit.--A township making such
11 contract may, by ordinance, provide and regulate and protect a
12 system of distribution of the water, after a certified copy of
13 the plans and surveys for such system, with a description of the
14 sources from which it is proposed to derive the supply, are
15 filed with the Department of Health and Water Power Resources
16 Board, and written permits for the construction of such system
17 obtained in accordance with existing law.] Distribution System;
18 State Permit.--A township entering into a contract for the
19 supply of water may, by ordinance, provide, regulate and protect
20 a system of water distribution after filing a certified copy of
21 the plans and surveys for the system, with a description of the
22 sources from which it is proposed to derive the supply, with the
23 Department of Environmental Protection and, if required by law,
24 other Federal or State entities, and written permits for the
25 construction of the system are issued in accordance with
26 existing law.

27 Section 2703. Occupation of Highways.--(a) In providing
28 for, regulating, [and] protecting and extending its system of
29 distribution of water, [the] a township may occupy streets,
30 roads or highways, and may take, injure or destroy private

1 property as provided in this article. No highway under the
2 jurisdiction of the [State Department of Highways] Department of
3 Transportation shall be occupied until a permit [therefor] has
4 been obtained from the [State Department of Highways.]
5 department.

6 (b) Property belonging to or used as a cemetery [or], a
7 place of public worship, or any public or parochial school, or
8 other educational or charitable institution or seminary, shall
9 not be taken, injured or destroyed by virtue of this section.

10 Section 2704. Property Damages[, Bond by Township].--If the
11 compensation and damages arising from [such] the taking, injury
12 or destruction of private property cannot be agreed upon, the
13 township [may tender its bond as security to the party claiming
14 or entitled to any damages, or to the attorney or agent of any
15 absent person, or to the agent or other officer of a
16 corporation, or to the guardian or committee of any person under
17 legal incapacity. The condition of the bond shall be that the
18 township shall pay or cause to be paid such amount of damages as
19 the party shall be entitled to receive after the same shall have
20 been agreed upon or assessed in the manner provided in the
21 following sections of this article.

22 In case the party or parties claiming damages refuse or do
23 not accept the security so tendered, the township shall give the
24 party, his or their agent, attorney, guardian, or committee, at
25 least ten days' written notice of the time when the same will be
26 presented to the court of common pleas for approval.

27 Thereafter the township may present its bond to the court,
28 and when approved, the bond shall be filed in court for the
29 benefit of those interested. Recovery may be had thereon for the
30 amount of damages finally determined, if the same is not paid or

1 cannot be collected by execution on the judgment in the issue
2 formed to try the question. Upon the approval of such security,
3 the township may enter into possession.] shall proceed pursuant
4 to 26 Pa.C.S. (relating to eminent domain).

5 Section 138. Section 2705 of the act is repealed:

6 [Section 2705. Appointment of Viewers.--In case the
7 compensation for damages accruing from such taking, injury or
8 destruction has not been agreed upon by parties in interest, the
9 court of common pleas, or any law judge thereof in vacation, on
10 application thereto by the township or any person interested in
11 the property, shall appoint three members of the board of
12 viewers of the county who shall assess the damages, as provided
13 in this act for eminent domain proceedings.]

14 Section 139. Sections 2706 and 2707 of the act are amended
15 to read:

16 Section 2706. [Water Districts; Application of Taxpayers.--
17 Whenever the taxpayers of any section of a township whose
18 property valuation, as assessed for taxable purposes within such
19 section, shall amount to fifty percent of the total property
20 valuation, as assessed for taxable purposes within such section,
21 shall, by petition, so request, the commissioners of such
22 township shall constitute such section into a water district or
23 divide it into several water districts. In every such case of
24 division into several districts, the commissioners shall
25 determine the proportion of the cost of the water system which
26 should equitably be charged on each of said districts and
27 declare and establish such apportionment by resolution. No
28 district shall be charged with more than its due proportion of
29 the cost of the main pipe lines used jointly by more than one
30 district.] Water Districts.--The board of commissioners may

1 designate, define and create one or more water districts within
2 the township, and the board of commissioners shall determine the
3 proportion of the cost of the water system which shall be
4 equitably charged on each district and declare and establish the
5 apportionment by resolution. No district shall be charged with
6 more than its due proportion of the cost of the main pipe lines,
7 pumping stations or other parts of the water system used jointly
8 by more than one district.

9 Section 2707. [Connection to Water Supply System.--The
10 commissioners may require that abutting property owners of a
11 water supply system connect with and use the same except those
12 industries and farms who have their own supply of water for uses
13 other than human consumption. In case any owner of property
14 except those previously excepted abutting such water system
15 shall neglect or refuse to connect with and use said system for
16 a period of ninety days after notice to do so has been served
17 upon him by the commissioners, either by personal service or
18 registered mail, said commissioners or their agents, may enter
19 upon such property and construct such connection. In such case
20 the commissioners shall forthwith, upon completion of the work,
21 send an itemized bill of the cost of construction of such
22 connection to the owner of the property to which connection has
23 been made, which bill shall be payable forthwith, or the
24 commissioners may authorize the payment of the cost of
25 construction of connections in equal monthly installments; said
26 installments shall bear interest at a rate not to exceed seven
27 per centum per annum.] Connection to Water System.--(a) The
28 board of commissioners may, by ordinance, require that a
29 property owner connect with and use a water system of the
30 township or municipal authority or a joint water system in

1 either of the following cases:

2 (1) Except as provided in subsection (b), if the nearest
3 property line is located within one hundred fifty feet of a
4 water system or any part or extension of the system.

5 (2) If the property has no supply of water which is safe for
6 human consumption.

7 (b) With respect for water supplied for human consumption, a
8 property owner who, after the effective date of this subsection,
9 is subject to mandatory connection pursuant to subsection (a)
10 (1), shall not be required to connect to the water system
11 pursuant to that subsection if all of the following conditions
12 exist:

13 (1) The water system or part or extension of the system that
14 is within one hundred fifty feet of the nearest property line
15 was in existence on the effective date of this subsection.

16 (2) The property has its own supply of water which is safe
17 for human consumption.

18 (3) Prior to the effective date of this subsection, the
19 property owner was not required to connect to the existing
20 system.

21 (c) Those industries and farms which have their own supply
22 of water for uses other than human consumption through installed
23 and operating wells existing prior to the effective date of this
24 subsection may continue to use their preexisting wells for that
25 purpose but are required to use the water system of the township
26 or municipal authority to provide water for human consumption.

27 (d) A township may require any owner of property to install
28 and maintain a backflow prevention device based on the degree of
29 potential hazard of the connected property in accordance with
30 other applicable law.

1 (e) A township may assess penalties for the violation of
2 ordinances pertaining to water connections or backflow
3 prevention devices.

4 (f) (1) A township may, by ordinance, impose and charge
5 certain fees to property owners who desire or are required to
6 connect to the water system owned or operated by the township, a
7 municipal authority or a joint water board or who desire to
8 increase their usage of the water system.

9 (2) The fees in paragraph (1) may be a connection fee, a
10 customer facilities fee, a tapping fee and other similar fees as
11 enumerated and calculated under 53 Pa.C.S. § 5607(d) (24)
12 (relating to purposes and powers).

13 (3) The tapping fee may include a reimbursement part as
14 provided in 53 Pa.C.S. § 5607(d) (24) (IV) to be refunded to the
15 private person or corporation who paid for the construction of
16 the water system or any part or extension thereof.

17 (g) (1) If any property owner required under subsection (a)
18 to connect with and use the system fails to do so within ninety
19 days after notice to do so has been served by the board of
20 commissioners, either by personal service or registered mail,
21 the board of commissioners or their agents may enter the
22 property and construct the connection.

23 (2) The board of commissioners shall send an itemized bill
24 of the cost of construction of the connection to the owner of
25 the property to which connection has been made, which bill is
26 payable immediately, or the board of commissioners may authorize
27 the payment of the cost of construction of connections in equal
28 monthly installments and the installments shall bear interest at
29 a rate not to exceed six per cent.

30 Section 140. Section 2708 of the act is repealed:

1 [Section 2708. Connection to Water Supply System of
2 Municipality Authorities.--Whenever a water supply system is or
3 shall have been established or constructed by a municipality
4 authority within a township of the first class, the township
5 commissioners shall be empowered by ordinance, to compel all
6 owners of property abutting thereto to make connection
7 therewith. The commissioners may, by ordinance, impose penalties
8 to enforce any regulation or order they may ordain with
9 reference to any water connections. In case any owner, other
10 than those excepted in section 2707 of this act, of property
11 shall neglect or refuse to connect with said water system for a
12 period of ninety days after notice to do so has been served upon
13 him by the commissioners, either by personal service or by
14 registered mail, the commissioners or their agents may enter
15 upon such property and construct such connection. In such case,
16 the commissioners shall forthwith, upon completion of the work,
17 send an itemized bill of the cost of the construction of such
18 connection to the owner of the property to which connection has
19 been made, which bill shall be payable forthwith, or the
20 commissioners may authorize the payment of the cost of
21 construction of connections in equal monthly installments, to
22 bear interest at a rate not exceeding seven per centum per
23 annum.]

24 Section 141. Sections 2709 and 2709.1 of the act are amended
25 to read:

26 Section 2709. Cost of Connection; Where Payable.--The cost
27 of construction of connections shall be payable immediately at
28 the office designated by the [township] board of commissioners,
29 or if authorized by the board of commissioners, in monthly
30 installments, with interest from the date of completion of the

1 construction of the connection.

2 Section 2709.1. Default in Payment of Installment.--In case
3 of default in the payment of any installment and interest for a
4 period of sixty days after the same [shall] has become due, the
5 entire cost of construction of the connection and accrued
6 interest shall become due[; and, the township solicitor shall
7 proceed to collect the same under the general laws relating to
8 the collection of municipal claims.] and the township may
9 collect the unpaid cost of construction of the connection and
10 accrued interest from the owner by a municipal claim or in an
11 action of assumpsit.

12 Section 142. Section 2709.2 of the act is repealed:

13 [Section 2709.2. Entry of Liens.--In case of neglect or
14 refusal by the owner of such property to pay said bill or in
15 case of installment payment, it shall be the duty of the
16 township commissioners to file municipal liens for said
17 construction within six months of the date of completion of the
18 construction of such connection, the same to be subject in all
19 respects to the general law providing for the filing and
20 recovery of municipal liens.]

21 Section 143. Subdivision (b) heading of Article XXVII and
22 sections 2710, 2711, 2712, 2701-A, 2702-A, 2703-A, 2704-A, 2705-
23 A, 2801, 2802, 2803, 2804, 2805, 2806, 2901, 2910, 2911, 2912,
24 3001, 3009, 3010, 3011, 3012, 3013, 3014, 3020, 3021, 3022,
25 3023, 3024, 3025, 3026, 3027 and 3027.1 of the act are amended
26 to read:

27 (b) [Construction, Acquisition and Maintenance of Waterworks
28 in Connection with Municipalities] Joint Water System

29 Section 2710. [Joint Maintenance of Works with
30 Municipality.--Any township may unite with a city, borough or

1 township in the construction or acquisition and maintenance of
2 works for the supply of water.] Joint Construction, Acquisition
3 or Maintenance.--Any township may join with one or more
4 municipal corporations in the construction or acquisition and
5 maintenance of a water system.

6 Section 2711. [State Permits.--The construction of such
7 waterworks shall be commenced only after plans for such
8 waterworks have been filed with Department of Health and Water
9 and Power Resources Board and permits issued in accordance with
10 law.] Permits.--The construction of a water system shall be
11 commenced only after plans for the water system have been filed
12 with the Department of Environmental Protection and, if required
13 by law, other Federal or State entities and permits issued in
14 accordance with law.

15 Section 2712. [Commission of Waterworks.--Whenever any
16 township unites with a municipality in the construction or
17 acquisition and maintenance of waterworks, the commissioners of
18 such township, after the passage of an ordinance or resolution
19 to that effect, may join with the councils of such other
20 municipality and apply to the court of common pleas for the
21 appointment of a commission of waterworks. Such commission shall
22 be composed of citizens of each of the municipalities and
23 townships so uniting.] Joint Commission.--(a) The municipal
24 corporations joining in the construction or acquisition and
25 maintenance of a water system may, by ordinance, provide for the
26 appointment of a joint commission of a water system in order to
27 facilitate the construction, operation and maintenance of the
28 water system and to secure preliminary surveys and estimates.

29 (b) The joint commission shall act generally as the advisory
30 and administrative agency in the construction of the improvement

1 and its subsequent operation and maintenance.

2 (c) The joint commission shall be composed of one
3 representative, or alternatively an equal number of
4 representatives, from each of the joining municipal
5 corporations. The members of the joint commission shall serve
6 for terms of six years each from the dates of their respective
7 appointments and until their successors are appointed.

8 (d) The joint commission shall organize by the election of a
9 chairperson, secretary and treasurer. The secretary and
10 treasurer may be the same person.

11 (e) The municipal corporations may, in the ordinances
12 creating the joint commission, authorize the joint commission to
13 appoint an engineer, a solicitor and other assistants as are
14 deemed necessary, and agree to share the compensation costs for
15 members who attend its meetings as shall be fixed in the budget
16 prepared by the joint commission and submitted to and adopted by
17 the joining municipal corporations. In addition to the agreed
18 upon compensation that a member receives for each attendance at
19 a meeting, members shall be entitled to actual expenses to be
20 paid by the respective municipal corporations that the members
21 represent.

22 Section 2701-A. Manufacture and Sale of Electricity.--Any
23 township may manufacture electricity by means of a hydroelectric
24 generating facility owned or operated by the township for the
25 use of the inhabitants of [such] the township. Any township
26 owning or operating a hydroelectric generating facility may make
27 contracts for the sale of electricity to persons engaged in the
28 business of the manufacture or sale of electricity.

29 Section 2702-A. [May Regulate] Regulation of Use and
30 Prices.--Any township furnishing electricity pursuant to this

1 article may regulate the use of [said] electricity in dwellings,
2 business places and other places in [such] the township and the
3 rate to be charged for the [same] electricity.

4 Section 2703-A. Sale of Hydroelectric Generating
5 Facilities.--[By ordinance, a township may sell all or part of
6 its hydroelectric generating facilities to a purchaser for such
7 sale price as the parties may agree upon, and thereafter for all
8 purposes that price shall be deemed to be the purchaser's
9 original cost less accrued depreciation of the plant at the date
10 of purchase.] A township may sell, by ordinance, all or part of
11 its hydroelectric generating facilities to a purchaser for the
12 sale price as the parties may agree upon.

13 Section 2704-A. Construction or Purchase of Hydroelectric
14 Generating Facilities.--Any township may construct or purchase
15 facilities [for the purpose of manufacturing electricity by
16 hydroelectric generation. Any township may purchase a
17 hydroelectric generating facility at such price as may be agreed
18 upon by the township and the person, copartnership or a majority
19 of the stockholders of a corporation that owns such facilities.]
20 to manufacture electricity by hydroelectric generation. Any
21 township may purchase a hydroelectric generating facility at the
22 price agreed upon by the township and the person, partnership or
23 a majority of the stockholders of a corporation that owns the
24 facilities.

25 Section 2705-A. Submission to Electors.--Before any township
26 [shall construct or purchase] constructs or purchases a
27 hydroelectric generating facility, the question of the increase
28 of the debt of the township shall first be submitted to the
29 qualified voters of the township in the manner provided by law
30 for the increase of indebtedness of municipal corporations.

1 Section 2801. [Town Hall.--The commissioners of townships
2 may procure a suitable lot of ground, and erect a suitable
3 building thereon for a townhouse in which to hold elections,
4 store road machinery, hold meetings of township officers, and
5 for other township uses. For the purpose of procuring a lot of
6 ground and erecting a town hall, the commissioners may borrow
7 money at a rate of interest not exceeding six per centum and
8 issue bonds therefor.] Township Buildings.--The board of
9 commissioners may procure by purchase, gift, exchange or the
10 exercise of eminent domain a lot or lots of ground located
11 within the township, and erect or use buildings thereon for
12 township purposes.

13 Section 2802. [Unloading and Warehouses.--The commissioners
14 may purchase or lease land adjacent to the tracks or right of
15 way of any railroad or street railway, within or without the
16 limits of such township, and erect thereon suitable unloaders,
17 warehouses, or other buildings as may be necessary for
18 unloading, handling, and storing road materials and supplies.]

19 Garages and Warehouses.--The board of commissioners may purchase
20 or lease land inside or outside the limits of the township, and
21 erect garages, warehouses or other buildings as may be necessary
22 for handling and storing equipment, materials and supplies.

23 Section 2803. Appropriation of Property.--[Townships may
24 enter upon and appropriate private property and also land
25 heretofore granted or dedicated to public or other use within
26 the limits of such township, and which is no longer used for the
27 purpose for which the same was granted or dedicated, for the
28 erection thereon of a town hall, fire house, lockup, and such
29 other public buildings as are necessary for public purposes.

30 No land or property used for any cemetery, burying ground,

1 public or parochial school, educational or charitable
2 institution, seminary, or place of public worship shall be taken
3 or appropriated by virtue of any power contained in the
4 preceding paragraph.] (a) Townships may enter upon and
5 appropriate private property and also land previously granted or
6 dedicated to public or other use within the limits of the
7 township, and which is no longer used for the purpose for which
8 the same was granted or dedicated, for the erection thereon of a
9 municipal building, fire house, lockup, and other public
10 buildings as are necessary for public purposes.

11 (b) Notwithstanding subsection (a), no land or property used
12 for any cemetery, burying ground, public or parochial school,
13 educational or charitable institution, seminary, or place of
14 public worship shall be taken or appropriated.

15 Section 2804. Ordinance of Commissioners.--Whenever the
16 [commissioners desire to acquire, enter upon, take, use, and
17 appropriate private property or lands for public buildings, they
18 shall declare such intention by an ordinance duly enacted.]
19 board of commissioners desire to acquire, enter upon, take, use,
20 and appropriate private property or lands for public buildings,
21 they shall declare their intention by ordinance.

22 Section 2805. Assessment of Damages.--The compensation and
23 damages arising from [such taking, using, and appropriating of
24 private property for such purposes shall be considered,
25 ascertained, determined, awarded, and paid in the manner
26 provided in this act for eminent domain proceedings.] taking,
27 using and appropriating of private or public property for
28 township purposes shall be pursuant to 26 Pa.C.S. (relating to
29 eminent domain).

30 Section 2806. Use of Public Lands Acquired for other

1 Purposes.--Whenever the [commissioners desire to take any lands
2 heretofore granted or dedicated to a use or purpose for which
3 they are no longer used, they shall pass an ordinance declaring
4 such intention, and shall thereupon petition the court of common
5 pleas for leave to file the bond of such township for the
6 purpose of securing any person or persons who may be injured by
7 the taking of such lands. The court shall thereupon direct
8 notice to be given by publication in at least two newspapers of
9 the county. If no exceptions are filed to the bond on or before
10 the day fixed in the notice, the court shall approve the same.
11 The court may increase the amount of the bond, and hear and
12 determine all exceptions that are filed against the approval
13 thereof. Upon the approval of such bond, the commissioners may
14 enter upon and take such lands for the purposes of erecting
15 public buildings. The bond, which shall be in the name of the
16 Commonwealth, for the use of any person or persons who are
17 entitled to damages by reason of the taking of the lands, shall
18 remain on file for their use and benefit. In case the
19 compensation for damages accruing from any such appropriation
20 has not been agreed upon by the parties in interest, the same
21 may be assessed by viewers in accordance with the provisions of
22 this act for the assessment of damages in eminent domain
23 proceedings.] board of commissioners desire to take any public
24 lands previously granted or dedicated to a use or purpose for
25 which they are no longer used, the board of commissioners shall
26 pass an ordinance declaring its intention, and shall petition
27 the court of common pleas for leave to file the bond of the
28 township to secure any person or persons who may be entitled to
29 compensation for the taking. The court shall direct notice to be
30 given by publication in at least one newspaper of general

1 circulation pursuant to section 110. If no exceptions are filed
2 to the bond on or before the day fixed in the notice, the court
3 shall approve the same. The court may increase the amount of the
4 bond, shall hear and determine all exceptions that are filed
5 against the petition and the sufficiency of the bond and may
6 grant or deny the request of the petition. Upon the granting of
7 the petition and the approval of the bond, the board of
8 commissioners may enter upon and take the lands for the purposes
9 of erecting public buildings. The bond, which shall be in the
10 name of the Commonwealth for the use of any person or persons
11 who are entitled to damages by reason of the taking of the
12 lands, shall remain on file for their use and benefit.

13 Section 2901. [Every township shall have power, by
14 ordinance, to regulate and license each and every transient
15 retail business, within such township, for the sale of goods,
16 wares or merchandise, and to prohibit the commencement or doing
17 of any such business until or unless the license required by
18 such ordinance has been procured from the proper authorities by
19 the person, firm, or corporation desiring to commence such
20 transient retail business; and to enforce such ordinances by
21 penalties, not exceeding three hundred dollars or by other
22 appropriate means. The amount of any such license shall not
23 exceed two hundred dollars for each month or fractional part
24 thereof, during which any such sale is continued.

25 Nothing contained in this section shall be construed to apply
26 to (1) farmers selling their own produce, or (2) to the sale of
27 goods, wares, and merchandise, donated by the owners thereof,
28 the proceeds whereof are to be applied to any charitable or
29 philanthropic purpose, or (3) to any manufacturer or producer in
30 the sale of bread and bakery products, meat and meat products,

1 or milk and milk products.] Licensing Transient Retail
2 Business.--(a) A township may, by ordinance, regulate and
3 license transient retail merchants engaged in any transient
4 retail business within the township. The ordinance may prohibit
5 the commencement or doing of any transient retail business until
6 or unless the license required by the ordinance has been
7 obtained from the township by the person, firm or corporation
8 desiring to commence the transient retail business. The
9 ordinance may be enforced by penalties, not exceeding three
10 hundred dollars for a violation of its provisions and may
11 provide for other means of enforcement.

12 (b) The board of commissioners may establish license fees
13 for businesses regulated under this section. The license fees
14 shall bear a reasonable relationship to the cost of
15 administering the ordinance and regulating, inspecting and
16 supervising each business.

17 (c) Nothing contained in this section shall be construed to
18 apply to any of the following:

19 (1) farmers selling their own produce;

20 (2) any person selling personal property, donated by the
21 owners, if the proceeds of the sale are to be applied to a
22 charitable or philanthropic purpose; or

23 (3) any manufacturer or producer in the sale of bread and
24 bakery products, meat and meat products, or milk and milk
25 products.

26 Section 2910. [Agents for Licensed Dealers not to be
27 Licensed.--It shall be unlawful for any township to levy any
28 license fee or mercantile tax upon any persons taking orders for
29 merchandise, by sample, from dealers or merchants for
30 individuals or companies who pay a license or mercantile tax at

1 their chief places of business. Nothing in this section shall
2 authorize any person to sell by retail to other than dealers or
3 merchants.] Persons Taking Orders by Samples.--A township may
4 not impose, levy or collect a license fee or mercantile tax upon
5 a person that takes, by sample, from a dealer or merchant an
6 order for merchandise on behalf of an individual or company that
7 pays a license fee or mercantile tax at the individual's or
8 company's chief place of business. Nothing in this section shall
9 authorize a person to sell by retail to a person other than a
10 dealer or merchant without payment of a license or permit fee.

11 Section 2911. [Insurance Agents and Brokers not to be
12 Licensed.--It shall be unlawful for any township to impose or
13 collect any license fee upon insurance companies, or their
14 agents, or insurance brokers, authorized to transact business
15 under the Insurance Laws of this Commonwealth.] Insurance
16 Business.--A township may not impose or collect a license fee
17 upon an insurance company, including an agent, or an insurance
18 broker, authorized to transact business under the act of May 17,
19 1921 (P.L.682, No.284), known as "The Insurance Company Law of
20 1921."

21 Section 2912. License Fees on Residents not to Exceed those
22 on Nonresidents.--[It shall be unlawful for any township to
23 impose by ordinance, or exact or collect under the provisions of
24 any ordinance heretofore or hereafter enacted, any license tax
25 or fee upon or from any manufacturer, or the agent,
26 representative, or employe of any manufacturer, who is a
27 resident of the Commonwealth, for soliciting orders for or for
28 selling any goods, merchandise, or wares manufactured within
29 this Commonwealth that is not or cannot legally be imposed upon
30 or enacted or collected from any manufacturer or dealer, or the

1 agent, representative, or employe of any manufacturer, who is a
2 nonresident of the Commonwealth, for soliciting orders for or
3 for selling any goods, merchandise, or wares manufactured
4 without the Commonwealth.] A township may not enact an ordinance
5 imposing a license fee upon a manufacturer, including an agent,
6 representative, or employe of any manufacturer, who is a
7 resident of the Commonwealth and solicits orders for or sells
8 personal property manufactured within this Commonwealth if the
9 township could not legally impose the same license fee upon a
10 manufacturer, including an agent, representative or employee,
11 that is a nonresident of the Commonwealth and solicits orders
12 for or sells personal property manufactured outside this
13 Commonwealth.

14 Section 3001. Acquisition of Lands and Buildings.--(a)
15 Townships may, separately or jointly, by ordinance dedicate and
16 set apart lands not dedicated to other public uses or purposes,
17 and may enter upon, appropriate, and acquire[,] by gift, devise,
18 purchase, lease or otherwise, private property[,] for the
19 purpose of making, enlarging, and maintaining public parks,
20 recreation areas and facilities.

21 [Townships may construct and equip new facilities upon such
22 lands and may levy and collect such taxes or special taxes as
23 may be necessary to pay for the same and make appropriations for
24 the construction, improvement, maintenance, care, regulation and
25 government of the same. All the costs and expenses relative to
26 any such property required by two or more townships jointly
27 shall be paid by the respective townships in such proportions as
28 may be agreed upon by the commissioners thereof.]

29 Townships may likewise acquire private property within the
30 limits of another township, borough or city for the purpose

1 designated in this section, if the other township, borough or
2 city shall by ordinance signify its consent thereto.]

3 (b) Townships may construct and equip new facilities upon
4 such lands and may levy and collect general taxes, or special
5 taxes pursuant to section 1709(a)(9), as necessary to pay for
6 the same and may make appropriations for the construction,
7 improvement, maintenance, care, regulation and government of the
8 same.

9 (c) No township, acting individually or jointly, may acquire
10 private property within the limits of another municipal
11 corporation for the purposes designated in this section without
12 the consent of the governing body of the municipal corporation
13 in which the property is located.

14 Section 3009. Creation of Recreation Board.--(a) Townships
15 may improve, maintain, and regulate public parks, recreation
16 areas, and facilities and conduct recreation programs.

17 [The authority to supervise, maintain and regulate parks,
18 recreation areas and facilities may be vested in any existing
19 body or board or in a park board or recreation board, as the
20 township commissioners may determine. The township commissioners
21 may equip, operate and maintain the parks, recreation areas and
22 facilities as authorized by this act and shall for the purpose
23 of carrying out the provisions of this act, employ play leaders,
24 recreation directors, supervisors, superintendents, or any other
25 officers or employes as they deem proper.

26 If the township commissioners shall determine that the power
27 to equip, operate and maintain parks, recreation areas and
28 facilities shall be placed in a recreation board, such board
29 shall possess all the powers and be subject to all the
30 responsibilities of the commissioners under this article. In

1 such case, the recreation board shall exercise its powers and
2 duties in establishing standards, qualifications and salary
3 schedules, to be approved by the commissioners, for all
4 classifications of recreation employes. Whenever boroughs,
5 cities, counties, townships, school districts, or any of them,
6 wish to develop a cooperative plan of recreation service with a
7 township, the recreation board shall have the power to adjust
8 the personnel, standards, qualifications and salary schedules as
9 established, to be approved by the commissioners, to meet the
10 terms of a joint operation agreed upon.]

11 (b) The authority to supervise, maintain and regulate parks,
12 recreation areas and facilities may be vested in any existing
13 body or board or in a park board or recreation board, as the
14 board of commissioners may determine. The board of commissioners
15 may equip, operate and maintain the parks, recreation areas and
16 facilities as authorized by this act and shall for the purpose
17 of carrying out the provisions of this act, employ any officers
18 or employees as they deem proper.

19 (c) If the board of commissioners determine that the power
20 to equip, operate and maintain parks, recreation areas and
21 facilities shall be exercised by a recreation board, the board
22 of commissioners may, by ordinance, establish in the township a
23 recreation board which shall possess those powers and duties as
24 may be delegated to it by ordinance.

25 Section 3010. Composition of Park or Recreation Boards.--
26 [Park or recreation boards, when established, shall consist of
27 five or seven persons, and when established in a township having
28 a school board, two of the members shall be members or
29 appointees of the school board. The other members of such boards
30 shall be appointed by the commissioners of such township. The

1 members of the board shall serve for terms of five years or
2 until their successors are appointed, except that the members of
3 such board first appointed shall be appointed for such terms
4 that the terms of not more than two members shall expire
5 annually thereafter. Members of such board shall serve without
6 pay. All persons so appointed shall serve their full terms
7 unless they shall voluntarily resign or be removed by the
8 township commissioners for malfeasance or nonfeasance of duty.
9 Vacancies in such board, occurring otherwise than by expiration
10 of term, shall be filled for the unexpired term, in the same
11 manner as original appointments.]

12 (a) Park or recreation
13 boards, when established, shall consist of five or seven persons
14 who are residents of or property owners in the township and
15 shall be appointed by the board of commissioners.

16 (b) The members of the park or recreation board shall serve
17 for terms of five years or until their successors are appointed,
18 except that the members of the board first appointed shall be
19 appointed for staggered terms so that the terms of no more than
20 two members shall expire annually thereafter.

21 (c) Members of the board shall serve without pay.

22 (d) All persons appointed to the board shall serve their
23 full terms unless they shall voluntarily resign or be removed by
24 the board of commissioners for malfeasance or nonfeasance of
25 duty. Vacancies in the board, occurring other than by expiration
26 of term, shall be filled for the unexpired term, in the same
27 manner as original appointments.

28 Section 3011. Organization of Park or Recreation Boards;
29 [Powers and Duties Delegated to the Board by the
30 Commissioners.-- The members of a park board or recreation
board, established pursuant to this article, shall elect their

1 own chairman and secretary and select all other necessary
2 officers, to serve for a period of one year, and may employ such
3 persons as may be needed as authorized by this article. Such
4 board shall have power to adopt rules and regulations for the
5 conduct of all business within their jurisdiction. Its
6 jurisdiction shall include the right to select, employ and
7 discharge all recreation personnel used to carry out the
8 provisions of this article. It shall be the duty of the
9 recreation board and its executive to submit an annual report to
10 the township commissioners, including an analysis of the
11 community recreation areas, facilities and leadership, with
12 particular reference to the extent and adequacy of the program
13 and its effectiveness in view of the public expenditure involved
14 and the public needs to be met.] Delegated Powers and Duties.--

15 The members of a park board or recreation board established
16 pursuant to this article shall elect their own chairperson and
17 secretary and select all other necessary officers to serve for a
18 period of one year. The park or recreation board may, if
19 delegated, select, employ or discharge persons as may be needed
20 as authorized by this article. The board shall have power to
21 adopt rules and regulations for the conduct of all business
22 within its jurisdiction unless otherwise provided by the
23 ordinance establishing the board. The board shall submit an
24 annual report to the board of commissioners, including an
25 analysis of the community recreation areas, facilities and
26 leadership, with particular reference to the extent and adequacy
27 of the program and its effectiveness in view of the public
28 expenditure involved and the public needs to be met.

29 Section 3012. Maintenance and Tax Levy.--[All expenses
30 incurred in the maintenance and operation of such parks,

1 recreation areas and facilities, established as herein provided,
2 shall be payable from the treasury of such township or borough,
3 city, county or school district, as may be provided for by the
4 agreement of the corporate authorities. The township
5 commissioners of such township may annually appropriate and
6 cause to be raised by taxation an amount necessary for the
7 purpose of maintaining and operating the parks, recreation areas
8 and facilities and programs. The township commissioners may
9 cause to be raised by special taxation such tax, for the purpose
10 of maintaining and operating the parks, recreation areas and
11 facilities and the programs thereon.] (a) All expenses incurred
12 in the maintenance and operation of parks, recreation areas and
13 facilities established under this article shall be payable from
14 the treasury of the township or from the treasury of the
15 applicable political subdivisions pursuant to an
16 intergovernmental cooperation agreement.

17 (b) The board of commissioners may annually appropriate and
18 raise by general or special taxation an amount necessary for the
19 purpose of maintaining and operating the parks, recreation areas
20 and facilities and programs.

21 Section 3013. Joint Ownership and Maintenance.--[Townships
22 may, jointly with cities, counties, boroughs, other townships of
23 either class, or any combination or number of such units,
24 acquire property for, operate and maintain, any parks, public
25 recreation areas and facilities. Any school district may join
26 with the township in equipping, operating and maintaining parks,
27 public recreation areas and facilities and may appropriate money
28 therefor.] (a) Any township may join or create, with one or
29 more municipalities, a joint recreation board in accordance with
30 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental

1 cooperation). The joint recreation board may acquire property
2 for and operate and maintain, any parks, public recreation areas
3 and facilities. Any school district may join with the township
4 in equipping, operating and maintaining parks, public recreation
5 areas and facilities and may appropriate money therefor.

6 (b) All the costs and expenses of the joint recreation
7 board, including those relative to property jointly acquired,
8 shall be paid for by the respective municipalities as specified
9 in the intergovernmental cooperation agreement.

10 Section 3014. Issue of Bonds.--The township may incur
11 indebtedness and may issue general obligation bonds for the
12 purpose of acquiring lands or buildings for parks and recreation
13 areas and the equipment thereof in accordance with 53 Pa.C.S.
14 Pt. VII Subpt. B (relating to indebtedness and borrowing).

15 Section 3020. Right of Establishment.--Townships may [by
16 ordinance establish a commission to be known as the Shade Tree
17 Commission but in townships where the township commissioners
18 shall not elect to create by ordinance a Shade Tree Commission,
19 the township commissioners may exercise all the rights and
20 perform the duties and obligations imposed by this article upon
21 the Shade Tree Commission.], by ordinance, establish a shade
22 tree commission. In townships where the township commissioners
23 shall not elect to create by ordinance a shade tree commission,
24 the board of commissioners may exercise all the rights and
25 perform the duties and obligations imposed by this article upon
26 the shade tree commission.

27 Section 3021. [Personnel of Commission; Appointment; Terms;
28 Vacancies.--Except as otherwise provided in this section, the
29 commission shall be composed of three residents of the township
30 who shall be appointed by the township commissioners and shall

1 serve without compensation.

2 The township commissioners may, by ordinance, provide that
3 the commission be composed of five members who shall be
4 residents of the township, shall be appointed by the township
5 commissioners and shall serve without compensation.

6 Whenever a shade tree commission of three members is
7 established by any township, the township commissioners shall
8 appoint--one member for a term of three years, one for a term of
9 four years, and one for a term of five years.

10 Whenever a shade tree commission of five members is
11 established by any township, the township commissioners shall
12 appoint members to staggered terms so that one term expires
13 every year.

14 On the expiration of the term of any shade tree commissioner,
15 a successor shall be appointed by the township commissioners, to
16 serve for a term of five years.

17 Vacancies in the office of shade tree commissioner shall be
18 filled by the township commissioners for the unexpired term.]

19 Appointment; Terms; Vacancies.--(a) A shade tree commission
20 shall be composed of three or five residents of the township who
21 shall be appointed by the board of commissioners and shall serve
22 without compensation.

23 (b) If a shade tree commission of three members is
24 established by any township, the board of commissioners shall
25 appoint one member for a term of three years, one for a term of
26 four years, and one for a term of five years. If a shade tree
27 commission of five members is established by any township, the
28 board of commissioners shall appoint members to staggered terms
29 so that one term expires every year. On the expiration of the
30 term of any shade tree commissioner, a successor shall be

1 appointed by the board of commissioners to serve for a term of
2 five years.

3 (c) Vacancies in the office of shade tree commissioner shall
4 be filled by the board of commissioners for the unexpired term.

5 Section 3022. Powers may be Vested in Park Commission.--
6 [Whenever, in any township, there exists a commission for the
7 care of public parks, the township commissioners may, by
8 ordinance, confer on the park commission all the powers and all
9 the duties prescribed by this article for the shade tree
10 commission.] If in any township there exists a commission for
11 the care of public parks, the board of commissioners may, by
12 ordinance, confer on the park commission all the powers and all
13 the duties prescribed by this article for the shade tree
14 commission.

15 Section 3023. General Powers of [Commission.--The commission
16 shall have exclusive custody and control of the shade trees in
17 the township, and is authorized to plant, remove, maintain, and
18 protect shade trees on the public streets and highways in the
19 township.] Shade Tree Commission.--Except as provided in section
20 2070, the shade tree commission shall have exclusive custody and
21 control of the shade trees in the township, and is authorized to
22 plant, remove, maintain and protect shade trees on the public
23 streets and highways in the township.

24 Section 3024. Hiring of Employes; [Legislative Power of
25 Commission.--The commission may, with the approval of the
26 township commissioners, employ and pay such superintendents,
27 engineers, foresters, tree wardens, or other assistants, as the
28 proper performance of the duties devolving upon it shall
29 require, and may make, publish and enforce regulations for the
30 care and protection of the shade trees of the township. No such

1 regulation shall be in force until it has been approved by the
2 township commissioners, and until it has been published at least
3 twice in not more than two newspapers of general circulation in
4 the township, and if no newspapers are published in the
5 township, then in such newspapers circulating in the township.]
6 Regulations.--The shade tree commission may, with the approval
7 of the board of commissioners, select, employ and discharge and
8 pay persons to perform the duties and directions of the shade
9 tree commission and make, publish and enforce regulations for
10 the care and protection of the shade trees of the township. No
11 regulations shall be in force until approved by the board of
12 commissioners and until published at least once in a newspaper
13 of general circulation in accordance with the provisions of
14 section 110.

15 Section 3025. Report of [Commission.--The shade tree
16 commission shall annually report in full, to the township
17 commissioners, its transactions and expenses for the last fiscal
18 year of the township. The park commission may incorporate such
19 transactions and expenses in its regular report to the township
20 commissioners.] Shade Tree Commission.--The shade tree
21 commission shall annually report in full to the board of
22 commissioners its transactions and expenses for the preceding
23 fiscal year of the township. The park commission may incorporate
24 the transactions and expenses in its regular report to the board
25 of commissioners.

26 Section 3026. Notice of [Commission's Activities; Planting
27 or Removal of Shade Trees.--Whenever any shade tree commission
28 or park commission proposes to plant, transplant, or remove
29 shade trees on any street or highway, notice of the time and
30 place of meeting, at which such work is to be considered, shall

1 be given in not more than two newspapers of general circulation
2 in the township, and if no newspapers are published in the
3 township, then in such newspapers circulating in the township,
4 once a week for two weeks, immediately preceding the time of the
5 meeting. The notice shall specify in detail the streets or
6 highways, or portions thereof, upon which trees are proposed to
7 be so planted, replanted, or removed.] Work.--If a shade tree
8 commission proposes to plant, transplant or remove shade trees
9 on any street or highway, notice of the time and place of the
10 meeting at which the work is to be considered shall be given
11 once in one newspaper of general circulation immediately
12 preceding the time of the meeting. The notice shall specify in
13 detail the streets or highways, or portions thereof, upon which
14 trees are proposed to be planted, transplanted or removed.

15 Section 3027. [Landholders Liability for Costs.--The cost of
16 planting, transplanting, or removing any shade trees in the
17 streets or highways of the township, of the necessary and
18 suitable guards, curbing, or grading for the protection thereof,
19 and of the replacing of any pavement or sidewalk necessarily
20 disturbed in the execution of such work, shall be paid by the
21 owner of the real estate in front of whose property the work is
22 done.

23 The amount each owner is to pay shall be ascertained and
24 certified by the commission to the township commissioners and to
25 the township treasurer.] Payment by Owners; Assessment.--(a)
26 The cost of planting, transplanting or removing any shade trees
27 in the streets or highways of the township, of the necessary and
28 suitable guards, curbing or grading for protection of the shade
29 trees and of the replacing of any pavement or sidewalk
30 necessarily disturbed in the execution of the work shall be paid

1 by the owner of the real estate abutting the location of the
2 work.

3 (b) In the event that the township undertakes the work
4 described in this section, costs shall be assessed in accordance
5 with Article XXV-A and if the benefit conferred method of
6 assessment is used, the benefit conferred shall be no greater
7 than actual costs.

8 Section 3027.1. Removal of Diseased [Trees.--The commission
9 may, upon such notice as may be provided by ordinance, require
10 owners of property to cut and remove trees afflicted with the
11 Dutch elm or other disease which threatens to injure or destroy
12 shade trees in the township, under regulations prescribed by
13 ordinance. Upon failure of any such owner to comply with such
14 notice, the township may cause the work to be done by the
15 township and levy and collect the cost thereof from the owner of
16 the property. The cost of such work shall be a lien upon the
17 premises from the time of the commencement of the work, which
18 date shall be fixed by the township engineer and shall be filed
19 with the township secretary. Any such lien may be collected by
20 action in assumpsit or by lien filed in the manner provided by
21 law for the filing and collection of municipal claims.] or
22 Dangerous Trees.--The shade tree commission may, by regulation
23 and upon notice provided by ordinance, require owners of
24 property to cut and remove trees afflicted with any disease
25 which threatens to injure or destroy shade trees in the
26 township. Upon failure of any owner to comply with the notice,
27 the township may cause the work to be done by the township and
28 assess and collect the cost against the owner of the property in
29 accordance with section 3027.

30 Section 144. Section 3028 of the act is repealed:

1 [Section 3028. Assessments Liens.--Upon the filing of the
2 certificate with the township commissioners, the township
3 secretary shall cause thirty days' written notice to be given to
4 the persons against whose property an assessment has been made.
5 The notice shall state the amount of the assessment and the time
6 and place of payment, and shall be accompanied by a copy of the
7 certificate.]

8 The amount assessed against the real estate shall be a lien
9 from the time of the filing of the certificate with the township
10 commissioners, and, if not paid within the time designated in
11 the notice, a claim may be filed and collected by the township
12 in the same manner as municipal claims are filed and collected.]

13 Section 145. Sections 3029 and 3030 of the act are amended
14 to read:

15 Section 3029. Maintenance by Township; Funds For.--[The cost
16 and expenses of caring for such trees after having been planted,
17 and the expense of publishing the notice hereuntofore provided,
18 shall be paid by the township.]

19 The needed amount shall each year be certified by the shade
20 tree commissioners to the township commissioners, and shall be
21 drawn against as required by the commission, in the same manner
22 as money appropriated for township purposes.]

23 The township commissioners, instead of levying the tax
24 authorized under the general tax levying powers of this act, may
25 provide for the expense of caring for trees already planted and
26 of publishing the notice, by appropriations equal to the amount
27 certified to be required by the shade tree commission.] (a) The
28 cost and expenses of caring for shade trees after planting, and
29 the expense of publishing the notice required by this article
30 shall be paid by the township.

1 (b) The shade tree commission shall annually certify the
2 amount needed under this article to the board of commissioners.

3 (c) Instead of levying the tax authorized under the general
4 tax levying powers of this act, the board of commissioners may
5 provide for the expenses of caring for trees previously planted
6 and publishing the notice, by appropriations equal to the amount
7 certified to be required by the shade tree commission.

8 Section 3030. Penalties.--[The commission, to the extent as
9 may be provided by ordinance of the township, may assess
10 penalties for the violation of its regulations, and of this
11 article so far as it relates to shade trees. Any penalty so
12 assessed shall be a lien upon the real estate of the offender,
13 and may be collected as municipal claims are collected.] (a) As
14 provided by ordinance of the township, the shade tree commission
15 may assess penalties for the violation of its regulations and
16 this article relating to shade trees. Any penalty assessed shall
17 be a lien upon the real estate of the offender and may be
18 collected as a municipal claim.

19 (b) All penalties or assessments imposed under this article
20 shall be paid to the township treasurer to be kept in a separate
21 fund and utilized only for the purposes authorized by this
22 article.

23 Section 146. Section 3031 of the act is repealed:

24 [Section 3031. Disposition of Penalties.--All penalties or
25 assessments imposed under this article shall be paid to the
26 township treasurer, to be placed to the credit of the shade tree
27 commission, subject to be drawn upon by the commission for the
28 purposes of the preceding sections.]

29 Section 147. Section 3040 of the act is amended to read:

30 Section 3040. Right of Acquisition of Forest Lands.--

1 [Townships may acquire, by purchase, gift, or lease, and hold
2 tracts of land covered with forest or tree growth, or suitable
3 for the growth of trees, and administer the same under the
4 direction of the Department of Forests and Waters, in accordance
5 with the practices and principles of scientific forestry, for
6 the benefit of the township. Such tracts may be of any size
7 suitable for the purpose, and may be located within or without
8 the township limits.] A township may acquire by purchase, gift
9 or lease tracts of land covered with forest or tree growth or
10 suitable for the growth of trees for the benefit of the
11 township, and administer the tracts in accordance with the
12 practices and principles of scientific forestry. The tracts may
13 be of any size suitable for the purpose and may be located
14 within or without the township limits.

15 Section 148. Section 3041 of the act is repealed:

16 [Section 3041. Approval of Department of Forests and
17 Waters.--Before the passage of any ordinance for the acquisition
18 of land to be used as township forests, the township
19 commissioners shall submit to the Department of Forests and
20 Waters, and secure its approval of, the area and location of
21 such land.]

22 Section 149. Sections 3042, 3043, 3044, 3045, 3046, 3047 and
23 3048 of the act are amended to read:

24 Section 3042. Ordinance and Notice.--[Whenever the township
25 commissioners deem it expedient to acquire any lands for
26 forests, they shall so declare in an ordinance, wherein shall be
27 set forth all facts and conditions relating to the proposed
28 action.] If the board of commissioners deems it expedient to
29 acquire land for forests, it shall enact an ordinance setting
30 forth the facts and conditions relating to the proposed action.

1 Section 3043. Appropriation for Acquisition.--[All money
2 necessary for the purchase of such tracts shall be appropriated
3 in the same manner as appropriations for township purposes, and
4 such funds may be provided from the current revenue or by the
5 proceeds of a sale of general obligation bonds in accordance
6 with existing law.] Money necessary for the purchase of the
7 tracts shall be appropriated in the same manner as
8 appropriations for township purposes. Money may be provided from
9 the current revenue or by the proceeds of a sale of general
10 obligation bonds.

11 Section 3044. [Rules and Regulations.--Upon the acquisition
12 of any forests or lands suitable for forests, the township
13 commissioners shall notify the Department of Forests and Waters,
14 which shall make such rules for the government and proper
15 administration of the same as may be deemed necessary; and the
16 commissioners shall publish such rules, declare the uses of the
17 forest in accordance with the intent of this subdivision, and
18 make such provision for its administration, maintenance,
19 protection, and development as shall be necessary or expedient.
20 The rules governing the administration of such forests shall
21 have for their main purpose the producing of a continuing
22 township revenue by the sale of forest products.] Regulations.--
23 Upon the acquisition of any forests or lands suitable for
24 forests, the board of commissioners may promulgate regulations
25 governing the proper administration of the acquired forestry as
26 necessary to produce continuing township revenue by the sale of
27 forest products. The regulations may provide for the
28 administration, maintenance, protection and development of the
29 forests or lands suitable for forests as necessary or expedient.

30 Section 3045. Appropriation for [Maintenance.--All moneys

1 necessary to be expended for the administration, maintenance,
2 protection, and development of such forests shall be
3 appropriated and applied as is now done for township purposes.
4 All revenue and emoluments arising from such forests shall be
5 paid into the township treasury, to be used for general township
6 purposes.] Maintenance; Revenue.--Money necessary for the
7 administration, maintenance, protection and development of
8 forests shall be appropriated and applied for township purposes.
9 The revenue and the return on the revenue arising from the
10 forests shall be paid into the township treasury to be used for
11 general township purposes.

12 Section 3046. Use of Township Forests.--Township forests may
13 be used by the public as general outing or recreation grounds[,
14 subject to the rules of the Department of Forests and Waters
15 governing their administration as municipal forests, and rules
16 adopted by the township commissioners not inconsistent with law
17 or regulations of the department.] subject to the regulations
18 under section 3044.

19 Section 3047. Ordinance of Sale.--[Whenever the township
20 commissioners deem it expedient to sell or lease any forest, or
21 part thereof, or products therefrom, they shall so declare in an
22 ordinance, wherein shall be set forth all the facts and
23 conditions relating to the proposed action. No ordinance for the
24 sale or lease of a municipal forest, or part thereof, shall be
25 effective in legalizing such sale or lease until it has been
26 approved by a majority vote of the people at the next ensuing
27 general, municipal or primary election.] (a) If the board of
28 commissioners deem it expedient to sell or lease a township
29 forest, a part of a township forest or a product from a township
30 forest, the board shall enact an ordinance setting forth the

1 facts and conditions relating to the proposed action.

2 (b) To enact an ordinance under this section, the board
3 shall comply with the advertising and bidding requirements of
4 section 1501.1.

5 Section 3048. Appropriation of [Moneys to Forestry
6 Organizations.--The commissioners of any township may
7 appropriate moneys from their respective treasuries to any
8 forest protection association, cooperating in forest work with
9 the State Department of Forests and Waters, or to be expended in
10 direct cooperation with said Department of Forests and Waters in
11 forest work.] Money to Forestry Organizations.--The board of
12 commissioners may appropriate money from the township treasury
13 to a forest protection association cooperating in forest work
14 with the Department of Conservation and Natural Resources or to
15 be expended in direct cooperation with the Department in forest
16 work.

17 Section 150. Article XXX-A heading and Article XXXI heading
18 of the act are repealed:

19 [ARTICLE XXX-A
20 LAND SUBDIVISION
21 ARTICLE XXXI
22 ZONING]

23 Section 151. Sections 3103-A, 3105-A and 3106-A of the act
24 is amended to read:

25 Section 3103-A. Changes in Uniform Construction Code.

26 The [township] board of commissioners may propose and enact
27 an ordinance to equal or exceed the minimum requirements of the
28 Uniform Construction Code in accordance with and subject to the
29 requirements of section 503 of the Pennsylvania Construction
30 Code Act. An ordinance exceeding the provisions of the Uniform

1 Construction Code shall be required to meet the standards
2 provided in section 503(j)(2) of the Pennsylvania Construction
3 Code Act.

4 Section 3105-A. Property maintenance code.

5 (a) Property maintenance code.--Notwithstanding the primacy
6 of the Uniform Construction Code, the [township] board of
7 commissioners may enact a property maintenance ordinance, and
8 they may incorporate a standard or nationally recognized
9 property maintenance code, or a variation or change or part of
10 the code, published and printed in book form, without
11 incorporating the text of the code in the ordinance, or the
12 board of commissioners may enact a standard or nationally
13 recognized property maintenance code or a change or variation or
14 part, as the ordinance. In either event, the ordinance, or a
15 change or variation or part, need not be advertised after
16 passage, but notice of its consideration, in reasonable detail,
17 shall be published as will give adequate notice of its contents
18 and a reference to the place or places within the township where
19 copies of the proposed property maintenance code may be examined
20 or obtained. The notice required by this subsection shall be
21 published once in one newspaper of general circulation at least
22 one week and not more than three weeks prior to the presentation
23 of the proposed property maintenance code to the board of
24 commissioners. No fewer than three copies of the ordinance
25 adopted by the board of commissioners shall be made available
26 for public inspection and use during business hours or be made
27 available to an interested party at the cost of the copies or
28 may be furnished or lent without charge. A property maintenance
29 code adopted by reference need not be recorded in or attached to
30 the ordinance book but shall be deemed to have been legally

1 recorded if the ordinance by which the code was adopted by
2 reference shall have been recorded, with an accompanying
3 notation stating where the full text of the code shall have been
4 filed. The ordinance may provide for reasonable property fines
5 and penalties for violations of the ordinance. The procedure
6 under this section relating to the adoption of the ordinance may
7 likewise be utilized in amending, supplementing or repealing a
8 provision of the ordinance.

9 (b) Property maintenance inspectors.--The [township] board
10 of commissioners may appoint property maintenance inspectors who
11 shall have the right to enter upon and inspect any premises,
12 subject to constitutional standards, at reasonable hours and in
13 a reasonable manner for the administration and enforcement of
14 the township's property maintenance code or ordinance
15 incorporating a standard or nationally recognized property
16 maintenance code. A fee payable to property maintenance
17 inspectors under the ordinance shall be promptly paid by them to
18 the township treasurer for the use of the township.

19 (c) Legal actions.--In addition to the penalties provided by
20 the property maintenance ordinance, the township may institute
21 appropriate actions or proceedings at law or in equity to
22 prevent or restrain property maintenance violations.

23 (d) Construction.--The powers of a township as provided in
24 this section shall be in addition to, but not limited to, the
25 powers provided in the act of November 26, 2008 (P.L.1672,
26 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 3106-A. Reserved powers.

1 If, as a result of legislative action or final order of court
2 for which the time for appeal has expired and no appeal has been
3 taken or from which there is no pending appeal, the Uniform
4 Construction Code or a replacement code is no longer applicable
5 in townships, the [township] board of commissioners 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, electrical 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 of buildings and housing,
17 and all facilities and services in or about the buildings or
18 housing constructed, erected, altered, designed or used, in
19 whole or in part, for use or occupancy, and the sanitation
20 and inspection of land appurtenant to the buildings or
21 housing. The codes may be combined or separately enacted or
22 combined with the property maintenance code. The [township]
23 board of commissioners may adopt, amend or incorporate by
24 reference a standard or nationally recognized code or a
25 variation or change or part of the code as its ordinance in
26 the manner provided in section 3105-A. The ordinance may
27 provide for reasonable fines and penalties for violations of
28 the ordinance.

29 (2) Require that, before work of construction,
30 reconstruction, alteration, extension, repair or conversion

1 of a building has begun, approval of the plans and
2 specifications be secured.

3 (3) Appoint building inspectors, housing inspectors,
4 property maintenance inspectors, fire prevention inspectors,
5 electrical inspectors and plumbing inspectors and fix their
6 compensation. The inspectors shall have the right to enter
7 upon, subject to constitutional standards, and inspect a
8 premises at reasonable hours and in a reasonable manner, for
9 the administration and enforcement of the township's adopted
10 codes or ordinances incorporating standard or nationally
11 recognized codes. A fee payable to inspectors under the
12 ordinances shall be paid by them to the township treasurer
13 for the use of the township as promptly as may be.

14 (4) In addition to the penalties provided by ordinances,
15 institute appropriate actions or proceedings at law or in
16 equity to prevent or restrain the unlawful construction,
17 reconstruction, alteration, extension, repair, conversion,
18 maintenance, use or occupation of property located within the
19 township, to restrain, correct or abate the violation and to
20 prevent the use or occupancy of the building, housing or
21 structure.

22 Section 152. Article XXXII heading and Article XXXIII of the
23 act are repealed:

24 [ARTICLE XXXII

25 TOWNSHIP PLANNING COMMISSION

26 ARTICLE XXXIII

27 ENFORCEMENT OF ORDINANCES

28 Section 3301. Proceedings for Violation of Township
29 Ordinances.--All proceedings for the violation of township
30 ordinances, and for the collection of fines and penalties, may

1 be commenced by warrant or by summons, at the discretion of the
2 justice of the peace before whom the proceeding is begun. No
3 warrant shall be issued except upon complaint, on oath or
4 affirmation, specifying the ordinance for the violation is
5 issued. All proceedings shall be served and executed within the
6 State by any policeman or constable of the township. Persons
7 arrested for violation of a township ordinance shall be entitled
8 to give bail for their appearance as provided for summary
9 proceedings. Except where otherwise provided by law, warrants
10 shall be returnable with the right of appeal from any final
11 judgment as provided for summary proceedings,

12 Section 3302. Arrests on View; Complaints.--When any person
13 is arrested on view, a complaint on oath or affirmation shall be
14 immediately made, and proceedings as if a warrant is issued.

15 Section 3304. Incarceration of Violators of Township
16 Ordinances; Collection of Fines and Penalties.--Any person
17 arrested for the violation of a township ordinance may be
18 detained by the township pending a hearing or trial. In case
19 there is no suitable detention facility or place to detain
20 prisoners, the person arrested may be committed to the county
21 jail or workhouse. Except where Sunday intervenes, no person
22 shall be committed for a longer period than twenty-four hours
23 without a hearing.

24 On default of the payment by a person of a fine, penalty or
25 costs imposed by judgment or conviction in a summary proceeding
26 or by proceedings by summons, the defendant may be sentenced and
27 detained for a period not exceeding five days, or to the county
28 jail or workhouse for a period not exceeding thirty days. No
29 fine or penalty shall exceed three hundred dollars for any
30 single violation of an ordinance. In case the defendant has

1 goods or property of any kind whatsoever, out of which said
2 judgment and costs can be collected by execution, capias, or
3 other process, the plaintiff in the action may elect to proceed
4 to collect the said judgment by the proceedings.

5 Section 3305. Township's Liability for Costs of Prisoners to
6 County.--When a prisoner is committed to any county jail or
7 workhouse, either for the nonpayment of a fine or penalty
8 imposed for the violation of any ordinance of a township, or
9 while awaiting a hearing upon any charge for the violation of
10 any ordinance of a township, the costs of proceedings and the
11 expenses of maintaining such prisoner during his confinement,
12 shall be paid by the township whose ordinances were alleged to
13 have been violated or to which any such fines or penalties are
14 payable. The county shall not be liable for any maintenance or
15 to any officer or persons for any costs.]

16 Section 153. The act is amended by adding an article to
17 read:

18 ARTICLE XXXIII-A

19 ORDINANCES

20 (a) General Provisions

21 Section 3301-A. Ordinances and resolutions.

22 (a) General rule.--The board of commissioners shall enact
23 ordinances in accordance with this article and the laws of this
24 Commonwealth in which the powers of the township shall be
25 exercised as deemed beneficial to the township and to provide
26 for the enforcement of the powers of the township. The board of
27 commissioners may amend, repeal or revise existing ordinances by
28 the enactment of subsequent ordinances.

29 (b) Ordinances.--Every legislative act of the board of
30 commissioners shall be by ordinance. Legislative acts shall

1 include, but not be limited to:

2 (1) Legislation doing any of the following:

3 (i) Exercising the police power of the township.

4 (ii) Regulating land use, development and
5 subdivision.

6 (iii) Imposing building, plumbing, electrical,
7 property maintenance, housing and similar standards.

8 (iv) Regulating the conduct of a person or entity
9 within the township and imposing penalties for violation
10 of the regulated conduct.

11 (2) Imposing assessments on benefited property for
12 public improvements in accordance with Article XXV-A.

13 (3) Increasing the rate of taxation from the previous
14 fiscal year.

15 (c) Resolutions.--The board of commissioners shall adopt
16 resolutions in accordance with this article and the laws of this
17 Commonwealth. Resolutions may be adopted for any purpose,
18 including, but not limited to, the following:

19 (1) Ceremonial or congratulatory expressions of the good
20 will of the board of commissioners.

21 (2) Statements of public policy of the board of
22 commissioners.

23 (3) Approval of formal agreements of the township,
24 except for agreements arising under an established purchasing
25 system of the township.

26 (4) Approval, if required, of administrative rules,
27 regulations and bylaws arising under State statutes or
28 township ordinances.

29 (5) Levying taxes at the same rate as or a rate lower
30 than the previous fiscal year.

1 Section 3302-A. Publication.

2 (a) Requirements.--Except as provided under this article or
3 other law, the board of commissioners shall publish every
4 proposed ordinance once in one newspaper of general circulation
5 at least seven days and not more than 60 days prior to
6 enactment. Publication of any proposed ordinance shall include
7 all of the following:

8 (1) The full text or the subject matter and a brief
9 summary prepared by the township solicitor setting forth all
10 the provisions in reasonable detail.

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

14 (b) Summary.--If the full text is not included in the
15 publication of the proposed ordinance, the following shall
16 apply:

17 (1) The newspaper in which the proposed ordinance is
18 published shall, upon request, be furnished a copy of the
19 full text without charge.

20 (2) The following shall apply:

21 (i) In addition to copies of the full text of the
22 proposed ordinance retained where township records are
23 kept in accordance with subsection (a), an attested copy
24 of the full text shall be filed within 30 days after
25 enactment in the county law library or other county
26 office designated by the county commissioners.

27 (ii) The county commissioners may impose a fee not
28 greater than the actual costs of storing the proposed
29 ordinance.

30 (iii) Filing with the county may be completed by the

1 submission of an electronic copy of the ordinance through
2 a method available, in the sole discretion of the county,
3 to permit receipt by the office storing municipal
4 ordinances. No fee pursuant to clause (ii) shall be
5 imposed for storing an electronic copy of an ordinance.

6 (iv) Upon request by the township, the county shall
7 notify the township of the method by which electronic
8 copies may be submitted.

9 (v) The county may store the ordinance
10 electronically if the public is able to access the
11 electronically stored township ordinances during regular
12 business hours at the office or at a remote location.

13 (vi) The township shall retain a printed copy of the
14 email and ordinance as transmitted.

15 (3) The date of the filing with the county under paragraph
16 (2) shall not affect the effective date of the ordinance and
17 shall not be deemed a defect in the process of the enactment of
18 the ordinance.

19 (c) Notice of amendments.--If substantial amendments are
20 made in the proposed ordinance, before voting upon enactment,
21 the board of commissioners shall within at least ten days before
22 enactment readvertise in one newspaper of general circulation
23 the subject matter and a brief summary setting forth all the
24 provisions in reasonable detail together with a summary of the
25 amendments. A copy of the full text of the amended proposed
26 ordinance shall be retained where township records are kept.

27 (d) Maps.--When maps, plans or drawings of any kind are
28 adopted as part of an ordinance, instead of publishing them as
29 part of the proposed ordinance, the board of commissioners may
30 refer in publishing the proposed ordinance to the place where

1 the maps, plans or drawings are on file and may be examined.

2 Section 3303-A. Recording and proof.

3 (a) Recording.--All township ordinances and all township
4 resolutions pertaining to tax levies shall, within thirty days
5 after enactment, be recorded by the township secretary in an
6 ordinance book. A failure to record within the time provided
7 shall not be deemed a defect in the process of enactment of the
8 ordinance or resolution pertaining to a tax levy. The ordinance
9 book shall be open to the inspection of citizens during normal
10 business hours.

11 (b) Proof.--All ordinances may be proved by the certificate
12 of the township secretary under the corporate seal. If an
13 ordinance is printed or published in book or pamphlet form by
14 the authority of the township, the ordinance shall be accepted
15 as evidence without further proof. The entry of the township
16 ordinance in the ordinance book shall be sufficient without the
17 signature of the president of the board of commissioners or
18 other person.

19 (c) Prior ordinances.--The text of a township ordinance or a
20 portion of an ordinance which was attached to the ordinance book
21 before July 31, 1963, shall be considered in force as if the
22 ordinances or portions of ordinances had been recorded directly
23 upon the pages of the ordinance book if all other requirements
24 of this act applicable to the enactment, approval, advertising
25 and recording of the ordinances or portions of ordinances were
26 complied with within the time limits prescribed under this act.

27 Section 3304-A. Codification of ordinances.

28 (a) Consolidation, codification and revision.--The board of
29 commissioners may prepare or have prepared a consolidation,
30 codification or revision of the general body of township

1 ordinances or the ordinances on a particular subject. The board
2 of commissioners may enact the consolidation, codification or
3 revision as an ordinance of the township except the required
4 advertised notice of the proposed enactment of the
5 consolidation, codification or revision shall specify its
6 general nature and shall include a listing of its table of
7 contents. The procedure for the consolidation, codification or
8 revision of township ordinances as a single ordinance may also
9 be followed in enacting a complete group or body of ordinances,
10 repealing or amending existing ordinances as may be necessary,
11 in the course of preparing a consolidation, codification or
12 revision of the township ordinances, except that the
13 advertisement giving notice of the proposed enactment shall
14 list, in lieu of a table of contents, the titles only of each of
15 the ordinances in the complete group or body of ordinances.

16 (b) Enactment.--For a consolidation, codification or
17 revision under subsection (a), the ordinance shall be introduced
18 by the board of commissioners at least 30 days before its final
19 enactment and at least 15 days before final enactment, notice of
20 the introduction of the ordinance shall be given by
21 advertisement in a newspaper of general circulation.

22 (c) Subsequent notice.--When any consolidation, codification
23 or revision under subsection (a) has been enacted as an
24 ordinance, it shall not be necessary to advertise the entire
25 text, but it shall be sufficient to publish a notice stating
26 that the consolidation, codification or revision, which had
27 previously been given, was finally enacted.

28 Section 3305-A. Appeals from ordinances.

29 Complaint as to the legality of any ordinance or resolution
30 shall be made to the court of common pleas pursuant to 42

1 Pa.C.S. § 5571.1 (relating to appeals from ordinances,
2 resolutions, maps, etc.). In cases of ordinances laying out
3 streets over private lands, the court shall have jurisdiction to
4 review the propriety as well as the legality of the ordinance.

5 Section 3306-A. Standard or nationally recognized codes.

6 (a) Authority to enact.--In the same manner as other
7 ordinances, and except as otherwise provided in this article or
8 the Pennsylvania Construction Code Act, the board of
9 commissioners may enact, by reference to a standard or
10 nationally recognized code, all or a portion of the standard or
11 nationally recognized code as an ordinance of the township. No
12 portion of any code which limits the work to be performed to any
13 type of construction contractor or labor or mechanic
14 classification shall be enacted. Three copies of the proposed
15 standard or nationally recognized code, portion of the code or
16 amendment to the code shall be filed with the secretary of the
17 township at least 10 days before the board of commissioners
18 considers the proposed ordinance. Upon enactment, a copy shall
19 be kept with the ordinance book and available for public use,
20 inspection, examination and copying.

21 (b) Time frame.--

22 (1) Except as otherwise provided by the Pennsylvania
23 Construction Code Act and regulations adopted pursuant to the
24 act, an ordinance adopting, by reference, a standard or
25 nationally recognized code shall be enacted within 60 days
26 after it is filed with the secretary of the township and
27 shall encompass the provisions of the code effective as of
28 the code date stated in the ordinance.

29 (2) A township that has adopted any standard or
30 nationally recognized code by reference may adopt subsequent

1 ordinances which incorporate by reference any subsequent
2 changes thereof, properly identified as to date and source,
3 as may be adopted by the agency or association which
4 promulgated the code.

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

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

14 (b) Enforcement

15 Section 3321-A. Fines and penalties.

16 (a) Prescription.--

17 (1) A township ordinance shall prescribe fines and
18 penalties for violation.

19 (i) A civil penalty may not exceed \$600 per
20 violation.

21 (ii) The board of commissioners may prescribe a
22 criminal fine not to exceed \$1,000 per violation and may
23 prescribe imprisonment to the extent allowed by law for
24 the punishment of a summary offense.

25 (2) An ordinance under this subsection may provide that
26 a separate violation under paragraph (1), clauses (i) or (ii)
27 shall arise for:

28 (i) each day of violation; and

29 (ii) each applicable section of the ordinance.

30 (3) An ordinance may provide for assessment of court

1 costs and reasonable attorney fees incurred by the township
2 in the enforcement proceedings.

3 (4) The board of commissioners may delegate the initial
4 determination of ordinance violation and the service of
5 notice of violation to a qualified officer or agent.

6 (b) Enforcement at law.--Unless otherwise provided by
7 statute, a township ordinance shall set forth the method of its
8 enforcement in accordance with the following:

9 (1) Except as provided in paragraph (2), if the penalty
10 is not paid, the township shall initiate a civil action for
11 collection in accordance with the Pennsylvania Rules of Civil
12 Procedure. A township shall be exempt from the payment of
13 costs in an action under this paragraph.

14 (2) For an ordinance regulating building, housing,
15 property maintenance, health, fire, public safety, parking,
16 solicitation, curfew, water or air or noise pollution,
17 enforcement shall be by a criminal action in the same manner
18 provided for the enforcement of summary offenses under the
19 Pennsylvania Rules of Criminal Procedure. The municipal
20 solicitor may assume charge of the prosecution without the
21 consent of the district attorney as required under
22 Pa.R.Crim.P. No. 454 (relating to trial in summary cases).
23 Violations of the property maintenance code or ordinance may
24 also be enforced under section 3105-A(c).

25 (3) Except for an ordinance subject to paragraph (2), an
26 ordinance enacted prior to the effective date of this section
27 shall be deemed automatically amended so that it shall be
28 enforced under paragraph (1).

29 (4) If a civil claim under this subsection, exclusive of
30 interest, costs or fees, exceeds the monetary jurisdiction of

1 a magisterial district judge under 42 Pa.C.S. § 1515(a)
2 (relating to jurisdiction and venue), the township may:

3 (i) bring the action in a court of common pleas; or

4 (ii) make a waiver under 42 Pa.C.S. § 1515(a)(3).

5 (c) Enforcement in equity.--In addition to or in lieu of
6 enforcement under subsection (b), a township may enforce an
7 ordinance in equity in a court of common pleas of the county
8 where the township is situate.

9 (d) Payment.--Money collected under subsection (b) shall be
10 paid to the township treasurer.

11 Section 3322-A. Commitment pending trial.

12 An individual arrested for the violation of a township
13 ordinance may, pending hearing or trial, be committed to the
14 township lockup, or if there is no suitable township lockup, a
15 county correctional facility.

16 Section 3323-A. Township's liability for costs of prisoners to
17 county.

18 If a prisoner is committed to a county correctional facility
19 under section 3322-A, the expenses of maintaining the prisoner
20 during confinement shall be paid by the township and the county
21 shall not be liable for the maintenance.

22 Section 154. Sections 3406 and 3501 of the act are amended
23 to read:

24 Section 3406. [Recovery of Municipal Claims by Suit.--In
25 addition to the remedies provided by law for the filing of liens
26 for the collection of municipal claims, townships may proceed
27 for the recovery and collection of municipal claims by action of
28 assumpsit against the person or persons who were the owner or
29 owners of the property at the time of the completion of the
30 improvement, notwithstanding the fact that there was a failure

1 on the part of any such township, or its agents, to enter any
2 such municipal claim as a lien against the property assessed for
3 the improvement, and for the recovery of which the action of
4 assumpsit was brought. Any such action in assumpsit shall be
5 commenced within three years after the completion of the
6 improvement from which said claim arises.] Collection of
7 Municipal Claims.--(a) In addition to the remedies provided by
8 law for the filing of liens for the collection of municipal
9 claims, including but not limited to water rates, sewer rates
10 and the removal of nuisances, townships may proceed for the
11 recovery and collection of municipal claims by action of
12 assumpsit against the person or persons who were the owner or
13 owners of the property at the time of the completion of the
14 improvement or at the time the water or sewer rates or the cost
15 of the removal of nuisances first became payable,
16 notwithstanding the fact that there was a failure on the part of
17 the township or its agents to enter the municipal claim as a
18 lien against the property assessed for the improvement or for
19 the furnishing of water or sewer services and for the removal of
20 nuisances, and for the recovery of which the action of assumpsit
21 was brought.

22 (b) The action in assumpsit shall be commenced either within
23 six years after the completion of the improvement from which the
24 claim arises or within six years after the applicable rates or
25 the cost of abating a nuisance first became payable.

26 Section 3501. Repeals.--(a) Nothing contained in this
27 amendment, revision and reenactment shall be construed to revive
28 any act or part of an act heretofore repealed.

29 (b) The following additional acts and parts of acts are
30 hereby repealed as respectively indicated:

1 (1) The act, approved the twenty-second day of June, one
2 thousand nine hundred thirty-one (Pamphlet Laws 844), entitled,
3 as amended, "An act authorizing the Commonwealth of
4 Pennsylvania, or any department or division thereof, and
5 counties, cities, boroughs, incorporated towns, townships,
6 school districts, vocational school districts, and institution
7 districts to make contracts of life, health, hospitalization,
8 medical services, and accident policies for the benefit of
9 employes thereof, and contracts for pensions for such employes;
10 and providing for the payment of the cost thereof," so far as it
11 relates to townships of the first class.

12 (2) The act, approved the twenty-second day of June, one
13 thousand nine hundred thirty-one (Pamphlet Laws 845), entitled
14 "An act authorizing the publication of advertisements for bids
15 for public works, supplies or equipment in certain publications
16 and journals devoted to information about construction work," so
17 far as it relates to townships of the first class.

18 (3) The act, approved the first day of May, one thousand
19 nine hundred thirty-five (Pamphlet Laws 124), entitled "An act
20 authorizing the insurance of deposits of funds, of this
21 Commonwealth and of the political subdivisions thereof, with the
22 Federal Deposit Insurance Corporation or other similar agency;
23 and prohibiting requiring further security for amounts so
24 insured," so far as it relates to townships of the first class.

25 (4) The act, approved the eighteenth day of July, one
26 thousand nine hundred thirty-five (Pamphlet Laws 1173), entitled
27 "An act to prohibit discrimination on account of race, creed or
28 color in employment under contracts for public buildings or
29 public works," so far as it relates to townships of the first
30 class.

1 (5) The act, approved the sixteenth day of March, one
2 thousand nine hundred thirty-seven (Pamphlet Laws 98), entitled
3 "An act authorizing political subdivisions to stipulate in
4 specifications, upon which contracts for the construction,
5 alteration or repairs of any public work or improvement are
6 entered into, the minimum wages to be paid to laborers and
7 mechanics, and providing for the stipulation of penalties in
8 such contracts where such minimum wage stipulations are
9 violated, and for the recovery of such penalties, and their
10 return in certain cases," so far as it relates to townships of
11 the first class.

12 (6) The act, approved the fifth day of June, one thousand
13 nine hundred forty-one (Pamphlet Laws 84), entitled "An act
14 providing for and regulating the appointment, promotion and
15 reduction in rank, suspension and removal of paid members of the
16 police force in boroughs, incorporated towns and townships of
17 the first class maintaining a police force of not less than
18 three members; creating a civil service commission in each
19 borough, incorporated town and township of the first class;
20 defining the duties of such civil service commission; imposing
21 certain duties and expense on boroughs, incorporated towns and
22 townships of the first class; imposing penalties, and repealing
23 inconsistent laws," so far as it relates to townships of the
24 first class.

25 (7) The act, approved the first day of June, one thousand
26 nine hundred forty-five (Pamphlet Laws 1232), entitled "An act
27 providing for and regulating the appointment, promotion and
28 reduction in rank, suspension and removal of paid operators of
29 fire apparatus in boroughs, incorporated towns and townships of
30 the first class; creating a civil service commission in each

1 borough, incorporated town and township of the first class;
2 defining the duties of such civil service commission; imposing
3 certain duties and expenses on boroughs, incorporated towns and
4 townships of the first class; imposing penalties; and repealing
5 inconsistent laws," so far as it relates to townships of the
6 first class.

7 (8) The act of April 9, 1931 (P.L.22, No.20), entitled "An
8 act to validate and confirm tax levies made for general township
9 purposes, in excess of ten mills, by boards of township
10 commissioners of townships of the first class, when such excess
11 was for the purpose of the payment of interest on indebtedness
12 and sinking fund charges," absolutely.

13 (9) The act of July 2, 1937 (P.L.2803, No.588), entitled "An
14 act providing a method of annexation of townships of the first
15 class, and parts thereof, to cities and boroughs, and regulating
16 the proceedings pertaining thereto," absolutely.

17 (10) The act of July 18, 1935 (P.L.1172, No.381), entitled
18 "An act requiring tax collectors of townships of the first class
19 to secure from banks, banking institutions or trust companies a
20 bond to secure payment of deposits of all township tax money
21 deposited therein by such tax collector, secured by a surety
22 company authorized to transact business within the Commonwealth
23 of Pennsylvania, or a depository agreement secured by the
24 deposit of bonds or interest bearing securities of the United
25 States, the Commonwealth of Pennsylvania, or any city, borough,
26 township or school district in the Commonwealth of
27 Pennsylvania," absolutely.

28 (c) All other acts and parts of acts inconsistent with,
29 supplied by, or appertaining to the subject matter covered by
30 this act are repealed. It is the intention that this act shall

1 furnish a complete and exclusive system for the government and
2 regulation of townships of the first class, except as to the
3 several matters enumerated in section 103 of this act.

4 (d) This act shall not repeal or modify any of the
5 provisions of the following:

6 (1) 66 Pa.C.S. Pt. I (relating to Public Utility Code.

7 (2) A law, the enforcement of which is vested in the
8 Department of Health.

9 (3) A law, the enforcement of which is vested in the
10 Department of Environmental Protection.

11 (4) A law, the enforcement of which is vested in the
12 Department of Conservation and Natural Resources.

13 Section 155. Section 3502 of the act is repealed:

14 [Section 3502. All other acts and parts of acts inconsistent
15 with, supplied by, or appertaining to the subject matter covered
16 by this act are repealed. It is the intention that this act
17 shall furnish a complete and exclusive system for the government
18 and regulation of townships of the first class, except as to the
19 several matters enumerated in section 103 of this act. This act
20 shall not repeal or modify any of the provisions of the Public
21 Utility Law, nor any law, the enforcement of which is vested in
22 the Department of Health or the Sanitary Water Board, or the
23 provisions of any law, the enforcement of which is vested in the
24 Department of Forests and Waters or the Water and Power
25 Resources Board.]

26 Section 156. This act shall take effect in 60 days.