

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2073 Session of 2019

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

AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, DECEMBER 17, 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

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

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

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

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

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

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

1 recovery of municipal claims by suit; and, in repeals,
2 further providing for provisions relating to repeals and
3 repealing provisions relating to inconsistent repeals.

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

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

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

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

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

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

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

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

21 "Individual." A natural person.

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

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

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

31 "Pennsylvania Municipalities Planning Code." The act of July

1 31, 1968 (P.L.805, No.247), known as the "Pennsylvania
2 Municipalities Planning Code."

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

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

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

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

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

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

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

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

22 (d) Public schools and school districts;

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

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

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

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

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

30 (i) [Free non-sectarian libraries;] Any of the provisions of

1 24 Pa.C.S. Ch. 93 (relating to public library code);

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

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

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

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

1 are not repealed by this act.

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

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

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

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

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

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

30 Section 110. Legal Advertising.--(a) Whenever, under the

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

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

29 ARTICLE II

30 CLASSIFICATION [AND CREATION OF TOWNSHIPS]

1 OF THE FIRST CLASS], CREATION, REESTABLISHMENT

2 AND CHANGE OF NAME OF TOWNSHIPS

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

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

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

1 court shall appoint a commissioner to perform the duties
2 hereafter prescribed.

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

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

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

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

1 special census or from the Population Estimates Program.

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

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

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

1 take office. If a majority of the votes cast at the election are
2 in favor of remaining a township of the second class, no further
3 proceedings may be initiated for a period of two years from the
4 date of the election.

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

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

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

30 Section 208. Returns of Election and Effect Thereof.--The

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

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

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

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

27 Section 209a. Submission of Question to Voters; Returns of
28 Election, and Effect Thereof.--At the first general or municipal
29 election occurring at least ninety days after the ascertainment
30 by special enrollment or from the last preceding United States

1 census, that any township of the first class no longer has a
2 population of at least three hundred inhabitants to the square
3 mile, the question whether such township of the first class
4 shall be reestablished as a township of the second class shall
5 be submitted to the voters of the township, and the county board
6 of elections shall cause to be printed, on separate ballots to
7 be used in such township at such election, a proper question
8 framed in accordance with the election laws of the Commonwealth.

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

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

29 Section 209.1. Reestablishment of Townships of the Second
30 Class.--A township of the first class may, no sooner than five

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

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

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

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

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

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

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

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

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

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

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

30 Section 227. Election of Tax Collector in New Townships.--At

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

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

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

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

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

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

29 (b) If the court determines that the petition or resolution
30 for change of name of the township is in proper form and

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

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

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

17 [ARTICLE II.I

18 CHANGE OF NAME OF TOWNSHIP OF FIRST CLASS

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

29 Section 2.202. Filing and Advertisement of Petition.--Upon
30 determination by the court that the petition for change of name

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

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

22 Section 15. Sections 301, 302, 303, 304, 305, 306, 307 and
23 401 of the act are amended to read:

24 Section 301. Stream Boundaries.--[Whenever any township is
25 bounded by the nearest margin of any navigable stream, and the
26 opposite township, borough, or city, as the case may be,] If a
27 township is bounded by the nearest margin of a navigable stream
28 and an opposite municipal corporation is also bounded by the
29 nearest margin of the same stream, the middle of [such] the
30 stream shall be the boundary between [such] the township and the

1 opposite [township, borough or city. Nothing contained in this
2 section shall be construed to repeal any local or special law
3 providing to the contrary.] municipal corporation. This section
4 shall not repeal any local or special law.

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

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

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

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

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

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

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

1 Section 307. Adjustment of Indebtedness.--[Whenever the
2 boundaries of any township have been altered or ascertained and
3 established, the court of quarter sessions may adjust the taxes,
4 debts, and expenses for township, municipal and school purposes
5 between the townships, municipalities and school districts
6 affected.] If the boundaries of a township are ascertained and
7 established, the court of common pleas may adjust the taxes,
8 debts and expenses for township, municipal and school purposes
9 between the townships, municipal corporations and school
10 districts affected.

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

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

1 wards.

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

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

5 (7) Abolish all wards.

6 (b) The following shall apply:

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

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

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

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

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

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

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

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

1 contest of reapportionment by governing body) and 907 (relating
2 to costs and expenses of contest).

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

4 [Section 403. Filing and Confirmation of Report;
5 Exceptions.--When the report is presented, the court shall
6 confirm the report nisi, which confirmation shall become
7 absolute unless exceptions thereto are filed within thirty days
8 after such confirmation nisi. The court may grant a review if,
9 in its opinion, a better adjudication may thereby be secured. If
10 no exceptions are filed, the court may confirm the report, or
11 make such other order as by it shall be deemed proper. If
12 exceptions are filed, the court shall fix a time for hearing,
13 and thereafter shall enter such decree as by it shall be deemed
14 just and proper. From the final decree as entered by the court
15 of quarter sessions, there shall be no appeal.]

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

17 Section 403.1. County Board of Elections.--A copy of the
18 ordinance enacted pursuant to section 401, along with a plot
19 showing the boundaries of the wards established, shall be
20 forwarded to the county board of elections.

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

23 [Section 404. Compensation of Commissioners.--The
24 commissioners, appointed under the provisions of this act, shall
25 receive such compensation as the court shall fix. The
26 compensation of the commissioners and reasonable attorney's
27 fees, shall be paid by the township in all cases where the
28 prayer of the petitioners is granted, and in other cases shall
29 be paid by the petitioners.]

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

1 sessions may, from time to time, divide any such ward into two
2 or more election districts so as to suit the conveniences of the
3 electors thereof.

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

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

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

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

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

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

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

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

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

29 If the number of wards in [such] the township, including the
30 new ward, [shall] will be more than five, the court of [quarter

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

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

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

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

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

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

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

10 (b) If an individual elected to office, or appointed to an
11 elective office, fails to give the required bond, take the
12 required oath or provide a signed affidavit, a vacancy is
13 created in the office for which the individual was elected or
14 appointed and the vacancy shall be filled as provided in section
15 530.

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

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

29 Section 503. Elected Officers [Enumerated].--(a) The
30 electors of each township shall elect [(a) at least five

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

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

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

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

1 (2) One township tax collector, and the following shall
2 apply:

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

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

25 (3) Three elected auditors, and the following shall
26 apply:

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

30 (ii) The board of commissioners may provide by

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

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

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

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

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

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

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

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

1 controller.

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

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

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

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

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

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

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

30 (b) The terms of each elected officer under this section

1 shall begin the first Monday of January next succeeding the
2 individual's election.

3 Section 23. (Reserved).

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

6 [(b) Commissioners

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

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

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

8 (c) Tax Collector

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

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

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

23 (d) Assessors

24 (e) Auditors

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

30 Any township may, instead of electing three auditors as above

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

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

1 (f) Controller

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

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

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

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

30 Section 530. Vacancies in General.--(a) If a vacancy occurs

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

17 (a.1) The following shall apply:

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

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

29 (b) If the board of [township] commissioners of any township
30 shall refuse, fail, or neglect, or be unable for any reason

1 whatsoever, to fill a vacancy within thirty (30) days after the
2 vacancy occurs, then the vacancy board shall fill the vacancy
3 within fifteen (15) additional days by appointing a registered
4 elector of the township or ward in which the vacancy occurs. The
5 vacancy board shall consist of the board of commissioners and
6 one registered elector of the township, who shall be appointed
7 by the board of [township] commissioners at the board's first
8 meeting each calendar year or as soon thereafter as practical.
9 The registered elector shall act as chairperson of the vacancy
10 board and shall serve as the chairperson until the chairperson's
11 successor is appointed.

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

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

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

30 Section 601. Oath.--Every person elected or appointed to any

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

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

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

29 Section 603. Compensation.--(a) Elected officers of
30 townships other than tax collector shall receive [such] a

1 salary, compensation or emoluments of office as may from time to
2 time be fixed by ordinance of the township in accordance with
3 [provisions of section 703.] this act.

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

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

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

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

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

30 Section 605. Annuities in Lieu of Joining Pension or

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

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

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

29 (d) Upon the effective date of this subsection, a township
30 may not provide for an annuity in lieu of employes joining a

1 pension or retirement system. Nothing in this subsection shall
2 be construed to affect the rights of any current or retired
3 employees or appointees of a township entitled to payments
4 granted in accordance with any annuity entered into prior to the
5 effective date of this subsection.

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

8 [(b) County Associations of Township Officers

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

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

21 Section 611. Membership of Associations; Expenses of
22 Members.--The township commissioners and other officers of the
23 township designated by the township commissioners shall attend
24 such conventions, conferences, institutes or schools whenever
25 possible. Each township officer attending such convention,
26 conference, institute or school shall receive a certificate,
27 signed by the presiding officer and secretary or acting
28 secretary of the association, attesting his presence at the
29 convention, conference, institute, or school. Such certificate
30 shall entitle him to collect from the township treasurer

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

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

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

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

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

7 The formation of a State association of township commissioners

8 is hereby authorized. The township commissioners and not more

9 than three other officers of the township designated by the

10 township commissioners, including the delegate provided for by

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

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

13 State association of township commissioners is authorized.

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

15 and educational conferences at a designated time and place

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

17 discussing various questions and subjects pertaining to the

18 duties of township commissioners, and for the purpose of

19 devising uniform, economical, and efficient methods of

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

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

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

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

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

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

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

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

28 govern the qualifications of delegates, election of officers,

29 their designation, qualifications and duties, payment of dues

30 and other organizational details. The association shall function

1 under these bylaws for advancing the interest of and betterment
2 of township government in townships of the first class.

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

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

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

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

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

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

1 educational conference.

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

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

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

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

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

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

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

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

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

1 compensated at their regular employe rate during their
2 attendance at the annual meeting.]

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

5 (c.1) County Associations of Township Officers

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

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

16 Section 624.2. Membership of Associations; Expenses of

17 Members.--(a) The board of commissioners, NEWLY ELECTED <--
18 TOWNSHIP COMMISSIONERS PRIOR TO OFFICIALLY TAKING OFFICE and
19 other township officers designated by the board shall attend the
20 conferences or educational training whenever possible. A
21 township officer attending a conference or educational training
22 shall receive a certificate, signed by the presiding officer and
23 secretary or acting secretary of the association, attesting to
24 the township officer's presence at the conference or educational
25 training.

26 (b) The certificate shall authorize an officer to collect
27 from the township treasurer expenses which shall be limited to
28 the registration fee, mileage for use of personal vehicle or
29 reimbursement of actual transportation expense going to and
30 returning from a conference or educational training, plus all

1 other actual expenses that the board of commissioners may have
2 agreed to pay. Each officer attending a conference or
3 educational training shall submit to the board of commissioners
4 an itemized account of expenses incurred.

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

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

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

1 association.

2 Section 33. Subdivision (d) heading and sections 625, 626,
3 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639,
4 640, 641, 642, 643, 644, 645, 646, 647 and 648 of the act are
5 amended to read:

6 (d) Civil Service for Police and [~~Firemen~~] Firefighters

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

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

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

29 (d) No [~~person shall hereafter~~] individual shall be
30 suspended, removed or [~~reduced in rank~~] demoted as a paid

1 employe in any police force or as a paid [operator of fire
2 apparatus] firefighter of any township, except in accordance
3 with the provisions of this subdivision.

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

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

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

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

28 The township] (a) Subject to section 625(a), a civil service
29 commission is established in each township where a police force
30 or paid firefighters force is maintained.

1 (b) The commission shall consist of three civil service
2 commissioners who shall be qualified electors of the township
3 and shall be appointed by the board of commissioners initially
4 to serve for the terms of two, four and six years. Upon the
5 expiration of the term of a civil service commissioner, the
6 successor shall be appointed for a term of six years.

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

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

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

30 (f) The civil service commissioners shall receive no

1 compensation.

2 Section 627. Offices Incompatible With Civil Service
3 Commissioner.--No civil service commissioner shall at the same
4 time hold an elective or appointed office under the United
5 States government, the Commonwealth of Pennsylvania, or any
6 political subdivision of the Commonwealth, except that one
7 member of the commission may be a member of the board of
8 [township] commissioners.

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

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

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

30 [No action of the commission shall be valid unless it shall

1 have the concurrence of at least two members.]

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

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

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

1 board of commissioners may not promulgate rules and regulations,
2 or amendments to them, for carrying into effect the provisions
3 of this subdivision. The board of commissioners may make
4 suggestions regarding proposed rules and regulations or
5 amendments to the rules and regulations to members of the
6 commission for their consideration. Regardless of whether the
7 board of commissioners makes suggestions regarding proposed
8 rules and regulations or amendments to the rules and
9 regulations, rules and regulations or amendments shall be
10 approved by the board of commissioners before the effective date
11 of the rules and regulations or amendments. When the rules and
12 regulations or amendments have been approved by the board of
13 commissioners, the rules and regulations or amendments shall not
14 be abrogated, amended or added to without the approval of the
15 board of commissioners.

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

22 (c) All rules and regulations or amendments to the rules and
23 regulations shall be made available for public distribution or
24 open to public inspection in accordance with the act of February
25 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

26 Section 631. Minutes and Records.--The commission shall keep
27 minutes of its proceedings and records of examinations and other
28 official actions. All recommendations of applicants for
29 appointment received by the commission shall be kept and
30 preserved for a period of five years, and all [such] records and

1 all written causes of removal filed with the commission, except
2 as otherwise provided in section 645, shall be subject to
3 reasonable regulation and open to public inspection in
4 accordance with the act of February 14, 2008 (P.L.6, No.3),
5 known as the Right-to-Know Law.

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

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

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

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

1 If any person shall refuse or neglect to obey any subpoena
2 issued by the commission, it may apply by petition to the court
3 of common pleas of the county for its subpoena requiring the
4 attendance of such persons before the commission or the court,
5 there to testify and to produce any records and papers
6 necessary, and in default thereof shall be held in contempt of
7 court.]

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

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

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

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

28 (a) The commission shall make rules and regulations to be
29 approved as provided in section 630 [hereof], providing for the
30 examination of applicants for positions in the police force and

1 as paid [operators of fire apparatus] firefighters and for
2 promotions, which rules and regulations shall prescribe the
3 minimum qualifications of all applicants to be examined and the
4 passing grades. All examinations for positions or promotions
5 shall be practical in character and shall relate to [such]
6 matters and include [such] inquiries as will fairly test the
7 merit and fitness of the [persons] individuals examined to
8 discharge the duties of the employment sought by them. All
9 examinations shall be open to all applicants who have the
10 minimum qualifications required by the rules and regulations.
11 Each applicant for examination for an original position shall:
12 (1) be subject to the regulations adopted by the commission;
13 (2) either before or after [being admitted to the regular
14 examination held by the commission, be required to submit to]
15 the written examination, submit to a physical fitness or agility
16 examination that is job-related and consistent with business
17 necessity;
18 (3) if made a conditional offer of employment, be given a
19 physical and psychological medical examination in accordance
20 with section 643 [of this act]; and
21 (4) be subject to a background investigation. Background
22 investigations may be restricted to those candidates on an
23 eligibility list or those to be certified to the [township]
24 board of commissioners for appointment in accordance with
25 section 638 [of this act].
26 (a.1) [Each] An applicant for promotion shall be subject to
27 the regulations adopted by the commission and to examination and
28 selection in accordance with section 642 [of this act. Physical
29 fitness or agility examinations that are]. A physical fitness or
30 agility examination that is job related and consistent with

1 business necessity and physical and psychological medical
2 examinations may, but need not, be required for promotions.

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

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

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

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

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

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

22 (2) is physically unfit for the performance of the
23 duties of the position or employment for which the applicant
24 has applied;

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

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

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

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

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

21 Section 638. Eligibility List and Manner of Filling
22 Appointments.--(a) At the completion of the testing process,
23 including a physical agility or other [examinations, with the
24 exception of any background investigations to be conducted after
25 the establishment of an eligibility list and physical and
26 psychological medical examinations pursuant to section 643 of
27 this act,] examination, with the exception of a background
28 investigation to be conducted after the establishment of an
29 eligibility list and physical and psychological medical
30 examination under section 643, the commission shall rank the

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

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

1 unqualified in accordance with the procedures set forth in
2 section 643 of this act, the commission shall strike the name of
3 the person from the eligibility list and certify the next
4 highest name for each name stricken from the eligibility list.
5 As each subsequent vacancy occurs in the same or another
6 position, precisely the same procedure shall be followed.]

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

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

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

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

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

1 from the eligibility list.

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

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

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

1 Section 639. Age; Applicant's Residence.--[No person shall
2 be eligible to apply for examination unless he is more than
3 eighteen years of age at the date of application. The
4 commissioners may, at their option, accept applications from
5 non-residents of the township and may, by ordinance, require
6 non-resident policemen and firemen to become residents of the
7 township after appointment to such positions.] No individual
8 shall be eligible to apply for examination unless the individual
9 is at least 18 years of age at the date of application. The
10 board of commissioners may accept applications from nonresidents
11 of the township and may require nonresident police officers and
12 nonresident paid firefighters to become residents of the
13 township after appointment to the positions. The rules and
14 regulations of the civil service commission shall reflect the
15 residency requirements of the board of commissioners or a
16 collective bargaining agreement or award.

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

1 section, his retention shall be equivalent to a permanent
2 appointment.]

3 (b) If, at the close of a probationary period, the conduct
4 or fitness of the probationer has not been satisfactory to the
5 board of commissioners, the probationer shall be notified in
6 writing that the probationer will not receive a permanent
7 appointment and the appointment shall cease. If the probationer
8 is not notified or dismissed in accordance with this section,
9 the probationer's retention shall be equivalent to a permanent
10 appointment.

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

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

1 emergency cases.] (a) If there are urgent reasons for the
2 filling of a vacancy in a position in the police force and there
3 are no names on the eligibility list for the appointment, the
4 board of commissioners may nominate an individual to the
5 commission for a noncompetitive examination. If the nominee is
6 certified by the commission as qualified after the
7 noncompetitive examination, the nominee may be provisionally
8 appointed to fill the vacancy.

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

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

28 (b) The board of commissioners shall notify the commission
29 of a vacancy on the police force or fire department which is to
30 be filled by promotion and shall request the certification of an

1 eligibility list.

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

14 [The township commissioners shall have power to]

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

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

29 (b) The physician [or], other qualified medical professional
30 [and the], psychiatrist or psychologist shall be appointed by

1 the [township] board of commissioners and shall render an
2 opinion as to whether the conditional appointee has a physical
3 or mental condition which calls into question the [person's]
4 individual's ability to perform all of the essential functions
5 of the position for which the [person] individual was
6 conditionally appointed.

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

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

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

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

30 "Medical examination" shall mean any examination, procedure,

1 inquiry or test designed to obtain information about medical
2 history or a physical or mental condition which might disqualify
3 an applicant if it would prevent the applicant from performing,
4 with or without a reasonable accommodation, all of the essential
5 functions of the position.

6 ["Physician" shall have the meaning given to it in 1 Pa.C.S.
7 § 1991 (relating to definitions).]

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

11 (1) as a physician assistant pursuant to the act of December
12 20, 1985 (P.L.457, No.112), known as the "Medical Practice Act
13 of 1985," or the act of October 5, 1978 (P.L.1109, No.261),
14 known as the "Osteopathic Medical Practice Act"; or

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

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

1 suffrage, except that this clause shall only apply to a police
2 officer while on duty or in uniform or while using any township
3 property. A police officer may also be suspended, removed or
4 reduced in rank for engaging or participating in the conduct of
5 any political or election campaign for an incompatible office
6 pursuant to section 1401. A person so employed shall not be
7 removed for religious, racial or political reasons. A written
8 statement of any charges made against any individual so employed
9 shall be furnished to such individual within five days after the
10 same are filed with the commission.]

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

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

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

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

20 (5) Intoxication while on duty.

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

26 (7) Engaging or participating in the conduct of a
27 political or election campaign for an incompatible office
28 under section 1401.

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

1 (a.2) A written statement of charges made against an
2 individual employed shall be furnished to the individual within
3 five days after the same statement of charges are filed with the
4 commission. The individual shall have 10 days from the date of
5 receiving the notice to submit a written request for a hearing
6 to the commission under section 645.

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

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

1 charges [in writing], unless continued by the commission for
2 cause at the request of the [township] board of commissioners or
3 the accused. The failure of the commission to hold a hearing
4 within ten days from the filing of the written charges shall not
5 result in the dismissal of the charges filed.

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

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

23 [In the event the commission shall sustain the charges and
24 order the suspension, removal or reduction in rank, the person
25 suspended, removed or reduced in rank]

26 (c) All parties shall have immediate right of appeal to the
27 court of common pleas of the county, and the case shall there be
28 determined as the court deems proper. No order of suspension
29 made by the commission shall be for a longer period than one
30 year. [Such] The appeal shall be taken within [sixty] 30 days

1 from the date of entry by the commission of its final order and
2 shall be by petition. Upon [such] the appeal being taken and
3 docketed, the court of common pleas shall [fix] schedule a day
4 for a hearing and shall proceed to hear the appeal on the
5 original record and [such] additional proof or testimony as the
6 parties concerned may desire to offer in evidence. The decision
7 of the court affirming or reversing the decision of the
8 commission shall be final and the employe shall be suspended,
9 discharged, demoted or reinstated in accordance with the order
10 of the court.

11 [The township commissioners and the person]

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

30 (e) In any case in which a police officer or firefighter who

1 is a member of a bargaining unit is subject to suspension,
2 discharge or discipline, the police officer or firefighter shall
3 have the option of challenging the suspension, discharge or
4 discipline imposed by using the procedures provided in this
5 section or by a proceeding in grievance arbitration. A choice to
6 proceed either by the procedures provided for in this section or
7 by grievance arbitration shall foreclose the opportunity to
8 proceed in the alternative method.

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

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

1 applicant of information protected by antidiscrimination laws
2 shall be ignored.

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

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

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

1 [Section 649. Salaries of Civil Service Commission.--The
2 civil service commissioners of townships shall receive no
3 compensation.]

4 Section 35. Sections 650, 701, 702, 703, 704, 801-A, 802-A,
5 803-A, 805-A, 806-A, 801-B, 901, 901.1, 902 and 903 of the act
6 are amended to read:

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

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

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

27 Section 701. Organization; Failure to Organize.--[The
28 township] (a) The board of commissioners shall organize on the
29 first Monday of January of each even-numbered year. If the first
30 Monday is a legal holiday the meeting shall be held the [first

1 day following. They shall assemble for such purpose at their
2 place of meeting at a time convenient to the governing body.
3 Until otherwise designated by ordinance, the place of meeting
4 shall be the oldest polling place in the township.

5 The] following day. The board of commissioners shall assemble
6 for the organization meeting at their place of meeting at a time
7 convenient to the governing body.

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

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

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

1 others in their stead] the members of the board responsible for
2 the failure to organize vacant, and shall appoint others in
3 their place to hold office for the respective unexpired terms.

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

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

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

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

30 (b.1) Telecommunication.--

1 (1) The board of commissioners may, pursuant to an
2 established telecommunications policy and as provided in
3 paragraph (2), provide for the participation of members of
4 the board in township meetings by means of telecommunication
5 devices, such as telephones or computer terminals, which
6 permit, at a minimum, audio communication between locations,
7 if the following apply:

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

17 (ii) The telecommunication device used permits the
18 member or members of the board not physically present at
19 the meeting to:

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

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

28 (iii) The telecommunication device used permits the
29 members of the board and the members of the public who
30 are physically present at the meeting to speak to and

1 hear the comments and the vote, if any, of the member or
2 members of the board who are not physically present at
3 the meeting.

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

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

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

15 Section 703. Compensation.--[Each township commissioner may
16 receive a salary, established by ordinance, of not more than one
17 thousand eight hundred seventy-five dollars per year in
18 townships having a population of less than five thousand, not
19 more than two thousand five hundred dollars per year in
20 townships having a population of five thousand or more but less
21 than ten thousand, not more than three thousand two hundred
22 fifty dollars per year in townships having a population of ten
23 thousand or more but less than fifteen thousand, not more than
24 four thousand one hundred twenty-five dollars per year in
25 townships having a population of fifteen thousand or more but
26 less than twenty-five thousand, not more than four thousand
27 three hundred seventy-five dollars per year in townships having
28 a population of twenty-five thousand or more but less than
29 thirty-five thousand, and not more than five thousand dollars
30 per year in townships having a population of thirty-five

1 thousand or more. Such salaries shall be payable monthly or
2 quarterly for the duties imposed by the provisions of this act.
3 Benefits provided to the commissioners under section 1502(LXIII)
4 shall not be considered pay, salary or compensation; but payment
5 for all or a part of the premiums or charges for the benefits
6 shall be in accordance with section 1502(LXIII).] (a) Each
7 township commissioner may receive a salary, established by
8 ordinance, as follows:

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

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

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

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

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

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

21 (7) In townships with a population of 45,000 or more, a
22 maximum of \$210 per year per 1,000 residents or fraction of
23 1,000.

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

30 (a.1) Notwithstanding subsection (a), the board of

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

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

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

1 annually, on or before the first day of February, furnish to the
2 township auditors information concerning the construction,
3 reconstruction, maintenance and repair of streets or other
4 matters that may be required by a department of the Commonwealth
5 to be included in the annual township report.

6 Section 801-A. Township treasurer.

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

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

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

28 (1) The township treasurer shall, within 60 days of the
29 treasurer's appointment, nominate to the board of
30 commissioners a person to be appointed by the board as the

1 deputy treasurer. The board may, subject to the nominated
2 person meeting the bonding qualifications in paragraph (3),
3 appoint the nominated person as the deputy treasurer.

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

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

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

20 (a) Requirements for bond.--The township treasurer shall,
21 before entering upon the duties of office, give a fidelity bond
22 to the [Commonwealth] township in an amount [prescribed]
23 established by ordinance or resolution and at least equal to 50%
24 of the amount of township funds estimated by the board of
25 [township] commissioners to be available to the township
26 [treasurers] treasurer at any time during the current year. The
27 bond shall be [subscribed] provided by a surety company or
28 companies duly authorized to do business in this Commonwealth.
29 The bond given by the treasurer shall be conditioned on the
30 faithful performance of the duties as stated in section 803-A.

1 The treasurer shall not, in any event, be required to give bond
2 or bonds aggregating an amount in excess of the taxes to be paid
3 over to [him] the treasurer by the tax collector. The bonding
4 requirements of this section shall also apply to the deputy
5 treasurer.

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

11 Section 803-A. Treasurer's duties.

12 The township treasurer shall:

13 (1) Receive all [moneys] money due the township and
14 promptly deposit [them] the money in a designated depository
15 in the name of the township.

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

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

24 (4) Pay out all [moneys] money of the township only on
25 [orders] direction by the board of commissioners, upon an
26 order signed by the president or vice president and attested
27 by the secretary or assistant secretary of the board and
28 designating the appropriation out of which the [orders shall
29 be paid. The signature of the president or vice president may
30 be by facsimile signature.] order shall be paid. The order

1 shall not be executed unless there is money available in the
2 treasury. The following apply:

3 (i) Nothing in this act shall be construed to
4 preclude the use of electronic signatures and
5 transactions to the extent authorized by the act of
6 December 16, 1999 (P.L.971, No.69), known as the
7 "Electronic Transactions Act," or any other law.

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

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

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

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

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

30 Section 806-A. Depositories of township funds.

1 The following shall apply:

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

12 (2) The depository or depositories shall be banks,
13 banking institutions or trust companies located in this
14 Commonwealth.

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

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

26 (5) [No township treasurer or deputy treasurer complying
27 with the provisions of this section, nor his surety or
28 sureties, shall be chargeable with losses] The township
29 treasurer or deputy treasurer, acting in accordance with law,
30 shall not be liable for the loss of township funds caused

1 solely by the [failure] insolvency or negligence of the
2 depository or depositories.

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

26 (6) The following apply:

27 (i) The designated depositories shall, upon receipt
28 of notice of their selection as a depository of township
29 funds, collateralize deposits of public funds in
30 accordance with the act of August 6, 1971 (P.L.281,

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

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

1 include the following if collateral is pledged instead of
2 a Federal Home Loan Bank Letter of Credit:

3 (A) Collateral shall be marked to market no less
4 frequently than weekly.

5 (B) Collateral shall be in investments as
6 prescribed in the investment program provided by the
7 board of investment or board of commissioners.

8 (C) If the financial institution serves as the
9 custodian, the pledged collateral shall be held in a
10 separate account established under the act of August
11 6, 1971 (P.L.281, No.72), in the depository's trust
12 department.

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

16 (E) A monthly report shall be provided as
17 specified in subparagraph (i).

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

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

23 (b) Collection of taxes permitted.--

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

29 (2) No such ordinance or resolution may authorize the
30 collection of income taxes in a manner other than as provided

1 in Chapter 5 of The Local Tax Enabling Act.

2 (c) Other powers and duties.--In addition to the powers,
3 duties and responsibilities under this act, the tax collector
4 shall exercise all the powers and perform all the duties and be
5 subject to all the obligations and responsibilities for the
6 collection of taxes as are conferred upon tax collectors by law.

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

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

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

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

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

26 (1) Record the proceedings of the board of
27 commissioners.

28 (2) Preserve the minutes and other records and documents
29 of the township and turn them over to the successor in
30 office.

1 authorizing the disbursement of the moneys of the township
2 during the preceding fiscal year. [The auditors shall make an
3 audit of]

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

28 (3) As directed by the board of commissioners, audit and
29 report to the board of commissioners on the accounts of every
30 officer of the township, upon the death, resignation, removal or

1 expiration of the term of the officer.

2 (c) Unless otherwise agreed to by the auditors and the
3 person being audited, the audit shall be conducted at the place
4 the records of the person are normally kept.

5 Section 36.2. The act is amended by adding a section to
6 read:

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

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

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

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

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

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

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

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

26 (i) the officers and persons whose accounts [they] the
27 auditors are required to [adjust, their executors and
28 administrators, and of] adjust;

29 (ii) executors and administrators of an office under
30 subparagraph (i); and

1 (iii) any persons whom it may be necessary to examine as
2 [witnesses, and to compel their attendance by attachment, in
3 like manner as any court of common pleas may in cases pending
4 before them, and may also compel the production of all books,
5 vouchers, and papers relative to such accounts. Such subpoena
6 and attachment shall be issued by a justice of the peace and be
7 served and executed by a constable or any township auditor.

8 The auditors of each township] a witness.

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

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

22 Section 36.4. Section 1003 of the act, amended October 24,
23 2018 (P.L.878, No.136), is amended to read:

24 Section 1003. [Surcharges; Auditors' Report; Publication of
25 ~~Financial Statements.--~~] Completion, Filing and Publication of
26 Auditor's Report and Financial Statement.--(a) The auditors
27 shall complete [their] the annual audit, settlement, and
28 adjustment [within as short a time as possible, and shall file
29 copies thereof with the secretary of the township, the clerk of
30 the court or the prothonotary, as may be provided by local rules

1 of court, the Department of Community Affairs and the Department
2 of Highways not later than ninety days after the close of the
3 fiscal year. Any officer or person whose act or neglect has
4 contributed to the financial loss of the township shall be
5 surcharged by the auditors with the amount of such loss. They]
6 as soon as possible after the end of the fiscal year.

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

24 (c) The annual auditors' report and annual financial
25 statement shall be [made on uniform forms] presented on a
26 uniform form prepared and furnished[,] as provided in section
27 1701a [of this act].

28 (d) The auditors' report and financial statement shall be
29 signed by all of the auditors and the auditors' report shall be
30 duly verified by the oath of one of the auditors. [Any auditor

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

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

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

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

1 offense.

2 Section 1006. [~~Employment and Compensation of Attorney.--~~]
3 Attorney to Auditors.--(a) The auditors[, in case of] may
4 employ an attorney if a disagreement [~~with~~] occurs between the
5 auditors and any official or board of officials whose accounts
6 [~~they~~] the auditors are required to audit[, ~~may employ an~~
7 ~~attorney. Such~~]. The attorney shall not be employed until
8 reasonable effort to reach an agreement has been made, and only
9 after notice of [~~their intention so to do~~] the auditors'
10 intention to hire the attorney has been given to [~~said~~] the
11 official or board of officials. [~~The compensation for such~~
12 ~~attorney shall be fixed by the auditors, and shall not exceed~~
13 ~~thirty dollars, unless an appeal is taken to the courts, in~~
14 ~~which case the court shall fix the additional compensation for~~
15 ~~the attorney. The compensation for said attorney shall be paid~~
16 ~~out of the general fund, by a warrant drawn by the auditors upon~~
17 ~~the township treasurer.~~]

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

25 Section 36.6. The act is amended by adding a section to
26 read:

27 Section 1006.1. Surcharge by Auditors.--(a) The amount of a
28 balance or shortage or of an expenditure of a kind or made in a
29 manner prohibited or not authorized by statute that causes a
30 financial loss to the township shall be a surcharge against an

1 officer or person responsible for the balance or shortage, or
2 who by vote, act or neglect has permitted or approved the
3 expenditure.

4 (b) The following shall apply:

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

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

15 (3) Paragraph (1) shall not apply to a case involving fraud
16 or collusion on the part of officers nor to any penalty enuring
17 to the benefit of or payable to the Commonwealth.
18 Notwithstanding this section, the procedures in the act of May
19 25, 1945 (P.L.1050, No.394), known as the "Local Tax Collection
20 Law," shall apply to balances and shortages in the tax accounts
21 of the tax collector.

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

1 in this paragraph, the term "solicitor" shall include a special
2 counsel appointed by the township for a specific matter.

3 (c) In any matter involving a financial transaction, an
4 officer knowingly and wilfully acting contrary to law commits a
5 misdemeanor and, upon conviction, may be sentenced to pay a fine
6 not exceeding one hundred dollars.

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

9 Section 1007. Balances Due to Be Entered as Judgments.--Any
10 balance, in any report of the auditors, against any officer of
11 the township shall constitute a surcharge against such officer
12 as fully as if expressly stated in [said] the report to be a
13 surcharge. [Unless an appeal is taken as hereinafter provided,
14 the auditors shall direct the clerk of the court of quarter
15 sessions to certify the amount of every such balance or
16 surcharge to the court of common pleas and the prothonotary
17 shall enter the same as a judgment against such officer and in
18 favor of the township.] The amount of a balance and of any
19 express surcharge shall, if no appeal is taken or after an
20 appeal has been finally determined in favor of the township, be
21 entered by the prothonotary as a judgment against the officer.
22 The clerk of the court of common pleas shall certify the amount
23 of every balance or surcharge contained in a report from which
24 no appeal has been taken within the time provided under this
25 subarticle to the court of common pleas for entry by the
26 prothonotary as a judgment.

27 Section 1008. Collection of Surcharges.--[The auditors or
28 any] Any auditor, registered elector or taxpayer of the township
29 may enforce the collection of a judgment entered for a surcharge
30 for the benefit of the township, by any appropriate action or

1 execution, upon filing in the court of common pleas a bond, with
2 one or more sureties (in the case of a registered elector or
3 taxpayer), conditioned to indemnify the township from all costs
4 [which may accrue in] of the proceedings undertaken by [such]
5 the registered elector or taxpayer, subject, however, to all
6 rights of appeal from the report of the auditors granted by this
7 [article] subarticle.

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

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

28 Section 1012. [~~Consolidation of Appeals.--When~~] Procedure on
29 Appeals.--(a) In any proceeding upon an appeal from a report of
30 the auditors, the accounts of the officer or the person in

1 question may be investigated de novo, and the burden shall be
2 upon each officer or person whose accounts are involved in the
3 appeal of establishing the right to credits claimed by the
4 officer or person, but the opposing party in the appeal may use
5 any facts, figures or findings of the report of the auditors as
6 prima facie evidence against any officer or person.

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

13 Section 36.8. Sections 1013, 1014 and 1015 of the act are
14 repealed:

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

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

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

28 Section 36.9. Sections 1016 and 1017 of the act are amended
29 to read:

30 Section 1016. [Judgment] Findings of Facts and Law, Judgment

1 and Appeals.--After hearing, the court shall file its findings
2 of fact and law and enter judgment [in accordance therewith]
3 accordingly, and the judgment [so] entered may be enforced by
4 the prevailing party by any appropriate proceedings [by any
5 auditor, officer, registered elector, or taxpayer of the
6 township]. An appeal from the court's ruling may be taken in
7 accordance with law.

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

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

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

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

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

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

1 surcharge proceeding.

2 (2) If, in the opinion of the court, the final determination
3 is more favorable to the township than that awarded by the
4 auditors in the case of an appeal taken by the township or a
5 taxpayer, the township officer who is the subject of the
6 surcharge proceeding shall pay reasonable attorney fees or,
7 under paragraph (3), a portion of reasonable attorney fees
8 incurred by the township, elector or taxpayer in connection with
9 the surcharge proceeding.

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

15 (i) the township to pay a portion of reasonable attorney
16 fees incurred by the officer in connection with the surcharge
17 proceeding; or

18 (ii) the township officer who is the subject of the
19 surcharge proceeding to pay a portion of reasonable attorney
20 fees incurred by the township or taxpayer in connection with the
21 surcharge proceeding.

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

25 Section 37. Article X is amended by adding a subarticle to
26 read:

27 (b) Appointed Independent Auditor
28 Section 1050. Appointment of independent auditor.

29 If an ordinance has been enacted for the appointment of an
30 independent auditor in lieu of elected auditors under section

1 503(a)(3), the board of commissioners shall appoint an
2 independent auditor by resolution and the provisions of this
3 subarticle shall apply. The independent auditor shall be a
4 certified public accountant or a firm of certified public
5 accountants.

6 Section 1051. Audits.

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

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

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

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

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

1 (d) Definition.--As used in this subarticle, the term
2 "annual audit and financial report" means the report that is
3 presented on the uniform form as provided in section 1052(d).
4 Section 1052. Completion, filing and publication of annual
5 audit and financial report.

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

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

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

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

15 (3) The Department of Community and Economic
16 Development, in accordance with the department's rules and
17 regulations.

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

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

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

12 Section 37.1. Sections 1101, 1102, 1103, 1104, 1105, 1106,
13 1107, 1108, 1109 and 1110 of the act are amended to read:

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

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

30 [The township controller may, at the instance of a taxpayer,

1 and by rule upon him for that purpose, be compelled to justify
2 his bond as to the amount thereof before the court of common
3 pleas.]

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

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

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

26 (b) In the examination, audit and settlement of accounts the
27 controller shall have all of the powers and perform all of the
28 duties vested in and imposed on the auditors by this act. [He]
29 In the authentication of any account or claim or demand against
30 the township, the controller shall have the same power and

1 authority as the elected township auditors to obtain the
2 attendance of parties and witnesses and the production of
3 documents and to administer oaths and affirmations. An
4 individual guilty of swearing or affirming falsely before the
5 controller commits perjury. The controller shall make and file
6 an annual report of [his] the audit and make and publish the
7 annual financial statement in the same form and manner and at
8 the same time as [in this act] is required of the [auditors]
9 elected township auditors by this act.

10 (c) The township controller shall:

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

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

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

1 [any such] an account[. He shall,];

2 (4) immediately upon the discovery of any default,
3 irregularity or delinquency, report the same to the board of
4 commissioners[. He shall also]; and

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

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

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

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

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

1 Section 1105. [Controller to Prevent Appropriation Over
2 Drafts] Prevention of Appropriation Overdrafts.--The township
3 controller shall not permit any appropriation made by the board
4 of [township] commissioners to be overdrawn. [Whenever] If an
5 appropriation is exhausted, the object of which is not complete,
6 [he] the commissioner shall immediately report the fact to the
7 board of commissioners, and accompany [such] the report with a
8 statement of the [moneys] money which [have] has been drawn on
9 [such] the appropriation and the particular purpose for which
10 [they are] it was drawn.

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

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

27 (c) The controller [to] shall certify contracts for the
28 [payments] payment of which sufficient appropriations have been
29 made.

30 Section 1107. Management and Improvement of Township

1 Finances.--The township controller shall, as often as [he] the
2 controller may deem expedient or the board of commissioners
3 shall direct, suggest plans to the board of commissioners for
4 the management and improvement of the township finances.

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

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

25 Section 1110. Controller to Retain [Books, Documents, Et
26 Cetera,] Financial Records, Pending Appeals.--Every township
27 controller shall retain [in his] possession, during the forty-
28 five days' period elapsing between the date of filing [his] the
29 report and the expiration of the time for filing the appeal
30 [therefrom, all books, documents, vouchers, checks and other

1 papers which have been procured before him in the course of his
2 audit of the accounts of township officers, and, if any appeal
3 shall be taken, shall continue to hold the same for production
4 in the proceeding to determine the appeal.] from the report, all
5 financial records and other papers that were submitted to the
6 controller for audit of the accounts of township officers. If an
7 appeal is taken, the controller shall continue to hold the
8 financial records and papers for production in the proceeding to
9 determine the appeal.

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

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

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

29 [Section 1202. Bond.--The township solicitor shall, if the
30 board of commissioners so requires, give a bond to the township,

1 with a surety company or other company authorized by law to act
2 as surety, to be approved by the board of commissioners, in such
3 sum as it shall by ordinance or resolution direct, conditioned
4 for the faithful performance of his duty.]

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

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

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

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

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

1 be brought in question before any court in the Commonwealth; and
2 shall do every professional act incident to the office which he
3 may be authorized or required to do by the board of
4 commissioners or by any ordinance or resolution. He shall,
5 whenever required, furnish the board of commissioners, and the
6 committees thereof, with his opinion in writing upon any
7 question of law which may be submitted by any of them in their
8 official capacities.] or special counsel, as applicable, shall:

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

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

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

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

29 Section 1301. [Election of Township Engineer; Term; Filling
30 of Vacancies.--The board of commissioners at the commencement of

1 the fiscal year in any even-numbered year, or as soon thereafter
2 as may be practicable, may elect, by a vote of a majority of the
3 members, one person as township engineer, who shall be a
4 registered civil engineer. He shall serve for a term of two
5 years, and until his successor qualifies. The board of
6 commissioners shall fix the compensation of the engineer.
7 Vacancies in the office of township engineer shall be filled by
8 the board of commissioners for the unexpired term.] Township
9 Engineer.--

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

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

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

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

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

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

1 of commissioners.]

2 (a) Except where the board of commissioners has appointed an
3 engineer for a specific matter, the township engineer shall
4 direct and control the engineering matters of the township.

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

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

28 Section 1305. Certificate of Commencement and of Completion
29 of Municipal Improvements.--

30 (a) The township engineer shall[, immediately after the

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

24 (b) As used in this section, the phrase "certified date of
25 completion" means the date of the completion of the whole
26 contract for the improvement.

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

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

1 [(b) Real Estate Registry

2 Section 1310. Provisions for Registration of Real Estate.--

3 For the purpose of procuring accurate information in reference
4 to the ownership of all real estate, the board of township
5 commissioners may provide, by ordinance for the registry thereof
6 in the manner following.

7 Section 1311. Preparation of Books, Plans and Maps.--The

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

22 Section 1312. Preservation of Records.--The said books, maps

23 and plans shall be carefully preserved in the office of the
24 engineer of said township; and shall be so kept, by additions
25 from time to time, or otherwise, as to show the ownership of
26 every lot or piece of real estate, or subdivision thereof,
27 within the township limits, with the successive transfers of
28 title, from the date of the commencement of such plans; but
29 nothing therein or in this article shall invalidate any
30 municipal or tax claim by reason of the fact that the same is

1 not assessed or levied against the registered owner.

2 Section 1313. Certified Copies of Entries Admissible as
3 Evidence.--Certified copies, under the hand of the said
4 engineer, of any of the entries in said books, or upon said maps
5 or plans shall be received in evidence in the same manner as the
6 books, maps and plans themselves might be admissible for such
7 purposes; and may be also furnished to any person desiring the
8 same for such fee or compensation, for the use of the township,
9 as may be fixed by ordinance.

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

1 Section 1315. Registry of Properties; Duty of County
2 Officers.--The sheriffs of the respective counties in which such
3 townships are situated shall present for registry the deeds of
4 all properties within the township limits sold by them at
5 judicial sales, whether by execution or in partition or
6 otherwise; and the prothonotaries and recorders of deeds of such
7 counties shall not admit for record any deeds of any property in
8 such township, bearing a date subsequent to the approval of an
9 ordinance providing for the establishment of such registry,
10 unless the same shall first have been duly stamped, as
11 hereinbefore provided.

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

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

18 ARTICLE XIII-A

19 TOWNSHIP MANAGER

20 Section 1301-A. Township manager.

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

27 (b) Nature of office.--The township manager shall serve at
28 the pleasure of the board of commissioners, subject to
29 contractual rights that may arise under an employment agreement
30 or professional services agreement that may be entered in

1 accordance with section 1302-A.

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

3 (a) General rule.-The powers and duties of the township
4 manager shall be regulated by ordinance. The board of
5 commissioners may delegate, subject to recall, any of their
6 nonlegislative and nonjudicial powers and duties to the township
7 manager.

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

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

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

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

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

29 (c) Status as public official.--The township manager, if an
30 individual, and, in the case of a partnership, limited

1 partnership, association or a professional corporation appointed
2 as the township manager, all officers and those employees
3 directly providing services as required or authorized by the
4 agreement, shall be considered a public official for purposes of
5 the provisions of 65 Pa.C.S. § 1103 (relating to restricted
6 activities).

7 Section 1303-A. Bond.

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

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

19 Section 1304-A. Incompatibility.

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

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

27 ARTICLE XIII-B

28 VETERANS' AFFAIRS

29 (a) Pennsylvania National Guard

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

1 (a) General rule.--Except as provided in subsection (b), the
2 board of commissioners may take, by the right of eminent domain
3 for the purpose of appropriating to the township for the use of
4 the Pennsylvania National Guard, public lands, easements and
5 public property in the township's possession or control and used
6 or held by the township for any other purpose notwithstanding
7 any limitation of the use by the township whether by donation,
8 dedication, appropriation, statute or otherwise.

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

11 Section 1302-B. Land for armory purposes.

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

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

22 Section 1303-B. Assistance to armories.

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

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

29 (2) To furnish reasonable utilities free of cost to the
30 Commonwealth for use in an armory of the Pennsylvania

1 National Guard.

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

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

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

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

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

21 (d) Accounting required.--

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

25 (2) No appropriation may be made for any subsequent year
26 until the expenditure of the previous year is duly and
27 satisfactorily accounted for.

28 (3) The accounts of the expenditures shall be subject to
29 the inspection of the Department of Military and Veterans
30 Affairs and shall be audited by the Auditor General in

1 accordance with law.

2 (b) Support of Veterans' Organizations and Memorials

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

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

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

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

14 Section 1313-B. Care of memorials.

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

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

26 Section 1314-B. Purchase of burial grounds for deceased service
27 persons.

28 The board of commissioners may appropriate money and purchase
29 plots of ground in a cemetery or burial ground for the interment
30 of deceased service persons:

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

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

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

7 Section 1401. Appointment, Compensation and Training of

8 [~~Policemen.--The board of township commissioners shall,~~] Police

9 Officers.--(a) The board of commissioners may, subject to the

10 civil service provisions of this act, appoint and fix the

11 number, rank and compensation of the members of the township

12 police force. [~~No policeman shall at the same time hold any~~

13 ~~public office other than constable, health officer or school~~

14 ~~board member of a school district situated within a county of~~

15 ~~the second class. A policeman, whether contracted or otherwise~~

16 ~~employed by a school district, who holds the public office of~~

17 ~~school director shall not be permitted to serve as a school~~

18 ~~police officer, as provided for in section 778 of the act of~~

19 ~~March 10, 1949 (P.L.30, No.14), known as the Public School Code~~

20 ~~of 1949. The]~~

21 (b) Subject to the requirements of 53 Pa.C.S. Ch. 23 Subch.

22 A (relating to intergovernmental cooperation), the board of

23 commissioners may provide for police services as follows:

24 (1) by municipal police officers under a contract;

25 (2) through the purchase of police services; or

26 (3) by joining or developing a consolidated regional police
27 service.

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

30 (1) in accordance with the act of June 15, 1951 (P.L.586,

1 No.144), entitled "An act regulating the suspension, removal,
2 furloughing and reinstatement of police officers in boroughs and
3 townships of the first class having police forces of less than
4 three members, and in townships of the second class"; or

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

6 (d) No police officer may at the same time hold a public <--
7 office.

8 (D) THE FOLLOWING SHALL APPLY: <--

9 (1) NO POLICE OFFICER SHALL AT THE SAME TIME HOLD ANY PUBLIC
10 OFFICE OTHER THAN CONSTABLE, HEALTH OFFICER OR SCHOOL DIRECTOR
11 OF A SCHOOL DISTRICT SITUATED WITHIN A COUNTY OF THE SECOND
12 CLASS.

13 (2) A POLICE OFFICER WHO HOLDS THE OFFICE OF SCHOOL DIRECTOR
14 IN A SCHOOL DISTRICT SITUATED WITHIN A COUNTY OF THE SECOND
15 CLASS PURSUANT TO PARAGRAPH (1), WHETHER CONTRACTED OR OTHERWISE
16 EMPLOYED BY THE SCHOOL DISTRICT, SHALL NOT BE PERMITTED TO SERVE
17 AS A SCHOOL POLICE OFFICER, AS PROVIDED FOR IN SECTION 1302-C OF
18 THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE PUBLIC
19 SCHOOL CODE OF 1949.

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

24 (f) Except as provided in section 630, the board of
25 commissioners shall [prescribe all necessary] promulgate rules
26 and regulations for the organization of the police force. [The
27 board may assign the chief of police or any other member of the
28 force to undergo a course of training at any training school for
29 policemen, established and made available by the State or
30 Federal Government, and may provide for the payment by the

1 township of his expenses while in attendance in such training
2 school.]

3 (g) The board of commissioners may assign the chief of
4 police or any other member of the police force to attend
5 training classes offered by the Federal Government, State or
6 county government, and may pay a member's expenses while
7 attending the training classes.

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

9 Section 1401.1. Special Fire Police.--The president of the
10 board of commissioners may confirm any member of a volunteer
11 fire company nominated to serve as special fire police under 35
12 Pa.C.S. Ch. 74 Subch. D (relating to special fire police). The
13 president of the board of commissioners may swear in or affirm
14 special fire police officers.

15 Section 47. Sections 1402, 1403, 1404 and 1405 of the act
16 are amended to read:

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

21 Section 1403. Powers of [Policemen.--Policemen shall be ex-
22 officio constables of the township and may, without warrant and
23 on view, arrest and commit for hearing any and all persons
24 guilty of a breach of the peace, vagrancy, riotous, or
25 disorderly conduct or drunkenness, or who may be engaged in the
26 commission of any unlawful act tending to imperil the personal
27 security or endanger the property of the citizens, or violating
28 any of the ordinances of the township for the violation of which
29 a fine or penalty is imposed.] Police Officers.--A township
30 police officer shall have those powers and duties as are granted

1 to police officers under the laws of this Commonwealth, the
2 rules of the Supreme Court or the ordinances of the township,
3 for the violation of which a fine or penalty may be imposed.

4 Section 1404. Service of Process; Fees.--[Policemen shall
5 have authority to serve and execute all criminal process for the
6 violation of the township ordinances, which may be issued by any
7 justice of the peace of the township, and shall charge the same
8 fees and costs as pertain by law to constables for similar
9 services, but such fees and costs shall be paid to the township
10 treasurer for the use of the township.] Police officers may
11 serve and execute criminal process or processes issued for the
12 violation of township ordinances and shall charge the same fees
13 and costs as pertain by law to constables of the township for
14 similar services, but the fees and costs shall be paid to the
15 township treasurer for the use of the township.

16 Section 1405. Supervision of Police.--The chief of police
17 and [policemen shall obey the orders of the board of township
18 commissioners or such other person or committee as may be
19 designated by ordinance or resolution of the board for such
20 purposes.] police officers shall obey the orders of the board of
21 commissioners or any other person or committee as designated by
22 ordinance or resolution of the board for that purpose.

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

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

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

30 Section 1407. Badge.--[The police,] Township police

1 officers, when on duty, shall wear a badge or shield with the
2 words "Township Police" and the name of the township inscribed
3 [thereon] on the badge or shield.

4 Section 1408. [Not to Receive Fees.--Townships employing
5 policemen shall pay to all such policemen a fixed or stipulated
6 salary. It shall not be lawful for any such policemen to charge
7 or accept any fee or other compensation, in addition to his
8 salary, for any service rendered or performed by him of any kind
9 or nature whatsoever pertaining to his office or duties as a
10 policeman, except public rewards and the expenses incurred in
11 the discharge of his duties.] Compensation.--

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

14 (b) No police officer may charge or accept a fee or other
15 compensation in addition to the salary paid by the township for
16 a service rendered or performed by the police officer, except
17 public rewards and the expenses incurred in the discharge of the
18 police officer's duties.

19 Section 1409. [Establishment of Police Pension Fund;
20 Management.--Townships] Police Pension Fund.--

21 (a) If a police force of less than three full-time members
22 is maintained, the township shall, unless there is a private
23 organization or association constituting and managing an
24 existing pension fund for the members of the police force in
25 [any such] the township, by ordinance, establish a police
26 pension fund to be maintained by member contributions of an
27 equal percentage charge against each member of the police
28 force[, which,]. The member contributions, except to the extent
29 that subsection (c) of section 607 of the act of December 18,
30 1984 (P.L.1005, No.205), known as the "Municipal Pension Plan

1 Funding Standard and Recovery Act," applies, shall not exceed
2 annually four [per centum] percent of the pay of [such] the
3 member. [All pension funds established under the provisions of
4 this section shall be under the direction of the township
5 commissioners or such committee as they may designate, and shall
6 be applied, under such regulations as the commissioners may by
7 ordinance prescribe, for the benefit of such members of the
8 police force as shall receive honorable discharge therefrom by
9 reason of age or disability and the families of such as may be
10 injured or killed in the service. Any allowances made to those
11 who are retired by reason of disability or age shall be in
12 conformity with a uniform scale.]

13 (b) In lieu of establishing a pension fund in accordance
14 with subsection (a), the township may, by ordinance, provide
15 investment or insurance instruments for the purpose of the
16 payment of pensions or annuities to the members of the police
17 force who receive honorable discharge by reason of age or
18 disability and the families of police officers injured or killed
19 in service.

20 (c) (1) All pension funds or investment or insurance
21 instruments established under this section shall be under the
22 direction of the board of commissioners, or a committee as the
23 board of commissioners may designate, and shall be applied under
24 regulations as the board of commissioners may, by ordinance,
25 prescribe for the benefit of the members of the police force who
26 receive honorable discharge by reason of age or disability and
27 the families of police officers injured or killed in the
28 service.

29 (2) The board of commissioners shall appoint by resolution a
30 chief administrative officer who shall have the primary

1 responsibility for the execution of the administrative affairs
2 of the pension plan, subject to the direction of the board of
3 commissioners.

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

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

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

15 (f) A township that establishes a police pension fund under
16 this section shall make contributions to the police pension fund
17 in an amount sufficient to meet the minimum obligation of the
18 municipality with respect to the pension plan under the act of
19 December 18, 1984 (P.L.1005, No.205), known as the "Municipal
20 Pension Plan Funding Standard and Recovery Act."

21 (g) A township may take, by gift, grant, devise or bequest,
22 any money or property, real, personal or mixed, in trust for the
23 benefit of the police pension fund. The care, management,
24 investment and disposal of the trust funds or property, real,
25 personal or mixed, shall be vested in the officers as the board
26 of commissioners shall direct by ordinance and shall be governed
27 by the officers, subject to any directions not inconsistent with
28 the ordinance as the donors of the funds and property may
29 prescribe.

30 (h) (1) The basis of the apportionment of the pension

1 benefit shall be determined by the rate of monthly pay of the
2 member at the date of death, honorable discharge or retirement,
3 and shall not exceed in any year one-half the annual pay of the
4 member, computed at the member's monthly rate.

5 (2) No person who participates in the police pension fund
6 and becomes entitled to receive a benefit from the fund may be
7 deprived of the person's right to an equal and proportionate
8 share of the fund upon the basis upon which the person first
9 became entitled to the benefit.

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

16 Section 1409.1. Private Police Pension Funds; Optional
17 Transfers.--(a) [Where] If there is a private organization or
18 association constituting and managing an existing pension fund
19 for the members of the police force in any township, [such] the
20 township shall establish a police pension fund [under the
21 provisions of this act if the membership of such] for the
22 purpose of paying pensions to the members of the police force if
23 the membership of the organization or association, by a two-
24 thirds vote, elects to transfer its funds with all its assets
25 and liabilities into a township police pension fund as required
26 to be established by this act.

27 (b) [Whenever such a private organization or association
28 managing an existing police pension fund for the members of the
29 police force in any township elects, by a two-thirds vote, to
30 transfer its funds into the pension fund required to be

1 established by this act, all the assets and liabilities of such
2 existing fund shall be so transferred. Such transfer] The
3 transfer under subsection (a) may be made by the transfer of
4 securities. After [such] the transfer, the township police
5 pension fund shall assume the liability of continuing the
6 payment of pensions to members of the police force retired prior
7 to [such] the transfer in accordance with the laws and
8 regulations under which [such] the members were retired.

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

11 [Section 1410. Minimum Service for Retirement.--The
12 ordinance establishing the police pension fund may prescribe a
13 minimum period of continuous service, not less than twenty
14 years, and an age limit after which members of the force may be
15 retired from active duty and may be entitled to benefits of such
16 fund. Policemen so retired shall be subject to service as police
17 reserves until unfitted for such service by reason of age or
18 disability, when they may be finally discharged.

19 Section 1411. Retirement Allowance.--The basis of the
20 apportionment of the pension shall be determined by the rate of
21 monthly pay of the member at the date of death, honorable
22 discharge, or retirement, and shall not in any case exceed in
23 any year one-half the annual pay of such member, computed at
24 such monthly rate.

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

29 Section 1413. Township Appropriations; Gifts; Management.--
30 Any township shall make contributions to the police pension fund

1 in an amount sufficient to meet the minimum obligation of the
2 municipality with respect to the pension plan pursuant to the
3 act of December 18, 1984 (P.L.1005, No.205), known as the
4 "Municipal Pension Plan Funding Standard and Recovery Act," and
5 may take, by gift, grant, devise or bequest, any money or
6 property, real, personal or mixed, in trust for the benefit of
7 such police pension fund. The care, management, investment, and
8 disposal of such trust funds or property shall be vested in such
9 officers as the township commissioners shall, by ordinance,
10 direct, and shall be governed by such officers, subject to any
11 directions not inconsistent therewith, as the donors of such
12 funds and property may prescribe. Any township may also make
13 contributions to any incorporated police pension fund extending
14 retirement benefits to police officers of the township, subject
15 to such conditions as the township commissioners may impose and
16 in conformance with any applicable provisions of the "Municipal
17 Pension Plan Funding Standard and Recovery Act."

18 Section 1414. Reasons for Denying Retirement Allowance.--No
19 person participating in such police pension fund established by
20 ordinance, and becoming entitled to receive a benefit therefrom,
21 shall be deprived of his rights except for failing to comply
22 with some general regulation relating to the management of such
23 fund, which may be made by ordinance, and which provides that a
24 failure to comply therewith shall terminate the right to
25 participate in the pension fund, after such notice and hearing
26 as it shall prescribe.

27 Section 1415. Annuity Contracts in Lieu of Police Pension
28 Fund.--Townships may provide annuity contracts for the purpose
29 of paying pensions or annuities to the members of the police
30 force who receive honorable discharge therefrom by reason of age

1 or disability and the families of such as may be injured or
2 killed in service.]

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

4 Section 1416. School Crossing Guards.--[(a) The board of
5 township commissioners, by resolution, may appoint school
6 crossing guards who shall be in uniform and be authorized only
7 in the management of traffic and pedestrians. Such school
8 crossing guards shall serve at the pleasure of the board of
9 township commissioners, except as provided in subsection (b),
10 and shall not come within the civil service provisions of this
11 act, nor shall they be eligible to join any township pension
12 fund. Their compensation shall be fixed by the board of township
13 commissioners and they shall be paid by the board of township
14 commissioners, or jointly by the board of township commissioners
15 and the board of school directors in a ratio to be determined by
16 the two boards. If the board of township commissioners and board
17 of school directors are unable to determine the ratio of
18 compensation of the school crossing guards to be paid by each
19 board, each such board shall pay one-half of the compensation of
20 such school crossing guards who shall have the duty of
21 controlling and directing traffic at or near schools.

22 (b) The board of township commissioners may approve an
23 ordinance allowing a board of school directors to assume hiring
24 and oversight of school crossing guards. Before the board of
25 township commissioners may approve such an ordinance, the board
26 of directors of the school district shall approve a resolution
27 requesting the authority to assume the hiring and oversight of
28 school crossing guards. The ordinance shall outline how the
29 police department will provide any necessary training and
30 assistance of the school crossing guards while on duty. Such

1 school crossing guards will be authorized only in the management
2 of traffic and pedestrians in and around areas identified by the
3 police department and the school district superintendent or his
4 or her designees. The school crossing guards shall not come
5 within the civil service provision of this act, nor shall they
6 fall under the bargaining unit of the school district nor be
7 considered an employe as defined under section 1101-A of the act
8 of March 10, 1949 (P.L.30, No.14), known as the "Public School
9 Code of 1949," or a school employe as defined under 24 Pa.C.S. §
10 8102 (relating to definitions) or under any plans hereafter
11 effective. Once the ordinance receives approval by the board of
12 township commissioners, the school district shall assume the
13 cost of compensation, including fixing such compensation, if
14 any, of the school crossing guards. Auxiliary policemen,
15 appointed as prescribed by general law, may be hired by the
16 school district to serve as school crossing guards. The board of
17 school directors shall notify the board of township
18 commissioners of those hired to serve as school crossing guards
19 and request that the necessary training or assistance be
20 provided as outlined by the ordinance.] (a) (1) The board of
21 commissioners, by resolution, may appoint school crossing guards
22 who shall be authorized only to manage traffic and pedestrians
23 at or near schools while the school crossing guards are in
24 uniform.

25 (2) School crossing guards shall serve at the pleasure of
26 the board of commissioners, except as provided in subsection
27 (b), shall not be subject to the civil service provisions of
28 this act and shall not be eligible to join any township pension
29 fund.

30 (3) The compensation of the school crossing guards, if any,

1 shall be fixed by the board of commissioners and shall be paid
2 by the board of commissioners, or jointly by the board of
3 commissioners and the board of school directors, in a ratio to
4 be determined by the boards. If the board of commissioners and
5 board of school directors are unable to determine the ratio of
6 compensation of the school crossing guards to be paid by each
7 board, each board shall pay one-half of the compensation of the
8 school crossing guards.

9 (b) (1) The board of commissioners may adopt a resolution
10 allowing a board of school directors to assume hiring and
11 oversight of school crossing guards. Before the board of
12 commissioners adopts the resolution, the board of directors of
13 the school district must adopt a resolution requesting authority
14 from the board of commissioners to assume the hiring and
15 oversight of school crossing guards.

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

20 (3) The school crossing guards shall be authorized only to
21 manage traffic and pedestrians in and around areas identified by
22 the police department and the school district superintendent or
23 the superintendent's designees.

24 (4) The school crossing guards shall not:

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

26 (ii) Be considered part of the bargaining unit of the school
27 district.

28 (iii) Be considered an employe as defined under section
29 1101-A of the act of March 10, 1949 (P.L.30, No.14), known as
30 the "Public School Code of 1949," or a school employe as defined

1 under 24 Pa.C.S. § 8102 (relating to definitions) or an employe
2 under any township or school district pension or benefit plan.

3 (5) After the resolution is adopted by the board of
4 commissioners, the school district shall assume the cost of
5 compensation, including fixing compensation, if any, of the
6 school crossing guards.

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

10 (7) The board of school directors shall notify the board of
11 commissioners of the individuals hired to serve as school
12 crossing guards and request that the necessary training or
13 assistance be provided as specified in the resolution adopted by
14 the board of commissioners.

15 Section 52. Section 1501 of the act, amended October 24,
16 2018 (P.L.921, No.151), is amended to read:

17 Section 1501. Suits; Property.--Townships of the first class
18 [may--

19 I. Sue and be sued.

20 II. Purchase, acquire by gift, or otherwise, hold, lease,
21 let and convey, by sale or lease, such real and personal
22 property as shall be deemed to be to the best interest of the
23 township: Provided, That no real estate owned by the township
24 shall be sold for a consideration in excess of one thousand five
25 hundred dollars except to the highest bidder after due notice by
26 advertisement for bids or advertisement of a public auction in
27 one newspaper of general circulation in the township. Such
28 advertisement shall be published once not less than ten days
29 prior to the date fixed for the opening of bids or public
30 auction, and such date for opening bids or public auction shall

1 be announced in such advertisement. The award of contracts shall
2 be made only by public announcement at a regular or special
3 meeting of the board of township commissioners or at the public
4 auction. All bids shall be accepted on the condition that
5 payment of the purchase price in full shall be made within sixty
6 days of the acceptance of bids.

7 The board of township commissioners shall have the authority
8 to reject all bids if such bids are deemed to be less than the
9 fair market value of the real property. In the case of a public
10 auction, the board of township commissioners may establish a
11 minimum bid based on the fair market value of the real property.

12 Except as otherwise hereinafter provided in the case of
13 personal property of an estimated fair market value of less than
14 two thousand dollars, no township personal property shall be
15 disposed of, by sale or otherwise, except upon approval of the
16 board of township commissioners, by ordinance or resolution. In
17 cases where the board of township commissioners shall approve a
18 sale of such property, it shall estimate the fair market value
19 of the entire lot to be disposed of. If the board of township
20 commissioners shall estimate the fair market value to be two
21 thousand dollars or more, the entire lot shall be advertised for
22 sale once, in at least one newspaper of general circulation in
23 the township, not less than ten days prior to the date fixed for
24 the opening of bids or public auction, and such date of opening
25 of bids or public auction shall be announced in such
26 advertisement, and sale of the property so advertised shall be
27 made to the best responsible bidder. A public auction of
28 personal property may be conducted by means of an online or
29 electronic auction sale. During an electronic auction sale, bids
30 shall be accepted electronically at the time and in the manner

1 designated in the advertisement. During the electronic auction,
2 each bidder shall have the capability to view the bidder's bid
3 rank or the high bid price. Bidders may increase their bid
4 prices during the electronic auction. The record of the
5 electronic auction shall be accessible for public inspection.
6 The purchase price shall be paid by the high bidder immediately
7 or at a reasonable time after the conclusion of the electronic
8 auction as determined by the board of township commissioners. In
9 the event that shipping costs are incurred, they shall be paid
10 by the high bidder. A township that has complied with the
11 advertising requirements of this clause may provide additional
12 public notice of the sale by bids or public auction in any
13 manner deemed appropriate by the board of township
14 commissioners. The advertisement for electronic auction sales
15 authorized in this clause shall include the Internet address or
16 means of accessing the electronic auction and the date, time and
17 duration of the electronic auction. The board of township
18 commissioners may reject any bids received if the bids are
19 believed to be less than the fair market value of the property.
20 The board of township commissioners shall, by resolution, adopt
21 a procedure for the sale of surplus personal property, either
22 individual items or lots of items, of an estimated fair market
23 value of less than two thousand dollars and the approval of the
24 board of township commissioners shall not be required for any
25 individual sale that shall be made in conformity to such
26 procedure.

27 The provisions of this clause shall not be mandatory where
28 township property is to be traded in or exchanged for new
29 township property.

30 The provisions of this clause shall not prohibit the sale or

1 exchange of township property to public utilities.

2 The provisions of this clause requiring advertising for bids
3 or sale at public auction and sale to the highest bidder shall
4 not apply where township real or personal property is to be sold
5 to a county, city, borough, town, township, institution
6 district, school district, volunteer fire company, volunteer
7 ambulance service or volunteer rescue squad located within the
8 township, or authority as defined in 53 Pa.C.S. § 5602 (relating
9 to definitions), or to a nonprofit corporation engaged in
10 community industrial, commercial or affordable housing
11 development or reuse or where real property is to be sold to a
12 person for his exclusive use in an industrial development
13 program or where real property is to be sold to a nonprofit
14 corporation organized as a public library, or where real
15 property is to be sold to a nonprofit medical service
16 corporation as authorized by clause LXXII of section 1502, or
17 where real property is to be sold to a nonprofit housing
18 corporation as authorized by clause LXXIII of section 1502. When
19 real property is to be sold to a nonprofit corporation organized
20 as a public library or to a nonprofit medical service
21 corporation or to a nonprofit housing corporation the board of
22 township commissioners may elect to accept such nominal
23 consideration for such sale as it shall deem appropriate. Real
24 property sold pursuant to this clause to a volunteer fire
25 company, volunteer ambulance service or volunteer rescue squad,
26 nonprofit medical service corporation or to a nonprofit housing
27 corporation shall be subject to the condition that when the
28 property is not used for the purposes of the company, service,
29 squad or the corporation the property shall revert to the
30 township.

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

6 The exemption granted by this clause to nonprofit
7 corporations engaged in community, industrial, commercial or
8 affordable housing development or reuse shall not apply to
9 property owned and operated by the township or subcontracted or
10 operated on the behalf of the township in order to conduct
11 existing governmental functions.] may:

12 (1) Sue and be sued.

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

14 (3) Purchase, exchange, acquire by gift, or otherwise, hold,
15 lease, let and convey, by sale or lease, real and personal
16 property deemed to be to the best interest of the township
17 subject to the restrictions, limitations or exceptions as set
18 forth in this act.

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

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

24 (b) The advertisement shall be published once in one
25 newspaper of general circulation not less than ten days prior to
26 the date scheduled for the opening of bids or public auction.
27 The date for opening bids or public auction shall be announced
28 in the advertisement.

29 (c) The award of contracts shall be made only by public
30 announcement at a regular or special meeting of the board of

1 commissioners or at the public auction. A bid shall be accepted
2 on the condition that payment of the purchase price in full
3 shall be made within sixty days of the acceptance of a bid
4 unless otherwise specified in the bid advertisement. If no
5 compliant bids are received after advertisement, the applicable
6 procedures in the act of October 27, 1979 (P.L.241, No.78),
7 entitled "An act authorizing political subdivisions,
8 municipality authorities and transportation authorities to enter
9 into contracts for the purchase of goods and the sale of real
10 and personal property where no bids are received," shall be
11 followed.

12 (d) The board of commissioners shall have the authority to
13 reject all bids if the bids are deemed to be less than the fair
14 market value of the real property. In the case of a public
15 auction, the board of commissioners may establish a minimum bid
16 based on the fair market value of the real property.

17 (e) Real estate owned by a township may be sold for a
18 consideration of six thousand dollars or less without
19 advertisement or competitive bidding only after the board of
20 commissioners estimates the value of the property upon receipt
21 of an appraisal by a qualified real estate appraiser. Prior to
22 selling real estate valued at six thousand dollars or less
23 without advertisement or competitive bidding, the board of
24 commissioners shall make a public announcement of the board's
25 intention to sell the real estate at a regular or special
26 meeting of the board at least thirty days prior to the sale.

27 (f) (1) Notwithstanding this section, the board of
28 commissioners shall have the authority to exchange real property
29 for real property of equal or greater value without complying
30 with this section if the property being acquired by the township

1 is to be used for municipal purposes. Municipal purposes as used
2 in this subsection include a subsequent sale or lease of the
3 property to any of the entities listed in section 1501.3.

4 (2) A conveyance of real property acquired in an exchange to
5 an entity listed in section 1501.3 may contain a clause under
6 which the lands and buildings will revert to the township if
7 they are no longer being used for the purposes of the entity.

8 (3) If the board of commissioners chooses to exercise its
9 power of real property exchange under this section, it shall be
10 by resolution adopted by the board of commissioners. Notice of
11 the resolution, including a description of the properties to be
12 exchanged, shall be published once in one newspaper of general
13 circulation not more than sixty days nor fewer than seven days
14 prior to adoption.

15 (4) Participation in a real property exchange may not
16 prohibit the application of the requirements of the act of
17 October 4, 1978 (P.L.851, No.166), known as the Flood Plain
18 Management Act.

19 Section 1501.2. Personal Property.--(a) Except as provided
20 in subsection (d), no township personal property may be disposed
21 of, by sale or otherwise, except upon approval of the board of
22 commissioners. In cases when the board of commissioners approves
23 a sale of the property, the board of commissioners shall
24 estimate the fair market value of the entire lot to be disposed
25 of. If the board of commissioners estimates the fair market
26 value to be two thousand dollars or more, the entire lot shall
27 be advertised for sale once, in at least one newspaper of
28 general circulation, not less than ten days prior to the date
29 fixed for the opening of bids or public auction. The date of
30 opening of bids or public auction shall be announced in the

1 advertisement, and sale of the property advertised shall be made
2 to the highest bidder.

3 (b) A public auction of personal property may be conducted
4 by means of an online or electronic auction sale. During an
5 electronic auction sale, bids shall be accepted electronically
6 at the time and in the manner designated in the advertisement.
7 During the electronic auction, each bidder shall have the
8 capability to view the bidder's bid rank or the high bid price.
9 A bidder may increase his bid price during the electronic
10 auction. The record of the electronic auction shall be
11 accessible for public inspection. The purchase price shall be
12 paid by the highest bidder immediately or at a reasonable time
13 after the conclusion of the electronic auction as determined by
14 the board of commissioners. In the event that shipping costs are
15 incurred, they shall be paid by the highest bidder. A township
16 that has complied with the advertising requirements of this
17 section may provide additional public notice of the sale by bids
18 or public auction in any manner deemed appropriate by the board
19 of commissioners. The advertisement for electronic auction sales
20 authorized in this section shall include the Internet address or
21 means of accessing the electronic auction and the date, time and
22 duration of the electronic auction.

23 (c) The board of commissioners may reject any bids received
24 if the bids are believed to be less than the fair market value
25 of the property. If no compliant bids are received after
26 advertisement, the applicable procedures in the act of October
27 27, 1979 (P.L.241, No.78), entitled "An act authorizing
28 political subdivisions, municipality authorities and
29 transportation authorities to enter into contracts for the
30 purchase of goods and the sale of real and personal property

1 where no bids are received," shall be followed.

2 (d) The board of commissioners shall, by resolution, adopt a
3 procedure for the sale of surplus personal property, either
4 individual items or lots of items, of an estimated fair market
5 value of less than two thousand dollars. The approval of the
6 board of commissioners shall not be required for an individual
7 sale that shall be made in conformity to the procedure.

8 (e) The provisions of this section shall not be mandatory
9 where township personal property is to be traded in or exchanged
10 for new or used personal property being acquired by the
11 township, except that the trade or exchange shall be by
12 resolution.

13 Section 1501.3. Exceptions.--(a) Nothing under this article
14 requiring advertising for bids or sale at public auction and
15 sale to the highest bidder shall apply if township real or
16 personal property is to be sold to any of the following:

17 (1) A county, city, borough, town, township, institution
18 district, school district, volunteer fire company, volunteer
19 ambulance service or volunteer rescue squad located within the
20 township.

21 (2) A council of government, consortium, cooperative or
22 other similar entity created under 53 Pa.C.S. Ch. 23 Subch. A
23 (relating to intergovernmental cooperation).

24 (3) An authority as defined in 53 Pa.C.S. § 5602 (relating
25 to definitions) or an authority or industrial and commercial
26 development authority as defined under section 3 of the act of
27 August 23, 1967 (P.L.251, No.102), known as the Economic
28 Development Financing Law.

29 (4) A nonprofit corporation engaged in community,
30 industrial, commercial or affordable housing development or

1 reuse.

2 (5) A person for the person's exclusive use in an industrial
3 development program.

4 (6) A nonprofit corporation organized as a public library.

5 (7) A nonprofit medical service corporation as authorized by
6 section 1502.46.

7 (8) A nonprofit housing corporation as authorized under
8 section 1502.47.

9 (b) If real property is to be sold to a nonprofit
10 corporation organized as a public library or to a nonprofit
11 medical service corporation or to a nonprofit housing
12 corporation, the board of commissioners may elect to accept
13 nominal consideration for the sale as the board deems
14 appropriate.

15 (c) Real property sold under this section to a volunteer
16 fire company, volunteer ambulance service or volunteer rescue
17 squad, nonprofit medical service corporation or to a nonprofit
18 housing corporation shall be subject to the condition that when
19 the property is not used for the purposes of the company,
20 service, squad or corporation the property shall revert to the
21 township.

22 Section 1501.4. Surcharge from Sale or Lease.--A
23 commissioner who votes in favor of or knowingly participates in
24 the sale or lease of township real or personal property in
25 violation of this article is subject to surcharge to the extent
26 of any loss or injury to the township as a result of the sale or
27 lease.

28 Section 1501.5. General Powers.--The board of commissioners
29 may make and adopt any ordinances, bylaws, rules and regulations
30 not inconsistent with or restrained by the Constitution and laws

1 of this Commonwealth as may be expedient or necessary for the
2 proper management, care and control of the township and its
3 finances, and the maintenance of peace, good government and
4 welfare of the township and its trade, commerce and
5 manufactures.

6 Section 54. Section 1502 of the act, amended July 2, 2019
7 (P.L.349, No.50), is amended to read:

8 Section 1502. [The corporate power of a township of the
9 first class shall be vested in the board of township
10 commissioners. The board shall have power--

11 I. Ordinances and Resolutions. (a) To adopt resolutions
12 and ordinances prescribing the manner in which powers of the
13 township shall be carried out, and generally regulating the
14 affairs of the township. All such proposed ordinances, unless
15 otherwise provided by law, shall be published at least once in
16 one newspaper of general circulation in the township not more
17 than sixty days nor less than seven days prior to passage.
18 Publication of any proposed ordinance shall include either the
19 full text thereof or the title and a brief summary prepared by
20 the township solicitor setting forth all the provisions in
21 reasonable detail and a reference to a place within the township
22 where copies of the proposed ordinance may be examined. If the
23 full text is not included a copy thereof shall be supplied to a
24 newspaper of general circulation in the township at the time the
25 public notice is published. If the full text is not included an
26 attested copy thereof shall be filed in the county law library
27 or other county office designated by the county commissioners
28 who may impose a fee no greater than that necessary to cover the
29 actual costs of storing said ordinances. Filing with the county
30 may be completed by the submission of an electronic copy of the

1 ordinance through a method available, in the sole discretion of
2 the county, to permit receipt by the office storing municipal
3 ordinances. Upon request by the township, the county shall
4 notify the township of the method by which electronic copies may
5 be submitted. The county may store the ordinance electronically,
6 provided that the public is able to access the electronically
7 stored township ordinances during regular business hours at the
8 office or at a remote location. The township shall retain a
9 printed copy of the e-mail and ordinance as transmitted. The
10 date of such filing shall not affect the effective date of the
11 ordinance, the validity of the process of the enactment or
12 adoption of the ordinance. In the event substantial amendments
13 are made in the proposed ordinance or resolution, upon
14 enactment, the board shall within ten days readvertise in one
15 newspaper of general circulation in the township, a brief
16 summary setting forth all the provisions in reasonable detail
17 together with a summary of the amendments. In any case in which
18 maps, plans or drawings of any kind are adopted as part of an
19 ordinance, the commissioners may, instead of publishing the same
20 as part of the ordinance, refer, in publishing the ordinance, to
21 the place where such maps, plans or drawings are on file and may
22 be examined. No ordinance, resolution pertaining to a tax levy,
23 or resolution of a legislative character in the nature of an
24 ordinance, shall be considered in force until the same is
25 recorded in the ordinance book of the township. All township
26 ordinances and all township resolutions pertaining to tax levies
27 shall, within one month after their passage, be recorded by the
28 township secretary in a book provided for that purpose, which
29 shall be at all times open to the inspection of citizens. A
30 failure to record within the time provided shall not be deemed a

1 defect in the process of the enactment or adoption of such
2 ordinance or resolution. The entry of the township ordinance or
3 resolution in the ordinance book by the secretary shall be
4 sufficient without the signature of the president of the board
5 of commissioners or other person. Any and all township
6 ordinances or portions thereof, the text of which prior to the
7 effective date of this amendment shall have been attached to the
8 ordinance book, shall be considered in force just as if such
9 ordinances or portions thereof had been recorded directly upon
10 the pages of such ordinance book: Provided, That all other
11 requirements of this act applicable to the enactment, approval,
12 advertising and recording of such ordinances or portions thereof
13 were complied with within the time limit prescribed by this act.

14 (b) Whenever any township shall have caused to be prepared a
15 consolidation, codification or revision of the general body of
16 township ordinances, or the ordinances on a particular subject,
17 the board of township commissioners may adopt such
18 consolidation, codification or revision as an ordinance of the
19 township, in the same manner that is now prescribed by law for
20 the adoption of township ordinances, except as hereinafter
21 provided.

22 Any such consolidation, codification or revision of township
23 ordinances to be enacted as a single ordinance shall be
24 introduced in the board of township commissioners at least
25 thirty days before its final enactment, and at least fifteen
26 days before its final enactment, notice of the introduction of
27 any consolidation, codification or revision, specifying its
28 general nature and listing its table of contents, shall be given
29 by advertisement in a newspaper of general circulation in said
30 township.

1 When any such consolidation, codification or revision has
2 been enacted as an ordinance, it shall not be necessary to
3 advertise the entire text thereof, but it shall be sufficient in
4 any such case, to publish a notice stating that such
5 consolidation, codification or revision, notice of the
6 introduction of which had previously been given, was finally
7 enacted.

8 The procedure set forth in this section for the
9 consolidation, codification or revision of township ordinances
10 as a single ordinance may also be followed in enacting a
11 complete group or body of ordinances, repealing or amending
12 existing ordinances as may be necessary, in the course of
13 preparing a consolidation, codification or revision of the
14 township ordinances, except that in such case the advertisement
15 giving notice of the introduction shall list, in lieu of a table
16 of contents, the titles only of each of the ordinances in such
17 complete group or body of ordinances, and the notice following
18 enactment shall simply state that such group or body of
19 ordinances was passed finally.

20 (c) Complaint as to the legality of any ordinance or
21 resolution may be made to the court. In cases of the laying out
22 of streets over private property the court shall have
23 jurisdiction to review the propriety as well as the legality of
24 the ordinance.

25 (d) Any ordinance may be adopted by reference to a standard
26 or nationally recognized code, or to parts thereof, determined
27 by the board, or the provisions of the ordinance may be supplied
28 by reference to a typed or printed code, prepared under the
29 direction of or accepted by the board, or the provisions may
30 consist of a standard or nationally recognized code, or parts

1 thereof, and also further provisions typed or printed as
2 aforesaid: Provided, however, That no portion of any code which
3 limits the work to be performed to any type of construction
4 contractor, or labor or mechanic classification shall be
5 adopted.

6 Publication of such code, or amendments thereto, in full
7 shall not be required, but it shall be sufficient compliance
8 with this act, in such publication as is required, to set forth
9 briefly the substance of such proposed code and to give notice
10 of the place where such code is on file and may be examined. Not
11 less than three copies of such code, portion, or amendment which
12 is incorporated or adopted by reference, shall be filed with the
13 secretary of the township at least ten days before the board
14 considers the proposed ordinance and upon enactment kept with
15 the ordinance book, and available for public use, inspection and
16 examination.

17 Any ordinance adopted by reference to any code shall be
18 enacted within sixty days after it is filed with the secretary
19 of the township and, in the case of a standard or nationally
20 recognized code, shall encompass the provisions of the code
21 effective as of the code date stated in the ordinance.

22 Any township that has adopted any standard or nationally
23 recognized code by reference may adopt subsequent ordinances
24 which incorporate by reference any subsequent changes thereof,
25 properly identified as to date and source, as may be adopted by
26 the agency or association which promulgated the code.

27 Any ordinances which incorporate code amendments by reference
28 shall become effective after the same procedure and in the same
29 manner as is herein specified for original adoption of any such
30 code.

1 II. Fines for Violation of Ordinances. To prescribe fines
2 and penalties, not exceeding one thousand dollars for a
3 violation of a building, housing, property maintenance, health,
4 fire or public safety code or ordinance and for water, air and
5 noise pollution violations, and not exceeding six hundred
6 dollars for a violation of any other township ordinance, which
7 fines and penalties may be collected by suit brought in the name
8 of the township before any justice of the peace, in like manner
9 as debts of like amount may be sued for by existing laws, and to
10 remit such fines and penalties.

11 III. Officers, Positions and Departments. To create any
12 office, position or department which may be deemed necessary for
13 the good government and interests of the township; and to fix
14 the compensation of persons appointed thereto.

15 IV. Township Manager. To create, by ordinance, the office of
16 township manager, and in like manner to abolish the same. The
17 township manager shall serve at the pleasure of the board of
18 commissioners, subject to contractual rights that may arise
19 under an employment agreement that may be entered in accordance
20 with this clause.

21 The powers and duties of the township manager shall be
22 regulated by ordinance. The board of commissioners may enter
23 into an employment agreement with the township manager. The
24 employment agreement may set forth the terms and conditions of
25 employment, and the agreement may provide that it shall remain
26 in effect for a specified period terminating no later than two
27 years after the effective date of the agreement or the date of
28 the board of commissioners' organizational meeting following the
29 next municipal election, whichever shall first occur. An
30 employment agreement entered into pursuant to this clause may

1 specify conditions under which a township manager would be
2 entitled to severance compensation, but in no event shall an
3 employment agreement guarantee employment through the term of
4 the agreement or confer upon the township manager any legal
5 remedy based on specific performance. The commissioners may
6 delegate, subject to recall, any of their respective non-
7 legislative and non-judicial powers and duties to the township
8 manager. He shall, if required by the township commissioners,
9 give a bond to the township, with a surety company or other
10 company authorized by law to act as surety, to be approved by
11 the commissioners, in such sum as it shall, by ordinance or
12 resolution, direct, conditioned for the faithful performance of
13 his duties.

14 V. Police Force. To establish, equip, and maintain a police
15 force, and to define the duties of the same.

16 VI. Lockups and Commitments. To provide for the erection or
17 purchase of lockups in the township for the detention and
18 confinement of vagrants and persons arrested by the police
19 officers until the persons so arrested can be taken before a
20 justice of the peace for hearing; but no person shall be
21 detained therein for a longer time than twenty-four hours
22 (Sunday excepted) except upon order of a justice of the peace,
23 legally authorized, who may commit any such person for further
24 hearing.

25 VII. Committing Magistrate. To designate, from time to time,
26 one of the justices of the peace to sit at the police station or
27 town hall as a committing magistrate.

28 VIII. Vagrants. To arrest and confine, and to set to work on
29 the streets or elsewhere, all vagrants found in the township.

30 IX. Disorderly Practices. To define and prohibit disorderly

1 practices within the limits of the township.

2 X. Public Safety. To take all needful means for securing the
3 safety of persons or property within the township.

4 XI. Road Implements. To purchase tools, implements,
5 machinery, timber, and materials necessary for the making,
6 paving, and repairing of streets and sidewalks, and other public
7 work; to employ sufficient number of laborers to make and repair
8 the same; and to lease or lend such tools, implements, and
9 machinery to other townships, boroughs, or cities.

10 XII. Lights. To establish lights along the streets and
11 highways, wherever deemed expedient. No such lights shall be
12 established upon State highways until a permit has first been
13 obtained from the State Department of Highways, or upon county
14 highways until a permit has first been obtained from the county
15 commissioners.

16 XIII. Lighting Assessments. On the petition of the owners of
17 a majority of the lineal feet frontage along any street or
18 highway, or portion thereof, in any village within the township,
19 to enter into contracts with electric, gas, or other lighting
20 companies to light and illuminate the streets, highways, and
21 other public places in said village with electric light, gas
22 light, or other illuminant.

23 The township commissioners shall annually assess, or cause to
24 be assessed, the cost and expense of the maintenance of said
25 lights by an equal assessment on all property benefited by such
26 lighting in proportion to the number of feet the same fronts on
27 the street, or highway, or portion thereof to be lighted. The
28 board of township commissioners may provide for an equitable
29 reduction from the frontage of lots, at intersections, or where,
30 from the peculiar or pointed shape of lots, an assessment of the

1 full frontage would be inequitable. No such assessment shall be
2 made against any farm land, but vacant lots between built-up
3 sections, whether tilled or untilled, shall not be deemed to be
4 farm lands: Provided, however, That the assessment per front
5 foot against vacant lots shall be only twenty-five per centum
6 (25%) of the assessment per foot front against property with
7 improvements thereon. All such assessments for street lighting
8 shall be filed with the township tax collector, who shall give
9 thirty days' written or printed notice that the assessments are
10 due and payable, stating the due date to each party assessed,
11 either by service on the owner of the property, or by mailing
12 such notice to the owner at his last known post office address.
13 The township tax collector shall be entitled to the same
14 commission for the collection of such assessments as he is
15 entitled to by law for the collection of the township tax. If
16 the assessments, or any of them remain unpaid, on the first
17 Monday of May of the succeeding year they shall be placed in the
18 hands of the township solicitor for collection. The solicitor
19 shall collect the same, together with five per centum (5%) as
20 attorney's commission, and interest from the date such
21 assessments were due, by a municipal claim filed against the
22 property of the delinquent owner in like manner as municipal
23 claims are by law filed and collected. Where an owner has two or
24 more lots against which there is an assessment for the same
25 year, all such lots shall be embraced in one claim. All
26 assessments, when collected, shall be paid over to the township
27 treasurer, who shall receive and shall keep all such assessments
28 collected for lighting the streets and highways in a separate
29 account and pay out the same only upon orders signed by the
30 president or vice president of the township commissioners,

1 attested by the secretary or assistant secretary. The treasurer
2 shall make a report to the auditor or controller of the township
3 annually.

4 Ornamental Standards for Street Lighting. On the petition of
5 the owners of seventy-five per cent of the lineal feet frontage
6 along any street or highway or portion thereof in any village
7 within the township to provide for the furnishing and
8 installation of ornamental standards for street lighting with
9 fittings and underground wiring therefor along such street or
10 highway or the portion thereof affected, and to enter into
11 contracts with electric, gas or other lighting companies to
12 furnish and install such standards with the fittings and wiring
13 therefor.

14 The board of township commissioners shall assess or cause to
15 be assessed the cost and expense of the furnishing and
16 installation of said standards, fittings and underground wiring
17 by an equal assessment on all property benefited by the
18 furnishing and installation of such standards, fittings and
19 underground wiring in proportion to the number of feet the same
20 fronts on the street or highway or portion thereof to be
21 lighted. The township commissioners may provide for an equitable
22 reduction from the frontage of lots at intersections, or where
23 from the peculiar or pointed shape of lots an assessment of the
24 full frontage would be inequitable. No such assessment shall be
25 made against any farm land, but vacant lots between built-up
26 sections, whether tilled or untilled, shall not be deemed to be
27 farm lands. All such assessments for the cost of furnishing and
28 installation of such standards, fittings and underground wiring
29 shall be filed with the township tax collector, who shall give
30 thirty days written or printed notice that the assessments are

1 due and payable, stating the due date to each party assessed,
2 either by service on the owner of the property or by mailing
3 such notice to the owner at his last known post office address.
4 The township tax collector shall be entitled to the same
5 commission for the collection of such assessments as he is
6 entitled to by law for the collection of the township tax. If
7 the assessments or any of them remain unpaid at the expiration
8 of a period not exceeding ninety days, the exact time to be
9 fixed by the board of township commissioners, they shall be
10 placed in the hands of the township solicitor for collection.
11 The solicitor shall collect the same together with five per
12 centum (5%) as attorney's commission and interest from the date
13 such assessments were due by a municipal claim filed against the
14 property of the delinquent owner in like manner as municipal
15 claims are by law filed and collected. Where an owner has two or
16 more lots against which there is an assessment all such lots may
17 be embraced in one claim. All assessments when collected shall
18 be paid over to the township treasurer who shall receive and
19 shall keep all such assessments collected in a separate account
20 and pay out the same only upon orders signed by the president or
21 vice president of the township commissioners, attested by the
22 secretary or assistant secretary. The treasurer shall make a
23 report to the auditor or controller of the township annually
24 until all of such assessments are paid in full.

25 XIV. Water Supplies. To enter into contracts with any person
26 or corporation to supply water for fire protection and other
27 purposes for a period not exceeding twenty years. No such
28 contract shall be exclusive as against the right of any other
29 water company, nor interfere with the right of such township to
30 erect, maintain, and operate its own waterworks.

1 XV. Fire and Water Districts; Bond Issues and Taxes. To
2 create, by ordinance, fire and water districts in any portion or
3 portions of townships when, in their opinion, the same is
4 necessary for the safety and convenience of the inhabitants of
5 said township; to issue bonds restricted to the districts so
6 created, for the purpose of procuring and maintaining the
7 necessary supply of water to said district; and to levy such
8 special tax restricted to said district as may be necessary to
9 redeem any bonds so issued. To pay the cost or part of the cost
10 of such water supply or water lines, the township commissioners
11 may charge for any such water supply or water lines by an
12 assessment of a special water or fire tax on all surface
13 properties or real estate located in the water or fire district,
14 which tax shall be based on the assessment for county purposes
15 as established for general taxation. Such tax may be levied for
16 a single year or for a term of years as the township
17 commissioners may determine, but in the case of fire districts
18 shall not exceed two mills per annum, and shall be collected in
19 the same manner as other taxes. In lieu of the foregoing
20 provisions, or in order to defray part of the cost of such water
21 supply or water lines, in all cases where said township shall
22 have established a water system and shall construct main water
23 lines in said township, the board of township commissioners may
24 charge the cost of construction of any municipal water lines or
25 lateral lines, upon any streets or highways adjacent to main
26 lines, or such portion of the cost of construction as the board
27 may deem proper, upon the properties benefited or accommodated
28 thereby. The ordinance, providing for such charge, shall be
29 adopted by the board within six months from date of the final
30 completion of such system of water lines. Said charges shall be

1 assessed and collected in the manner provided in this act for
2 the assessment and collection of charges for the construction of
3 sewers.

4 XVI. Fire Regulations. To make regulations within the
5 township or within such limits, as may be deemed proper,
6 relative to the cause and management of fires and the prevention
7 thereof; to purchase or contribute to the purchase of fire
8 engines and fire apparatus for the use of the township, and to
9 appropriate money to fire companies for the operation and
10 maintenance thereof and for the construction, repair and
11 maintenance of fire company houses; to ordain rules and
12 regulations for the government of such fire companies and their
13 officers, and to regulate the method to be followed in the
14 extinguishment of fires.

15 XVII. Fire Houses. To provide and maintain suitable places
16 for the housing of engines, hose carts, and other apparatus for
17 the extinguishment of fire.

18 XVIII. Building and Housing Regulations. To prohibit or
19 regulate the erection of wooden buildings and housing in certain
20 parts of the township and make regulations for the construction
21 of new buildings and housing and the alteration and repair of
22 old ones, and to require that before the work begins municipal
23 approval of the plans and specifications therefor be secured; to
24 classify buildings and housing or parts of buildings and housing
25 according to the use to be made of them; to specify the mode of
26 construction of such different classes of buildings and housing;
27 and to require that before any use or occupancy be changed from
28 any classification to a different classification, as to which
29 more stringent regulations are prescribed under the provisions
30 of any ordinance relating thereto, municipal approval of the

1 plans and specifications therefor be secured.

2 XIX. Building and Housing Sanitation Regulations. In
3 addition to other remedies provided by law, and in order to
4 promote the public health, safety, morals, and the general
5 welfare, to enact and enforce suitable ordinances to govern and
6 regulate the construction, alteration, repairs, occupation,
7 maintenance, sanitation, lighting, ventilation, water supply,
8 toilet facilities, drainage, use, and inspection of all
9 buildings and housing, or parts of buildings and housing,
10 constructed, erected, altered, designed or used, in whole or in
11 part, for human habitation or occupancy, and of the sanitation
12 and inspection of land appurtenant thereto in accordance with
13 Article XXXI-A.

14 XX. Building and Housing Inspectors.

15 XXI. Building Lines. To establish, by ordinance, and
16 maintain uniform building lines upon any or all public streets
17 or highways of the township.

18 XXII. Numbering Buildings. To provide for and regulate the
19 naming of streets and highways; and to require and regulate the
20 numbering of buildings.

21 XXIII. Insurance. To make contracts with any fire insurance
22 company, association or exchange, including mutual companies
23 duly authorized by law to transact insurance business in the
24 Commonwealth, insuring any building or property of the township;
25 to make contracts with any insurance company insuring any public
26 liability of the township; to appropriate such amount as may be
27 necessary to secure insurance or compensation for volunteer
28 firemen of companies duly recognized by the township by motion
29 or resolution, killed or injured while going to or returning or
30 attending fires; to make contracts of insurance with any

1 insurance company, association or exchange authorized to
2 transact business in this Commonwealth insuring township
3 employes or any class or classes thereof under a policy or
4 policies of insurance covering workmen's compensation, life,
5 health or accident insurance, and to contract with any such
6 company granting annuities or pensions for the pensioning of
7 such employes, and to agree to pay part or all of the premiums
8 or charges for carrying such contracts, and to appropriate
9 moneys from the township treasury for such purposes.

10 XXIV. Markets, Market Houses and Peddling. To regulate
11 markets and peddling, whether for individual use or for resale;
12 to provide and enforce regulations for markets and market
13 houses, whether for individual use or for sale or resale; and to
14 acquire and own ground for and to erect, establish, and maintain
15 market houses and market places, for which latter purposes,
16 parts of any streets, highways or sidewalks may be temporarily
17 used as specified by the township commissioners; to contract
18 with any person, firm, or corporation for the erection,
19 maintenance, and regulation of market houses and market places,
20 on such terms and conditions and in such manner as the board of
21 commissioners may prescribe; to provide for the payment of the
22 cost and expense of providing markets and market houses, either
23 in whole or in part, from township funds; and to levy and
24 collect a license tax from every person who may be authorized to
25 occupy any portion of said market houses or places.

26 XXV. Milk Inspection. To provide for the inspection of milk
27 and milk products; and to make regulations concerning the
28 character and kind of milk and milk products which may be sold.

29 XXVI. Nuisances. To prohibit and remove any obstruction or
30 nuisance in the streets and highways of the township; to make

1 regulations respecting pigpens, slaughter houses, manure pits,
2 drains, dumps, cesspools, and similar conditions, to prohibit
3 and remove any noxious or offensive manufacture, art or
4 business, or dangerous structure, or weeds, or any other
5 nuisance whatsoever, on public or private grounds, prejudicial
6 to the public health or safety, or to require the removal of the
7 same by the owner or occupier of such grounds; in default of
8 which, the township may cause the same to be done and collect
9 the cost thereof, together with a penalty of ten per centum of
10 such cost, in the manner provided by law for the collection of
11 municipal claims or by action of assumpsit without the filing of
12 a claim, or may seek relief by bill in equity.

13 XXVII. Ashes, Garbage, Rubbish and Refuse Materials. To make
14 regulations relative to the accumulation of manure, compost and
15 the like; to prohibit accumulation of ashes, garbage, rubbish
16 and other refuse materials upon private properties including the
17 imposition and collection of reasonable fees and charges for the
18 collection, removal and disposal thereof, and to prescribe fines
19 and penalties for the violation of such regulations; to collect,
20 remove and dispose of or to provide, by contract or otherwise,
21 for the collection, removal and disposal by incineration, land
22 fill or other methods of ashes, garbage, rubbish and other
23 refuse materials; and to prescribe penalties for the enforcement
24 thereof. Any such contract may be made for a period not
25 exceeding three years: Provided, That this limitation shall not
26 apply to contracts entered into with any other political
27 subdivision or with any municipality authority. To acquire any
28 real property and to erect, maintain, improve, operate and
29 lease, either as lessor or lessee, facilities for incineration,
30 land fill or other methods of disposal, either within or without

1 the limits of the township, including equipment, either
2 separately or jointly, with any other political subdivision or
3 with any municipality authority in order to provide for the
4 destruction, collection, removal and disposal of ashes, garbage,
5 rubbish and other refuse materials; and to provide for the
6 payment of the cost and expense thereof, either in whole or
7 part, out of the funds of the township and to acquire and to
8 maintain lands and places for the dumping of ashes, garbage,
9 rubbish and other refuse material. To fix, alter, charge and
10 collect rates, and other charges for the collection, removal and
11 disposal of ashes, garbage, rubbish and other refuse materials
12 and the costs of including the payment of any indebtedness
13 incurred for the construction, purchase, improvement, repair,
14 maintenance and operation of any facilities therefor, and the
15 amount due under any contract with any other political
16 subdivision or with any municipality authority furnishing any of
17 such services or facilities. To incur indebtedness and issue
18 bonds for the costs of the construction, purchase, improvement
19 and repair of any facilities for the collection, removal and
20 disposal of ashes, garbage, rubbish and other refuse materials,
21 including equipment to be used in connection therewith. To make
22 appropriations to any other political subdivision or any
23 municipality authority out of its general funds or out of any
24 other available funds, including the proceeds of bonds of the
25 township for the construction, purchase, improvement, repair,
26 maintenance and operation of any facilities for the collection,
27 removal and disposal of ashes, garbage, rubbish and other refuse
28 materials. In the event that any such bonds were issued for such
29 purposes, pursuant to a vote of the electors, any appropriation
30 of such proceeds as above set forth shall not be deemed such a

1 change of purpose from that for which such bonds were issued as
2 shall require the question to be again submitted to a vote of
3 the electors under any existing law. Any such funds appropriated
4 as herein authorized, which represent the proceeds of any bonds
5 heretofore or hereafter issued by the township for the above
6 purposes, shall be used by such other political subdivision or
7 municipality authority for or toward the purpose or purposes for
8 which such bonds were issued.

9 XXVIII. Inflammable and Explosive Articles. To prohibit the
10 manufacture, sale or storage of inflammable and explosive
11 articles; to prescribe the quantities of inflammable and
12 explosive articles that may be kept in any place; and to
13 prescribe such other safeguards as may be deemed necessary.

14 XXIX. Smoke Regulations. To regulate the emission of smoke
15 from chimneys, smokestacks and other sources, except locomotive
16 smokestacks.

17 XXX. Animals. To prohibit or regulate the running at large
18 of dogs and in the enforcement of such regulations to direct the
19 killing of dogs or their seizure and detention, including
20 reasonable charges therefor, or to provide for their sale for
21 the benefit of the township; to prohibit and regulate the
22 running at large of other animals and to authorize their seizure
23 and detention, including reasonable charges therefor, and to
24 provide for their sale for the benefit of the township.

25 XXXI. Amusements. To regulate, license, and fix the time of
26 opening and closing of, or to prohibit, theatrical exhibitions,
27 amusements and dances at which an admission or other fee is
28 charged; to regulate, license and fix the time of opening and
29 closing poolrooms, billiard-rooms, shooting galleries, skating
30 rinks and bowling alleys; and to license, regulate or prohibit

1 circuses.

2 XXXII. Party Walls and Fence Regulations. To make
3 regulations respecting foundations, party walls and partition
4 fences; and to prescribe reasonable fees for the services of its
5 officers and agents in the adjustment of party walls, partition
6 fences and the like, and to enforce payment of the same.

7 XXXIII. Watering Troughs. To erect watering troughs along
8 the streets or highways and to keep the same in repair.

9 XXXIV. Ambulances and Rescue and Life Saving Services. To
10 acquire and to operate and maintain motor vehicles for the
11 purposes of conveying sick and injured persons of such township
12 and the vicinity to and from hospitals, and, for such purposes,
13 to appropriate and expend moneys of the township or to
14 appropriate money annually towards ambulance and rescue and life
15 saving service, and to enter into contracts relating thereto.
16 All appropriations of money heretofore made and contracts
17 heretofore entered into by any township for such service are
18 hereby validated and confirmed.

19 XXXV. Display of Flags. To display the flag of the United
20 States, of the Commonwealth of Pennsylvania, the official
21 POW/MIA flag and the flag of any county, city, borough, or
22 township on the public buildings or grounds or any property of
23 the township.

24 XXXVI. Memorial Day Appropriations. To appropriate moneys
25 for the expenses of Memorial Day services.

26 XXXVII. Care of Memorials. To maintain and keep in good
27 order and repair at the expense of the township, and it shall be
28 their duty so to do, any soldiers' monument, gun, or carriage,
29 or other similar memorial, when there is not in existence any
30 person, body or organization to care for and maintain the same,

1 and when such memorials were not erected by the government of
2 the United States, the Commonwealth of Pennsylvania, any other
3 state, or by the commissioners of any county; and to receive
4 from persons or organizations funds for such purposes.

5 XXXVIII. Soldiers' Cemeteries. To purchase plots of ground
6 in any cemetery or burial ground for the interment of such
7 deceased service persons who shall hereafter die within such
8 township, or shall die beyond such township and shall have a
9 legal residence within such township at the time of their death,
10 and whose bodies are entitled to be buried by the county under
11 the provisions of existing laws. Such plots of ground shall be
12 paid for out of the treasury of such township.

13 XXXIX. Appropriations to Civic Associations. To annually
14 appropriate a sum, not exceeding two hundred dollars, for the
15 support of any voluntary association composed of electors of the
16 several townships within such county, or any of them, which
17 association is formed for the study and investigation of the
18 welfare, economics, management and government of townships, and
19 for the protection and safeguarding of the rights and franchises
20 of townships, and for the purpose of recommending legislation
21 beneficial to townships, or any one or more of such purposes.

22 XL. Armory Buildings. To appropriate money or convey land,
23 either independently or in connection with any county, city,
24 town, borough, or township, to the Commonwealth of Pennsylvania
25 for the purpose of assisting the Armory Board of the
26 Commonwealth in the erection of armories for the use of the
27 National Guard, and to furnish water, light, or fuel, free of
28 cost to the Commonwealth, for use in any armory, and to do all
29 things necessary to accomplish the purposes of this clause.

30 XLI. Land for Armories. To take by right of eminent domain,

1 for the purpose of appropriating to themselves, for the use of
2 the National Guard of Pennsylvania, such public land, easements,
3 and public property as may be in their possession or control,
4 and used or held by them for any other purpose. Such right,
5 however, shall not be exercised as to any street or highway or
6 wharf, but all other public easements and property may be
7 appropriated and used for the purpose herein provided, any
8 limitation of the use thereof by the township, either by
9 donation, dedication, appropriation, statute, or otherwise, to
10 the contrary notwithstanding.

11 XLII. Land for Armory Purposes. To acquire, by purchase or
12 by gift or by the right of eminent domain, any land for the use
13 of the National Guard of Pennsylvania, and to convey such lands
14 so acquired to the Commonwealth of Pennsylvania to assist the
15 Armory Board in the erection of armories. The proceedings for
16 the condemnation of lands under the provisions of this act, and
17 for the assessment of damages for property taken, injured or
18 destroyed, shall be taken in the same manner as is now provided
19 by this act for the condemnation of lands. The power conferred
20 by this clause shall not be exercised to take any church
21 property, graveyard, cemetery, or any dwelling house, or the
22 curtilage of the same, in the actual occupancy of the owner.

23 XLIII. Junk Dealers, Pawnbrokers, Auctions. To regulate and
24 license junk dealers, pawnbrokers, hucksters, peddlers, vendors,
25 and public auctions and auctioneers and to regulate and license
26 the establishment and maintenance of junk yards, salvage yards
27 and other places used and maintained for the collection, storage
28 and disposal of used and second-hand goods and materials.

29 XLIV. Health and Cleanliness Regulations. To make such
30 regulations as may be deemed necessary for the health, safety,

1 morals, general welfare, cleanliness, beauty, convenience and
2 comfort of the township and the inhabitants thereof.

3 XLV. Comfort and Waiting Stations and Drinking Fountains. To
4 acquire property for the purposes of providing, maintaining, and
5 operating thereon comfort and waiting stations and drinking
6 fountains; and to construct and maintain such stations and
7 fountains on any of the streets or highways of the township.

8 XLVI. Support of National Guard Units. To appropriate
9 annually a sum not exceeding seven hundred and fifty dollars for
10 the support and maintenance, discipline and training of any
11 dismounted company or similar unit of the National Guard, and a
12 sum not to exceed fifteen hundred dollars for the support and
13 maintenance of any mounted or motorized troop or similar unit of
14 the National Guard. Where such units are organized as a
15 battalion, regiment or similar organization, the total amount
16 due may be paid to the commanding officer of the battalion,
17 regiment or similar organization. Any moneys so appropriated
18 shall be paid by warrant drawn to the order of the commanding
19 officer of such company, battalion, regiment or similar
20 organization, only when it shall be certified to the township,
21 by the Adjutant General of the State, that the said company or
22 companies have satisfactorily passed the annual inspection
23 provided by law. The moneys so appropriated shall be used and
24 expended solely and exclusively for the support and maintenance,
25 discipline and training of the said company, battalion,
26 regiment, or similar organization; and the commanding officer
27 shall account, by the proper vouchers to the said township each
28 year, for the expenditure of the money so appropriated, and no
29 appropriation shall be made for any subsequent year until the
30 expenditure of the previous year is duly and satisfactorily

1 accounted for.

2 The accounts of such expenditures shall be subject to the
3 inspection of the Department of Military Affairs, and shall be
4 audited by the Auditor General, in the manner provided by law,
5 for the audit of accounts of State moneys.

6 XLVII. Hospital Appropriations. For townships having a
7 population of two thousand inhabitants and upwards, to
8 appropriate moneys for the support of any incorporated hospital
9 which is engaged in charitable work, and extends treatment and
10 medical attention to the residents of such townships; but no
11 such appropriation shall exceed, in any year, the cost of free
12 service extended to residents of the township which is in excess
13 of any amount paid by the Commonwealth towards such free
14 service, and in no case more than the sum of one thousand
15 dollars (\$1000).

16 XLVII.I. Appropriations to Veterans' Home Associations. To
17 annually appropriate a sum not exceeding three hundred dollars
18 for the support of any Veterans' Home Association which provides
19 a home or club-house within the township, for the use of United
20 States War Veterans, and which is not maintained in whole or in
21 part by the United States or any governmental agency other than
22 the township.

23 XLVII.II. Appropriations for Community Nursing Services. To
24 appropriate money annually towards any nonprofit associations or
25 corporations which provide community nursing services for the
26 control of communicable disease, the immunization of children,
27 the operation of child health centers (Well-Baby Clinics),
28 instructive visits to parents of new babies beginning in the
29 prenatal period and family health guidance, including nutrition,
30 detection and correction of defects, all of which relate to the

1 responsibilities of local boards of health.

2 XLIX. Parking and Parking Lots. To regulate parking, to
3 provide parking accommodations so as to promote the convenience
4 and protection of the public and to establish or designate, at
5 the discretion of the commissioners, areas exclusively reserved
6 for parking by handicapped individuals; to erect parking meters
7 and to regulate parking meter charges and to post signs
8 regulating parking in areas established or designated for
9 handicapped parking. To acquire by gift or purchase, or the
10 right of eminent domain, lands for use as parking lots, and to
11 plan, design, locate, hold, construct, improve, maintain,
12 operate, own or lease, either in the capacity of lessor or
13 lessee and install facilities and equipment, including parking
14 meters, on any such land to be devoted to the parking of
15 vehicles of any kind, which in the judgment of the board of
16 township commissioners, may be necessary and desirable for the
17 purpose of establishing and maintaining such parking lots and to
18 regulate the use thereof. Whenever any lands shall be acquired
19 by any township for parking lots, they may be operated by such
20 townships as parking lots for parking vehicles only, but not for
21 the sale or distribution of any commodity, or when so provided
22 by ordinance or resolution, they may be let to and for private
23 operation as parking lots on such terms and conditions as may be
24 prescribed.

25 XLIX.I. Appropriations for Certain Streets. To appropriate
26 money annually for improvements to any street as defined in
27 section 102, located wholly or partially within the township,
28 whether township owned or not, which has been adversely affected
29 by parking availability as determined by the commissioners.

30 L. Airports. To acquire by lease or purchase or by

1 exercising the power of eminent domain, in the manner provided
2 in article nineteen of this act, any land lying either within or
3 without the limits of the township, which in the judgment of the
4 board of township commissioners, may be necessary and desirable
5 for the purpose of establishing and maintaining municipal
6 airdromes, aviation landing fields and airport facilities. The
7 title acquired by the township exercising the power of
8 condemnation shall be a title in fee simple. Any township having
9 acquired land for such purposes may establish, equip, condition,
10 operate and maintain the same as a municipal airport, airdrome,
11 landing field, or intermediate landing field, and may lease the
12 same or any part thereof, to any individual or corporation
13 desiring to use the same for aviation purposes, and may enter
14 into a contract in the form of a lease providing for the use of
15 said land, or any part thereof, by the Government of the United
16 States for the use by said Government of said land for aviation
17 purposes upon nominal rental or without consideration.

18 Any township may acquire, by lease or purchase, land for
19 aviation purposes as hereinbefore provided jointly with any
20 county, city, borough, township, or political subdivision or
21 municipality authority of this Commonwealth, and is hereby
22 authorized and empowered to operate and maintain said airport,
23 airdrome, landing field, or intermediate landing field jointly
24 with any county, city, borough, township, or other political
25 subdivision or municipality authority of this Commonwealth upon
26 such terms and conditions, as may be agreed upon between the
27 proper authorities of the county, city, borough, township, or
28 other political subdivision of this Commonwealth.

29 LI. Purchase and Planting of Trees. To accept, purchase and
30 plant or contribute to the purchase and planting of shade trees

1 and shrubs along the streets, highways and sidewalks of the
2 township, and to expend township moneys for such purpose.

3 LII. General Powers. To make and adopt all such ordinances,
4 by-laws, rules and regulations not inconsistent with or
5 restrained by the Constitution and laws of this Commonwealth as
6 may be deemed expedient or necessary for the proper management,
7 care and control of the township and its finances, and the
8 maintenance of peace, good government and welfare of the
9 township and its trade, commerce and manufactures.

10 LIII. Joint Municipal Agreements. To enter into agreements
11 with other political subdivisions in accordance with existing
12 laws in making joint purchases of materials, supplies or
13 equipment, and in performing governmental powers, duties and
14 functions, and in carrying into effect provisions of law
15 relating to said subjects which are common to such political
16 subdivisions.

17 LIV. Joint Contracts for Police and Fire Protection. To
18 enter into contracts with the proper authorities of near or
19 adjacent cities, boroughs and townships either for mutual aid or
20 assistance in police and fire protection, or for the furnishing
21 to or receiving from such cities, boroughs or townships aid and
22 assistance in police and fire protection, and to make
23 appropriations therefor: Provided, That in connection with such
24 contracts it shall not be necessary to receive bids or require
25 bonds as required for other contracts under existing law.

26 LV. Widening and Deepening Water-Courses. After a permit has
27 been secured from the Water and Power Resources Board, to widen
28 and deepen water-courses running through the township and to
29 erect such dykes, retaining walls and embankments along the same
30 as shall be necessary to prevent water from overflowing the

1 banks thereof. For such purposes, townships may enter upon and
2 condemn such property as may be necessary. Townships may enter
3 upon land lying near such water-courses and secure such material
4 as may be necessary in connection with such work. Damages for
5 property taken, injured or destroyed as the result of such work
6 shall be fixed and determined in the manner provided in article
7 nineteen of this act. Townships may appropriate moneys for the
8 purposes of carrying into effect the provisions of this clause.

9 LVI. Regulation of Charges. To make and regulate charges for
10 the use of facilities of the township.

11 LVII. Street, Sewer, Sidewalk, Etc., Regulations. To
12 regulate the streets, sewers, public squares, common grounds,
13 sidewalks, curbs, gutters, culverts and drains, and the heights,
14 grades, widths, slopes and construction thereof, and to grant
15 rights therein for the installation of public utilities in said
16 streets.

17 LVIII. Creation of Capital Reserve Fund for Anticipated
18 Capital Expenditures. To create and maintain a separate capital
19 reserve fund for any anticipated legal capital expenditures,
20 which fund shall be designated for a specific purpose or
21 purposes at the time of its creation. The money in the fund
22 shall be used, from time to time, for the construction, purchase
23 or replacement of or addition to municipal buildings, equipment,
24 machinery, motor vehicles or other capital assets of the
25 township as specified at the time of the creation of the fund
26 and for no other purpose: Provided, That it may be used for
27 capital expenditure other than the purpose or purposes specified
28 at the time it was created, if the commissioners by a four-
29 fifths vote shall declare that the original purpose or purposes
30 have become impracticable, inadvisable or impossible, or that

1 conditions have arisen in the township which make other capital
2 expenditures more urgent than those for which the fund was
3 created.

4 The township commissioners may appropriate moneys from the
5 general township funds to be paid into the capital reserve fund,
6 or place in the fund any moneys received from the sale, lease or
7 other disposition of any township property or from any other
8 source unless received or acquired for a particular purpose. The
9 fund shall be controlled, invested, reinvested and administered
10 and the moneys therein and income from such moneys expended for
11 the specific purpose or purposes for which the fund is created
12 in such manner as may be determined by the township
13 commissioners. The money in the fund, when invested, shall be
14 invested in securities designated by law as legal investments
15 for sinking funds of municipalities.

16 LIX. Appropriations for Handling, Storage and Distribution
17 of Surplus Foods. The board of township commissioners of any
18 township may appropriate from township funds moneys for the
19 handling, storage and distribution of surplus foods obtained
20 either through a local, State or Federal agency.

21 All appropriations of moneys heretofore made by the board of
22 township commissioners of any township for the handling, storage
23 and distribution of surplus foods obtained either through a
24 local, State or Federal agency are hereby validated.

25 LX. Appropriations for Industrial Promotions. To make
26 appropriations to an industrial development agency.

27 LXI. Non-Debt Revenue Bonds. To issue non-debt revenue bonds
28 pursuant to provisions of the act of June 25, 1941 (P.L.159),
29 known as the "Municipal Borrowing Law," to provide sufficient
30 moneys for and towards the acquisition, construction, extension

1 or improvement of municipal facilities, including water systems
2 or facilities, sewers, sewer systems and sewage disposal systems
3 or facilities, systems for the treatment or disposal of garbage
4 and refuse, aeronautical facilities including but not limited to
5 airports, terminals and hangars, and park and recreational
6 facilities, and parking lots to be secured solely by the pledge
7 of the whole or part of the rent, toll or charge for the use or
8 services of such facilities.

9 Included in the cost of the issue may be any costs and
10 expenses incident to constructing and financing the facilities
11 and selling and distributing the bonds.

12 LXII. Appropriating Money for Historical Properties. To
13 appropriate moneys to nonprofit associations or corporations
14 organized for the purpose of acquiring and maintaining
15 historical properties. Such appropriations shall only be used by
16 the association or corporation for the acquisition, restoration
17 and maintenance of the historical properties.

18 LXIII. Insurance. To expend out of the general township fund
19 such amount as may be necessary to secure workmen's compensation
20 insurance for its employes, including volunteer firemen of
21 companies duly recognized by the township by motion or
22 resolution killed or injured while going to, returning from or
23 attending fires, or while performing any other duties authorized
24 by the township; to make contracts of insurance with any fire
25 insurance company, duly authorized by law to transact business
26 in the Commonwealth of Pennsylvania, on any building or property
27 owned by such township, to make contracts with any insurance
28 company, so authorized, insuring any public liability of the
29 township, and to make contracts of insurance with any insurance
30 company, or nonprofit hospitalization corporation, or nonprofit

1 medical service corporation, authorized to transact business
2 within the Commonwealth, insuring its employes or commissioners,
3 or any class or classes thereof, or their dependents, under a
4 policy or policies of group insurance covering life, health,
5 hospitalization, medical and surgical service, or accident
6 insurance, and may contract with any such company, granting
7 annuities or pensions, for the pensioning of such employes, or
8 any class or classes thereof, and for such purposes, may agree
9 to pay part or all of the premiums or charges for carrying such
10 contracts, premiums, or charges, or portions thereof. The
11 commissioners are hereby authorized, enabled and permitted to
12 deduct from the employe's or commissioner's pay, salary or
13 compensation such part of the premium or charge, as is payable
14 by the employe or commissioner, and as may be so authorized by
15 the employe or commissioner in writing. Such insurance shall be
16 uniformly applicable to those covered and shall not give
17 eligibility preference to, or improperly discriminate in favor
18 of, commissioners. As used in this clause, the terms "employe"
19 and "employes" exclude independent contractors and all township
20 engineers and solicitors. Any life, health, hospitalization,
21 medical service or accident insurance coverage contract entered
22 into by a township between January 1, 1959, and December 31,
23 1984, that includes or provides coverage for commissioners shall
24 not be void or unlawful solely because of such inclusion of
25 commissioners; nor shall any penalty, assessment, surcharge or
26 disciplinary action of any kind occur as a result of such
27 participation by such commissioners; and insurance benefits
28 payable to insureds or their beneficiaries arising out of or on
29 account of deaths, injuries, accidents or illnesses occurring
30 prior to the effective date of this amendatory act shall remain

1 the property of the insureds or their beneficiaries.

2 Any pension or annuity contract entered into by a township
3 between January 1, 1959, and December 31, 1984, that includes or
4 provides for benefits for commissioners at township expense
5 shall not be void or unlawful solely because of such inclusion
6 of such commissioners; nor shall any penalty, assessment,
7 surcharge or disciplinary action of any kind occur as a result
8 of such participation by commissioners: Provided, however, That
9 anyone entitled to benefit coverage under a pension paid for, in
10 whole or in part, by any township without lawful authority shall
11 deliver, surrender and assign to the township all benefits paid
12 thereunder after December 31, 1984.

13 Where any official personally contributed toward such a
14 pension plan or a purchase of such an annuity, he shall be
15 refunded his total contributions thereto, plus any interest
16 accumulated thereon, less any amount already paid to him under
17 the annuity or pension plan, when the annuity or pension
18 benefits are delivered, surrendered or assigned to the township,
19 or when the annuity becomes the property of the township by
20 operation of this section. In lieu of a refund of total
21 contributions plus accumulated interest, an official who
22 personally contributed toward the pension plan or toward the
23 purchase of the annuity may elect to purchase from the township
24 its interest in that pension plan or annuity program. The
25 election option shall be exercised within sixty (60) days of the
26 effective date of this act. The value of the interest of the
27 township in the pension plan or annuity program with respect to
28 the official shall be determined by the actuary who prepared the
29 1983 municipal pension report for the township pension plan or
30 annuity program pursuant to the act of December 6, 1972

1 (P.L.1383, No.293), entitled "An act requiring municipal pension
2 systems to have an actuarial investigation of the fund made by
3 an actuary who shall report his findings to the Department of
4 Community Affairs," using the same applicable actuarial
5 assumptions as used in that report or, if no actuary was
6 retained for the 1983 report or no 1983 report was filed, by an
7 actuary retained for the purpose of valuing the township
8 interest. The cost of the actuarial valuation of the township
9 interest and any future administrative costs of the pension plan
10 or the annuity program attributable to the official shall be
11 payable by the official in a manner to be established by
12 agreement with the township auditors.

13 No elected or appointed township official included in a
14 township-paid pension or annuity plan entered into prior to
15 December 31, 1984, shall be subject to any penalty, assessment,
16 surcharge or disciplinary action of any kind as a result of said
17 participation. Any residual interest, value, refund of premium
18 or benefits payable on or after December 31, 1984, arising out
19 of the township-paid interest of the elected or appointed
20 township officials shall become the exclusive property of the
21 township.

22 LXIV. Appropriations for Urban Common Carrier Mass
23 Transportation. To appropriate funds for urban common carrier
24 mass transportation purposes from current revenues and to make
25 annual contributions to county departments of transportation or
26 to urban common carrier mass transportation authorities to
27 assist the departments or the authorities to meet costs of
28 operation, maintenance, capital improvements, and debt service,
29 and to enter into long-term agreements providing for the payment
30 of the said contributions.

1 LXV. Appropriating Money to Assist Political Subdivisions
2 and Municipality Authorities for Airports. To appropriate moneys
3 to assist any city, borough, town, township or other political
4 subdivision or municipality airport authority to acquire,
5 establish, operate and maintain any and all air navigation
6 facilities lying either within or without the limits of such
7 township.

8 LXVI. Open Burning. To regulate, including the prohibition
9 of the open burning of combustible material.

10 LXVII. Community Development. To undertake community
11 development programs, including but not limited to urban
12 renewal, public housing, model cities programs and neighborhood
13 development projects.

14 LXIX. Appropriations for Observances and Celebrations. To
15 appropriate annually an amount for the observance of holidays,
16 centennials or other anniversaries or for township celebrations
17 or civic projects or programs.

18 LXX. Building Hospitals. To appropriate not exceeding one
19 dollar (\$1) per township resident per year toward the
20 maintenance and/or support of any medical center or hospital
21 building and further appropriate from such funds toward the
22 purchase and/or erection of medical or hospital facilities.
23 Where the total cost of such purchase or erection exceeds one
24 hundred thousand dollars (\$100,000), it will necessitate
25 approval by the appropriate health planning agency. The number
26 of residents shall be determined from the latest decennial
27 Federal census.

28 LXXI. Appropriations to Tourist Promotion Agencies. To
29 appropriate annually, such amount of money but not in excess of
30 ten cents (10¢) for each resident of the township, as determined

1 by the latest official census, which may be deemed necessary, to
2 any "tourist promotion agency," as defined in the act of April
3 28, 1961 (P.L.111, No.50), known as the "Tourist Promotion Law,"
4 to assist such agencies in carrying out tourist promotional
5 activities.

6 LXXII. Sale of Real Property to Nonprofit Medical Service
7 Corporation. To sell township-owned real property to a nonprofit
8 medical service corporation for its exclusive use as a site for
9 a medical service facility.

10 LXXIII. Sale of Real Property to Nonprofit Housing
11 Corporation. To sell township-owned real property to a nonprofit
12 housing corporation for its exclusive use for housing for the
13 elderly.

14 LXXIV. Appropriations to Nonprofit Art Corporations. To
15 appropriate annually, such amount of money, which the board of
16 commissioners deems necessary but not exceeding an amount equal
17 to one mill of the real estate tax to any nonprofit art
18 corporation for the conduct of its artistic and cultural
19 activities. For the purposes of this section nonprofit art
20 corporation shall mean a local arts council, commission or
21 coordinating agency, or any other nonprofit corporation engaged
22 in the production or display of works of art, including the
23 visual, written or performing arts. Artistic and cultural
24 activities shall include the display or production of theater,
25 music, dance, painting, architecture, sculpture, arts and
26 crafts, photography, film, graphic arts and design and creative
27 writing.

28 LXXV. Appropriations for Neighborhood Crime Watch Programs.
29 To appropriate annually, solely at the discretion of the board,
30 an amount toward a neighborhood crime watch program.

1 Notwithstanding any other provision of law, no township or
2 official thereof shall become subject to contractual, tort or
3 other liability as a result of having made an appropriation
4 pursuant to this clause.

5 LXXVI. Appropriation for Support of Drug and Alcohol Abuse
6 Programs. To appropriate annually, out of the general funds to
7 the township, a sum not to exceed five thousand dollars (\$5000)
8 to be divided in such amounts as the commissioners deem proper
9 to be used for education and the development of programs within
10 the community dealing with drug and alcohol abuse. Such funds
11 also may be contributed to existing programs available to the
12 township's residents in adjacent communities or in the county
13 where the township is situate at the discretion of the township
14 commissioners.

15 LXXVII. Assessment of Tapping Fees. To enact, amend and
16 repeal ordinances charging certain enumerated fees to property
17 owners who desire to or are required to connect to any water or
18 sewer system owned or operated by the township or who desire to
19 increase their usages of such systems, including connection
20 fees, customer facility fees and tapping fees, in accordance
21 with the conditions and restrictions provided in clause (t) of
22 subsection B of section 4 of the act of May 2, 1945 (P.L.382,
23 No.164), known as the "Municipality Authorities Act of 1945." No
24 township may charge any tapping, connection or other similar fee
25 as a condition of connection to a township-owned sewer or water
26 system unless the fee is calculated as provided in the
27 applicable provisions of the "Municipality Authorities Act of
28 1945."

29 LXXVIII. Appropriations to Watershed Associations. To
30 appropriate money to nonprofit watershed associations for

1 watersheds serving the township. Such appropriations may not be
2 used to undertake litigation against any municipal corporation
3 or to seek redress against any individual landowner.

4 LXXIX. Emergency Services. (a) The township shall be
5 responsible for ensuring that fire and emergency medical
6 services are provided within the township by the means and to
7 the extent determined by the township, including the appropriate
8 financial and administrative assistance for these services.

9 (b) The township shall consult with fire and emergency
10 medical services providers to discuss the emergency services
11 needs of the township.

12 (c) The township shall require any emergency services
13 organizations receiving township funds to provide to the
14 township an annual itemized listing of all expenditures of these
15 funds before the township may consider budgeting additional
16 funding to the organization.] Specific Powers.--The corporate
17 power of a township of the first class shall be vested in a
18 board of commissioners. In the exercise of any specific powers
19 involving the enactment of an ordinance, passage of a resolution
20 or the making of any regulation, restriction or prohibition, the
21 township may provide for enforcement and penalties for
22 violations. The specific powers of the township shall include
23 the powers provided under this article.

24 Section 55. The act is amended by adding sections to read:

25 Section 1502.1. Officers, Positions and Departments.--(a)
26 The board of commissioners may create any office, position or
27 department which the board may deem necessary for the good of
28 government and interests of the township and to fix the
29 compensation of appointed individuals.

30 (b) The board of commissioners may provide for and regulate

1 the manner of hiring and discharging employes and the fixing of
2 salaries or compensation, consistent with applicable Federal and
3 State law.

4 Section 1502.2. Police Force.--The board of commissioners
5 may establish, equip, maintain and define the duties of a police
6 force.

7 Section 1502.3. Lockup facilities.--The board of
8 commissioners may provide for lockup facilities in the township
9 for the temporary detention and confinement of individuals.

10 Section 1502.4. Rewards.--The board of commissioners may
11 offer rewards for information leading to the arrest and
12 conviction of an individual guilty of a crime within the
13 township.

14 Section 1502.5. Disorderly Conduct.--The board of
15 commissioners may, by ordinance, prohibit disorderly conduct
16 within the limits of the township and provide for the imposition
17 of penalties for the conduct in accordance with this act. If an
18 ordinance is enacted, it shall define disorderly conduct in a
19 manner substantially similar to the provisions of 18 Pa.C.S. §
20 5503 (relating to disorderly conduct).

21 Section 1502.6. Public Safety.--The board of commissioners
22 may take all necessary means to secure the safety of persons or
23 property within the township.

24 Section 1502.7. Fire Protection.--The board of commissioners
25 may:

26 (1) Appropriate money for the use of the township or to fire
27 companies providing fire protection to the township for the
28 purchase, operation and maintenance of fire engines and fire
29 apparatus and for the construction, repair and maintenance of
30 fire stations.

1 (2) Contract with or make grants to near or adjacent
2 municipal corporations or volunteer fire companies for fire
3 protection in the township.

4 (3) By ordinance or resolution, make rules and regulations
5 for the government of fire companies providing fire protection
6 to the township and their officers.

7 Section 1502.8. Building and Housing Regulations.--In
8 addition to other remedies provided by law, the board of
9 commissioners may enact and enforce suitable ordinances relating
10 to building and housing regulations in accordance with Article
11 XXXI-A.

12 Section 1502.9. Numbering Buildings.--The board of
13 commissioners may, by ordinance, require and regulate the
14 numbering of buildings and lots.

15 Section 1502.10. Regulation of Business.--To provide for the
16 prohibition, licensing and regulation of business, a board of
17 commissioners may:

18 (1) In addition to licensing in accordance with Article
19 XXIX, prohibit, license and regulate by ordinance the following:

20 (i) The carrying on of any manufacture, art or business
21 which may be noxious or offensive and prejudicial to the public
22 health or safety of the inhabitants.

23 (ii) The establishment and maintenance of junk yards,
24 salvage yards and other places used and maintained for the
25 collection, storage and disposal of used or second-hand goods
26 and materials.

27 (iii) With respect to marketplaces:

28 (A) regulate markets whether for individual use or for
29 resale;

30 (B) purchase and own ground;

1 (C) erect, establish and maintain marketplaces for which
2 parts of a street or sidewalk may be temporarily used;

3 (D) contract with a person for the erection, maintenance and
4 regulation of marketplaces, on terms and conditions and in a
5 manner as the board of commissioners may prescribe;

6 (E) provide and enforce suitable regulations respecting
7 marketplaces;

8 (F) provide for the payment of the cost or expense of
9 marketplaces, either in whole or in part, out of the funds of
10 the township; and

11 (G) levy and collect a suitable license fee from each person
12 who may be authorized by the board of commissioners to occupy
13 any portion of a marketplace or any portion of a street or
14 sidewalk for temporary market purposes.

15 (2) Notwithstanding paragraph (1), prohibit, license and
16 regulate businesses unless prohibited by law.

17 (3) Issue licenses under the act of July 31, 1963 (P.L.410,
18 No.217), entitled "An act regulating and licensing all sales at
19 retail when such sales are advertised as 'Closing Out Sale,'
20 'Fire, Smoke or Water Damage Sale,' or 'Defunct Business Sale,'
21 with exceptions; requiring filing of inventory and bond; and
22 providing for appeals and penalties."

23 Section 1502.11. Nuisances and Dangerous Structures.--(a) A
24 board of commissioners may prohibit and remove any nuisance or
25 dangerous structure on public or private grounds, including, but
26 not limited to weeds, accumulations of municipal waste, the
27 storage of abandoned or junked automobiles and obstructions or
28 nuisances in the streets of the township.

29 (b) The board of commissioners may:

30 (1) require the removal of any nuisance or dangerous

1 structure by the owner or occupier of the grounds; or
2 (2) in default of the removal by the owner or occupier of
3 grounds under paragraph (1), remove the nuisance or dangerous
4 structure itself and collect the cost of removal, together with
5 a penalty of 10% of the cost, in the manner provided by law for
6 the collection of municipal claims, or by action of assumpsit
7 without the filing of a claim, or the township may seek relief
8 by bill in equity.

9 Section 1502.12. Municipal Waste.--(a) A board of
10 commissioners, in the manner authorized by the act of July 7,
11 1980 (P.L.380, No.97), known as the Solid Waste Management Act,
12 and the act of July 28, 1988 (P.L.556, No.101), known as the
13 Municipal Waste Planning, Recycling and Waste Reduction Act, may
14 prohibit accumulations of municipal waste on public and private
15 property, including the imposition and collection of reasonable
16 fees and charges for the collection, removal and disposal of the
17 municipal waste. As used in this act, "municipal waste" shall
18 have the same meaning as given to the term in the Municipal
19 Waste Planning, Recycling and Waste Reduction Act.

20 (b) (1) The board of commissioners may collect and remove,
21 by contract or otherwise, municipal waste and recyclable
22 materials and prescribe penalties for the enforcement of the
23 collection and removal.

24 (2) A contract with refuse haulers may be made for an
25 initial period not exceeding five years with optional renewal
26 periods of up to five years.

27 (3) Paragraph (2) shall not apply to a contract with any
28 other political subdivision or with any municipality authority.

29 (c) (1) The board of commissioners may dispose of, by
30 contract or otherwise, municipal waste.

1 (2) A contract with the owner of a private facility for the
2 disposal or incineration of municipal waste may be made for a
3 period not to exceed 20 years.

4 (3) Paragraph (2) shall not apply to a contract with any
5 other political subdivision or with any municipality authority.

6 (d) The board of commissioners may:

7 (1) Acquire any real property and erect, maintain, improve,
8 operate and lease, either as lessor or lessee, facilities for
9 incineration, landfill or other methods of disposal, either
10 inside or outside the limits of the township, including
11 equipment, either separately or jointly, with any other
12 political subdivision or with any municipality authority in
13 order to provide for the:

14 (i) collection, removal, disposal and destruction of
15 municipal waste;

16 (ii) collection and storage of recyclable materials; or

17 (iii) composting of leaf and yard waste.

18 (2) Provide for the payment of the cost, either in whole or
19 part, out of the funds of the township.

20 (3) Acquire land for landfill purposes and may maintain
21 lands and places for the dumping of municipal waste.

22 (e) The board of commissioners may establish, alter, charge
23 and collect rates and other charges for the:

24 (1) collection, removal and disposal of municipal waste and
25 recyclable materials; and

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

30 (3) amount due under a contract with any other political

1 subdivision or with any municipal authority furnishing the
2 services or facilities.

3 (f) The board of commissioners may make appropriations to
4 any other political subdivision or any municipality authority
5 out of the township's general funds, or out of any other
6 available funds, for the construction, purchase, improvement,
7 repair, maintenance and operation of a facility for the
8 collection, removal, disposal or marketing of municipal waste,
9 recyclable materials or composted leaf and yard waste.

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

18 Section 1502.13. Fireworks and Inflammable Articles.--In
19 conformity with Federal and State laws and regulations, the
20 board of commissioners may provide for fireworks and inflammable
21 articles as follows:

22 (1) Regulate and prohibit, by ordinance, the manufacture of
23 fireworks or inflammable or dangerous articles.

24 (2) Grant permits for display fireworks and adopt rules and
25 regulations governing the displays.

26 (3) Adopt, by ordinance, rules and regulations relating to
27 the storage of inflammable articles.

28 (4) Impose, by ordinance, other safeguards concerning
29 fireworks and inflammable articles as may be necessary for the
30 health, safety and welfare of the public.

1 Section 1502.14. Smoke Regulations.--The board of
2 commissioners may regulate the emission of smoke from chimneys,
3 smokestacks and other sources, except locomotive smokestacks, to
4 the extent that the regulation is not otherwise prohibited by
5 applicable Federal or State law.

6 Section 1502.15. Prohibition of Fire Producing Devices and
7 Smoking.--The board of commissioners may prohibit and regulate
8 the smoking or carrying of lighted cigarettes, cigars, pipes or
9 matches and the use of matches or fire-producing devices. An
10 ordinance enacted or regulation or resolution adopted under this
11 section shall not regulate smoking in a manner that conflicts
12 with the act of June 13, 2008 (P.L.182, No.27), known as the
13 Clean Indoor Air Act.

14 Section 1502.16. Animals.--The board of commissioners may
15 prohibit or regulate, by ordinance, the following:

16 (1) The running at large of dogs and direct the seizure,
17 detention or euthanization of dogs running at large, including
18 reasonable associated charges, and provide for the sale of the
19 dogs for the benefit of the township.

20 (2) The running at large of other animals and authorize
21 their seizure and detention, including reasonable associated
22 charges, and provide for sale of the animals for the benefit of
23 the township.

24 Section 1502.17. Regulation of Foundations, Party Walls and
25 Partition Fences.--(a) Subject to the provisions of and
26 regulations adopted pursuant to the act of November 10, 1999
27 (P.L.491, No.45), known as the Pennsylvania Construction Code
28 Act, and other applicable law, the board of commissioners may
29 provide regulations for foundations, party walls and partition
30 fences.

1 (b) The board of commissioners may prescribe and enforce
2 reasonable fees for the services of its officers and agents in
3 the adjustment of party walls, partition fences and similar
4 items.

5 Section 1502.18. Ambulances and Rescue and Lifesaving
6 Services.--The board of commissioners may:

7 (1) Acquire, operate and maintain motor vehicles for the
8 purposes of transporting sick and injured individuals to and
9 from hospitals.

10 (2) Appropriate funds toward ambulance and rescue and
11 lifesaving services.

12 (3) Enter into contracts relating to rescue and lifesaving
13 services.

14 Section 1502.19. Display of Flags.--The board of
15 commissioners may display the flag of the United States, the
16 Commonwealth, the official POW/MIA flag or the flag of any
17 county or municipal corporation in this Commonwealth on any
18 public building or grounds of the township.

19 Section 1502.20. Health and Cleanliness Regulations.--The
20 board of commissioners may make regulations as necessary for the
21 health, safety, morals, general welfare, cleanliness, beauty,
22 convenience and comfort of the township and its inhabitants.

23 Section 1502.21. Public Facilities.--The board of
24 commissioners may acquire property for the purposes of
25 providing, maintaining and operating public facilities, such as
26 comfort and waiting stations, drinking fountains and watering
27 troughs.

28 Section 1502.22. Hospital Appropriations.--The board of
29 commissioners may, in townships having a population of two
30 thousand inhabitants or more, appropriate money for the support

1 of any incorporated hospital that is engaged in charitable work
2 and extends treatment and medical attention to the residents of
3 the township.

4 Section 1502.23. Community Nursing Services.--The board of
5 commissioners may appropriate money annually to any nonprofit
6 associations or corporations that provide for:

7 (1) community nursing services for the elderly and other
8 needy persons;

9 (2) the control of communicable disease;

10 (3) the immunization of children;

11 (4) the operation of child health centers; or

12 (5) instructive visits to parents of new babies beginning in
13 the prenatal period and family health guidance, including
14 nutrition, detection and correction of defects.

15 Section 1502.24. Parking and Parking Lots.--(a) The board
16 of commissioners may:

17 (1) regulate parking and parking lots and provide parking
18 accommodations to promote the convenience and protection of the
19 public;

20 (2) establish or designate, at the board's discretion, areas
21 exclusively reserved for parking by handicapped individuals and
22 post signs regulating the areas;

23 (3) erect parking meters and regulate parking meter charges;

24 (4) acquire by gift, purchase, lease or eminent domain,
25 lands that the board may deem necessary or desirable for the
26 purpose of establishing and maintaining parking lots;

27 (5) plan, design, locate, hold, construct, improve,
28 maintain, operate, own or lease, either in the capacity of
29 lessor or lessee, and install facilities and equipment on any
30 land to be devoted to the parking of vehicles.

1 (b) Consistent with 75 Pa.C.S. (relating to vehicles), the
2 right to regulate the use of the lots shall include the right to
3 impose fines and fees for violation of any law or ordinance
4 regulating parking.

5 (c) Nothing in this section may be construed to limit
6 statutory and regulatory protections and prohibitions relating
7 to the rights of disabled individuals.

8 Section 1502.25. Appropriations for Certain Streets.--The
9 board of commissioners may appropriate money annually for
10 improvements to any street, as defined in section 102, located
11 wholly or partially within the township which has been adversely
12 affected by parking availability as determined by the board.

13 Section 1502.26. Airports.--(a) A township is authorized
14 and empowered to acquire by grant, lease, purchase or
15 condemnation proceedings, subject to the limitations in 26
16 Pa.C.S. § 206 (relating to extraterritorial takings), any land
17 lying either within or without the limits of the township which,
18 in the judgment of the board of commissioners, may be necessary
19 and desirable for the purpose of establishing and maintaining a
20 municipal airport, landing field, intermediate landing field,
21 aviation easement or other airport facility.

22 (b) A township acquiring land under this section is
23 authorized to establish, equip, condition, operate and maintain
24 the land as a municipal airport, landing field, intermediate
25 landing field, aviation easement or other airport facility and
26 may lease the land, or any part, to any individual or
27 corporation desiring to use the land for aviation purposes. A
28 township may enter into a contract in the form of a lease
29 providing for the use of the land, or any part, by the Federal
30 Government for the Federal government's use of the land for

1 aviation purposes upon nominal rental or without consideration.

2 (c) In accordance with this section, a township may acquire
3 land jointly with another municipality for aviation purposes and
4 may jointly operate and maintain a municipal airport, landing
5 field, intermediate landing field, aviation easement or other
6 airport facility on the jointly acquired land in accordance with
7 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental
8 cooperation).

9 Section 1502.27. Appropriations for Airports.--The board of
10 commissioners may appropriate funds to assist a municipality or
11 municipal airport authority to acquire, establish, operate and
12 maintain air navigation facilities lying either within or
13 without the limits of the township.

14 Section 1502.28. Purchase and Planting of Trees.--The board
15 of commissioners may accept, purchase and plant, or contribute
16 to the purchase and planting of, shade trees and shrubs along
17 the streets, highways and sidewalks of the township and have the
18 care, custody and control of shade trees pursuant to Article
19 XXX.

20 Section 1502.29. Intergovernmental Cooperation.--The board
21 of commissioners may enter into agreements under 53 Pa.C.S. Ch.
22 23 Subch. A (relating to intergovernmental cooperation) with the
23 following:

24 (1) Other political subdivisions, in accordance with
25 existing laws, to:

26 (i) make joint purchases of materials, supplies or
27 equipment; and

28 (ii) perform governmental powers, duties and functions.

29 (2) The proper authorities of municipal corporations,
30 regional police or fire forces or other public safety or

1 governmental entities created by two or more municipal
2 corporations under 53 Pa.C.S. Ch. 23 Subch. A, for:

3 (i) mutual aid or assistance in police and fire protection
4 or any other public safety services or for the furnishing to or
5 receiving from the municipal corporations or governmental
6 entities police and fire protection or any other public safety
7 service; and

8 (ii) making appropriations for public safety services.

9 (3) In connection with an agreement under paragraph (2) for
10 police or fire protection or any other public safety service,
11 the township shall not be required to advertise for bids or
12 receive bonds as required for contracts under existing law. When
13 an agreement has been entered into, the police, firefighters,
14 fire police or any other public safety services of the employing
15 municipal corporation or governmental entity shall have the
16 powers and authority conferred by law on police, firefighters,
17 fire police or any other public safety services in the territory
18 of the municipal corporation which has contracted to secure the
19 service.

20 Section 1502.30. Widening and Deepening of Watercourses.--

21 (a) After permits have been secured from all applicable
22 agencies, the board of commissioners or an agent or employe of
23 the board may widen and deepen a watercourse running through the
24 township and erect dykes, retaining walls and embankments along
25 the watercourse as necessary to prevent water from overflowing
26 the watercourse's banks.

27 (b) For the purposes under paragraph (1), a township may
28 enter and condemn property as may be necessary. A township may
29 enter land lying near the watercourse and secure materials as
30 may be necessary in connection with the work. Damages for

1 property taken, injured or destroyed as the result of the work
2 shall be fixed and determined as provided under 26 Pa.C.S.
3 (relating to eminent domain). Townships may appropriate money to
4 effectuate the provisions of this section.

5 Section 1502.31. Regulation of Charges.--The board of
6 commissioners may make and regulate charges for the use of
7 township facilities.

8 Section 1502.32. Street, Sewer, Sidewalk, Etc.,
9 Regulations.--(a) The board of commissioners may:

10 (1) regulate the streets, sewers, public squares, common
11 grounds, sidewalks, curbs, gutters, culverts and drains within a
12 township;

13 (2) regulate the heights, grades, widths, slopes and
14 construction of any item listed under paragraph (1); and

15 (3) grant rights for the installation and maintenance of
16 public utilities in the streets, including pipes, wires, fibers,
17 cables or any other utility or service medium.

18 (b) The power granted under subsection (a) shall be
19 exercised in compliance with Federal and State law and shall be
20 subject to the power of the Pennsylvania Public Utility
21 Commission under 66 Pa.C.S. Pt. I (relating to public utility
22 code) to regulate the business, facilities and service of public
23 utilities, including determining the location and installation
24 of utility facilities.

25 Section 1502.33. Capital Reserve Fund.--The board of
26 commissioners may create and maintain a separate capital reserve
27 fund for anticipated legal capital expenditures and the
28 following shall apply:

29 (1) The fund shall be designated for a specific purpose or
30 purposes when created.

1 (2) The money in the fund shall be used for the
2 construction, purchase or replacement of or addition to
3 municipal buildings, equipment, machinery, motor vehicles or
4 other capital assets of the township as specified at the time of
5 the creation of the fund and for no other purpose unless the
6 commissioners by a four-fifths vote declare that the original
7 purpose or purposes have become impracticable, inadvisable or
8 impossible, or that conditions in the township make other
9 capital expenditures more urgent than those for which the fund
10 was created.

11 (3) The board of commissioners may appropriate money from
12 the general township funds to be paid into the capital reserve
13 fund, or place in the fund any money received from the sale,
14 lease or other disposition of any township property or from any
15 other source unless received or acquired for a particular
16 purpose.

17 (4) The fund shall be controlled, invested, reinvested and
18 administered and the money and any income derived from it
19 expended for any of the purposes for which the fund is created
20 in a manner determined by the board of commissioners.

21 (5) The money in the fund, when invested, shall be invested
22 in securities designated by 53 Pa.C.S. Pt. VII Subpt. B
23 (relating to indebtedness and borrowing) as legal investments
24 for sinking funds of municipalities.

25 Section 1502.34. Operating Reserve Fund.--(a) The board of
26 commissioners may create and maintain a separate operating
27 reserve fund in order to:

28 (1) minimize future revenue shortfalls and deficits;

29 (2) provide greater continuity and predictability in the
30 funding of vital government services;

1 (3) minimize the need to increase taxes to balance the
2 budget in times of fiscal distress; and

3 (4) provide the capacity to undertake long-range financial
4 planning and to develop fiscal resources to meet long-term
5 needs.

6 (b) The board of commissioners may annually make
7 appropriations from the general township fund to the operating
8 reserve fund, but no appropriation may be made to the operating
9 reserve fund if the effect of the appropriation would cause the
10 fund to exceed 25% of the estimated revenues of the township's
11 general fund in the current fiscal year.

12 (c) The board of commissioners may, at any time by
13 resolution, make appropriations from the operating reserve fund
14 for the following purposes only:

15 (1) meet emergencies involving the health, safety and
16 welfare of the residents of the township;

17 (2) counterbalance potential budget deficits resulting from
18 shortfalls in anticipated revenues or program receipts from any
19 source;

20 (3) counterbalance potential budget deficits resulting from
21 increases in anticipated costs for goods or services; or

22 (4) provide anticipated operating expenditures related
23 either to the planned growth of existing projects or programs or
24 to establish new projects or programs if, for a project or
25 program, appropriations have been made and allocated to a
26 separate restricted account established within the operating
27 reserve fund.

28 (d) The operating reserve fund shall be invested, reinvested
29 and administered in a manner consistent with the provisions of
30 section 1705.1.

1 Section 1502.35. Surplus Foods.--The board of commissioners
2 may make an appropriation for the handling, storage and
3 distribution of surplus foods obtained through a Federal, State
4 or local agency.

5 Section 1502.36. Industrial Promotions.--The board of
6 commissioners may make appropriations to an industrial
7 development agency.

8 Section 1502.37. Nondebt Revenue Bonds.--(a) The board of
9 commissioners may issue nondebt revenue bonds pursuant to
10 provisions of 53 Pa.C.S. Pt. VII Subpt. B (relating to
11 indebtedness and borrowing) to provide sufficient money for and
12 toward the acquisition, construction, reconstruction, extension
13 or improvement of:

14 (1) municipal facilities, including water systems or
15 facilities;

16 (2) sewers, sewer systems and sewage disposal systems or
17 facilities;

18 (3) systems for the treatment or disposal of garbage and
19 refuse;

20 (4) aeronautical facilities including, but not limited to,
21 airports, terminals and hangars; and

22 (5) park and recreational facilities, including parking
23 lots.

24 (b) Any nondebt revenue bonds issued under subsection (a)
25 shall be secured solely by the pledge of the whole or part of
26 the rent, toll or charge for the use or services of the
27 facilities.

28 (c) Included in the cost of the issue may be any costs and
29 expenses incident to constructing and financing the facilities
30 and selling and distributing the bonds.

1 Section 1502.38. Historical Properties.--The board of
2 commissioners may appropriate money to nonprofit associations or
3 corporations organized for the purpose of acquiring and
4 maintaining historical properties. The appropriations shall only
5 be used by the association or corporation for the acquisition,
6 restoration and maintenance of the historical properties.

7 Section 1502.39. Insurance.--(a) The board of commissioners
8 may secure insurance or compensation in accordance with Article
9 VI of the act of June 2, 1915 (P.L.736, No.338), known as the
10 Workers' Compensation Act, for:

11 (1) volunteer firefighters of companies duly recognized by
12 the township, by motion or resolution, killed or injured while
13 going to, returning from or attending fires, or while performing
14 any other duties authorized by the township; and

15 (2) township employes, as defined in section 601 of the
16 Workers' Compensation Act.

17 (b) The board of commissioners may enter into contracts for
18 insurance with any insurance company, association or exchange,
19 authorized by law to transact business in this Commonwealth, to
20 insure any building or property owned or leased by the township.

21 (c) The board of commissioners may enter into contracts for
22 insurance with any insurance company, association or exchange
23 authorized by law to transact business in this Commonwealth to
24 insure any public liability of the township.

25 (d) (1) The board of commissioners may enter into contracts
26 for insurance with any insurance company, nonprofit
27 hospitalization corporation, nonprofit medical service
28 corporation, association or exchange authorized by law to
29 transact business in this Commonwealth to insure its employes or
30 commissioners, or any class or classes of the employes or

1 commissioners or dependents of the employes or commissioners,
2 under a policy or policies of group insurance covering life,
3 health, hospitalization, medical and surgical service, or
4 accident insurance.

5 (2) Any life, health, hospitalization, medical service or
6 accident insurance coverage contract entered into by a township
7 between January 1, 1959, and December 31, 1984, that includes or
8 provides coverage for commissioners shall not be void or
9 unlawful solely because the inclusion of commissioners was
10 subsequently found to be without lawful authority. No penalty,
11 assessment, surcharge, forfeiture or disciplinary action of any
12 kind may occur as a result of participation by those
13 commissioners. Insurance benefits payable to insureds or their
14 beneficiaries arising out of or on account of deaths, injuries,
15 accidents or illnesses occurring before November 29, 1985,
16 remain the property of the insureds or beneficiaries of the
17 insureds.

18 (e) (1) The board of commissioners may contract with any
19 insurance company, granting annuities or pensions for the
20 pensioning of employes or any class or classes of employes and
21 pay part or all of the premiums or charges for carrying the
22 contracts.

23 (2) Any pension or annuity contract entered into by a
24 township between January 1, 1959, and December 31, 1984, that
25 includes or provides for benefits for commissioners at township
26 expense shall not be void or unlawful solely because the
27 inclusion of commissioners was subsequently found to be without
28 lawful authority. No penalty, assessment, surcharge or
29 disciplinary action of any kind may occur as a result of
30 participation by those commissioners provided that anyone

1 entitled to benefit coverage under a pension paid for, in whole
2 or in part, by a township without lawful authority shall
3 deliver, surrender and assign to the township all benefits paid
4 under the contract after December 31, 1984.

5 (3) If any official personally contributed toward a pension
6 plan or a purchase of an annuity under paragraph (2), the
7 official shall be refunded the official's total contributions,
8 plus any accumulated interest, less any amount already paid to
9 the official under the annuity or pension plan, when the annuity
10 or pension benefits are delivered, surrendered or assigned to
11 the township, or when the annuity becomes the property of the
12 township by operation of this section. In lieu of a refund of
13 total contributions plus accumulated interest, an official who
14 personally contributed toward the pension plan or toward the
15 purchase of the annuity may elect to purchase from the township
16 the township's interest in that pension plan or annuity program.
17 The election option shall be exercised within sixty days of
18 November 29, 1985. The value of the interest of the township in
19 the pension plan or annuity program with respect to the official
20 shall be determined by the actuary who prepared the 1983
21 municipal pension report for the township pension plan or
22 annuity program pursuant to the act of December 6, 1972
23 (P.L.1383, No.293), entitled "An act requiring municipal pension
24 systems to have an actuarial investigation of the fund made by
25 an actuary who shall report his findings to the Department of
26 Community Affairs," using the same applicable actuarial
27 assumptions as used in that report or, if no actuary was
28 retained for the 1983 report or no 1983 report was filed, by an
29 actuary retained for the purpose of valuing the township
30 interest. The cost of the actuarial valuation of the township

1 interest and any future administrative costs of the pension plan
2 or the annuity program attributable to the official shall be
3 payable by the official in a manner to be established by
4 agreement with the township auditors.

5 (4) No elected or appointed township official included in a
6 township-paid pension or annuity plan entered into prior to
7 December 31, 1984, shall be subject to any penalty, assessment,
8 surcharge or disciplinary action of any kind as a result of the
9 participation. Any residual interest, value, refund of premium
10 or benefits payable on or after December 31, 1984, arising out
11 of the township-paid interest of the elected or appointed
12 township officials shall become the exclusive property of the
13 township.

14 (f) The board of commissioners may appropriate money from
15 the general township fund for the purposes of this section.

16 (g) Nothing in this section shall affect any contract, right
17 or coverage of insurance vested or existing on the effective
18 date of this subsection. Contract, as used in this section,
19 includes an annuity contract if the option to renew continues to
20 provide the same rights to the annuitant that existed on the
21 effective date of this subsection.

22 (h) The commissioners are hereby authorized, enabled and
23 permitted to deduct from the employe's or commissioner's pay,
24 salary or compensation the part of the premium or charge, as is
25 payable by the employe or commissioner, and as may be authorized
26 by the employe or commissioner in writing. The insurance shall
27 be uniformly applicable to each employe or commissioner covered
28 and shall not give eligibility preference to, or improperly
29 discriminate in favor of, commissioners. As used in this
30 section, the terms "employe" and "employes" exclude independent

1 contractors and all township engineers and solicitors.

2 Section 1502.40. Appropriations for Urban Common Carrier
3 Mass Transportation.--The board of commissioners may:

4 (1) appropriate funds for urban common carrier mass
5 transportation purposes from current revenues;

6 (2) make annual contributions to county departments of
7 transportation or urban common carrier mass transportation
8 authorities to assist the departments or the authorities to meet
9 the costs of operation, maintenance, capital improvements and
10 debt service; and

11 (3) enter into long-term agreements providing for the
12 payment of the contributions.

13 Section 1502.41. Open Burning.--The board of commissioners
14 may regulate open burning, including the prohibition of the open
15 burning of combustible material.

16 Section 1502.42. Community Development.--The board of
17 commissioners may undertake community development programs,
18 including, but not limited to, urban renewal, public housing,
19 model cities programs and neighborhood development projects.

20 Section 1502.43. Observances and Celebrations.--The board of
21 commissioners may appropriate funds annually for the observance
22 of holidays, centennials or other anniversaries or for township
23 celebrations or civic projects or programs.

24 Section 1502.44. Building Hospitals.--The board of
25 commissioners may appropriate funds toward the purchase,
26 erection, maintenance or support of any medical center or
27 hospital building facilities. Approval by the appropriate health
28 planning agency is required if the total cost of the purchase or
29 erection exceeds \$100,000.

30 Section 1502.45. Tourist Promotion Agencies.--The board of

1 commissioners may appropriate funds annually to any tourist
2 promotion agency to assist the agencies in carrying out tourist
3 promotional activities. "Tourist promotion agency" shall have
4 the same meaning given to it under section 2 of the act of July
5 4, 2008 (P.L.621, No.50), known as the Tourism Promotion Act.

6 Section 1502.46. Sale of Real or Personal Property to
7 Nonprofit Medical Service Corporation.--The board of
8 commissioners may sell to a nonprofit medical service
9 corporation any township-owned:

10 (1) real property for its exclusive use as a site for a
11 medical service facility; and

12 (2) personal property for its use at the medical service
13 facility.

14 Section 1502.47. Sale of Real or Personal Property to
15 Nonprofit Housing Corporation.--The board of commissioners may
16 sell to a nonprofit housing corporation any township-owned:

17 (1) real property for its exclusive use for housing for the
18 elderly; and

19 (2) personal property for its use at the nonprofit housing
20 corporation.

21 Section 1502.48. Nonprofit Art Corporations.--(a) The board
22 of commissioners may appropriate funds annually, of an amount
23 not more than equal to one mill of the real estate tax, to any
24 nonprofit art corporation for the conduct of the corporation's
25 artistic and cultural activities.

26 (b) As used in this section, the following words and phrases
27 shall have the meanings given to them in this subsection:

28 "Artistic and cultural activities." The term shall include
29 the display or production of theater, music, dance, painting,
30 architecture, sculpture, arts and crafts, photography, film,

1 graphic arts and design and creative writing.

2 "Nonprofit art corporation." A local arts council,
3 commission or coordinating agency or any other nonprofit
4 corporation engaged in the production or display of works of
5 art, including the visual, written or performing arts.

6 Section 1502.49. Neighborhood Crime Watch Programs.--The
7 board of commissioners may appropriate annually an amount toward
8 a neighborhood crime watch program. Notwithstanding any other
9 provision of law, no township or official of a township shall
10 become subject to contractual, tort or other liability as a
11 result of having made an appropriation pursuant to this section.

12 Section 1502.50. Drug and Alcohol Abuse Programs.--The board
13 of commissioners may appropriate annually, out of the general
14 funds of the township, a sum to be divided in amounts as the
15 commissioners may determine and to be used for education and
16 development of programs within the community dealing with drug
17 and alcohol abuse. The funds may also be contributed to existing
18 programs available to the township's residents in adjacent
19 communities or in the county where the township is situate at
20 the discretion of the board of commissioners.

21 Section 1502.51. Watershed Associations.--The board of
22 commissioners may make appropriations to nonprofit watershed
23 associations for watersheds serving the township. Appropriations
24 may not be used to undertake litigation against any municipality
25 or to seek redress against any individual landowner.

26 Section 1502.52. Emergency Services.--(a) The township
27 shall be responsible for ensuring that fire and emergency
28 medical services are provided within the township by the means
29 and to the extent determined by the township, including the
30 appropriate financial and administrative assistance for these

1 services.

2 (b) The township shall consult with fire and emergency
3 medical services providers to discuss the emergency services
4 needs of the township.

5 (c) The township shall require each emergency services
6 organization receiving township funds to provide to the township
7 an annual itemized listing of all expenditures of these funds
8 before the township may consider budgeting additional funding to
9 the organization.

10 Section 1502.53. Mines and Quarries.--(a) The owner,
11 operator or superintendent of each mine, colliery or quarry
12 located wholly or partially within the limits of the township
13 shall furnish maps, plans and drawings of workings, excavations
14 and surface support to the township as the board of
15 commissioners may require and the following shall apply:

16 (1) In the case of a coal mine or colliery, the map or plan
17 shall exhibit the workings or excavations in every seam of coal
18 on a separate sheet and the tunnels and passages connecting with
19 the workings or excavations.

20 (2) The map or plan under paragraph (1) shall show:

21 (i) in degrees the general inclination of the strata, with
22 any material deflection in the strata in the workings or
23 excavations, and shall also show the tidal elevations of the
24 bottom of every shaft, slope, tunnel and gangway and of any
25 other point in the mine or on the surface where the elevation
26 shall be deemed necessary by the township;

27 (ii) the number of the last survey on the gangways or the
28 most advanced workings.

29 (3) Each owner, operator or superintendent of a mine,
30 colliery or quarry shall update, at least once every three

1 months, the pertinent maps, plans and drawings to reflect any
2 extensions made in any mine, colliery or quarry during the three
3 preceding months, except those made within thirty days
4 immediately preceding the time of placing the extensions upon
5 the map or drawing.

6 (4) A township engineer, assistant or other person
7 authorized by the board of commissioners may enter and survey
8 any mine, colliery or quarry within the limits of the township,
9 at all reasonable times, but not so as to impede or obstruct the
10 workings of the mine, colliery or quarry.

11 (5) The owner, operator or superintendent of the mine,
12 colliery or quarry shall furnish the means necessary for the
13 entry, survey and exit.

14 Section 1502.54. Conservation District.--The board of
15 commissioners may make appropriations to a conservation
16 district, as the term is defined under section 3 of the act of
17 May 15, 1945 (P.L.547, No.217), known as the Conservation
18 District Law, in which the township is located.

19 Section 1502.55. Electricity.--The board of commissioners
20 may manufacture and sell electricity and regulate its use and
21 prices pursuant to Article XXVII-A.

22 Section 1502.56. Storm Water.--A township may, by ordinance,
23 after obtaining any required permit from the Department of
24 Environmental Protection or other Federal or State entity,
25 acquire, operate and maintain areas for the infiltration,
26 detention or retention of storm water and for other methods of
27 storm water management authorized by the Department of
28 Environmental Protection.

29 Section 56. Section 1503 of the act is amended to read:

30 Section 1503. [Typewritten, Printed, Photostated and

1 Microfilmed Records Valid; Recording or Transcribing Records.]
2 Typewritten, printed, photocopied, microfilmed and
3 electronically or digitally stored records valid and recording
4 or transcribing records.--(a) All township records required to
5 be recorded or transcribed shall be deemed valid if typewritten,
6 printed, [photostated or microfilmed, and where recording]
7 photocopied, microfilmed or electronically or digitally stored
8 or retained by any other process that accurately reproduces the
9 original and forms a durable medium for recording, storing and
10 reproducing in accordance with the act of May 9, 1949 (P.L.908,
11 No.250), entitled "An act relating to public records of
12 political subdivisions other than cities and counties of the
13 first class; authorizing the recording and copying of documents,
14 plats, papers and instruments of writing by digital,
15 photostatic, photographic, microfilm or other process, and the
16 admissibility thereof and enlargements thereof in evidence;
17 providing for the storage of duplicates and sale of microfilm
18 and digital copies of official records and for the destruction
19 of other records deemed valueless; and providing for the
20 services of the Pennsylvania Historical and Museum Commission to
21 political subdivisions."

22 (b) If recording or transcribing in a specified book of
23 record is required, including minutes of the proceedings of the
24 board of commissioners, [such records may] the records shall be
25 recorded or transcribed as follows:

26 (1) in a mechanical post binder book capable of being
27 permanently sealed with consecutively numbered pages with a
28 security code printed [thereon] on it and a permanent locking
29 device with the township seal being impressed upon each page[,];
30 or

1 (2) in a bound book with pages being consecutively numbered
2 by transcribing directly upon the pages of [such] the book of
3 record or [may be attached thereto to such book of record by
4 stapling or by glue or any other adhesive substance or material,
5 and all records heretofore recorded or transcribed in any manner
6 authorized by this section are validated. When any record shall
7 be recorded or transcribed after the effective date of this
8 amendment by attaching such record or a copy thereof to the book
9 of record as hereinabove provided,] by permanently attaching the
10 records or copies to the book of record with the township seal
11 [shall be] being impressed upon each page to which [such] the
12 record is attached, with each impression [thereof] covering both
13 a portion of the attached record and a portion of the page of
14 the book of record to which [such] the record is attached.

15 (c) All records previously recorded or transcribed in any
16 manner authorized by this act at the time the records were
17 recorded or transcribed are validated.

18 Section 57. The act is amended by adding an article to read:

19 ARTICLE XV-A

20 REAL ESTATE REGISTRY

21 Section 1501-A. Real Estate Registry.

22 (a) General rule.--For the purpose of procuring accurate
23 information on the ownership of all real estate, the board of
24 commissioners may provide, by ordinance, for a real estate
25 registry in a manner not inconsistent with the act of October 9,
26 2008 (P.L.1400, No.110), known as the Uniform Municipal Deed
27 Registration Act.

28 (b) Registry.--The board of commissioners shall designate a
29 person to have charge of the registry who shall cause to be made
30 and shall carefully preserve all necessary books, maps and plans

1 as may show the location and ownership of every lot, piece of
2 real estate and subdivision of real estate. For purposes of
3 establishing or maintaining the registry, the person in charge
4 of the registry shall have access to public records without
5 charge.

6 (c) Validity of certain claims.--Information contained
7 within a real estate registry shall not affect the validity of
8 any municipal claim or tax claim of the township.

9 (d) Additional information as may be required.--Nothing in
10 this section shall prohibit a township from requiring owners to
11 provide information relevant to the enforcement of any township
12 ordinance in accordance with law.

13 Section 58. Subdivision (a) heading of Article XVI of the
14 act is repealed:

15 [(a) Boards of Health]

16 Section 59. Sections 1601, 1602, 1603, 1604, 1605, 1606,
17 1607, 1608, 1609, 1610 and 1611 of the act are amended to read:

18 Section 1601. Appointment of Boards of Health and Health
19 Officers.--[The administration of the health laws in townships
20 shall be enforced by a board of health, or by a health officer
21 or officers, as the case may be, appointed by the township
22 commissioners.]

23 [Where township commissioners elect to appoint a health
24 officer or officers, the said health officer or officers shall
25 have the same powers and duties, and exercise the same
26 authority, as is prescribed for boards of health in townships.
27 All health officers, whether appointed by boards of health or
28 township commissioners, shall have had some] (a) The board of

29 commissioners may, by ordinance, establish a board of health or
30 the office of health officer to administer and enforce the

1 health ordinances and related ordinances of the township. A
2 health officer must, whether appointed by the board of
3 commissioners or by the board of health, have experience or
4 training in public health work [in accordance with rules and
5 regulations established by the advisory health board of the] and
6 must, within six months of taking the oath of office, be
7 certified for the office of health officer by the State
8 Department of Health. [Such health officers shall not enter upon
9 the performance of their duties until they are certified so to
10 do by the State Department of Health.]

11 (b) Expenses incurred by the board of health or a health
12 officer shall be paid by the township.

13 (c) A township may, by ordinance, dissolve a board of health
14 or the office of health officer and decide to become subject to
15 the jurisdiction of a county department of health or joint
16 county department of health under the act of August 24, 1951
17 (P.L.1304, No.315), known as the Local Health Administration
18 Law.

19 Section 1602. Members of Board; Terms; Secretary.--[Where
20 the township commissioners decide to appoint a board of health,
21 said board shall be composed of five members--at least one of
22 whom shall be a reputable physician of not less than two years'
23 experience in the practice of his profession, if one resides
24 within the township. The members of the board shall be appointed
25 by the township commissioners. At the first appointment, one
26 member shall be appointed to serve for one year; one, for two
27 years; one, for three years; one, for four years; and one, for
28 five years; and thereafter one member shall, in like manner, be
29 appointed each year, to serve for five years.] (a) A board of

30 health appointed by the board of commissioners shall be composed

1 of three or five members, at the discretion of the board, and
2 the following shall apply:

3 (1) At least one of the board members shall be a reputable
4 professional health care provider of not less than two years'
5 experience in the practice of the respective profession.

6 (2) If no professional health care provider can be
7 identified to serve on the board, the board of commissioners may
8 appoint an individual at a public meeting who has experience in,
9 or is knowledgeable of, public health issues.

10 (b) At the first appointment for a board:

11 (1) With three members:

12 (i) one member shall be appointed to serve for one year;

13 (ii) one member shall be appointed to serve for two years;

14 and

15 (iii) one member shall be appointed to serve for three
16 years.

17 (2) With five members:

18 (i) one member shall be appointed to serve for one year;

19 (ii) one member shall be appointed to serve for two years;

20 (iii) one member shall be appointed to serve for three
21 years;

22 (iv) one member shall be appointed to serve for four years;

23 and

24 (v) one member shall be appointed to serve for five years.

25 (3) Subsequent terms for board members shall be staggered,
26 and, for a three-member board, a subsequent term shall be three
27 years, and, for a five-member board, a subsequent term shall be
28 five years.

29 (c) The members of the board of health shall serve without
30 compensation, but if any member of the board shall be elected to

1 the office of secretary, [he] the member shall be entitled to
2 receive a salary[,] fixed by the board for that office.

3 (d) Definitions.--As used in this section, the following
4 words and phrases shall have the meanings given to them in this
5 subsection:

6 "Professional health care provider." An individual who is
7 licensed, certified or registered to practice or operate in the
8 health care field under the laws of this Commonwealth. The term
9 shall include the following:

10 (1) A physician.

11 (2) A dentist.

12 (3) A podiatrist.

13 (4) A chiropractor.

14 (5) An optometrist.

15 (6) A psychologist.

16 (7) A pharmacist.

17 (8) A registered or practical nurse.

18 (9) A physical therapist.

19 (10) A physician's assistant.

20 (11) A paramedic.

21 (12) An administrator of any hospital, nursing or
22 convalescent home or other health care facility.

23 (13) A veterinarian.

24 Section 1603. Organization of Board; Salary of Secretary;
25 Bonds; Fees and Penalties; Power to Administer Oaths.--(a) The
26 members of the board shall [severally, take and subscribe to the
27 oath prescribed for township officers; and] each take the oath
28 or affirmation prescribed for township officers.

29 (b) The board shall annually organize by electing a
30 president from among the members of the board, a secretary, who

1 may or may not be a member of the board, and a health officer,
2 who shall not be a member of the board. The secretary and the
3 health officer shall receive [such salary as may be] salaries
4 fixed by the board and ratified by the board of commissioners
5 [of the township], and shall serve for a period of one year or
6 until [such time thereafter as their successors may be] a
7 successor is elected and qualified. [They, if required by the
8 board of commissioners, shall, severally, give bond to the
9 township, in such sums as may be fixed by ordinance, for the
10 faithful discharge of their duties, and shall also take and
11 subscribe to the oath required of members of the board.]

12 (c) The board of commissioners may require the secretary and
13 health officer to furnish a bond to the township, in an amount
14 fixed by ordinance, for the faithful discharge of the
15 secretary's or health officer's duties and shall also take and
16 subscribe to the oath or affirmation required of members of the
17 board.

18 (d) All fees [which shall be] collected or received by the
19 board, or by any officer [thereof in his] in the officer's
20 official capacity, shall be paid over into the township treasury
21 monthly, together with all penalties which shall be recovered
22 for the violation of any regulation of the board. The president
23 and secretary shall have full power to administer oaths or
24 affirmations in any proceeding or investigation [touching]
25 regarding the regulations of the board, but shall not be
26 entitled to receive any fee [therefor] for the administration of
27 oaths and affirmations.

28 Section 1604. Duties of Secretary.--The secretary of the
29 board [shall keep the minutes of its proceedings; shall keep
30 accurate accounts of the expenditures of the board, shall

1 transmit all bills to the board of township commissioners for
2 payment in the same manner as other bills of the township are
3 paid; shall draw all requisitions for the payment of moneys on
4 account of the board of health and present the same to the
5 president of the board for his approval; shall render statements
6 of the expenditures to the board at each stated meeting or as
7 frequently as the board may require; shall prepare, under the
8 directions of the board, the annual report to the township
9 commissioners, together with the estimate of appropriation
10 needed for the ensuing year. He shall report to the State
11 Department of Health at the end of each week, and for the
12 fraction of each week occurring at the end of each month, the
13 cases of communicable disease reported to the board of health,
14 on the form provided for that purpose by the State Department of
15 Health; shall also make an annual report to the State Department
16 of Health; and shall make such other reports and perform such
17 other duties as the board of health may require.] has the
18 following duties:

19 (1) Maintain, under 53 Pa.C.S. Ch. 13 Subch. F (relating to
20 records), the minutes of the proceedings of the board and keep
21 accurate accounts of the expenditures of the board.

22 (2) Transmit all bills to the board of commissioners for
23 payment in the same manner as other bills of the township are
24 paid.

25 (3) Draw requisitions for the payment of money on account of
26 the board of health and present the requisitions to the
27 president of the board for the president's approval.

28 (4) Render statements of the expenditures to the board at
29 each stated meeting or as frequently as the board requires.

30 (5) Prepare, under the direction of the board, the annual

1 report to the board of commissioners and the estimate of
2 appropriation needed for the ensuing year.

3 (6) Report to the State Department of Health at statutory or
4 regulatory required intervals the cases of communicable disease
5 reported to the board of health on the form provided by the
6 State Department of Health and make an annual report to the
7 State Department of Health.

8 (7) Perform other duties as may be required by the board of
9 health.

10 Section 1605. Powers and Duties of Health Officer.--[It
11 shall be the duty of the health officer to attend all stated and
12 special meetings of the board of health, and at all times be
13 ready and available for the prompt performance of his official
14 duties. He shall placard and quarantine all premises upon which
15 cases of communicable disease exist, which have been reported to
16 the board of health or of which he or the board of health may
17 have knowledge, which are required by law or by regulation of
18 the State Department of Health to be placarded and quarantined;
19 and shall disinfect such premises upon the expiration of the
20 quarantine period and the recovery of the last person therein
21 suffering from such disease. He shall serve written notice on
22 teachers and persons in charge of public, parochial, Sunday, and
23 other schools, requiring the exclusion from school of children
24 who are suffering from or who reside in the same premises with
25 other persons who are suffering from communicable diseases;
26 shall make sanitary inspections; shall execute the orders of the
27 board of health; and shall, in the performance of his duties,
28 have the power and authority of a township police officer.] (a)
29 A health officer may issue a citation for the violation of a
30 health ordinance or related law.

1 (b) A health officer has the following duties:

2 (1) Administer and enforce the health ordinances of the
3 township and related laws.

4 (2) Perform the duties as are vested in local health
5 officers by statute or regulation.

6 (3) Make sanitary inspections.

7 (4) Execute the orders of the board of health.

8 (5) Attend all regular and special meetings of the board of
9 health.

10 Section 1606. Powers and Duties of Board of Health.--[The
11 board of health shall have the power, and it shall be its duty,
12 to enforce the laws of the Commonwealth, the regulations of the
13 State Department of Health, and any ordinances of the township
14 relating to health work, and to make and enforce such additional
15 rules and regulations to prevent the introduction and spread of
16 infectious or contagious diseases, by the regulation of
17 intercourse with infected places, by the separation of infected
18 persons and persons who shall have been exposed to any
19 infectious or contagious disease, and by abating and removing
20 all nuisances which it shall deem prejudicial to the public
21 health, to mark infected houses or places, to prescribe rules
22 for the construction and maintenance of house drains, wash
23 pipes, soil pipes and cesspools, and make all such other rules
24 and regulations as it shall deem necessary for the preservation
25 of the public health, and such other powers relating to health
26 work as may be delegated by the township commissioners. The
27 board shall also have power, with the consent of the township
28 commissioners, in case of a prevalence or apprehended prevalence
29 of any contagious or infectious diseases in its township, to
30 establish one or more emergency hospitals, and to make

1 provisions and regulations for the maintenance and management of
2 the same.

3 The board shall also have the power to make, enforce, and
4 cause to be published, all necessary rules and regulations not
5 inconsistent with law for carrying into effect the powers and
6 functions with which it is invested by law, and the power and
7 authority relating to the public health conferred on townships.
8 Such rules and regulations, when approved by the township
9 commissioners, and when advertised in the same manner as other
10 ordinances, shall have the force of ordinances of the township.
11 All penalties or punishments prescribed for the violation
12 thereof, as well as the expenses actually and necessarily
13 incurred in carrying such rules and regulations into effect,
14 shall be recoverable, for the use of the township, in the same
15 manner as penalties for violation of the ordinances of the
16 township, and subject to the like limitations as to the amount
17 thereof.] (a) A board of health has the following powers:

18 (1) Recommend to the board of commissioners rules and
19 regulations necessary for the preservation of the public health
20 and for carrying into effect the functions of the board.

21 (2) Appoint a health officer.

22 (3) Abate and remove nuisances the board of health deems
23 detrimental to the public health.

24 (4) Mark infected premises.

25 (b) A board of health has the duty to enforce all of the
26 following related to the promotion of public health and
27 prevention of the introduction and spread of infectious or
28 contagious disease:

29 (1) A statute.

30 (2) A regulation of the State Department of Health.

1 (3) An ordinance of the township.

2 Section 1607. Entry of Premises.--[The board of health shall
3 have the power, as a body or by committee, as well as the health
4 officer, together with their assistants, subordinates, and
5 workmen, under and by order of the said board, to enter at any
6 time upon any premises in the township upon which there is
7 suspected to be any infectious or contagious disease, or
8 nuisance detrimental to the public health, for the purpose of
9 examining and abating the same, and for any other purpose
10 arising in connection with or in the performance of their
11 duties.]

12 (a) A member of the board of health, a health officer,
13 an employee of a board or a health officer or an agent of a
14 board or a health officer may, upon order of the board or upon
15 order of a health officer if there is no board, enter a premises
16 in the township where an infectious or contagious disease or a
17 nuisance detrimental to the public health is suspected and
18 examine and abate the disease or nuisance.

19 (b) If entry to the premises under subsection (a) is
20 prevented, the board of health or health officer may obtain an
21 administrative search warrant from a magisterial district judge
22 with jurisdiction over the premises upon a showing of any of the
23 following:

24 (1) Reasonable standards and an administrative plan for
25 conducting inspections.

26 (2) The condition of the premises or general area and the
27 passage of time since the last inspection.

28 (3) Probable cause of a violation of a law specified in
29 section 1606(b).

30 Section 1608. [Inspections.--The board of health may inspect
house drains, waste and soil pipes, cesspools, waterclosets,

1 slaughterhouses, hogpens, stables, stable yards, and any
2 conditions or places whatsoever, in the township, which may
3 constitute a nuisance or a menace to public health. Whenever any
4 condition or place in the township is found by it to be a
5 nuisance or a menace to the health of the people of the
6 township, it shall issue a written order of abatement, directed
7 to the owner, or agent of the owner of the premises, or to the
8 occupant thereof, stating that the conditions specified therein
9 constitute a nuisance or a menace to health, and ordering an
10 abatement thereof within such time as may be specified by it in
11 such order. In case such order of abatement is not obeyed within
12 the time specified therein, it shall thereupon issue a further
13 written order to the health officer, directing him to remove or
14 abate the same, which order shall be executed by him and his
15 subordinates and workmen, and the expense thereof shall be
16 recoverable from the owner of the premises upon or from which
17 the nuisance or menace to health is abated or removed, in the
18 same manner as debts of like character are now collected by law;
19 or the said board of health may proceed to enforce such other
20 remedy or inflict such penalty as may, by ordinance of the
21 township, be provided.] Abatement of Nuisances.--(a) If the

22 board of health, or health officer if there is no board, finds a
23 condition or premises to be a nuisance to the health of the
24 residents of the township, it shall issue a written order of
25 abatement directed to the owner, agent of the owner or the
26 occupant of the premises. The order, which shall be a public
27 record, shall state that the conditions specified in the order
28 constitute a nuisance and order an abatement of the nuisance
29 within a specified reasonable time.

30 (b) Upon noncompliance of the order under subsection (a),

1 the board shall issue a written order to the health officer
2 directing removal or abatement of the nuisance. An order shall
3 be executed by the health officer or an agent of the health
4 officer. The expense of the execution of the order shall be
5 recoverable as a nuisance claim from the owner of the premises
6 with a ten percent penalty.

7 (c) In lieu of or in addition to the procedure under
8 subsections (a) and (b), the board of commissioners may seek
9 relief from a nuisance or threatened nuisance by an action at
10 law or in equity. The board of commissioners may seek guidance
11 of the board or the health officer in determining the nature of
12 the relief requested.

13 Section 1609. [Budget; Appropriations.--It shall be the duty
14 of the board of health or appointed health officer or officers
15 to submit annually, to the township commissioners, before the
16 commencement of the fiscal year, an estimate of the probable
17 expenditures of the board during the ensuing year; and the
18 township commissioners shall then proceed to make such
19 appropriations as may be deemed necessary. The board of health,
20 health officer or officers, shall, at the close of each fiscal
21 year, submit a report, in writing, to the township
22 commissioners, of its appropriation and expenditures for the
23 preceding year, together with such other information on subjects
24 relative to the sanitary conditions or requirements of the
25 township as may be necessary.] Expenditures.--(a) The board of

26 health or the health officer shall submit to the board of
27 commissioners, before commencement of the township's fiscal
28 year, an estimate of the probable expenditures of the board of
29 health or the health officer during the ensuing fiscal year.

30 (b) The board of commissioners shall make appropriations

1 based on the estimate as deemed necessary.

2 (c) The board of health or the health officer shall, each
3 January, submit a report to the board of commissioners on the
4 appropriation and expenditures for the preceding fiscal year and
5 information on subjects relative to the sanitary conditions or
6 requirements of the township.

7 Section 1610. Cooperation in Health Work.--[Any township may
8 cooperate with the county, or with any city, borough, township
9 or school district, as well as with the State Department of
10 Health, in the administration and enforcement of health laws.] A
11 township may cooperate with any political subdivision and with
12 the State Department of Health in the administration and
13 enforcement of health laws.

14 Section 1611. Powers of [Secretary] State Department of
15 Health.--[Whenever, in the opinion of the Secretary of Health of
16 the Commonwealth, conditions found by him to exist in any
17 township shall constitute a menace to the lives and health of
18 people living outside the boundaries of such township, or if it
19 be known to him that any township is without an existing or
20 efficient board of health, or health officer or officers, the
21 Secretary of Health may enter, and take full charge of, and
22 administer the health laws, regulations, and ordinances in such
23 township, and may continue in charge thereof until he shall
24 decide that a competent and efficient board of health, or health
25 officer or officers, has been appointed and qualified for such
26 township, and is ready, able and willing to assume and carry
27 into effect the duties imposed upon it by law.] (a) Nothing in
28 this act may be construed to limit the powers and duties of the
29 State Department of Health, including the powers and duties
30 under Article XXI of the act of April 9, 1929 (P.L.177, No.175),

1 known as "The Administrative Code of 1929."

2 (b) (1) The expenses of the State Department of Health for
3 which the township is liable shall be paid by the township where
4 the expenses have been incurred.

5 (2) If expenses under paragraph (1) are unpaid for a period
6 of more than three months after a statement of the expenses has
7 been rendered to the township and demand for payment is made,
8 the Secretary of Health shall, with the approval of the
9 Governor, institute an action against the township for the
10 collection of the expenses. The reasonableness of the
11 expenditures made by the secretary shall be submitted to the
12 jury for its determination.

13 (3) Upon payment, the State Department of Health shall
14 return the money to the State Treasurer, who shall credit the
15 amount to the appropriation made to the State Department of
16 Health.

17 Section 60. Sections 1612, 1613 and 1614 and Subdivision (b)
18 of Article XVI of the act are repealed:

19 [Section 1612. Expenses Incurred by Board or Secretary of
20 Health.--All expenses incurred by any local board of health, its
21 officers or employes, in the performance of the duties imposed
22 upon it by law, and all expenses incurred by the Secretary of
23 Health in accordance with the provisions of the preceding
24 section, shall be paid by the township wherein such duties are
25 performed, in the same manner as other expenses of such township
26 are paid.]

27 [Section 1613. Suits by State Secretary of Health to Recover
28 Expenses.--Whenever expenses incurred by the State Secretary of
29 Health or his agents, in the administration of health laws in
30 any township, in accordance with the provisions of this act,

1 shall remain unpaid by said township for a period of more than
2 three months after a statement of such expense has been rendered
3 by him to such township, and demand for payment by him made, he
4 shall, with the approval of the Governor, institute, in the name
5 of the Commonwealth as plaintiff, an action of assumpsit against
6 such township for the collection of such expense from the
7 township, in the same manner as debts of like amount are
8 collected by law: Provided, however, That upon the trial of any
9 such action of assumpsit, the reasonableness of the expenditures
10 made by the Secretary of Health shall be submitted to the jury
11 for its determination.

12 Section 1614. Payment of Expenses Recovered Into State
13 Treasury.--All expenses incurred by the State Secretary of
14 Health in the administration of health laws in any township,
15 when paid to him by such township, or when collected by him,
16 shall be returned by him to the State Treasurer, who shall
17 credit the amount so received to the appropriation made to the
18 Department of Health.

19 (b) Vacation of Streets Declared Nuisances
20 by Board of Health

21 Section 1620. Petitions to Vacate Nuisances.--Whenever the
22 board of health shall declare as a nuisance any public street or
23 part thereof, any two or more owners of property adjacent or
24 abutting upon the same may present their petition, verified by
25 oath or affirmation, to the court of quarter sessions, setting
26 forth the facts regarding such nuisance and praying that said
27 street may be vacated. Such petition shall be accompanied by a
28 certificate of the board of health, setting forth that they have
29 declared such street to be a public nuisance.

30 Section 1621. Jury of View.--The court shall thereupon

1 appoint a jury of view of three persons of the county. The jury,
2 being sworn or affirmed to faithfully perform its duties, shall
3 give notice to all parties likely to be affected by the
4 proceedings, of the time and place of the first meeting, in such
5 manner as the court shall direct.

6 Section 1622. Hearings and Report.--After the first meeting,
7 the jury shall proceed to view the premises, hear all parties
8 interested and their witnesses, and shall prepare a report of
9 their finding and recommendations as to whether or not such
10 street, or part thereof, should be vacated; and in such report
11 shall award damages and assess benefits to the property
12 affected.

13 Section 1623. Notice of Filing Report.--The jury shall give
14 notice, in writing, to all parties affected by their report, at
15 least ten days before the same is filed in court. The notice
16 shall state the time and place where such report will be open to
17 inspection.

18 Section 1624. Exceptions to Report.--Any person aggrieved by
19 such report may file exceptions thereto with the jury; whereupon
20 the jury shall reconsider their report with the exceptions and
21 change the same as justice may require. The report as finally
22 prepared shall be filed in court.

23 Section 1625. Appeals from Report.--Any person affected by
24 the report shall have the right of an appeal to the court of
25 common pleas, within thirty days after the report is filed, and
26 the procedure on such appeal shall be the same as in actions of
27 trespass.

28 Section 1626. Confirmation of Report.--At the end of the
29 period allowed for an appeal, the report shall be absolutely
30 confirmed by the court as to such awards or assessments from

1 which no appeals have been taken.

2 Section 1627. When Vacation Proceedings not to Be Had.--No
3 street, or part thereof, shall be vacated in any case where the
4 vacating deprives any lot abutting thereon of the sole means of
5 ingress or egress, otherwise than to or from the front line
6 thereof; nor where it was created by grant or contract and not
7 theretofore accepted by the public.]

8 Section 61. Sections 1701, 1701.1, 1701a and 1702 of the act
9 are amended to read:

10 Section 1701. Fiscal Year; Annual Budget; Regulation of
11 Appropriations.--(a) The fiscal year in townships of the first
12 class shall [commence on the first day of January of each year]
13 begin on January 1 and end on December 31.

14 (b) The board of [township] commissioners shall [each year,
15 at least thirty days prior to the adoption of the annual budget,
16 begin preparation of a proposed budget for all funds showing an
17 estimate of the several amounts of money which will be required
18 for the several specific purposes of township government and
19 expenses for the ensuing fiscal year, and by ordinance
20 appropriate, out of the revenues available for the year, the
21 specific sums required as shown by the budget as finally
22 adopted.

23 At the option of the township commissioners, such budget may
24 be prepared and adopted prior to the first Monday of January of
25 the fiscal year to which such budget shall apply. Whenever the
26 township commissioners shall exercise such option, the first
27 reading of the budget shall take place in November and the
28 budget shall be finally adopted in the month of December prior
29 to the fiscal year to which such budget shall apply. Said budget
30 shall reflect as nearly as possible the estimated revenues and

1 expenditures of the township for the year for which the budget
2 is prepared. It shall be unlawful to prepare and advertise
3 notice of a proposed budget when the same is knowingly
4 inaccurate. Where, upon any revision of the budget, it appears
5 that the estimated expenditures in the adopted budget will be
6 increased more than ten percent in the aggregate, or more than
7 twenty-five percent in any individual item, over the proposed
8 budget, it shall be presumed that the tentative budget was
9 inaccurate, and such budget may not be legally adopted with any
10 such increases therein unless the same is again advertised once,
11 as in the case of the proposed budget, and an opportunity
12 afforded to taxpayers to examine the same and protest such
13 increases.

14 Final action shall not be taken on the proposed budget until
15 after at least ten days public notice. The proposed budget shall
16 be published or otherwise made available for public inspection
17 at least twenty days prior to the date set for the adoption of
18 the budget. The township commissioners after making such
19 revisions and changes therein, as appear advisable, shall adopt
20 the budget not later than the thirty-first day of December.

21 (c) The township commissioners may at any time by resolution
22 make supplemental appropriations for any lawful purpose from any
23 funds on hand or estimated to be received within the fiscal year
24 and not appropriated to any other purpose, including the
25 proceeds of any borrowing now or hereafter authorized by law.]
26 annually prepare a proposed budget for all funds for the ensuing
27 fiscal year. The proposed budget shall reflect as nearly as
28 possible the estimated revenues and expenditures of the township
29 for the year for which the budget is prepared.

30 (b.1) Notice that the proposed budget is available for

1 inspection and copying shall be published by the township in a
2 newspaper of general circulation in accordance with the
3 provisions of section 110. The proposed budget shall be kept on
4 file with the township secretary and be made available for
5 public inspection and copying by the township secretary for a
6 period of twenty days. The notice shall state the date fixed by
7 the board of commissioners for adoption of the proposed budget
8 and notice shall be published at least twenty days prior to the
9 time fixed by the board of commissioners for adoption of the
10 proposed budget. A township shall not prepare and advertise
11 notice of a proposed budget when it is knowingly inaccurate.

12 (b.2) After the proposed budget has been available for
13 public inspection for at least twenty days, the board of
14 commissioners shall, after making revisions as appropriate,
15 adopt the final budget not later than December 31.

16 (b.3) Upon any revision of the proposed budget, if the
17 estimated revenues or expenses in the budget will be increased
18 more than ten percent in the aggregate, or more than twenty-five
19 percent on any individual item, over the proposed budget, it
20 shall be presumed that the tentative budget was inaccurate, and
21 the proposed budget may not be legally adopted with the
22 increases unless the proposed budget is again advertised once,
23 at least ten days before adoption, and an opportunity given to
24 taxpayers to examine the amended proposed budget.

25 (b.4) The tax levied by the board of commissioners shall be
26 fixed within the limit allowed by law that together with other
27 sources of revenue will meet and cover appropriations. The total
28 appropriation shall not exceed the revenues estimated as
29 available for the fiscal year. If the funds available from
30 taxation and other sources shall be estimated to be in excess of

1 the requirements of the ensuing fiscal year, an appropriation
2 may be made for the payment of township orders or indebtedness
3 of the previous years. A budget adopted in the December prior to
4 the fiscal year to which the budget applies may be amended.

5 (c) The board of commissioners may at any time by resolution
6 make supplemental appropriations for any lawful purpose from any
7 funds on hand or estimated to be received within the fiscal year
8 and not appropriated to any other purpose, including the
9 proceeds of any borrowing as authorized by law. Supplemental
10 appropriations may be made whether or not an appropriation for
11 that purpose was included in the original budget as adopted.

12 (d) The [township] board of commissioners [shall have power
13 to authorize the transfer within the same fund of any
14 unencumbered balance, or any portion thereof, from one spending
15 agency to another, but such action shall be taken only during
16 the last nine months of the fiscal year. However, when a
17 transfer of over five percent of an appropriation item is made
18 within a fund, or when a transfer of over five percent of the
19 total appropriation to a fund is made from said fund to another
20 fund, an affirmative vote of two-thirds of the township
21 commissioners shall be required.] may, by resolution, transfer
22 unencumbered money from one township account to another but no
23 money may be transferred from the fund allocated for the payment
24 of debts or from any fund raised by a special tax levy or
25 assessment for a particular purpose. Transfers may not be made
26 during the first three months of the fiscal year. No funds shall
27 be paid out of the township treasury except upon appropriation
28 made according to law.

29 Section 1701.1. Amending Budget; Notice.--(a) During the
30 month of January next, following any municipal election, the

1 board of commissioners [of any township] may amend the budget
2 and the levy and tax rate to conform with its amended budget. A
3 period of ten days' public inspection at the office of township
4 secretary of the proposed amended budget after notice by the
5 township secretary to that effect is published once in a
6 newspaper of general circulation, as provided in section 110 [of
7 this act], shall intervene between the proposed amended budget
8 and [the] its adoption [thereof. Any amended budget must be
9 adopted by the township]. An amended budget must be adopted by
10 the board of commissioners on or before the fifteenth day of
11 February.

12 [No such] (b) No proposed amended budget shall be revised
13 upward in excess of ten percent in the aggregate [thereof, or
14 as, to an individual item] or in excess of twenty-five percent
15 of the amount of [such] an individual item in the proposed
16 amended budget.

17 Section 1701a. [Committee to Prepare Uniform Forms.--Uniform
18 forms for the annual reports of township auditors and
19 controllers to the Department of Community and Economic
20 Development, as required in sections 1003 and 1103 of this act,
21 shall be prepared by a committee consisting of four
22 representatives from the Pennsylvania State Association of
23 Township Commissioners and the Secretary of Community and
24 Economic Development, or his agent who shall be a person trained
25 in the field of municipal finance. Such representatives shall be
26 appointed by the president of said organization within sixty
27 days after the effective date of this act.] Uniform Financial
28 Report and Forms.--(a) The uniform forms for the annual
29 financial report required to be made by the township auditors or
30 controller to the Department of Community and Economic

1 Development, shall be prepared by a committee consisting of four
2 representatives from the Pennsylvania State Association of
3 Township Commissioners and the Secretary of Community and
4 Economic Development, or the secretary's agent or designee who
5 shall be a person trained in the field of municipal finance.

6 (b) The representatives of townships shall be appointed by
7 the president of the Pennsylvania State Association of Township
8 Commissioners. The representatives shall be chosen from among
9 the finance officers or other officers of townships who have
10 knowledge of fiscal procedures. As far as possible, [such] the
11 representatives shall be chosen to represent townships in the
12 various population groups within the range of townships of the
13 first class. The president of [said] the organization shall
14 supply to the Department of Community and Economic Development
15 the names and addresses of [such] the representatives
16 immediately upon their appointment.

17 [Said representatives shall serve without compensation, but
18 they shall be reimbursed by the Commonwealth for all] (c) The
19 representatives shall serve without compensation but shall be
20 reimbursed by the Commonwealth for the necessary expenses
21 incurred in attending meetings of the committee. The committee
22 shall meet at the call of the Secretary of Community and
23 Economic Development, or [his agent] the secretary's agent or
24 designee, who shall serve as [chairman] chairperson of the
25 committee.

26 (d) It shall be the duty of the Secretary of Community and
27 Economic Development, or [his agent, to see to it that the forms
28 required by this act are prepared in cooperation with said
29 committee. In the event that said committee should for any
30 reason fail to furnish such cooperation, the Secretary of

1 Community and Economic Development, or his agent, shall complete
2 the preparation of the forms. After their preparation, he shall
3 issue said forms and distribute them annually, as needed, to the
4 proper officers of each township.] the secretary's agent or
5 designee, to ensure that the forms required by this act are
6 prepared in cooperation with the committee. In the event that
7 the committee should for any reason fail to cooperate, the
8 Secretary of Community and Economic Development, or the
9 secretary's agent or designee, shall prepare the forms. After
10 the forms are prepared, the Secretary of Community and Economic
11 Development, or the secretary's agent or designee, shall issue
12 the forms and distribute them annually, as needed, to the
13 designated officers of each township.

14 Section 1702. Appropriations Not to Be Exceeded; Changes in
15 Appropriations.--[No work shall be hired to be done, no
16 materials purchased, no contracts made, and no orders issued for
17 the payment of any moneys, by the authorities of any township,
18 in any amount which will cause the sums appropriated to specific
19 purposes to be exceeded. No change in the purpose of the
20 appropriations shall be made unless by an ordinance, which shall
21 set out the reasons for and character of such change. If any
22 work shall be done for or materials furnished to any township
23 contrary to the provisions of this section, the township
24 commissioners are hereby prohibited from authorizing payment
25 therefor as a moral obligation or otherwise, unless ordered or
26 directed so to do by the court of common pleas or the court of
27 quarter sessions of the county in which such township is
28 situate.] The township may not hire employees, purchase
29 materials, execute contracts or issue orders for the payment of
30 any money if it would result in the total expenditure of money

1 for a specific purpose to exceed the amount appropriated for
2 that purpose.

3 Section 62. Sections 1703, 1704 and 1705 of the act are
4 repealed:

5 [Section 1703. Certain Contracts Invalid.--No contracts,
6 hirings, or purchases made, or orders or warrants issued, not
7 provided for by an appropriation by the township commissioners
8 as is required by law, or which would cause any appropriation to
9 be exceeded, shall be valid.]

10 Section 1704. Power to Create Indebtedness; Sinking Fund;
11 Temporary Indebtedness.--The board of township commissioners
12 may, by ordinance, borrow money and issue evidences of
13 indebtedness therefor to the extent, and in the manner, in which
14 municipal districts are now authorized to incur or increase the
15 same, for the purpose of permanent improvements, but the total
16 indebtedness so created shall not exceed five per centum of the
17 county valuation of the property within the township without the
18 assent of the electors of the township; or, by resolution of the
19 board of township commissioners, they may authorize payment for
20 permanent improvements or for other contracted obligations of
21 the township by the issuance of certificates of indebtedness,
22 payable on a certain date, not exceeding one year from the date
23 of issue: Provided, That the total indebtedness so created by
24 the township commissioners, together with other indebtedness
25 created by them, does not exceed five per centum of the county
26 valuation of the property within the township, without the
27 assent of the electors thereof. The rate of interest on such
28 indebtedness shall not exceed six per centum per annum. In
29 authorizing the issue of obligations or securities for such
30 loans, the township commissioners shall provide that moneys

1 subsequently derived from assessments upon parties benefited by
2 such improvements shall be deposited in the sinking fund for the
3 payment of the principal and interest of said obligations or
4 securities.

5 Whenever the township funds have been exhausted, the township
6 commissioners may make temporary loans, on the credit of the
7 township, in anticipation of taxes to be collected for the
8 current fiscal year, and issue a certificate of indebtedness
9 therefor. All such loans shall be repaid from the first moneys
10 available from taxes in anticipation of which the same were
11 made.

12 Section 1705. Sinking Fund; Regulations and Investments.--It
13 shall be the duty of the board of commissioners to cause
14 accounts of the sinking fund and other accounts relating to the
15 indebtedness of the township to be kept, and to see to the
16 proper application and superintend the investment of moneys
17 therein in accordance with law. The commissioners shall meet as
18 often as may be necessary, and keep a record of the proceedings.
19 The board of commissioners may (i) make investment of township
20 sinking funds as authorized by the act of July 12, 1972
21 (P.L.781, No.185), known as the "Local Government Unit Debt
22 Act"; and (ii) liquidate any such investment, in whole or in
23 part, by disposing of securities or withdrawing funds on
24 deposit. Any action taken to make or to liquidate any investment
25 shall be made by the officers designated by action of the
26 commissioners. The income derived from such investments or on
27 any bank balances credited to the sinking fund shall be credited
28 and applied only to the sinking fund.]

29 Section 63. Sections 1705.1, 1706 and 1708 of the act are
30 amended to read:

1 Section 1705.1. Investment of Township Funds.--(a) The
2 board of commissioners shall have power to provide for the
3 investment of [moneys] money, in the general township fund or in
4 special funds.

5 (a.1) The board of commissioners shall have power to invest
6 township sinking funds as authorized by 53 Pa.C.S. Pt. VII
7 Subpt. B (relating to indebtedness and borrowing).

8 (b) The [township] board of commissioners shall invest
9 township funds consistent with sound business practice.

10 (c) The board of commissioners shall provide for an
11 investment program subject to restrictions contained in this act
12 and in any other applicable statute and any rules and
13 regulations adopted by the board of commissioners.

14 (d) Authorized types of investments for township funds
15 [shall be:], in addition to those authorized under the act of
16 July 25, 1973 (P.L.217, No.53), entitled "An act authorizing
17 cities of the first class and second class to invest all funds
18 received and deposited with the city treasurer in certain
19 commercial paper under certain terms and conditions; and
20 providing for investment of public corporation or municipal
21 authority funds," are:

22 (i) United States Treasury bills.

23 (ii) Short-term obligations of the United States Government
24 or its agencies or instrumentalities.

25 (iii) Deposits in savings accounts or time deposits, other
26 than certificates of deposit, or share accounts of institutions
27 insured by the Federal Deposit Insurance Corporation [or the
28 Federal Savings and Loan Insurance Corporation] or the National
29 Credit Union Share Insurance Fund [or the Pennsylvania Deposit
30 Insurance Corporation or the Pennsylvania Savings Association

1 Insurance Corporation to the extent that such accounts] to the
2 extent that the accounts are so insured, and, for any amounts
3 above the insured maximum, provided that approved collateral as
4 provided by law therefore shall be pledged by the depository.
5 Such deposits are differentiated from savings or demand deposits
6 as authorized by the act of July 25, 1973 (P.L.217, No.53).

7 (iv) Obligations of the United States of America or any of
8 its agencies or instrumentalities backed by the full faith and
9 credit of the United States of America, the Commonwealth of
10 Pennsylvania or any of its agencies or instrumentalities backed
11 by the full faith and credit of the Commonwealth, or of any
12 political subdivision of the Commonwealth of Pennsylvania or any
13 of its agencies or instrumentalities backed by the full faith
14 and credit of the political subdivision.

15 (v) Shares of an investment company registered under the
16 Investment Company Act of 1940 (54 Stat. 789, 15 U.S.C. § 80a-1
17 et seq.), whose shares are registered under the Securities Act
18 of 1933 (48 Stat. 74, 15 U.S.C. § 77a et seq.), provided that
19 the only investments of that company are in the authorized
20 investments for township funds listed in (i) through (iv) [.],
21 and both of the following conditions are met:

22 (A) The investment company is managed in accordance with 17
23 CFR 270.2a-7 (relating to money market funds).

24 (B) The investment company is rated in the highest category
25 by a nationally recognized rating agency.

26 (vi) Certificates of deposit purchased from institutions
27 insured by the Federal Deposit Insurance Corporation [or the
28 Federal Savings and Loan Insurance Corporation] or the National
29 Credit Union Share Insurance Fund [or the Pennsylvania Deposit
30 Insurance Corporation or the Pennsylvania Savings Association

1 Insurance Corporation to the extent that such accounts are so
2 insured. However, for any amounts above the insured maximum,
3 such certificates of deposit shall be collateralized by a pledge
4 or assignment of assets of the institution, and such collateral
5 may include loans (including interest in pools of loans) secured
6 by first mortgage liens on real property.] to the extent that
7 the accounts are so insured, and, for any amounts above the
8 insured maximum, provided that approved collateral as provided
9 by law therefore shall be pledged by the depository.

10 Certificates of deposit purchased from commercial banks shall be
11 limited to an amount equal to twenty percent of a bank's total
12 capital and surplus. Certificates of deposit purchased from
13 savings and loan associations or savings banks shall be limited
14 to an amount equal to twenty percent of an institution's assets
15 minus liabilities.

16 (vii) Any investment authorized by 20 Pa.C.S. Ch. 73
17 (relating to [fiduciaries] municipalities investments) shall be
18 an authorized investment for any pension or retirement fund.

19 (e) In making investments of township funds, the board of
20 commissioners shall have authority[:

21 (i) To permit assets pledged as collateral under subsection
22 (d) (iii), to be pooled in accordance with the act of August 6,
23 1971 (P.L.281, No.72), relating to pledges of assets to secure
24 deposits of public funds.

25 (ii) To combine moneys] to:

26 (i) Permit assets pledged as collateral under subsection (d)
27 (iii), to be pooled in accordance with the act of August 6, 1971
28 (P.L.281, No.72), entitled "An act standardizing the procedures
29 for pledges of assets to secure deposits of public funds with
30 banking institutions pursuant to other laws; establishing a

1 standard rule for the types, amounts and valuations of assets
2 eligible to be used as collateral for deposits of public funds;
3 permitting assets to be pledged against deposits on a pooled
4 basis; and authorizing the appointment of custodians to act as
5 pledgees of assets."

6 (ii) Combine money from more than one fund under township
7 control for the purchase of a single investment, [provided that]
8 if each of the funds combined for the purpose shall be accounted
9 for separately in all respects and that the earnings from the
10 investment are separately and individually computed and
11 recorded[,] and credited to the accounts from which the
12 investment was purchased.

13 (iii) [To join] Join with one or more other political
14 subdivisions and municipal authorities in accordance with [the
15 act of July 12, 1972 (P.L.762, No.180), entitled "An act
16 relating to intergovernmental cooperation," in the purchase of a
17 single investment, provided that the requirements of subclause
18 (ii) on separate accounting of individual funds and separate
19 computation, recording and crediting of the earnings therefrom
20 are adhered to.] 53 Pa.C.S. Ch. 23 Subch. A (relating to
21 intergovernmental cooperation) in the purchase of a single
22 investment, provided that the requirements of subclause (ii) are
23 adhered to.

24 Section 1706. Indebtedness and Orders of Previous Years.--No
25 orders or indebtedness of any previous years shall be paid out
26 of the funds of any fiscal year, unless the funds available from
27 taxation and other sources shall be estimated to be in excess of
28 requirements for the current fiscal year[, in which case]. If
29 the available funds are in excess of the current fiscal year
30 requirements, an appropriation may be made for [such] this

1 purpose to the extent of [such] the excess, or unless, after the
2 close of the fiscal year, it shall be ascertained that the funds
3 appropriated and available therefor are in excess of the amount
4 required, in which case [such] the surplus may be applied to
5 [such] the former orders of indebtedness.

6 Section 1708. Disbursements to Pay Indebtedness.--All
7 disbursements in discharge of township indebtedness duly
8 incurred shall be made by the township treasurer or [his] the
9 treasurer's deputy, by virtue of warrants or orders drawn on
10 [him] the treasurer by the order of the board of [township]
11 commissioners, signed by the president or vice president and
12 attested to by the secretary or assistant secretary of the
13 board. The board shall prescribe, by ordinance, the manner in
14 which bills for township indebtedness shall be approved for
15 payment.

16 Section 63.1. Section 1709 of the act, amended July 2, 2019
17 (P.L.349, No.50), is amended to read:

18 Section 1709. Tax Levies.--(a) The board of [township]
19 commissioners may levy taxes by resolution for taxes levied at
20 the same rate as or a rate lower than the previous fiscal year,
21 and by ordinance if the tax rate increases from the previous
22 fiscal year, upon all property and upon all occupations within
23 the township made taxable for township purposes, as ascertained
24 by the valuation for county purposes made by the assessors of
25 the several counties of this Commonwealth for the year for which
26 the township taxes are levied, for the purposes and at the rate
27 hereinafter specified: Provided, however, That such valuation
28 shall be subject to correction by the county commissioners of
29 the several counties, and to appeal by the taxable persons in
30 accordance with existing laws.

1 One.] commissioners may levy taxes by resolution for taxes
2 levied at the same rate as or a rate lower than the previous
3 fiscal year, and by ordinance if the tax rate increases from the
4 previous fiscal year, upon all property and upon all occupations
5 within the township made taxable for township purposes and
6 subject to valuation and assessment by the county assessment
7 office, for the following purposes and at the following rates:

8 (1) An annual tax for general township purposes, not
9 exceeding thirty mills, unless the board of [township]
10 commissioners by majority action shall, upon due cause shown by
11 resolution, petition the court of [quarter sessions, in which
12 case the court may order a rate of not more than five mills
13 additional to be levied: Further provided, That if, at the
14 hearing before the court of quarter sessions upon said petition,
15 of which notice shall be given as the court may direct, which
16 hearing shall be held not less than ten nor more than fifteen
17 days after said petition shall be presented, the owners of real
18 estate having assessed valuation of fifty per centum of the
19 total assessed valuation of real estate in said township shall,
20 by petition, object to the making of an order for any additional
21 tax levy, the court shall thereupon deny the prayer of said
22 petition.] common pleas for the right to levy additional millage
23 for general revenue purposes. The court, after public notice as
24 it may direct and after hearing, may order a greater rate than
25 thirty mills but not exceeding five additional mills to be
26 levied.

27 [Two.] (2) (i) An annual tax not exceeding three mills for
28 the purpose of:

29 (A) building and maintaining suitable places for the housing
30 of fire apparatus;

1 (B) purchasing, maintaining and operating fire apparatus;

2 (C) making of appropriations to fire companies [within or
3 without] located inside or outside the township;

4 (D) contracting with adjacent municipalities or volunteer
5 fire companies therein for fire protection;

6 (E) the training of fire personnel and payments to fire
7 training schools and centers;

8 (F) the purchase of land upon which to erect a fire house;
9 and

10 (G) the erection and maintenance of a fire house or fire
11 training school and center.

12 (ii) The township may appropriate up to one-half, but not to
13 exceed one mill, of the revenue generated from a tax under this
14 clause for the purpose of paying salaries, benefits or other
15 compensation of fire suppression employes of the township or a
16 fire company serving the township.

17 (iii) If an annual tax for the purposes specified in this
18 clause is proposed to be set at a level higher than three mills
19 the question shall be submitted to the voters of the township,
20 and the county board of elections shall frame the question in
21 accordance with the election laws of the Commonwealth for
22 submission to the voters of the township.

23 [Three.] (3) An annual tax, not exceeding one-tenth of one
24 mill, for the purpose of caring for trees planted under the
25 supervision of the [shade-tree] shade tree commission, and for
26 the purpose of publishing notices of meetings to consider the
27 planting, removing, or changing of trees. In lieu of the tax
28 provided for in this clause, the [township] board of
29 commissioners may, by specific appropriation, provide for the
30 maintenance of [such trees] shade trees by appropriation from

1 the general funds of the township.

2 [Four.] (4) An annual tax so long as necessary, for the
3 purpose of procuring a lot and/or erecting a building thereon
4 for a [townhouse] municipal building, and for the payment of
5 indebtedness incurred in connection therewith.

6 [Five.] (5) An annual tax sufficient to pay interest and
7 principal on any indebtedness incurred pursuant to [the act of
8 July 12, 1972 (P.L.781, No.185), known as the "Local Government
9 Unit Debt Act,"] 53 Pa.C.S. Pt. VII Subpt. B (relating to
10 indebtedness and borrowing) or any prior or subsequent act
11 governing the incurrence of indebtedness of the township.

12 [Six. The commissioners of the township shall have the power
13 to levy and collect annually on the valuation assessed for
14 general township purposes as now is or may be provided by law,
15 an additional]

16 (6) An annual tax not exceeding one-half (1/2) mill to
17 provide for pensions, retirement, or the purchase of annuity
18 contracts for township employes. This tax shall be kept in a
19 separate fund and used only for the purposes [herein] provided
20 in this clause.

21 [Seven.] (7) (i) An annual tax not exceeding one-half mill
22 for the purpose of supporting ambulance, rescue and other
23 emergency services serving the township, except as provided in
24 subsection (c).

25 (ii) The township may appropriate up to one-half of the
26 revenue generated from a tax under this clause for the purpose
27 of paying salaries, benefits or other compensation of employes
28 of an ambulance, rescue or other emergency service serving the
29 township.

30 (8) An annual tax not exceeding five mills to create and

1 maintain a revolving fund to be used in making permanent street,
2 sidewalk, water supply or sewer improvements before the
3 collection of all or part of the cost from property owners as
4 otherwise authorized by this act. A revolving fund may also be
5 used for the deposit of funds raised through the issuance of
6 general obligation bonds of the township for the making of
7 permanent street, sidewalk, water supply or sewer improvements.
8 When all or part of the cost of the construction of any
9 permanent street, sidewalk, water supply or sewer improvement is
10 paid from the revolving fund and is later assessed and collected
11 from property owners as otherwise authorized by this act, the
12 collections shall be applied to the credit of the revolving fund
13 to the extent of the withdrawal from the revolving fund for that
14 purpose.

15 (9) An annual tax sufficient for the purpose of
16 constructing, maintaining and operating parks, recreation areas,
17 facilities and programs or for paying the township's share of a
18 joint action with one or more political subdivisions, in
19 accordance with section 3013.

20 (b) This section does not include the levy of any taxes upon
21 particular districts, or parts of any township, for particular
22 purposes, nor special levies otherwise provided for in this act.

23 (c) The tax for supporting ambulance and rescue squads serving
24 the township shall not exceed the rate specified in [clause
25 seven of subsection (a)] subsection (a)(7) except when the
26 question is submitted to the voters of the township in the form
27 of a referendum which will appear on the ballot in accordance
28 with the election laws of the Commonwealth, in which case the
29 rate shall not exceed three mills. The county board of elections
30 shall frame the question to be submitted to the voters of the

1 township in accordance with the election laws of the
2 Commonwealth.

3 Section 64. Section 1709.1 of the act is amended to read:

4 Section 1709.1. Additions and Revisions to Duplicates.--

5 [When there is any construction of a building or buildings not
6 otherwise exempt as a dwelling after January first of any year
7 and the building is not included in the tax duplicate of the
8 township, the authority responsible for assessments in the
9 township shall, upon the request of the board of township
10 commissioners, inspect and reassess, subject to the right of
11 appeal and adjustment by the law under which assessments are
12 made,] If in any township there is any construction of a

13 building or buildings not otherwise exempt as a dwelling after
14 January first of any year and the building is not included in
15 the tax duplicate of the township, the county assessment office
16 shall, upon the request of the board of commissioners, direct
17 the assessor in the county assessment office to inspect and
18 reassess, subject to the right of appeal and adjustment by
19 statute, all taxable property in the township to which major
20 improvements have been made after January first of any year and
21 to give notice of the reassessments within ten days to the
22 authority responsible for assessments, the township and the
23 property owner. The real property shall be added to the
24 duplicate and [is] shall be taxable for township purposes at the
25 reassessed valuation for that proportionate part of the fiscal
26 year of the township remaining after the property was improved.
27 Any improvement made during the month shall be computed as
28 having been made on the first day of the month. A certified copy
29 of the additions or revisions to the duplicate shall be
30 furnished by the board of township commissioners to the township

1 tax collector, together with the board's warrant for collection
2 of the same, and within ten days the township tax collector
3 shall notify the owner of the property of the taxes due the
4 township.

5 [When an assessment is made for a portion of a year, the
6 assessment shall be added to the duplicate of the following or
7 succeeding year unless the value of the improvements has already
8 been included in that duplicate.]

9 Section 64.1. Section 1710 of the act, amended July 2, 2019
10 (P.L.349, No.50), is amended to read:

11 Section 1710. Tax Rates to Be Expressed in Dollars and
12 Cents.--Whenever the board of commissioners [of any township]
13 shall, by ordinance or resolution, fix the rate of taxation for
14 any year at a mill rate, [such] the ordinance or resolution
15 shall also include a statement expressing the rate of taxation
16 in dollars and cents on each one hundred dollars of assessed
17 valuation of taxable property.

18 Section 65. Sections 1711, 1712 and 1801 of the act are
19 amended to read:

20 Section 1711. Special Levies to Pay Indebtedness.--[In
21 addition to the levies hereinbefore provided for, when it is
22 shown to the court that the debts due by any township exceed the
23 amount which the township commissioners may collect in any year
24 by taxation, the court, after ascertaining the amount of
25 indebtedness of any such township, may, by a writ of mandamus,
26 direct the township commissioners, by special taxation, to
27 collect an amount sufficient to pay the same. If the amount of
28 such indebtedness is so large as to render it unadvisable to
29 collect the same in any one year, taking into consideration
30 other necessary taxation, the court may direct the same to be

1 levied and collected by annual instalments, and may order such
2 special taxes to be levied and collected during such successive
3 years as may be required for payment of the same.] In addition
4 to the levies provided for in section 1709, when it is shown to
5 the court that the debts due by any township exceed the amount
6 which the board of commissioners may collect in any year by
7 taxation, the court, after ascertaining the amount of
8 indebtedness of the township, may, in an action of mandamus,
9 direct the board of commissioners, by special taxation, to
10 collect an amount sufficient to pay the debts. If the amount of
11 the indebtedness is so large as to render it unadvisable to
12 collect the entire amount in any one year, taking into
13 consideration other necessary taxation, the court may direct the
14 special taxes to be levied and collected during successive years
15 as may be required for payment of the debt.

16 Section 1712. Delivery of Duplicates.--The board of
17 [township] commissioners shall within thirty days after adoption
18 of the budget or within thirty days after receipt of the
19 assessment roll from the county, whichever is later, deliver a
20 duplicate of the assessment of township taxes to the township
21 tax collector, together with the board's warrant for collection
22 of the taxes.

23 Section 1801. Power to Make Contracts.--[Townships] (a) A
24 township may make contracts for lawful purposes and for the
25 [purpose] purposes of carrying into execution the provisions of
26 this act and the laws of the Commonwealth.

27 (b) Except as otherwise specifically provided in this act,
28 all contracts and purchases must be made with and from the
29 lowest responsible bidder. For purposes of this article, the
30 lowest responsible bidder need not be the bidder submitting the

1 lowest dollar amount bid. A township may also consider the
2 quality of goods or services supplied, ease of repair,
3 compatibility with other township equipment or services,
4 responsiveness, past performance of the bidder and any other
5 reasonable factors specified in the advertisement for bids.

6 (c) A township may permit the electronic submission of bids
7 and may receive bids electronically for competitive bid
8 purchases and contracts pursuant to 62 Pa.C.S. Ch. 46 (relating
9 to electronic bidding by local government units).

10 Section 66. Section 1802 of the act, amended October 24,
11 2018 (P.L.886, No.141), is amended to read:

12 Section 1802. [General Regulations Concerning Contracts.--

13 (a) All contracts or purchases made by any township, involving
14 the expenditure of over the base amount of eighteen thousand
15 five hundred dollars, subject to adjustment under subsection
16 (a.2), except those hereinafter mentioned, shall not be made
17 except with and from the lowest responsible bidder, shall be in
18 writing, and shall be made only after notice by the secretary,
19 published, in one newspaper of general circulation, published or
20 circulating in the county in which the township is situated, at
21 least two times at intervals of not less than three days where
22 daily newspapers of general circulation are employed for such
23 publication, or in case weekly newspapers are employed then the
24 notice shall be published once a week for two successive weeks.
25 The first advertisement shall be published not more than forty-
26 five days and the second advertisement not less than ten days
27 prior to the date fixed for the opening of bids. Advertisements
28 for contracts or purchases shall also be posted in a conspicuous
29 place within the township. Advertisements] Regulation of
30 Contracts.--(a) All contracts or purchases in excess of the

1 base amount of eighteen thousand five hundred dollars, subject
2 to adjustment under subsection (a.2), except those mentioned in
3 this section and except as provided by the act of October 27,
4 1979 (P.L.241, No.78), entitled "An act authorizing political
5 subdivisions, municipality authorities and transportation
6 authorities to enter into contracts for the purchase of goods
7 and the sale of real and personal property where no bids are
8 received," shall be in writing, and shall be made only after
9 notice by the secretary, published once in one newspaper of
10 general circulation, published or circulating in the township in
11 which the township is situated. The advertisement shall be
12 published not less than ten days prior to the date fixed for the
13 opening of bids and shall also be posted in a conspicuous place
14 within the township. The advertisement for contracts or
15 purchases shall contain the date, time and location for opening
16 of bids and shall state the amount of the performance bond
17 determined under subsection (c). The advertisement shall also
18 contain full plans and specifications, or refer to the places
19 where copies thereof can be obtained. All plans and
20 specifications shall be on file [at least] not less than ten
21 days in advance of opening bids. The amount of the contract
22 shall in all cases, whether of straight sale price, conditional
23 sale, [bailment] lease, lease purchase or otherwise, be the
24 entire amount which the township pays to the successful bidder
25 or [his] the bidder's assigns in order to obtain the services or
26 property, or both, and shall not be construed to mean only the
27 amount [which] that is paid to acquire title or to receive any
28 other particular benefit or benefits of the whole bargain.

29 (a.1) Written or telephonic price quotations from at least
30 three qualified and responsible contractors shall be requested

1 for all contracts in excess of the base amount of ten thousand
2 dollars, subject to adjustment under subsection (a.2) but less
3 than the amount requiring advertisement and competitive bidding
4 or, in lieu of price quotations, a memorandum shall be kept on
5 file showing that fewer than three qualified contractors exist
6 in the market area within which it is practicable to obtain
7 quotations. A written record of telephonic price quotations
8 shall be made and shall contain at least the date of the
9 quotation, the name of the contractor and the contractor's
10 representative, the construction, reconstruction, repair,
11 maintenance or work [which] that was the subject of the
12 quotation and the price. Written price quotations, written
13 records of telephonic price quotations and memoranda shall be
14 retained for a period of three years. Written price quotations
15 as used throughout this section include electronic mail.

16 (a.2) Adjustments to the base amounts specified under
17 [subsection (a)] subsections (a) and (a.1) shall be made as
18 follows:

19 (1) The Department of Labor and Industry shall determine the
20 percentage change in the Consumer Price Index for All Urban
21 Consumers: All Items_(CPI-U) for the United States City Average
22 as published by the United States Department of Labor, Bureau of
23 Labor Statistics, for the twelve-month period ending September
24 30, 2012, and for each successive twelve-month period
25 [thereafter].

26 (2) If the department determines that there is no positive
27 percentage change, then no adjustment to the base amounts shall
28 occur for the relevant time period provided for in this
29 subsection.

30 (3) (i) If the department determines that there is a

1 positive percentage change in the first year that the
2 determination is made under [clause] paragraph (1), the positive
3 percentage change shall be multiplied by each base amount, and
4 the products shall be added to the base amounts, respectively,
5 and the sums shall be preliminary adjusted amounts.

6 (ii) The preliminary adjusted amounts shall be rounded to
7 the nearest one hundred dollars, to determine the final adjusted
8 base amounts for purposes of [subsection (a)] subsections (a)
9 and (a.1).

10 (4) In each successive year in which there is a positive
11 percentage change in the CPI-U for the United States City
12 Average, the positive percentage change shall be multiplied by
13 the most recent preliminary adjusted amounts, and the products
14 shall be added to the preliminary adjusted amount of the prior
15 year to calculate the preliminary adjusted amounts for the
16 current year. The sums [thereof] shall be rounded to the nearest
17 one hundred dollars to determine the new final adjusted base
18 amounts for purposes of [subsection (a)] subsections (a) and
19 (a.1).

20 (5) The determinations and adjustments required under this
21 subsection shall be made in the period between October 1 and
22 November 15 of [the year following the effective date of this
23 subsection and annually between October 1 and November 15 of
24 each year thereafter.] each year.

25 (6) The final adjusted base amounts and new final adjusted
26 base amounts obtained under [clauses] paragraphs (3) and (4)
27 shall become effective January 1 for the calendar year following
28 the year in which the determination required under [clause]
29 paragraph (1) is made.

30 (7) The department shall [publish notice] transmit notice to

1 the Legislative Reference Bureau for publication in the
2 Pennsylvania Bulletin prior to January 1 of each calendar year
3 of the annual percentage change determined under [clause]
4 paragraph (1) and the unadjusted or final adjusted base amounts
5 determined under [clauses] paragraphs (3) and (4) at which
6 competitive bidding is required under subsection (a) and written
7 or telephone price quotations are required under subsection
8 (a.1), respectively, for the calendar year beginning the first
9 day of January after publication of the notice. The notice shall
10 include a written and illustrative explanation of the
11 calculations performed by the department in establishing the
12 unadjusted or final adjusted base amounts under this subsection
13 for the ensuing calendar year.

14 (8) The annual increase in the preliminary adjusted base
15 amounts obtained under [clauses] paragraphs (3) and (4) shall
16 not exceed three [per centum] percent.

17 (b) (1) [In every instance in which any contract for any
18 public work, construction, materials, supplies, or other matters
19 or things for any township shall be awarded upon competitive
20 bids, it shall be the duty of the authorities authorizing the
21 same to award said contract to the lowest responsible bidder.
22 Any published notice for bids shall contain full plans and
23 specifications, or refer to the places where copies thereof can
24 be obtained, and give the time and place of a public meeting of
25 a committee, appointed by the township commissioners or an open
26 meeting of the township commissioners, at which committee or
27 commissioners meeting, bids shall be publicly opened and read,
28 and if it is an open meeting of the township commissioners, the
29 contract may be awarded. If, through lack of a quorum or other
30 reason, no meeting shall be held at such time and place, notice

1 of the same kind shall be repeated once at least six days before
2 the meeting of the subsequent time and place fixed, and the
3 foregoing provisions as to bids shall apply. The same course
4 shall be pursued until a meeting of a committee or the
5 commissioners shall actually be held for receiving and opening
6 bids.

7 (2) Notwithstanding clause (1), the board of township
8 commissioners may direct that a committee of the board, a member
9 of the board or a member of the township staff receive, open and
10 review bids during normal business hours and forward the
11 information to the board of township commissioners for
12 subsequent award at a public meeting. Bidders shall be notified
13 and other interested parties, upon request, shall be notified of
14 the date, time and location of the opening of bids and may be
15 present when the bids are opened.

16 (3)] (i) If advertisement and bidding are required, the
17 advertisement shall specify the date, time and place bids will
18 be received and the date, time and place for the opening of
19 bids.

20 (ii) At the board of commissioners' request, the bids
21 advertised for must be accompanied by cash, money order, a
22 certified or cashier's good faith check or other irrevocable
23 letter of credit drawn upon a bank authorized to do business in
24 this Commonwealth or by a bond with corporate surety in the
25 amount as the board of commissioners determine, and, when
26 requested, no bid may be considered unless so accompanied.

27 (iii) Bids received pursuant to an advertisement shall be
28 opened publicly by the board of commissioners or the board's
29 agent or employees. The amount of each bid and any other
30 relevant information as may be specified by the board, together

1 with the name of each bidder, shall be disclosed and recorded,
2 and the record shall be open to public inspection and copying.

3 (iv) At a public meeting of the board of commissioners, the
4 board shall either award the contract or reject all bids.

5 (2) Any contract [made] executed in violation of the
6 provisions of this section shall be void. [But nothing
7 contained] Nothing in this section shall prevent the making of
8 contracts for governmental services for a period exceeding one
9 year, but any contract [so made shall be executory] shall be
10 executed only for the amounts agreed to be paid for [such
11 services to be rendered in succeeding fiscal years: Provided,
12 That if, prior to the letting of any contract, taxpayers of the
13 township, whose property valuation as assessed for taxable
14 purposes within the township shall amount to sixty per centum or
15 over of the total property valuation as assessed for taxable
16 purposes within the township, shall sign and file, with the
17 township secretary of the board, a written protest against such
18 contemplated contract, then such contract shall not be let.

19 (4) Every contract for the construction, reconstruction,
20 repair, improvement or maintenance of public works shall contain
21 a provision that any steel products used or supplied in the
22 performance of the contract or any subcontracts thereunder shall
23 be from steel made in the United States. The provisions of this
24 act shall be construed in a manner consistent with the act of
25 March 3, 1978 (P.L.6, No.3), known as the "Steel Products
26 Procurement Act."] the services to be rendered in succeeding
27 fiscal years.

28 (c) The successful bidder, when advertising is required
29 [herein], shall be required to furnish bond or irrevocable
30 letter of credit or other security with suitable reasonable

1 requirements guaranteeing the performance of the contract, with
2 sufficient surety, in an amount as determined by the [township]
3 board of commissioners which shall be not less than ten [per
4 centum] percent nor more than one hundred [per centum] percent
5 of the amount of the liability under the contract within twenty
6 days after the contract has been awarded, unless the [township]
7 board of commissioners shall prescribe a shorter period of not
8 less than ten days. Upon failure to furnish [such bond within
9 such time] the security within the prescribed time, the previous
10 award shall be void. Deliveries, accomplishment and guarantees
11 may be required in all cases of expenditures including
12 exceptions herein.

13 (d) The contracts or purchases made by the board of
14 commissioners which shall not require advertising, bidding or
15 price quotations, as [hereinbefore provided,] provided in this
16 article, are as follows:

17 (1) Those for maintenance, repairs or replacements for
18 water, [electric light] electricity, or other public works of
19 the township, provided they do not constitute new additions,
20 extensions or enlargements of existing facilities and equipment
21 but [a bond] security may be required by the board of
22 commissioners as in other cases of work done.

23 (2) Those made for improvements, repairs and maintenance of
24 any kind made or provided by [any] a township through its own
25 employees[: Provided, however, That all materials used for street
26 improvement, maintenance, and/or construction in excess of the
27 base amount of ten thousand dollars be subject to the relevant
28 price quotation or advertising requirements as contained herein
29 and to adjustment under subsection (a.2).] if the materials used
30 for street improvement or construction in excess of the amount

1 specified or adjusted under subsection (a.1) are subject to the
2 relevant price quotation or advertising requirements contained
3 in this section.

4 (3) Those where particular types, models or pieces of new
5 equipment, articles, apparatus, appliances, computer software,
6 vehicles or parts thereof are desired by the board of
7 commissioners which are patented [and manufactured products.] or
8 copyrighted products or are needed to ensure compatibility with
9 existing systems, facilities or equipment.

10 (3.1) Those for used personal property, such as equipment,
11 articles, apparatus, appliances, vehicles or parts thereof being
12 purchased from a public utility, municipal corporation, county,
13 school district, [municipality] municipal authority, council of
14 government, volunteer fire company, volunteer ambulance service,
15 volunteer rescue squad or Federal or State Government.

16 (4) Those involving [any policies of insurance or surety
17 company bonds; those made for public utility service under
18 tariffs on file with the Pennsylvania Public Utility Commission;
19 those made with another political subdivision or a county; the
20 Commonwealth of Pennsylvania; the Federal Government; any agency
21 of the Commonwealth or the Federal Government or any municipal
22 authority, including the sale, leasing or loan of any supplies
23 or materials by the Commonwealth or Federal Government or their
24 agencies. But the price thereof shall not be in excess of that
25 fixed by the Commonwealth, the Federal Government or their
26 agencies.] a policy of insurance or a surety bond.

27 (4.1) Those made for public utility service and electricity,
28 natural gas or telecommunications services.

29 (4.2) Those made with another political subdivision or a
30 county, or council of governments, consortium, cooperative or

1 other similar entity created under 53 Pa.C.S. Ch. 23 Subch. A
2 (relating to intergovernmental cooperation) or the Federal
3 Government, the Commonwealth, any agency of the Federal
4 Government or the Commonwealth or any municipal authority,
5 including the sale, leasing or loan of any supplies or materials
6 by the Federal Government or the Commonwealth or their agencies.
7 The price may not be in excess of that fixed by the Federal
8 Government or the Commonwealth, or their agencies.

9 (5) Those involving personal or professional services.

10 (6) Those made for materials and supplies or equipment
11 rental under emergency conditions under 35 Pa.C.S. Pt. V
12 (relating to emergency management services).

13 (7) Those involving equipment rental with operators if more
14 than fifty percent of the total labor personnel hours required
15 for the completion of the contract is supplied by the township
16 through its own employees.

17 (8) Those for the purchase of repair parts or materials for
18 use in existing township equipment or facilities if the item or
19 material to be purchased is the sole item of its kind on the
20 market or is manufactured as a replacement for the original item
21 or equipment being repaired.

22 (9) Those for emergency maintenance, repairs or replacements
23 for water, electricity or public works of the township, if they
24 do not constitute new additions, extensions or enlargements of
25 existing facilities and equipment, but security may be required
26 by the board of commissioners, as in other cases of work done.
27 The actual emergency and the nature of the procurement shall be
28 stated in a resolution by the board of commissioners and adopted
29 at the next public meeting.

30 (10) Those for the mitigation of a real or potential

1 emergency involving a clear and present danger to the health,
2 safety and welfare of the residents of the township. For those
3 contracts or purchases made in cases of emergencies, the actual
4 emergency and the nature of the procurement shall be stated in a
5 resolution by the board of commissioners and adopted at the next
6 public meeting.

7 Nothing in this subsection prohibits the board of
8 commissioners from engaging in advertising, bidding or price
9 quotations if the board of commissioners determines that the
10 advertising, bidding or price quotations are in the public
11 interest.

12 (e) [Every contract for the construction, reconstruction,
13 alteration, repair, improvement or maintenance of public works
14 shall comply with the provisions of the act of March 3, 1978
15 (P.L.6, No.3), known as the "Steel Products Procurement Act."]

16 The board of commissioners shall award contracts subject to the
17 requirements of and may exercise any powers granted by the
18 following acts to the extent applicable:

19 (1) The act of August 15, 1961 (P.L.987, No.442), known as
20 the "Pennsylvania Prevailing Wage Act."

21 (2) The act of December 20, 1967 (P.L.869, No.385), known as
22 the "Public Works Contractors' Bond Law of 1967."

23 (3) The act of January 17, 1968 (P.L.11, No.5), known as
24 "The Minimum Wage Act of 1968."

25 (4) The act of January 23, 1974 (P.L.9, No.4), referred to
26 as the Public Contract Bid Withdrawal Law.

27 (5) The act of March 3, 1978 (P.L.6, No.3), known as the
28 "Steel Products Procurement Act."

29 (6) The act of February 17, 1994 (P.L.73, No.7), known as
30 the "Contractor and Subcontractor Payment Act."

1 (7) 62 Pa.C.S. Pt. II (relating to general procurement
2 provisions).

3 (f) No person, consultant, firm or corporation contracting
4 with a township for purposes of rendering personal or
5 professional services to the township shall share with any
6 township officer or employe, and no township officer or employe
7 shall accept, any portion of the compensation or fees paid by
8 the township for the contracted services provided to the
9 township except under the following terms or conditions:

10 (1) Full disclosure of all relevant information regarding
11 the sharing of the compensation or fees shall be made to the
12 board of commissioners.

13 (2) The board of commissioners must approve the sharing of
14 any fee or compensation for personal or professional services
15 prior to the performance of [said] the services.

16 (3) No fee or compensation for personal or professional
17 services may be shared except for work actually performed.

18 (4) No shared fee or compensation for personal or
19 professional services may be paid at a rate in excess of that
20 commensurate for similar personal or professional services.

21 Section 66.1. Sections 1802.1, 1804, 1804.1, 1805 and 1806
22 of the act are amended to read:

23 Section 1802.1. Evasion of Advertising Requirements.--(a)

24 (1) No commissioner or commissioners shall evade the provisions
25 of section [one thousand eight hundred two] 1802 as to
26 advertising for bids[,] by purchasing or contracting for
27 services and personal properties piecemeal for the purpose of
28 obtaining prices under eighteen thousand five hundred dollars,
29 subject to adjustment under section 1802(a.2), upon
30 transactions, which transactions should, in the exercise of

1 reasonable discretion and prudence, be conducted as one
2 transaction amounting to more than eighteen thousand five
3 hundred dollars, subject to adjustment under section 1802(a.2).

4 [This provision]

5 (2) This subsection is intended to make unlawful the evading
6 of advertising requirements by making a series of purchases or
7 contracts, each for less than the advertising requirement price,
8 or by making several simultaneous purchases or contracts, each
9 below [said] the price, when in either case, the transactions
10 involved should have been made as one transaction for one price.

11 (3) Any commissioners who [so] vote in violation of this
12 [provision, and who] subsection and know that the transaction
13 upon which they so vote is or [ought to] should be a part of a
14 larger transaction[, and that it] and is being divided in order
15 to evade the requirements as to advertising for bids, shall be
16 jointly and severally subject to surcharge for ten [per centum]
17 percent of the full amount of the contract or purchase.

18 [Whenever it shall appear]

19 (4) If it appears that a commissioner may have voted in
20 violation of this section, but the purchase or contract on which
21 [he so] the commissioner voted was not approved by the board of
22 commissioners, this section shall [be inapplicable] not apply.

23 (b) Any commissioner who votes to unlawfully evade the
24 provisions of section [one thousand eight hundred two] 1802 and
25 who knows that the transaction upon which [he so] the member
26 votes is or [ought to] should be a part of a larger transaction
27 and [that it] is being divided in order to evade the
28 requirements as to advertising for bids commits a misdemeanor of
29 the third degree for each contract entered into as a direct
30 result of that vote. [This penalty shall be in addition to any

1 surcharge which may be assessed pursuant to subsection (a).] The
2 penalty under this subsection shall be in addition to a
3 surcharge that may be assessed under subsection (a).

4 Section 1804. Bonds for Protection of Labor and

5 [Materialmen.--It shall be the duty of every township to require
6 any person, copartnership, association, or corporation, entering
7 into a contract with such township for the construction,
8 erection, installation, completion, alteration, repair of or
9 addition to any public work or improvement of any kind
10 whatsoever, where the amount of such contract is in excess of
11 one thousand five hundred dollars (\$1,500), before commencing
12 work under such contract, to execute and deliver to such
13 township, in addition to any other bond which may now or
14 hereafter be required by law to be given in connection with such
15 contract, an additional bond for the use of any and every
16 person, copartnership, association, or corporation interested,
17 in a sum not less than fifty per centum (50%) and not more than
18 one hundred per centum (100%) of the contract price, as such
19 township may prescribe, having as surety thereon one or more
20 surety companies legally authorized to do business in this
21 Commonwealth, conditioned for the prompt payment of all material
22 furnished and labor supplied or performed in the prosecution of
23 the work, whether or not the said material or labor enter in and
24 become component parts of the work or improvement contemplated.
25 Such additional bond shall be deposited with and held by the
26 township for the use of any party interested therein. Every such
27 additional bond shall provide that every person, copartnership,
28 association, or corporation, who, whether as sub-contractor or
29 otherwise, has furnished material or supplied or performed labor
30 in the prosecution of the work as above provided, and who has

1 not been paid therefor, may sue in assumpsit on said additional
2 bond, in the name of the township, for his, their, or its use
3 and prosecute the same to final judgment for such sum or sums as
4 may be justly due him, them, or it, and have execution thereon:
5 Provided, however, That the township shall not be liable for the
6 payment of any costs or expense of any suit.] Materials.--Before
7 a contract exceeding ten thousand dollars is awarded to a prime
8 contractor or construction manager for the construction,
9 erection, installation, completion, alteration, repair of or
10 addition to a public work or improvement of any kind, the
11 contractor shall furnish to the township a payment bond for the
12 protection of claimants supplying labor or materials to the
13 prime contractor to whom the contract is awarded, at no less
14 than one hundred percent of the contract amount, conditioned for
15 the prompt payment of the materials furnished or labor supplied
16 or performed in the prosecution of the contract under the act of
17 December 20, 1967 (P.L.869, No.385). The bond requirement is in
18 addition to any other bond requirement required by law to be
19 given in connection with the contract.

20 Section 1804.1. Purchase Contracts for Petroleum Products;
21 Fire Company, Etc., Participation.--The board of commissioners
22 of each township shall have power to permit, subject to [such]
23 terms and conditions as it may, and as [hereinafter]
24 specifically provided, shall, prescribe [any] a paid or
25 volunteer fire company, paid or volunteer rescue company and
26 paid or volunteer ambulance company in the township to
27 participate in purchase contracts for petroleum products entered
28 into by the township. [Any such] A company desiring to
29 participate in [such] purchase contracts shall file with the
30 township secretary a request [that it be authorized] to

1 authorize it to participate in contracts for the purchase of
2 petroleum products of the township and agreeing that it will be
3 bound by [such] the terms and conditions as the township may,
4 and as [hereinafter] specifically provided, shall, prescribe and
5 that it will be responsible for payment directly to the vendor
6 under each purchase contract. Among [such] the terms and
7 conditions, the township shall prescribe that all prices shall
8 be F.O.B. destination.

9 Section 1805. Separate Specifications for Branches of
10 Work.--~~[In] If, in~~ the preparation of specifications for the <--
11 erection or alteration of any public building, ~~[when]~~ the entire <--
12 cost of [such] the work exceeds the base amount of eighteen
13 thousand five hundred dollars (\$18,500), subject to annual
14 adjustment under section 1802(a.2), the architect, engineer, or
15 ~~other~~ person preparing [such] THE specifications shall ~~the~~ <--
16 ~~specifications may, if requested by the board of commissioners,~~
17 prepare separate specifications for the plumbing, heating,
18 ventilating, and electrical work, and the township shall receive
19 separate bids upon each of [such] the branches of work, and
20 award the contract for the same to the lowest responsible bidder
21 for each of the branches.

22 Section 1806. [Workmen's Compensation Insurance.--All
23 contracts executed by any township, which involve the
24 construction or doing of any work involving the employment of
25 labor, shall contain a provision that the contractor shall
26 accept, in so far as the work covered by any such contract is
27 concerned, the provisions of the Workmen's Compensation Act of
28 one thousand nine hundred and fifteen, and any supplements or
29 amendments thereto, and that the said contractor will insure his
30 liability thereunder, or file with the township, with which the

1 contract is made, a certificate of exemption from insurance from
2 the Bureau of Workmen's Compensation of the Department of Labor
3 and Industry.

4 Every officer of any township who shall sign, on behalf of
5 the township, any contract, requiring in its performance the
6 employment of labor, shall require, before the said contract
7 shall be signed, proof that the said contractor with whom the
8 contract is made shall have accepted the Workmen's Compensation
9 Act of one thousand nine hundred and fifteen, and any
10 supplements or amendments thereto, and proof that the said
11 contractor has insured his liability thereunder in accordance
12 with the terms of the said act, or that the said contractor has
13 had issued to him a certificate of exemption from insurance by
14 the Bureau of Workmen's Compensation of the Department of Labor
15 and Industry.

16 In any contract executed in violation of the provisions of
17 this act, the township, which is a party thereto, shall be
18 regarded as the employer and liable to pay compensation to any
19 person entitled to compensation, under the laws of the
20 Commonwealth, as the result of employment pursuant to such
21 contract.] Workers' Compensation Insurance.--(a) A contract
22 executed by a township or an officer of a township, which
23 involves the construction or doing of work involving the
24 employment of labor, shall contain a provision that the
25 contractor shall accept, in so far as the work covered by the
26 contract is concerned, the provisions of the act of June 2, 1915
27 (P.L.736, No.338), known as the "Workers' Compensation Act," and
28 any supplements or amendments to the act, and that the
29 contractor will insure the contractor's liability under the act
30 and will file with the township with which the contract is made

1 a certificate of exemption from insurance from the Bureau of
2 Workers' Compensation of the Department of Labor and Industry.
3 The certificate of exemption from insurance may be issued on the
4 basis of either individual self-insurance or group self-
5 insurance. Additionally, a contractor shall file with the
6 township with which the contract is made any applications to be
7 excepted by the provisions of the "Workers' Compensation Act" in
8 respect to certain employees on religious grounds if the
9 applications have been accepted by the Department of Labor and
10 Industry.

11 (b) A contract executed in violation of subsection (a) is
12 void.

13 Section 67. Sections 1807 and 1808 of the act are repealed:

14 [Section 1807. Engineers and Architects Not to Be Interested
15 in Contracts.--It shall be unlawful for any architect or
16 engineer in the employ of a township, and engaged in the
17 preparation of plans, specifications, or estimates, or for any
18 officer or employe of the township, directly or indirectly, to
19 bid on any public work at any letting of such work in such
20 township.

21 It shall be unlawful for the officers of a township, charged
22 with the duty of letting any public work, to award a contract to
23 any such architect, engineer, officer, or employe in the employ
24 of the township.

25 It shall be unlawful for any architect, engineer, officer, or
26 employe, in the employ of any township, to be in any wise
27 interested in any contract for public work in such township, or
28 to receive any remuneration or gratuity from any person
29 interested in such contract except under the terms and
30 conditions as provided in section 1802(f).

1 Any person or persons violating these provisions, or any one
2 of them, shall forfeit his office, and shall be guilty of a
3 misdemeanor, and, on conviction thereof, shall be sentenced to
4 pay a fine not exceeding five hundred dollars, or to undergo
5 imprisonment of not less than six months, or both, in the
6 discretion of the court.

7 Section 1808. Minimum Wages under Contracts.--(a) The
8 specifications upon which contracts are entered into by any
9 township for the construction, alteration or repair of any
10 public work or improvement may, at the option of any such
11 township, contain the minimum wage or wages which may be paid by
12 the contractor or his subcontractors for the work performed by
13 laborers and mechanics employed on such public work or
14 improvement, and such laborers and mechanics shall in such cases
15 be paid not less than such minimum wage or wages.

16 (b) Every contract for the construction, alteration or
17 repair of any public work or improvement founded on
18 specifications containing any such stipulation for minimum wage
19 or wages shall stipulate a penalty of an amount equal to twice
20 the difference between the minimum wage contained in said
21 specifications and the wage actually paid to each laborer or
22 mechanic for each day during which he has been employed at a
23 wage less than that prescribed in said specifications.

24 (c) Every officer or person designated as an inspector of or
25 having supervision over the work to be performed under any such
26 contract in order to aid in enforcing the fulfillment thereof
27 shall, upon observation or investigation, report to the
28 commissioners of the township all violations of minimum wage
29 stipulations, together with the name of each laborer or mechanic
30 who has been paid a wage less than that prescribed by the

1 specifications and the day or days of such violation.

2 (d) All such penalties shall be withheld and deducted for
3 the use of the township from any moneys due the contractor by
4 the officer or person whose duty it shall be to authorize the
5 payment of moneys due such contractor, whether the violation of
6 the minimum wage stipulation of the specifications was by the
7 contractor or by any of his subcontractors: Provided, That if
8 any such contractor or subcontractor subsequently pays to all
9 laborers and mechanics the balance of the amounts stipulated in
10 such contract, the township shall pay to the contractor the
11 amounts so withheld as penalties.]

12 Section 68. Section 1811 of the act is amended to read:

13 Section 1811. [Penalty for Personal Interest in Contracts.--
14 Except as otherwise provided in this act, no township official,
15 either elected or appointed, who knows or who by the exercise of
16 reasonable diligence could know, shall be interested to any
17 appreciable degree, either directly or indirectly, in any
18 contract for the sale or furnishing of any supplies or materials
19 for the use of the township or for any work to be done for such
20 township involving the expenditure by the township of more than
21 three hundred dollars in any year, but this limitation shall not
22 apply to cases where such officer or appointee of the township
23 is an employe of the person, firm or corporation to which the
24 money is to be paid in a capacity with no possible influence on
25 the transaction and in which he cannot be possibly benefited
26 thereby, either financially or otherwise. But in the case of a
27 commissioner, if he knows that he is within the exception just
28 mentioned, he shall so inform the commissioners and shall
29 refrain from voting on the expenditure or any ordinance relating
30 thereto and shall in no manner participate therein. Any official

1 or appointee who shall knowingly violate the provisions of this
2 section shall be subject to surcharge to the extent of the
3 damage shown to be thereby sustained by the township, to ouster
4 from office, and shall be guilty of a misdemeanor, and, upon
5 conviction thereof, shall be sentenced to pay a fine not
6 exceeding five hundred dollars.] Personal Interest in Contracts
7 and Purchases.--Elected and appointed township officials and
8 township employees are restricted from an interest in township
9 contracts and purchases to the extent provided in 65 Pa.C.S. Ch.
10 11 (relating to ethics standards and financial disclosure).

11 Section 69. Subdivision (a) heading of Article XIX of the
12 act is repealed:

13 [(a) General Provisions Relating to Eminent Domain]

14 Section 70. Sections 1901 and 1902 of the act are amended to
15 read:

16 Section 1901. Exercise of Eminent Domain.--[In the laying
17 out, opening, widening, extending, vacating, grading or changing
18 the grades or lines of streets or highways, the construction of
19 bridges and the piers and abutments therefor, the construction
20 of slopes, embankments and sewers, including storm water drains,
21 the erection and extension of waterworks, wharves and docks,
22 public buildings, public works, lands and places for the
23 disposal of ashes and other refuse materials, garbage treatment
24 works and libraries, the establishing of parks, playgrounds and
25 recreation places, the changing of watercourses, and for all
26 other purposes authorized by this act, a township of the first
27 class may enter upon, appropriate, injure or destroy private
28 lands, property and material.] (a) A township may acquire
29 property by eminent domain, including entering upon,
30 appropriating, taking, using and occupying private lands and

1 property for any of the following public purposes:

2 (1) The laying out, opening, widening, extending, vacating,
3 grading or changing the grades or lines of streets or highways.

4 (2) The construction of bridges and the piers and abutments
5 for bridges.

6 (3) The construction of slopes, embankments and storm water
7 sewers and storm water facilities, the changing of watercourses,
8 and the construction of sanitary sewer mains, drains or
9 treatment works.

10 (4) The erection and extension of water systems, wharves and
11 docks, public buildings, public works or land for a public works
12 related function, municipal waste processing and disposal
13 facilities, including municipal waste landfills, libraries, and
14 the establishing of parks, playgrounds and recreation places.

15 (5) For all other purposes authorized by this act.

16 (b) Eminent domain proceedings shall be subject to and
17 conform with the provisions of 26 Pa.C.S. (relating to eminent
18 domain).

19 Section 1902. Restrictions As to Certain Property.--(a) In
20 addition to the restrictions made by other provisions of this
21 act in particular cases or by any other provision of law, no
22 township shall exercise the right of eminent domain [as against
23 land now occupied by any building which was used during the
24 Colonial or Revolutionary period as a place of Assembly by the
25 Council of the Colony of Pennsylvania, the Supreme Executive
26 Council of the Commonwealth of Pennsylvania, or the Congress of
27 the United States; or as against the land occupied by any fort,
28 redoubt, or blockhouse, erected during the Colonial or
29 Revolutionary period, or any building used as headquarters by
30 the Commander-in-Chief of the Continental Army; or as against

1 the site of any building, fort, redoubt, blockhouse, or
2 headquarters which are preserved for their historic associations
3 and not for private profit. The Colonial and Revolutionary
4 period shall be taken as ended on the third day of September,
5 one thousand seven hundred and eighty-three.] against:

6 (1) land now occupied by any building that was used during
7 the Colonial or Revolutionary period as a place of Assembly by
8 the Council of the Colony of Pennsylvania, the Supreme Executive
9 Council of the Commonwealth of Pennsylvania, or the Congress of
10 the United States;

11 (2) the land occupied by any fort, redoubt, or blockhouse
12 erected during the Colonial or Revolutionary period or any
13 building used as headquarters by the Commander-in-Chief of the
14 Continental Army; or

15 (3) the site of any building, fort, redoubt, blockhouse, or
16 headquarters that is preserved for the site's historic
17 associations and not for private profit.

18 (b) For the purposes of subsection (a), the Colonial and
19 Revolutionary period shall be deemed to have ended on September
20 3, 1783.

21 Section 71. The act is amended by adding a section to read:

22 Section 1902.1. Declaration of Intention.--A township shall
23 declare its intention to acquire, enter upon, take, use and
24 appropriate any private property or land for any of the purposes
25 authorized by this act by ordinance or resolution.

26 Section 72. Sections 1906 and 1917 of the act are amended to
27 read:

28 Section 1906. Value of Land or Property Not to Be Assessed
29 as Benefits; Exceptions.--In [all cases of] the appropriation of
30 land or property for public use, other than for streets, it

1 shall not be lawful to assess any portion of the damage done to
2 or value of the appropriated land or property [so appropriated]
3 against the other property adjoining or in the vicinity of the
4 appropriated land or property [so appropriated].

5 Section 1917. Title Acquired.--[In all cases where land or
6 property is acquired in eminent domain proceedings other than
7 for street or highway purposes, or is acquired by gift, purchase
8 or otherwise, the title obtained by the township shall be in fee
9 simple: Provided, That in particular instances a different title
10 may by agreement be acquired.] Except as otherwise provided by
11 law, if land or other real or personal property is acquired by a
12 township in eminent domain proceedings other than for street or
13 highway or easement purposes, or is acquired by gift, purchase
14 or otherwise, the title obtained by the township shall be in fee
15 simple absolute or like absolute ownership unless the parties
16 agree otherwise in writing and the agreement expressly appears
17 in a recorded deed affecting any real property acquired by the
18 township or in the notice of condemnation.

19 Section 73. Subdivision (b) of Article XIX and Subdivision
20 (a) heading of Article XX of the act are repealed:

21 [(b) Procedure for the Exercise of Eminent Domain and for
22 the Assessment of Damages and Benefits

23 Section 1924. Assessment of Damages and Benefits.--The
24 damages may be paid in whole or in part by the township, or may
25 be assessed in whole or in part upon the land or property
26 benefited. In the latter case, the viewers, having first
27 determined the damages apart from the benefits, shall assess the
28 total cost of the improvement, or so much thereof as may be just
29 and reasonable, upon the lands or properties peculiarly
30 benefited, including in the assessment all parties for which

1 damages have been allowed, and shall report the same to the
2 court. The total assessments for benefits shall not exceed the
3 total damages awarded or agreed upon.

4 Section 1925. Assessment Awards.--In proceedings to assess
5 damages and benefits, if the land or property is both benefited
6 and damaged by such improvements, the excess of damages over
7 benefits, or the excess of benefits over damages, or nothing in
8 case the benefits and damages are equal, shall be awarded to or
9 assessed against the several owners of the land or property
10 affected thereby.

11 Section 1952. Assessments to Bear Interest.--All assessments
12 for benefits, costs, and expenses shall bear interest at six per
13 centum per annum from the expiration of thirty days after they
14 shall have been finally ascertained, and shall be payable to the
15 treasurer of the township.

16 (a) Plans of Streets and Highways]

17 Section 74. The act is amended by adding sections to read:

18 Section 2002. Definitions.--The following words and phrases
19 when used in this article shall have the meanings given to them
20 in this section unless the context clearly indicates otherwise:

21 "Improving a street" or "improvement." The term includes
22 work on a street or portion thereof done or proposed to be done
23 in order to open the street if the street has not previously
24 been opened or, if previously opened, to make the street more
25 usable or more suitable for use by the traveling public or safer
26 for use. The term includes, but is not limited to, grading,
27 paving, and curbing. The term shall not include maintenance or
28 repaving.

29 "Laying out." The term includes the plotting of:

30 (1) An unopened street or portion of the street on a

1 township plan or official map adopted in accordance with the act
2 of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania
3 Municipalities Planning Code, on a subdivision or land
4 development plan or by the enactment of an ordinance adopted in
5 accordance with this article.

6 (2) An unopened street in a case where any of the lines of
7 the street are proposed to be revised or in a case where the
8 street was never previously laid out although the street may
9 have been opened and used.

10 "Opened streets." The term includes the streets within the
11 township used as public passageways.

12 "Opening a street." The term includes the construction and
13 grading of a street or portion thereof and the act of physically
14 taking possession of an area or laid-out street for the purpose
15 of making the same usable to the traveling public.

16 "Portion." The term includes a portion either of the width
17 or length of a street. Opening a portion of a street may mean
18 extending or widening a street, and vacating a portion of a
19 street may mean closing or narrowing a street.

20 "Street." The term includes a street, road, lane, alley,
21 court or public square, either for or intended for public use
22 and shall include the cartway, sidewalk, gutter, curb or the
23 right-of-way area, whether or not the street, or any portion of
24 the street, is owned in fee by others than the township. Streets
25 are of two classes, opened and unopened.

26 "Unopened streets." The term includes the streets within the
27 township neither used as a public passageway nor accepted or
28 maintained, but plotted in one of the following:

29 (1) a township plan or official map adopted in accordance
30 with the Pennsylvania Municipalities Planning Code;

1 (2) an ordinance laying out the street in accordance with
2 this article;

3 (3) a subdivision or land development plan; or

4 (4) an individual deed.

5 Section 2003. Township Street Plan.--(a) A township that
6 has not maintained an accurate plan of township streets adopted
7 in accordance with this article prior to the effective date of
8 this section may only adopt a plan of streets under the act of
9 July 31, 1968 (P.L.805, No.247).

10 (b) If a township maintains a plan of streets adopted prior
11 to the effective date of this section, or maintains an official
12 map containing opened and unopened streets, a street laid out in
13 accordance with this article by ordinance or by final approval
14 of a subdivision or land development plan must be deemed an
15 amendment to the plan. Notwithstanding any other provision of
16 law, a deemed amendment as provided in this section and a
17 subsequent placement of the street on a plan may not be subject
18 to public notice or public hearing if the street has been laid
19 out in accordance with the requirements of this article.

20 (c) The maintenance of a plan of streets or official map
21 shall not be required in order for a township to lay out streets
22 in accordance with section 2005 and section 2007.

23 Section 2004. Certain Streets Declared Public Streets.--(a)
24 Every street which has been used for public travel and
25 maintained and kept in repair continuously by the township for a
26 period of at least twenty-one years, pursuant to authorization
27 by the board of commissioners, is a public street having a
28 right-of-way of not less than twenty-four feet, even though
29 there is no public record of the laying out or dedication for
30 public use of the street.

1 (b) In any proceeding pursuant to this section, any relevant
2 oral or documentary evidence of public travel or maintenance and
3 repairs by the township shall, if presented, be considered,
4 including, but not limited to:

5 (1) Maps or surveys which are either generated by any
6 governmental unit or are created pursuant to any judicial
7 proceeding of the courts of this Commonwealth.

8 (2) Evidence concerning the distribution of government funds
9 to the township pursuant to the act of June 1, 1956 (1955
10 P.L.1944, No.655), referred to as the Liquid Fuels Tax Municipal
11 Allocation Law.

12 (3) Approved subdivision plans, deeds or other documents
13 containing a designation of the street as either a township
14 street or otherwise.

15 (4) Evidence that the street is an extension from a public
16 street or public cul-de-sac or a throughway between other
17 municipal or State streets or provides the only access to a
18 municipal boundary line.

19 (5) Court orders, decisions, findings of fact or other
20 matters of judicial record relating to public or private rights
21 in the street.

22 (c) For purposes of this section:

23 (1) The frequency of use of a street may be considered
24 relevant in any proceeding pursuant to this section, but, in the
25 absence of additional findings on the purpose of such use, shall
26 not alone be sufficient to establish that the street has been
27 used for public travel.

28 (2) The condition or sufficiency of the street surface for
29 public travel may be considered relevant in any proceeding
30 pursuant to this section, but, absent additional findings of

1 actual public maintenance and repair, shall not alone be
2 sufficient to establish maintenance and repair by the township.

3 (d) Nothing in this section shall be construed as affecting
4 the weight or persuasiveness of any evidence presented in
5 accordance with subsection (b) or the relevance of any evidence
6 presented except as otherwise provided in this section.

7 (e) In any proceeding in which this section is relied upon
8 to allege the existence of a public street, the proponent of the
9 public status of the street shall present evidence first, and
10 the burden shall then shift to the opponent to present evidence
11 to refute the public status of the street.

12 Section 75. Subdivision (b) heading of Article XX is
13 repealed:

14 [(b) Laying Out, Opening, Widening, Straightening,
15 Vacating and Relaying Streets, Highways,
16 Et Cetera; Repairs and Detours]

17 Section 76. Sections 2005, 2006 and 2007 of the act are
18 amended to read:

19 Section 2005. Power to Lay Out, Open, [Widen, Vacate, Et
20 Cetera.--(a) The board of township commissioners may enact,
21 ordain, survey, lay out, open, widen, straighten, vacate, and
22 relay all streets, and parts thereof, which are wholly within
23 the township, upon the petition of a majority in interest of the
24 owners of property or properties through whose land such street
25 passes, or upon whose land it abuts, or without petition of the
26 owners of abutting property if, in the judgment of the board of
27 commissioners, it is necessary for the public convenience; and
28 the authority to open, widen and straighten highways with the
29 approval of the Secretary of Transportation. Such power shall
30 include authority to vacate in whole or in part streets laid out

1 by the Commonwealth where the same have remained unopened for a
2 period of thirty years; and also the authority to lay out and
3 open a street which will be a continuation or extension of a
4 street already open by an adjacent city, borough, or township.

5 (b) For the purposes of subsection (a) "street" shall mean
6 and include any street as defined by section 102, either for or
7 intended for public use and shall include the cartway, sidewalk,
8 gutter or the right-of-way area, whether or not such street, or
9 any part thereof, is owned in fee by others than the township.]

10 Vacate and Alter Streets.--With regard to any street or portion
11 of a street within township limits, a township may, with or
12 without petition of abutting property owners, do any of the
13 following:

14 (1) Lay out, open, widen, straighten, alter, extend,
15 relocate and improve.

16 (2) Establish or reestablish the grades.

17 (3) Keep in order and repair and in safe passable condition.

18 (4) Vacate and discontinue when deemed expedient for the
19 public good.

20 (5) With the approval of the Department of Transportation,
21 vacate highways laid out by the Commonwealth within the township
22 limits which have remained unopened for thirty years.

23 Section 2006. [Burial Grounds, Et Cetera, Saved]

24 Prohibition.--No street shall be laid out and opened through any
25 burial ground or cemetery, nor through any grounds occupied by a
26 building used as a place for public worship, or as a public or
27 parochial school or educational or charitable institution or
28 seminary, unless the consent of the owner [or corporation or
29 person controlling] of the premises is first secured.

30 Section 2007. [Notice of Hearing.--The board of

1 commissioners shall give ten days' notice to the property owners
2 affected thereby of the time and place when and where all
3 parties interested may meet and be heard. Witnesses may be
4 summoned and examined by the board of commissioners and by the
5 parties interested at such meeting or any adjournment thereof.]

6 Procedures for Laying Out, Opening, Changing, Improving or
7 Vacating Streets.--(a) Before the enactment of any ordinance
8 for the laying out, opening, widening, straightening, extending,
9 altering, improving, relocating, vacating of any street or
10 highway or portion of any street or highway, the board of
11 commissioners shall give ten days' written notice to the owners
12 of property adjacent to the street or highway or portions of the
13 street or highway affected thereby of the time and place set for
14 a hearing on the proposed matter. Witnesses may be summoned and
15 examined by the board of commissioners and by the parties
16 interested at the hearing.

17 (b) After the hearing and a consideration of the matter
18 under subsection (a), if the board of commissioners votes in
19 favor of exercising the power so conferred, the board shall make
20 written report, together with a draft or survey of the street or
21 highway, which shall include:

- 22 (1) the width of the street or highway;
23 (2) the improvements along the street or highway; and
24 (3) the names of the owners of property which the street or
25 highway shall pass through or abut.

26 (c) The report and draft shall be filed in the recorder of
27 deeds office of the county.

28 (d) Any resident or property owner affected by the report
29 may, within thirty days after the filing of the report of the
30 board of commissioners, upon entering in the court sufficient

1 surety to indemnify the board of commissioners for all costs
2 incurred in the proceedings, file exceptions to the report,
3 together with a petition for a review.

4 (e) The following shall apply after the expiration of the
5 term allowed for filing exceptions or upon an order of the court
6 upon disposition of any exceptions:

7 (1) If the board of commissioners desires to lay out, open,
8 widen, straighten, alter, extend, improve, relocate or vacate
9 the street or highway or portion thereof, the board of
10 commissioners shall enact an ordinance for the same.

11 (2) The court of common pleas, on application by petition by
12 the board of commissioners or any person interested, shall
13 appoint three viewers from the county board of viewers to assess
14 the damages and benefits occasioned by the proceeding unless the
15 damages and benefits are otherwise agreed upon.

16 Section 77. Sections 2008, 2009, 2010 and 2011 of the act
17 are repealed:

18 [Section 2008. Draft; Report.--After such hearing and a
19 consideration of the matter, should the board of commissioners,
20 or a majority thereof, decide in favor of exercising the power
21 so conferred, they shall make written report, together with a
22 draft or survey of the street or highway, fixing the width
23 thereof and noting the improvements along the line thereof, and
24 the names of the owners of property through which the same shall
25 pass or whereon it shall abut. Such report and draft shall be
26 filed in the office of the clerk of the court of quarter
27 sessions.

28 Section 2009. Exceptions to Report.--Any citizen or
29 freeholder of the township may, within thirty days after the
30 filing of the report of the board of commissioners, upon

1 entering in the court sufficient surety to indemnify the board
2 for all costs incurred in the proceedings, file exceptions to
3 the report, together with a petition for a review.

4 Section 2010. Appointment of Viewers.--Upon favorable action
5 on such matter by the board of commissioners, and after the
6 expiration of the term allowed for filing exceptions, or upon
7 the order of the court upon the disposition of any exceptions,
8 if in either case the compensation for the damages or benefits
9 accruing therefrom have not been agreed upon, the court of
10 common pleas, or any law judge thereof in vacation, on
11 application by petition by the board of commissioners or any
12 person interested, shall appoint three viewers, from the county
13 board of viewers, to assess the damages and benefits occasioned
14 by the proceeding in the manner provided by this act for such
15 proceedings.

16 Section 2011. Notices to Be Posted Along Improvement.--After
17 the passage or approval of any ordinance by the board of
18 commissioners, for the opening, widening, straightening,
19 extending, or vacating any street or highway, notice shall,
20 within ten days thereafter, be given by handbills posted in
21 conspicuous places along the line of the proposed improvement.
22 Such notice shall state the fact of the passage or approval of
23 the ordinance, and the date of the passage or approval.]

24 Section 78. The act is amended by adding sections to read:

25 Section 2011.1. Petition for Opening, Etc.--(a) A petition
26 may be presented to the board of commissioners for the opening,
27 widening, straightening, extending, altering, improving,
28 relocating, vacating or establishing or reestablishing the grade
29 of any street.

30 (b) A petition made pursuant to this section must be:

1 (1) Signed by a majority, in number and interest, of the
2 owners of property abutting on the line of the proposed
3 improvement or vacation as fixed at the time of presentation of
4 the petition.

5 (2) Verified by affidavit of one or more of the petitioners.

6 (3) Accompanied by payment of reasonable and necessary fees
7 established by resolution in a form acceptable to the township.
8 Fees may include those reasonable and necessary costs and
9 expenses anticipated to be incurred by the township in
10 responding to the petition, such as advertising, engineering,
11 hearing, legal and similar costs.

12 (c) The majority in interest of owners of undivided
13 interests in any piece of property shall be deemed as one person
14 for the purposes of the petition.

15 Section 2011.2. Notice of Petition.--(a) After a petition
16 has been presented in accordance with section 2011.1 and the
17 board of commissioners has determined the adequacy of the
18 petition, but before final enactment of any ordinance enacted
19 pursuant to the petition, notice shall be published once in a
20 newspaper of general circulation pursuant to section 110, and
21 handbills shall be posted in conspicuous places along the line
22 of the proposed improvement.

23 (b) The notice and handbills shall include the following:

24 (1) Statement that the petition for the improvement was
25 signed by a majority, in interest and number, of the owners of
26 property abutting the line of the proposed improvement.

27 (2) Any person interested may provide comments at a public
28 hearing to be held at a date, time and place as stated in the
29 published notice and handbills.

30 (c) If, after a hearing, the board of commissioners

1 determines to proceed with the consideration of an ordinance
2 pursuant to the petition, it shall publish notice of the
3 proposed ordinance and incorporate reference to any maps or
4 drawing in accordance with Article XXXIII-A.

5 Section 79. Sections 2012, 2013 and 2014 of the act are
6 amended to read:

7 Section 2012. Width of [~~Public Roads.--The width of a street~~
8 ~~in townships shall not be less than thirty-three feet or more~~
9 ~~than one hundred and twenty feet, unless, in any particular~~
10 ~~case, the township commissioners shall determine that a street~~
11 ~~of lesser width will be sufficient for public use and travel;~~
12 ~~but in no case shall any public street be less than twenty-four~~
13 ~~feet in width: Provided, That the limits of width shall not be~~
14 ~~construed to include the width required for necessary slopes in~~
15 ~~cuts or fills, when the limits of the street and the extra width~~
16 ~~required for such slopes exceed the limits of width herein~~
17 ~~specified.] Public Streets.--(a) The width of a street in
18 townships shall not be less than twenty-four feet nor more than
19 one hundred and twenty feet. The minimum required width shall be
20 in addition to any width required for necessary slopes in cuts
21 or fills.~~

22 (b) The width of an alley shall be subject to the discretion
23 of the board of commissioners.

24 Section 2013. Opening and Repairing [~~Roads.--Streets laid~~
25 ~~out by lawful authority in townships shall, as soon as may be]~~
26 Streets.--(a) Laid out public streets in townships shall, as
27 soon as practicable, be effectually opened and constantly kept
28 in repair. All streets shall, at all seasons, be kept reasonably
29 clear of all impediments to easy and convenient traveling, at
30 the expense of the township.

1 [Whenever proceedings have been heretofore or may hereafter
2 be begun for the opening and laying out of any street in any
3 township, such street shall be physically opened upon the ground
4 for use by the public within the period of five years next after
5 the completion of such proceedings, and if not so opened, then
6 such proceedings shall be deemed to be void and of no effect,
7 and the land proposed to be taken shall revert to the owners of
8 the land, as in the case of the vacation of a street, free of
9 any easement or right of the public to use the same.]

10 (b) When proceedings have been initiated under this act for
11 the opening and laying out of any public street in any township,
12 the street shall be physically opened for use by the public
13 within a period of five years after the completion of the
14 proceedings. If the street is not opened or if no proceedings
15 have been commenced to compel the opening in five years, then
16 the proceedings are void and the land proposed to be taken shall
17 revert to the owners of the land free of any easement or right
18 of the public to use the land.

19 Section 2014. [Detours.--Except in the case of emergencies
20 wherein the safety of the public would be endangered, no street
21 in any township shall be closed to vehicular traffic, except
22 upon order of the township commissioners, nor for a longer
23 period than is necessary for the purpose for which such order is
24 issued: Provided, however, That no street shall be closed to
25 vehicular traffic when the same has been designated as a detour
26 by the State Department of Highways, unless the written consent
27 of the Department of Highways has first been obtained, or unless
28 the township commissioners shall, by resolution duly recorded on
29 their minutes, declare such closing necessary for the protection
30 of the public safety.]

1 When any street shall be closed, as hereinbefore provided, it
2 shall be the duty of the township commissioners authorizing the
3 closing to immediately designate or lay out a detour, on which
4 they shall erect or cause to be erected and maintained while
5 such detour is in use, legible direction signs at each public
6 road intersection throughout its entire length. During the
7 period when such detour is in use, it shall be the duty of the
8 township commissioners to maintain such detour in safe and
9 passable condition, except in the case of State or county
10 highways. It shall also be the duty of the authorities
11 maintaining the detour to immediately remove all detour signs
12 when the street originally closed is opened for traffic. Except
13 in the case of State or county highways, the commissioners
14 shall, as soon as possible, repair the street designated as a
15 detour, and place same in a condition at least equal to its
16 condition when designated as a detour. Whenever necessary in the
17 creation of a detour, as aforesaid, the township commissioners
18 responsible for laying out the detour] Street Closings and
19 Detours.--(a) The following shall apply to the closing of a
20 street to vehicular traffic:

21 (1) No street shall be closed to vehicular traffic, except
22 upon order of the board of commissioners or, in cases of
23 emergency, when immediate action is necessary to protect public
24 safety, by order of the police, an authorized fire official or
25 other authorized public employee.

26 (2) A street may not remain closed for a longer period than
27 is necessary for the purpose for which the order to close was
28 issued.

29 (3) Except in cases of emergency, when immediate action is
30 necessary to protect public safety, no street shall be closed to

1 vehicular traffic when the street has been designated as a
2 detour by the Department of Transportation, unless the Secretary
3 of Transportation has provided written consent or the board of
4 commissioners has, by resolution duly recorded on its minutes,
5 declared the closing necessary for the safety of the public.

6 (4) When any street which forms a part or section of a State
7 highway or has been designated as a detour by the Department of
8 Transportation is closed to vehicular traffic, the township
9 shall at once notify the Department of Transportation of the
10 creation of a detour under this section. The Department of
11 Transportation shall be notified immediately after the detour is
12 removed.

13 (5) When any street is to be closed, it shall be the duty of
14 the board of commissioners or official authorizing the closing
15 to immediately designate or lay out a detour.

16 (6) While the detour is in use, legible signs shall be
17 erected and maintained at reasonable intervals indicating the
18 proper direction and the detour shall be maintained in a safe
19 and passable condition, except in the case of State or county
20 highways.

21 (7) When the street that had been closed is opened for
22 traffic, all detour signs shall be removed.

23 (8) Except in the case of State or county highways, the
24 board of commissioners shall, as soon as possible, repair the
25 street designated as a detour and place the street in a
26 condition at least equal to its condition when designated as a
27 detour.

28 (b) The board of commissioners may enter into agreement with
29 the owners of private lands, covering the acquisition of right
30 of way privileges for a detour over private property for the

1 period when the street shall be closed to traffic. If the
2 parties cannot reach an agreement, the township may proceed with
3 the construction of the detour with the owner of the property
4 taken for the detour entitled to seek damages, if any, in the
5 same manner as damages are now ascertained for the opening of
6 streets in the township.

7 (c) In the exercise of the rights conferred by this
8 section[, the township commissioners responsible are hereby]
9 relating to detours, the board of commissioners is empowered to
10 pay for the necessary maintenance, subsequent repair, and land
11 rental out of [such funds as are] the money available for the
12 construction and maintenance of [the streets in their charge.

13 Any person who shall wilfully remove, deface, destroy, or
14 disregard any barricade, light, danger sign, detour sign, or
15 warning of any other character whatsoever, erected or placed
16 under authority of this section, or who shall drive on, over or
17 across any street which has been properly closed, shall upon
18 conviction thereof in a summary proceeding before a justice of
19 the peace, be sentenced to pay a fine of not more than one
20 hundred dollars, and the costs of prosecution, and, in default
21 of the payment thereof, shall be imprisoned one day for each
22 dollar of fine and costs unpaid: Provided, however, That persons
23 who have no outlet due to the closing of a street may drive on,
24 over or across such street, with the consent in writing of, and
25 subject to such conditions as may be prescribed by, the township
26 commissioners responsible for the closing, or their agents or
27 contractors, without being subject to the penalties imposed by
28 this section.

29 In addition to the penalties herein provided, the township
30 commissioners responsible for the maintenance of a street which

1 has been closed to vehicular traffic, or their agents or
2 contractors, may, in an action at law, recover damages from any
3 person or persons who have damaged a street by driving on, over
4 or across the same when it is closed to vehicular traffic in
5 accordance with the provisions of this act.

6 All fines and moneys collected under the provisions of this
7 section shall be paid by the officer receiving the same to the
8 treasurer of the township in which the offense was committed.

9 The commissioners of any township may temporarily close any
10 street when, in their opinion, excessive or unusual conditions
11 have rendered such street unfit or unsafe for travel, and
12 immediate repair, because of the time of year or other
13 conditions, is impracticable. The street or portion thereof so
14 closed shall be properly marked at its extremities, and a means
15 of passage for the customary users of such road shall, whenever
16 possible, be provided.

17 Anyone using such street or portion thereof after the same
18 has been properly closed and marked, without a permit from the
19 commissioners, shall be subject to a penalty of not more than
20 one hundred dollars, to be recovered in a summary proceeding.
21 The penalties so recovered shall be payable to the treasurer of
22 the township wherein the offense was committed.] township
23 streets.

24 (d) Any person who willfully removes, defaces, destroys or
25 disregards any barricade, light, danger sign, detour sign, or
26 warning of any other type legally erected or placed or who
27 drives on, over or across any street which has been closed by
28 proper authority commits a summary offense punishable upon
29 conviction in accordance with section 3321-A.

30 (e) A person who has no outlet due to the closing of a

1 street may drive on, over or across the street, subject to
2 reasonable conditions as may be prescribed by the township
3 without being subject to the penalties imposed by this section.

4 (f) In addition to the penalties provided in subsection (d),
5 the township or the township's agents or contractors, may, in an
6 action at law, recover damages, including costs of labor,
7 materials and prosecution from any person who damages a street
8 when it is closed to vehicular traffic.

9 (g) All money collected under the provisions of this section
10 shall be paid over to the township treasurer.

11 (h) The board of commissioners may temporarily close any
12 street when it determines that excessive or unusual conditions
13 have rendered the street unfit or unsafe for travel, and
14 immediate repair, because of the time of year or other
15 conditions, is impracticable. The street or portion of the
16 street closed shall be properly marked at the street's
17 extremities and a means of passage for the customary users of
18 the street shall, whenever possible, be provided.

19 Section 80. Section 2015 of the act is repealed:

20 [Section 2015. Laying out Roads under the General Road
21 Law.--All roads partly within townships of the first class,
22 where one of the termini of such roads is without the township,
23 shall be laid out, widened, changed, or vacated only by the
24 courts of quarter sessions, as heretofore, in the manner
25 provided by the general road law and the amendments, additions,
26 and supplements thereto. But no such road shall be opened,
27 changed, widened, altered, or vacated unless and until the board
28 of commissioners of the township shall have passed a resolution
29 consenting and approving thereto, and shall have filed, with the
30 clerk of said court, a copy of such resolution, duly certified

1 by the township secretary. All damages and benefits occasioned
2 by such laying out and the subsequent opening thereof, or by any
3 such widening, changing, or vacation, shall be assessed,
4 collected, and paid in the manner provided by the general road
5 law and the amendments, additions, and supplements thereto:
6 Provided, That all damages occasioned by such laying out, and
7 the opening thereof, or by the widening, changing, or vacating
8 of all roads within townships of the first class shall be
9 assessed, collected, and paid by such townships of the first
10 class.]

11 Section 81. The act is amended by adding a section to read:

12 Section 2016. Street Connecting with Street of Another
13 Municipal Corporation.--(a) All streets partly within a
14 township of the first class shall be laid out, opened, widened,
15 straightened, altered, extended, vacated, improved, relocated or
16 have grades established or reestablished pursuant to this
17 article to the extent the street or portion of the street is
18 within the township.

19 (b) (1) The procedures applicable to any portion of the
20 street outside the township shall be pursuant to the code
21 applicable to the classification of the other municipal
22 corporation with which the street is shared.

23 (2) Notwithstanding paragraph (1), no action may be taken
24 under this article that would result in the change of location
25 or grade or the vacation of a street or portion of the street
26 that connects with a street of another municipal corporation
27 without approval of the court of common pleas of the county in
28 which the other municipal corporation is located, unless the
29 municipal corporation first files with the township secretary
30 the municipal corporation's approval of the proposed action.

1 Section 82. Subdivision (c) heading of Article XX and
2 section 2019 are repealed:

3 [(c) Dedicated Streets and Drainage Facilities
4 Section 2019. Scope of Subdivision.--The provisions of this
5 subdivision (c) of this article shall only apply in case a
6 township shall fail to adopt and enforce land subdivision
7 regulations as provided in Article XXX-A of this act and to
8 situations not covered by such regulations.]

9 Section 83. Section 2020 of the act is amended to read:

10 Section 2020. [Plans of Dedicated Streets.--The
11 commissioners of any township may accept in the name of the
12 township any land dedicated by deed to the township to be used
13 in any manner for road purposes. No person shall construct,
14 open, or dedicate any street, or any drainage facilities in
15 connection therewith, for public use or travel in any township,
16 without first submitting plans thereof to the township
17 commissioners for their approval. Such plans shall be prepared
18 in duplicate in accordance with such rules and regulations as
19 may be prescribed by the commissioners, and shall show the
20 profiles of such streets, the course, structure, and capacity of
21 any drainage facilities, and the method of drainage of the
22 adjacent or contiguous territory, and also any other or further
23 details, that may be required under the rules and regulations
24 adopted by the township commissioners. Before acting upon any
25 such plans, the commissioners may, in their discretion, arrange
26 for a public hearing, after giving such notice as they may deem
27 desirable in each case. The township commissioners are
28 authorized to alter such plans, or order the same to be altered,
29 and to specify any changes or modifications of any kind which
30 they, in their discretion, may deem necessary with respect

1 thereto, and may make their approval of such plans subject to
2 any such alterations, changes or modifications, but no plans
3 shall be approved until there is a solicitor's report as to
4 municipal liens. Any plans when so approved shall be signed, in
5 duplicate, on behalf of the township by such officer as the
6 commissioners may designate, and an approved duplicate copy
7 shall be filed in the township engineer's office or other proper
8 office, where the same shall be available to public inspection.
9 No street, or any drainage facilities in connection therewith,
10 shall be opened, constructed, or dedicated for public use or
11 travel, except in strict accordance with plans so approved by
12 the commissioners, or with further plans subsequently approved
13 by them in the same manner, nor until such plan, and the
14 approval thereof, has been recorded as hereinafter provided.]

15 Acceptance of Land for Street Purposes.--(a) The board of
16 commissioners may, by ordinance or resolution, accept in the
17 name of the township any land dedicated by deed to the township
18 to be used in any manner for street purposes.

19 (b) No person shall construct, open, or dedicate any street
20 or any drainage facilities in connection with the street for
21 public use or travel in any township without first submitting
22 plans to the board of commissioners for their approval. The
23 plans shall be prepared in accordance with rules and regulations
24 as may be prescribed by the commissioners and shall show the
25 profiles of the streets, the course, structure, and capacity of
26 any drainage facilities and the method of drainage of the
27 adjacent or contiguous territory and any other details required
28 under the rules and regulations adopted by the board of
29 commissioners.

30 (c) The act of July 31, 1968 (P.L.805, No.247), known as the

1 Pennsylvania Municipalities Planning Code, shall apply to the
2 construction, security requirements and dedication of streets
3 and connected drainage facilities if the streets proposed to be
4 constructed are part of a plan required by an ordinance adopted
5 under the Pennsylvania Municipalities Planning Code.

6 (d) (1) Before acting upon plans not subject to review
7 under subsection (c), the board of commissioners may, in the
8 board's discretion, arrange for a public hearing, after giving
9 notice as they may deem desirable in each case. The board of
10 commissioners may alter the plans and specify changes or
11 modifications of any kind and may make its approval of the plans
12 subject to alterations, changes or modifications. Plans, when so
13 approved, shall be signed on behalf of the township by an
14 officer as the commissioners may designate, and an approved copy
15 shall be filed in the township engineer's office or other proper
16 office, where the same shall be available to public inspection.

17 (2) No street or any drainage facilities in connection with
18 the street shall be opened, constructed, or dedicated for public
19 use or travel except in compliance with plans approved by the
20 board of commissioners and until the approved plan is recorded
21 as required in this article.

22 (e) If the board of commissioners refuses to approve any
23 plans submitted to the board under this section, any person
24 aggrieved by the action of the board of commissioners may within
25 thirty days after the action appeal from the action by petition
26 to the court of common pleas and the court shall hear the matter
27 de novo. The following shall apply:

28 (1) After a hearing, the court may enter a decree affirming,
29 reversing or modifying the action of the board of commissioners
30 as may appear just.

1 (2) The court shall designate the manner in which notices of
2 the hearing of any appeal shall be given to all parties
3 interested.

4 (3) The decision of the court shall be final.

5 (4) A plan approved by the action of the board of
6 commissioners or by the court on appeal shall be recorded by the
7 person applying for approval in the office of the recorder of
8 deeds of the county.

9 (f) If any street or any drainage facilities in connection
10 with a street is opened, constructed or dedicated for public use
11 or travel, except in compliance with plans approved and
12 recorded, neither the board of commissioners nor any public
13 authority shall be required to place, construct or operate any
14 sewer, drain, water pipe or other facilities or do any work of
15 any kind in or upon the street. Neither the board of
16 commissioners nor any other public authority shall have any
17 responsibility of any kind with respect to the street or
18 drainage facilities even if the street or drainage facilities
19 are in use by the public, unless the street or drainage
20 facilities is accepted by ordinance or by deed of dedication.
21 Nothing in this act shall prevent the laying of trunk sewers,
22 drains or water or gas mains if required by engineering
23 necessity for the accommodation of other territory.

24 (g) If a person opens a street or drainage facility in
25 connection with the street without submitting and obtaining
26 approval of plans as provided in this section, and if the board
27 of commissioners shall have no information that the street or
28 drainage facility is intended for public use or travel, the
29 board of commissioners may, in their discretion, file with the
30 recorder of deeds of the county a certificate containing a

1 description of the land served by the street or drainage
2 facility in connection with the street. The board of
3 commissioners shall include a statement that, as the board of
4 commissioners have not approved the plans, neither the board of
5 commissioners nor any other public authority shall have any
6 responsibility to furnish any facilities or services with
7 respect to the land or have any responsibility of any kind with
8 respect to the street or drainage facility. The owner of the
9 land shall be designated and indexed as grantor in the records
10 of the office of the recorder of deeds, and the township shall
11 be designated and indexed as grantee. It shall not be necessary
12 for the certificate to be executed by any party other than the
13 board of commissioners filing the same.

14 (h) The following shall apply:

15 (1) Nothing in this section shall be deemed to prevent the
16 board of commissioners from enforcing the provisions of this act
17 in which any street or any drainage facility in connection with
18 the street is intended for public use or travel.

19 (2) If a township fails to file a certificate under
20 subsection (g), nothing in this section shall be interpreted to
21 create a deemed approval of the plans nor create any
22 responsibility of the township with respect to the land, street
23 or drainage facility.

24 (i) Any person who constructs, opens or dedicates any street
25 or drainage facilities for public use or travel in any township
26 without having first complied with the provisions of this
27 section and of any ordinances or resolutions of the board of
28 commissioners commits a misdemeanor of the third degree and is
29 subject to suit for all costs and damages incurred by the
30 township or property owners in the course of correcting

1 substantive violations of State or municipal law or regulations
2 resulting from or arising out of the unlawfully constructed
3 street or facility. All money recovered shall be paid to the
4 township treasurer.

5 (j) No approval of plans by the board of commissioners shall
6 obligate or require the township to construct, reconstruct,
7 maintain, repair or grade the streets.

8 Section 84. Sections 2021, 2022, 2023, 2024 and 2025 of the
9 act are repealed:

10 [Section 2021. Appeals where Commissioners Refuse
11 Approval.--In any case where the township commissioners shall
12 refuse to approve any plans submitted to them in accordance with
13 this act, any person aggrieved by the action of the
14 commissioners may, within thirty days after such action, appeal
15 therefrom by petition to the court of quarter sessions of the
16 county, which court shall hear the matter de novo, and, after
17 hearing, may enter a decree affirming, reversing, or modifying
18 the action of the commissioners as may appear just in the
19 premises. The court shall designate the manner in which notices
20 of the hearing of any such appeal shall be given to all parties
21 interested. The decision of the court shall be final.

22 The action of the township commissioners, or of the court on
23 appeal, in approving any such plans, and an approved duplicate
24 copy of such plans, shall be recorded by the person applying for
25 such approval in the office of the recorder of deeds of the
26 county.

27 Section 2022. No Responsibility on Township Where Plans Not
28 Approved.--If any street, or any drainage facilities in
29 connection therewith, shall be opened, constructed, or dedicated
30 for public use or travel, except in strict accordance with plans

1 approved, and recorded as herein provided, neither the township
2 commissioners nor any public authorities shall place, construct,
3 or operate any sewer, drain, water pipe, or other facilities, or
4 do any work of any kind, in or upon such street; and neither the
5 township commissioners, nor any other public authorities, shall
6 have any responsibility of any kind with respect to any such
7 street, or drainage facilities, notwithstanding any use of the
8 same by the public, unless such street, or drainage facilities,
9 is accepted by ordinance, or by deed of dedication: Provided,
10 however, That nothing herein contained shall prevent the laying
11 of trunk sewers, drains, water or gas mains, if required by
12 engineering necessity for the accommodation of other territory.
13 If any person shall open any street, or any drainage facility,
14 in connection therewith, without submitting and obtaining
15 approval of plans, as approved in section two thousand twenty of
16 this act, and if the township commissioners shall have no
17 information that such street, or drainage facility, in
18 connection therewith, shall be intended for public use, or
19 travel, the township commissioners may, in their discretion,
20 file with the recorder of deeds of the county, a certificate
21 containing a description of the land served by such street, or
22 drainage facility, in connection therewith and a statement that,
23 as the township commissioners have not approved such plans,
24 neither the township commissioners nor any other public
25 authority shall have any responsibility to furnish any
26 facilities, or services, with respect to such land; or any
27 responsibility of any kind with respect to such street, or
28 drainage facility, in connection therewith. The owner of such
29 land shall be designated and indexed as grantor in the records
30 of the office of the recorder of deeds, and the township shall

1 be designated and indexed as grantee therein. It shall not be
2 necessary for such certificate to be executed by any other party
3 than the township commissioners filing the same. Nothing herein
4 contained shall be deemed to prevent the township commissioners
5 from enforcing the provisions of this act in any case in which
6 any such street, or any drainage facility, in connection
7 therewith, is intended for public use, or travel.

8 Section 2023. Entry of Lands.--The township commissioners
9 and their representatives and workmen may enter upon any land
10 and property, and maintain marks and monuments, so far as the
11 commissioners deem necessary in carrying out their powers and
12 duties of this subdivision.

13 Section 2024. Penalty.--Any person, copartnership, or
14 corporation who or which shall construct, open, or dedicate any
15 street, or any drainage facilities in connection therewith, for
16 public use or travel in any township, without having first
17 complied with the provisions of this subdivision, and of any
18 ordinances or resolutions of the township commissioners adopted
19 pursuant hereto, shall be guilty of a misdemeanor, and, upon
20 conviction thereof, such person or the members of such
21 copartnership or the officers of such corporation responsible
22 for such violation shall be sentenced to suffer imprisonment not
23 exceeding two years, or pay a fine not exceeding one thousand
24 dollars, or both, in the discretion of the court.

25 Section 2025. Powers of State and Counties Preserved.--
26 Nothing contained in this subdivision shall be held to restrict
27 or limit the State Department of Highways or any county in the
28 exercise of any of its duties, powers, and functions under the
29 provisions of any act of Assembly now in force or hereafter to
30 be enacted.]

1 Section 85. The act is amended by adding sections to read:

2 Section 2025.1. Powers of State and Counties Preserved.--

3 Nothing contained in this article shall be held to restrict or
4 limit the Department of Transportation or any county in the
5 exercise of any of its duties, powers, and functions under the
6 provisions of any State law.

7 Section 2026. Exclusive Nature of Provisions.--No street may
8 be dedicated, accepted, acquired, laid out, opened or vacated by
9 a township except under this article.

10 Section 2027. Failure of Board of Commissioners to Hold
11 Hearing.--If, after the filing of a petition under this article,
12 the board of commissioners fails to hold a required hearing, an
13 aggrieved party may file a mandamus action in the court of
14 common pleas requesting that a hearing be held.

15 Section 2028. Entry on Land to Maintain Marks and
16 Monuments.--The board of commissioners and the board of
17 commissioners' agents and employees may enter upon any land or
18 property to maintain marks and monuments as the board of
19 commissioners deems necessary in carrying out the board of
20 commissioners' powers and duties under this article.

21 Section 2029. Bike Paths.--The board of commissioners may
22 provide for the construction and maintenance of bike paths for
23 the protection or convenience of the traveling public.

24 Section 86. Subdivision (d) heading of Article XX of the act
25 is repealed:

26 [(d) Relocation, Alteration, and Vacation of
27 Streets in or near State Parks]

28 Section 86.1. Section 2030 of the act is amended to read:

29 Section 2030. [Agreements to Relocate, Alter, and Vacate]
30 Streets in or near [State] Public Parks.--[Whenever a public

1 road or highway within a park or public ground, title to which
2 park or public grounds is vested in the State of Pennsylvania,
3 is laid out, located, relocated, altered, or vacated in such
4 manner that a street, approaching, leading into, or contiguous
5 to such park or public grounds, shall become either useless,
6 inconvenient or burdensome, such street, approaching, leading
7 into, or contiguous to such park or public grounds, may be
8 altered, relocated, or vacated, by the township commissioners
9 charged with the duty of maintaining such streets, in whole or
10 in part for the purpose of making it convenient and suitable as
11 an approach to the roads and highways within said park or public
12 grounds, upon the consent and agreement of: (a) The
13 commissioners or officials charged with the care and management
14 of said park or public grounds; (b) the township commissioners
15 charged with the duty of maintaining said street, approaching,
16 leading into, or contiguous to said park or public grounds; and
17 (c) the property owners owning the majority of the frontage of
18 land abutting upon the relocated portion of the street
19 approaching, leading into, or contiguous to said park or public
20 grounds.] (a) The board of commissioners may contract with the
21 Commonwealth, a county or a municipal corporation owning and
22 operating parks inside the township to establish, relocate,
23 alter or vacate public streets inside or contiguous to those
24 parks. The board of commissioners shall take no action with
25 respect to the public streets without the written consent and
26 agreement of the Commonwealth, county or municipal corporation
27 owning and operating the parks. Any street when altered or
28 relocated under this section shall be maintained and repaired
29 the same as other township streets.

30 (b) The agreement shall be adopted by ordinance and within

1 thirty days the street shall be a public street of the township.

2 (c) The owner of any land through which any public street
3 may be located or relocated may apply by petition to the court
4 of common pleas, setting forth the injury that has been
5 sustained by reason of the relocation of the public street. The
6 proceedings relative to the assessment and payment of damages of
7 the landowner shall be pursuant to 26 Pa.C.S. (relating to
8 eminent domain).

9 Section 86.2. Sections 2031, 2032 and 2033, Subdivision (e)
10 and Subdivision (f) heading of Article XX of the act are
11 repealed:

12 [Section 2031. Agreement to Be Filed in Court; Effect of
13 Filing.--The filing of the consent and agreement of
14 commissioners or officials charged with the care and management
15 of such park or public grounds, the township commissioners
16 charged with the maintenance of said streets, and of the
17 property owners, provided for in the preceding section, in the
18 court of quarter sessions of the county or counties in which the
19 altered, relocated, or vacated street is situate, shall have the
20 same force and effect as the filing and the approval and
21 absolute confirmation by the court of quarter sessions of a
22 report of viewers appointed in accordance with the general road
23 law, and shall have the same force and effect as though said
24 viewers had laid out, located, relocated, altered, or vacated
25 such street in accordance with the agreement filed as aforesaid,
26 and the report of said viewers had been filed, approved, and
27 absolutely confirmed by the court.

28 The filing of said agreement in the court of quarter sessions
29 shall be conclusive as to the question of the necessity for the
30 laying out, location, relocation, alteration, or vacation of

1 said streets, as contained in the said agreement, and that the
2 portion or portions of said street abandoned or vacated was
3 useless, inconvenient, and burdensome.

4 Section 2032. Altered and Relocated Streets Declared
5 Township Streets.--Such street, when altered or relocated, shall
6 be maintained and repaired in the same manner as other township
7 streets are maintained and repaired.

8 Section 2033. Assessment of Damages.--The owner of any land
9 through which any street may be so relocated may apply, by
10 petition, to the court of quarter sessions of the proper county,
11 setting forth the injury which has been sustained by reason of
12 the relocation of the said street, and the proceedings relative
13 to the assessment and payment of damages of said land owner
14 shall be in accordance with the provisions of this act for
15 proceedings for the assessment of damages and benefits.

16 (e) Elimination of Curves

17 Section 2035. Any township may acquire, by purchase or by
18 the right of eminent domain, such property and lands situate
19 along or adjacent to any township street or highway as, in the
20 opinion of the commissioners of such township, may be necessary
21 to eliminate dangerous curves and widen narrow streets or
22 highways for the better protection and safety to the traveling
23 public.

24 Upon any such purchase or condemnation, the township
25 commissioners may, from time to time, abate or remove, or cause
26 to be abated or removed, any such dangerous curve or curves, or
27 widen such narrow street or highway, to the extent of the
28 property and land so acquired.

29 The proceedings for the condemnation of such property and
30 lands under the provisions of this section, and for the

1 assessment of damages for property or land taken, injured or
2 destroyed, shall be taken in the same manner as is provided by
3 this act for the condemnation of lands by townships.

4 (f) Acquisition of Unobstructed Views at Curves
5 and Intersections]

6 Section 87. Section 2040 of the act is amended to read:

7 Section 2040. [Any township may acquire, by purchase or by
8 the right of eminent domain, a free and unobstructed view down
9 and across such lands located at or near the intersection of any
10 two streets or highways, or a street or highway and a railroad
11 or railway, or at any curve in any street or highway, as may be
12 necessary to assure a free and unobstructed view in all
13 directions at such crossings, and to so prevent the use of such
14 lands for any purpose or in any manner which may interfere with
15 or obstruct the vision of persons traveling upon any such street
16 or highway.

17 Upon any such condemnation, the township commissioners,
18 having had such view condemned, may from time to time, abate or
19 remove, or cause to be abated or removed, any obstruction to
20 such view over and across such lands.

21 The proceedings for the condemnation of such view over and
22 across such lands and for the assessment of damages for property
23 taken, injured or destroyed, shall be taken in the same manner
24 as is provided in this act for the condemnation of land by
25 townships.

26 Upon the condemnation of a view, the owner of such lands may
27 make every such use thereof as will not interfere with a free
28 and unobstructed view at such dangerous crossing or curve, and,
29 unless specially provided for in such condemnation proceedings,
30 such condemnation shall not be construed to prevent the owner

1 thereof from using such land for pasture or the growing of
2 grass, oats, wheat, or other crops which will not obstruct the
3 vision more than wheat.] Elimination of Curves and Acquisition

4 of Views.--(a) Any township may, singly or jointly with another
5 municipality, acquire, by purchase or by the right of eminent
6 domain, lands or easements along or adjacent to any township
7 street that may be necessary to eliminate dangerous curves,
8 widen streets or provide a free and unobstructed view down and
9 across lands located at or near the intersection of any two
10 streets or highways, or a street or highway and a railroad or
11 railway or at a curve in any street or highway, for the better
12 protection and safety to the traveling public.

13 (b) After condemnation, the township may abate or remove, or
14 cause to be abated or removed, any obstruction to the view over
15 and across the lands.

16 (c) The proceedings for the condemnation of lands and for
17 the assessment of damages for property, or portions of property,
18 taken, injured or destroyed, agreed to be paid by the township
19 if the taking is jointly with another municipality, shall be
20 taken in the manner provided under the law governing eminent
21 domain.

22 (d) Upon the purchase or condemnation of lands or easements
23 for a free and unobstructed view, the owner of the lands may
24 make every use of the lands as will not interfere with a free
25 and unobstructed view at the dangerous crossing or curve.

26 Section 88. Subdivision (g) heading of Article XX of the act
27 is repealed:

28 [(g) Changing or Altering Streets by Agreement
29 with Property Owners]

30 Section 89. Section 2045 of the act is amended to read:

1 Section 2045. Improving or Vacating Streets by Agreement.--
2 [Whenever the commissioners of any township deem it advisable to
3 construct, change, widen, relocate or alter any part of any
4 street under their supervision, and can agree with the property
5 owners affected by such change as to damages, they may, upon
6 payment of damages agreed upon, change, widen, relocate, or
7 alter such part of such street as contemplated in such agreement
8 without the formality of a view.

9 No such improvement of any part of any street shall be made,
10 the costs and expenses of which to such township, including
11 damages, shall exceed one thousand dollars. A petition setting
12 forth the facts, accompanied by a map or draft of such proposed
13 improvement, shall be presented to the court of quarter sessions
14 for approval before such actual improvement is made; whereupon
15 the new location, approved by the court, shall be taken to be
16 the street and the old location shall be vacated.] (a) When the
17 board of commissioners constructs, changes, widens, relocates,
18 vacates or alters any portion of any public street under their
19 supervision, and can agree with the property owners affected by
20 the change as to damages, the board of commissioners may, upon
21 payment of damages agreed upon, construct, change, widen,
22 relocate, vacate or alter the portion of the street as
23 contemplated in the agreement without the formality of a view.

24 (b) A copy of the agreement setting forth the facts
25 regarding the construction, change, widening, relocation,
26 vacation or alteration, accompanied by a map or draft of the
27 street agreed to be constructed, changed, widened, relocated,
28 vacated or altered, shall be presented and recorded in the
29 office of the recorder of deeds or similar office in home rule
30 counties after which the new location is the public street or

1 the old location is vacated.

2 (c) Nothing contained in this section shall be construed to
3 prohibit a township from paying for curbs, gutters, sidewalks,
4 retaining walls and incidental work necessitated by such
5 construction, change, alteration, relocation, vacation or
6 widening in cases where the necessary land [necessary therefor]
7 is dedicated to the township for public use.

8 Section 90. Subdivision (h) heading of Article XX of the act
9 is repealed:

10 [(h) Grading, Draining, Curbing, Paving,
11 Macadamizing Streets or Highways on Petition,
12 and Assessment of Benefits by Viewers]

13 Section 91. Section 2050 of the act is amended to read:

14 Section 2050. Proceedings [on Petition.--Upon the petition
15 of a majority of property owners in interest or number, abutting
16 on the line of any proposed improvement, to be verified by the
17 affidavit of at least one of the petitioners, a majority in
18 interest of owners of undivided interests in any piece of
19 property to be treated as one person, a township may grade,
20 curb, pave, or macadamize, or otherwise improve, any street or
21 highway, or part thereof, or which may be, in whole or in part,
22 boundaries thereof, and provide for the necessary drainage
23 thereof; and may also provide for the improvement of any street
24 or highway, and any sections or parts thereof, in length, in the
25 space between the curb, gutter, or actual carriageway line and
26 the property line, either by an original work or improvement
27 thereon, or by a change, repair, renewal, or alteration in the
28 said street or highway, curb, parking spaces, or shade trees, or
29 by changing, altering, renewing, replanting, pruning, or
30 otherwise improving the same, in any or all of said particulars.

1 The majority in interest or number required for such petitions
2 shall be fixed as of the date of such petition.] With or Without
3 Petition.--Townships may improve streets, portions of streets or
4 a particular width or additional widths of streets, with or
5 without the assistance or contribution of the Federal
6 Government, the Commonwealth, the county or a corporation
7 occupying the thoroughfare, and may assess and collect the
8 following from the owners of real estate abutting on the
9 improvement in accordance with Article XXV-A:

10 (1) The whole cost of improvement.

11 (2) The whole cost of improvement not aided or contributed
12 to by the Federal Government, the Commonwealth, the county or a
13 corporation.

14 (3) Any part of the cost.

15 Section 92. Sections 2051, 2052, 2053, 2054, 2055 and 2056
16 and Subdivisions (i) and (j) of Article XX of the act are
17 repealed:

18 [Section 2051. Grading Restrictions.--In grading a street,
19 it shall be unlawful to raise the street above the ordinary
20 grade when a drain or culvert is constructed under such street,
21 or where a street is constructed over such drain or culvert.

22 Section 2052. Notice.--After the passage of any ordinance
23 for the grading, curbing, paving, or macadamizing, or otherwise
24 improving any street or highway, notice shall be given, within
25 ten days thereafter, by handbills posted in conspicuous places
26 along the line of the proposed improvement.

27 Section 2053. Contents of Notice.--The notice shall state
28 the fact and the date of the passage of such ordinance, that the
29 petition for the improvement was signed by a majority in
30 interest and number of owners of property abutting on the line

1 of the proposed improvement, and that any person interested,
2 denying the fact that said petition was so signed, may appeal to
3 the court of common pleas of the county within thirty days from
4 the passage of the ordinance.

5 Section 2054. Appeals from Ordinance.--Any person interested
6 may, within thirty days from the passage of such ordinance,
7 present a petition to the court of common pleas of the county,
8 setting forth the facts; whereupon the court shall determine
9 whether such improvement was petitioned for by the requisite
10 majority. If the court shall find that it was not so petitioned
11 for, it shall quash the ordinance, but if it shall find that it
12 was so petitioned for, it shall approve the same. If no appeal
13 shall be taken, or if the court, on appeal, shall approve the
14 ordinance, the township may proceed with the improvement, and
15 thereafter all parties shall be estopped from denying the fact
16 that such petition was properly signed.

17 Section 2055. Assessment of Damages and Benefits by
18 Viewers.--On petition, viewers shall be appointed, as provided
19 in this act, who shall assess the damages, costs, and expenses
20 of such grading, curbing, paving, or macadamizing, or parking,
21 shade tree planting, or changing or altering, renewing,
22 replanting, pruning, or improving, including the expenses for
23 necessary drainage, upon the property benefited, according to
24 benefits, if sufficient can be found, but if not, the
25 deficiency, when ascertained, shall be paid by the township. The
26 proceedings of the viewers and the proceedings on their report
27 shall be as provided in this act for such proceedings.

28 Section 2056. Assessments to Bear Interest; Collection.--All
29 such assessments for benefits if not paid within thirty days
30 shall bear interest as provided by this act in such cases, and,

1 if any such assessment remains unpaid, it shall be the duty of
2 the township solicitor to collect the same with interest, by
3 action of assumpsit, or by a lien to be filed and collected in
4 the manner provided by law for the filing and collection of
5 municipal claims. When an owner has two or more lots against
6 which there is an assessment for the same improvement, all of
7 such lots may be embraced in one claim.

8 (i) Grading, Draining, Curbing, Paving or
9 Macadamizing Streets or Highways, and Collection
10 of Cost by Foot Front Rule

11 Section 2060. Proceedings With or Without Petition.--
12 Townships, with petition or without petition, may grade, curb,
13 gutter, pave, macadamize, or otherwise improve, streets or
14 highways, or parts thereof, or a particular width or additional
15 widths thereof, with or without the assistance or contribution
16 of the State, county, or a corporation occupying the
17 thoroughfare, and may assess and collect the whole cost thereof,
18 or the whole cost not thus aided or contributed, or any part
19 thereof, from the owners of real estate abutting on the
20 improvement, by an equal assessment on the foot front, including
21 the expense of the necessary drainage. The board of
22 commissioners may make equitable adjustments for corner lots, or
23 lots of irregular shape, where an assessment for full frontage
24 would be unjust. Property not otherwise assessable shall become
25 assessable by the petition of the owner or the owner's
26 representative. In all cases where the whole width of the street
27 is being paved without State or county aid, and more than two-
28 thirds of the total cost is proposed to be assessed on abutters,
29 the township shall, for this purpose, be considered as owner of
30 non-assessable property, of street intersection, and of the

1 deducted frontage on equitable adjustments. On petition of
2 owners representing two-thirds of the number of feet of
3 assessable properties abutting on the proposed improvement, the
4 total cost of the improvement, or a lesser amount if the
5 township desires, may be assessed on the assessable properties
6 abutting, without any deduction for non-assessable property, or
7 street intersection, or for the equitable adjustments aforesaid:
8 Provided, That the petition states that the total cost may be
9 assessed on the abutters.

10 Section 2061. Grading Restrictions.--In grading a street, it
11 shall be unlawful to raise the street above the ordinary grade
12 when a drain or culvert is constructed under such street, or
13 where a street is constructed over such drain or culvert.

14 Section 2062. Notice of Assessments.--The secretary of the
15 township shall cause thirty days' notice of the assessment to be
16 given to each party assessed, either by service on the owner or
17 his agent, or left on the assessed premises.

18 Section 2063. Collection of Assessments.--If any assessment
19 shall remain unpaid at the expiration of the notice, it shall be
20 the duty of the township solicitor to collect the same, with
21 interest from thirty days after the completion of the
22 improvement, by action of assumpsit, or by a lien to be filed
23 and collected in the same manner as municipal claims. When an
24 owner has two or more lots against which there is an assessment
25 of the same improvement, all of such lots may be embraced in one
26 claim.

27 (j) Road Material, Ditches, Drains and Watercourses

28 Section 2065. Power to Enter Lands.--When material cannot be
29 conveniently obtained by contract at reasonable prices, the
30 commissioners of townships may enter upon any land or enclosure

1 within their township, lying near the street or highway, and
2 dig, gather, and carry upon the street or highway any stones,
3 sand, or gravel which they think necessary to make, maintain, or
4 repair the street or highway. In exercising such right they
5 shall do no unnecessary damage to the owners of the land, and
6 shall repair any breaches of fences which they make.

7 Section 2066. Viewers to Fix Damages.--Whenever the
8 commissioners and the owners of any such materials cannot agree
9 upon the price to be paid therefor, the value of such materials
10 shall be assessed by viewers to be appointed and to make report
11 as provided in this act in the case of eminent domain
12 proceedings.

13 Section 2067. Ditches, Drains, and Watercourses; Approval of
14 Plans.--No person shall stop, fill up, confine, pave or
15 otherwise interfere with any drain, ditch, watercourse, or
16 drainage facilities, in a township, without first submitting
17 suitable plans thereof to the township commissioners for their
18 approval. Such plans shall be prepared in accordance with such
19 rules and regulations as may be prescribed by the commissioners,
20 and shall show the exact nature of the work to be performed.
21 Before acting upon any such plan, the commissioners may, in
22 their discretion, arrange for a public hearing, after giving
23 such notice as they may deem desirable in each case. The
24 commissioners are authorized to alter such plans, and to specify
25 any changes or modifications of any kind which they, in their
26 discretion, may deem necessary with respect thereto, and may
27 make their approval of such plans subject to any alterations,
28 changes or modifications. Any plans, when so approved, shall be
29 signed on behalf of the township by such officer as the
30 commissioners may designate, and shall be filed in the township

1 offices where the same shall be available for public inspection.
2 No drain, ditch, watercourse, or drainage facilities, shall be
3 constructed, altered, stopped, filled up, confined, paved, or
4 otherwise interfered with, except in strict accordance with
5 plans so approved by the commissioners, or with further plans
6 subsequently approved by them in the same manner. No township
7 shall have any responsibility with respect to conditions arising
8 as a result of the failure on the part of any person to comply
9 with the requirements of this act.

10 The township commissioners may enter upon any lands or
11 enclosures and cut, open, maintain, and repair such drains or
12 ditches through the same as, in their judgment, are necessary to
13 carry the water from the streets or highways.

14 Any person who shall stop, fill up, or confine, pave, or
15 otherwise interfere with any such drain or ditch, watercourse,
16 or drainage facilities, or shall divert or change the course
17 thereof, without the approval of the commissioners as herein
18 provided, shall upon conviction thereof, in a summary
19 proceeding, be sentenced to pay a fine not exceeding twenty-five
20 dollars for each offense, and in default of the payment of such
21 fine and costs shall be sentenced to imprisonment of not more
22 than ten days.

23 Nothing contained in this section shall be held to restrict
24 or limit the State Department of Highways or any county in the
25 exercise of any of its powers and duties under the provisions of
26 any law of this Commonwealth, nor to obviate the necessity of
27 securing the consent of the Water and Power Resources Board
28 where required by existing law.]

29 Section 93. The act is amended by adding a section to read:

30 Section 2068. Power to Open Drains and Ditches.--(a) The

1 board of commissioners or its agents and employees may enter any
2 lands or enclosures and cut, open, maintain and repair drains or
3 ditches through the property when necessary to carry the water
4 from the streets.

5 (b) Any person who damages or diverts any drain or ditch
6 without the authority of the board of commissioners commits a
7 summary offense and is liable for the cost of restoring the
8 drain or ditch. All money recovered under this subsection shall
9 be paid to the township treasurer.

10 Section 94. Subdivision (k) heading of Article XX of the act
11 is repealed:

12 [(k) Trees, Shrubbery, and Obstructions within
13 Limits of Streets or Highways]

14 Section 95. Section 2070 of the act is amended to read:

15 Section 2070. Trees and Shrubbery Within Right-of-Way.--(a)
16 In order to provide for easy and convenient traveling upon the
17 public streets or highways, the [township] board of
18 commissioners may cut, alter or remove any trees, shrubbery,
19 underbrush, refuse or obstructions within the legal width of any
20 public street or highway, or any [part] portion thereof.

21 [All logs, cordwood, or other forms of wood, derived from the
22 destruction or removal of any trees growing along such streets
23 or highways, shall become the property of the abutting owners,
24 provided that such abutting owners shall, within ten days after
25 notice from the township, remove such logs, cordwood, or other
26 forms of wood from the legal width of the street or highway. In
27 the event of their failure to do so, they shall forfeit all
28 interest therein, and the same may be disposed of as the
29 township commissioners deem proper.]

30 (b) All logs, cordwood, branch wood or other forms of wood

1 derived from the destruction or removal of any trees growing
2 along streets or highways shall be surrendered to and remain the
3 property of the abutting owners, provided that the abutting
4 owners shall, within ten days after notice from the township,
5 remove the logs, cordwood, branch wood or other forms of wood
6 from the legal width of the street or highway. In the event of
7 the abutting owners' failure to do so, they shall forfeit all
8 interest therein, and the same may be disposed of as the board
9 of commissioners deem proper.

10 Section 96. Subdivision (1) heading of Article XX of the act
11 is repealed:

12 [(1) Protection of Streets or Highways from Snowdrifts]

13 Section 97. Section 2078 of the act is amended to read:

14 Section 2078. [Whenever any streets or highways, in
15 townships, are so located as to render them liable, on account
16 of high wind during the winter season, to be so filled with snow
17 as to make them impassable, and, in the judgment of the
18 commissioners, such drifts of snow can be avoided by the removal
19 of any fence erected along either side of such street or highway
20 and replacing the same by a fence constructed of posts, wire,
21 and boards or rail combined, such commissioners may agree with
22 the owners of such fences upon a plan for the erection of a
23 fence constructed of posts, wire, and board or rail combined.
24 The township may pay the owners of such fences a sum not to
25 exceed the first cost of the wire used in the construction of
26 such fences. The wire used in the construction of such fences
27 shall be without barbs. This section shall not apply to any
28 stone wall, hedge, or ornamental fence.]

29 Any township which is responsible for the maintenance of any
30 street shall have authority to enter upon private property

1 adjacent to such street and place thereon a snow fence, at any
2 point as may be deemed necessary to within a limit of one
3 hundred (100) feet from the right of way line of such street, in
4 order to eliminate snow drifting on the traveled portion of the
5 street.

6 No such snow fence authorized shall be placed prior to
7 November first, nor shall the same remain in place after April
8 first of the succeeding year, unless the written consent of the
9 owner of the adjacent property is obtained agreeing to an
10 extension of time for the removal of said snow fence.

11 If the township shall not be able to enter into an agreement
12 with the owner of the adjacent property occupied by such snow
13 fence as to the amount of damages sustained as a result of said
14 fence being placed and removed, the owner may petition the court
15 of common pleas of the county for the appointment of viewers to
16 ascertain the amount of damage incurred in such case, in the
17 manner provided in this act for eminent domain proceedings. Such
18 damages, if any, when ascertained, shall be paid by the
19 township. Any funds available for the construction and
20 maintenance of streets shall be available for the payment of
21 such damages.] Protection of Streets or Highways from

22 Snowdrifts.--(a) A township may enter upon private property
23 adjacent to any public street or highway and place thereon a
24 snow fence to within a limit of one hundred (100) feet from the
25 right of way line of the public street or highway in order to
26 eliminate snow drifting on the traveled portion of the street.

27 (b) A snow fence may not be placed before the first day of
28 November or remain in place after the first day of April of the
29 succeeding year unless the written consent of the owner of the
30 adjacent property is obtained agreeing to an extension of time

1 for the removal of the snow fence.

2 (c) If the board of commissioners and the owner of the
3 property upon which a snow fence is placed and removed under
4 this section cannot agree to the amount of compensation, if any,
5 to be paid to the owner for placing the fence, including the
6 amount of damages, if any, to be paid for injury to the property
7 resulting from placing and removing the fence, the owner may
8 petition the court of common pleas of the county for the
9 appointment of viewers to ascertain the amount of damage
10 incurred in the manner provided in this act for eminent domain
11 proceedings. Damages, if any, when ascertained, shall be paid by
12 the township from the general township fund.

13 Section 98. Subdivision (m) heading of Article XX and
14 section 2080 of the act are repealed:

15 [(m) Guideposts and Index Boards

16 Section 2080. Duty to Erect.--The commissioners of the
17 township shall erect posts at the intersection of all streets or
18 highways, and at one of the angles where any street or highway
19 crosses another street or highway, and shall firmly fix thereon
20 boards or metal signs with index hands pointing to the direction
21 of such street or highway, but if a tree, trolley pole,
22 telephone pole, telegraph pole or building is so erected that it
23 can be used in place of a post, and permission has been secured
24 from the owner thereof, such tree, pole, or building may be used
25 in place of a post. On such boards and signs shall be inscribed,
26 in large and legible characters, the name of the town, village,
27 or place to which such streets or highways lead, and the
28 distance thereto computed in miles. Where any street intersects
29 or crosses a State highway, application for a permit shall be
30 made by the commissioners to the State Department of Highways

1 for the erecting of such signs.]

2 Section 99. The act is amended by adding sections to read:

3 Section 2080.1. Naming of Streets.--The board of
4 commissioners may provide for and regulate the naming of streets
5 and highways. When the naming of a street or highway will affect
6 signing maintained by the Department of Transportation, the
7 board of commissioners shall notify the department.

8 Section 2080.2. Street Lighting, Ornamental Lighting and
9 Traffic Control Signals and Devices.--The board of commissioners
10 may provide street lights and ornamental lighting and make
11 regulations for the protection of lighting. The board may assess
12 the costs of street lighting and ornamental lighting in
13 accordance with Article XXV-A. The board may provide for the
14 erection, maintenance and operation of traffic control signals
15 and devices in accordance with 75 Pa.C.S. (relating to
16 vehicles).

17 Section 100. Section 2081 of the act is amended to read:

18 Section 2081. [Penalty for Destroying.--It shall be unlawful
19 for any person to wilfully destroy, remove, injure, or deface
20 any guidepost or sign or index board legally erected upon or
21 near any street, highway or bridge by the authorities of any
22 township, or legally erected with the consent of the authorities
23 having jurisdiction over such street, highway or bridge, by any
24 club, association, or other organized body, for the direction,
25 guidance or safety of travelers. It shall also be unlawful for
26 any person to wilfully destroy, remove, injure or deface any
27 temporary traffic-control device legally erected for the purpose
28 of enhancing traffic or worker safety in a construction or
29 maintenance work zone, including, but not limited to, cones,
30 batons, barrels, barricades, signs, sign trucks, arrow boards or

1 other devices specified in a traffic safety plan approved by the
2 township or the Department of Transportation. Any person
3 violating any of the provisions of this section shall, upon
4 conviction in a summary proceeding, be sentenced to pay a fine
5 of not less than two hundred dollars nor more than five hundred
6 dollars for the first offense, and a mandatory fine of five
7 hundred dollars for the second or any subsequent offense, with
8 all costs of prosecution, together with the value of such sign
9 so destroyed, removed, or defaced, and in default of such
10 payment shall be sentenced to imprisonment of not more than ten
11 days. Fines and moneys so collected shall be paid to the

12 township treasurer.] Penalty for Destroying Signs.--(a) It
13 shall be unlawful for any person to wilfully destroy, remove,
14 injure, or deface any sign legally erected upon or near any
15 public street, highway or bridge by the board of commissioners,
16 or legally erected with the consent of the board of
17 commissioners over any public street, highway or bridge, by any
18 club, association, or other organized body, for the direction,
19 guidance or safety of travelers. It shall also be unlawful for
20 any person to wilfully destroy, remove, injure or deface any
21 temporary traffic-control device legally erected to enhance
22 traffic or worker safety in a construction or maintenance work
23 zone, including, but not limited to, cones, batons, barrels,
24 barricades, signs, sign trucks, arrow boards or other devices
25 specified in a traffic safety plan approved by the township or
26 the Department of Transportation.

27 (b) Any person who violates this section commits a summary
28 offense punishable upon conviction in accordance with section
29 3321-A, which may include the costs of labor, materials and
30 prosecution. Money collected shall be paid to the township

1 treasurer.

2 Section 101. Subdivision (n) heading of Article XX of the
3 act is repealed:

4 [(n) Streets Crossing Railroad; Special Uses of Streets]

5 Section 102. Sections 2083 and 2084 of the act are amended
6 to read:

7 Section 2083. Railroad Crossings.--[Every township
8 constructing a street across a railroad shall construct the same
9 above or below the grade thereof, unless permitted by the Public
10 Utility Commission to construct the same at grade.]

11 Any such crossing of a railroad by a street, or any vacation
12 of any street crossing a railroad, shall be constructed only in
13 the manner prescribed by and under the jurisdiction of the
14 Public Utility Commission. In such cases compensation for
15 damages to the owners of adjacent property, taken, injured or
16 destroyed, shall be ascertained, fixed, and paid in the manner
17 prescribed in the Public Utility Law.] (a) Every township

18 constructing a street across a railroad shall construct the same
19 above or below the grade of the railroad, unless permitted by
20 the Pennsylvania Public Utility Commission to construct the
21 street at grade.

22 (b) Any new construction of a street crossing a railroad or
23 any vacation of any street crossing a railroad shall be
24 constructed or vacated only in the manner consistent with the
25 rules and regulations and under the jurisdiction of the
26 Pennsylvania Public Utility Commission.

27 (c) Compensation for damages to the owners of adjacent
28 property taken, injured or destroyed by the construction of a
29 street crossing a railroad or any vacation of any street
30 crossing a railroad shall be ascertained, fixed and paid under

1 66 Pa.C.S. Pt. I (relating to public utility code).

2 Section 2084. Street Permits.--No railroad or street railway
3 shall [hereafter] be constructed upon any township street, nor
4 shall any railroad or street railway crossings, [nor any],
5 driveway connections, gas pipe, water pipe, electric conduits,
6 or other piping be laid upon or in, nor shall any telephone,
7 telegraph or electric light or power poles, or any coal tipples
8 or any other obstructions or facilities of non-public utility
9 communication providers be erected upon or in, any portion of a
10 township street, except under [such] conditions, restrictions
11 and regulations, and subject to the payment of [such] fees for
12 permits as may be prescribed and required by the board of
13 [township] commissioners, not exceeding the reasonable cost of
14 issuing the permit and expense of inspecting the work authorized
15 by [such] the permit upon completion thereof. All fees [so]
16 collected for permits shall be paid into the township treasury.

17 Section 103. Subdivision (o) heading of Article XX of the
18 act is repealed:

19 [(o) County-aid in the Improvement of Township Streets]

20 Section 104. Section 2086 of the act is amended to read:

21 Section 2086. County Aid in the Improvement of Township
22 Streets.--(a) Whenever the owners of the majority of the
23 assessed valuation of real property within any township desire
24 any principal street within the township to be improved and
25 maintained at the joint expense of the county and township, they
26 may petition the board of commissioners of the township for
27 [said] the improvement and require [them] the board of
28 commissioners to make application to the county commissioners
29 for [such] the improvement and maintenance in accordance with
30 the provisions of existing law.

1 [In all cases where the township] (b) If the board of
2 commissioners refuse to act upon, or unduly delay action on, any
3 petition for the improvement and maintenance of any street, any
4 citizen taxpayer of the township or county may, by petition,
5 present the facts of the matter to the court of [quarter
6 sessions] common pleas, requesting the court to order such
7 action thereon as the case may require. If after due hearing had
8 before [said] the court it shall appear that the truth of the
9 matters alleged in the petition are sustained, the court shall
10 make an order directing the [township] board of commissioners to
11 forthwith act upon [said] the application or applications, and
12 that the [said] application or petition for the improvement be
13 forthwith forwarded to the county commissioners.

14 Section 105. Subdivisions (p) and (q) of Article XX of the
15 act are repealed:

16 [(p) Penal Provisions

17 Section 2088. If any person working upon any street in any
18 township, or if any one in company with such person, shall ask
19 money or reward, or by any means whatever shall extort or
20 endeavor to extort any money, intoxicating drink, or other
21 thing, from any person traveling upon or near such street, the
22 person so offending shall for every such offense forfeit and pay
23 a sum not exceeding five dollars.

24 If any township commissioner shall connive with any person so
25 asking, demanding, or contriving to extort money, intoxicating
26 drink, or any other thing from any person traveling as
27 aforesaid, such commissioner shall, for every such offense,
28 forfeit and pay a sum not exceeding ten dollars.

29 If any person shall stop or obstruct any street or highway in
30 any township, or shall commit any nuisance thereon by felling

1 trees, making fences, turning the road, or in any other way, and
2 shall not, on notice given by the township commissioners,
3 forthwith remove the obstruction or nuisance and repair the
4 damage done to such street or highway, such person shall, for
5 every such offense, forfeit and pay a sum not more than twenty-
6 five dollars. Nothing in this section shall debar an indictment
7 for any such nuisance, as in case of misdemeanor at common law.

8 All penalties provided for in this section shall be recovered
9 by summary proceeding for the use of the township.

10 (q) Opening, Making, Amending, and Repairing Streets
11 and Bridges by Contracts with Taxpayers

12 Section 2090. Taxpayers' Rights.--Any taxpayers of any
13 township may acquire the right to furnish all the materials and
14 labor necessary for opening, making and repairing the streets
15 and bridges of such township, in the manner and under the
16 conditions set forth in this subdivision of this act.

17 Section 2091. Petition to Court.--To acquire such right, any
18 such taxpayer shall, before the beginning of the township fiscal
19 year, present to the court of quarter sessions a petition
20 setting forth that he is the owner of property assessed and
21 taxed in such township, the approximate number of miles of
22 streets in such township, and the ability of the petitioner to
23 lay out, open, make, and repair the streets and bridges of such
24 township wholly at his own expense, for the ensuing township
25 fiscal year or fiscal period, and to pay the other expenses of
26 such township as hereinafter provided, without any right against
27 or claim upon such township for or by reason of the materials,
28 labor, or money so furnished.

29 Section 2092. Bond of Petitioner.--The petitioner shall,
30 with the petition, present a bond to the township, in the sum of

1 ten thousand dollars or in a sum equal to five hundred dollars
2 for each mile of public street in the township, whichever shall
3 be greater, with one or more sufficient sureties to be approved
4 by the court, conditioned for the faithful performance by said
5 petitioner of his duty, and to save the township harmless from
6 any loss or claim by reason of failure so to perform said duty.

7 Section 2093. Notice to Commissioners and Auditors.--Notice
8 of the intention of presenting the petition and bond, and of the
9 time when said petition and bond will be presented to the court,
10 shall be given to the commissioners and auditor or controller of
11 the township at least ten days before the same are presented.

12 Section 2094. Contracts; Stipulations.--When the petition,
13 bond, and proof of the notice required in the preceding section
14 are presented to the court, the same shall be ordered filed; and
15 the court being satisfied of the good faith of the petitioner,
16 and the sufficiency of the petition, bond, and notice, shall
17 order and direct the commissioners, on behalf of the township,
18 to enter into a contract with the petitioner. In such contract,
19 the petitioner shall bind himself:

20 First. To open, make, and repair the streets and bridges of
21 the township for the ensuing fiscal year or fiscal period in a
22 lawful and workmanlike manner, wholly at the expense of the
23 petitioner, and without creating thereby any claim upon or right
24 against the township for or by reason of the materials, labor,
25 or money for persons employed.

26 Second. To indemnify and save harmless the township from all
27 claim, damage, cost, or expense of whatever kind, for or by
28 reason of any act or omission of said petitioner whereby any
29 claim, suit, or other demand may be set up or recovered against
30 the township.

1 Third. To pay, within sixty days from the beginning of the
2 fiscal year to the following officers of such township, the
3 following sums, to be received by said officers in full for all
4 demands against such township for their respective services as
5 such officers of the township for the fiscal years for which the
6 said contract is made, which shall be in lieu of the
7 compensation otherwise in this act provided for such officers,
8 namely: To each township secretary, the sum of fifty dollars; to
9 the auditor or controller of such township, the sum of twenty-
10 five dollars; to an attorney, to be elected by such
11 commissioners as counsel for the township, the sum of fifty
12 dollars; to each commissioner, the sum of one hundred dollars.

13 Section 2095. No Street Tax to Be Levied.--In consideration
14 of the obligations set out in the preceding section to be
15 assumed and performed by the petitioner, the commissioners, on
16 behalf of such township, shall stipulate that the township will
17 not assess, levy, or collect any tax for street purposes during
18 the fiscal year for which such contract is made.

19 Section 2096. Inspection.--The commissioners shall view and
20 inspect the making and repairing of the streets in such
21 townships, at least once during every month, and satisfy
22 themselves that the petitioner has fully complied with his
23 contract, before final settlement and expiration of contract.
24 If, at any time, the commissioners shall see that any portion of
25 the streets need repair, they shall notify the petitioner to
26 repair the same. In case said petitioner fails to repair said
27 street within five days after notice, the commissioners are
28 empowered to purchase such materials and employ such men as may
29 be necessary to repair such street, and charge the same to the
30 petitioner.]

1 Section 106. The act is amended by adding sections to read:

2 Section 2097. Boundary Streets.--(a) When any street, other
3 than a State or county road, is created or located along, on or
4 over boundaries between a township and any other municipal
5 corporation, the creation, location, construction, maintenance
6 and repair of the street shall be the joint responsibility of
7 the township and the municipal corporation with which the common
8 boundary is shared.

9 (b) The board of commissioners may make agreements with the
10 governing body of the municipal corporation with which the
11 common boundary is shared to provide for the apportionment of
12 the cost of construction, maintenance and repair of boundary
13 streets.

14 (c) If an amicable agreement on the proportionate share of
15 costs of construction, maintenance and repair of boundary
16 streets cannot be executed, the board of commissioners or the
17 governing body of the other municipal corporation involved may
18 petition the court of common pleas of the county for a
19 determination of the rights and responsibilities of the
20 respective municipal corporations involved.

21 (d) The court, after hearing of which notice shall be given
22 to all parties interested as the court may direct, shall make an
23 order directing the manner of the opening and maintenance and
24 the division of the costs between the township and the other
25 municipal corporation.

26 Section 2098. Streets, the Center Line of Which is the
27 Boundary Between a Township and Another Municipal Corporation.--

28 (a) A township may enter into a contract with a municipal
29 corporation to provide for the grading, curbing, draining, and
30 paving of any street that constitutes the dividing line between

1 the township and the municipal corporation.

2 (b) The alterations and improvements shall be made under the
3 supervision of the township or municipal corporation, or by
4 contract let by the township or the municipal corporation, as
5 may be provided for in the contract between the township and the
6 municipal corporation.

7 Section 2099. Streets Having More Than Half of Their Width
8 Within Township.--(a) If any street, more than one-half the
9 width of which is within the limits of the township, shall
10 divide the township from any other municipal corporation, the
11 street may be improved by the township in the same manner as if
12 the street were entirely located within the limits of the
13 township.

14 (b) The property, within or outside the township, that abuts
15 the street and benefits from the improvements may, for a depth
16 of one hundred fifty feet plus one-half the width of the street
17 measured from its center line, be assessed for any and all
18 municipal improvements to or on the street in the same manner as
19 the property would be assessed under the provisions of this
20 article if it were entirely located within the limits of the
21 township.

22 Section 2099.1. Assessment for Improvements on Property
23 Outside Limits Where Street Entirely Within Township.--Whenever
24 any street, entirely within the limits of any township, shall
25 divide the township from any other municipal corporation, the
26 property on the side of the street, within or outside the
27 township, that abuts the street and benefits from the
28 improvement may, for a depth of one hundred fifty feet from its
29 center line, be assessed for any and all municipal improvements
30 to or on the streets on which the property abuts in the same

1 manner as the property would be assessed under the provisions of
2 this act if it were entirely located within the limits of the
3 township.

4 Section 107. Article XXI of the act is repealed:

5 [ARTICLE XXI

6 BOUNDARY ROADS AND STREETS

7 (a) Opening, Repairing and Improving Streets

8 on Division Line of Townships

9 Section 2101. Roads or streets laid out on a line which
10 divides a township of the first class and another township shall
11 be opened, made, kept clear and in repair at the joint and equal
12 charge of such townships. Any township necessarily incurring
13 more than its due proportion of such charge may recover the
14 excess so incurred from the other township.

15 When any public road or street is laid out on the line of two
16 townships, if the commissioners or supervisors of either
17 township neglect or refuse to join with the commissioners or
18 supervisors of the other township in opening or repairing such
19 road or street, the commissioners or supervisors of the other
20 township shall open, and repair the road or street, and are
21 authorized to collect a just portion of the cost of the opening
22 and repairing of such road or street from the township so
23 neglecting or refusing to join such opening or repairing. The
24 commissioners or supervisors so neglecting or refusing shall be
25 liable to a penalty of not exceeding fifty dollars, to be
26 recovered in a summary proceeding. All such penalties when
27 recovered shall be paid into the township road fund.

28 (b) Maintenance of Streets between Township

29 and Cities or Boroughs

30 Section 2105. Whenever any street is on the boundary line

1 between any township and any city or borough, such street shall
2 be maintained jointly by the city or borough and the township.
3 For the purpose of maintaining any such street, the authorities
4 of any such township are hereby directed to enter into
5 agreements, with such city or borough, providing the manner in
6 which the same shall be maintained, and providing for the
7 division of the cost of maintenance between the city or borough
8 and township. If any such city or borough and township shall
9 fail or refuse to enter into any such contract, or if the city
10 or borough and township cannot agree, any taxpayer or the
11 township commissioners of the township may present a petition to
12 the court of quarter sessions of the county, setting forth the
13 facts, and the court, after hearing, of which such notice shall
14 be given to all parties interested as the court may direct,
15 shall make an order directing the manner of such maintenance and
16 the division of the cost of maintenance between the city or
17 borough and the township. The action of the court shall be
18 final.

19 (c) Street, the Centre Line of which is the Dividing
20 Line between Townships and Boroughs or
21 Cities in the Same County

22 Section 2110. Whenever the centre line of any street
23 constitutes the dividing line between a township and any city or
24 borough located in the same county, the commissioners of the
25 township may, jointly with the county, enter into a contract
26 with the city or borough providing for the grading, curbing, and
27 macadamizing or paving of such street.

28 Such alteration or improvement shall be constructed, and
29 subsequent repairs shall be made, under the supervision of the
30 proper authorities of the city or borough, in compliance with

1 the laws governing the construction of such alterations or
2 improvements in such city or borough, and with plans and
3 specifications to be agreed upon in writing between the
4 commissioners of the township and the city or borough and the
5 commissioners of the county.

6 The cost of any alteration or improvement shall be borne one-
7 half by the city or borough and one-half by the county and
8 township in equal portions.

9 The cost of repairs shall be borne one-half by the city or
10 borough and one-half by the township, or by the county and
11 township in equal portions, or such other proportions as are
12 agreed upon in the joint contract of the township with the
13 county.

14 (d) Street, the Centre Line of which is the
15 Dividing Line between Townships and Cities
16 in an Adjacent County

17 Section 2115. Whenever the centre line of any street
18 constitutes a dividing line between a township and a city
19 located in an adjacent county, it shall be lawful for the
20 township commissioners to enter into a contract, with the county
21 in which it is located and with the city, providing for the
22 grading, curbing, macadamizing, or paving of the roadway of said
23 street, the cost thereof to be borne one-half by the city, and
24 one-half by the township and the county in which such township
25 shall be situated in equal portions.

26 The said alteration or improvement shall be constructed, and
27 subsequent repairs shall be made, under the supervision of the
28 proper authorities of the said city, in compliance with existing
29 laws governing such construction or improvement of such city,
30 and in further compliance with plans and specifications to be

1 agreed upon in writing between such city and the commissioners
2 of the county and the township commissioners of the said
3 township. The cost of repairs shall be borne one-half by the
4 city and one-half by the township, or by the county and township
5 in equal portions, or such other proportions as may be agreed
6 upon by the county and township.

7 In all cases in which it shall be found impossible to enter
8 into such contract or agreement as is provided for in this
9 section, or where either the city or the township or the county
10 in which such township is situated shall refuse to enter into
11 such contract or agreement, it shall be lawful for the township
12 to present its petition to the court of common pleas of either
13 county, setting forth the facts and circumstances, including the
14 condition of the street from which the necessity or desirability
15 for the grading, curbing, macadamizing, or paving of the roadway
16 appears, and the estimated cost thereof, and that the terms of
17 the said contract as provided for in this section cannot be
18 agreed upon by the said city and the county or township, or
19 either or any of them, or that either such city or the county or
20 township, or any or either of them, refuses to enter into such
21 contract. Such petition may pray that such court may, after
22 hearing all the parties concerned, make its order or decree
23 defining the nature and character of the improvement reasonably
24 necessary or desirable to be made to the roadway, and requiring
25 the parties hereinabove specified to enter into a contract or
26 contracts for the making and constructing of the same as herein
27 provided for. A copy of the said petition, duly certified, shall
28 be served upon the city or the county and township concerned,
29 other than the petitioner, with notice of such day as may be
30 fixed by the court for the hearing. Thereupon either or both of

1 the parties served with such notice shall be entitled, on or
2 before such date, to file in the said court its answer to the
3 said petition, setting forth its version of the facts or such
4 other matters in relation thereto as may be deemed necessary or
5 proper by it. The said court, upon the date so fixed or at such
6 other time as it may appoint, shall hear the evidence of the
7 parties, or it may refer the matter to a master, who shall hear
8 the testimony of the parties and report his findings, in the
9 same manner and under the same procedure as provided by the
10 rules in equity in similar cases, to the said court, which may
11 reject, confirm, or modify the same, and may make its decree or
12 order directing the making of such alterations or improvements
13 to the roadway as may be deemed reasonably necessary or
14 desirable and providing for the sharing of the cost of such
15 improvements, one-half by the city, and one-half by the county
16 and township in equal portions. The said order or decree may
17 further provide that the repairs to such alterations and
18 improvements subsequently required shall be borne one-half by
19 the city and one-half by the county or township in equal
20 portions, or such other proportions as between the county and
21 the township as such court may find to be legal and proper; and
22 thereupon the said grading, curbing, macadamizing, or paving of
23 the roadway of such street shall proceed in accordance with the
24 decree or order of the said court in the same manner as if the
25 contract or agreement provided for in this section had been
26 entered into and duly executed.

27 (e) Improvement of Street where more than
28 One-Half of Width is in Township; Assessment of
29 Property outside Limits
30 Section 2120. Whenever any street or road, more than one-

1 half the width of which is within the limits of any township,
2 shall divide the said township from any other municipality or
3 township located within the same county, such street or road may
4 be improved by the township within which the greater width is
5 located in the same manner as if the said street or road were
6 entirely located within the limits of said township.

7 The property abutting on the side of said street or road
8 which is located outside the limits of the township making such
9 improvements shall, for a depth of one hundred and fifty feet,
10 plus one-half the width of said street or road from its centre
11 line, be assessed for any and all municipal improvements to or
12 on the said street or road in the same manner as such property
13 would be assessed under this act if it were entirely located
14 within the limits of such township.

15 (f) Assessment of Property outside Limits of
16 Township for Street Improvements

17 Section 2125. Whenever any street shall divide such township
18 from any other municipality or township located in the same
19 county, the property on the side of the street outside the line
20 of such township shall, for a depth of one hundred and fifty
21 feet, be assessed for municipal improvements on such street on
22 which property shall abut. Such assessment shall be made in the
23 same manner and in the same proceeding as is used for the
24 assessment of property within such township for such
25 improvement.

26 (g) Grading, Curbing, Paving, Macadamizing
27 Boundary Street or Highway, Et Cetera

28 Section 2130. Townships may enter into agreements with
29 adjoining boroughs for the grading, paving and curbing, or
30 macadamizing of streets or highways which may be boundaries

1 between such townships and boroughs; and may provide in such
2 contract that the damages, costs, and expenses of such
3 improvement shall be divided between such townships and boroughs
4 in proportions agreed upon.

5 In grading, paving and curbing, or macadamizing any such
6 street or highway, townships shall exercise such power only upon
7 petition of a majority of the property owners in interest and
8 number abutting the line of the proposed improvement within the
9 township limits, to be verified by the affidavit of one of the
10 petitioners; a majority in interest of owners of undivided
11 interest in any piece of property to be treated as one person
12 asking that such improvement be made.

13 The portion of the damages, costs, and expenses agreed to be
14 paid by any township shall be ascertained, and the benefits
15 incident thereto shall be assessed and collected, in the manner
16 provided in this act for the assessment of damages and benefits
17 by viewers.]

18 Section 108. Article XXII heading of the act is amended to
19 read:

20 ARTICLE XXII

21 BRIDGES [AND VIADUCTS]

22 Section 109. Subdivision (a) heading of Article XXII of the
23 act is repealed:

24 [(a) As Part of Street]

25 Section 110. Section 2201 of the act is amended to read:

26 Section 2201. [Whenever, in the opening, grading, or
27 improving of any street in any township, it is necessary to
28 erect or construct any bridge and the piers, abutments and
29 approaches therefor, the same may be erected and constructed by
30 the township as part of such street. In any such erection or

1 construction, the township may take, use, and occupy private
2 property. All damages shall be awarded and benefits assessed as
3 part of the proceeding to open, grade, or improve the street of
4 which the bridge is a part.] Construction and Acquisition of

5 Bridges.--(a) Any township may erect and construct, or acquire
6 by purchase, condemnation or otherwise, any bridge and the
7 piers, abutments and approaches for the bridge, to be used and
8 thereafter improved and maintained as a street whether the
9 bridge is wholly or partly within the township limits.

10 (b) The proceedings for laying out and opening a bridge
11 shall be the same as provided by this act for the laying out and
12 opening of streets, and the bridge or portion of the bridge may
13 thereafter be vacated under the same procedure as provided in
14 this act for the relocation or vacation of streets or portions
15 of streets.

16 (c) Nothing in this article shall affect the powers or
17 duties of the Pennsylvania Public Utility Commission to the
18 extent otherwise provided by law.

19 (d) Bridges over railroads shall not obstruct the railroad
20 over which it is built. Nothing in this section shall release
21 railroad or other companies or the Commonwealth from the
22 requirements of existing laws.

23 (e) As used in this article, the term "bridge" shall mean a
24 structure built to span and provide passage over a valley,
25 street, railroad track, private property, gully, river, creek,
26 stream or any other body of water or physical obstacle and shall
27 include viaducts constructed from a series of spans or arches.

28 Section 111. Subdivision (b) heading of Article XXII and
29 section 2205 of the act are repealed:

30 [(b) Over Railroads

1 Section 2205. Power to Construct.--Townships may build or
2 purchase existing bridges or viaducts over railroads, rivers,
3 creeks, streams and private property, or over railroads and any
4 of them, or over railroads only, whether the bridges or viaducts
5 are wholly or partly within the township limits, for the purpose
6 of uniting two or more streets or a street and a road or a
7 highway or separate portions of the same street. Such bridges
8 and viaducts must in all cases cross railroads. Such bridges and
9 viaducts and the approaches thereto shall be constructed, and
10 the damages in connection therewith paid, as provided by the
11 Pennsylvania Public Utility Law.]

12 Section 112. Section 2206 of the act is amended to read:

13 Section 2206. Maintenance.--[Such viaduct or bridge shall be
14 maintained as a township structure, and the township is
15 authorized to contract with any party interested, except the
16 county, for the maintenance of the same.] (a) A bridge shall be
17 maintained as a township structure, and the township may
18 contract with any party interested, except the county, for the
19 maintenance of the bridge.

20 (b) Whenever a bridge, or part thereof, has been built by
21 the county, or the whole or part of the money necessary to build
22 it has been furnished by the county, and the bridge has not been
23 entered on record as a county bridge, the bridge shall be
24 maintained, kept in repair, and rebuilt, when necessary, by the
25 township or municipal corporation in which, or on the boundary
26 line of which it is located, without rendering the county liable
27 for the same.

28 Section 113. Subdivision (c) and Subdivision (d) heading of
29 Article XXII of the act are repealed:

30 [(c) Over Marshy or Swampy Grounds, Creeks,

1 Rivulets, Gullies, Canals and Railroads

2 Section 2210. Power to Make and Maintain.--The commissioners
3 of townships, in making and repairing the streets, shall make
4 and maintain within their township sufficient bridges over all
5 small creeks, rivulets, deep gullies, canals, and railroads,
6 where the same is necessary for the ease and safety of
7 travelers.

8 Such bridges over canals or railroads shall not obstruct the
9 railroad or canal over which it is built. Nothing in this
10 section shall release railroad or other companies or the
11 Commonwealth from the requirements of existing laws.

12 Section 2211. Damages.--In the construction and maintenance
13 of such bridges, all damages shall be awarded and benefits
14 assessed as part of the proceeding to lay out, open, make, or
15 repair the road of which the bridge is a part.

16 (d) Over Streams, Railroads and Canals
17 on Township Boundaries]

18 Section 114. Section 2220 of the act is amended to read:

19 Section 2220. [Bridges on Division Line of Townships.--Where
20 a small creek or a railroad or canal, over which a bridge is
21 necessary, is on the boundary line of two townships, the bridge
22 shall be built and maintained at the joint and equal expense of
23 the townships, by their respective commissioners or supervisors,
24 in the manner directed by this act in the case of streets or
25 roads which may be the division line of townships.] Boundary

26 Bridges.--(a) If a bridge crosses the boundary line of a
27 township and another municipal corporation, the township may
28 enter into an intergovernmental cooperation agreement in
29 accordance with 53 Pa.C.S. Ch. 23 Subch. A (relating to
30 intergovernmental cooperation) with the municipal corporation

1 for the construction and maintenance of the bridge and for
2 apportionment of the costs.

3 (b) If an amicable agreement on the proportionate share of
4 costs of construction, maintenance and repair of boundary
5 bridges cannot be executed, the board of commissioners or the
6 governing body of the other municipal corporation involved may
7 petition the court of common pleas of the county or counties for
8 a determination of the rights and responsibilities of the
9 respective municipal corporations involved.

10 Section 115. Sections 2221 and 2222 and Subdivision (e) of
11 Article XXII of the act are repealed:

12 [Section 2221. Bridges between Townships and
13 Municipalities.--Whenever a creek, railroad, or canal, over
14 which a bridge is necessary, is on the division line of a
15 township and a municipality, the township shall unite with such
16 municipality in the construction and maintenance of such bridge
17 and pay an equal share of the expenses incident thereto.

18 Section 2222. Bridges over Railroad or Canal.--If a bridge
19 is built over such boundary railroad or canal by virtue of the
20 provisions of the preceding section of this act, such bridge
21 shall not obstruct the railroad or canal over which it is built.
22 Nothing in said section shall release railroad or other
23 companies or the Commonwealth from the requirements of existing
24 laws.

25 (e) Maintenance, Repair, and Rebuilding
26 of Bridges Built by County

27 Section 2225. Whenever a bridge, or part thereof, has been
28 built by the county, or the whole or part of the money necessary
29 to build it has been furnished by the county, and the bridge has
30 not been entered on record as a county bridge, such bridge shall

1 be maintained, kept in repair, and rebuilt, when necessary, by
2 the township or townships in which, or on the boundary line of
3 which, it is located, without rendering the county liable for
4 the same.]

5 Section 116. Sections 2301, 2302, 2303 and 2304 of the act
6 are amended to read:

7 Section 2301. Power to Lay Out[, Ordain and Establish
8 Grades.--Townships may lay out, ordain and establish sidewalks
9 along any street, including State highways and county roads, and
10 may establish grades for such sidewalks, which grades may be
11 separate and apart from the grade established for the street or
12 highway, and, for this purpose, any township may acquire land by
13 purchase, gift, or by the right of eminent domain.] and
14 Establish Grades.--Townships may, by ordinance, lay out and
15 establish sidewalks, curbs, gutters and surface water drains
16 along any street and, with the consent of the Secretary of
17 Transportation, along any State highway, and with the consent of
18 the county commissioners, along any county road. Townships may
19 establish grades for the sidewalks, which grades may be separate
20 and apart from the grade established for the street or highway.
21 For the purposes of this section, any township may acquire land
22 by purchase, gift, or by the right of eminent domain.

23 Section 2302. Width.--The width of any sidewalk shall be
24 fixed by the [township] board of commissioners either by
25 ordinance or resolution.

26 Section 2303. Paving and Curbing Sidewalks.--[Townships may,
27 upon such notice as may be provided by ordinance, require owners
28 of property abutting on any street, including State highways and
29 county roads, to construct, pave, curb, repave and recurb the
30 sidewalks along such property with such materials, at such

1 grades and under such regulations as may be prescribed by
2 ordinance, and upon failure of such owners to comply with such
3 notice, or without notice to the property owners as above
4 provided, the townships shall in either case have power to cause
5 the same to be done by the township, and to levy and collect the
6 cost thereof from such owners of property abutting such
7 sidewalk. All reconstruction, repaving and recurbing may be
8 provided for in the ordinance providing for the original
9 construction, paving and curbing, without the necessity for
10 adopting a new ordinance providing for such reconstruction,
11 repaving and recurbing.

12 The cost of any such grading, paving, curbing, repaving and
13 recurbing shall be a lien upon the premises from the time of the
14 commencement of the work, which date shall be fixed by the
15 township engineer and shall be filed with the township
16 secretary. Any such lien may be collected by action in assumpsit
17 or by lien filed in the manner provided by law for the filing
18 and collection of municipal claims.

19 The cost of any such paving, curbing, repaving and recurbing
20 may, in any case, be borne in whole or in part by the township.

21 No sidewalks shall be established and constructed upon any
22 State highway without the consent of the State Department of
23 Highways, or upon any county road without the consent of the
24 county commissioners.] (a) Townships may, upon notice as
25 provided by ordinance, require owners of property abutting on
26 any street, including State highways and county roads, to
27 construct, grade, pave, curb, repave and recurb the sidewalks
28 along the property under regulations and specifications
29 prescribed by ordinance. All reconstruction, repaving and
30 recurbing may be provided for in the ordinance providing for the

1 original construction, paving and curbing, without the necessity
2 for adopting a new ordinance providing for the reconstruction,
3 repaving and recurbing.

4 (b) Upon the failure of any property owner to comply with
5 the notice under subsection (a), a township may cause the
6 construction, grading, paving, curbing, repaving and recurbing
7 to be done by the township itself, or by contract, and to levy
8 and collect the cost of the work from the property owner
9 abutting the sidewalk.

10 (c) The cost of any work incurred by the township pursuant
11 to subsection (b) may be levied against and collected from the
12 owner who failed to complete the work pursuant to notice to do
13 so, together with a penalty of ten percent of the costs and all
14 charges and expenses. The costs, penalties, charges and expenses
15 provided for shall be a lien upon the property for which the
16 notice to do the work was given. The lien shall exist from the
17 time of the commencement of the work, which date shall be fixed
18 by the township engineer and certified to the township secretary
19 in accordance with section 1305. Any 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 the
22 cost of any construction, grading, paving, curbing, repaving and
23 recurbing may be borne in whole or in part by the township. If
24 the township pays in part, the remaining cost shall be collected
25 as provided by this section.

26 (d) The following shall apply:

27 (1) Each notice shall be served upon the owner of the
28 premises to which the notice refers, if the owner is a resident
29 of the township. If the owner is not a resident, the notice may
30 be served upon the agent or tenant of the owner or upon the

1 occupant of the premises. If the owner has no agent or tenant or
2 there is no occupier of the premises, service shall be by notice
3 posted upon the premises.

4 (2) The notice required by this section shall specify a
5 period of time of not less than sixty days for the owner to
6 complete the specified work. If the work has not been completed
7 after the specified time has elapsed, the owner shall be deemed
8 to have failed to comply.

9 Section 2304. Repair of Sidewalks.--[The owner of the
10 abutting property shall keep the sidewalk, together with any
11 portion of his property paved and used as a sidewalk or public
12 walk, immediately in front of his property, in good order and
13 repair, and, at all times, free and clear of all obstruction to
14 safe and convenient passage, and free of any merchandise placed
15 there for display, if the removal thereof is ordered by the
16 township commissioners. If the owner of any property neglects to
17 perform the duty so required of him, the township commissioners
18 may serve written notice upon him requiring him to do what is
19 necessary. If such property owner fails to comply with the
20 requirements of such notice within thirty days from the date of
21 its service, the township commissioners may make the necessary
22 repairs or remove any obstruction. The cost of the same,
23 together with a penalty of ten per centum, shall be paid by the
24 delinquent property owner, and may be collected by action of
25 assumpsit, or the township commissioners may file a municipal
26 lien against the property. The notice provided for in this
27 section may be served on the property owner by leaving the same
28 at his place of residence, or if he has no residence in the
29 township, then by posting the same on the premises and mailing a
30 copy thereof to the owner at his last known address.] (a) An

1 abutting property owner shall keep the sidewalk, together with
2 any portion of the property paved and used as a sidewalk or
3 public walk immediately in front of the property, in good order
4 and repair, and, at all times, free and clear of all obstruction
5 to safe and convenient passage.

6 (b) If the property owner neglects to perform the duty
7 imposed in subsection (a), the board of commissioners may serve
8 written notice upon the property owner pursuant to section
9 2303(d)(1) to do what is necessary. If the property owner fails
10 to comply with the requirements of the notice within thirty days
11 from the date of its service, the township may make the
12 necessary repairs or remove any obstruction. The cost of the
13 same, together with a penalty of ten percent, shall be paid by
14 the delinquent property owner, and may be collected by action of
15 assumpsit, or the township may file a municipal lien against the
16 property.

17 Section 117. The act is amended by adding a section to read:

18 Section 2305. Emergency Repairs.--(a) A township may make
19 emergency repairs to sidewalks, within its corporate limits, if
20 an officer or designated individual representing the department
21 or committee in charge of repairs to sidewalks upon inspection
22 determines that a substantial and immediate danger exists to
23 public health, safety and welfare.

24 (b) The officer or individual shall prepare a written report
25 of those conditions which shall be conclusive evidence of the
26 existence of the emergency justifying the repair.

27 (c) This section is intended to provide an additional remedy
28 for townships in connection with emergency repairs of sidewalks.

29 (d) The following shall apply:

30 (1) A copy of the written report shall be served upon the

1 abutting property owner, along with a notice to make emergency
2 repairs to the sidewalk within forty-eight hours of service of
3 the notice and report.

4 (2) The notice and copy of the report shall be served
5 pursuant to section 2303(d)(1).

6 (3) The report shall expressly state that emergency repairs
7 are required.

8 (4) If the owner fails to make the emergency repairs within
9 the prescribed time, the township may make the emergency repairs
10 to the sidewalk.

11 (e) Upon the completion of any emergency repairs, the cost
12 of the repairs shall be a charge against the owner of the
13 abutting property and shall be a lien, until paid, upon the
14 abutting property, provided that a claim is filed for the lien
15 in accordance with the law providing for the filing and
16 collection of municipal claims.

17 (f) The amount of the claim against the owner of the
18 abutting property may also be collected from the owner by an
19 action in assumpsit.

20 Section 118. Article XXIV heading of the act is amended to
21 read:

22 ARTICLE XXIV

23 SANITARY SEWERS AND DRAINS

24 Section 119. Sections 2401 and 2401.1 of the act are amended
25 to read:

26 Section 2401. Power to Establish and Construct Sewers and
27 Drains; Require Connections; Sewer Rentals.--[Townships may
28 establish and construct a system of sanitary sewers and
29 drainage, locating the same, as far as practicable, in the
30 center of the street or on either side of the cartway or of the

1 curb lines thereof in any street and may be for the service and
2 use of properties on both sides of the street or on only one
3 side of the street in which they are laid, as seems advisable to
4 the commissioners. The township commissioners may permit, and,
5 where necessary for the public health by ordinance, require any
6 owner of property benefited, improved or accommodated by
7 sanitary sewers, to make connections with such sewer or drainage
8 in such manner as the commissioners may order for the purpose of
9 discharge of such drainage or waste matter as the commissioners
10 may specify. The township commissioners may by penalties enforce
11 any regulation they may ordain with reference to any sanitary
12 sewer or drainage connections. All connections required shall be
13 uniform. All persons so connecting may be required to pay, in
14 addition to the cost of making such connections, a monthly or
15 annual rate prescribed by ordinance. Such monthly or annual rate
16 shall constitute a lien, until paid, against the property so
17 connecting with such system, and the amount thereof may be
18 recovered by due process of law. All water utilities supplying
19 water to users within the boundaries of any township shall, at
20 the request of the township commissioners, furnish to the
21 township, on or before the fifteenth day of the month following
22 the month during which bills are issued, a list of all water
23 meter readings and flat-rate water bills and the basis for each
24 flat-rate water charge, so that the data may be used in
25 calculating a monthly or annual rate. The township is authorized
26 and empowered to pay to such utilities, reasonable amounts for
27 necessary clerical and other expenses incurred in the
28 preparation of such lists.] (a) Townships may establish and
29 construct a system of sanitary sewers and drainage, locating the
30 system, as far as practicable, in the right-of-way of the street

1 in any street and may be for the service and use of properties
2 on both sides of the street or on only one side of the street in
3 which they are laid, as seems advisable to the township
4 commissioners.

5 (b) The board of commissioners may, in accordance with
6 2401.1(a), permit, and, if necessary for the public health by
7 ordinance, require any owner of property benefited, improved or
8 accommodated by sanitary sewers, to make connections with the
9 sanitary sewer system in the manner specified by the board of
10 commissioners. All connections required shall be uniform.

11 (c) The board of commissioners may, by ordinance, make
12 regulations relating to the use and maintenance of the sanitary
13 sewer system and treatment works. Violations of the ordinance
14 may be enforced by penalties. The regulations may do all of the
15 following:

16 (1) Specify materials and substances which may or may not
17 enter the public sewer or sewer system.

18 (2) Require that certain types or classes of waste be
19 subjected to treatment or to grinding or other reduction in size
20 before entering into the sewer.

21 (3) Restrict the quantity of waste material that may enter a
22 sanitary sewer from any premises within any time interval.

23 (d) (1) Each person whose property is connected to a
24 sanitary sewer system shall pay a monthly, quarterly, semiannual
25 or annual rate to the township, in addition to the cost of
26 making connections to the sanitary sewer system.

27 (2) The initial imposition of the rate under paragraph (1)
28 shall be established by ordinance. Any subsequent rate
29 adjustments may be by resolution provided that the ordinance
30 establishing the rate allows for future rate adjustments by

1 resolution adopted at a public meeting. This paragraph shall not
2 be construed to invalidate or void any rate imposed or adjusted
3 prior to the effective date of this paragraph.

4 (3) The rate under this subsection shall constitute a lien,
5 until paid, against the property connected to the sanitary sewer
6 system, and the amount thereof may be recovered by due process
7 of law through an action in assumpsit in the name of the
8 township against the owner of the property charged or by a lien
9 filed in the nature of a municipal lien.

10 (e) All water utilities supplying water to users within the
11 boundaries of any township shall, at the request of the board of
12 commissioners, furnish to the township, on or before the
13 fifteenth day of the month following the month during which
14 bills are issued, a list of all water meter readings and flat-
15 rate water bills and the basis for each flat-rate water charge,
16 so that the data may be used in calculating sewer rates. The
17 township may reimburse utilities reasonable amounts for
18 necessary clerical and other expenses incurred in the
19 preparation of the lists.

20 (f) The term "sanitary sewer," as used in this article,
21 shall mean and include a sewer used for receiving and collecting
22 sewage matter and liquid waste from the inside of buildings and
23 structures, and, in those townships where there shall be what is
24 known as "combined sewers," receiving, in addition to such
25 sewage and liquid waste from the inside of buildings and
26 structures, storm, roof or surface drainage or any of them, the
27 term "sanitary sewer," as used in this article, shall include
28 such combined sewers.

29 (g) Nothing in this section shall be construed to repeal or
30 modify any of the provisions of [the Public Utility Law.] 66

1 Pa.C.S. (relating to public utilities).

2 (h) If required by other law, a township shall obtain the
3 consent and permit of the Department of Environmental Protection
4 or other Federal, State or county entity, including the
5 Pennsylvania Turnpike Commission, for the laying out and
6 construction of a sanitary sewer and treatment works.

7 Section 2401.1. [~~Sewer and Drainage Systems; Constructed by~~
8 ~~any Municipality Authority; Connection by Owners; Enforcement.--~~
9 ~~Whenever a sewer or drainage system is established or~~
10 ~~constructed by any municipality authority within a township, the~~
11 ~~township commissioners shall be empowered by ordinance to compel~~
12 ~~all owners of property abutting on, or adjoining any street or~~
13 ~~highway, in which such sewer or drainage system is located, to~~
14 ~~make connection with such sewer or drainage system in such~~
15 ~~manner as they may order for the purpose of discharge of such~~
16 ~~drainage or waste as they may specify. The township~~
17 ~~commissioners may by ordinance impose penalties to enforce any~~
18 ~~regulation or order they may ordain with reference to any sewer~~
19 ~~or drainage connections.] Required Connection and Fees.--(a) A
20 township may, by ordinance, require a property owner to connect
21 with and use a sanitary sewer system established or constructed
22 by the township, joint sanitary sewer board or a municipal
23 authority serving the township if the property abuts on or
24 adjoins any street or highway along which the sewer system is
25 located or whose principal building is within one hundred fifty
26 feet from the sanitary sewer.~~

27 (b) (1) If an owner of property abutting on or adjoining or
28 whose principal building is within one hundred fifty feet from
29 the sanitary sewer fails to connect with and use the sanitary
30 sewer under subsection (a) for a period of sixty days after

1 notice to do so has been served by the board of commissioners,
2 either by personal service or by registered mail, the board of
3 commissioners or their agents may enter the property and
4 construct the connection.

5 (2) The board of commissioners shall send an itemized bill
6 of the cost of construction under paragraph (1) to the owner of
7 the property to which connection has been made, which shall be
8 payable immediately.

9 (3) If the owner fails to pay the bill under paragraph (2),
10 the board of commissioners shall file a municipal lien for the
11 cost of the construction. The township may also by ordinance
12 impose penalties to enforce regulations or orders in regards to
13 sewer connections.

14 (c) As a condition of connection to a sanitary sewer
15 collection, treatment or disposal facility, owned or operated by
16 a township, a township may impose and charge the following to
17 property owners who desire or are required to connect to the
18 sanitary sewer system or who desire to increase their usages of
19 the system:

20 (1) A connection fee.

21 (2) A customer facilities fee.

22 (3) A tapping fee.

23 (4) Similar fees, as enumerated and defined by 53 Pa.C.S. §
24 5607(d)(24) (relating to purposes and powers).

25 Section 120. The act is amended by adding a section to read:

26 Section 2401.2. Notice of Contemplated Construction.--No
27 sanitary sewer system shall be constructed under this article
28 unless an ordinance of the board of commissioners authorizing
29 the construction is published once in a newspaper of general
30 circulation pursuant to section 110.

1 Section 121. Sections 2402 and 2403 of the act are amended
2 to read:

3 Section 2402. Location of Sanitary Sewers on Private
4 Property.--Where it is reasonably impracticable, in the judgment
5 of the [commissioners, in any part of such system, to carry such
6 sewers or drains along the lines of public streets or highways,
7 the commissioners may locate and construct so much of the same
8 as is necessary through private lands and may acquire the
9 necessary land or right of way for such purpose by gift,
10 purchase, or by the exercise of the right of eminent domain.]
11 board of commissioners, in any part of the sanitary sewer
12 system, to carry sanitary sewers along the lines of public
13 streets or highways, the board of commissioners may locate and
14 construct so much of the sanitary sewers as is necessary through
15 private lands and may acquire the necessary land or right of way
16 for this purpose by gift, purchase or by the exercise of the
17 right of eminent domain.

18 Section 2403. Treatment Works and Facilities [Therefor].--
19 [The commissioners shall make the necessary provisions for the
20 disposition of the sewage and drainage within, or for carrying
21 the same beyond, the limits of the township; and, to this end,
22 they are hereby authorized to enter into contracts with other
23 municipalities, and other corporations or persons, to purchase,
24 acquire, enter upon, take, appropriate, occupy, and use such
25 lands, rights, and interests therein, within the corporate
26 limits of other townships or boroughs, as shall be necessary for
27 the proper location, construction, maintenance, use and
28 operation of sewer mains, drains, or treatment works, including
29 such lands, rights, and interests therein as shall be necessary
30 for future additions to and enlargements of such sewage or

1 drainage facilities, and as may be necessary to carry out the
2 plans and specifications upon which a permit has been issued by
3 the Secretary of Health, in accordance with law.] The board of
4 commissioners may acquire by eminent domain or enter into
5 contracts with other municipal corporations, corporations or
6 persons for the acquisition of lands or facilities for the
7 location, construction, maintenance, use and operation of
8 sanitary sewer systems and treatment facilities. Acquisitions
9 may be made for the purpose of future additions to and
10 enlargements of existing systems. The acquired land may be
11 located either inside or outside the boundaries of the township.
12 Any extension shall be in conformity with 26 Pa.C.S. § 206
13 (relating to extraterritorial takings) and any other applicable
14 requirement of 26 Pa.C.S. (relating to eminent domain).

15 Section 122. Sections 2404 and 2405 of the act are repealed:

16 [Section 2404. Entry on Lands to Mark Sewer Routes;
17 Damages.--In the event of inability to agree with the owners,
18 either for the land necessary for so much of the line of sewers
19 and drains as are not located upon public roads, streets or
20 highways, or for so much land as is required for the disposition
21 of the sewage or drainage, the commissioners may enter upon said
22 land and mark thereon the route and width necessary for the
23 construction of the line of sewers or drains, or the boundaries
24 of so much land as is necessary for the disposition of such
25 sewage or drainage, and occupy the said land for such purposes.
26 For all damage done or suffered, or which accrues to the owner
27 or owners of such land, by reason of the taking of the same, the
28 funds of the township raised by taxation shall be pledged and
29 deemed as security. Such damages shall be determined by viewers
30 in the manner provided in this act for eminent domain

1 proceedings.

2 Section 2405. Enforcement of Judgment for Damages.--The
3 damages as awarded when the report of viewers is finally
4 confirmed shall be entered as a judgment, and, if the same is
5 not paid within thirty days after the entry thereof, execution
6 to enforce the collection thereof may be issued, as in other
7 cases of judgment against townships.]

8 Section 123. Sections 2406, 2407 and 2408 of the act are
9 amended to read:

10 Section 2406. Cost of Construction[; How Paid.--] and
11 Payment.--The cost of construction of any system of sanitary
12 sewers or drains, constructed by the authority of this
13 subdivision of this [act] article, may be charged upon the
14 properties benefited, improved or accommodated thereby to the
15 extent of [such] the benefits, or may be paid for wholly or
16 partially by general taxation. Any amount not legally chargeable
17 upon properties benefited, improved or accommodated shall be
18 paid out of the general township fund.

19 Section 2407. Sewer Districts.--[Whenever a sewer system is
20 constructed by a township for the accommodation of a certain
21 portion only of the township, the commissioners of such township
22 may constitute the territory accommodated into a sewer district
23 or divide it into several sewer districts. In every such case of
24 division into several districts, the commissioners shall make an
25 estimate of the proportion of the cost of the sewer system which
26 should equitably be charged on each of said districts, and
27 declare and establish such apportionment by ordinance. No
28 district shall be charged with more than its due proportion of
29 the cost of the main sewers, pumping stations, treatment works,
30 et cetera, used jointly by more than one district. The aggregate

1 amount charged on property in any such district shall not exceed
2 the amount of such estimate. Where the whole of the township is
3 accommodated by the system, it may also be treated as a single
4 district or divided into districts, and be subject to the
5 foregoing provisions.] (a) When a sanitary sewer system is
6 constructed by a township for the accommodation of a certain
7 portion of the township, the board of commissioners may
8 designate the territory accommodated into a sewer district or
9 divide the portion into several sewer districts.

10 (b) The board of commissioners shall estimate the proportion
11 of the cost of the sanitary sewer system to be charged on each
12 of the districts and declare and establish the apportionment by
13 resolution and the following shall apply:

14 (1) No district shall be charged more than the district's
15 due proportion of the cost of a sanitary sewer system, or any
16 part of the system, used jointly by more than one district.

17 (2) The aggregate amount charged on a property in any
18 district shall not exceed the amount of the estimate.

19 (3) Where the whole of the township is accommodated by the
20 sanitary sewer system, the township may be treated as a single
21 district or divided into districts, and be subject to the
22 provisions of this section.

23 Section 2408. [Manner of Assessment.--The charge for any
24 such sewer system construction in any township shall be assessed
25 upon the properties benefited, improved or accommodated in
26 either of the following methods:

27 (a) By an assessment, pursuant to township ordinance,
28 against each lot or piece of land benefited, improved or
29 accommodated by the sewer system according to the foot-front
30 rule, allowing such reduction in the case of corner properties

1 and unusually shaped properties or those properties benefited,
2 improved or accommodated by more than one sanitary sewer as the
3 ordinance may specify; the ordinance may provide for equitable
4 assessments or adjustments when special conditions exist where
5 an assessment for the full frontage would be unjust. The
6 secretary of the township shall cause thirty days' notice of the
7 assessment to be given to each party assessed, either by service
8 on the owner or his agent, or left on the assessed premises.
9 However, when the lot or piece of land is on a corner it shall
10 be assessed for its entire frontage abutting on any sewer except
11 when such property is a vacant lot or contains only a single
12 family dwelling in which case it shall be assessed along the
13 shorter frontage and assessed along the longer frontage abutting
14 on a sewer, commencing at a point no closer to the corner than
15 one hundred twenty-five feet. When a township shall have
16 determined to assess properties in proportion to frontage, any
17 property benefited, improved or accommodated by the sanitary
18 sewer which shall not be lawfully subject to such manner of
19 assessment or as to which such manner of assessment shall not
20 reasonably measure the benefit to such property, shall be
21 assessed by the township in accordance with the method herein
22 provided in subsection (b) of this section 2408, but each such
23 benefited, improved or accommodated property shall be assessed
24 with not less than the whole amount of the benefit accruing to
25 it and legally assessable.

26 (b) By an assessment against the several properties
27 benefited, improved or accommodated by the sanitary sewer to the
28 extent of such benefits. The amount of the charge on each
29 property shall be ascertained as provided in this act for the
30 assessment of benefits.

1 When a township is divided into sewer districts, the
2 assessment in each district may be by different methods.]
3 Assessments.--Assessments, whether based according to benefits
4 conferred or by the front foot basis, and assessment awards, if
5 any, shall be calculated pursuant to Article XXV-A (relating to
6 assessments and charges for public improvements).

7 Section 124. Sections 2409, 2410 and 2411 of the act are
8 repealed:

9 [Section 2409. Procedure for Assessment of Benefits.--In all
10 cases where the township commissioners shall select the method
11 provided by subdivision (b) of the foregoing section, they shall
12 petition the court of common pleas for appointment of viewers to
13 assess benefits. In all cases where they shall neglect for a
14 period of three months after the completion of the sewer system
15 to either ordain assessments by frontage or present a petition
16 for appointment of viewers, taxpayers of the township, whose
17 property valuation as assessed for taxable purposes within the
18 township shall amount to fifty per centum of the total property
19 valuation as assessed for taxable purposes within the township,
20 may present a petition to the court of common pleas of the
21 proper county for the appointment of viewers to assess benefits;
22 and in all cases where such taxpayers shall, within three months
23 of the adoption of any ordinance levying an assessment under the
24 method provided by subsection (a) of said section, by petition
25 state to said court that such assessment insufficiently
26 represents the benefits accruing to abutting properties, they
27 may include in such petition a prayer for the appointment of
28 viewers to assess benefits. In either case the said court shall
29 thereupon appoint three disinterested persons from the county
30 board of viewers, neither of whom shall be a resident of that

1 portion of the township which is accommodated by the sewer in
2 question, and the viewers so appointed shall proceed as provided
3 in this act for proceedings for the assessment of damages and
4 benefits by viewers. The aggregate of the assessments in any
5 sewer district shall not exceed the amount charged in such
6 district for its share of the cost of the sewer system
7 construction, unless the same shall, by petition of taxpayers,
8 whose property valuation as aforesaid shall amount to fifty per
9 centum of the total property valuation as assessed for taxable
10 purposes within the township, presented within three months
11 after the adoption of an ordinance providing for an assessment
12 by frontage, be stated to insufficiently represent the amount of
13 benefits to such properties, in which case the proceedings by
14 taxpayers authorized above shall be applicable. Upon the filing
15 of such a petition, by taxpayers as aforesaid, for appointment
16 of viewers, any assessment made by the commissioners and any
17 proceedings thereunder shall be null and void.

18 Section 2410. Lien for Assessments; Costs of Proceedings.--
19 After the amount of the assessment charged upon the several
20 properties has been established, either by ordinance making
21 assessments according to frontage or by confirmation of any
22 report of viewers in whole or in part, it shall be the duty of
23 the township commissioners to file municipal liens for the
24 assessments covered by such ordinance or confirmation within the
25 time and in the manner provided by law; the same to be subject
26 in all respects to the general law providing for the filing and
27 recovery of municipal liens. The amounts of all assessments
28 shall be payable to the township treasurer for the use of the
29 township. The commissioners shall also make out bills for the
30 amounts charged against each property, which shall be forthwith

1 sent to all property owners residing in the township, and mailed
2 to all such owners residing elsewhere whose address is known.
3 The costs of publication of notices in proceedings before
4 viewers shall be paid by the township, upon presentation of
5 bills approved by the court.

6 Section 2411. Assessment of Property Outside Limits of
7 Townships for Sewers.--Whenever any sewer is located in any
8 street or highway dividing such township from any other
9 municipality or township located in the same county, the
10 property on the side of the street or highway outside the line
11 of such township, for a depth of one hundred fifty feet, shall
12 be assessed for sewers on such street or highway on which
13 property shall abut. Such assessment shall be made in the same
14 manner and in the same proceeding as is used for the assessment
15 of property within the township for such sewers.]

16 Section 125. Sections 2415, 2420, 2425 and 2430 of the act
17 are amended to read:

18 Section 2415. [(a) Any township in which any person, firm,
19 or corporation, or other township or municipal corporation is
20 maintaining sewers and culverts with the necessary inlet and
21 appliances for surface and under surface and sewage drainage, or
22 in which any person or persons are maintaining a community
23 sewage collection or disposal system as herein defined, may
24 become the owner of such sewers, culverts, inlet, and
25 appliances, or the owner of such community sewage collection or
26 disposal system, by paying therefor not more than the actual
27 value of the same at the time of the taking by the township, or
28 by gift from the owner or owners thereof.]

29 (b) In case the commissioners of the township cannot agree
30 with the owners of such sewers or sewage collection or disposal

1 system as to the price to be paid therefor, the commissioners
2 may enter upon and take possession of such sewers, culverts,
3 inlets and appliances or of such sewage collection or disposal
4 system. For all damage done or suffered, or which accrues to the
5 owner or owners of the sewer or sewage collection or disposal
6 system by reason of the taking of the same, the funds of the
7 township, raised by taxation, shall be pledged and deemed as
8 security, such damages to be determined by viewers in the manner
9 provided by this act for eminent domain proceedings. If any
10 sewer, sewer system or sewage collection or disposal system is
11 acquired by purchase under the provisions of this section, the
12 cost of such acquisition may be distributed or assessed in the
13 same manner as provided by this act in cases where a sewer or
14 drainage system is constructed by the township.

15 (c) For the purposes of this section, a community sewage
16 collection or disposal system is all or part of a device or
17 devices, installed on any privately or publicly owned parcel of
18 land, intended to treat or dispose of the sewage or equivalent
19 volume of domestic sewage from two or more residences, buildings
20 or occupied parcels of land, or any system of piping used in
21 collection and conveyance of sewage or private or public
22 property.

23 (d) After a community sewage collection or disposal system
24 has been acquired under the provisions of this section by the
25 township, the commissioners shall have the power to enlarge such
26 system, if they deem it advisable. In such cases, the cost and
27 expenses of such enlargement may be distributed or assessed in
28 the same manner as if the enlargement was a regular sewer
29 constructed by the township under other provisions of this act.

30 (e) Whenever a community sewage collection or disposal

1 system is or shall have been established or constructed within a
2 township by a private owner or owners, and the township
3 commissioners are thereafter empowered, by ordinance, to acquire
4 the ownership of the sewage disposal system so established, or
5 when any such system has been enlarged by the township, such
6 acquisition and ownership shall be subject to the following
7 provisions of this subsection:

8 (1) When the person or persons having established or
9 constructed a community sewage collection or disposal system, or
10 when more than one-half the number of the owners of properties
11 which are connected with, have a right to use and are using a
12 community collection or disposal system, enter into an agreement
13 with the township for the acquisition of the system by the
14 township, such agreement shall be considered a valid agreement
15 by the owners of the sewage collection or disposal system and a
16 transfer of ownership to the township.

17 (2) The township shall operate and maintain any sewage
18 collection or disposal system acquired and any enlargement or
19 addition thereto for the use of persons having acquired from the
20 township or from the former owner or owners the right to use the
21 system, and for the use of other owners of property accessible
22 thereto up to the capacity of the sewage collection or disposal
23 system.]

Power to Acquire Community Sewage Collection or
Disposal Systems.--(a) A township may, by ordinance, acquire
ownership of a community sewage collection or disposal system by
purchase, the exercise of eminent domain pursuant to 26 Pa.C.S.
(relating to eminent domain) or by gift from the owner or
owners.

(b) In eminent domain proceedings, the viewers shall assess
the costs and expenses of the community sewage collection or

1 disposal system acquired by the township upon the property or
2 properties benefited according to benefits. Any deficiency that
3 is not assessed upon the benefited property or properties shall
4 be paid by the township.

5 (c) After a community sewage collection or disposal system
6 has been acquired under this section by the township, the board
7 of commissioners shall have the power to enlarge the system if
8 they deem it advisable. The cost and expenses of the enlargement
9 may be distributed or assessed in the same manner as if the
10 enlargement was a regular sewer constructed by the township
11 under other provisions of this act.

12 (d) If a community sewage collection or disposal system is
13 established or constructed within a township by a private owner
14 or owners, and the board of commissioners are empowered by
15 ordinance to acquire the ownership of the sewage disposal
16 system, or when the system has been enlarged by the township,
17 the acquisition and ownership shall be subject to the following
18 provisions:

19 (1) An agreement shall be considered a valid agreement by
20 the owners of the sewage collection or disposal system and shall
21 be a transfer of ownership to the township when any of the
22 following enter into an agreement with the township for the
23 acquisition of the system by the township:

24 (i) The person or persons having established or constructed
25 a community sewage collection or disposal system.

26 (ii) More than one-half of the number of owners of
27 properties which are connected with, have a right to use and are
28 using a community sewage collection or disposal system.

29 (2) The township shall operate and maintain any community
30 sewage collection or disposal system acquired or enlargement or

1 addition to a system for the use of the following:

2 (i) Persons having acquired from the township or from the
3 former owner or owners the right to use the system.

4 (ii) Other owners of property accessible to the system up to
5 the capacity of the community sewage collection or disposal
6 system.

7 (3) All persons whose property connects with the community
8 sewage collection or disposal system acquired or constructed by
9 the township shall pay to the township treasurer, a monthly,
10 quarterly, [~~semi-annual~~] semiannual or annual charge prescribed
11 by a resolution of the board of commissioners. The amount of the
12 charges shall not be in excess of the estimated amount necessary
13 to maintain and operate the system and to establish a reserve
14 fund sufficient for its future replacement.

15 (4) All sewer rentals or charges imposed by the board of
16 commissioners against properties connected with a community
17 sewage collection or disposal system under [~~the provisions of~~]
18 this section shall constitute liens against the properties and
19 may be collected in the same manner as other sewer charges.

20 (5) All [~~moneys~~] money received from the sewer charges shall
21 be deposited as a special reserve fund[,] and shall be used only
22 for the payment of the cost of operating and maintaining the
23 community sewage collection or disposal system and the
24 replacement [~~thereof~~], if necessary and economically desirable.
25 If, at any time after the acquisition or enlargement of the
26 community sewage system, a regular sewer system is made
27 available by the township for connection with the properties
28 using the community sewage collection or disposal system, the
29 owners of [~~such~~] the properties shall be subject to the other
30 provisions of this act relating to sewers, and all money at that

1 time in the reserve fund which was received from charges for the
2 use of that particular community sewage collection or disposal
3 system[,] and which is over and above the amount expended for
4 the operation and maintenance of that particular sewage
5 collection or disposal system[,] shall be used towards the
6 payment of any sewer assessments charged against [such] the
7 properties under other sections of this act.

8 (e) The following words and phrases when used in this
9 section shall have the meanings given to them in this subsection
10 unless the context clearly indicates otherwise:

11 "Community sewage collection or disposal system." All or
12 part of a device or devices installed on any privately or
13 publicly owned parcel of land intended to treat or dispose of
14 the sewage or equivalent volume of domestic sewage from two or
15 more residences, buildings or occupied parcels of land, or any
16 system of piping used in collection and conveyance of sewage on
17 private or public property.

18 (f) Nothing in this section may be construed to supersede
19 the requirements of the act of January 24, 1966 (1965 P.L.1535,
20 No.537), known as the "Pennsylvania Sewage Facilities Act."

21 Section 2420. [In any case where, under the authority of
22 section two thousand four hundred and one of this act, a system
23 of sewage and drainage covering any township in whole or in part
24 shall have been approved and authorized by ordinance, the
25 commissioners may enter into a contract with any responsible
26 individual or individuals or corporation for the construction of
27 such system of sewage or drainage at the expense of such
28 individual or individuals or corporation. He, they, or it shall
29 be entitled, under such contract, to exercise all the powers of
30 the township in the construction, maintenance, and operation of

1 such system of sewage or drainage, with the right to collect
2 such charges in connection therewith as the commissioners
3 prescribe, in as full manner as the same might have been
4 collected by the township or the commissioners. In such contract
5 the commissioners shall reserve to the township the right at any
6 time, after a prescribed time, to itself take possession of such
7 system of sewage and drainage, and its appurtenances, at a price
8 and upon terms to be fixed in the contract.] Contracts for Sewer

9 and Drainage Systems.--(a) In a case where, under the authority
10 of section 2401, a system of sewage and drainage covering a
11 township in whole or in part shall have been approved and
12 authorized by ordinance, the board of commissioners may enter
13 into a contract with any responsible individual or corporation
14 for the construction of a system of sewage or drainage at the
15 expense of the individual or corporation and the following shall
16 apply:

17 (1) The individual or corporation shall be entitled under
18 the contract to exercise all the powers of the township in the
19 construction, maintenance and operation of the system of sewage
20 or drainage, with the right to collect fees connected to the
21 construction, maintenance and operation as the board of
22 commissioners prescribes, in as full manner as the fees might
23 have been collected by the township or the commissioners.

24 (2) In the contract the board of commissioners shall reserve
25 to the township the right at any time, after a prescribed time,
26 to take possession of the system of sewage and drainage, and the
27 system's appurtenances, at a price and upon terms to be fixed in
28 the contract.

29 (b) Nothing in this section shall be construed to repeal or
30 modify any of [the provisions of the Pennsylvania Public Utility

1 Law] 66 Pa.C.S. (relating to public utilities).

2 Section 2425. Cost of Construction.--Townships may construct
3 sanitary sewers and drains in any street or highway, or through
4 or on or over private property. The costs, damages, and expenses
5 of the construction of any [such] sanitary sewers or drains may
6 be paid for wholly or partially by general taxation, or may be
7 assessed upon the properties accommodated or benefited [in
8 either of the following methods:

9 (a) By an assessment, pursuant to township ordinance, of
10 each lot or piece of land in proportion to its frontage abutting
11 on the sewer, allowing such reduction in the case of properties
12 abutting on more than one sewer as the ordinance may specify. No
13 assessment by frontage shall be made on properties of such a
14 character as not to be lawfully subject to such manner of
15 assessment, and each abutting property shall be assessed with
16 not less than its proportion, aforesaid, of the entire cost and
17 expense of such construction.

18 (b) By an assessment upon the several properties abutting on
19 the sewer in proportion to benefits. The amount of the charge on
20 which property shall be ascertained and the rights of taxpayers
21 conferred in connection therewith as provided in this act for
22 the assessment of damages and benefits by viewers.] pursuant to
23 Article XXV-A.

24 Section 2430. [Consent Necessary.--Townships may construct
25 sewers and drains in and under any county or State highway
26 within the township boundaries. In case of the construction of
27 sewers upon county highways, the consent of the county
28 commissioners of the county shall first be obtained; and in case
29 of the construction of sewers upon any State highway, the
30 consent of the State Department of Highways shall first be

1 obtained.] State and County Highways and Consent Required.--(a)
2 A township may construct a sanitary sewer and drain in or under
3 any State or county highway within the township boundaries.

4 (b) (1) For the construction of a sanitary sewer in or
5 under a county highway, the consent of the county commissioners
6 of the county shall be obtained.

7 (2) For the construction of a sanitary sewer in or under a
8 State highway, the consent of the Department of Transportation
9 shall be obtained.

10 Section 126. Section 2431 of the act is repealed:

11 [Section 2431. Assessment of Cost.--Whenever sewers have
12 been or shall be laid or constructed by any township in and
13 under such highways, such township may ascertain, levy, and
14 collect the costs and expenses of the construction thereof from
15 the abutting property holders by viewers, in accordance with
16 provisions of this act relating to the assessment of damages and
17 benefits by viewers.]

18 Section 127. Subdivision (f) heading of Article XXIV and
19 section 2435 of the act are amended to read:

20 (f) Connecting with [Sewer of Adjoining
21 Municipality] Adjoining Sewer

22 Section 2435. [Connection by Agreement or Petition;
23 Appointment of Viewers.--Whenever any township shall desire to
24 connect with the existing sewer of any adjacent municipality,
25 the two municipalities so joining may enter into an agreement
26 for such purposes, or if no agreement has been reached between
27 such township and the adjacent municipality, then such township
28 shall proceed in the following manner:

29 An application shall be made by the board of commissioners to
30 the court of quarter sessions, setting forth the desire of the

1 township to connect with the sewer of the municipality. If the
2 court shall be of the opinion that such connection can be made
3 without impairing the usefulness of the existing sewer, it shall
4 appoint three viewers, who shall view the premises, and
5 investigate the facts of the case, and shall, in the manner
6 provided by this act for such proceedings, assess the
7 proportionate part of the expense of building the original sewer
8 upon the petitioning township, and shall fix the proportion of
9 the expense for repairs which the municipality and such township
10 shall thereafter bear and determine all other questions which
11 are likely to arise in connection therewith.] Connection by

12 Agreement or Petition and Appointment of Viewers.--(a) If a
13 township desires to connect with the existing sanitary sewer of
14 an adjacent municipal corporation or municipal authority for
15 either sewage collection or treatment purposes, the entities may
16 enter into an agreement for this purpose. If no agreement has
17 been reached between the township and the adjacent municipal
18 corporation or municipal authority, the township shall proceed
19 as provided under subsection (b).

20 (b) An application shall be made by the board of
21 commissioners to the court of common pleas of the county where
22 the proposed connection is to be located, setting forth the
23 desire of the township to connect with the existing sanitary
24 sewer of the municipal corporation or municipal authority. If
25 the court determines that the connection can be made without
26 impairing the usefulness of the existing sanitary sewer, it
27 shall appoint three viewers who shall:

- 28 (1) View the premises and investigate the facts of the case.
29 (2) Assess the proportionate part of the expense of building
30 the original sanitary sewer upon the petitioning township.

1 (3) Fix the proportion of the expense for repairs which the
2 municipal corporation or municipal authority and the township
3 shall thereafter bear.

4 (4) Determine all other questions which are likely to arise
5 in connection with the sanitary sewer.

6 (c) The viewers shall report the results of their
7 investigation under subsection (b) to the court, and the court
8 shall confirm the report within thirty days of the report's
9 submission unless exceptions are filed. Any interested party may
10 appeal the disposition of filed exceptions.

11 Section 128. Section 2436 of the act is repealed:

12 [Section 2436. Notice of Contemplated Construction; Protests
13 by Property Owners.--No sewer, system of sewers, or drains shall
14 be constructed under the provisions of this subdivision, unless
15 a resolution of the board of commissioners authorizing the same
16 shall be published in a newspaper of general circulation
17 published in the county in which the township is situated once a
18 week for three successive weeks. If within twenty days after the
19 last publication, or at any time during the period of
20 publication sixty per centum of the total property owners within
21 the township, or the affected sewer district, if such district
22 has been constituted, shall sign, and file in the office of the
23 prothonotary of the court of common pleas of the county in which
24 the township is located, a written protest against the
25 construction of such sewer, sewer system, or drain, then the
26 construction authorized by such resolution shall not be
27 undertaken or proceeded with.]

28 Section 129. Subdivision (g) heading of Article XXIV and
29 section 2440 of the act are amended to read:

30 (g) Joint Sanitary Sewers and Drains

1 Section 2440. Building Joint Sewers.--[(a) Townships may
2 jointly with cities, boroughs or other townships build and
3 construct sewers, including trunk-line sewers or drains and
4 sewage treatment works, and may connect into such system
5 existing sewers, and may assess their respective portions of the
6 cost thereof, or so much thereof as may be legally assessable,
7 upon property benefited by the improvement as is provided in the
8 case of townships by sections two thousand four hundred eight,
9 two thousand four hundred nine, and two thousand four hundred
10 ten of this act. Any portion of the cost of such an improvement
11 not assessed or not assessable shall be paid by the respective
12 townships, cities, and boroughs joining as may be agreed upon.

13 (b) The townships, cities, and boroughs joining or
14 contemplating joining in any such improvement, in order to
15 facilitate the building of the same and securing preliminary
16 surveys and estimates, may by ordinance provide for the
17 appointment of a joint sewer board composed of one
18 representative from each of the townships, cities, and boroughs
19 joining which shall act generally as the advisory and
20 administrative agency in the construction of such improvement,
21 and its subsequent operation and maintenance. The members of
22 such board shall serve for terms of six years each from the
23 dates of their respective appointments, and until their
24 successors are appointed. The board shall organize by the
25 election of a chairman, secretary, and treasurer. The several
26 townships, cities, and boroughs, may in the ordinances creating
27 the board, authorize the board to appoint an engineer, a
28 solicitor, and such other assistants as are deemed necessary;
29 and agree to the share of the compensation of such persons each
30 township, city, and borough is to pay. The members of the board

1 shall receive such compensation for attending meetings of the
2 board as shall be fixed in the budget, prepared by the board for
3 submission to, and adoption by, the several townships, cities,
4 and boroughs, as hereinafter provided, and the budget item
5 providing for the compensation to members for attending meetings
6 shall not exceed a total of two hundred and fifty dollars (\$250)
7 per year, and no member shall be paid unless he actually
8 attends, and the fee for each such attendance shall be
9 stipulated, and the members, in addition thereto, shall be
10 entitled to actual expenses to be paid by the respective
11 townships, cities, and boroughs which such members represent.

12 (c) The board shall have power to adopt rules and
13 regulations to govern its proceedings, and shall prepare and
14 suggest any practical measures and plans by means of which the
15 joint improvement may be carried to successful completion; and
16 plan the future development of the system, so as to conform to a
17 general plan. It shall have power to prepare a joint agreement
18 or agreements for submission to and adoption by the several
19 townships, cities, and boroughs defining the advisory and
20 administrative powers of the board; setting forth the consents
21 of the several townships, cities, and boroughs to the proposed
22 improvement; the manner in which preliminary and final plans,
23 specifications, and estimates for the proposed improvement shall
24 be prepared and adopted; how proposals for bids shall be
25 advertised, and contracts let; the manner in which the costs of
26 the improvement and other incidental and preliminary expenses in
27 connection therewith, and the future cost of operation and
28 maintenance shall be equitably shared, apportioned, and paid;
29 and all such other matters including the preparation and
30 submission of annual and other budgets, as may be deemed

1 necessary or required by law, to carry the proposed improvement
2 to completion and to assure future maintenance and operation
3 thereof. But nothing herein contained shall authorize the board
4 to make any improvement or expend any public moneys which has
5 not first been authorized by all of the townships, cities, and
6 boroughs proceeding with the improvement.

7 (d) In any case where it shall be necessary to acquire,
8 appropriate, injure, or destroy private property, lands,
9 property, or material to build any such joint sewer improvement,
10 and the same cannot be acquired by purchase or gift, the right
11 of eminent domain shall vest in the township, city, or borough
12 where such property is located. In any case where it shall be
13 necessary to acquire, injure, or destroy property in any
14 territory not within the limits of any of the townships, cities,
15 or boroughs joining in the improvement; then the right of
16 eminent domain shall be vested in any township, city, or borough
17 adjacent to such territory where such property is located.
18 Damages for any property taken, injured, or destroyed shall be
19 assessed as provided by the general laws relating to the
20 townships, cities, and boroughs exercising the right of eminent
21 domain; and shall be paid by the several townships, cities, and
22 boroughs joining in the same proportion as other costs of the
23 improvement.

24 (e) Each of the townships joining in any such improvement
25 shall have power to incur or increase its indebtedness, not
26 exceeding the constitutional limits, for the purpose of paying
27 its share or portion of the cost of such improvement in the
28 manner now provided by law for the incurring of indebtedness.]

29 (a) Pursuant to 53 Pa.C.S. Ch. 23 Subch. A (relating to
30 intergovernmental cooperation), a township may contract with

1 another municipal corporation providing for the joint
2 construction or maintenance of sanitary sewer systems and for
3 joint construction onto existing sanitary sewer systems, and the
4 following shall apply:

5 (1) The agreement shall provide for the apportionment of
6 costs among the municipal corporations.

7 (2) The board of commissioners may assess the township's
8 respective portion of the costs, as may be legally assessable,
9 upon property benefited by the facilities pursuant to Article
10 XXV-A.

11 (3) Any portion of the cost not assessed or assessable shall
12 be paid by the respective municipal corporations under the
13 agreement.

14 (4) In addition to or in lieu of contracting with other
15 municipal corporations, townships may contract with municipal
16 authorities for the purposes of this section.

17 (b) (1) The municipal corporations joining or contemplating
18 joining in any improvement, in order to facilitate the building
19 of the sanitary sewer system and in securing preliminary surveys
20 and estimates, may by ordinance provide for the appointment of a
21 joint sanitary sewer board composed of one representative from
22 each of the municipal corporations joining. The board shall act
23 as the advisory and administrative agency in the construction of
24 the improvement and its subsequent operation and maintenance.

25 (2) Members of the joint sanitary sewer board established
26 under paragraph (1) shall serve for terms of six years each,
27 from the date of the member's appointment until the member's
28 successor is appointed. The joint sanitary sewer board shall
29 organize by the election of a chairperson, secretary, and
30 treasurer.

1 (3) The municipal corporations may, in the ordinances
2 creating the joint sanitary sewer board, authorize the board to
3 appoint an engineer, a solicitor and other assistants as deemed
4 necessary and agree to the share of the compensation of those
5 persons each municipal corporation is to pay.

6 (4) The members of the joint sanitary sewer board shall
7 receive compensation for attending board meetings as established
8 in the budget that is prepared by the joint sanitary sewer board
9 and submitted to and adopted by the municipal corporations. The
10 members shall be entitled to actual expenses to be paid by the
11 respective municipal corporations the members represent.

12 (c) (1) A joint sanitary sewer board may adopt rules and
13 regulations consistent with the requirements of this article to
14 govern its proceedings and shall prepare and suggest any
15 practical measures and plans by means of which the joint
16 improvement may be carried to successful completion and plan the
17 future development of the system, so as to conform to a general
18 plan.

19 (2) The joint sanitary sewer board may prepare a joint
20 agreement or agreements for submission to and adoption by the
21 municipal corporations defining the advisory and administrative
22 powers of the joint sanitary sewer board and setting forth the
23 following:

24 (i) consent of the municipal corporations to the proposed
25 improvement;

26 (ii) the manner in which preliminary and final plans,
27 specifications and estimates for the proposed improvement shall
28 be prepared and adopted;

29 (iii) how proposals for bids shall be advertised and
30 contracts awarded;

1 (iv) the manner in which the costs of the improvement and
2 other incidental and preliminary expenses in connection with the
3 improvement and the future cost of operation and maintenance
4 shall be equitably shared, apportioned and paid; and

5 (v) all other matters, including the preparation and
6 submission of annual and other budgets, as may be deemed
7 necessary or required by law to complete the proposed
8 improvement and to assure future maintenance and operation
9 thereof.

10 (3) The joint sanitary sewer board may not make any
11 improvement or expend any public money which has not first been
12 authorized by all of the municipal corporations proceeding with
13 the improvement.

14 (d) (1) When it is necessary to acquire, appropriate,
15 injure or destroy private property to build a joint sanitary
16 sewer system or improvement and the property cannot be acquired
17 by purchase or gift, the right of eminent domain shall vest in
18 the municipal corporation where the property is located.

19 (2) When it is necessary to acquire, injure or destroy
20 property in any territory not within the limits of any of the
21 municipal corporations joining in the improvement, the right of
22 eminent domain shall be vested in a municipal corporation
23 adjacent to the territory where the property is located subject
24 to 26 Pa.C.S. § 206 (relating to extraterritorial takings).

25 (3) Damages for any property taken, injured or destroyed
26 shall be assessed as provided by the laws relating to the
27 municipal corporation exercising the right of eminent domain and
28 shall be paid by the municipal corporations joining in the same
29 proportion as other costs of the improvement.

30 (e) Each township joining in an improvement shall have power

1 to incur or increase the township's indebtedness, not exceeding
2 constitutional limits, for the purpose of paying the township's
3 share or portion of the cost of the improvement in the manner
4 now provided by law for the incurring of indebtedness.

5 Section 130. Section 2441 and Subdivision (h) heading of
6 Article XXIV of the act are repealed:

7 [Section 2441. State Permit.--No such sewer or sewage
8 treatment plant shall be constructed until plans and
9 specifications have been submitted to the Sanitary Water Board
10 and approved in accordance with existing laws.]

11 (h) Non-debt Revenue Sewer Bonds]

12 Section 131. (Reserved).

13 Section 132. Article XXV of the act is repealed:

14 [ARTICLE XXV
15 COLLECTION BY INSTALMENT OF THE COST OF
16 STREET, CURB, SIDEWALK AND SEWER IMPROVEMENTS

17 Section 2501. Ordinances for Instalment Payments.--When any
18 township shall authorize the grading, sub-grading, or the
19 permanent paving and improvement of any streets, or parts
20 thereof, or the construction of curbs, sidewalks, or sewers, and
21 the entire cost, or any part thereof, shall be assessed against
22 the properties abutting on such improvement, whether by the foot
23 front rule or according to benefits, the board of commissioners
24 may provide in the ordinance that the assessment or any of them
25 may be paid in semiannual or annual instalments, and it may also
26 provide that sewer assessments may be paid in twelve monthly or
27 in quarterly instalments. Such instalments shall bear interests,
28 at a rate not exceeding six per centum, to be fixed by the board
29 of commissioners in the ordinance, commencing at such time as
30 may be fixed by ordinance.

1 Section 2502. Issue of Bonds.--In order to provide for the
2 payment of the cost and expenses of such improvement, the board
3 of commissioners may, from time to time, issue bonds, in sums
4 equal to the amount of assessments. The bonds shall bear the
5 name of the street to be improved, or the curbs, sidewalks, or
6 sewer to be constructed.

7 Section 2503. Sale of Bonds; Interest.--The bonds shall bear
8 interest at a rate not exceeding six per centum per annum,
9 payable semiannually or annually, as the ordinance shall direct;
10 and shall be negotiated at not less than par, and the proceeds
11 thereof applied solely to the payment of such improvement.

12 Section 2504. Entry of Liens.--Liens to secure the
13 assessments, or any part thereof, remaining due shall be entered
14 in the prothonotary's office of the county, in the same form and
15 collected in the same manner as municipal claims are filed and
16 collected: Provided, however, That when any person has accepted
17 the monthly or quarterly payment plan for any sewer assessment,
18 as herein provided, no lien shall be filed for such assessment,
19 except upon a default in payment, as provided in section two
20 thousand five hundred six, as herein amended.

21 Section 2505. Assessments, Where Payable.--Such assessments
22 shall be payable at the office of the township treasurer, or
23 such other place as the ordinance shall provide, in semiannual
24 or annual instalments, and in the case of sewer assessments in
25 monthly or quarterly instalments, with interest at the rate
26 provided from the date from which interest is computed on the
27 amount of the assessments. The moneys so received by the
28 township shall be applied to the payment of such bonds and
29 interest thereon exclusively.

30 Section 2506. Default in Payment of Instalment.--In case of

1 default in the payment of any semiannual or annual instalment
2 and interest for a period of sixty days after the same shall
3 become due, the entire assessment and accrued interest shall
4 become due, and the township solicitor shall proceed to collect
5 the same under the general laws relating to the collection of
6 municipal claims.

7 In case of default in the payment of any monthly or quarterly
8 instalment, and interest of a sewer assessment for a period of
9 thirty days after the same shall become due, a lien shall be
10 filed for the balance due on such assessment and interest
11 accrued thereon. In no case shall a township lose its right to
12 file a lien for any sewer assessment by reason of its failure to
13 file the same within the time fixed by general law relating to
14 the filing of municipal liens for any sewer assessment which is
15 being paid under the instalment plan herein provided, and if any
16 lien is filed after the time fixed by said general law for the
17 filing thereof because of default in the payment of any
18 instalment, such delayed filing is hereby validated, and the
19 lien of such assessment claim so filed shall be in full force
20 and effect from the time of such filing.

21 Section 2507. Payments in Full; Subdivisions of Property.--
22 Any owner of property against whom any such assessment has been
23 made may pay the same in full, at any time, with interest
24 thereon to the next semiannual or annual payment, and such
25 payment shall discharge the lien. If any owner shall subdivide
26 any property after the lien attaches, he may, in like manner,
27 discharge the same upon any subdivided portion thereof by paying
28 the amount for which such part would be liable.]

29 Section 133. The act is amended by adding an article to
30 read:

1 are benefited by the public improvement.

2 (b) Payment of costs.--Unless otherwise provided in this
3 article, in addition to the authority to assess the cost of
4 public improvements against properties benefited either on the
5 front foot method or benefit conferred method of assessment, a
6 township may pay for the cost of public improvements, in whole
7 or in part, from the township general fund or from a special
8 township fund dedicated to that purpose.

9 (c) Indebtedness.--If a township incurs indebtedness
10 pursuant to 53 Pa.C.S. Pt. VII Subpt. B (relating to
11 indebtedness and borrowing) for the purposes of funding the cost
12 and expense of making public improvements for which assessments
13 are made in accordance with this article, payments made on the
14 assessments must be applied to pay the debt service for the
15 indebtedness incurred for funding the cost and expense of making
16 the public improvements.

17 (d) Assessment outside of township.--Property benefited,
18 improved or accommodated that is located outside the limits of
19 the township that constructed the public improvement may, if
20 located no more than 150 feet from the public improvement, be
21 assessed for the cost of the public improvement in the same
22 manner as the property would be assessed under the laws of this
23 Commonwealth if it were entirely located within the limits of
24 the township.

25 Section 2503-A. Method of assessment.

26 (a) Ordinance.--If the board of commissioners elect to
27 exercise the power to make assessments for a given public
28 improvement as authorized in section 2502-A, the board of
29 commissioners shall, by ordinance and in conformity with this
30 article, establish the method and procedure pursuant to which

1 assessments shall be made.

2 (b) Allocation of costs and expenses.--The following shall
3 apply:

4 (1) The board of commissioners may, by ordinance, make
5 the assessment by any means that results in fairly allocating
6 all or a portion of the costs and expenses of the public
7 improvement among all properties benefited by the improvement
8 in reasonable proportion to the benefits conferred upon each
9 property. The methods that may be used to make assessments in
10 accordance with this subsection may include, but are not
11 limited to:

12 (i) An equal assessment per front foot.

13 (ii) An assessment made by benefits conferred.

14 (2) Only one assessment method may be used in allocating
15 the costs for a particular public improvement unless a
16 township is divided into districts for sanitary sewer or
17 water, in which case the assessment in each district may be
18 by different methods so long as the same assessment method is
19 used within a particular district.

20 (c) Front foot method.--If the front foot method is used:

21 (1) The cost to be collected shall be divided by the
22 total number of linear feet of street frontage of all
23 properties benefited.

24 (2) The assessment against each property shall be that
25 portion of the cost which is determined by multiplying the
26 dividend under paragraph (1) by the number of linear feet for
27 street frontage of that property.

28 (3) In the case of corner or irregularly shaped lots or
29 where special conditions exist, the board of commissioners
30 shall have the power and its duty shall be to provide for an

1 equitable adjustment, as necessary, to prevent an unjust or
2 excessive assessment.

3 (4) If the front foot method is used but is comprised of
4 other than linear feet, such as lots, parcels, dwelling units
5 or square feet, the formula in paragraphs (1) and (2) shall
6 be adapted to comport with the unit of lots, parcels,
7 dwelling units or square feet as applicable.

8 (d) Assessment of benefits conferred method.--In lieu of the
9 front foot method, the board of commissioners may elect to have
10 the benefits of public improvements assessed, in whole or in
11 part, upon property benefited, improved or accommodated by
12 assessing an equal assessment on the properties benefited,
13 improved or accommodated in proportion to the total cost of
14 construction of the improvement. The amount of the charge on
15 each property shall be determined by the board of commissioners.

16 (e) Certificate of assessment.--The board of commissioners
17 shall issue a certificate of assessment when either assessing on
18 the front foot method or on the basis of benefits conferred upon
19 property benefited, improved or accommodated, duly certified
20 under the seal of the township and attested by the president of
21 the board of commissioners and secretary. The certificate of
22 assessment shall state the method of assessment used. The
23 certificate of assessment shall be prima facie evidence in any
24 suit for recovery of the same of the correctness and validity of
25 the assessment.

26 Section 2504-A. Petition for viewers by board of commissioners.

27 The board of commissioners may petition the court of common
28 pleas for the appointment of viewers to assess the total cost of
29 an improvement as set forth in this article. The viewers shall
30 assess the total cost of the improvement, or so much of the cost

1 as may be just and reasonable, upon the lands or properties
2 peculiarly benefited.

3 Section 2505-A. Petition for viewers by taxpayers.

4 (a) Petition.--Taxpayers of the township whose property is
5 being assessed for benefits for a public improvement may present
6 a petition to the court of common pleas stating that the
7 assessment insufficiently represents the benefits accruing to
8 abutting, benefited or accommodated properties. The petition may
9 include a request for the appointment of viewers to assess
10 benefits if at least 50% of the taxpayers whose parcels are
11 abutting, benefited or accommodated by the public improvement in
12 question join the petition or if taxpayers whose property
13 valuation as assessed for taxable purposes within the township
14 amounts to at least 50% of the total property valuation of the
15 properties being assessed for the public improvement join the
16 petition. The petition must be presented within 90 days of the
17 issuance of the certificate of assessment.

18 (b) Viewers.--The court shall appoint three disinterested
19 viewers, none of whom shall be a resident of that portion of the
20 township that is benefited or accommodated by the public
21 improvement in question. The viewers shall proceed under this
22 part and 26 Pa.C.S. (relating to eminent domain) for the
23 assessment of damages and benefits by viewers. Upon the filing
24 of the petition by taxpayers for the appointment of viewers, any
25 assessment made by the board of commissioners and any
26 proceedings shall be stayed pending the disposition of the
27 petition by the court.

28 Section 2506-A. Notice of assessment.

29 (a) Personal notice.--After the amounts to be assessed
30 against the properties to be benefited by the public improvement

1 have been calculated pursuant to the method and procedures as
2 prescribed by ordinance, the township shall give personal notice
3 of the assessment to the owner of each property that is being
4 assessed. The notice shall also state that the owner has 30 days
5 from receipt of the notice to appeal the assessment. If a
6 certificate is required to be filed with the board of
7 commissioners relating to the public improvement as otherwise
8 provided in this act, a copy of the certificate shall accompany
9 the notice.

10 (b) Assessment effective.--An assessment made pursuant to
11 this article shall become effective 30 days after personal
12 notice is given by any of the following means:

13 (1) Personal service on the owner or the owner's agent.

14 (2) Certified mail, addressee only, return receipt
15 requested, to the owner at the owner's last known address.

16 (3) Posting notice at or upon the property after
17 reasonable attempts to give personal notice pursuant to
18 paragraphs (1) and (2) have failed.

19 Section 2507-A. Benefits and damages.

20 In any proceeding in which damages to property are being
21 sought as a result of a public improvement for which an
22 assessment of benefits has been made, the excess of damages over
23 benefits, the excess of benefits over damages or nothing in case
24 the benefits and damages are equal, shall be awarded to or
25 assessed against the owner of land and property affected by the
26 public improvement. Damages shall be calculated pursuant to 26
27 Pa.C.S. (relating to eminent domain).

28 Section 2508-A. Payment of assessments in installments.

29 (a) Authorization.--An ordinance providing for a public
30 improvement, the expense of which is to be defrayed by an

1 assessment against properties benefited by the public
2 improvement, may authorize payment of the assessment in
3 installments. The ordinance shall:

4 (1) Set a time when the installment payments shall
5 commence.

6 (2) Specify the length of time over which the
7 installments may be extended. The period during which
8 installments may be paid shall not exceed the lesser of 10
9 years or the number of years equal to the period of maturity
10 of the bonds issued to fund the public improvement.

11 (3) Specify whether payments are to be made by equal
12 annual or more frequent installments.

13 (b) Interest rate.--The ordinance shall set forth the rate
14 of interest for the installments, which shall not be more than
15 6% per year unless a bond is issued for the improvement, in
16 which case the maximum interest rate on the installment payments
17 shall be in accordance with section 9 of the act of May 16, 1923
18 (P.L.207, No.153), referred to as the Municipal Claim and Tax
19 Lien Law.

20 (c) Written agreement.--The township shall enter into a
21 written installment agreement with each property owner that will
22 pay the assessment in installments, subject to the requirements
23 of the ordinance pertaining to the agreements and this article.

24 (d) Installments not paid.--If any of the installments
25 remain unpaid for 60 days after the installments have become due
26 and payable:

27 (1) The entire unpaid assessment, plus unpaid accrued
28 interest and any costs, shall be due and payable.

29 (2) The township may proceed to collect the installments
30 by filing a lien in the same manner as municipal claims are

1 filed under the Municipal Claim and Tax Lien Law or by
2 instituting a civil action.

3 (e) Advance payments.--A property owner upon whom an
4 assessment has been made may pay all or as many of the
5 installments before they are due, with interest and costs to the
6 due date of the next installment.

7 Section 2509-A. Collection of assessments.

8 (a) Authority.--The board of commissioners shall have the
9 power to authorize the township treasurer or other township
10 official to collect assessments.

11 (b) Procedure.--The following shall apply to the collection
12 of assessments:

13 (1) A township may collect an assessment that remains
14 unpaid for 60 days after personal notice was given pursuant
15 to section 2506-A unless an installment agreement has been
16 entered into pursuant to section 2508-A.

17 (2) An assessment made under this article may be
18 collected in the same manner as municipal claims under the
19 Municipal Claim and Tax Lien Law or by instituting a civil
20 action against the owner of the benefited property.

21 (3) Interest on an unpaid assessment shall begin to
22 accrue from the time of completion of the improvement at a
23 rate not to exceed 6% per year unless a bond is issued for
24 the improvement, in which case the maximum interest rate
25 shall be pursuant to section 9 of the Municipal Claim and Tax
26 Lien Law.

27 (4) If a property owner has two or more lots against
28 which there is an assessment for the same improvement, all of
29 the lots may be embraced in one claim.

30 (5) Assessments, whether paid one time or by

1 installments, shall be payable at the office of the township
2 treasurer or any other place designated by ordinance.

3 Section 134. Article XXVI of the act is repealed:

4 [ARTICLE XXVI

5 REVOLVING FUND FOR STREET AND

6 SEWER IMPROVEMENTS

7 Section 2601. Special Tax; Bond Issue.--The several
8 townships are hereby empowered to levy and collect annually a
9 tax upon all property, taxable for township purposes, not to
10 exceed five mills on the dollar in any one year, for the purpose
11 of creating and maintaining a revolving fund, to be used by such
12 township in making permanent street, sidewalk, water lines, or
13 sewer improvements, and to pay contract prices for permanent
14 street, sidewalk, water lines, or sewer improvements, prior to
15 the collection of the cost and expense, or any part thereof,
16 from the property owners adjoining or abutting thereon by such
17 townships under existing laws. Any such revolving fund may also
18 be begun by funds raised by the issuance of bonds of the
19 township, in the manner provided by law, for the making of
20 permanent street, sidewalk, water lines, and sewer improvements.

21 Section 2602. Repayments into Revolving Fund.--When the cost
22 and expense, or any part thereof, of the construction of any
23 permanent street, sidewalk, or sewer improvement, which has been
24 made under existing laws, and which has been aided in its
25 construction from the said revolving fund hereby provided for,
26 shall have been assessed and collected from the owners of the
27 property adjoining or abutting upon such improvement, it shall
28 be applied to the credit of the said revolving fund, to the
29 extent of the withdrawal therefrom for such purpose.]

30 Section 135. Article XXVII heading and section 2701 of the

1 act are amended to read:

2 ARTICLE XXVII

3 WATER SUPPLY [~~AND WATERWORKS~~]

4 Section 2701. [~~Contract with Water Companies and~~
5 ~~Municipality; Development of Own Water Supply.--Townships may~~
6 ~~contract with any adjoining municipality, owning a waterworks~~
7 ~~system, or with a private company, for a supply of water for~~
8 ~~public and private uses to be delivered into the lines of the~~
9 ~~township at or near or within the boundaries thereof.~~

10 ~~This section does not prohibit a contract between a township~~
11 ~~and a municipality, or a private company, for the supply of~~
12 ~~water in territory being supplied by any other private company.~~
13 ~~A township 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 such water supply as the township shall need from~~
16 ~~either an adjoining municipality or private company.] Contracts~~

17 for Water Supply; Development of Own Water Supply.--(a)
18 Townships may contract with any adjoining municipal corporation
19 owning a water system, or with a municipal authority or a
20 private company, for a supply of water for public and private
21 uses to be delivered into the lines of the township at or near
22 or within the boundaries of the township.

23 (b) This section does not prohibit a contract between a
24 township and a municipal corporation, or a private company, for
25 the supply of water in territory being supplied by any other
26 private company.

27 (c) A township may construct, maintain and operate its own
28 water system and 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 a water supply needed by the township from either an

1 adjoining municipal corporation or from a private company.

2 Section 136. The act is amended by adding sections to read:

3 Section 2701.1. Public Utility Law Saved.--Nothing contained
4 in this article shall be construed to repeal or to supersede any
5 of the provisions of 66 Pa.C.S. (relating to public utilities).

6 Section 2701.2. Rates.--(a) For water supplied by the
7 township, the board of commissioners shall fix the rates charged
8 to users of water or to owners whose properties are connected to
9 the water system. The board of commissioners shall provide for
10 the collection of the water rates. The rates shall be in
11 addition to the cost of making any connections under section
12 2707. In the case of users outside the township, the fixing of
13 rates shall be subject to, and in accordance with, applicable
14 law and the rules and regulations of the Pennsylvania Public
15 Utility Commission.

16 (b) The initial imposition of the rate imposed under
17 subsection (a) shall be established by ordinance. Any subsequent
18 rate adjustments may be by resolution provided that the
19 ordinance establishing the rate allows for future rate
20 adjustments by resolution adopted at a public meeting. This
21 subsection shall not be construed to invalidate or void any rate
22 imposed or adjusted prior to the effective date of this section.

23 Section 137. Sections 2702, 2703 and 2704 of the act are
24 amended to read:

25 Section 2702. [State Permit.--A township making such
26 contract may, by ordinance, provide and regulate and protect a
27 system of distribution of the water, after a certified copy of
28 the plans and surveys for such system, with a description of the
29 sources from which it is proposed to derive the supply, are
30 filed with the Department of Health and Water Power Resources

1 Board, and written permits for the construction of such system
2 obtained in accordance with existing law.] Distribution System;
3 State Permit.--A township entering into a contract for the
4 supply of water may, by ordinance, provide, regulate and protect
5 a system of water distribution after filing a certified copy of
6 the plans and surveys for the system, with a description of the
7 sources from which it is proposed to derive the supply, with the
8 Department of Environmental Protection and, if required by law,
9 other Federal or State entities, and written permits for the
10 construction of the system are issued in accordance with
11 existing law.

12 Section 2703. Occupation of Highways.--(a) In providing
13 for, regulating, [and] protecting and extending its system of
14 distribution of water, [the] a township may occupy streets,
15 roads or highways, and may take, injure or destroy private
16 property as provided in this article. No highway under the
17 jurisdiction of the [State Department of Highways] Department of
18 Transportation shall be occupied until a permit [therefor] has
19 been obtained from the [State Department of Highways.]
20 department.

21 (b) Property belonging to or used as a cemetery [or], a
22 place of public worship, or any public or parochial school, or
23 other educational or charitable institution or seminary, shall
24 not be taken, injured or destroyed by virtue of this section.

25 Section 2704. Property Damages[, Bond by Township].--If the
26 compensation and damages arising from [such] the taking, injury
27 or destruction of private property cannot be agreed upon, the
28 township [may tender its bond as security to the party claiming
29 or entitled to any damages, or to the attorney or agent of any
30 absent person, or to the agent or other officer of a

1 corporation, or to the guardian or committee of any person under
2 legal incapacity. The condition of the bond shall be that the
3 township shall pay or cause to be paid such amount of damages as
4 the party shall be entitled to receive after the same shall have
5 been agreed upon or assessed in the manner provided in the
6 following sections of this article.

7 In case the party or parties claiming damages refuse or do
8 not accept the security so tendered, the township shall give the
9 party, his or their agent, attorney, guardian, or committee, at
10 least ten days' written notice of the time when the same will be
11 presented to the court of common pleas for approval.

12 Thereafter the township may present its bond to the court,
13 and when approved, the bond shall be filed in court for the
14 benefit of those interested. Recovery may be had thereon for the
15 amount of damages finally determined, if the same is not paid or
16 cannot be collected by execution on the judgment in the issue
17 formed to try the question. Upon the approval of such security,
18 the township may enter into possession.] shall proceed pursuant
19 to 26 Pa.C.S. (relating to eminent domain).

20 Section 138. Section 2705 of the act is repealed:

21 [Section 2705. Appointment of Viewers.--In case the
22 compensation for damages accruing from such taking, injury or
23 destruction has not been agreed upon by parties in interest, the
24 court of common pleas, or any law judge thereof in vacation, on
25 application thereto by the township or any person interested in
26 the property, shall appoint three members of the board of
27 viewers of the county who shall assess the damages, as provided
28 in this act for eminent domain proceedings.]

29 Section 139. Sections 2706 and 2707 of the act are amended
30 to read:

1 Section 2706. [Water Districts; Application of Taxpayers.--
2 Whenever the taxpayers of any section of a township whose
3 property valuation, as assessed for taxable purposes within such
4 section, shall amount to fifty percent of the total property
5 valuation, as assessed for taxable purposes within such section,
6 shall, by petition, so request, the commissioners of such
7 township shall constitute such section into a water district or
8 divide it into several water districts. In every such case of
9 division into several districts, the commissioners shall
10 determine the proportion of the cost of the water system which
11 should equitably be charged on each of said districts and
12 declare and establish such apportionment by resolution. No
13 district shall be charged with more than its due proportion of
14 the cost of the main pipe lines used jointly by more than one
15 district.] Water Districts.--The board of commissioners may
16 designate, define and create one or more water districts within
17 the township, and the board of commissioners shall determine the
18 proportion of the cost of the water system which shall be
19 equitably charged on each district and declare and establish the
20 apportionment by resolution. No district shall be charged with
21 more than its due proportion of the cost of the main pipe lines,
22 pumping stations or other parts of the water system used jointly
23 by more than one district.

24 Section 2707. [Connection to Water Supply System.--The
25 commissioners may require that abutting property owners of a
26 water supply system connect with and use the same except those
27 industries and farms who have their own supply of water for uses
28 other than human consumption. In case any owner of property
29 except those previously excepted abutting such water system
30 shall neglect or refuse to connect with and use said system for

1 a period of ninety days after notice to do so has been served
2 upon him by the commissioners, either by personal service or
3 registered mail, said commissioners or their agents, may enter
4 upon such property and construct such connection. In such case
5 the commissioners shall forthwith, upon completion of the work,
6 send an itemized bill of the cost of construction of such
7 connection to the owner of the property to which connection has
8 been made, which bill shall be payable forthwith, or the
9 commissioners may authorize the payment of the cost of
10 construction of connections in equal monthly installments; said
11 installments shall bear interest at a rate not to exceed seven
12 per centum per annum.] Connection to Water System.--(a) The

13 board of commissioners may, by ordinance, require that a
14 property owner connect with and use a water system of the
15 township or municipal authority or a joint water system in
16 either of the following cases:

17 (1) Except as provided in subsection (b), if the nearest
18 property line is located within one hundred fifty feet of a
19 water system or any part or extension of the system.

20 (2) If the property has no supply of water which is safe for
21 human consumption.

22 (b) With respect for water supplied for human consumption, a
23 property owner who, after the effective date of this subsection,
24 is subject to mandatory connection pursuant to subsection (a)
25 (1), shall not be required to connect to the water system
26 pursuant to that subsection if all of the following conditions
27 exist:

28 (1) The water system or part or extension of the system that
29 is within one hundred fifty feet of the nearest property line
30 was in existence on the effective date of this subsection.

1 (2) The property has its own supply of water which is safe
2 for human consumption.

3 (3) Prior to the effective date of this subsection, the
4 property owner was not required to connect to the existing
5 system.

6 (c) Those industries and farms which have their own supply
7 of water for uses other than human consumption through installed
8 and operating wells existing prior to the effective date of this
9 subsection may continue to use their preexisting wells for that
10 purpose but are required to use the water system of the township
11 or municipal authority to provide water for human consumption.

12 (d) A township may require any owner of property to install
13 and maintain a backflow prevention device based on the degree of
14 potential hazard of the connected property in accordance with
15 other applicable law.

16 (e) A township may assess penalties for the violation of
17 ordinances pertaining to water connections or backflow
18 prevention devices.

19 (f) (1) A township may, by ordinance, impose and charge
20 certain fees to property owners who desire or are required to
21 connect to the water system owned or operated by the township, a
22 municipal authority or a joint water board or who desire to
23 increase their usage of the water system.

24 (2) The fees in paragraph (1) may be a connection fee, a
25 customer facilities fee, a tapping fee and other similar fees as
26 enumerated and calculated under 53 Pa.C.S. § 5607(d) (24)
27 (relating to purposes and powers).

28 (3) The tapping fee may include a reimbursement part as
29 provided in 53 Pa.C.S. § 5607(d) (24) (IV) to be refunded to the
30 private person or corporation who paid for the construction of

1 the water system or any part or extension thereof.

2 (g) (1) If any property owner required under subsection (a)
3 to connect with and use the system fails to do so within ninety
4 days after notice to do so has been served by the board of
5 commissioners, either by personal service or registered mail,
6 the board of commissioners or their agents may enter the
7 property and construct the connection.

8 (2) The board of commissioners shall send an itemized bill
9 of the cost of construction of the connection to the owner of
10 the property to which connection has been made, which bill is
11 payable immediately, or the board of commissioners may authorize
12 the payment of the cost of construction of connections in equal
13 monthly installments and the installments shall bear interest at
14 a rate not to exceed six per cent.

15 Section 140. Section 2708 of the act is repealed:

16 [Section 2708. Connection to Water Supply System of
17 Municipality Authorities.--Whenever a water supply system is or
18 shall have been established or constructed by a municipality
19 authority within a township of the first class, the township
20 commissioners shall be empowered by ordinance, to compel all
21 owners of property abutting thereto to make connection
22 therewith. The commissioners may, by ordinance, impose penalties
23 to enforce any regulation or order they may ordain with
24 reference to any water connections. In case any owner, other
25 than those excepted in section 2707 of this act, of property
26 shall neglect or refuse to connect with said water system for a
27 period of ninety days after notice to do so has been served upon
28 him by the commissioners, either by personal service or by
29 registered mail, the commissioners or their agents may enter
30 upon such property and construct such connection. In such case,

1 the commissioners shall forthwith, upon completion of the work,
2 send an itemized bill of the cost of the construction of such
3 connection to the owner of the property to which connection has
4 been made, which bill shall be payable forthwith, or the
5 commissioners may authorize the payment of the cost of
6 construction of connections in equal monthly installments, to
7 bear interest at a rate not exceeding seven per centum per
8 annum.]

9 Section 141. Sections 2709 and 2709.1 of the act are amended
10 to read:

11 Section 2709. Cost of Connection; Where Payable.--The cost
12 of construction of connections shall be payable immediately at
13 the office designated by the [township] board of commissioners,
14 or if authorized by the board of commissioners, in monthly
15 installments, with interest from the date of completion of the
16 construction of the connection.

17 Section 2709.1. Default in Payment of Installment.--In case
18 of default in the payment of any installment and interest for a
19 period of sixty days after the same [shall] has become due, the
20 entire cost of construction of the connection and accrued
21 interest shall become due[; and, the township solicitor shall
22 proceed to collect the same under the general laws relating to
23 the collection of municipal claims.] and the township may
24 collect the unpaid cost of construction of the connection and
25 accrued interest from the owner by a municipal claim or in an
26 action of assumpsit.

27 Section 142. Section 2709.2 of the act is repealed:

28 [Section 2709.2. Entry of Liens.--In case of neglect or
29 refusal by the owner of such property to pay said bill or in
30 case of installment payment, it shall be the duty of the

1 township commissioners to file municipal liens for said
2 construction within six months of the date of completion of the
3 construction of such connection, the same to be subject in all
4 respects to the general law providing for the filing and
5 recovery of municipal liens.]

6 Section 143. Subdivision (b) heading of Article XXVII and
7 sections 2710, 2711, 2712, 2701-A, 2702-A, 2703-A, 2704-A, 2705-
8 A, 2801, 2802, 2803, 2804, 2805, 2806, 2901, 2910, 2911, 2912,
9 3001, 3009, 3010, 3011, 3012, 3013, 3014, 3020, 3021, 3022,
10 3023, 3024, 3025, 3026, 3027 and 3027.1 of the act are amended
11 to read:

12 (b) [Construction, Acquisition and Maintenance of Waterworks
13 in Connection with Municipalities] Joint Water System

14 Section 2710. [Joint Maintenance of Works with
15 Municipality.--Any township may unite with a city, borough or
16 township in the construction or acquisition and maintenance of
17 works for the supply of water.] Joint Construction, Acquisition
18 or Maintenance.--Any township may join with one or more
19 municipal corporations in the construction or acquisition and
20 maintenance of a water system.

21 Section 2711. [State Permits.--The construction of such
22 waterworks shall be commenced only after plans for such
23 waterworks have been filed with Department of Health and Water
24 and Power Resources Board and permits issued in accordance with
25 law.] Permits.--The construction of a water system shall be
26 commenced only after plans for the water system have been filed
27 with the Department of Environmental Protection and, if required
28 by law, other Federal or State entities and permits issued in
29 accordance with law.

30 Section 2712. [Commission of Waterworks.--Whenever any

1 township unites with a municipality in the construction or
2 acquisition and maintenance of waterworks, the commissioners of
3 such township, after the passage of an ordinance or resolution
4 to that effect, may join with the councils of such other
5 municipality and apply to the court of common pleas for the
6 appointment of a commission of waterworks. Such commission shall
7 be composed of citizens of each of the municipalities and
8 townships so uniting.] Joint Commission.--(a) The municipal
9 corporations joining in the construction or acquisition and
10 maintenance of a water system may, by ordinance, provide for the
11 appointment of a joint commission of a water system in order to
12 facilitate the construction, operation and maintenance of the
13 water system and to secure preliminary surveys and estimates.
14 (b) The joint commission shall act generally as the advisory
15 and administrative agency in the construction of the improvement
16 and its subsequent operation and maintenance.
17 (c) The joint commission shall be composed of one
18 representative, or alternatively an equal number of
19 representatives, from each of the joining municipal
20 corporations. The members of the joint commission shall serve
21 for terms of six years each from the dates of their respective
22 appointments and until their successors are appointed.
23 (d) The joint commission shall organize by the election of a
24 chairperson, secretary and treasurer. The secretary and
25 treasurer may be the same person.
26 (e) The municipal corporations may, in the ordinances
27 creating the joint commission, authorize the joint commission to
28 appoint an engineer, a solicitor and other assistants as are
29 deemed necessary, and agree to share the compensation costs for
30 members who attend its meetings as shall be fixed in the budget

1 prepared by the joint commission and submitted to and adopted by
2 the joining municipal corporations. In addition to the agreed
3 upon compensation that a member receives for each attendance at
4 a meeting, members shall be entitled to actual expenses to be
5 paid by the respective municipal corporations that the members
6 represent.

7 Section 2701-A. Manufacture and Sale of Electricity.--Any
8 township may manufacture electricity by means of a hydroelectric
9 generating facility owned or operated by the township for the
10 use of the inhabitants of [such] the township. Any township
11 owning or operating a hydroelectric generating facility may make
12 contracts for the sale of electricity to persons engaged in the
13 business of the manufacture or sale of electricity.

14 Section 2702-A. [May Regulate] Regulation of Use and
15 Prices.--Any township furnishing electricity pursuant to this
16 article may regulate the use of [said] electricity in dwellings,
17 business places and other places in [such] the township and the
18 rate to be charged for the [same] electricity.

19 Section 2703-A. Sale of Hydroelectric Generating
20 Facilities.--[By ordinance, a township may sell all or part of
21 its hydroelectric generating facilities to a purchaser for such
22 sale price as the parties may agree upon, and thereafter for all
23 purposes that price shall be deemed to be the purchaser's
24 original cost less accrued depreciation of the plant at the date
25 of purchase.] A township may sell, by ordinance, all or part of
26 its hydroelectric generating facilities to a purchaser for the
27 sale price as the parties may agree upon.

28 Section 2704-A. Construction or Purchase of Hydroelectric
29 Generating Facilities.--Any township may construct or purchase
30 facilities [for the purpose of manufacturing electricity by

1 hydroelectric generation. Any township may purchase a
2 hydroelectric generating facility at such price as may be agreed
3 upon by the township and the person, copartnership or a majority
4 of the stockholders of a corporation that owns such facilities.]
5 to manufacture electricity by hydroelectric generation. Any
6 township may purchase a hydroelectric generating facility at the
7 price agreed upon by the township and the person, partnership or
8 a majority of the stockholders of a corporation that owns the
9 facilities.

10 Section 2705-A. Submission to Electors.--Before any township
11 [~~shall construct or purchase~~] constructs or purchases a
12 hydroelectric generating facility, the question of the increase
13 of the debt of the township shall first be submitted to the
14 qualified voters of the township in the manner provided by law
15 for the increase of indebtedness of municipal corporations.

16 Section 2801. [~~Town Hall.--The commissioners of townships~~
17 ~~may procure a suitable lot of ground, and erect a suitable~~
18 ~~building thereon for a townhouse in which to hold elections,~~
19 ~~store road machinery, hold meetings of township officers, and~~
20 ~~for other township uses. For the purpose of procuring a lot of~~
21 ~~ground and erecting a town hall, the commissioners may borrow~~
22 ~~money at a rate of interest not exceeding six per centum and~~
23 ~~issue bonds therefor.] Township Buildings.--The board of
24 commissioners may procure by purchase, gift, exchange or the
25 exercise of eminent domain a lot or lots of ground located
26 within the township, and erect or use buildings thereon for
27 township purposes.~~

28 Section 2802. [~~Unloading and Warehouses.--The commissioners~~
29 ~~may purchase or lease land adjacent to the tracks or right of~~
30 ~~way of any railroad or street railway, within or without the~~

1 limits of such township, and erect thereon suitable unloaders,
2 warehouses, or other buildings as may be necessary for
3 unloading, handling, and storing road materials and supplies.]

4 Garages and Warehouses.--The board of commissioners may purchase
5 or lease land inside or outside the limits of the township, and
6 erect garages, warehouses or other buildings as may be necessary
7 for handling and storing equipment, materials and supplies.

8 Section 2803. Appropriation of Property.--[Townships may
9 enter upon and appropriate private property and also land
10 heretofore granted or dedicated to public or other use within
11 the limits of such township, and which is no longer used for the
12 purpose for which the same was granted or dedicated, for the
13 erection thereon of a town hall, fire house, lockup, and such
14 other public buildings as are necessary for public purposes.

15 No land or property used for any cemetery, burying ground,
16 public or parochial school, educational or charitable
17 institution, seminary, or place of public worship shall be taken
18 or appropriated by virtue of any power contained in the
19 preceding paragraph.] (a) Townships may enter upon and

20 appropriate private property and also land previously granted or
21 dedicated to public or other use within the limits of the
22 township, and which is no longer used for the purpose for which
23 the same was granted or dedicated, for the erection thereon of a
24 municipal building, fire house, lockup, and other public
25 buildings as are necessary for public purposes.

26 (b) Notwithstanding subsection (a), no land or property used
27 for any cemetery, burying ground, public or parochial school,
28 educational or charitable institution, seminary, or place of
29 public worship shall be taken or appropriated.

30 Section 2804. Ordinance of Commissioners.--Whenever the

1 [commissioners desire to acquire, enter upon, take, use, and
2 appropriate private property or lands for public buildings, they
3 shall declare such intention by an ordinance duly enacted.]
4 board of commissioners desire to acquire, enter upon, take, use,
5 and appropriate private property or lands for public buildings,
6 they shall declare their intention by ordinance.

7 Section 2805. Assessment of Damages.--The compensation and
8 damages arising from [such taking, using, and appropriating of
9 private property for such purposes shall be considered,
10 ascertained, determined, awarded, and paid in the manner
11 provided in this act for eminent domain proceedings.] taking,
12 using and appropriating of private or public property for
13 township purposes shall be pursuant to 26 Pa.C.S. (relating to
14 eminent domain).

15 Section 2806. Use of Public Lands Acquired for other
16 Purposes.--Whenever the [commissioners desire to take any lands
17 heretofore granted or dedicated to a use or purpose for which
18 they are no longer used, they shall pass an ordinance declaring
19 such intention, and shall thereupon petition the court of common
20 pleas for leave to file the bond of such township for the
21 purpose of securing any person or persons who may be injured by
22 the taking of such lands. The court shall thereupon direct
23 notice to be given by publication in at least two newspapers of
24 the county. If no exceptions are filed to the bond on or before
25 the day fixed in the notice, the court shall approve the same.
26 The court may increase the amount of the bond, and hear and
27 determine all exceptions that are filed against the approval
28 thereof. Upon the approval of such bond, the commissioners may
29 enter upon and take such lands for the purposes of erecting
30 public buildings. The bond, which shall be in the name of the

1 Commonwealth, for the use of any person or persons who are
2 entitled to damages by reason of the taking of the lands, shall
3 remain on file for their use and benefit. In case the
4 compensation for damages accruing from any such appropriation
5 has not been agreed upon by the parties in interest, the same
6 may be assessed by viewers in accordance with the provisions of
7 this act for the assessment of damages in eminent domain
8 proceedings.] board of commissioners desire to take any public
9 lands previously granted or dedicated to a use or purpose for
10 which they are no longer used, the board of commissioners shall
11 pass an ordinance declaring its intention, and shall petition
12 the court of common pleas for leave to file the bond of the
13 township to secure any person or persons who may be entitled to
14 compensation for the taking. The court shall direct notice to be
15 given by publication in at least one newspaper of general
16 circulation pursuant to section 110. If no exceptions are filed
17 to the bond on or before the day fixed in the notice, the court
18 shall approve the same. The court may increase the amount of the
19 bond, shall hear and determine all exceptions that are filed
20 against the petition and the sufficiency of the bond and may
21 grant or deny the request of the petition. Upon the granting of
22 the petition and the approval of the bond, the board of
23 commissioners may enter upon and take the lands for the purposes
24 of erecting public buildings. The bond, which shall be in the
25 name of the Commonwealth for the use of any person or persons
26 who are entitled to damages by reason of the taking of the
27 lands, shall remain on file for their use and benefit.

28 Section 2901. [Every township shall have power, by
29 ordinance, to regulate and license each and every transient
30 retail business, within such township, for the sale of goods,

1 wares or merchandise, and to prohibit the commencement or doing
2 of any such business until or unless the license required by
3 such ordinance has been procured from the proper authorities by
4 the person, firm, or corporation desiring to commence such
5 transient retail business; and to enforce such ordinances by
6 penalties, not exceeding three hundred dollars or by other
7 appropriate means. The amount of any such license shall not
8 exceed two hundred dollars for each month or fractional part
9 thereof, during which any such sale is continued.

10 Nothing contained in this section shall be construed to apply
11 to (1) farmers selling their own produce, or (2) to the sale of
12 goods, wares, and merchandise, donated by the owners thereof,
13 the proceeds whereof are to be applied to any charitable or
14 philanthropic purpose, or (3) to any manufacturer or producer in
15 the sale of bread and bakery products, meat and meat products,
16 or milk and milk products.] Licensing Transient Retail

17 Business.--(a) A township may, by ordinance, regulate and
18 license transient retail merchants engaged in any transient
19 retail business within the township. The ordinance may prohibit
20 the commencement or doing of any transient retail business until
21 or unless the license required by the ordinance has been
22 obtained from the township by the person, firm or corporation
23 desiring to commence the transient retail business. The
24 ordinance may be enforced by penalties, not exceeding three
25 hundred dollars for a violation of its provisions and may
26 provide for other means of enforcement.

27 (b) The board of commissioners may establish license fees
28 for businesses regulated under this section. The license fees
29 shall bear a reasonable relationship to the cost of
30 administering the ordinance and regulating, inspecting and

1 supervising each business.

2 (c) Nothing contained in this section shall be construed to
3 apply to any of the following:

4 (1) farmers selling their own produce;

5 (2) any person selling personal property, donated by the
6 owners, if the proceeds of the sale are to be applied to a
7 charitable or philanthropic purpose; or

8 (3) any manufacturer or producer in the sale of bread and
9 bakery products, meat and meat products, or milk and milk
10 products.

11 Section 2910. [Agents for Licensed Dealers not to be
12 Licensed.--It shall be unlawful for any township to levy any
13 license fee or mercantile tax upon any persons taking orders for
14 merchandise, by sample, from dealers or merchants for
15 individuals or companies who pay a license or mercantile tax at
16 their chief places of business. Nothing in this section shall
17 authorize any person to sell by retail to other than dealers or
18 merchants.] Persons Taking Orders by Samples.--A township may
19 not impose, levy or collect a license fee or mercantile tax upon
20 a person that takes, by sample, from a dealer or merchant an
21 order for merchandise on behalf of an individual or company that
22 pays a license fee or mercantile tax at the individual's or
23 company's chief place of business. Nothing in this section shall
24 authorize a person to sell by retail to a person other than a
25 dealer or merchant without payment of a license or permit fee.

26 Section 2911. [Insurance Agents and Brokers not to be
27 Licensed.--It shall be unlawful for any township to impose or
28 collect any license fee upon insurance companies, or their
29 agents, or insurance brokers, authorized to transact business
30 under the Insurance Laws of this Commonwealth.] Insurance

1 Business.--A township may not impose or collect a license fee
2 upon an insurance company, including an agent, or an insurance
3 broker, authorized to transact business under the act of May 17,
4 1921 (P.L.682, No.284), known as "The Insurance Company Law of
5 1921."

6 Section 2912. License Fees on Residents not to Exceed those
7 on Nonresidents.--[It shall be unlawful for any township to
8 impose by ordinance, or exact or collect under the provisions of
9 any ordinance heretofore or hereafter enacted, any license tax
10 or fee upon or from any manufacturer, or the agent,
11 representative, or employe of any manufacturer, who is a
12 resident of the Commonwealth, for soliciting orders for or for
13 selling any goods, merchandise, or wares manufactured within
14 this Commonwealth that is not or cannot legally be imposed upon
15 or enacted or collected from any manufacturer or dealer, or the
16 agent, representative, or employe of any manufacturer, who is a
17 nonresident of the Commonwealth, for soliciting orders for or
18 for selling any goods, merchandise, or wares manufactured
19 without the Commonwealth.] A township may not enact an ordinance
20 imposing a license fee upon a manufacturer, including an agent,
21 representative, or employe of any manufacturer, who is a
22 resident of the Commonwealth and solicits orders for or sells
23 personal property manufactured within this Commonwealth if the
24 township could not legally impose the same license fee upon a
25 manufacturer, including an agent, representative or employe,
26 that is a nonresident of the Commonwealth and solicits orders
27 for or sells personal property manufactured outside this
28 Commonwealth.

29 Section 3001. Acquisition of Lands and Buildings.--(a)
30 Townships may, separately or jointly, by ordinance dedicate and

1 set apart lands not dedicated to other public uses or purposes,
2 and may enter upon, appropriate, and acquire[,] by gift, devise,
3 purchase, lease or otherwise, private property[,] for the
4 purpose of making, enlarging, and maintaining public parks,
5 recreation areas and facilities.

6 [Townships may construct and equip new facilities upon such
7 lands and may levy and collect such taxes or special taxes as
8 may be necessary to pay for the same and make appropriations for
9 the construction, improvement, maintenance, care, regulation and
10 government of the same. All the costs and expenses relative to
11 any such property required by two or more townships jointly
12 shall be paid by the respective townships in such proportions as
13 may be agreed upon by the commissioners thereof.]

14 Townships may likewise acquire private property within the
15 limits of another township, borough or city for the purpose
16 designated in this section, if the other township, borough or
17 city shall by ordinance signify its consent thereto.]

18 (b) Townships may construct and equip new facilities upon
19 such lands and may levy and collect general taxes, or special
20 taxes pursuant to section 1709(a)(9), as necessary to pay for
21 the same and may make appropriations for the construction,
22 improvement, maintenance, care, regulation and government of the
23 same.

24 (c) No township, acting individually or jointly, may acquire
25 private property within the limits of another municipal
26 corporation for the purposes designated in this section without
27 the consent of the governing body of the municipal corporation
28 in which the property is located.

29 Section 3009. Creation of Recreation Board.--(a) Townships
30 may improve, maintain, and regulate public parks, recreation

1 areas, and facilities and conduct recreation programs.

2 [The authority to supervise, maintain and regulate parks,
3 recreation areas and facilities may be vested in any existing
4 body or board or in a park board or recreation board, as the
5 township commissioners may determine. The township commissioners
6 may equip, operate and maintain the parks, recreation areas and
7 facilities as authorized by this act and shall for the purpose
8 of carrying out the provisions of this act, employ play leaders,
9 recreation directors, supervisors, superintendents, or any other
10 officers or employes as they deem proper.]

11 If the township commissioners shall determine that the power
12 to equip, operate and maintain parks, recreation areas and
13 facilities shall be placed in a recreation board, such board
14 shall possess all the powers and be subject to all the
15 responsibilities of the commissioners under this article. In
16 such case, the recreation board shall exercise its powers and
17 duties in establishing standards, qualifications and salary
18 schedules, to be approved by the commissioners, for all
19 classifications of recreation employes. Whenever boroughs,
20 cities, counties, townships, school districts, or any of them,
21 wish to develop a cooperative plan of recreation service with a
22 township, the recreation board shall have the power to adjust
23 the personnel, standards, qualifications and salary schedules as
24 established, to be approved by the commissioners, to meet the
25 terms of a joint operation agreed upon.]

26 (b) The authority to supervise, maintain and regulate parks,
27 recreation areas and facilities may be vested in any existing
28 body or board or in a park board or recreation board, as the
29 board of commissioners may determine. The board of commissioners
30 may equip, operate and maintain the parks, recreation areas and

1 facilities as authorized by this act and shall for the purpose
2 of carrying out the provisions of this act, employ any officers
3 or employees as they deem proper.

4 (c) If the board of commissioners determine that the power
5 to equip, operate and maintain parks, recreation areas and
6 facilities shall be exercised by a recreation board, the board
7 of commissioners may, by ordinance, establish in the township a
8 recreation board which shall possess those powers and duties as
9 may be delegated to it by ordinance.

10 Section 3010. Composition of Park or Recreation Boards.--

11 [Park or recreation boards, when established, shall consist of
12 five or seven persons, and when established in a township having
13 a school board, two of the members shall be members or
14 appointees of the school board. The other members of such boards
15 shall be appointed by the commissioners of such township. The
16 members of the board shall serve for terms of five years or
17 until their successors are appointed, except that the members of
18 such board first appointed shall be appointed for such terms
19 that the terms of not more than two members shall expire
20 annually thereafter. Members of such board shall serve without
21 pay. All persons so appointed shall serve their full terms
22 unless they shall voluntarily resign or be removed by the
23 township commissioners for malfeasance or nonfeasance of duty.
24 Vacancies in such board, occurring otherwise than by expiration
25 of term, shall be filled for the unexpired term, in the same
26 manner as original appointments.] (a) Park or recreation

27 boards, when established, shall consist of five or seven persons
28 who are residents of or property owners in the township and
29 shall be appointed by the board of commissioners.

30 (b) The members of the park or recreation board shall serve

1 for terms of five years or until their successors are appointed,
2 except that the members of the board first appointed shall be
3 appointed for staggered terms so that the terms of no more than
4 two members shall expire annually thereafter.

5 (c) Members of the board shall serve without pay.

6 (d) All persons appointed to the board shall serve their
7 full terms unless they shall voluntarily resign or be removed by
8 the board of commissioners for malfeasance or nonfeasance of
9 duty. Vacancies in the board, occurring other than by expiration
10 of term, shall be filled for the unexpired term, in the same
11 manner as original appointments.

12 Section 3011. Organization of Park or Recreation Boards;
13 [~~Powers and Duties Delegated to the Board by the~~
14 ~~Commissioners.-- The members of a park board or recreation~~
15 ~~board, established pursuant to this article, shall elect their~~
16 ~~own chairman and secretary and select all other necessary~~
17 ~~officers, to serve for a period of one year, and may employ such~~
18 ~~persons as may be needed as authorized by this article. Such~~
19 ~~board shall have power to adopt rules and regulations for the~~
20 ~~conduct of all business within their jurisdiction. Its~~
21 ~~jurisdiction shall include the right to select, employ and~~
22 ~~discharge all recreation personnel used to carry out the~~
23 ~~provisions of this article. It shall be the duty of the~~
24 ~~recreation board and its executive to submit an annual report to~~
25 ~~the township commissioners, including an analysis of the~~
26 ~~community recreation areas, facilities and leadership, with~~
27 ~~particular reference to the extent and adequacy of the program~~
28 ~~and its effectiveness in view of the public expenditure involved~~
29 ~~and the public needs to be met.] Delegated Powers and Duties.--
30 The members of a park board or recreation board established~~

1 pursuant to this article shall elect their own chairperson and
2 secretary and select all other necessary officers to serve for a
3 period of one year. The park or recreation board may, if
4 delegated, select, employ or discharge persons as may be needed
5 as authorized by this article. The board shall have power to
6 adopt rules and regulations for the conduct of all business
7 within its jurisdiction unless otherwise provided by the
8 ordinance establishing the board. The board shall submit an
9 annual report to the board of commissioners, including an
10 analysis of the community recreation areas, facilities and
11 leadership, with particular reference to the extent and adequacy
12 of the program and its effectiveness in view of the public
13 expenditure involved and the public needs to be met.

14 Section 3012. Maintenance and Tax Levy.--[All expenses
15 incurred in the maintenance and operation of such parks,
16 recreation areas and facilities, established as herein provided,
17 shall be payable from the treasury of such township or borough,
18 city, county or school district, as may be provided for by the
19 agreement of the corporate authorities. The township
20 commissioners of such township may annually appropriate and
21 cause to be raised by taxation an amount necessary for the
22 purpose of maintaining and operating the parks, recreation areas
23 and facilities and programs. The township commissioners may
24 cause to be raised by special taxation such tax, for the purpose
25 of maintaining and operating the parks, recreation areas and
26 facilities and the programs thereon.] (a) All expenses incurred
27 in the maintenance and operation of parks, recreation areas and
28 facilities established under this article shall be payable from
29 the treasury of the township or from the treasury of the
30 applicable political subdivisions pursuant to an

1 intergovernmental cooperation agreement.

2 (b) The board of commissioners may annually appropriate and
3 raise by general or special taxation an amount necessary for the
4 purpose of maintaining and operating the parks, recreation areas
5 and facilities and programs.

6 Section 3013. Joint Ownership and Maintenance.--[Townships
7 may, jointly with cities, counties, boroughs, other townships of
8 either class, or any combination or number of such units,
9 acquire property for, operate and maintain, any parks, public
10 recreation areas and facilities. Any school district may join
11 with the township in equipping, operating and maintaining parks,
12 public recreation areas and facilities and may appropriate money
13 therefor.] (a) Any township may join or create, with one or
14 more municipalities, a joint recreation board in accordance with
15 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental
16 cooperation). The joint recreation board may acquire property
17 for and operate and maintain, any parks, public recreation areas
18 and facilities. Any school district may join with the township
19 in equipping, operating and maintaining parks, public recreation
20 areas and facilities and may appropriate money therefor.

21 (b) All the costs and expenses of the joint recreation
22 board, including those relative to property jointly acquired,
23 shall be paid for by the respective municipalities as specified
24 in the intergovernmental cooperation agreement.

25 Section 3014. Issue of Bonds.--The township may incur
26 indebtedness and may issue general obligation bonds for the
27 purpose of acquiring lands or buildings for parks and recreation
28 areas and the equipment thereof in accordance with 53 Pa.C.S.
29 Pt. VII Subpt. B (relating to indebtedness and borrowing).

30 Section 3020. Right of Establishment.--Townships may [by

1 ordinance establish a commission to be known as the Shade Tree
2 Commission but in townships where the township commissioners
3 shall not elect to create by ordinance a Shade Tree Commission,
4 the township commissioners may exercise all the rights and
5 perform the duties and obligations imposed by this article upon
6 the Shade Tree Commission.], by ordinance, establish a shade
7 tree commission. In townships where the township commissioners
8 shall not elect to create by ordinance a shade tree commission,
9 the board of commissioners may exercise all the rights and
10 perform the duties and obligations imposed by this article upon
11 the shade tree commission.

12 Section 3021. [Personnel of Commission; Appointment; Terms;
13 Vacancies.--Except as otherwise provided in this section, the
14 commission shall be composed of three residents of the township
15 who shall be appointed by the township commissioners and shall
16 serve without compensation.

17 The township commissioners may, by ordinance, provide that
18 the commission be composed of five members who shall be
19 residents of the township, shall be appointed by the township
20 commissioners and shall serve without compensation.

21 Whenever a shade tree commission of three members is
22 established by any township, the township commissioners shall
23 appoint--one member for a term of three years, one for a term of
24 four years, and one for a term of five years.

25 Whenever a shade tree commission of five members is
26 established by any township, the township commissioners shall
27 appoint members to staggered terms so that one term expires
28 every year.

29 On the expiration of the term of any shade tree commissioner,
30 a successor shall be appointed by the township commissioners, to

1 serve for a term of five years.

2 Vacancies in the office of shade tree commissioner shall be
3 filled by the township commissioners for the unexpired term.]

4 Appointment; Terms; Vacancies.--(a) A shade tree commission
5 shall be composed of three or five residents of the township who
6 shall be appointed by the board of commissioners and shall serve
7 without compensation.

8 (b) If a shade tree commission of three members is
9 established by any township, the board of commissioners shall
10 appoint one member for a term of three years, one for a term of
11 four years, and one for a term of five years. If a shade tree
12 commission of five members is established by any township, the
13 board of commissioners shall appoint members to staggered terms
14 so that one term expires every year. On the expiration of the
15 term of any shade tree commissioner, a successor shall be
16 appointed by the board of commissioners to serve for a term of
17 five years.

18 (c) Vacancies in the office of shade tree commissioner shall
19 be filled by the board of commissioners for the unexpired term.

20 Section 3022. Powers may be Vested in Park Commission.--
21 [Whenever, in any township, there exists a commission for the
22 care of public parks, the township commissioners may, by
23 ordinance, confer on the park commission all the powers and all
24 the duties prescribed by this article for the shade tree
25 commission.] If in any township there exists a commission for
26 the care of public parks, the board of commissioners may, by
27 ordinance, confer on the park commission all the powers and all
28 the duties prescribed by this article for the shade tree
29 commission.

30 Section 3023. General Powers of [Commission.--The commission

1 shall have exclusive custody and control of the shade trees in
2 the township, and is authorized to plant, remove, maintain, and
3 protect shade trees on the public streets and highways in the
4 township.] Shade Tree Commission.--Except as provided in section
5 2070, the shade tree commission shall have exclusive custody and
6 control of the shade trees in the township, and is authorized to
7 plant, remove, maintain and protect shade trees on the public
8 streets and highways in the township.

9 Section 3024. Hiring of Employes; [Legislative Power of
10 Commission.--The commission may, with the approval of the
11 township commissioners, employ and pay such superintendents,
12 engineers, foresters, tree wardens, or other assistants, as the
13 proper performance of the duties devolving upon it shall
14 require, and may make, publish and enforce regulations for the
15 care and protection of the shade trees of the township. No such
16 regulation shall be in force until it has been approved by the
17 township commissioners, and until it has been published at least
18 twice in not more than two newspapers of general circulation in
19 the township, and if no newspapers are published in the
20 township, then in such newspapers circulating in the township.]

21 Regulations.--The shade tree commission may, with the approval
22 of the board of commissioners, select, employ and discharge and
23 pay persons to perform the duties and directions of the shade
24 tree commission and make, publish and enforce regulations for
25 the care and protection of the shade trees of the township. No
26 regulations shall be in force until approved by the board of
27 commissioners and until published at least once in a newspaper
28 of general circulation in accordance with the provisions of
29 section 110.

30 Section 3025. Report of [Commission.--The shade tree

1 commission shall annually report in full, to the township
2 commissioners, its transactions and expenses for the last fiscal
3 year of the township. The park commission may incorporate such
4 transactions and expenses in its regular report to the township
5 commissioners.] Shade Tree Commission.--The shade tree
6 commission shall annually report in full to the board of
7 commissioners its transactions and expenses for the preceding
8 fiscal year of the township. The park commission may incorporate
9 the transactions and expenses in its regular report to the board
10 of commissioners.

11 Section 3026. Notice of [Commission's Activities; Planting
12 or Removal of Shade Trees.--Whenever any shade tree commission
13 or park commission proposes to plant, transplant, or remove
14 shade trees on any street or highway, notice of the time and
15 place of meeting, at which such work is to be considered, shall
16 be given in not more than two newspapers of general circulation
17 in the township, and if no newspapers are published in the
18 township, then in such newspapers circulating in the township,
19 once a week for two weeks, immediately preceding the time of the
20 meeting. The notice shall specify in detail the streets or
21 highways, or portions thereof, upon which trees are proposed to
22 be so planted, replanted, or removed.] Work.--If a shade tree
23 commission proposes to plant, transplant or remove shade trees
24 on any street or highway, notice of the time and place of the
25 meeting at which the work is to be considered shall be given
26 once in one newspaper of general circulation immediately
27 preceding the time of the meeting. The notice shall specify in
28 detail the streets or highways, or portions thereof, upon which
29 trees are proposed to be planted, transplanted or removed.

30 Section 3027. [Landholders Liability for Costs.--The cost of

1 planting, transplanting, or removing any shade trees in the
2 streets or highways of the township, of the necessary and
3 suitable guards, curbing, or grading for the protection thereof,
4 and of the replacing of any pavement or sidewalk necessarily
5 disturbed in the execution of such work, shall be paid by the
6 owner of the real estate in front of whose property the work is
7 done.

8 The amount each owner is to pay shall be ascertained and
9 certified by the commission to the township commissioners and to
10 the township treasurer.] Payment by Owners; Assessment.--(a)
11 The cost of planting, transplanting or removing any shade trees
12 in the streets or highways of the township, of the necessary and
13 suitable guards, curbing or grading for protection of the shade
14 trees and of the replacing of any pavement or sidewalk
15 necessarily disturbed in the execution of the work shall be paid
16 by the owner of the real estate abutting the location of the
17 work.

18 (b) In the event that the township undertakes the work
19 described in this section, costs shall be assessed in accordance
20 with Article XXV-A and if the benefit conferred method of
21 assessment is used, the benefit conferred shall be no greater
22 than actual costs.

23 Section 3027.1. Removal of Diseased [Trees.--The commission
24 may, upon such notice as may be provided by ordinance, require
25 owners of property to cut and remove trees afflicted with the
26 Dutch elm or other disease which threatens to injure or destroy
27 shade trees in the township, under regulations prescribed by
28 ordinance. Upon failure of any such owner to comply with such
29 notice, the township may cause the work to be done by the
30 township and levy and collect the cost thereof from the owner of

1 the property. The cost of such work shall be a lien upon the
2 premises from the time of the commencement of the work, which
3 date shall be fixed by the township engineer and shall be filed
4 with the township secretary. Any such 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
7 Dangerous Trees.--The shade tree commission may, by regulation
8 and upon notice provided by ordinance, require owners of
9 property to cut and remove trees afflicted with any disease
10 which threatens to injure or destroy shade trees in the
11 township. Upon failure of any owner to comply with the notice,
12 the township may cause the work to be done by the township and
13 assess and collect the cost against the owner of the property in
14 accordance with section 3027.

15 Section 144. Section 3028 of the act is repealed:

16 [Section 3028. Assessments Liens.--Upon the filing of the
17 certificate with the township commissioners, the township
18 secretary shall cause thirty days' written notice to be given to
19 the persons against whose property an assessment has been made.
20 The notice shall state the amount of the assessment and the time
21 and place of payment, and shall be accompanied by a copy of the
22 certificate.]

23 The amount assessed against the real estate shall be a lien
24 from the time of the filing of the certificate with the township
25 commissioners, and, if not paid within the time designated in
26 the notice, a claim may be filed and collected by the township
27 in the same manner as municipal claims are filed and collected.]

28 Section 145. Sections 3029 and 3030 of the act are amended
29 to read:

30 Section 3029. Maintenance by Township; Funds For.--[The cost

1 and expenses of caring for such trees after having been planted,
2 and the expense of publishing the notice hereuntofore provided,
3 shall be paid by the township.

4 The needed amount shall each year be certified by the shade
5 tree commissioners to the township commissioners, and shall be
6 drawn against as required by the commission, in the same manner
7 as money appropriated for township purposes.

8 The township commissioners, instead of levying the tax
9 authorized under the general tax levying powers of this act, may
10 provide for the expense of caring for trees already planted and
11 of publishing the notice, by appropriations equal to the amount
12 certified to be required by the shade tree commission.] (a) The
13 cost and expenses of caring for shade trees after planting, and
14 the expense of publishing the notice required by this article
15 shall be paid by the township.

16 (b) The shade tree commission shall annually certify the
17 amount needed under this article to the board of commissioners.

18 (c) Instead of levying the tax authorized under the general
19 tax levying powers of this act, the board of commissioners may
20 provide for the expenses of caring for trees previously planted
21 and publishing the notice, by appropriations equal to the amount
22 certified to be required by the shade tree commission.

23 Section 3030. Penalties.--[The commission, to the extent as
24 may be provided by ordinance of the township, may assess
25 penalties for the violation of its regulations, and of this
26 article so far as it relates to shade trees. Any penalty so
27 assessed shall be a lien upon the real estate of the offender,
28 and may be collected as municipal claims are collected.] (a) As
29 provided by ordinance of the township, the shade tree commission
30 may assess penalties for the violation of its regulations and

1 this article relating to shade trees. Any penalty assessed shall
2 be a lien upon the real estate of the offender and may be
3 collected as a municipal claim.

4 (b) All penalties or assessments imposed under this article
5 shall be paid to the township treasurer to be kept in a separate
6 fund and utilized only for the purposes authorized by this
7 article.

8 Section 146. Section 3031 of the act is repealed:

9 [Section 3031. Disposition of Penalties.--All penalties or
10 assessments imposed under this article shall be paid to the
11 township treasurer, to be placed to the credit of the shade tree
12 commission, subject to be drawn upon by the commission for the
13 purposes of the preceding sections.]

14 Section 147. Section 3040 of the act is amended to read:

15 Section 3040. Right of Acquisition of Forest Lands.--
16 [Townships may acquire, by purchase, gift, or lease, and hold
17 tracts of land covered with forest or tree growth, or suitable
18 for the growth of trees, and administer the same under the
19 direction of the Department of Forests and Waters, in accordance
20 with the practices and principles of scientific forestry, for
21 the benefit of the township. Such tracts may be of any size
22 suitable for the purpose, and may be located within or without
23 the township limits.] A township may acquire by purchase, gift
24 or lease tracts of land covered with forest or tree growth or
25 suitable for the growth of trees for the benefit of the
26 township, and administer the tracts in accordance with the
27 practices and principles of scientific forestry. The tracts may
28 be of any size suitable for the purpose and may be located
29 within or without the township limits.

30 Section 148. Section 3041 of the act is repealed:

1 [Section 3041. Approval of Department of Forests and
2 Waters.--Before the passage of any ordinance for the acquisition
3 of land to be used as township forests, the township
4 commissioners shall submit to the Department of Forests and
5 Waters, and secure its approval of, the area and location of
6 such land.]

7 Section 149. Sections 3042, 3043, 3044, 3045, 3046, 3047 and
8 3048 of the act are amended to read:

9 Section 3042. Ordinance and Notice.--[Whenever the township
10 commissioners deem it expedient to acquire any lands for
11 forests, they shall so declare in an ordinance, wherein shall be
12 set forth all facts and conditions relating to the proposed
13 action.] If the board of commissioners deems it expedient to
14 acquire land for forests, it shall enact an ordinance setting
15 forth the facts and conditions relating to the proposed action.

16 Section 3043. Appropriation for Acquisition.--[All money
17 necessary for the purchase of such tracts shall be appropriated
18 in the same manner as appropriations for township purposes, and
19 such funds may be provided from the current revenue or by the
20 proceeds of a sale of general obligation bonds in accordance
21 with existing law.] Money necessary for the purchase of the
22 tracts shall be appropriated in the same manner as
23 appropriations for township purposes. Money may be provided from
24 the current revenue or by the proceeds of a sale of general
25 obligation bonds.

26 Section 3044. [Rules and Regulations.--Upon the acquisition
27 of any forests or lands suitable for forests, the township
28 commissioners shall notify the Department of Forests and Waters,
29 which shall make such rules for the government and proper
30 administration of the same as may be deemed necessary; and the

1 commissioners shall publish such rules, declare the uses of the
2 forest in accordance with the intent of this subdivision, and
3 make such provision for its administration, maintenance,
4 protection, and development as shall be necessary or expedient.
5 The rules governing the administration of such forests shall
6 have for their main purpose the producing of a continuing
7 township revenue by the sale of forest products.] Regulations.--
8 Upon the acquisition of any forests or lands suitable for
9 forests, the board of commissioners may promulgate regulations
10 governing the proper administration of the acquired forestry as
11 necessary to produce continuing township revenue by the sale of
12 forest products. The regulations may provide for the
13 administration, maintenance, protection and development of the
14 forests or lands suitable for forests as necessary or expedient.

15 Section 3045. Appropriation for [Maintenance.--All moneys
16 necessary to be expended for the administration, maintenance,
17 protection, and development of such forests shall be
18 appropriated and applied as is now done for township purposes.
19 All revenue and emoluments arising from such forests shall be
20 paid into the township treasury, to be used for general township
21 purposes.] Maintenance; Revenue.--Money necessary for the
22 administration, maintenance, protection and development of
23 forests shall be appropriated and applied for township purposes.
24 The revenue and the return on the revenue arising from the
25 forests shall be paid into the township treasury to be used for
26 general township purposes.

27 Section 3046. Use of Township Forests.--Township forests may
28 be used by the public as general outing or recreation grounds[,
29 subject to the rules of the Department of Forests and Waters
30 governing their administration as municipal forests, and rules

1 adopted by the township commissioners not inconsistent with law
2 or regulations of the department.] subject to the regulations
3 under section 3044.

4 Section 3047. Ordinance of Sale.--[Whenever the township
5 commissioners deem it expedient to sell or lease any forest, or
6 part thereof, or products therefrom, they shall so declare in an
7 ordinance, wherein shall be set forth all the facts and
8 conditions relating to the proposed action. No ordinance for the
9 sale or lease of a municipal forest, or part thereof, shall be
10 effective in legalizing such sale or lease until it has been
11 approved by a majority vote of the people at the next ensuing
12 general, municipal or primary election.] (a) If the board of
13 commissioners deem it expedient to sell or lease a township
14 forest, a part of a township forest or a product from a township
15 forest, the board shall enact an ordinance setting forth the
16 facts and conditions relating to the proposed action.

17 (b) To enact an ordinance under this section, the board
18 shall comply with the advertising and bidding requirements of
19 section 1501.1.

20 Section 3048. Appropriation of [Moneys to Forestry
21 Organizations.--The commissioners of any township may
22 appropriate moneys from their respective treasuries to any
23 forest protection association, cooperating in forest work with
24 the State Department of Forests and Waters, or to be expended in
25 direct cooperation with said Department of Forests and Waters in
26 forest work.] Money to Forestry Organizations.--The board of
27 commissioners may appropriate money from the township treasury
28 to a forest protection association cooperating in forest work
29 with the Department of Conservation and Natural Resources or to
30 be expended in direct cooperation with the Department in forest

1 work.

2 Section 150. Article XXX-A heading and Article XXXI heading
3 of the act are repealed:

4 [ARTICLE XXX-A
5 LAND SUBDIVISION
6 ARTICLE XXXI
7 ZONING]

8 Section 151. Sections 3103-A, 3105-A and 3106-A of the act
9 is amended to read:

10 Section 3103-A. Changes in Uniform Construction Code.

11 The [township] board of commissioners may propose and enact
12 an ordinance to equal or exceed the minimum requirements of the
13 Uniform Construction Code in accordance with and subject to the
14 requirements of section 503 of the Pennsylvania Construction
15 Code Act. An ordinance exceeding the provisions of the Uniform
16 Construction Code shall be required to meet the standards
17 provided in section 503(j)(2) of the Pennsylvania Construction
18 Code Act.

19 Section 3105-A. Property maintenance code.

20 (a) Property maintenance code.--Notwithstanding the primacy
21 of the Uniform Construction Code, the [township] board of
22 commissioners may enact a property maintenance ordinance, and
23 they may incorporate a standard or nationally recognized
24 property maintenance code, or a variation or change or part of
25 the code, published and printed in book form, without
26 incorporating the text of the code in the ordinance, or the
27 board of commissioners may enact a standard or nationally
28 recognized property maintenance code or a change or variation or
29 part, as the ordinance. In either event, the ordinance, or a
30 change or variation or part, need not be advertised after

1 passage, but notice of its consideration, in reasonable detail,
2 shall be published as will give adequate notice of its contents
3 and a reference to the place or places within the township where
4 copies of the proposed property maintenance code may be examined
5 or obtained. The notice required by this subsection shall be
6 published once in one newspaper of general circulation at least
7 one week and not more than three weeks prior to the presentation
8 of the proposed property maintenance code to the board of
9 commissioners. No fewer than three copies of the ordinance
10 adopted by the board of commissioners shall be made available
11 for public inspection and use during business hours or be made
12 available to an interested party at the cost of the copies or
13 may be furnished or lent without charge. A property maintenance
14 code adopted by reference need not be recorded in or attached to
15 the ordinance book but shall be deemed to have been legally
16 recorded if the ordinance by which the code was adopted by
17 reference shall have been recorded, with an accompanying
18 notation stating where the full text of the code shall have been
19 filed. The ordinance may provide for reasonable property fines
20 and penalties for violations of the ordinance. The procedure
21 under this section relating to the adoption of the ordinance may
22 likewise be utilized in amending, supplementing or repealing a
23 provision of the ordinance.

24 (b) Property maintenance inspectors.--The [township] board
25 of commissioners may appoint property maintenance inspectors who
26 shall have the right to enter upon and inspect any premises,
27 subject to constitutional standards, at reasonable hours and in
28 a reasonable manner for the administration and enforcement of
29 the township's property maintenance code or ordinance
30 incorporating a standard or nationally recognized property

1 maintenance code. A fee payable to property maintenance
2 inspectors under the ordinance shall be promptly paid by them to
3 the township treasurer for the use of the township.

4 (c) Legal actions.--In addition to the penalties provided by
5 the property maintenance ordinance, the township may institute
6 appropriate actions or proceedings at law or in equity to
7 prevent or restrain property maintenance violations.

8 (d) Construction.--The powers of a township as provided in
9 this section shall be in addition to, but not limited to, the
10 powers provided in the act of November 26, 2008 (P.L.1672,
11 No.135), known as the Abandoned and Blighted Property
12 Conservatorship Act, 53 Pa.C.S. Ch. 61 (relating to neighborhood
13 blight reclamation and revitalization) and 68 Pa.C.S. Ch. 21
14 (relating to land banks).

15 Section 3106-A. Reserved powers.

16 If, as a result of legislative action or final order of court
17 for which the time for appeal has expired and no appeal has been
18 taken or from which there is no pending appeal, the Uniform
19 Construction Code or a replacement code is no longer applicable
20 in townships, the [township] board of commissioners may:

21 (1) Enact and enforce ordinances to govern and regulate
22 the construction, reconstruction, alteration, extension,
23 repair, conversion, maintenance, occupation, sanitation,
24 ventilation, heating, egress, lighting, electrical wiring,
25 water supply, toilet facilities, drainage, plumbing, fire
26 prevention, fireproofing, including prescribing limitations
27 wherein only buildings of noncombustible material and
28 fireproofed roofs are used in construction, erection or
29 substantial reconstruction, use and inspection of all
30 buildings and housing or parts of buildings and housing and

1 the roofs, walls and foundations of buildings and housing,
2 and all facilities and services in or about the buildings or
3 housing constructed, erected, altered, designed or used, in
4 whole or in part, for use or occupancy, and the sanitation
5 and inspection of land appurtenant to the buildings or
6 housing. The codes may be combined or separately enacted or
7 combined with the property maintenance code. The [township]
8 board of commissioners may adopt, amend or incorporate by
9 reference a standard or nationally recognized code or a
10 variation or change or part of the code as its ordinance in
11 the manner provided in section 3105-A. The ordinance may
12 provide for reasonable fines and penalties for violations of
13 the ordinance.

14 (2) Require that, before work of construction,
15 reconstruction, alteration, extension, repair or conversion
16 of a building has begun, approval of the plans and
17 specifications be secured.

18 (3) Appoint building inspectors, housing inspectors,
19 property maintenance inspectors, fire prevention inspectors,
20 electrical inspectors and plumbing inspectors and fix their
21 compensation. The inspectors shall have the right to enter
22 upon, subject to constitutional standards, and inspect a
23 premises at reasonable hours and in a reasonable manner, for
24 the administration and enforcement of the township's adopted
25 codes or ordinances incorporating standard or nationally
26 recognized codes. A fee payable to inspectors under the
27 ordinances shall be paid by them to the township treasurer
28 for the use of the township as promptly as may be.

29 (4) In addition to the penalties provided by ordinances,
30 institute appropriate actions or proceedings at law or in

1 equity to prevent or restrain the unlawful construction,
2 reconstruction, alteration, extension, repair, conversion,
3 maintenance, use or occupation of property located within the
4 township, to restrain, correct or abate the violation and to
5 prevent the use or occupancy of the building, housing or
6 structure.

7 Section 152. Article XXXII heading and Article XXXIII of the
8 act are repealed:

9 [ARTICLE XXXII

10 TOWNSHIP PLANNING COMMISSION

11 ARTICLE XXXIII

12 ENFORCEMENT OF ORDINANCES

13 Section 3301. Proceedings for Violation of Township
14 Ordinances.--All proceedings for the violation of township
15 ordinances, and for the collection of fines and penalties, may
16 be commenced by warrant or by summons, at the discretion of the
17 justice of the peace before whom the proceeding is begun. No
18 warrant shall be issued except upon complaint, on oath or
19 affirmation, specifying the ordinance for the violation is
20 issued. All proceedings shall be served and executed within the
21 State by any policeman or constable of the township. Persons
22 arrested for violation of a township ordinance shall be entitled
23 to give bail for their appearance as provided for summary
24 proceedings. Except where otherwise provided by law, warrants
25 shall be returnable with the right of appeal from any final
26 judgment as provided for summary proceedings,

27 Section 3302. Arrests on View; Complaints.--When any person
28 is arrested on view, a complaint on oath or affirmation shall be
29 immediately made, and proceedings as if a warrant is issued.

30 Section 3304. Incarceration of Violators of Township

1 Ordinances; Collection of Fines and Penalties.--Any person
2 arrested for the violation of a township ordinance may be
3 detained by the township pending a hearing or trial. In case
4 there is no suitable detention facility or place to detain
5 prisoners, the person arrested may be committed to the county
6 jail or workhouse. Except where Sunday intervenes, no person
7 shall be committed for a longer period than twenty-four hours
8 without a hearing.

9 On default of the payment by a person of a fine, penalty or
10 costs imposed by judgment or conviction in a summary proceeding
11 or by proceedings by summons, the defendant may be sentenced and
12 detained for a period not exceeding five days, or to the county
13 jail or workhouse for a period not exceeding thirty days. No
14 fine or penalty shall exceed three hundred dollars for any
15 single violation of an ordinance. In case the defendant has
16 goods or property of any kind whatsoever, out of which said
17 judgment and costs can be collected by execution, capias, or
18 other process, the plaintiff in the action may elect to proceed
19 to collect the said judgment by the proceedings.

20 Section 3305. Township's Liability for Costs of Prisoners to
21 County.--When a prisoner is committed to any county jail or
22 workhouse, either for the nonpayment of a fine or penalty
23 imposed for the violation of any ordinance of a township, or
24 while awaiting a hearing upon any charge for the violation of
25 any ordinance of a township, the costs of proceedings and the
26 expenses of maintaining such prisoner during his confinement,
27 shall be paid by the township whose ordinances were alleged to
28 have been violated or to which any such fines or penalties are
29 payable. The county shall not be liable for any maintenance or
30 to any officer or persons for any costs.]

1 Section 153. The act is amended by adding an article to
2 read:

3 ARTICLE XXXIII-A

4 ORDINANCES

5 (a) General Provisions

6 Section 3301-A. Ordinances and resolutions.

7 (a) General rule.--The board of commissioners shall enact
8 ordinances in accordance with this article and the laws of this
9 Commonwealth in which the powers of the township shall be
10 exercised as deemed beneficial to the township and to provide
11 for the enforcement of the powers of the township. The board of
12 commissioners may amend, repeal or revise existing ordinances by
13 the enactment of subsequent ordinances.

14 (b) Ordinances.--Every legislative act of the board of
15 commissioners shall be by ordinance. Legislative acts shall
16 include, but not be limited to:

17 (1) Legislation doing any of the following:

18 (i) Exercising the police power of the township.

19 (ii) Regulating land use, development and
20 subdivision.

21 (iii) Imposing building, plumbing, electrical,
22 property maintenance, housing and similar standards.

23 (iv) Regulating the conduct of a person or entity
24 within the township and imposing penalties for violation
25 of the regulated conduct.

26 (2) Imposing assessments on benefited property for
27 public improvements in accordance with Article XXV-A.

28 (3) Increasing the rate of taxation from the previous
29 fiscal year.

30 (c) Resolutions.--The board of commissioners shall adopt

1 resolutions in accordance with this article and the laws of this
2 Commonwealth. Resolutions may be adopted for any purpose,
3 including, but not limited to, the following:

4 (1) Ceremonial or congratulatory expressions of the good
5 will of the board of commissioners.

6 (2) Statements of public policy of the board of
7 commissioners.

8 (3) Approval of formal agreements of the township,
9 except for agreements arising under an established purchasing
10 system of the township.

11 (4) Approval, if required, of administrative rules,
12 regulations and bylaws arising under State statutes or
13 township ordinances.

14 (5) Levying taxes at the same rate as or a rate lower
15 than the previous fiscal year.

16 Section 3302-A. Publication.

17 (a) Requirements.--Except as provided under this article or
18 other law, the board of commissioners shall publish every
19 proposed ordinance once in one newspaper of general circulation
20 at least seven days and not more than 60 days prior to
21 enactment. Publication of any proposed ordinance shall include
22 all of the following:

23 (1) The full text or the subject matter and a brief
24 summary prepared by the township solicitor setting forth all
25 the provisions in reasonable detail.

26 (2) A reference to the township office or other place
27 where township records are kept where copies of the proposed
28 ordinance may be examined.

29 (b) Summary.--If the full text is not included in the
30 publication of the proposed ordinance, the following shall

1 apply:

2 (1) The newspaper in which the proposed ordinance is
3 published shall, upon request, be furnished a copy of the
4 full text without charge.

5 (2) The following shall apply:

6 (i) In addition to copies of the full text of the
7 proposed ordinance retained where township records are
8 kept in accordance with subsection (a), an attested copy
9 of the full text shall be filed within 30 days after
10 enactment in the county law library or other county
11 office designated by the county commissioners.

12 (ii) The county commissioners may impose a fee not
13 greater than the actual costs of storing the proposed
14 ordinance.

15 (iii) Filing with the county may be completed by the
16 submission of an electronic copy of the ordinance through
17 a method available, in the sole discretion of the county,
18 to permit receipt by the office storing municipal
19 ordinances. No fee pursuant to clause (ii) shall be
20 imposed for storing an electronic copy of an ordinance.

21 (iv) Upon request by the township, the county shall
22 notify the township of the method by which electronic
23 copies may be submitted.

24 (v) The county may store the ordinance
25 electronically if the public is able to access the
26 electronically stored township ordinances during regular
27 business hours at the office or at a remote location.

28 (vi) The township shall retain a printed copy of the
29 email and ordinance as transmitted.

30 (3) The date of the filing with the county under paragraph

1 (2) shall not affect the effective date of the ordinance and
2 shall not be deemed a defect in the process of the enactment of
3 the ordinance.

4 (c) Notice of amendments.--If substantial amendments are
5 made in the proposed ordinance, before voting upon enactment,
6 the board of commissioners shall within at least ten days before
7 enactment readvertise in one newspaper of general circulation
8 the subject matter and a brief summary setting forth all the
9 provisions in reasonable detail together with a summary of the
10 amendments. A copy of the full text of the amended proposed
11 ordinance shall be retained where township records are kept.

12 (d) Maps.--When maps, plans or drawings of any kind are
13 adopted as part of an ordinance, instead of publishing them as
14 part of the proposed ordinance, the board of commissioners may
15 refer in publishing the proposed ordinance to the place where
16 the maps, plans or drawings are on file and may be examined.
17 Section 3303-A. Recording and proof.

18 (a) Recording.--All township ordinances and all township
19 resolutions pertaining to tax levies shall, within thirty days
20 after enactment, be recorded by the township secretary in an
21 ordinance book. A failure to record within the time provided
22 shall not be deemed a defect in the process of enactment of the
23 ordinance or resolution pertaining to a tax levy. The ordinance
24 book shall be open to the inspection of citizens during normal
25 business hours.

26 (b) Proof.--All ordinances may be proved by the certificate
27 of the township secretary under the corporate seal. If an
28 ordinance is printed or published in book or pamphlet form by
29 the authority of the township, the ordinance shall be accepted
30 as evidence without further proof. The entry of the township

1 ordinance in the ordinance book shall be sufficient without the
2 signature of the president of the board of commissioners or
3 other person.

4 (c) Prior ordinances.--The text of a township ordinance or a
5 portion of an ordinance which was attached to the ordinance book
6 before July 31, 1963, shall be considered in force as if the
7 ordinances or portions of ordinances had been recorded directly
8 upon the pages of the ordinance book if all other requirements
9 of this act applicable to the enactment, approval, advertising
10 and recording of the ordinances or portions of ordinances were
11 complied with within the time limits prescribed under this act.
12 Section 3304-A. Codification of ordinances.

13 (a) Consolidation, codification and revision.--The board of
14 commissioners may prepare or have prepared a consolidation,
15 codification or revision of the general body of township
16 ordinances or the ordinances on a particular subject. The board
17 of commissioners may enact the consolidation, codification or
18 revision as an ordinance of the township except the required
19 advertised notice of the proposed enactment of the
20 consolidation, codification or revision shall specify its
21 general nature and shall include a listing of its table of
22 contents. The procedure for the consolidation, codification or
23 revision of township ordinances as a single ordinance may also
24 be followed in enacting a complete group or body of ordinances,
25 repealing or amending existing ordinances as may be necessary,
26 in the course of preparing a consolidation, codification or
27 revision of the township ordinances, except that the
28 advertisement giving notice of the proposed enactment shall
29 list, in lieu of a table of contents, the titles only of each of
30 the ordinances in the complete group or body of ordinances.

1 (b) Enactment.--For a consolidation, codification or
2 revision under subsection (a), the ordinance shall be introduced
3 by the board of commissioners at least 30 days before its final
4 enactment and at least 15 days before final enactment, notice of
5 the introduction of the ordinance shall be given by
6 advertisement in a newspaper of general circulation.

7 (c) Subsequent notice.--When any consolidation, codification
8 or revision under subsection (a) has been enacted as an
9 ordinance, it shall not be necessary to advertise the entire
10 text, but it shall be sufficient to publish a notice stating
11 that the consolidation, codification or revision, which had
12 previously been given, was finally enacted.

13 Section 3305-A. Appeals from ordinances.

14 Complaint as to the legality of any ordinance or resolution
15 shall be made to the court of common pleas pursuant to 42
16 Pa.C.S. § 5571.1 (relating to appeals from ordinances,
17 resolutions, maps, etc.). In cases of ordinances laying out
18 streets over private lands, the court shall have jurisdiction to
19 review the propriety as well as the legality of the ordinance.

20 Section 3306-A. Standard or nationally recognized codes.

21 (a) Authority to enact.--In the same manner as other
22 ordinances, and except as otherwise provided in this article or
23 the Pennsylvania Construction Code Act, the board of
24 commissioners may enact, by reference to a standard or
25 nationally recognized code, all or a portion of the standard or
26 nationally recognized code as an ordinance of the township. No
27 portion of any code which limits the work to be performed to any
28 type of construction contractor or labor or mechanic
29 classification shall be enacted. Three copies of the proposed
30 standard or nationally recognized code, portion of the code or

1 amendment to the code shall be filed with the secretary of the
2 township at least 10 days before the board of commissioners
3 considers the proposed ordinance. Upon enactment, a copy shall
4 be kept with the ordinance book and available for public use,
5 inspection, examination and copying.

6 (b) Time frame.--

7 (1) Except as otherwise provided by the Pennsylvania
8 Construction Code Act and regulations adopted pursuant to the
9 act, an ordinance adopting, by reference, a standard or
10 nationally recognized code shall be enacted within 60 days
11 after it is filed with the secretary of the township and
12 shall encompass the provisions of the code effective as of
13 the code date stated in the ordinance.

14 (2) A township that has adopted any standard or
15 nationally recognized code by reference may adopt subsequent
16 ordinances which incorporate by reference any subsequent
17 changes thereof, properly identified as to date and source,
18 as may be adopted by the agency or association which
19 promulgated the code.

20 (3) An ordinance which incorporates standard or
21 nationally recognized code amendments by reference shall
22 become effective after the same procedure and in the same
23 manner as is specified in this section for original adoption
24 of the code.

25 (c) Technical regulations or code.--An ordinance that
26 incorporates, by reference, standard technical regulations or
27 code shall be subject to the provisions of the Pennsylvania
28 Construction Code Act, if applicable.

29 (b) Enforcement
30 Section 3321-A. Fines and penalties.

1 (a) Prescription.--

2 (1) A township ordinance shall prescribe fines and
3 penalties for violation.

4 (i) A civil penalty may not exceed \$600 per
5 violation.

6 (ii) The board of commissioners may prescribe a
7 criminal fine not to exceed \$1,000 per violation and may
8 prescribe imprisonment to the extent allowed by law for
9 the punishment of a summary offense.

10 (2) An ordinance under this subsection may provide that
11 a separate violation under paragraph (1), clauses (i) or (ii)
12 shall arise for:

13 (i) each day of violation; and

14 (ii) each applicable section of the ordinance.

15 (3) An ordinance may provide for assessment of court
16 costs and reasonable attorney fees incurred by the township
17 in the enforcement proceedings.

18 (4) The board of commissioners may delegate the initial
19 determination of ordinance violation and the service of
20 notice of violation to a qualified officer or agent.

21 (b) Enforcement at law.--Unless otherwise provided by
22 statute, a township ordinance shall set forth the method of its
23 enforcement in accordance with the following:

24 (1) Except as provided in paragraph (2), if the penalty
25 is not paid, the township shall initiate a civil action for
26 collection in accordance with the Pennsylvania Rules of Civil
27 Procedure. A township shall be exempt from the payment of
28 costs in an action under this paragraph.

29 (2) For an ordinance regulating building, housing,
30 property maintenance, health, fire, public safety, parking,

1 solicitation, curfew, water or air or noise pollution,
2 enforcement shall be by a criminal action in the same manner
3 provided for the enforcement of summary offenses under the
4 Pennsylvania Rules of Criminal Procedure. The municipal
5 solicitor may assume charge of the prosecution without the
6 consent of the district attorney as required under
7 Pa.R.Crim.P. No. 454 (relating to trial in summary cases).
8 Violations of the property maintenance code or ordinance may
9 also be enforced under section 3105-A(c).

10 (3) Except for an ordinance subject to paragraph (2), an
11 ordinance enacted prior to the effective date of this section
12 shall be deemed automatically amended so that it shall be
13 enforced under paragraph (1).

14 (4) If a civil claim under this subsection, exclusive of
15 interest, costs or fees, exceeds the monetary jurisdiction of
16 a magisterial district judge under 42 Pa.C.S. § 1515(a)
17 (relating to jurisdiction and venue), the township may:

18 (i) bring the action in a court of common pleas; or

19 (ii) make a waiver under 42 Pa.C.S. § 1515(a)(3).

20 (c) Enforcement in equity.--In addition to or in lieu of
21 enforcement under subsection (b), a township may enforce an
22 ordinance in equity in a court of common pleas of the county
23 where the township is situate.

24 (d) Payment.--Money collected under subsection (b) shall be
25 paid to the township treasurer.

26 Section 3322-A. Commitment pending trial.

27 An individual arrested for the violation of a township
28 ordinance may, pending hearing or trial, be committed to the
29 township lockup, or if there is no suitable township lockup, a
30 county correctional facility.

1 Section 3323-A. Township's liability for costs of prisoners to
2 county.

3 If a prisoner is committed to a county correctional facility
4 under section 3322-A, the expenses of maintaining the prisoner
5 during confinement shall be paid by the township and the county
6 shall not be liable for the maintenance.

7 Section 154. Sections 3406 and 3501 of the act are amended
8 to read:

9 Section 3406. [Recovery of Municipal Claims by Suit.--In
10 addition to the remedies provided by law for the filing of liens
11 for the collection of municipal claims, townships may proceed
12 for the recovery and collection of municipal claims by action of
13 assumpsit against the person or persons who were the owner or
14 owners of the property at the time of the completion of the
15 improvement, notwithstanding the fact that there was a failure
16 on the part of any such township, or its agents, to enter any
17 such municipal claim as a lien against the property assessed for
18 the improvement, and for the recovery of which the action of
19 assumpsit was brought. Any such action in assumpsit shall be
20 commenced within three years after the completion of the
21 improvement from which said claim arises.] Collection of

22 Municipal Claims.--(a) In addition to the remedies provided by
23 law for the filing of liens for the collection of municipal
24 claims, including but not limited to water rates, sewer rates
25 and the removal of nuisances, townships may proceed for the
26 recovery and collection of municipal claims by action of
27 assumpsit against the person or persons who were the owner or
28 owners of the property at the time of the completion of the
29 improvement or at the time the water or sewer rates or the cost
30 of the removal of nuisances first became payable,

1 notwithstanding the fact that there was a failure on the part of
2 the township or its agents to enter the municipal claim as a
3 lien against the property assessed for the improvement or for
4 the furnishing of water or sewer services and for the removal of
5 nuisances, and for the recovery of which the action of assumpsit
6 was brought.

7 (b) The action in assumpsit shall be commenced either within
8 six years after the completion of the improvement from which the
9 claim arises or within six years after the applicable rates or
10 the cost of abating a nuisance first became payable.

11 Section 3501. Repeals.--(a) Nothing contained in this
12 amendment, revision and reenactment shall be construed to revive
13 any act or part of an act heretofore repealed.

14 (b) The following additional acts and parts of acts are
15 hereby repealed as respectively indicated:

16 (1) The act, approved the twenty-second day of June, one
17 thousand nine hundred thirty-one (Pamphlet Laws 844), entitled,
18 as amended, "An act authorizing the Commonwealth of
19 Pennsylvania, or any department or division thereof, and
20 counties, cities, boroughs, incorporated towns, townships,
21 school districts, vocational school districts, and institution
22 districts to make contracts of life, health, hospitalization,
23 medical services, and accident policies for the benefit of
24 employes thereof, and contracts for pensions for such employes;
25 and providing for the payment of the cost thereof," so far as it
26 relates to townships of the first class.

27 (2) The act, approved the twenty-second day of June, one
28 thousand nine hundred thirty-one (Pamphlet Laws 845), entitled
29 "An act authorizing the publication of advertisements for bids
30 for public works, supplies or equipment in certain publications

1 and journals devoted to information about construction work," so
2 far as it relates to townships of the first class.

3 (3) The act, approved the first day of May, one thousand
4 nine hundred thirty-five (Pamphlet Laws 124), entitled "An act
5 authorizing the insurance of deposits of funds, of this
6 Commonwealth and of the political subdivisions thereof, with the
7 Federal Deposit Insurance Corporation or other similar agency;
8 and prohibiting requiring further security for amounts so
9 insured," so far as it relates to townships of the first class.

10 (4) The act, approved the eighteenth day of July, one
11 thousand nine hundred thirty-five (Pamphlet Laws 1173), entitled
12 "An act to prohibit discrimination on account of race, creed or
13 color in employment under contracts for public buildings or
14 public works," so far as it relates to townships of the first
15 class.

16 (5) The act, approved the sixteenth day of March, one
17 thousand nine hundred thirty-seven (Pamphlet Laws 98), entitled
18 "An act authorizing political subdivisions to stipulate in
19 specifications, upon which contracts for the construction,
20 alteration or repairs of any public work or improvement are
21 entered into, the minimum wages to be paid to laborers and
22 mechanics, and providing for the stipulation of penalties in
23 such contracts where such minimum wage stipulations are
24 violated, and for the recovery of such penalties, and their
25 return in certain cases," so far as it relates to townships of
26 the first class.

27 (6) The act, approved the fifth day of June, one thousand
28 nine hundred forty-one (Pamphlet Laws 84), entitled "An act
29 providing for and regulating the appointment, promotion and
30 reduction in rank, suspension and removal of paid members of the

1 police force in boroughs, incorporated towns and townships of
2 the first class maintaining a police force of not less than
3 three members; creating a civil service commission in each
4 borough, incorporated town and township of the first class;
5 defining the duties of such civil service commission; imposing
6 certain duties and expense on boroughs, incorporated towns and
7 townships of the first class; imposing penalties, and repealing
8 inconsistent laws," so far as it relates to townships of the
9 first class.

10 (7) The act, approved the first day of June, one thousand
11 nine hundred forty-five (Pamphlet Laws 1232), entitled "An act
12 providing for and regulating the appointment, promotion and
13 reduction in rank, suspension and removal of paid operators of
14 fire apparatus in boroughs, incorporated towns and townships of
15 the first class; creating a civil service commission in each
16 borough, incorporated town and township of the first class;
17 defining the duties of such civil service commission; imposing
18 certain duties and expenses on boroughs, incorporated towns and
19 townships of the first class; imposing penalties; and repealing
20 inconsistent laws," so far as it relates to townships of the
21 first class.

22 (8) The act of April 9, 1931 (P.L.22, No.20), entitled "An
23 act to validate and confirm tax levies made for general township
24 purposes, in excess of ten mills, by boards of township
25 commissioners of townships of the first class, when such excess
26 was for the purpose of the payment of interest on indebtedness
27 and sinking fund charges," absolutely.

28 (9) The act of July 2, 1937 (P.L.2803, No.588), entitled "An
29 act providing a method of annexation of townships of the first
30 class, and parts thereof, to cities and boroughs, and regulating

1 the proceedings pertaining thereto," absolutely.

2 (10) The act of July 18, 1935 (P.L.1172, No.381), entitled
3 "An act requiring tax collectors of townships of the first class
4 to secure from banks, banking institutions or trust companies a
5 bond to secure payment of deposits of all township tax money
6 deposited therein by such tax collector, secured by a surety
7 company authorized to transact business within the Commonwealth
8 of Pennsylvania, or a depository agreement secured by the
9 deposit of bonds or interest bearing securities of the United
10 States, the Commonwealth of Pennsylvania, or any city, borough,
11 township or school district in the Commonwealth of
12 Pennsylvania," absolutely.

13 (c) All other acts and parts of acts inconsistent with,
14 supplied by, or appertaining to the subject matter covered by
15 this act are repealed. It is the intention that this act shall
16 furnish a complete and exclusive system for the government and
17 regulation of townships of the first class, except as to the
18 several matters enumerated in section 103 of this act.

19 (d) This act shall not repeal or modify any of the
20 provisions of the following:

21 (1) 66 Pa.C.S. Pt. I (relating to Public Utility Code.

22 (2) A law, the enforcement of which is vested in the
23 Department of Health.

24 (3) A law, the enforcement of which is vested in the
25 Department of Environmental Protection.

26 (4) A law, the enforcement of which is vested in the
27 Department of Conservation and Natural Resources.

28 Section 155. Section 3502 of the act is repealed:

29 [Section 3502. All other acts and parts of acts inconsistent
30 with, supplied by, or appertaining to the subject matter covered

1 by this act are repealed. It is the intention that this act
2 shall furnish a complete and exclusive system for the government
3 and regulation of townships of the first class, except as to the
4 several matters enumerated in section 103 of this act. This act
5 shall not repeal or modify any of the provisions of the Public
6 Utility Law, nor any law, the enforcement of which is vested in
7 the Department of Health or the Sanitary Water Board, or the
8 provisions of any law, the enforcement of which is vested in the
9 Department of Forests and Waters or the Water and Power
10 Resources Board.]

11 Section 156. This act shall take effect in 60 days.