

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1036 Session of
2025INTRODUCED BY KEEFER, HUTCHINSON, DUSH, KEARNEY, KIM, FONTANA
AND BROWN, OCTOBER 3, 2025

AS AMENDED ON THIRD CONSIDERATION, DECEMBER 8, 2025

AN ACT

1 Amending Title 73 (Townships) of the Pennsylvania Consolidated
2 Statutes, consolidating the First Class Township Code; and
3 making a repeal.

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

6 Section 1. Title 73 of the Pennsylvania Consolidated
7 Statutes is amended by adding parts to read:

8 PART I

9 PRELIMINARY PROVISIONS

10 Chapter

11 1. General Provisions

12 CHAPTER 1

13 GENERAL PROVISIONS

14 Sec.

15 101. Short title (Reserved).

16 102. Definitions.

17 103. Savings clauses where class of township changed.

18 104. (Reserved).

1 105. Classification of townships.
2 106. Creation of townships of the first class from townships of
3 the second class.
4 107. Reestablishment of townships of the second class.
5 108. Consolidation or merger.
6 109. Officers for new townships.
7 110. Certificate of creation of township.
8 111. Change of name of township.
9 § 101. Short title (Reserved).
10 § 102. Definitions.
11 Subject to additional definitions contained in subsequent
12 provisions of this title which are applicable to specific
13 provisions of this title, the following words and phrases when
14 used in this title shall have the meanings given to them in this
15 section unless the context clearly indicates otherwise:
16 (Reserved).
17 § 103. Savings clauses where class of township changed.
18 If a township of the second class is designated a township of
19 the first class, or if a township of the first class is
20 reestablished as a township of the second class, all liabilities
21 incurred, rights accrued or vested, obligations issued or
22 contracted and all suits and prosecutions pending or to be
23 instituted to enforce any right or penalty accrued or to punish
24 any offense committed before the change of class, and all
25 ordinances, resolutions, rules and regulations shall continue
26 with the same force and effect as if no change had been made.
27 § 104. (Reserved).
28 § 105. Classification of townships.
29 (a) General rule.--Townships now in existence and those to
30 be created are divided into two classes:

1 (1) townships of the first class; and

2 (2) townships of the second class.

3 (b) Township of the first class.--A township of the first
4 class shall be a township having a population of at least 300
5 inhabitants to the square mile and:

6 (1) is functioning as a township of the first class as
7 of June 24, 1931; or

8 (2) was created after June 24, 1931, as a township of
9 the first class in the manner provided in this part.

10 (c) Township of the second class.--A township that is not a
11 township of the first class or a home rule municipality shall be
12 classified as a township of the second class.

13 (d) Change between classes.--A change from one class to the
14 other shall be made only as provided by this part or the laws
15 relating to townships of the second class.

16 § 106. Creation of townships of the first class from townships
17 of the second class.

18 (a) Establishment as a township of the first class.--A
19 township of the second class may be established as a township of
20 the first class as follows:

21 (1) A township of the second class may become a township
22 of the first class if the township of the second class has a
23 population density of 300 or more inhabitants to the square
24 mile. The population density shall be determined from the
25 most recent census data as made available by the United
26 States Census Bureau, whether it is from the decennial
27 census, special census or from the Population Estimates
28 Program.

29 (2) The board of supervisors of a township of the second
30 class on the board's own initiative may, or within 15 days

1 after the receipt of a petition signed by at least 5% of the
2 electors of the township of the second class shall, pass a
3 resolution, which shall be recorded on the township's
4 minutes, submitting the question of whether the township of
5 the second class shall be established as a township of the
6 first class to the electors of the township of the second
7 class. The petition and resolution shall include the
8 population density of the township of the second class.

9 (3) At the next primary, general or municipal election
10 occurring at least 90 days after the passage of the
11 resolution under paragraph (2), the question shall be
12 submitted to the electors of the township. The county board
13 of elections shall place the question of establishing a
14 township of the first class on the ballot in accordance with
15 the act of June 3, 1937 (P.L.1333, No.320), known as the
16 Pennsylvania Election Code.

17 (4) The election officers shall compute the votes cast
18 at the election under paragraph (3) and certify the votes to
19 the county board of elections. The county board of elections
20 shall compute the votes cast and certify the result to the
21 county commissioners, the board of supervisors of the
22 township of the second class and the clerk of the court of
23 common pleas. If a majority of the votes cast at the election
24 are in favor of becoming a township of the first class, the
25 government of the township of the first class shall be
26 organized and become effective on the first Monday of January
27 after the election.

28 (b) Terms of officers ended.--When a township of the first
29 class is organized and becomes effective under subsection (a),
30 the terms of the officers of the township of the second class

1 shall cease and the officers appointed by the court for the
2 township under section 109 (relating to officers for new
3 townships) shall take office.

4 (c) Moratorium if election fails.--If a majority of the
5 votes cast at the election under subsection (a) are in favor of
6 remaining a township of the second class, no further proceedings
7 may be initiated for a period of two years from the date of the
8 election.

9 § 107. Reestablishment of townships of the second class.

10 A township of the first class may, no sooner than five years
11 after becoming a township of the first class, be reestablished
12 as a township of the second class as provided in the act of May
13 1, 1933 (P.L.103, No.69), known as The Second Class Township
14 Code.

15 § 108. Consolidation or merger.

16 A township may be merged or consolidated into a new or
17 existing municipal corporation in accordance with 53 Pa.C.S. Ch.
18 7 Subch. C (relating to consolidation and merger).

19 § 109. Officers for new townships.

20 (a) Appointment of new officers.--If a new township of the
21 first class is created from a township of the second class as
22 provided in this chapter, the court of common pleas of the
23 appropriate county shall appoint the elective officers for the
24 new township and determine the polling place or places in the
25 new township. The appointed officers shall hold office until the
26 first Monday of January after the next municipal election as
27 provided in this part.

28 (b) Commissioners.--At the first municipal election
29 following the creation of a township under section 106 (relating
30 to creation of townships of the first class from townships of

1 the second class), five township commissioners shall be elected
2 at large if the township has not been divided into wards. Three
3 of the commissioners shall be elected for terms of four years
4 each, and two for terms of two years each, from the first Monday
5 of January next following the election. The ballots at the
6 election shall designate the term for which each commissioner is
7 elected. Each commissioner's successor shall be elected for
8 terms of four years in accordance with this part. If the
9 township has been divided into wards, the township commissioners
10 shall be elected as provided in section 1504 (relating to
11 schedule for election of commissioners in townships first
12 divided into wards).

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

21 § 110. Certificate of creation of township.

22 If a township of the first class is created, the clerk of the
23 court shall certify to the Department of State, the Department
24 of Transportation, the Department of Community and Economic
25 Development and the county planning commission a copy of the
26 record constituting the charter of the township. The clerk of
27 the court may charge a fee of \$3.50 to be paid as part of the
28 costs of the proceedings.

29 § 111. Change of name of township.

30 (a) Referendum.--Upon petition to the court of common pleas

1 of at least 10% of the electors of a township or upon the
2 passage of a resolution by the board of commissioners seeking a
3 change of the name of the township, the court of common pleas
4 shall order a referendum on the question.

5 (b) Filing with clerk of court.--If the court determines
6 that the petition or resolution for change of name of the
7 township is in proper form and properly executed, the original
8 petition or resolution shall be filed with the clerk of the
9 court. A copy of the petition or resolution and order of the
10 court shall be filed with the county board of elections which
11 shall frame the question to be submitted to the electors at the
12 next general or municipal election which occurs at least 60 days
13 after the court order.

14 (c) Certification of the vote.--The election officers shall
15 compute the votes cast on a question submitted under subsection
16 (a) and certify the votes to the clerk of the court of common
17 pleas, who shall tabulate the votes and certify the result. If a
18 majority of the votes cast at the election are in favor of the
19 change of township name, the court shall so order and shall
20 order the record of the proceedings to be permanently recorded.
21 If a majority of the votes are against the change, there shall
22 be no further proceedings on the petition or resolution.

23 PART II

24 FIRST CLASS TOWNSHIP CODE

25 Chapter

26 11. Preliminary Provisions

27 13. (Reserved)

28 15. Wards

29 17. Election of Officers and Vacancies in Office

30 19. General Provisions Relating to Township Officers

1 21. Township Commissioners
2 23. Appointed Township Treasurer
3 25. Tax Collector
4 27. Township Secretary
5 29. Auditors
6 31. Controller
7 33. Township Solicitor
8 35. Township Engineer
9 37. Township Manager
10 39. Veterans' Affairs
11 41. Police
12 43. Corporate Powers
13 45. Real Estate Registry
14 47. Public Health
15 49. Finance and Taxation
16 51. Contracts
17 53. Eminent Domain, Assessment of Damages and Benefits
18 55. Streets and Highways
19 57. Bridges
20 59. Sidewalks
21 61. Sanitary Sewers and Drains
22 63. Assessments for Public Improvements
23 65. Water Supply
24 67. Manufacture and Sale of Electricity
25 69. Public Buildings
26 71. Licenses and License Fees
27 73. Parks, Recreation Centers, Shade Trees and Forests
28 75. Uniform Construction Code, Property Maintenance Code and
29 Reserved Powers
30 77. Ordinances

1 79. Actions By and Against Townships

2 81. Repeals

3 CHAPTER 11

4 PRELIMINARY PROVISIONS

5 Sec.

6 1101. Short title of part.

7 1102. Definitions.

8 1103. Excluded provisions.

9 1104. Construction of part generally.

10 1105. Constitutional construction.

11 1106. Construction of references.

12 1107. Legal advertising.

13 1108. Application.

14 § 1101. Short title of part.

15 This part shall be known and may be cited as The First Class
16 Township Code.

17 § 1102. Definitions.

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

21 "Board of commissioners." The board of township
22 commissioners of a township of the first class.

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

24 "Individual." A natural person.

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

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

30 "Municipality." A county, city, borough, incorporated town,

township of the first or second class or a home rule
municipality.

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

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

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

"Township." A township of the first class.

§ 1103. Excluded provisions.

This part does not include any provisions, and shall not be
construed to repeal any act, relating to:

(1) The assessment and valuation of property and persons
for the purposes of taxation and collection of taxes, except
as provided in this part.

(2) The collection of municipal claims by liens.

(3) The method of incurring or increasing bonded
indebtedness.

(4) Conduct of elections.

(5) Public schools and school districts.

(6) The powers and duties of constables.

(7) Magisterial district judges.

(8) State highways and private roads.

(9) Any of the provisions of 75 Pa.C.S. (relating to
vehicles).

(10) Validation of elections, bonds, ordinances and acts
of corporate officers.

1 (11) Any of the provisions of 24 Pa.C.S. Ch. 93
2 (relating to public library code).

3 (12) Crimes and offenses provided for in 18 Pa.C.S.
4 (relating to crimes and offenses).

5 (13) Any law relating to the giving of municipal consent
6 to public utilities.

7 § 1104. Construction of part generally.

8 (a) General rule.--The provisions of this part so far as
9 they are the same as those of laws in effect prior to June 24,
10 1931, are intended as a continuation of laws in effect prior to
11 June 24, 1931, and not as new enactments. The repeal by this
12 part of any act of the General Assembly, or part thereof, shall
13 not revive any act, or part thereof, repealed or superseded
14 prior to June 24, 1931, nor affect the existence of class of any
15 township created prior to June 24, 1931. The provisions of this
16 part shall not affect any act done, liability incurred, or right
17 accrued or vested, or affect any suit or prosecution, pending or
18 to be instituted, to enforce any right or penalty or punish any
19 offense under the authority of the repealed laws. All
20 ordinances, resolutions, regulations, and rules, made pursuant
21 to any act of the General Assembly repealed by this part, shall
22 continue with the same force and effect as if the act had not
23 been repealed.

24 (b) Powers and duties continued.--The board of commissioners
25 shall have the corporate powers and duties and township
26 officials shall have the powers and duties, not only as
27 specified in this part but also as provided in other laws, to
28 the extent that the powers and duties are not repealed by this
29 part.

30 § 1105. Constitutional construction.

The provisions of this part shall be severable, and if any of the provisions shall be held to be unconstitutional, such decision shall not affect the validity of any of the remaining provisions of this part. It is declared as the legislative intent that this part would have been adopted had such unconstitutional provision not been included.

§ 1106. Construction of references.

A reference made in this part to any act by title or otherwise shall also apply to and include any codification wherein the provisions of the act referred to are substantially reenacted.

§ 1107. Legal advertising.

(a) General rule.--A notice required to be published in one or more newspapers under this part shall be made in a newspaper of general circulation, as defined under 45 Pa.C.S. § 101 (relating to definitions), printed in the township or in a newspaper circulating generally in the township if there is no newspaper of general circulation.

(b) Special circumstances.--

(1) Unless dispensed with by special order of court, if the notice under subsection (a) relates to one of the following, the notice shall also, in counties of the second, third, fourth and fifth classes, be published in the legal newspaper of the county, if any, designated by the rules of court:

(i) Proceeding or matter in a court.

(ii) Holding of an election for the increase of indebtedness.

(iii) Issue and sale of bonds to be paid by taxation.

1 (2) The following shall be published only in newspapers
2 of general circulation:

3 (i) Ordinances.

4 (ii) Auditors' statements.

5 (iii) Summaries of auditors' statements.

6 (iv) Advertisements inviting proposals for public
7 contracts or for bids for materials and supplies.

8 (v) Lists of delinquent taxpayers.

9 § 1108. Application.

10 This part shall apply to all townships of the first class.

11 CHAPTER 13

12 (Reserved)

13 CHAPTER 15

14 WARDS

15 Sec.

16 1501. Creation and alteration of wards.

17 1502. Petition of electors.

18 1503. County board of elections.

19 1504. Schedule for election of commissioners in townships first
20 divided into wards.

21 1505. Schedule of election of commissioners in newly created
22 wards.

23 1506. Pennsylvania Election Code.

24 § 1501. Creation and alteration of wards.

25 (a) Power of boards of commissioners.--In addition to
26 reapportionment initiated in accordance with 53 Pa.C.S. Ch. 9
27 (relating to municipal reapportionment) and section 11 of
28 Article IX of the Constitution of Pennsylvania, a board of
29 commissioners may, by ordinance, do any of the following:

30 (1) Divide townships into wards.

1 (2) Create new wards out of two or more adjoining wards
2 or parts of wards.

3 (3) Consolidate two or more wards into one ward.

4 (4) Divide any ward already erected into two or more
5 wards.

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

7 (6) Cause the lines or boundaries of wards to be
8 ascertained or established.

9 (7) Abolish all wards.

10 (b) Limitations.--

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

13 (2) No ward shall be created containing less than 300
14 registered electors.

15 (c) Less than five wards in township.--If a ward is
16 abolished under this section and the number of wards in the
17 township is reduced to less than five, then the commissioner or
18 commissioners in the abolished ward or wards shall continue in
19 office for the term for which elected and shall become a
20 commissioner or commissioners at large from the township.

21 (d) Compact and contiguous territory.--All wards in the
22 township shall be numbered and composed of compact and
23 contiguous territory as nearly equal in population as
24 practicable as officially and finally reported in the most
25 recent Federal decennial census.

26 § 1502. Petition of electors.

27 (a) General rule.--At least 5% of registered electors of the
28 township or, for a proposal affecting only a portion of the
29 township, at least 5% of the registered electors of the ward
30 which would be affected by the proposal, may petition the board

1 of commissioners to initiate proceedings under section 1501
2 (relating to creation and alteration of wards) and may present
3 to the board of commissioners a plot showing the boundaries of
4 the proposed wards of the township. The board of commissioners
5 shall, by motion approved by a majority of the commissioners
6 within 90 days of presentment of the petition, determine whether
7 to initiate proceedings under section 1501.

8 (b) Failure to approve motion.--If the board of
9 commissioners has not approved a motion within 90 days after the
10 presentment of a petition under subsection (a), 10 registered
11 electors may petition the court of common pleas to contest the
12 existing apportionment as violating section 1501(b) or (d). The
13 proceedings before the court shall be conducted in accordance
14 with 53 Pa.C.S. §§ 906 (relating to contest of reapportionment
15 by governing body) and 907 (relating to costs and expenses of
16 contest).

17 § 1503. County board of elections.

18 A copy of the ordinance enacted under section 1501 (relating
19 to creation and alteration of wards), along with a plot showing
20 the boundaries of the wards established, shall be forwarded to
21 the county board of elections.

22 § 1504. Schedule for election of commissioners in townships
23 first divided into wards.

24 (a) General rule.--When a township is first divided into
25 wards, the township commissioners then in office shall continue
26 in office until the expiration of the commissioners' respective
27 terms.

28 (b) Election of commissioners.--At the first municipal
29 election occurring at least 90 days after the division into
30 wards, the registered electors of each ward of the township

1 shall elect one township commissioner who shall reside in the
2 ward for which the commissioner is elected.

3 (c) Terms of office.--At the election under subsection (b),
4 the township commissioners elected in even-numbered wards shall
5 be elected for terms of two years each. Commissioners elected in
6 odd-numbered wards shall be elected for terms of four years
7 each. The terms of office for even-numbered and odd-numbered
8 wards may be vice versa so that the expiration of the terms will
9 harmonize with the expiration of terms of township commissioners
10 elected for the even-numbered or odd-numbered wards under the
11 provisions of this part. For subsequent elections, commissioners
12 shall be elected for terms of four years each at the municipal
13 election immediately preceding the expiration of the terms of
14 ward commissioners.

15 (d) Township divided into less than five wards.--For a
16 township divided into less than five wards that will have less
17 than five township commissioners upon the expiration of terms,
18 at the municipal election preceding the expiration of the terms
19 of any commissioner or commissioners elected at large, there
20 shall be elected at large a sufficient number of township
21 commissioners so that the total number of commissioners elected
22 by wards and at large in the township shall be five. The
23 following shall apply:

24 (1) If one township commissioner is elected at large,
25 the commissioner shall be elected for a term of four years.

26 (2) If two township commissioners are elected at large,
27 one shall be elected for a term of two years and one for a
28 term of four years.

29 (3) If three township commissioners are elected at
30 large, two shall be elected for terms of four years each and

one for a term of two years.

(4) Successors to the township commissioners elected at large shall be elected for terms of four years each.

(e) Commencement of terms.--All terms of office of township commissioners, elected at large or by wards, shall commence on the first Monday of January next following their election.

§ 1505. Schedule of election of commissioners in newly created wards.

(a) Wards fewer than five.--

(1) If a new ward is created in a township previously divided into wards and the number of wards in the township, including the new ward, is less than five, the registered electors of the new ward shall elect one township commissioner at the next municipal election following the expiration of the term of the commissioner or commissioners elected at large whose terms shall first expire after the creation of the new ward.

(2) The individual elected commissioner under paragraph (1) must be a resident of the ward for which the commissioner is elected.

(3) The commissioner elected under paragraph (1) shall serve for a term of two or four years, so that the expiration of the commissioner's term will harmonize with the expiration of terms of commissioners for the even or odd numbered wards under the provisions of this part.

(4) A commissioner elected to succeed a township commissioner elected under paragraph (1) shall serve a term of four years.

(5) The number of commissioners elected at large in the township shall be the difference between the number of wards

1 and five, and a sufficient number of commissioners shall be
2 elected at large at each municipal election preceding the
3 expiration of terms of commissioners at large so that the
4 total number of commissioners in the township will at all
5 times be five.

6 (b) Wards numbering five.--

7 (1) If a new ward is created in a township previously
8 divided into wards and the number of wards in the township,
9 including the new ward, is five, the residents of the ward
10 shall elect a township commissioner at the municipal election
11 preceding the expiration of the term of office of any
12 commissioner or commissioners elected at large.

13 (2) The individual elected commissioner under paragraph
14 (1) must be a resident of the ward for which the commissioner
15 is elected.

16 (3) The commissioner elected under paragraph (1) shall
17 serve a two-year or four-year term so that the expiration of
18 the commissioner's term will harmonize with the expiration of
19 terms of commissioners for the even-numbered or odd-numbered
20 wards under the provisions of this chapter.

21 (4) A commissioner elected to succeed a commissioner
22 elected under paragraph (1) shall serve a four-year term. No
23 township commissioner shall thereafter be elected at large in
24 the township.

25 (c) Wards more than five.--

26 (1) If a new ward is created in a township previously
27 divided into wards and the number of wards in the township,
28 including the new ward, is more than five, the court of
29 common pleas of the county in which the township is located
30 shall appoint a township commissioner for the new ward.

1 (2) The commissioner appointed under paragraph (1) shall
2 hold office until the first Monday in January succeeding the
3 first municipal election at which township commissioners are
4 elected in the even-numbered or odd-numbered wards under the
5 provisions of this part.

6 (3) The qualified electors of the new ward shall elect a
7 township commissioner for a term of four years at the
8 municipal election described under paragraph (2), and every
9 four years thereafter.

10 (4) The individual elected commissioner under paragraph
11 (3) must be a resident of the ward for which the commissioner
12 is elected.

13 (d) First day of office.--A township commissioner elected
14 under this section shall take office on the first Monday of
15 January next succeeding the commissioner's election.

16 § 1506. Pennsylvania Election Code.

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

22 CHAPTER 17

23 ELECTION OF OFFICERS AND VACANCIES IN OFFICE

24 Subchapter

25 A. General Provisions

26 B. Vacancies in Office

27 SUBCHAPTER A

28 GENERAL PROVISIONS

29 Sec.

30 1701. Eligibility.

1 1702. Term of office.

2 1703. Elected officers.

3 § 1701. Eligibility.

4 (a) General rules.--

5 (1) Only a registered elector of a township may be
6 eligible to an elective office in the township.

7 (2) Before being sworn into office, each elected
8 township officer, or, except as provided under section 1711
9 (relating to vacancies), each appointed township officer in
10 case of a vacancy in an elective office, shall present a
11 signed affidavit to the township secretary stating that the
12 officer resides in the township, or within the ward in the
13 case of a ward office, from which elected or appointed and
14 has resided in the township or ward continuously for at least
15 one year immediately prior to the officer's election or
16 appointment.

17 (3) In the case of a newly created ward in existence for
18 less than one year at the time of a township officer's
19 election or appointment, the affidavit under paragraph (2)
20 shall state that the officer has resided within the township
21 continuously for at least one year immediately prior to the
22 officer's election or appointment and within the ward from
23 the date of the ward's creation continuously until the
24 officer's election or appointment.

25 (b) Vacancy for failure to satisfy requirements of office.--
26 If an individual elected to office, or appointed to an elective
27 office, fails to give the required bond, take the required oath
28 or provide a signed affidavit, a vacancy is created in the
29 office for which the individual was elected or appointed, and
30 the vacancy shall be filled as provided in section 1711.

1 (c) More than one office prohibited.--No individual may hold
2 more than one elective township office at the same time.

3 § 1702. Term of office.

4 Except if a vacancy in office occurs under section 1711
5 (relating to vacancies), officers shall hold office for the term
6 for which the individual was elected. Officers shall not serve
7 longer than the first Monday of January succeeding the municipal
8 election at which a successor was elected.

9 § 1703. Elected officers.

10 (a) General rule--The electors of each township shall elect:

11 (1) At least five township commissioners, and the
12 following shall apply:

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

29 (ii) In townships not divided into wards, there
30 shall be five township commissioners who shall be elected

1 at large by the electors of the township. At each
2 municipal election, two or three township commissioners,
3 as the case may be, shall be elected for terms of four
4 years each to take the place of the commissioners whose
5 terms then expire.

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

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

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

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

1 apply:

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

5 (ii) The board of commissioners may provide by
6 ordinance for the appointment of an independent auditor,
7 in lieu of providing for the election of three auditors,
8 as provided in subparagraph (i) or one controller as
9 provided in paragraph (4). After enactment of the
10 ordinance, an independent auditor shall be appointed
11 annually by resolution at least 30 days prior to the
12 close of the fiscal year. The office of elected auditor
13 is abolished upon the appointment of an independent
14 auditor.

15 (iii) The board of commissioners shall have the
16 right at any time to repeal the ordinance providing for
17 the appointed independent auditor, whereupon three
18 auditors shall be elected at the next municipal election
19 following the repeal of the ordinance, to whom the
20 following 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 part for elected auditors.

30 (4) One elected controller in lieu of three elected

1 auditors, and the following shall apply:

2 (i) The provisions of this part relating to the
3 controller shall not become operative or effective until
4 the board of commissioners shall, by ordinance, accept
5 the provisions of this part relating to the office of
6 controller.

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

15 (iii) One controller, who shall be a competent
16 accountant, shall be elected at municipal elections every
17 four years.

18 (iv) The office of controller shall be continued
19 until the ordinance is repealed, at which time the office
20 of controller shall terminate. The township shall either
21 appoint an independent auditor or, at the next municipal
22 election following the repeal of the ordinance, provide
23 for the election of three auditors, to whom the following
24 shall apply:

25 (A) One elected auditor shall serve a term of
26 two years.

27 (B) One elected auditor shall serve a term of
28 four years.

29 (C) One elected auditor shall serve a term of
30 six years.

1 (D) The three elected auditors shall have all
2 the powers and perform all the duties as provided in
3 this part for elected auditors.

4 (b) Terms of office.--The terms of each officer elected
5 under this section shall begin the first Monday of January next
6 succeeding the individual's election.

7 SUBCHAPTER B

8 VACANCIES IN OFFICE

9 Sec.

10 1711. Vacancies.

11 § 1711. Vacancies.

12 (a) Filling.--

13 (1) If a vacancy occurs in the office of township
14 commissioner, auditor, controller or tax collector for any of
15 the following, the board of commissioners shall fill the
16 vacancy within 30 days by appointing by resolution a
17 registered elector of the township, or of the ward for a ward
18 office, in which the vacancy occurs:

19 (i) Death.

20 (ii) Resignation.

21 (iii) Removal as provided under section 1904
22 (relating to removal of township officers and
23 appointees).

24 (iv) Termination of residency from the township, or
25 of the ward for a ward office.

26 (v) Failure to take the required oath, give required
27 bond or provide the affidavit required under section 1701
28 (relating to eligibility).

29 (vi) Or otherwise.

30 (2) If a person other than an individual is appointed to

1 fill a vacancy in the office of tax collector under section
2 1703(a)(2)(ii) (relating to elected officers), the person
3 shall not be required to file the affidavit required under
4 section 1701. An individual appointed as a tax collector
5 under section 4.2 or 4.4 of the act of May 25, 1945
6 (P.L.1050, No.394), known as the Local Tax Collection Law,
7 shall not be required to file an affidavit required under
8 section 1701.

9 (a.1) Resignations.--Except as provided under subsection
10 (b.2), the following shall apply:

11 (1) A vacancy shall not be created by a resignation
12 until the date that the resignation is accepted by a majority
13 vote of a quorum of the board of commissioners at a public
14 meeting or the effective date of the tendered resignation,
15 whichever is later. The board of commissioners must accept a
16 resignation no later than 45 days after the resignation has
17 been tendered in writing to the board of commissioners,
18 unless the resignation is withdrawn in writing prior to
19 acceptance.

20 (2) A resignation that is not accepted as provided under
21 paragraph (1) shall be deemed accepted after 45 days.

22 (a.2) Deaths.--A vacancy shall not be created by death until
23 the next meeting of the board of commissioners.

24 (b) Vacancy board.--

25 (1) A vacancy board shall be convened to fill a vacancy
26 within 15 days if the board of commissioners of a township,
27 for any reason, fails to fill a vacancy after 30 days. The
28 board of commissioners may vote to convene the vacancy board
29 within 30 days of a vacancy if the board of commissioners is
30 unable, for any reason, to fill the vacancy and shall provide

1 a justification at a public meeting.

2 (2) The vacancy board shall consist of the board of
3 commissioners and one registered elector of the township, who
4 shall be appointed by the board of commissioners at the
5 board's first meeting each calendar year or as soon
6 thereafter as practical.

7 (3) The registered elector shall act as chairperson of
8 the vacancy board and shall serve as the chairperson until
9 the chairperson's successor is appointed. The chairperson of
10 the vacancy board may not vote for themselves to fill a
11 vacancy in any office.

12 (b.1) Court of common pleas.--The vacancy board chairperson
13 shall, or in the case of a vacancy in the chairpersonship the
14 remaining members of the vacancy board shall, petition the court
15 of common pleas to fill the vacancy by appointing a registered
16 elector of the township or ward in which the vacancy occurs if
17 one of the following occur:

18 (1) the vacancy board fails to fill the position within
19 15 days; or

20 (2) the position of vacancy board chairperson is vacant
21 and the remaining members of the vacancy board provide
22 justification for the reason the vacancy board is not able to
23 fill the position sooner than 15 days and vote publicly to
24 disband.

25 (b.2) Vacancy in majority of offices.--Notwithstanding any
26 other subsections in this section, if there are vacancies in a
27 majority of the offices of commissioners, the court of common
28 pleas shall fill the vacancies upon presentation of a petition
29 signed by the remaining commissioners or at least 15 registered
30 electors of the township. A resignation that precludes a

majority of commissioners from accepting the resignation shall
create a vacancy on the date specified in the tendered
resignation or, if no date is specified, the second business day
after the day the resignation is tendered, unless sooner
withdrawn in writing.

(b.3) Term.--A registered elector appointed to fill a
vacancy shall hold the office until the first Monday in January
after the first municipal election occurring more than 60 days
after the vacancy occurs. At the first municipal election
occurring more than 60 days after the vacancy occurs, an
eligible person shall be elected to the office for the remainder
of the term. The appointed registered elector must have been a
resident of the township or ward continuously for at least one
year immediately prior to the appointment.

CHAPTER 19

GENERAL PROVISIONS RELATING TO TOWNSHIP OFFICERS

Subchapter

A. General Provisions

B. State Association of Township Officers

C. County Associations of Township Officers

D. Civil Service for Police and Firefighters

SUBCHAPTER A

GENERAL PROVISIONS

Sec.

1901. Oath.

1902. Bonds.

1903. Compensation.

1904. Removal of township officers and appointees.

1905. Annuities.

§ 1901. Oath.

1 Each person elected or appointed to a township office in a
2 township shall, before entering upon the duties of office, take
3 and subscribe an oath or affirmation of office under 53 Pa.C.S.
4 § 1141 (relating to form of oaths of office), before a judge or
5 magisterial district judge of the county or a notary public. A
6 copy of the oath or affirmation shall be filed with the township
7 secretary within 10 days of the taking of the oath.

8 § 1902. Bonds.

9 (a) Requirements.--Except as provided for in subsection (b),
10 if an officer or employee of a township is required by law or
11 action of the board of commissioners to give bond for the
12 faithful performance of the officer's or employee's duties, the
13 bond must be with a surety company or other company authorized
14 by law to act as surety. The township shall pay the premium on
15 the bond, except that the premium on the bond of the township
16 tax collector shall be paid by the respective taxing districts,
17 as provided under the act of May 25, 1945 (P.L.1050, No.394),
18 known as the Local Tax Collection Law.

19 (b) Insurance.--If an officer or employee of a township,
20 except for a tax collector, is required to give a bond for the
21 faithful performance of the officer's or employee's duties, the
22 board of commissioners may purchase insurance in lieu of a bond
23 if the insurance covers the same events of loss and insures the
24 township against the same misconduct as the bond.

25 § 1903. Compensation.

26 (a) Elected officer.--An elected officer of a township,
27 except for a tax collector, shall receive a salary, compensation
28 or emoluments of office as fixed by ordinance of the township in
29 accordance with this part.

30 (a.1) Treasurer.--Notwithstanding section 34 of the act of

1 May 25, 1945 (P.L.1050, No.394), known as the Local Tax
2 Collection Law, a township treasurer who is the elected tax
3 collector of the township may receive a salary, compensation or
4 emoluments of office under subsection (a) for the township
5 treasurer's work as the township treasurer.

6 (b) Tax collector.--A tax collector shall receive a salary,
7 compensation or emoluments of office as fixed by ordinance of
8 the township in accordance with the Local Tax Collection Law.

9 (c) Time.--A change in salary, compensation or emoluments of
10 office of an elected officer shall take effect at the beginning
11 of the next term of the elected officer.

12 (d) Appointed officer and employee.--An appointed officer
13 and employee of the township shall receive compensation for
14 their services as determined by the board of commissioners.
15 § 1904. Removal of township officers and appointees.

16 (a) Removal of officer.--A township officer, elected or
17 appointed to fill a vacancy in elective office, shall be
18 removable from office only by:

19 (1) impeachment;

20 (2) the Governor for reasonable cause after due notice
21 and full hearing on the advice of two-thirds of the Senate;
22 or

23 (3) on conviction of misbehavior in office or of an
24 infamous crime in accordance with the Constitution of
25 Pennsylvania.

26 (b) Quo warranto.--Notwithstanding subsection (a), an
27 officer's title to office may be tried by proceedings of quo
28 warranto as provided by law.

29 § 1905. Annuities.

30 (a) Post-retirement compensation.--A township may provide,

1 by ordinance, an employee of at least 10 years of satisfactory
2 service and who is at least 60 years of age upon termination of
3 active employment with the township, a proportion of the
4 compensation last paid to the employee, not in excess of 50% of
5 the compensation.

6 (b) Pension plan.--An arrangement to provide postretirement
7 compensation to a retired appointee and employee under this
8 section shall be a pension plan within the meaning of the term
9 under the act of December 18, 1984 (P.L.1005, No.205), known as
10 the Municipal Pension Plan Funding Standard and Recovery Act,
11 and the township establishing the plan shall provide funding of
12 the pension plan in an amount sufficient to meet the minimum
13 obligation of the municipality with respect to the pension plan
14 under the Municipal Pension Plan Funding Standard and Recovery
15 Act.

16 (c) Pension system or municipal retirement system.--Nothing
17 in this section shall be construed to preclude an employee of
18 the township from joining a pension system or municipal
19 retirement system that the township may establish or adopt.

20 (d) Prohibition.--Beginning on December 28, 2020, a township
21 may not provide for an annuity in lieu of employees joining a
22 pension or retirement system. Nothing in this subsection shall
23 be construed to affect the rights of a current or retired
24 employee or appointee of a township entitled to payments granted
25 in accordance with an annuity entered into prior to December 28,
26 2020.

27 SUBCHAPTER B

28 STATE ASSOCIATION OF TOWNSHIP OFFICERS

29 Sec.

30 1911. State association of township commissioners.

1 1912. State association annual meetings and educational
2 conferences.

3 1913. State association expenses.

4 § 1911. State association of township commissioners.

5 (a) Authorization.--A State association of township
6 commissioners may be formed.

7 (b) Meetings.--The association shall hold annual meetings
8 and educational conferences at a designated time and place
9 within this Commonwealth for the purpose of addressing the
10 interests of the townships. The expenses of the annual meetings
11 and educational conferences may be paid, in full or in part, by
12 the townships joining the association.

13 (c) Bylaws.--The association, at its annual meeting and
14 educational conference, by majority vote of each of the voting
15 delegates attending, may adopt and amend bylaws to govern the
16 association. The bylaws shall govern the qualifications of
17 delegates, election of officers, the delegates and officers
18 designation, qualifications and duties, payment of dues and
19 organizational details. The association shall function under the
20 bylaws for advancing the interest of and betterment of township
21 government in townships of the first class.

22 (d) Dues.--The dues adopted in the bylaws shall be paid by
23 each township upon becoming a member of the association and
24 shall be used for association purposes and activities authorized
25 or ratified by the association or incurred on behalf of the
26 association by its officers and executive committee.

27 § 1912. State association annual meetings and educational
28 conference.

29 (a) Annual meeting and educational conference.--A township
30 commissioner may attend each annual meeting and educational

conference of the State association of township commissioners.
The board of commissioners shall, by motion, designate at least
one township officer as a delegate to each annual meeting and
educational conference. The delegate shall be a township
commissioner or other township officer. The board of
commissioners may, by motion, designate no more than two
township officers, other than the township commissioners or the
delegate, to attend each annual meeting and educational
conference as nondelegates and authorize township employees to
attend each annual meeting and educational conference.

(b) Conferences or educational training.--In addition to
each annual meeting and educational conference under subsection
(a), the board of commissioners may authorize township officers
and employees of the township to attend other conferences or
educational training of the association.

§ 1913. State association expenses.

(a) Payment.--The board of commissioners shall, for each
delegate and other officer or employee attending the annual
meeting or other conference or educational training of the State
association of township commissioners, pay expenses upon receipt
of an itemized account of expenses. Expenses shall be limited
to:

(1) The registration fee.

(2) Mileage for use of personal vehicle or reimbursement
of actual transportation expense going to and returning from
the meeting, conference or educational training.

(3) Actual expenses that the board of commissioners may
have agreed to pay.

(b) Regular employee rate.--The board of commissioners may
authorize township employees to be compensated at their regular

employee rate during the employee's attendance at the annual meeting or other conference or educational training. The board of commissioners may authorize a commissioner to receive total or partial reimbursement for lost wages or salary while attending the annual meeting or other conference or educational training if sufficient documentation is presented to the board of commissioners to justify the reimbursement. The maximum time for which a delegate, township employee or commissioner shall be reimbursed for lost wages or salary while attending the annual meeting or other conference or educational training may not be more than four days, including the time spent traveling to and from the event.

SUBCHAPTER C

COUNTY ASSOCIATIONS OF TOWNSHIP OFFICERS

Sec.

1921. County associations.

1922. Membership of associations and expenses of members.

1923. Officers of associations and ex officio membership.

§ 1921. County associations.

A county association of township officers may be formed in the respective counties, or the township officers of at least two counties may form a joint county or regional association. The association shall hold annual, semiannual or quarterly conferences or educational training at the county seats of the respective counties or some other suitable place within this Commonwealth for the purpose of advancing the interests of the townships in the association and the inhabitants of the townships.

§ 1922. Membership of associations and expenses of members.

(a) Attendance.--The board of commissioners, newly elected

1 township commissioners prior to officially taking office and
2 other township officers designated by the board shall attend the
3 conferences or educational training if possible. A township
4 officer attending a conference or educational training shall
5 receive a certificate, signed by the presiding officer and
6 secretary or acting secretary of the association, attesting to
7 the township officer's presence at the conference or educational
8 training.

9 (b) Expenses.--The certificate under subsection (a) shall
10 authorize a township officer to collect from the township
11 treasurer expenses for the registration fee, mileage for use of
12 personal vehicle or reimbursement of actual transportation
13 expenses going to and returning from a conference or educational
14 training and actual expenses that the board of commissioners may
15 have agreed to pay. Each officer attending a conference or
16 educational training shall submit to the board of commissioners
17 an itemized account of expenses incurred.

18 (c) Regular employee rate.--The board of commissioners may
19 authorize township employees to be compensated at their regular
20 employee rate during their attendance at a conference or
21 educational training. The board of commissioners may authorize a
22 commissioner to receive total or partial reimbursement for lost
23 wages or salary while attending the county conference or
24 educational training if sufficient documentation of the wages or
25 salary is presented to the board of commissioners to justify the
26 reimbursement.

27 § 1923. Officers of association and ex officio membership.

28 (a) Composition.--The officers of an association shall
29 consist of a president and other officers as determined by the
30 association's bylaws. Each of the officers, except for a

1 secretary, shall be members of the association and shall hold
2 office as determined by the association's bylaws or until the
3 officer's successors are chosen.

4 (b) Membership.--Each township shall have one vote in a
5 conference. A county association of townships may admit to
6 membership of the association representatives of political
7 subdivisions other than townships of the first class within the
8 county, the judges of the court of common pleas in the county
9 and engineers or other personnel from the Department of
10 Transportation. Representatives of political subdivisions other
11 than townships of the first class within the county, the judges
12 of the court of common pleas in the county and engineers or
13 other personnel from the Department of Transportation shall not
14 be entitled to vote at the conference or hold office in the
15 association.

16 SUBCHAPTER D

17 CIVIL SERVICE FOR POLICE AND FIREFIGHTERS

18 Sec.

19 1931. Definitions.

20 1931.1. Appointments of police and firefighters.

21 1932. Civil service commission.

22 1933. Offices incompatible with civil service commissioner.

23 1934. Organization of commission and quorum.

24 1935. Clerks and supplies and solicitor.

25 1936. Rules and regulations.

26 1937. Minutes and records.

27 1938. Investigations.

28 1939. Subpoenas.

29 1940. Annual report.

30 1941. General provisions relating to examinations.

1942. Application for examination.
1943. Rejection of applicant and hearing.
1944. Eligibility list and manner of filling appointments.
1945. Age and applicant's residence.
1946. Probationary period.
1947. Provisional appointments.
1948. Promotions.
1949. Physical and psychological medical examinations.
1950. Removals.
1951. Hearings on dismissals and demotions.
1952. Present employees exempted.
1953. Discrimination prohibited.
1954. Penalty.
§ 1931. Definitions.

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

"Firefighter." An individual who operates fire apparatus and devotes the individual's normal working hours to operate a piece of fire apparatus or other services connected with fire protection work and who is paid a stated salary or compensation for the work done by the township.

"Police force." A police force organized and operating as prescribed by law, the members of which devote normal working hours to police duty or duty in connection with the bureau, agencies and services connected with police protection work and who are paid a stated salary or compensation for the work by the township.

§ 1931.1. Appointments of police and firefighters.

(a) Applicability.--This subchapter shall not apply to:

1 (1) A township having a police force of less than three
2 members.

3 (2) A volunteer fire department or company employing
4 their own firefighters.

5 (3) A township having less than three salaried
6 firefighters.

7 (b) Compensation.--This subchapter is subject to the power
8 of the board of commissioners to determine compensation.

9 (c) Qualification.--An appointment to and promotion in the
10 township's police force or fire department paid directly by the
11 township shall be made only according to qualifications and
12 fitness to be ascertained by an examination. An examination for
13 qualifications and fitness shall be competitive as provided
14 under this subchapter.

15 (d) Suspension, removal or demotion.--Except as provided
16 under this subchapter, an individual may not be suspended,
17 removed or demoted as a paid employee in a police force or as a
18 paid firefighter of a township.

19 (e) Retirement.--Nothing in this subchapter shall apply to
20 retirement, be construed to prevent a township from adopting a
21 compulsory retirement age for the township's employees or any
22 class of employees or to prevent the township from retiring the
23 township employees automatically when the employees attain the
24 compulsory retirement age.

25 § 1932. Civil service commission.

26 (a) Establishment.--Subject to section 1931.1(a) (relating
27 to appointments of police and firefighters), a civil service
28 commission is established in each township where a police force
29 or paid firefighters force is maintained.

30 (b) Composition and terms.--The civil service commission

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

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

11 (d) Oath.--Before entering upon the discharge of the duties
12 of 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) Alternate members.--The board of commissioners may
16 appoint no more than three qualified electors of the township to
17 serve as alternate members of the civil service commission. The
18 term of office of the alternate members shall be six years. If
19 seated under section 1934 (relating to organization of
20 commission and quorum), an alternate shall be entitled to
21 participate in each proceeding and discussion of the civil
22 service commission to the same and full extent as provided by
23 law for civil service commission members, including the right to
24 cast a vote as a voting member during the proceedings, and shall
25 have the powers and duties under this title and as provided by
26 law. An alternate may not hold another office in the township.
27 An alternate may participate in a proceeding or discussion of
28 the civil service commission but shall not be entitled to vote
29 as a member of the civil service commission unless designated as
30 a voting alternate member under section 1934.

1 (f) Compensation.--A civil service commissioner may not
2 receive compensation.

3 § 1933. Offices incompatible with civil service commissioner.

4 A civil service commissioner may not hold an elective or
5 appointed office under the Federal Government, the Commonwealth
6 or a political subdivision of the Commonwealth, except that one
7 member of the civil service commission may be a member of the
8 board of commissioners.

9 § 1934. Organization of commission and quorum.

10 (a) Initial organization.--

11 (1) The initial civil service commission appointed shall
12 organize within 10 days of its appointment and shall elect
13 one of its members as the chairperson and one as the
14 secretary.

15 (2) After organization under paragraph (1), the civil
16 service commission shall meet and organize within 30 days of
17 the first Monday of each even-numbered year. Each civil
18 service commissioner shall be notified in writing of each
19 meeting.

20 (b) Quorum.--Three members of the civil service commission
21 shall constitute a quorum. If, by reason of absence or
22 disqualification of a member, a quorum is not reached, the
23 chairperson shall designate as many alternate members of the
24 civil service commission to sit on the civil service commission
25 as needed to provide a quorum.

26 (c) Alternate member.--An alternate member of the civil
27 service commission shall continue to serve on the civil service
28 commission in each proceeding involving the matter or case for
29 which the alternate was initially designated until the civil
30 service commission has made a final determination of the matter

1 or case. Designation of an alternate member under this section
2 shall be made on a case-by-case basis in rotation according to
3 declining seniority among each alternate.

4 (d) Action.--An action by the civil service commission shall
5 only be valid if the civil service commission has the
6 concurrence of a majority of the quorum.

7 § 1935. Clerks and supplies and solicitor.

8 The township shall provide to the civil service commission,
9 on its requisition, clerical assistance necessary for the work
10 of the civil service commission. The township shall provide a
11 suitable and convenient room for the use of the civil service
12 commission. The civil service commission shall order from the
13 township the necessary stationery, postage, printing or
14 supplies. The civil service commission may appoint a solicitor.
15 The township shall pay for the solicitor's services to the civil
16 service commission. The township may place a reasonable limit on
17 the amount of compensation authorized each year for the services
18 of the solicitor. The elected and appointed officials of the
19 township shall aid the civil service commission in carrying out
20 this subchapter.

21 § 1936. Rules and regulations.

22 (a) Authority.--

23 (1) The civil service commission may prescribe, amend
24 and enforce rules and regulations for effectuating this
25 subchapter and shall be governed by the civil service
26 commission's rules and regulations.

27 (2) The board of commissioners may not promulgate rules
28 and regulations or amendments to rules and regulations for
29 effectuating this subchapter. The board of commissioners may
30 make suggestions regarding proposed rules and regulations or

1 amendments to the rules and regulations to members of the
2 civil service commission for their consideration.

3 (3) Notwithstanding whether the board of commissioners
4 makes suggestions regarding proposed rules and regulations or
5 amendments to the rules and regulations, rules and
6 regulations or amendments shall be approved by the board of
7 commissioners before the effective date of the rules and
8 regulations or amendments. If the rules and regulations or
9 amendments have been approved by the board of commissioners,
10 the rules and regulations or amendments may not be abrogated,
11 amended or added to without the approval of the board of
12 commissioners.

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

19 (c) Public availability.--Each rule and regulation or
20 amendment to the rules and regulations shall be made available
21 for public distribution or open to public inspection under the
22 act of February 14, 2008 (P.L.6, No.3), known as the Right-to-
23 Know Law.

24 § 1937. Minutes and records.

25 The civil service commission shall keep minutes of its
26 proceedings and records of examinations and other official
27 actions. Each recommendation of applicants for appointment
28 received by the civil service commission shall be kept and
29 preserved for a period of five years. Records and written causes
30 of removal filed with the civil service commission, except as

provided in section 1951 (relating to hearings on dismissals and demotions), shall be subject to reasonable regulation and open to public inspection under the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

§ 1938. Investigations.

The civil service commission may conduct investigations concerning matters regarding the administration and enforcement of this subchapter and rules and regulations promulgated under this subchapter. The chairperson of the civil service commission may administer oaths and affirmations in relation to the investigations.

§ 1939. Subpoenas.

(a) Issuance.--The civil service commission may issue subpoenas over the signature of the chairperson to require the attendance of witnesses and the production of records and papers pertaining to any investigation or inquiry. The fees of witnesses for attendance and travel shall be the same as for witnesses appearing in the courts and shall be paid from appropriations for the incidental expenses of the civil service commission.

(b) Requirement.--Officers in public service and employees shall attend and testify if required to do so by the civil service commission.

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

1 (d) Court of common pleas.--If an individual refuses or
2 neglects to obey a subpoena issued by the civil service
3 commission, the civil service commission may petition the court
4 of common pleas of the county to order the individual to appear
5 before the civil service commission or the court to testify and
6 produce records and papers as the civil service commission deems
7 necessary. If the individual refuses to comply with the court's
8 order, the individual shall be held in contempt of court.

9 § 1940. Annual report.

10 The civil service commission shall make an annual report to
11 the board of commissioners containing a brief summary of its
12 work during the year, which shall be available for public
13 inspection in accordance with the act of February 14, 2008
14 (P.L.6, No.3), known as the Right-to-Know Law.

15 § 1941. General provisions relating to examinations.

16 (a) Minimum qualifications and passing grade.--The civil
17 service commission shall make rules and regulations providing
18 for the examination of applicants for positions in the police
19 force and as paid firefighters and for promotions, which shall
20 prescribe the minimum qualifications of applicants to be
21 examined and the passing grades. Examinations for positions or
22 promotions shall be practical in character and shall relate to
23 matters and include inquiries as will fairly test the merit and
24 fitness of the individuals examined to discharge the duties of
25 the employment sought. Examinations shall be open to applicants
26 who have the minimum qualifications required by the rules and
27 regulations. Each applicant for examination for an original
28 position shall:

29 (1) be subject to the regulations adopted by the civil
30 service commission;

1 (2) either before or after the written examination,
2 submit to a physical fitness or agility examination that is
3 job-related and consistent with business necessity;

4 (3) if made a conditional offer of employment, be given
5 a physical and psychological medical examination under
6 section 1949 (relating to physical and psychological medical
7 examinations); and

8 (4) be subject to a background investigation. Background
9 investigations may be restricted to candidates on an
10 eligibility list or to candidates to be certified to the
11 board of commissioners for appointment in accordance with
12 section 1944 (relating to eligibility list and manner of
13 filling appointments).

14 (a.1) Promotion.--An applicant for promotion shall be
15 subject to the regulations adopted by the civil service
16 commission and to examination and selection in accordance with
17 section 1948 (relating to promotions). A physical fitness or
18 agility examination that is job related and consistent with
19 business necessity and physical and psychological medical
20 examinations may be required for promotions.

21 (b) Public notice.--Public notice of the time and place of
22 each examination and the information as to the kind of position
23 to be filled shall be given by publication once in a newspaper
24 of general circulation at least two weeks prior to each
25 examination. A copy of the notice shall be prominently posted in
26 the office of the civil service commission or other public
27 place.

28 (c) Eligibility list.--The civil service commission shall
29 post in its office the eligibility list containing the names and
30 grades of candidates who have passed the examination.

1 § 1942. Application for examination.

2 An individual who desires to apply for examination must file
3 with the civil service commission a formal application in which
4 the applicant shall provide under oath or affirmation
5 information required by the civil service commission's rules and
6 regulations showing the applicant's qualifications for the
7 position for which the applicant is being examined.

8 § 1943. Rejection of applicant and hearing.

9 (a) Refusal.--The civil service commission may refuse to
10 examine or may refuse to certify after examination as eligible,
11 an applicant who:

12 (1) is found to lack any of the minimum qualifications
13 for examination prescribed in the rules and regulations
14 adopted for the position or employment for which the
15 applicant has applied;

16 (2) is physically unfit for the performance of the
17 duties of the position or employment for which the applicant
18 has applied;

19 (3) is illegally using a controlled substance as defined
20 in the Controlled Substances Act (Public Law 91-513, 84 Stat.
21 1236);

22 (4) has been found guilty of a crime involving moral
23 turpitude or of infamous or notoriously disgraceful conduct;

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

26 (6) is affiliated with a group which has policies or
27 engages in activities that are subversive to the form of
28 government established in Federal or State law.

29 (b) Hearing.--

30 (1) If an applicant is aggrieved by the civil service

1 commission's refusal to certify the applicant as eligible
2 after an examination or by the civil service commission's
3 refusal to examine the individual, the civil service
4 commission shall, at the request of the applicant or
5 individual aggrieved, set a date, time and place for a public
6 hearing within 10 days after the receipt of the request for a
7 public hearing.

8 (2) At the public hearing, the applicant or individual
9 aggrieved may appear with or without counsel and the civil
10 service commission shall take testimony and review the civil
11 service commission's refusal to provide the examination or
12 certification. The deliberations of the civil service
13 commission regarding the matter, including interim rulings on
14 evidentiary or procedural issues, may be held as a closed
15 executive session.

16 (3) The civil service commission's disposition of the
17 matter shall constitute official action which shall occur at
18 a public meeting held under 65 Pa.C.S. Ch. 7 (relating to
19 open meetings) and the civil service commission's decision on
20 the matter shall be final.

21 § 1944. Eligibility list and manner of filling appointments.

22 (a) Rank.--

23 (1) The civil service commission shall rank the
24 candidates who have satisfied the minimum requirements for
25 appointment on an eligibility list at the completion of the
26 testing process, including a physical agility or other
27 examination, except for a background investigation to be
28 conducted after the establishment of an eligibility list and
29 a physical and psychological medical examination under
30 section 1949 (relating to physical and psychological medical

1 examinations).

2 (2) The eligibility list shall contain the names of
3 individuals eligible for appointment listed from highest to
4 lowest based on the individual's scores on the examinations
5 administered by the civil service commission and any points
6 for which the applicant was entitled under 51 Pa.C.S. Ch. 71
7 (relating to veterans' preference).

8 (3) The eligibility list shall be valid for one year
9 from the date the civil service commission formally adopts
10 the eligibility list. Prior to expiration of the one-year
11 period, the civil service commission may extend the validity
12 of the eligibility list for up to an additional 12 months by
13 a majority vote of the civil service commission at a duly
14 authorized civil service commission meeting. In the absence
15 of a lawful extension by the civil service commission, the
16 list shall expire.

17 (b) Filling of a position.--Except as provided under
18 subsection (c), an original position or employment in the police
19 force or as a paid firefighter, except for the chief of police
20 or chief of the fire department or an equivalent official, shall
21 be filled only in the following manner:

22 (1) The board of commissioners shall notify the civil
23 service commission of a vacancy which is to be filled and
24 shall request the certification of an eligibility list.

25 (2) For each vacancy, the civil service commission shall
26 certify three individuals from the eligibility list, or a
27 fewer number of individuals if three individuals are not
28 available, who have received the highest average for the
29 vacancy.

30 (3) The board of commissioners shall make a conditional

1 appointment from the certified individuals by the civil
2 service commission based solely on the merits and fitness of
3 the certified individuals, unless the board of commissioners
4 objects to the civil service commission regarding one or more
5 of the certified individuals for a cause specified under
6 section 1943 (relating to rejection of applicant and
7 hearing).

8 (4) If objections are sustained by the civil service
9 commission under paragraph (3), or if the conditional
10 appointee is determined to be unqualified in accordance with
11 the procedures under section 1949, the civil service
12 commission shall strike the name of the individual from the
13 eligibility list and certify the next highest individual from
14 names stricken from the eligibility list.

15 (b.1) Subsequent vacancy.--The procedure under subsection
16 (b) shall be used to fill each subsequent vacancy that occurs in
17 the same or another position.

18 (c) Reappointment or reinstatement.--A vacancy in an
19 existing position in the police force or as a paid firefighter
20 which occurs as a result of retirement, resignation, disability
21 or death may be filled by the board of commissioners by the
22 reappointment or reinstatement of a former employee of the
23 police force or fire department who had previously complied with
24 this section. An examination, other than a physical examination
25 as directed by the civil service commission, may not be required
26 for reappointment or reinstatement to the force or department
27 with which the employee previously served, except at the
28 discretion of the board of commissioners or as required by law.

29 (d) Chief of police or chief of fire department.--For a
30 vacancy in the office of chief of police or chief of the fire

1 department or equivalent official, the board of commissioners
2 may nominate an individual to the civil service commission. The
3 civil service commission shall subject the nominee to a
4 noncompetitive examination. If the nominee is certified by the
5 civil service commission as qualified, the nominee may be
6 appointed to the position and shall be subject to the provisions
7 of this subdivision.

8 § 1945. Age and applicant's residence.

9 An individual may not apply for examination unless the
10 individual is at least 18 years of age at the date of
11 application. The board of commissioners may accept applications
12 from nonresidents of the township and may require nonresident
13 police officers and nonresident paid firefighters to become
14 residents of the township after appointment to the positions.
15 The rules and regulations of the civil service commission shall
16 reflect the residency requirements of the board of commissioners
17 or a collective bargaining agreement or award.

18 § 1946. Probationary period.

19 (a) Duration.--An original appointment to a position in the
20 police force or as a paid firefighter shall be for a
21 probationary period of not less than six months and not more
22 than one year, except that during the probationary period an
23 appointee may be dismissed only for a cause as provided in
24 section 1943 (relating to rejection of applicant and hearing) or
25 because of incapacity for duty due to the use of alcohol or
26 drugs.

27 (b) Conduct or fitness.--If, at the close of a probationary
28 period, the conduct or fitness of the probationer has not been
29 satisfactory to the board of commissioners, the probationer
30 shall be notified in writing that the probationer will not

receive a permanent appointment and the appointment shall cease.
If the probationer is not notified or dismissed in accordance
with this section, the probationer's retention shall be
equivalent to a permanent appointment.

(c) Decision.--The decision of a township to suspend or
discharge a probationer shall be final and shall not be subject
to the hearing provisions under section 1951 (relating to
hearings on dismissals and demotions). The decision of a
township to suspend or discharge a probationer shall be rendered
in accordance with 65 Pa.C.S. Ch. 7 (relating to open meetings).
§ 1947. Provisional appointments.

(a) Noncompetitive examination.--If there are urgent reasons
for the filling of a vacancy in a position in the police force
and there are no names on the eligibility list for the
appointment, the board of commissioners may nominate an
individual to the civil service commission for a noncompetitive
examination. If the nominee is certified by the civil service
commission as qualified after the noncompetitive examination,
the nominee may be provisionally appointed to fill the vacancy.

(b) Competitive examination.--Within 90 days of the
provisional appointment under subsection (a), the civil service
commission shall hold a competitive examination, certify an
eligibility list and make a regular appointment to the position
under section 1944 (relating to eligibility list and manner of
filling appointments) from the names submitted by the civil
service commission. Nothing in this section shall be construed
to prevent the appointment without an examination of individuals
temporarily as police officers in cases of riot or other
emergencies or firefighters in cases of emergency.

§ 1948. Promotions.

1 (a) Basis.--A promotion shall be based on merit to be
2 ascertained by an examination to be prescribed by the civil
3 service commission. Questions relative to a promotion shall be
4 practical in character and fairly test the merit and fitness of
5 an individual seeking promotion.

6 (b) Notification.--The board of commissioners shall notify
7 the civil service commission of a vacancy on the police force or
8 fire department which is to be filled by promotion and shall
9 request the certification of an eligibility list.

10 (c) Certification.--The civil service commission shall
11 certify for each vacancy the names of three individuals on the
12 eligibility list who have received the highest average in the
13 last promotion examination held within a period of two years
14 preceding the date of the request for the eligibility list. If
15 three names are not available, the civil service commission
16 shall certify the names remaining on the eligibility list. The
17 board of commissioners shall make an appointment from the names
18 certified, based solely on the merits and fitness of the
19 candidate, unless the board of commissioners make objections to
20 the civil service commission regarding an individual on the
21 eligibility list for any reason provided under section 1943
22 (relating to rejection of applicant and hearing).

23 (d) Salary.--The board of commissioners may determine in
24 each instance whether an increase in salary constitutes a
25 promotion.

26 § 1949. Physical and psychological medical examinations.

27 (a) Conditional offers.--An applicant selected from the
28 eligibility list shall receive a conditional offer of
29 employment. The offer of employment shall be conditioned upon
30 the conditional employee undergoing a physical and psychological

medical examination and a determination that the conditional employee is capable of performing all the essential functions of the position. Physical medical examinations shall be conducted under the direction of a physician or other qualified medical professional. Psychological medical examinations shall be conducted under the direction of a psychiatrist or psychologist.

(b) Fitness.--The physician, other qualified medical professional, psychiatrist or psychologist shall be appointed by the board of commissioners and shall render an opinion as to whether the conditional appointee has a physical or mental condition which calls into question the individual's ability to perform all of the essential functions of the position for which the individual was conditionally appointed.

(c) Interactive discussion.--If the opinion rendered by the physician, other qualified medical professional, psychiatrist or psychologist calls into question the conditional appointee's ability to perform all essential functions of a position, an individual designated by the board of commissioners shall meet with the conditional appointee for the purpose of having one or more interactive discussions on whether the conditional appointee can, with or without reasonable accommodation, perform all the essential functions of the position.

(d) Found not qualified.--If, at the conclusion of the interactive discussion conducted under subsection (c), the board of commissioners determine that the conditional appointee is not qualified, the board of commissioners shall give written notice to the conditional appointee and the commission.

(e) Construction.--Nothing in this subchapter shall be construed to authorize physical or psychological medical examinations prior to conditional appointment.

1 (f) Definitions.--As used in this section, the following
2 words and phrases shall have the meanings given to them in this
3 subsection unless the context clearly indicates otherwise:

4 "Medical examination." An examination, procedure, inquiry or
5 test designed to obtain information about medical history or a
6 physical or mental condition which might disqualify an applicant
7 if it would prevent the applicant from performing, with or
8 without a reasonable accommodation, all of the essential
9 functions of the position.

10 "Qualified medical professional." An individual, in
11 collaboration with or under the supervision or direction of a
12 physician, as may be required by law, who is licensed:

13 (1) As a physician assistant under the act of December
14 20, 1985 (P.L.457, No.112), known as the Medical Practice Act
15 of 1985, or the act of October 5, 1978 (P.L.1109, No.261),
16 known as the Osteopathic Medical Practice Act.

17 (2) As a certified registered nurse practitioner under
18 the act of May 22, 1951 (P.L.317, No.69), known as The
19 Professional Nursing Law.

20 § 1950. Removals.

21 (a) Police or fire force employees.--An individual employed
22 in a police or fire force of a township may not be suspended
23 without pay, removed or demoted except for the following
24 reasons:

25 (1) Physical or mental disability affecting the
26 individual's ability to continue in service, in which case
27 the individual shall receive an honorable discharge from
28 service.

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

30 (3) Violation of any law of this Commonwealth, if the

1 violation constitutes a misdemeanor or felony.

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

4 (5) Intoxication while on duty.

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

10 (7) Engaging or participating in the conduct of a
11 political or election campaign for an incompatible office
12 under section 4101 (relating to appointment, compensation and
13 training of police officers).

14 (a.1) Limitations.--An individual employed by a police or
15 fire force may not be removed for religious, racial or political
16 reasons.

17 (a.2) Written statement.--A written statement of charges
18 made against an employee shall be furnished to the individual
19 within five days after the statement of charges are filed with
20 the commission. The individual shall have 10 days from the date
21 of receiving the notice to submit a written request for a
22 hearing to the commission under section 1951 (relating to
23 hearings on dismissals and demotions).

24 (b) Necessary reduction.--If, for reasons of economy or
25 other reasons, the township deems necessary a reduction of the
26 number of paid employees of the police or fire force, the
27 township shall furlough the individual, including a probationer,
28 last appointed to the respective force. The removal shall be
29 accomplished by furloughing in numerical order commencing with
30 the individual last appointed until the reduction has been

1 accomplished. If the police or fire force shall again be
2 increased, the employees furloughed shall be reinstated in the
3 order of the employee's seniority in the respective service.
4 This subsection, as to reductions in force, is not applicable to
5 a chief of police or fire chief.

6 § 1951. Hearings on dismissals and demotions.

7 (a) Answers and hearings.--An individual suspended, removed
8 or demoted may make written answers to charges filed against the
9 individual no later than the day scheduled for the hearing. The
10 civil service commission shall grant the individual a hearing
11 which shall be held within a period of 10 days from the filing
12 of written charges, unless continued by the civil service
13 commission for cause at the request of the board of
14 commissioners or the accused. The failure of the civil service
15 commission to hold a hearing within 10 days from the filing of
16 the written charges may not result in the dismissal of the
17 charges filed.

18 (b) Suspension without pay.--At a hearing, the individual
19 against whom the charges are made may be present in person and
20 by counsel. The board of commissioners, or the chief of police
21 or fire chief, as applicable, when the board of commissioners is
22 not in session, may suspend the individual without pay pending
23 the determination of the charges against the individual. The
24 following shall apply:

25 (1) If the civil service commission fails to uphold the
26 charges, the individual sought to be suspended, removed or
27 demoted shall be reinstated with full pay for the period
28 during which the individual was suspended, removed or
29 demoted, and no charges shall be officially recorded against
30 the individual's record.

1 (2) A stenographic record of all testimony taken at the
2 hearings shall be filed with and preserved by the civil
3 service commission.

4 (3) The stenographic record shall be sealed and not be
5 available for public inspection if the charges are dismissed.

6 (c) Appeal.--All parties shall have immediate right of
7 appeal to the court of common pleas of the county and the case
8 shall be determined as the court deems proper. No order of
9 suspension made by the civil service commission shall be for a
10 longer period than one year. The appeal shall be taken within 30
11 days from the date of entry by the civil service commission of
12 the final order and shall be by petition. Upon the appeal being
13 taken and docketed, the court of common pleas shall schedule a
14 day for a hearing and shall proceed to hear the appeal on the
15 original record and additional proof or testimony as the parties
16 concerned may desire to offer in evidence. The decision of the
17 court affirming or reversing the decision of the commission
18 shall be final and the employee shall be suspended, discharged,
19 demoted or reinstated in accordance with the order of the court.

20 (d) Counsel.--The board of commissioners and the individual
21 sought to be suspended, removed or demoted shall at all times
22 have the right to employ counsel before the civil service
23 commission and upon appeal to the court of common pleas. Unless
24 the board of commissioners or the individual sought to be
25 suspended, removed or demoted requests that the proceedings
26 before the commission be open to the public, the proceedings
27 before the commission under this section shall be held in the
28 nature of a closed executive session that shall not be open to
29 the public. The request shall be presented to the civil service
30 commission before the civil service hearing commences. The

1 deliberations of the civil service commission, including interim
2 rulings on evidentiary or procedural issues, may be held in
3 private and may not be subject to a request for being open to
4 the public by the board of commissioners or the individual
5 sought to be suspended, removed or demoted. The civil service
6 commission's disposition of the disciplinary action shall
7 constitute official action which shall occur at a public meeting
8 held under 65 Pa.C.S. Ch. 7 (relating to open meetings).

9 (e) Collective bargaining members.--In a case in which a
10 police officer or firefighter who is a member of a bargaining
11 unit is subject to suspension, discharge or discipline, the
12 police officer or firefighter shall have the option of
13 challenging the suspension, discharge or discipline imposed by
14 using the procedures in this section or by a proceeding in
15 grievance arbitration. A choice to proceed either by the
16 procedures provided for in this section or by grievance
17 arbitration forecloses the opportunity to proceed in the
18 alternative method.

19 § 1952. Present employees exempted.

20 All appointments in the police or fire forces of townships,
21 including the chief of police or equivalent official, prior to
22 the creation of a civil service commission, shall continue to
23 hold their positions and may not be required to take an
24 examination under this chapter except that which may be required
25 for promotion. This section may not be construed to apply to
26 individuals employed temporarily in emergency cases.

27 § 1953. Discrimination prohibited.

28 (a) Application questions.--No question in a form of
29 application for examination or in an examination or inquiry
30 shall be so framed as to elicit information from an applicant in

violation of Federal or State antidiscrimination laws, including
the Civil Rights Act of 1964 (Public Law 88-352, 78 Stat. 241)
or the act of October 27, 1955 (P.L.744, No.222), known as the
Pennsylvania Human Relations Act. All disclosures by an
applicant of information protected by antidiscrimination laws
shall be ignored.

(b) Discrimination prohibited.--No discrimination shall be
exercised, threatened or promised by a person against or in
favor of an applicant or employee in violation of Federal or
State antidiscrimination laws, including the Civil Rights Act of
1964 or the Pennsylvania Human Relations Act, and no offer or
promise of reward, favor or benefit, directly or indirectly,
shall be made to or received by an individual for an act or
omission or to be done under this chapter.

§ 1954. Penalty.

The following shall be considered a misdemeanor and, upon
conviction, the individual shall be sentenced to pay a fine of
not more than \$500 or to imprisonment for not more than 90 days,
or both:

(1) A township commissioner who, by vote, appoints an
individual to the police force or as a firefighter contrary
to this chapter.

(2) A township commissioner or member of the civil
service commission who willfully refuses to comply with or
conform to this chapter.

CHAPTER 21

TOWNSHIP COMMISSIONERS

Sec.

2101. Organization and failure to organize.

2102. Monthly meetings, quorum and voting.

1 2103. Compensation.

2 2104. Reports to auditors.

3 § 2101. Organization and failure to organize.

4 (a) Organization.--The board of commissioners shall organize
5 on the first Monday of January of each even-numbered year. If
6 the first Monday is a legal holiday, the meeting shall be held
7 the following day. The board of commissioners shall assemble for
8 the organizational meeting at the place of meeting at a time
9 convenient to the governing body.

10 (b) President and vice president.--At the organizational
11 meeting, the board shall elect one member as president and one
12 as vice president, who, as long as the member continues to be a
13 commissioner, shall hold office until the successors are elected
14 and qualified. The president, or, in the president's absence,
15 the vice president, shall preside at all meetings of the board,
16 and perform other duties as are specified in this chapter or
17 which may be prescribed by ordinance.

18 (b.1) Failure to form quorum.--If a majority of the board of
19 commissioners does not attend the organization meeting, those
20 present may adjourn the meeting from day to day until a majority
21 attend.

22 (c) Failure to organize.--If the board of commissioners of a
23 township fails to organize within 10 days as required under this
24 section, the court of common pleas, upon the petition of at
25 least 10 registered electors, verified by the affidavit of one
26 of the petitioners, shall issue a rule upon the delinquent
27 commissioners to show cause why the seats should not be declared
28 vacant. The rule shall be returnable not less than five days
29 from the time of its issue, and after hearing, the court may
30 declare the seats of the members of the board responsible for

1 the failure to organize vacant and shall appoint others to hold
2 office for the respective unexpired terms.

3 (d) Classification of meeting.--The organizational meeting
4 under this section may be considered a regular monthly meeting
5 for the transaction of business that may come before the board
6 of commissioners. The first order of business at this meeting
7 shall be organization of the board. The board of commissioners
8 may, at the organizational meeting, appoint other officers as
9 may be provided for by law or ordinance, or as may be deemed
10 necessary for the conduct of affairs of the township.

11 § 2102. Monthly meetings, quorum and voting.

12 (a) Required meetings.--The board of commissioners shall
13 meet at least once a month, at a time and place designated by
14 ordinance.

15 (b) Quorum.--A majority of the members of the board of
16 commissioners shall constitute a quorum. Except as provided in
17 subsection (b.1)(1)(i), only members of the board of
18 commissioners physically present at a meeting place within the
19 township shall be counted in establishing a quorum.

20 (b.1) Telecommunication.--

21 (1) The board of commissioners may, under an established
22 telecommunications policy and under paragraph (2), provide
23 for the participation of members of the board in township
24 meetings by means of telecommunication devices, including
25 telephones or computer terminals, which permit, at a minimum,
26 audio communication between locations, if the following
27 apply:

28 (i) A majority of the members of the board is
29 physically present at the advertised meeting place within
30 the township and a quorum is established at the convening

1 or reconvening of the meeting. If, after the convening or
2 reconvening of a meeting, a member of the board has been
3 disqualified from voting as a matter of law, and is still
4 physically present, members of the board participating by
5 telecommunication device in accordance with this section
6 shall be counted to maintain a quorum.

7 (ii) The telecommunication device used permits the
8 member or members of the board not physically present at
9 the meeting to:

10 (A) speak to and hear the comments and votes, if
11 any, of the members of the board who are physically
12 present, as well as other members of the board who
13 may not be physically present and are also using a
14 telecommunication device to participate in the
15 meeting; and

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

18 (iii) The telecommunication device used permits the
19 members of the board and the members of the public who
20 are physically present at the meeting to speak to and
21 hear the comments and the vote, if any, of the member or
22 members of the board who are not physically present at
23 the meeting.

24 (2) Any changes to the board of commissioners'
25 established telecommunications policy shall become effective
26 no sooner than 30 days following the vote to change the
27 policy.

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

1 (c) Disqualification limited.--A member of the board may not
2 be disqualified from voting on an issue before the board solely
3 because the member had previously expressed an opinion on the
4 issue in either an official or unofficial capacity.

5 § 2103. Compensation.

6 (a) Salary.--Each township commissioner may receive a
7 salary, established by ordinance, as follows:

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

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

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

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

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

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

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

23 (a.1) Timing and benefits.--The salaries shall be payable
24 monthly or quarterly for the duties imposed by this chapter.
25 Benefits provided to the commissioners under section 4346
26 (relating to insurance) may not be considered pay, salary or
27 compensation. Payment for all or a part of the premiums or
28 charges for the benefits shall be in accordance with section
29 4346.

30 (a.2) Per-meeting compensation.--Notwithstanding subsection

1 (a), the board of commissioners may provide for a member of the
2 board of commissioners to receive compensation on a per-meeting
3 basis based on attendance of board members. Total annual
4 compensation may not exceed the amounts specified in subsection
5 (a). Compensation shall only be payable for duly advertised
6 public meetings in which a member of the board of commissioners
7 participated, except compensation is not payable if a board
8 member is absent from a meeting and the absence is not excused.
9 An excused absence from a meeting shall be determined by council
10 and shall include, but not be limited to, an emergency or
11 illness of the board member or the board member's immediate
12 family, as well as family or business travel. The board of
13 commissioners may require documentation to support an excused
14 absence.

15 (b) Census.--The population shall be determined by the
16 latest available Federal decennial census figures. No township
17 shall be required to reduce the salary of a commissioner as a
18 result of a decrease in population. A change in salary,
19 compensation or emoluments of the elected office shall become
20 effective at the beginning of the next term of the township
21 commissioner.

22 § 2104. Reports to auditors.

23 The board of commissioners shall annually, on or before the
24 first day of February, furnish to the township auditors
25 information concerning the construction, reconstruction,
26 maintenance and repair of streets or other matters that may be
27 required by a department of the Commonwealth to be included in
28 the annual township report.

29 CHAPTER 23

30 APPOINTED TOWNSHIP TREASURER

1 Sec.
2 2301. Township treasurer.
3 2302. Treasurer's and deputy treasurer's bond.
4 2303. Treasurer's duties.
5 2304. Penalty for failure to perform duties.
6 2305. Use of special funds and penalty.
7 2306. Depositories of township funds.
8 § 2301. Township treasurer.

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

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

21 (c) Deputy.--

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

28 (2) The deputy treasurer shall have the rights and
29 powers and shall perform the duties of the township treasurer
30 if the township treasurer is unable to perform the duties of

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

8 (3) The deputy treasurer shall be bonded for the same
9 amount, and in the same manner under section 2302 (relating
10 to treasurer's and deputy treasurer's bond), as the township
11 treasurer when acting in the capacity of township treasurer.
12 The board of commissioners shall determine the compensation
13 of the deputy treasurer.

14 § 2302. Treasurer's and deputy treasurer's bond.

15 (a) Requirements for bond.--The township treasurer shall,
16 before entering upon the duties of office, give a fidelity bond
17 to the township in an amount established by ordinance or
18 resolution and at least equal to 50% of the amount of township
19 funds estimated by the board of commissioners to be available to
20 the township treasurer at any time during the current year. The
21 bond shall be provided by a surety company or companies duly
22 authorized to do business in this Commonwealth. The bond given
23 by the treasurer shall be conditioned on the faithful
24 performance of the duties as stated in section 2303 (relating to
25 treasurer's duties). The treasurer may not be required to give
26 bond or bonds aggregating an amount in excess of the taxes to be
27 paid over to the treasurer by the tax collector. The bonding
28 requirements of this section shall also apply to the deputy
29 treasurer.

30 (b) Insurance in lieu of bond.--In lieu of the bond required

for the faithful performance by the township treasurer or deputy treasurer of official duties other than those of tax collector, the board of commissioners may purchase insurance under section 1902(b) (relating to bonds).

§ 2303. Treasurer's duties.

The township treasurer shall:

(1) Receive all money due the township and promptly deposit the money in a designated depository in the name of the township.

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

(3) Annually submit the accounts to the township auditors or controller for audit.

(4) Pay out all money of the township only on direction by the board of commissioners, upon an order signed by the president or vice president and attested by the secretary or assistant secretary of the board and designating the appropriation out of which the order shall be paid. The order may not be executed unless there is money available in the treasury. The following apply:

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

(ii) When a treasurer pays out money except upon orders or pays money in excess of the appropriation, the treasurer shall receive no credit in the settlement of

1 the treasurer's accounts for those amounts, nor shall the
2 treasurer have any claim or right of action against the
3 township.

4 (5) Preserve the account books, papers, documents and
5 other records of the office and turn them over to the
6 successor in office.

7 (6) Pay over to the successor any balance in money
8 remaining in the treasurer's accounts or charged against the
9 treasurer in the settlement of the treasurer's accounts.

10 § 2304. Penalty for failure to perform duties.

11 A township treasurer or deputy treasurer who fails to perform
12 any duties of the office other than those for which specific
13 penalties are provided commits a summary offense and, in
14 addition to the fine or penalty which may be imposed upon
15 conviction, is required to pay to the township an amount equal
16 to the amount of the financial loss that occurred, if any, for
17 not performing the duties of the office. That person is
18 disqualified from holding the office of township treasurer or
19 deputy treasurer.

20 § 2305. Use of special funds and penalty.

21 When money is collected for a special purpose, a township
22 treasurer or township commissioner may not apply that money to
23 any purpose other than that for which it was collected. Every
24 misapplication shall be a misdemeanor of the third degree, and,
25 in addition to the fine or penalty which may be imposed upon
26 conviction, the defendant shall be required to pay restitution
27 in the amount of money improperly spent.

28 § 2306. Depositories of township funds.

29 The following shall apply:

30 (1) The board of commissioners shall designate by

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

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

13 (3) The depository or depositories may not be required
14 to furnish bond or collateral security to cover the amount of
15 any deposit to the extent that the deposit is insured as in
16 paragraph (1).

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

23 (5) The township treasurer or deputy treasurer, acting
24 in accordance with law, may not be liable for the loss of
25 township funds caused solely by the insolvency or negligence
26 of the depository or depositories.

27 (6) The following apply:

28 (i) The designated depositories shall, upon receipt
29 of notice of their selection as a depository of township
30 funds, collateralize deposits of public funds in

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

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

1 continuously as an official record of the depository, and
2 include the following if collateral is pledged instead of
3 a Federal Home Loan Bank Letter of Credit:

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

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

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

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

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

19 CHAPTER 25

20 TAX COLLECTOR

21 Sec.

22 2501. Powers and duties of tax collector.

23 § 2501. Powers and duties of tax collector.

24 (a) Collection of taxes required.--The township tax
25 collector shall collect all county, institution district,
26 township, school and other taxes levied within the townships by
27 authorities authorized to levy taxes.

28 (b) Collection of taxes permitted.--

29 (1) The tax collector may also be designated in the tax-
30 levying ordinance or resolution or be employed by the tax-

1 levying authority to collect taxes levied under the act of
2 December 31, 1965 (P.L.1257, No.511), known as The Local Tax
3 Enabling Act.

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

7 (c) Other powers and duties.--In addition to the powers,
8 duties and responsibilities under this chapter, the tax
9 collector shall exercise all the powers and perform all the
10 duties and be subject to all the obligations and
11 responsibilities for the collection of taxes as are conferred
12 upon tax collectors by law.

13 CHAPTER 27

14 TOWNSHIP SECRETARY

15 Sec.

16 2701. Appointment of secretary and salary.

17 2702. Assistant secretary.

18 2703. Duties.

19 2704. Records open to inspection.

20 § 2701. Appointment of secretary and salary.

21 The board of commissioners shall appoint a secretary to serve
22 at the pleasure of the board and who may not be a member of the
23 board. The secretary shall act as secretary of the board. The
24 secretary's salary shall be fixed by ordinance or resolution.

25 § 2702. Assistant secretary.

26 The board of commissioners may, by resolution, appoint an
27 assistant secretary. The assistant secretary shall assist the
28 secretary in the performance of the secretary's duties and, in
29 the absence or disability of the secretary, perform the duties
30 and exercise the powers of the secretary. The compensation of an

assistant secretary shall be determined by the board of
commissioners and the assistant secretary shall be required to
give bond in an amount as required by the board of
commissioners. The assistant secretary may be appointed from the
membership of the board of commissioners but may not be any
other officer of the board. If a member of the board of
commissioners is appointed as the assistant secretary, the
appointed member may not receive compensation for the services
and shall be bonded.

§ 2703. Duties.

(a) Duties.--The secretary of a township shall:

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

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

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

(4) Perform other duties as required by law or the board
of commissioners.

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

§ 2704. Records open to inspection.

The minutes and other records and documents of every township
shall be open in accordance with the act of February 14, 2008
(P.L.6, No.3), known as the Right-to-Know Law.

CHAPTER 29

AUDITORS

1 Subchapter

2 A. Elected Auditors

3 B. Appointed Independent Auditor

4 SUBCHAPTER A

5 ELECTED AUDITORS

6 Sec.

7 2901. Meetings and general duties.

8 2902. Compensation.

9 2903. Subpoenas, oaths and perjury.

10 2904. Completion, filing and publication of auditor's report
11 and financial statement.

12 2905. Canceling orders.

13 2906. Penalty for failure to perform duty.

14 2907. Attorney to auditors.

15 2908. Surcharge by auditors.

16 2909. Balances due to be entered as judgments.

17 2910. Collection of surcharges.

18 2911. Appeals from report.

19 2912. Appeal bond.

20 2913. Procedure on appeals.

21 2914. Findings of facts and law, judgment and appeals.

22 2915. Cost of appeals.

23 2916. Attorney fees.

24 § 2901. Meetings and general duties.

25 (a) Meetings.--The township auditors shall meet annually, on
26 the day following the day which is fixed by this part for the
27 organization of the township commissioners. The auditors shall
28 organize by the election of a chair and secretary. Two auditors
29 shall constitute a quorum.

30 (b) Duties.--The auditors shall:

1 (1) Audit, settle and adjust the accounts of the
2 township commissioners, township treasurer, tax collector,
3 secretary and other officers and individuals receiving and
4 disbursing or authorizing the disbursement of the money of
5 the township during the preceding fiscal year.

6 (2) Audit the dockets, transcripts and other official
7 records of the offices of the magisterial district judge of
8 the township to determine the amounts of fines and costs paid
9 or due to the township. A magisterial district judge of the
10 township shall open and make available to the auditors their
11 dockets, transcripts, records and all other official books or
12 papers for the purpose of the audit. If a magisterial
13 district judge charges a fine contrary to ordinances, or to
14 an act which makes the fine payable to the township, the
15 auditors have the power to surcharge the magisterial district
16 judge in the amount undercharged.

17 (3) As directed by the board of commissioners, audit and
18 report to the board of commissioners on the accounts of every
19 officer of the township, upon the death, resignation, removal
20 or expiration of the term of the officer.

21 (c) Audit location.--Unless otherwise agreed to by the
22 auditors and the person being audited, the audit shall be
23 conducted at the place the records of the person are normally
24 kept.

25 § 2902. Compensation.

26 (a) Per diem.--Subject to the limitations in subsection (b),
27 each auditor shall receive \$20 per diem, to be paid by the
28 township, for each day necessarily employed in the discharge of
29 the auditor's duties. A day shall consist of not less than five
30 hours in the aggregate.

1 (b) Limitations.--A township auditor may not be entitled to
2 receive compensation for more than the following number of days:

3 (1) In townships with a population of less than 3,000, a
4 maximum of 20 days.

5 (2) In townships with a population of 3,000 or more but
6 less than 10,000, a maximum of 30 days.

7 (3) In townships with a population of 10,000 or more, a
8 maximum of 40 days.

9 § 2903. Subpoenas, oaths and perjury.

10 (a) Powers.--The auditors of each township may:

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

12 (i) the officers and persons whose accounts the
13 auditors are required to adjust;

14 (ii) executors and administrators of an office under
15 subparagraph (i); and

16 (iii) a person whom it may be necessary to examine
17 as a witness.

18 (2) Compel the production of documents, including
19 financial records, relative to township accounts. If a person
20 refuses or neglects to appear, produce documents or testify,
21 the auditors shall petition the court of common pleas of the
22 county to issue a subpoena to the person and to require the
23 person to produce documents or appear and testify before the
24 court. The court shall issue the subpoena if it deems the
25 documents or testimony relevant to the issue.

26 (b) Oaths.--The auditors may administer oaths and
27 affirmations to all persons brought or appearing before them,
28 whether accountants, witnesses or otherwise. A person swearing
29 or affirming falsely upon examination is guilty of perjury.

30 § 2904. Completion, filing and publication of auditor's report

1 and financial statement.

2 (a) Audit.--The auditors shall complete the annual audit,
3 settlement and adjustment prior to June 30.

4 (b) The auditors shall, within 10 days after the completion
5 of the report under subsection (c), publish, by advertisement in
6 at least one newspaper of general circulation in accordance with
7 the provisions of section 1107 (relating to legal advertising),
8 concise financial information prepared or approved by the
9 auditors and consistent with the audited financial statements
10 for total assets, total liabilities and total net position at
11 the end of the fiscal year and total revenue, total expenses and
12 changes in total net position for that fiscal year and a
13 reference to a place within the township where copies of the
14 financial statements and accompanying auditors' report may be
15 examined. If the full financial statements and accompanying
16 auditors' report are not published, copies shall be supplied to
17 the publishing newspaper when the request for publication is
18 submitted.

19 (c) Form.--The annual auditors' report and annual financial
20 statement shall be presented on a uniform form prepared and
21 furnished as provided in section 4903 (relating to uniform
22 financial report and forms).

23 (d) Requirements.--The auditors' report and financial
24 statement shall be signed by all of the auditors, and the
25 auditors' report shall be duly verified by the oath of one of
26 the auditors. A secretary of the auditors shall file a copy of
27 the report with the secretary of the township, the clerk of the
28 court or the prothonotary, as may be provided by local rules of
29 court, the Department of Community and Economic Development and
30 the Department of Transportation not later than June 30 of each

year. A secretary of the auditors refusing or willfully
neglecting to file the report commits a summary offense. If the
failure to file the report within the period specified is due to
the failure of one or more of the auditors to prepare the
statement upon which the report is to be based, the auditor
commits a summary offense.

§ 2905. Canceling orders.

The auditors shall cancel an order or voucher that the
auditors find has been paid by writing or stamping the word
"audited" on the face of the order or voucher.

§ 2906. Penalty for failure to perform duty.

An auditor who fails to comply with the provisions of this
subchapter commits a summary offense.

§ 2907. Attorney to auditors.

(a) Employment.--The auditors may employ an attorney if a
disagreement occurs between the auditors and an official or a
board of officials whose accounts the auditors are required to
audit. The attorney shall not be employed under this subsection
until all of the following occur:

(1) Reasonable efforts to reach an agreement have been
made.

(2) Notice of the auditors' intention to hire the
attorney has been given to the official or board of
officials.

(b) Compensation.--The auditors, with the agreement of the
board of commissioners, shall determine the compensation to be
paid to the attorney. If the auditors and board of commissioners
cannot agree on the compensation, upon petition of the auditors,
the court of common pleas shall establish the compensation for
the attorney employed by the auditors. The compensation for the

1 attorney shall be paid out of the township general fund.

2 § 2908. Surcharge by auditors.

3 (a) Surcharge authorized.--The amount of a balance or
4 shortage or an expenditure of a kind or made in a manner
5 prohibited or not authorized by the laws of this Commonwealth
6 that causes a financial loss to the township shall be a
7 surcharge against any of the following:

8 (1) An officer or person responsible for the balance or
9 shortage.

10 (2) An individual who has permitted or approved the
11 expenditure by a vote, an act or neglect.

12 (b) Surcharge limitations.--

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

17 (2) The imposition of a surcharge shall be based on the
18 results of the act, error or omission and the results had the
19 procedure been conducted in accordance with the laws of this
20 Commonwealth. The surcharge may not exceed the difference
21 between the costs actually incurred by the township and the
22 costs that would have been incurred had the authorized
23 procedures been conducted in accordance with law.

24 (3) Paragraph (1) shall not apply to a case involving
25 fraud or collusion by an elected or appointed officer or to a
26 penalty payable to the Commonwealth. Notwithstanding the
27 provisions of this section, the procedures in the act of May
28 25, 1945 (P.L.1050, No.394), known as the Local Tax
29 Collection Law, shall apply to balances and shortages in the
30 tax accounts of the tax collector.

1 (4) An elected or appointed officer of a township may
2 not be surcharged if the officer acted in good faith reliance
3 on a written, nonconfidential opinion of the solicitor of the
4 township or on an opinion of the solicitor of the township
5 publicly stated at an open meeting of the township and
6 recorded in the official minutes of the meeting. This
7 paragraph shall not apply if a solicitor's opinion has been
8 rendered under duress or if the parties seeking and rendering
9 the solicitor's opinion have colluded to purposefully commit
10 a violation of law. As used in this paragraph, the term
11 "solicitor" includes a special counsel appointed by the
12 township for a specific matter.

13 (c) Penalties.--In a matter involving a financial
14 transaction, an elected or appointed officer knowingly and
15 willfully acting in violation of law commits a misdemeanor of
16 third degree and, upon conviction, may be sentenced to pay a
17 fine not to exceed \$100.
18 \$ 2909. Balances due to be entered as judgments.

19 A balance against an elected or appointed officer of the
20 township in a report of the auditors shall constitute a
21 surcharge against the officer in the same manner as a balance
22 expressly stated in the report to be a surcharge. The amount of
23 a balance and any express surcharge shall, if no appeal is taken
24 or after an appeal has been finally determined in favor of the
25 township, be entered by the prothonotary as a judgment against
26 the officer. The clerk of the court of common pleas shall
27 certify the amount of each balance or surcharge contained in a
28 report of the auditors for which no appeal has been initiated
29 within the time period specified under this subchapter to the
30 court of common pleas for entry by the prothonotary as a

1 judgment.

2 § 2910. Collection of surcharges.

3 An auditor, registered elector or taxpayer of the township
4 may enforce the collection of a judgment entered for a surcharge
5 for the benefit of the township by an appropriate action or
6 execution. A registered elector or taxpayer shall file a bond
7 with one or more sureties in the court of common pleas
8 conditioned to indemnify the township from all costs of the
9 proceedings. An enforcement action under this section shall be
10 subject to the rights of appeal from the report of the auditors
11 specified under this subchapter.

12 § 2911. Appeals from report.

13 A township, registered elector or taxpayer on behalf of the
14 township or an officer or person whose account is settled or
15 audited by the auditors may appeal from the settlement or audit
16 to the court of common pleas within 45 days from the date of the
17 filing of the report of the auditors with the clerk of the court
18 of common pleas.

19 § 2912. Appeal bond.

20 An appeal by a registered elector, taxpayer or officer may
21 not be allowed unless the appellant secures a bond with
22 sufficient surety to prosecute the appeal and pay all the costs
23 of appeal under any of the following circumstances:

24 (1) If the appellant is a registered elector or
25 taxpayer, the appellant fails to obtain a final decision more
26 favorable to the township than that awarded by the auditors.

27 (2) If the appellant is an accounting officer, the
28 appellant fails to obtain a final decision more favorable to
29 the officer than that awarded by the auditors.

30 § 2913. Procedure on appeals.

1 (a) Investigatory burden.--In a proceeding upon an appeal
2 from a report of the auditors, the accounts of the officer or
3 person in question may be investigated de novo. The officer or
4 person whose accounts are involved in the appeal shall have the
5 burden of establishing the right to credits claimed by the
6 officer or person. The opposing party in the appeal may use any
7 facts, figures or findings of the report of the auditors as
8 prima facie evidence against an officer or person whose accounts
9 are involved in the appeal.

10 (b) Consolidated appeals.--If more than one appeal from the
11 report of the auditors is heard, the court may on its own motion
12 or shall, upon petition of an interested party, direct the
13 several appeals be consolidated.

14 § 2914. Findings of facts and law, judgment and appeals.

15 After a hearing, the court shall file its findings of fact
16 and law and enter a judgment accordingly. A judgment entered by
17 the court may be enforced by the prevailing party by an
18 appropriate proceeding. An appeal from the court's ruling may be
19 initiated in accordance with the laws of this Commonwealth.

20 § 2915. Cost of appeals.

21 In a case of appeal from the report or audit of the auditors
22 to the court of common pleas, the cost of the appeal shall be
23 determined by the court.

24 § 2916. Attorney fees.

25 (a) Award.--Upon final determination of an appeal initiated
26 under section 2911 (relating to appeals from report) from any
27 report, audit or settlement of the account of a township
28 officer, attorney fees shall be awarded as follows:

29 (1) If, in the opinion of the court, the final
30 determination is more favorable to the township officer

1 involved than that awarded by the auditors, the township
2 shall pay reasonable attorney fees, or a portion of
3 reasonable attorney fees as specified under paragraph (3),
4 incurred by the township officer in connection with the
5 surcharge proceeding.

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

15 (3) If, in the opinion of the court, the final
16 determination is in part more favorable to the township and
17 in part more favorable to the township officer involved in
18 the surcharge proceeding than that awarded by the auditors,
19 the court may order any of the following:

20 (i) The township to pay a portion of reasonable
21 attorney fees incurred by the township officer in
22 connection with the surcharge proceeding.

23 (ii) The township officer who is the subject of the
24 surcharge proceeding to pay a portion of reasonable
25 attorney fees incurred by the township or taxpayer in
26 connection with the surcharge proceeding.

27 (b) Other accounts.--In cases of appeals involving accounts
28 other than accounts of township officers, the court shall
29 allocate attorney fees in the court's discretion.

30 SUBCHAPTER B

1 APPOINTED INDEPENDENT AUDITOR

2 Sec.

3 2921. Appointment of independent auditor.

4 2922. Audits.

5 2923. Completion, filing and publication of annual audit and
6 financial report.

7 § 2921. Appointment of independent auditor.

8 If an ordinance has been enacted for the appointment of an
9 independent auditor in lieu of elected auditors under section
10 1703(a)(3) (relating to elected officers), the board of
11 commissioners shall appoint an independent auditor by resolution
12 and the provisions of this subchapter shall apply. The
13 independent auditor shall be a certified public accountant or a
14 firm of certified public accountants.

15 § 2922. Audits.

16 (a) Annual audit.--

17 (1) The independent auditor shall conduct an annual
18 audit of the finances of the township, as presented in the
19 annual audit and financial report, which shall include all of
20 the following:

21 (i) Each account in which the township is concerned.

22 (ii) The accounts of township officers, departments
23 and offices that collect, receive and disburse public
24 money on which the independent auditor is required to
25 report under this subchapter.

26 (iii) The accounts of township officers, departments
27 and offices that are authorized with the management,
28 control or custody of public money on which the
29 independent auditor is required to report under this
30 subchapter.

1 (2) Nothing in this subchapter shall be construed to
2 prohibit the board of commissioners from requiring the
3 independent auditor to conduct a more complete or
4 comprehensive audit than is required under this subchapter.

5 (b) Interim audits.--

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

8 (2) The board of commissioners may direct the
9 independent auditor to audit the accounts of a township
10 officer upon the death, resignation, removal or expiration of
11 the term of the township officer.

12 (c) Standards.--An annual or interim audit shall consist of
13 an examination in accordance with United States generally
14 accepted auditing standards. Errors or irregularities detected
15 in the course of an audit shall be communicated in accordance
16 with the standards under this subsection.

17 (d) Definition.--As used in this subchapter, the term
18 "annual audit and financial report" means the report that is
19 presented on the uniform form as provided in section 2923(d)
20 (relating to completion, filing and publication of annual audit
21 and financial report).

22 § 2923. Completion, filing and publication of annual audit and
23 financial report.

24 (a) Completion.--The independent auditor shall complete the
25 annual audit by June 30 of each year as directed by the board of
26 commissioners.

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

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

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

3 (3) The Department of Community and Economic
4 Development, in accordance with the rules and regulations of
5 the Department of Community and Economic Development.

6 (c) Publication.--Notice that the audited annual audit and
7 financial report is available for public inspection shall be
8 published once in at least one newspaper of general circulation
9 by the secretary of the township in accordance with section 1107
10 (relating to legal advertising). Public inspection shall be in
11 accordance with the act of February 14, 2008 (P.L.6, No.3),
12 known as the Right-to-Know Law. A copy, which may be in
13 electronic format, of the complete annual audit and financial
14 report, including the accompanying independent auditor's report,
15 shall be supplied to the publishing newspaper when the request
16 for publication is submitted. Nothing in this section shall be
17 construed to preclude the township from providing the township's
18 audited annual audit and financial report on the township's
19 publicly accessible Internet website.

20 (d) Presentation.--The annual audit report and annual
21 financial statements shall be presented on a uniform form
22 prepared and furnished as provided under section 4903 (relating
23 uniform financial report and forms).

24 (e) Appeals.--Nothing in this subchapter shall prohibit a
25 registered elector or taxpayer from appealing an annual audit
26 and financial report of the independent auditor in accordance
27 with and subject to the procedures under sections 2911 (relating
28 to appeals from report), 2912 (relating to appeal bond), 2913
29 (relating to procedure on appeals), 2914 (relating to findings
30 of facts and law, judgment and appeals), 2915 (relating to cost

of appeals) and 2916 (relating to attorney fees) if the
registered elector or taxpayer believes a surcharge as described
under section 2908 (relating to surcharge by auditors) should
exist against an officer or person. The appeal shall be
initiated within 45 days of the filing specified under
subsection (b).

CHAPTER 31

CONTROLLER

Sec.

3101. Oath and bond of controller.

3102. Salary of controller.

3103. General powers and duties of controller.

3104. Countersigned warrants.

3105. Prevention of appropriation overdrafts.

3106. Amount of contracts to be charged against appropriations.

3107. Management and improvement of township finances.

3108. Financial records to be kept by controller.

3109. Appeals from controller's report.

3110. Controller to retain financial records, pending appeals.

§ 3101. Oath and bond of controller.

(a) Oath.--The township controller, if the office of
township controller has been created, shall take the required
oath or affirmation of office under 53 Pa.C.S. § 1141 (relating
to form of oaths of office) before entering upon the duties of
office.

(b) Bonds.--In accordance with section 1902 (relating to
bonds), the township controller shall give bond to the township
with a surety company or other company authorized by the laws of
this Commonwealth to act as surety and approved by the board of
commissioners. The amount of the bond shall be a sum determined

1 by the board of commissioners as specified in an ordinance and
2 conditioned for the faithful discharge of the township
3 controller's duties. The amount of the bond shall be sufficient
4 to adequately protect the township from any illegal or
5 unfaithful action by the township controller. The cost of the
6 bond shall be paid by the township.

7 (c) Insurance.--In lieu of the bond required for the
8 faithful performance by the township controller of official
9 duties under subsection (b), the board of commissioners may
10 purchase insurance as provided under section 1902(b).

11 § 3102. Salary of controller.

12 The annual salary of the township controller shall be fixed
13 by ordinance passed at least 30 days before the township
14 controller's election. A change in salary, compensation or
15 emoluments of the office of township controller shall take
16 effect at the beginning of the next term of the township
17 controller.

18 § 3103. General powers and duties of controller.

19 (a) Fiscal affairs.--The township controller shall manage
20 the fiscal affairs of the township. The township controller
21 shall examine, audit and settle all accounts in which the
22 township is concerned as a debtor or creditor in accordance with
23 the laws of this Commonwealth. If there is no law of this
24 Commonwealth governing the settlement of the township's
25 accounts, the controller shall examine the accounts and report
26 the relevant facts and opinions on the accounts to the board of
27 commissioners.

28 (b) Audits.--During the examination, audit and settlement of
29 the township's accounts, the township controller shall have the
30 same powers and may perform the same duties vested in and

1 imposed on auditors under this part. During the authentication
2 of an account, claim or demand against the township, the
3 township controller shall have the same power as the elected
4 township auditors to obtain the attendance of parties and
5 witnesses and the production of documents and to administer
6 oaths and affirmations. An individual guilty of swearing or
7 affirming falsely before the township controller commits perjury
8 as specified under 18 Pa.C.S. § 4902 (relating to perjury). The
9 township controller shall make and file an annual report of an
10 audit of the township's accounts and make and publish the
11 township's annual financial statement in the same form and
12 manner and at the same time as required of elected township
13 auditors under this part.

14 (c) Powers and duties.--The township controller shall have
15 all of the following powers and duties:

16 (1) The township controller shall have supervision and
17 control of the accounts of all departments, bureaus and
18 officers of the township authorized to collect, receive or
19 disburse public money or who are charged with the management
20 or custody of the accounts.

21 (2) The township controller shall audit the respective
22 accounts of a department, bureau or an officer specified
23 under paragraph (1) and may require, at any time, a statement
24 in writing from the department, bureau or officer of any
25 money or property of the township in the possession or under
26 the control of the department, bureau or officer. The
27 statement of a department, bureau or an officer under this
28 paragraph shall include the amount of cash on hand, the
29 amount deposited in a banking institution and the name of the
30 banking institution.

1 (3) The township controller may examine each account of
2 a township officer in a banking institution to verify the
3 accuracy of the statement of the department, bureau or
4 officer under paragraph (2). A banking institution, including
5 an officer or agent of the banking institution, shall furnish
6 complete information about each account of a township officer
7 to the township controller. A banking institution, including
8 an officer or agent of the banking institution, shall not be
9 subject to prosecution under any other law of this
10 Commonwealth for disclosing the information required under
11 this paragraph.

12 (4) The township controller shall, immediately upon the
13 discovery of a default, irregularity or delinquency, report
14 the default, irregularity or delinquency to the board of
15 commissioners.

16 (5) The township controller shall audit and report on
17 the account of a township officer upon the death,
18 resignation, removal or expiration of the term of the
19 officer.

20 § 3104. Countersigned warrants.

21 (a) Countersign.--Except as provided under subsection (b), a
22 township controller shall countersign a warrant presented upon
23 the township treasurer. The board of commissioners shall
24 determine the form of the warrant.

25 (b) Exception.--A township controller may not countersign a
26 warrant unless there is sufficient unencumbered money in the
27 respective appropriation item to pay for the amount expressed in
28 the warrant.

29 (c) Evidence.--If a warrant upon the township treasurer is
30 presented to the township controller to be countersigned, the

person presenting the warrant shall, if the
township controller requires, produce evidence of all of the
following:

(1) The amount expressed in the warrant is due to the
person in whose favor the warrant is drawn.

(2) The supplies or services for payment of which the
warrant is drawn have been furnished or performed in
accordance with the laws of this Commonwealth and the terms
of the contract.

§ 3105. Prevention of appropriation overdrafts.

The township controller may not permit an appropriation made
by the board of commissioners to be overdrawn. If an
appropriation has been completely expended and the objective of
the appropriation has not been completed, the township
controller shall have all of the following duties:

(1) The township controller shall immediately issue a
report to the board of commissioners on the appropriation.

(2) The township controller shall include with the
report issued under paragraph (1) a statement of the money
which has been drawn on the appropriation and the particular
objective for which the money was drawn.

§ 3106. Amount of contracts to be charged against
appropriations.

(a) Contracts.--Before an item of appropriation takes effect
in a contract, the contract shall designate the item on which
the appropriation is founded and the estimated amount of the
expenditure which shall be charged against the item as certified
by the township controller on the contract. The payment required
by the contract shall be made from the fund for which the
contract is appropriated.

1 (b) Liability.--If the township controller certifies a
2 contract in excess of the appropriation made, the township shall
3 not be liable for the excess amount. The township controller and
4 the township controller's surety shall be liable for the excess
5 amount of the appropriation, which may be recovered in a civil
6 action by the aggrieved contracting party.

7 (c) Certification.--The controller shall certify contracts
8 for the payment of which a sufficient appropriation has been
9 made.

10 § 3107. Management and improvement of township finances.

11 The township controller shall, as often as the township
12 controller may deem expedient or the board of commissioners
13 shall direct, suggest plans to the board of commissioners for
14 the management and improvement of the township finances.

15 § 3108. Financial records to be kept by controller.

16 The township controller shall maintain financial records and
17 maintain as many accounts, under appropriate titles, as may be
18 necessary to show separately and distinctly all of the
19 following:

20 (1) The estates and property, real and personal, vested
21 in the township.

22 (2) The trusts in the care of the township.

23 (3) The debts due and owing the township.

24 (4) The receipts and expenditures of the various
25 departments of the township government.

26 (5) The appropriations made by the board of
27 commissioners and the sums under the appropriations.

28 § 3109. Appeals from controller's report.

29 An appeal may be taken from the settlement and audit of the
30 controller as shown in the controller's report to the court of

1 common pleas of the county by the same individual, in the same
2 manner, within the same time, subject to the same conditions and
3 procedures and with the similar effect in every respect as
4 provided under this part for an appeal from the settlement and
5 audit of the auditors as shown in their report.

6 § 3110. Controller to retain financial records, pending
7 appeals.

8 During the 45-day period elapsing between the date of filing
9 the controller's report and the expiration of the time for
10 filing the appeal from the report, a township controller shall
11 retain possession of all financial records and other papers that
12 were submitted to the controller for audit of the accounts of
13 township officers. If an appeal is taken under section 3109
14 (relating to appeals from controller's report), the controller
15 shall continue to hold the financial records and papers for
16 production in the proceeding to determine the appeal.

17 CHAPTER 33

18 TOWNSHIP SOLICITOR

19 Sec.

20 3301. Township solicitor.

21 3302. Control of legal matters.

22 3303. Duties of solicitor.

23 § 3301. Township solicitor.

24 The board of commissioners may appoint and determine the
25 compensation of a township solicitor and, as needed, special
26 counsel. The township solicitor or special counsel shall be
27 licensed to practice law in this Commonwealth and may be an
28 individual or a law firm, partnership, association or
29 professional corporation. The township solicitor or special
30 counsel shall serve at the pleasure of the board of

1 commissioners.

2 § 3302. Control of legal matters.

3 (a) Legal matters.--Except if the board of commissioners has
4 appointed special counsel for a specific matter, the township
5 solicitor shall advise on the legal matters of the township.

6 (b) Additional counsel.--A department or officer of the
7 township, except as otherwise provided by the laws of this
8 Commonwealth, may not employ or retain additional counsel
9 without the consent or ratification of the board of
10 commissioners.

11 § 3303. Duties of solicitor.

12 The township solicitor or special counsel, as applicable,
13 shall have the following duties:

14 (1) Prepare or approve, if directed or requested by the
15 board of commissioners, bonds, obligations, contracts,
16 leases, conveyances, ordinances and assurances to which the
17 township, or any department of the township, may be a party.

18 (2) Commence and prosecute all actions brought by the
19 township for or on account of any of the estates, rights,
20 trusts, privileges, claims or demands of the township before
21 a court in this Commonwealth.

22 (3) Defend the township or a township officer against
23 all actions or suits brought against the township or township
24 officer in which any of the estates, rights, privileges,
25 trusts, ordinances or accounts of the township may be brought
26 in question before a court in this Commonwealth.

27 (4) Furnish the board of commissioners and the township
28 committees, upon request, with an opinion in writing upon a
29 question of law, which may be submitted by the board of
30 commissioners and the township committees in their official

1 capacities.

2 (5) Perform any other professional act incident to the
3 office which the township solicitor or special counsel may be
4 authorized or required to perform by the board of
5 commissioners or by an ordinance or resolution.

6 CHAPTER 35

7 TOWNSHIP ENGINEER

8 Sec.

9 3501. Township engineer.

10 3502. Control of engineering matters.

11 3503. Duties and preparation of plans.

12 3504. Certificate of commencement and of completion of
13 municipal improvements.

14 3505. Surveys.

15 § 3501. Township engineer.

16 (a) Appointment.--The board of commissioners may appoint and
17 determine the compensation of a township engineer. The township
18 engineer shall serve at the pleasure of the board of
19 commissioners.

20 (b) Definition.--As used in this section, the term
21 "engineer" means a registered professional engineer or firm of
22 registered professional engineers.

23 § 3502. Control of engineering matters.

24 (a) Engineering matters.--Except if the board of
25 commissioners has appointed an engineer for a specific matter,
26 the township engineer shall direct and control the engineering
27 matters of the township.

28 (b) Additional engineers.--A department or officer of the
29 township, except as otherwise provided by the laws of this
30 Commonwealth, may not employ or retain an additional engineer

1 without the consent or ratification of the board of
2 commissioners.

3 § 3503. Duties and preparation of plans.

4 The township engineer shall perform duties and provide
5 reports as the board of commissioners may direct for the
6 construction, reconstruction, maintenance and repair of streets,
7 bridges, culverts and other engineering work. The township
8 engineer may prepare plans, specifications and estimates of the
9 work undertaken by the township and shall furnish the board of
10 commissioners and the township committees with reports,
11 information or estimates on any township engineering work or on
12 questions submitted by the board of commissioners.

13 § 3504. Certificate of commencement and of completion of
14 municipal improvements.

15 (a) Certification.--The township engineer shall certify, to
16 the township secretary, the date of commencement and date of
17 completion of a municipal improvement that, in whole or in part,
18 is to be paid by the owners of the abutting property. The
19 certification shall be made a part of the permanent records of
20 the township. The certified date of commencement and certified
21 date of completion shall be conclusive on all parties.

22 (b) Definition.--As used in this section, the term
23 "certified date of completion" means the date of the completion
24 of the whole contract for a municipal improvement.

25 § 3505. Surveys.

26 The township engineer shall have the charge and direction of
27 all surveys and regulations authorized by a law of this
28 Commonwealth or an ordinance of the township.

29 CHAPTER 37

30 TOWNSHIP MANAGER

1 Sec.

2 3701. Township manager.

3 3702. Powers, duties and agreements.

4 3703. Bonds.

5 3704. Incompatibility with office of township commissioner.

6 § 3701. Township manager.

7 (a) Authorization.--The board of commissioners may establish
8 or abolish by ordinance the office of township manager. If the
9 board of commissioners establishes the office of township
10 manager, the board of commissioners may appoint an individual,
11 partnership, limited partnership, association or professional
12 corporation as the township manager.

13 (b) Nature of office.--The township manager shall serve at
14 the pleasure of the board of commissioners, subject to
15 contractual rights that may arise under an employment agreement
16 or professional services agreement that may be entered in
17 accordance with section 3702 (relating to powers, duties and
18 agreements).

19 § 3702. Powers, duties and agreements.

20 (a) Regulations.--The powers and duties of the township
21 manager shall be regulated by ordinance. The board of
22 commissioners may delegate, subject to recall, any of the board
23 of commissioners' nonlegislative and nonjudicial powers and
24 duties to the township manager.

25 (b) Scope of agreement.--

26 (1) The board of commissioners may enter into an
27 employment agreement or professional services agreement with
28 the township manager that specifies the terms and conditions
29 of the appointment.

30 (2) An agreement under paragraph (1) may remain in

1 effect for a specified period terminating no later than the
2 date of the board of commissioners' organizational meeting
3 following the next municipal election.

4 (3) An agreement under paragraph (1) executed on or
5 after a municipal election and before the board of
6 commissioners' first organizational meeting in January in the
7 year after the municipal election shall be void.

8 (4) An agreement under paragraph (1) may specify
9 conditions under which a township manager who is an
10 individual would be entitled to severance compensation, or
11 if the township manager is a partnership, limited
12 partnership, association or professional corporation,
13 payments for the termination of the appointment. An agreement
14 under paragraph (1) may not guarantee retention or employment
15 through the term of the agreement or confer upon the township
16 manager a legal remedy based on specific performance.

17 (c) Status as public official.--The township manager as an
18 individual or a partnership, limited partnership, association or
19 professional corporation appointed as the township manager and
20 each officer and employee directly providing services as
21 required or authorized by an agreement under subsection (b) (1)
22 shall be considered a public official for purpose of 65 Pa.C.S.
23 § 1103 (relating to restricted activities).

24 § 3703. Bonds.

25 (a) Bond requirement.--The township manager shall, if
26 required by the board of commissioners, provide a bond to the
27 township. The township manager shall provide a bond under this
28 subsection with a surety company or other company authorized by
29 the laws of this Commonwealth to act as surety and approved by
30 the board of commissioners. The board of commissioners shall, by

ordinance or resolution, provide for the sum of a bond under this subsection conditioned for the faithful performance of the township manager's duties.

(b) Insurance in lieu of bond.--In lieu of the bond required for the faithful performance by the township manager of official duties, the board of commissioners may purchase insurance as provided in section 1902(b) (relating to bonds).

§ 3704. Incompatibility with office of township commissioner.

(a) Prohibition.--A township manager shall not be eligible to hold the office of township commissioner.

(b) Applicability.--If the township manager is a partnership, limited partnership, association or professional corporation, the prohibition under subsection (a) shall apply to each officer or employee who directly provides services as required or authorized by the agreement under section 3702(b)(1) (relating to powers, duties and agreements).

CHAPTER 39

VETERANS' AFFAIRS

Subchapter

A. Pennsylvania National Guard

B. Support of Veterans' Organizations and Memorials

SUBCHAPTER A

PENNSYLVANIA NATIONAL GUARD

Sec.

3901. Eminent domain for National Guard purposes.

3902. Land for armory purposes.

3903. Assistance to armories.

3904. Support of Pennsylvania National Guard units.

§ 3901. Eminent domain for National Guard purposes.

(a) Eminent domain.--Except as provided under subsection

(b), the board of commissioners may take, by the right of eminent domain for the purpose of appropriating to the township for the use of the Pennsylvania National Guard, public lands, easements and public property in the township's possession or control and used or held by the township for any other purpose. The board of commissioners may exercise eminent domain under this subsection regardless of any limitation on the use of public lands, easements and public property in a donation, dedication, appropriation, ordinance or other document.

(b) Limitation.--The board of commissioners may not exercise eminent domain under subsection (a) on a street, highway or wharf.

§ 3902. Land for armory purposes.

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

(b) Limitation.--The board of commissioners may not exercise the power granted under subsection (a) to take church property or other actual place of regularly stated religious worship, a graveyard, cemetery or dwelling house or the curtilage of church property or other actual place of regularly stated religious worship, graveyard, cemetery or dwelling house in the actual occupancy of the owner.

§ 3903. Assistance to armories.

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

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

3 (2) To furnish reasonable utilities free of cost to the
4 Commonwealth for use in an armory of the Pennsylvania
5 National Guard.

6 (b) Authorization.--The board of commissioners may take any
7 action necessary to accomplish the purposes specified under
8 subsection (a).

9 § 3904. Support of Pennsylvania National Guard units.

10 (a) Annual appropriation.--The board of commissioners may
11 annually appropriate a sum not to exceed \$1,500 for the support,
12 maintenance, discipline and training of a unit of the
13 Pennsylvania National Guard. If Pennsylvania National Guard
14 units are organized as a battalion, regiment or similar
15 organization, the total amount due under this subsection may be
16 paid to the commanding officer of the battalion, regiment or
17 similar organization.

18 (b) Condition.--Money appropriated under subsection (a)
19 shall be paid by warrant drawn to the order of the commanding
20 officer of the Pennsylvania National Guard unit conditioned upon
21 certification by the Adjutant General to the township that the
22 unit has satisfactorily passed the annual inspection provided by
23 State law.

24 (c) Use of money.--Money appropriated under subsection (a)
25 shall be used and expended solely for the support, maintenance,
26 discipline and training of a company, battalion, regiment or
27 similar organization of the Pennsylvania National Guard.

28 (d) Accounting required.--

29 (1) The commanding officer of a company, battalion,
30 regiment or similar organization of the Pennsylvania National

1 Guard shall account, by proper vouchers to the township each
2 year, for the expenditure of money appropriated under
3 subsection (a).

4 (2) An appropriation under subsection (a) may not be
5 made for any subsequent year until the expenditure of the
6 previous year is satisfactorily accounted for under paragraph
7 (1).

8 (3) The account of an expenditure of money appropriated
9 under subsection (a) shall be subject to the inspection of
10 the Department of Military and Veterans Affairs and shall be
11 audited by the Auditor General in accordance with the laws of
12 this Commonwealth.

13 SUBCHAPTER B

14 SUPPORT OF VETERANS' ORGANIZATIONS AND MEMORIALS

15 Sec.

16 3911. Appropriations to veterans' home associations.

17 3912. Memorial Day or Veterans' Day appropriations.

18 3913. Care of memorials.

19 3914. Purchase of burial grounds for deceased servicepersons.

20 § 3911. Appropriations to veterans' home associations.

21 The board of commissioners may make an annual appropriation
22 not to exceed \$300 for the support of a veterans' home
23 association that:

24 (1) provides a home or meeting facility within the
25 township for the use of United States war veterans; and

26 (2) is not maintained in whole or in part by the United
27 States or a governmental agency other than the township.

28 § 3912. Memorial Day or Veterans' Day appropriations.

29 The board of commissioners may appropriate money for the
30 expenses of services for Memorial Day, Veterans' Day or a

1 similar day provided for by Federal or State law.

2 § 3913. Care of memorials.

3 (a) Maintenance and repair.--The board of commissioners may
4 maintain and keep in good order and repair, at the expense of
5 the township, a soldiers' monument, gun or carriage or similar
6 memorial if the memorial:

7 (1) is not in the charge or care of an individual, body
8 or organization; and

9 (2) was not erected by:

10 (i) the Federal Government, the Commonwealth or the
11 commissioners of the county; or

12 (ii) the direction or authority of another state.

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

16 § 3914. Purchase of burial grounds for deceased servicepersons.

17 The board of commissioners may appropriate money and purchase
18 plots of ground in a cemetery or burial ground for the interment
19 of deceased servicepersons:

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

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

25 CHAPTER 41

26 POLICE

27 Sec.

28 4101. Appointment, compensation and training of police
29 officers.

30 4102. Special fire police.

1 4103. Chief of police and other officers.
2 4104. Powers of police officers.
3 4105. Service of process and fees.
4 4106. Supervision of police.
5 4107. Badge.
6 4108. Compensation.
7 4109. Police pension fund.
8 4110. Private police pension funds and optional transfers.
9 4111. School crossing guards.

10 § 4101. Appointment, compensation and training of police
11 officers.

12 (a) Number, rank and compensation.--Subject to the civil
13 service provisions of this part, the board of commissioners may
14 appoint and fix the number, rank and compensation of the members
15 of the township police force.

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

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

24 (c) Removal, suspension or demotion.--The board of
25 commissioners may remove, suspend or demote a police officer:

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

1 the second class"; or

2 (2) subject to Subchapter D of Chapter 19 (relating to
3 civil service for police and firefighters).

4 (d) Limitations.--

5 (1) A police officer may not at the same time hold a
6 public office other than constable, health officer or school
7 director of a school district situated within a county of the
8 second class.

9 (2) A police officer who holds the office of school
10 director in accordance with paragraph (1), whether contracted
11 or otherwise employed by the school district, may not serve
12 as a school police officer, as provided for in section 1302-C
13 of the act of March 10, 1949 (P.L.30, No.14), known as the
14 Public School Code of 1949.

15 (e) Campaigns.--A police officer may not participate in a
16 political or election campaign while on duty or in uniform or
17 while using township property other than to exercise the
18 officer's right of suffrage.

19 (f) Rules and regulations.--Except as provided in section
20 1936 (relating to rules and regulations), the board of
21 commissioners shall promulgate rules and regulations for the
22 organization of the police force.

23 (g) Training classes.--The board of commissioners may assign
24 the chief of police or another member of the police force to
25 attend training classes, which are offered by the Federal
26 Government, State or county government, and may pay a member's
27 expenses while attending the training classes.

28 § 4102. Special fire police.

29 The president of the board of commissioners may:

30 (1) Confirm a member of a volunteer fire company

1 nominated to serve as special fire police under 35 Pa.C.S.
2 Ch. 74 Subch. D (relating to special fire police).

3 (2) Swear in or affirm special fire police officers.

4 § 4103. Chief of police and other officers.

5 The board of commissioners may designate the superintendent
6 or the chief of police and other officers who shall serve until
7 their successors are duly designated and qualified.

8 § 4104. Powers of police officers.

9 A township police officer shall have those powers and duties
10 as are granted to police officers under the laws of this
11 Commonwealth, the rules of the Supreme Court or the ordinances
12 of the township. A fine or penalty may be imposed on the
13 township police officer for a violation of law.

14 § 4105. Service of process and fees.

15 A police officer may serve and execute criminal process
16 issued for the violation of a township ordinance and shall
17 charge the same fees and costs as pertain by law to a constable
18 of the township for similar services, but the fees and costs
19 shall be paid to the township treasurer for the use of the
20 township.

21 § 4106. Supervision of police.

22 The chief of police and police officers shall obey the orders
23 of the board of commissioners or any other person or committee
24 as designated by ordinance or resolution of the board of
25 commissioners for that purpose.

26 § 4107. Badge.

27 A township police officer, when on duty, shall wear a badge
28 or shield with the words "Township Police" and the name of the
29 township inscribed on the badge or shield.

30 § 4108. Compensation.

1 (a) Salaries.--A township that employs police officers shall
2 pay to all the police officers a fixed or stipulated salary.

3 (b) Fees or other compensation.--A police officer may not
4 charge or accept a fee or other compensation in addition to the
5 salary paid by the township for a service rendered or performed
6 by the police officer, except public rewards and the expenses
7 incurred in the discharge of the police officer's duties.

8 § 4109. Police pension fund.

9 (a) Establishment.--If a township maintains a police force
10 of fewer than three full-time members, unless there is a private
11 organization or association constituting and managing an
12 existing pension fund for the members of the police force in the
13 township, the township shall, by ordinance, establish a police
14 pension fund to be maintained by member contributions of an
15 equal percentage charge against each member of the police force.
16 Except to the extent that section 607(c) of the act of December
17 18, 1984 (P.L.1005, No.205), known as the Municipal Pension Plan
18 Funding Standard and Recovery Act, applies, the member
19 contributions shall not annually exceed 4% of the pay of the
20 member.

21 (b) Investment or insurance instruments.--In lieu of
22 establishing a pension fund in accordance with subsection (a),
23 the township may, by ordinance, provide investment or insurance
24 instruments for the purpose of the payment of pensions or
25 annuities to the members of the police force who receive
26 honorable discharge by reason of age or disability and the
27 families of police officers injured or killed in service.

28 (c) Administration.--

29 (1) All pension funds or investment or insurance
30 instruments established under this section shall be under the

1 direction of the board of commissioners, or a committee as
2 the board of commissioners may designate, and shall be
3 applied under regulations as the board of commissioners may,
4 by ordinance, prescribe for the benefit of the members of the
5 police force who receive honorable discharge by reason of age
6 or disability and the families of police officers injured or
7 killed in service.

8 (2) The board of commissioners shall appoint by
9 resolution a chief administrative officer who shall have the
10 primary responsibility for the execution of the
11 administrative affairs of the pension plan, subject to the
12 direction of the board of commissioners.

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

16 (d) Minimum service and age limit.--The ordinance
17 establishing the police pension fund may prescribe a minimum
18 period of continuous service of not less than 20 years and an
19 age limit after which members of the police force may be retired
20 from active duty and may be entitled to benefits of the fund.

21 (e) Charges.--Payments made on account of police pensions
22 shall not be a charge on any fund in the treasury of the
23 township or under the control of the township, except the police
24 pension fund.

25 (f) Contributions.--A township that establishes a police
26 pension fund under this section shall make contributions to the
27 police pension fund in an amount sufficient to meet the minimum
28 obligation of the municipality with respect to the pension plan
29 under the Municipal Pension Plan Funding Standard and Recovery
30 Act.

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

10 (h) Apportionment.--

11 (1) The basis of the apportionment of the pension
12 benefit shall:

13 (i) be determined by the rate of monthly pay of the
14 member at the date of death, honorable discharge or
15 retirement; and

16 (ii) not exceed in any year one-half the annual pay
17 of the member, computed at the member's monthly rate.

18 (2) An individual who participates in the police pension
19 fund and becomes entitled to receive a benefit from the fund
20 shall not be deprived of the individual's right to an equal
21 and proportionate share of the fund upon the basis upon which
22 the individual first became entitled to the benefit.

23 (i) (Reserved).

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

30 § 4110. Private police pension funds and optional transfers.

1 (a) Transfer authorization.--If there is a private
2 organization or association constituting and managing an
3 existing pension fund for the members of the police force in a
4 township, the township shall establish a police pension fund for
5 the purpose of paying pensions to the members of the police
6 force if the membership of the organization or association, by a
7 two-thirds vote, elects to transfer its funds with all its
8 assets and liabilities into a township police pension fund as
9 required to be established by this part.

10 (b) Securities and assumption of liability.--The transfer
11 under subsection (a) may be made by the transfer of securities.
12 After the transfer, the township police pension fund shall
13 assume the liability of continuing the payment of pensions to
14 members of the police force retired prior to the transfer in
15 accordance with the laws and regulations under which the members
16 were retired.
17 § 4111. School crossing guards.

18 (a) Appointment, service, pension eligibility and
19 compensation.--

20 (1) The board of commissioners, by resolution, may
21 appoint school crossing guards who shall be authorized only
22 to manage traffic and pedestrians at or near schools while
23 the school crossing guards are in uniform.

24 (2) School crossing guards:

25 (i) Shall serve at the pleasure of the board of
26 commissioners, except as provided in subsection (b).

27 (ii) Shall not be subject to the civil service
28 provisions of this title.

29 (iii) Shall not be eligible to join a township
30 pension fund.

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

10 (b) Authorization for board of school directors.--

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

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

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

26 (4) The school crossing guards shall not be:

27 (i) Subject to the civil service provisions of this
28 title.

29 (ii) Considered part of the bargaining unit of the
30 school district.

1 (iii) Considered any of the following:

2 (A) An employee as defined under section 1101-A
3 of the act of March 10, 1949 (P.L.30, No.14), known
4 as the Public School Code of 1949.

5 (B) A school employee as defined under 24
6 Pa.C.S. § 8102 (relating to definitions).

7 (C) An employee under a township or school
8 district pension or benefit plan.

9 (5) After the resolution is adopted by the board of
10 commissioners, the school district shall assume the cost of
11 compensation, including fixing compensation, if any, of the
12 school crossing guards.

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

17 (7) The board of school directors shall notify the board
18 of commissioners of the individuals hired to serve as school
19 crossing guards and request that the necessary training or
20 assistance be provided as specified in the resolution adopted
21 by the board of commissioners.

22 CHAPTER 43

23 CORPORATE POWERS

24 Sec.

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3 transcribing of township records.

4 § 4301. Suits and property.

5 A township may:

6 (1) Sue and be sued.

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

8 (3) Purchase, exchange, acquire by gift or otherwise,
9 hold, lease, let and convey, by sale or lease, real and
10 personal property deemed to be in the best interest of the
11 township subject to the restrictions, limitations or
12 exceptions as specified in this part.

13 § 4302. Real property.

14 (a) When advertisement required.--Real estate owned by the
15 township may not be sold for a consideration in excess of \$6,000
16 except to the highest bidder after due notice by advertisement
17 for bids or advertisement of a public auction.

18 (b) Advertisement requirements.--The advertisement shall be
19 published once in one newspaper of general circulation not fewer
20 than 10 days prior to the date scheduled for the opening of bids
21 or public auction. The date for opening bids or public auction
22 shall be announced in the advertisement.

23 (c) Award of contracts and bids.--

24 (1) The award of contracts shall be made only by public
25 announcement at a regular or special meeting of the board of
26 commissioners or at the public auction.

27 (2) A bid shall be accepted on the condition that
28 payment of the purchase price in full shall be made within 60
29 days of the acceptance of a bid unless otherwise specified in
30 the bid advertisement.

1 (3) If no compliant bids are received after
2 advertisement, the applicable procedures in the act of
3 October 27, 1979 (P.L.241, No.78), entitled "An act
4 authorizing political subdivisions, municipality authorities
5 and transportation authorities to enter into contracts for
6 the purchase of goods and the sale of real and personal
7 property where no bids are received," shall be followed.

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

14 (e) When advertisement not required.--Real estate owned by a
15 township may be sold for a consideration of \$6,000 or less
16 without advertisement or competitive bidding only after the
17 board of commissioners estimates the value of the property upon
18 receipt of an appraisal by a qualified real estate appraiser.
19 Prior to selling real estate valued at \$6,000 or less without
20 advertisement or competitive bidding, the board of commissioners
21 shall make a public announcement of the board's intention to
22 sell the real estate at a regular or special meeting of the
23 board at least 30 days prior to the sale.

24 (f) Exchanges.--

25 (1) Notwithstanding this section, the board of
26 commissioners shall have the authority to exchange real
27 property for real property of equal or greater value without
28 complying with this section if the property being acquired by
29 the township is to be used for municipal purposes. For
30 purposes of this paragraph, "municipal purposes" include a

1 subsequent sale or lease of the property to any of the
2 entities listed in section 4304 (relating to exceptions).

3 (2) A conveyance of real property acquired in an
4 exchange to an entity listed in section 4304 may contain a
5 clause under which the lands and buildings will revert to the
6 township if they are no longer being used for the purposes of
7 the entity.

8 (3) If the board of commissioners chooses to exercise
9 its power of real property exchange under this section, it
10 shall be by resolution adopted by the board of commissioners.
11 Notice of the resolution, including a description of the
12 properties to be exchanged, shall be published once in one
13 newspaper of general circulation not more than 60 days nor
14 fewer than seven days 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 § 4303. Personal property.

20 (a) Approval, fair market value and advertisement.--Except
21 as provided in subsection (d), township personal property may
22 not be disposed of, by sale or otherwise, except upon approval
23 of the board of commissioners. The following apply:

24 (1) If the board of commissioners approves a sale of
25 property, the board of commissioners shall estimate the fair
26 market value of the entire lot to be disposed of.

27 (2) If the board of commissioners estimates the fair
28 market value to be \$2,000 or more, the entire lot shall be
29 advertised for sale once, in at least one newspaper of
30 general circulation, not fewer than 10 days prior to the date

1 fixed for the opening of bids or public auction. The date of
2 opening of bids or public auction shall be announced in the
3 advertisement, and sale of the property advertised shall be
4 made to the highest bidder.

5 (b) Online or electronic sales.--A public auction of
6 personal property may be conducted by means of an online or
7 electronic auction sale. The following apply:

8 (1) During an electronic auction sale, bids shall be
9 accepted electronically at the time and in the manner
10 designated in the advertisement.

11 (2) During the electronic auction, each bidder shall
12 have the capability to view the bidder's bid rank or the high
13 bid price. The bidder may increase the bidder's bid price
14 during the electronic auction.

15 (3) The record of the electronic auction shall be
16 accessible for public inspection.

17 (4) The purchase price shall be paid by the highest
18 bidder immediately or at a reasonable time after the
19 conclusion of the electronic auction as determined by the
20 board of commissioners.

21 (5) Any incurred shipping costs shall be paid by the
22 highest bidder.

23 (6) A township that has complied with the advertising
24 requirements of this section may provide additional public
25 notice of the sale by bids or public auction in any manner
26 deemed appropriate by the board of commissioners.

27 (7) The advertisement for electronic auction sales
28 authorized in this section shall include the Internet address
29 or means of accessing the electronic auction and the date,
30 time and duration of the electronic auction.

1 (c) Rejection of bids.--The board of commissioners may
2 reject any bids received if the bids are believed to be less
3 than the fair market value of the property. If no compliant bids
4 are received after advertisement, the applicable procedures in
5 the act of October 27, 1979 (P.L.241, No.78), entitled "An act
6 authorizing political subdivisions, municipality authorities and
7 transportation authorities to enter into contracts for the
8 purchase of goods and the sale of real and personal property
9 where no bids are received," shall be followed.

10 (d) Surplus personal property.--The board of commissioners
11 shall, by resolution, adopt a procedure for the sale of surplus
12 personal property, either individual items or lots of items, of
13 an estimated fair market value of less than \$2,000. The approval
14 of the board of commissioners shall not be required for an
15 individual sale that is made in conformity with the procedure.

16 (e) Trades or exchanges.--The provisions of this section
17 shall not be mandatory if township personal property is to be
18 traded in or exchanged for new or used personal property being
19 acquired by the township, except that the trade or exchange
20 shall be by resolution.

21 § 4304. Exceptions.

22 (a) Advertising and highest bidder.--Nothing under this
23 chapter requiring advertising for bids or sale at public auction
24 and sale to the highest bidder shall apply if township real or
25 personal property is to be sold to any of the following:

26 (1) A county, city, borough, town, township, institution
27 district, school district, volunteer fire company, volunteer
28 ambulance service or volunteer rescue squad located within
29 the township.

30 (2) A council of government, consortium, cooperative or

1 other similar entity created under 53 Pa.C.S. Ch. 23 Subch. A
2 (relating to intergovernmental cooperation).

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

8 (4) A nonprofit corporation engaged in community,
9 industrial, commercial or affordable housing development or
10 reuse.

11 (5) A person for the person's exclusive use in an
12 industrial development program.

13 (6) A nonprofit corporation organized as a public
14 library.

15 (7) A nonprofit medical service corporation as
16 authorized by section 4353 (relating to sale of real or
17 personal property to nonprofit medical service corporation).

18 (8) A nonprofit housing corporation as authorized under
19 section 4354 (relating to sale of real or personal property
20 to nonprofit housing corporation).

21 (b) Nominal consideration.--If real property is to be sold
22 to a nonprofit corporation organized as a public library, to a
23 nonprofit medical service corporation or to a nonprofit housing
24 corporation, the board of commissioners may elect to accept
25 nominal consideration for the sale as the board deems
26 appropriate.

27 (c) Reversion.--Real property sold under this section to a
28 volunteer fire company, volunteer ambulance service, volunteer
29 rescue squad, nonprofit medical service corporation or nonprofit
30 housing corporation shall be subject to the condition that when

the property is not used for the purposes of the company,
service, squad or corporation, the property shall revert to the
township.

§ 4305. Surcharge from sale or lease.

A commissioner who votes in favor of or knowingly
participates in the sale or lease of township real or personal
property in violation of this chapter is subject to a surcharge
to the extent of any loss or injury to the township as a result
of the sale or lease.

§ 4306. General powers.

The board of commissioners may make and adopt ordinances,
bylaws, rules and regulations not inconsistent with or
restrained by the Constitution and laws of this Commonwealth as
may be expedient or necessary for:

(1) The proper management, care and control of the
township and the township's finances.

(2) The maintenance of peace, good government and
welfare of the township and the township's trade, commerce
and manufactures.

§ 4307. Specific powers.

The corporate power of a township of the first class shall be
vested in a board of commissioners. The following apply:

(1) In the exercise of specific powers involving the
enactment of an ordinance, passage of a resolution or the
making of a regulation, restriction or prohibition, the
township may provide for enforcement and penalties for
violations.

(2) The specific powers of the township shall include
the powers provided under this chapter.

§ 4308. Officers, positions and departments.

1 (a) Creation and compensation.--The board of commissioners
2 may create an office, position or department that the board
3 deems necessary for the good of government and interests of the
4 township and may fix the compensation of appointed individuals.

5 (b) Employees.--The board of commissioners may provide for
6 and regulate the manner of hiring and discharging employees and
7 the fixing of salaries or compensation, consistent with
8 applicable Federal and State law.

9 § 4309. Police force.

10 The board of commissioners may establish, equip, maintain and
11 define the duties of a police force.

12 § 4310. Lockup facilities.

13 The board of commissioners may provide for lockup facilities
14 in the township for the temporary detention and confinement of
15 individuals.

16 § 4311. Rewards.

17 The board of commissioners may offer rewards for information
18 leading to the arrest and conviction of an individual guilty of
19 a crime within the township.

20 § 4312. Disorderly conduct.

21 The board of commissioners may, by ordinance, prohibit
22 disorderly conduct within the limits of the township and provide
23 for the imposition of penalties for the conduct in accordance
24 with this part. An enacted ordinance shall define disorderly
25 conduct in a manner substantially similar to the provisions of
26 18 Pa.C.S. § 5503 (relating to disorderly conduct).

27 § 4313. Public safety.

28 The board of commissioners may take all necessary means to
29 secure the safety of persons or property within the township.

30 § 4314. Fire protection.

1 The board of commissioners may:

2 (1) Appropriate money for the use of the township or to
3 fire companies providing fire protection to the township for
4 the purchase, operation and maintenance of fire engines and
5 fire apparatus and for the construction, repair and
6 maintenance of fire stations.

7 (2) Contract with or make grants to near or adjacent
8 municipal corporations or volunteer fire companies for fire
9 protection in the township.

10 (3) By ordinance or resolution, make rules and
11 regulations for the government of fire companies providing
12 fire protection to the township and their officers.

13 § 4315. Building and housing regulations.

14 In addition to other remedies provided by law, the board of
15 commissioners may enact and enforce suitable ordinances relating
16 to building and housing regulations in accordance with Chapter
17 75 (relating to Uniform Construction Code, property maintenance
18 code and reserved powers).

19 § 4316. Numbering buildings.

20 The board of commissioners may, by ordinance, require and
21 regulate the numbering of buildings and lots.

22 § 4317. Regulation of business.

23 To provide for the prohibition, licensing and regulation of
24 business, a board of commissioners may:

25 (1) In addition to licensing in accordance with Chapter
26 71 (relating to licenses and license fees), prohibit, license
27 and regulate by ordinance the following:

28 (i) The carrying on of any manufacture, art or
29 business that may be noxious or offensive and prejudicial
30 to the public health or safety of the inhabitants.

1 (ii) The establishment and maintenance of junk
2 yards, salvage yards and other places used and maintained
3 for the collection, storage and disposal of used or
4 second-hand goods and materials.

5 (iii) With respect to marketplaces:

6 (A) Regulating markets, whether for individual
7 use or for resale.

8 (B) Purchasing and owning ground.

9 (C) Erecting, establishing and maintaining
10 marketplaces for which parts of a street or sidewalk
11 may be temporarily used.

12 (D) Contracting with a person for the erection,
13 maintenance and regulation of marketplaces, on terms
14 and conditions and in a manner as the board of
15 commissioners prescribes.

16 (E) Providing and enforcing suitable regulations
17 respecting marketplaces.

18 (F) Providing for the payment of the cost or
19 expense of marketplaces, either in whole or in part,
20 out of the funds of the township.

21 (G) Levying and collecting a suitable license
22 fee from each person who may be authorized by the
23 board of commissioners to occupy a portion of a
24 marketplace or a portion of a street or sidewalk for
25 temporary market purposes.

26 (2) Notwithstanding paragraph (1), prohibit, license and
27 regulate businesses unless prohibited by law.

28 (3) Issue licenses under the act of July 31, 1963
29 (P.L.410, No.217), entitled "An act regulating and licensing
30 all sales at retail when such sales are advertised as

1 'Closing Out Sale,' 'Fire, Smoke or Water Damage Sale,' or
2 'Defunct Business Sale,' with exceptions; requiring filing of
3 inventory and bond; and providing for appeals and penalties."
4 § 4318. Nuisances and dangerous structures.

5 (a) Authorization.--A board of commissioners may prohibit
6 and remove a nuisance or dangerous structure on public or
7 private grounds, including, weeds, accumulations of municipal
8 waste, the storage of abandoned or junked automobiles and
9 obstructions or nuisances in the streets of the township.

10 (b) Powers.--The board of commissioners may:

11 (1) require the removal of a nuisance or dangerous
12 structure by the owner or occupier of the grounds; or

13 (2) in default of the removal by the owner or occupier
14 of grounds under paragraph (1), remove the nuisance or
15 dangerous structure itself and collect the cost of removal,
16 together with a penalty of 10% of the cost, in the manner
17 provided by law for the collection of municipal claims, or by
18 action of assumpsit without the filing of a claim, or the
19 township may seek relief by bill in equity.

20 § 4319. Municipal waste.

21 (a) Authorization.--In the manner authorized by the act of
22 July 7, 1980 (P.L.380, No.97), known as the Solid Waste
23 Management Act, and the act of July 28, 1988 (P.L.556, No.101),
24 known as the Municipal Waste Planning, Recycling and Waste
25 Reduction Act, a board of commissioners may prohibit
26 accumulations of municipal waste on public and private property,
27 including the imposition and collection of reasonable fees and
28 charges for the collection, removal and disposal of the
29 municipal waste. As used in this subsection, "municipal waste"
30 shall have the same meaning as given to the term in the

1 Municipal Waste Planning, Recycling and Waste Reduction Act.

2 (b) Collection and removal.--

3 (1) The board of commissioners may collect and remove,
4 by contract or otherwise, municipal waste and recyclable
5 materials and prescribe penalties for the enforcement of the
6 collection and removal.

7 (2) Except as provided in paragraph (3), a contract with
8 refuse haulers may be made for an initial period not
9 exceeding five years with optional renewal periods of up to
10 five years.

11 (3) Paragraph (2) shall not apply to a contract with
12 another political subdivision or with a municipal authority.

13 (c) Disposal.--

14 (1) The board of commissioners may dispose of, by
15 contract or otherwise, municipal waste.

16 (2) Except as provided in paragraph (3), a contract with
17 the owner of a private facility for the disposal or
18 incineration of municipal waste may be made for a period not
19 to exceed 20 years.

20 (3) Paragraph (2) shall not apply to a contract with
21 another political subdivision or with a municipal authority.

22 (d) Powers.--The board of commissioners may:

23 (1) Acquire real property and erect, maintain, improve,
24 operate and lease, either as lessor or lessee, facilities for
25 incineration, landfill or other methods of disposal, either
26 inside or outside the limits of the township, including
27 equipment, either separately or jointly, with another
28 political subdivision or with a municipal authority to
29 provide for any of the following:

30 (i) The collection, removal, disposal and

destruction of municipal waste.

(ii) The collection and storage of recyclable materials.

(iii) The composting of leaf and yard waste.

(2) Provide for the payment of the cost, either in whole or part, out of the funds of the township.

(3) Acquire land for landfill purposes and maintain lands and places for the dumping of municipal waste.

(e) Rates and charges.--The board of commissioners may establish, alter, charge and collect rates and other charges for any of the following:

(1) The collection, removal and disposal of municipal waste and recyclable materials.

(2) The cost of including the payment of indebtedness incurred for the construction, purchase, improvement, repair, maintenance and operation of facilities for collection, removal and disposal.

(3) The amount due under a contract with another political subdivision or with a municipal authority furnishing the services or facilities.

(f) Funding.--The board of commissioners may make appropriations to another political subdivision or a municipal authority out of the township's general funds, or out of any other available funds, for the construction, purchase, improvement, repair, maintenance and operation of a facility for the collection, removal, disposal or marketing of municipal waste, recyclable materials or composted leaf and yard waste.

(g) Recycling.--A township shall not be subject to requirements otherwise imposed by law for the sale of personal property owned by the township when selling recyclable materials

1 or materials separated, collected, recovered or created by
2 recycling, as provided in the act of April 9, 1992 (P.L.70,
3 No.21), entitled "An act excluding the sale of recyclable
4 material from political subdivision personal property sale
5 restrictions relating to advertising and bidding."

6 § 4320. Fireworks and inflammable articles.

7 In conformity with Federal and State laws and regulations,
8 the board of commissioners may, with respect to fireworks and
9 inflammable articles:

10 (1) Regulate and prohibit, by ordinance, the manufacture
11 of fireworks or inflammable or dangerous articles.

12 (2) Grant permits for display fireworks and adopt rules
13 and regulations governing the displays.

14 (3) Adopt, by ordinance, rules and regulations relating
15 to the storage of inflammable articles.

16 (4) Impose, by ordinance, other safeguards concerning
17 fireworks and inflammable articles as may be necessary for
18 the health, safety and welfare of the public.

19 § 4321. Smoke regulations.

20 The board of commissioners may regulate the emission of smoke
21 from chimneys, smokestacks and other sources, except locomotive
22 smokestacks, to the extent that the regulation is not otherwise
23 prohibited by applicable Federal or State law.

24 § 4322. Prohibition of fire-producing devices and smoking.

25 The board of commissioners may prohibit and regulate the
26 smoking or carrying of lighted cigarettes, cigars, pipes or
27 matches and the use of matches or fire-producing devices. An
28 ordinance enacted or regulation or resolution adopted under this
29 section shall not regulate smoking in a manner that conflicts
30 with the act of June 13, 2008 (P.L.182, No.27), known as the

1 Clean Indoor Air Act.

2 § 4323. Animals.

3 The board of commissioners may prohibit or regulate, by
4 ordinance, the following:

5 (1) The running at large of dogs and direct the seizure,
6 detention or euthanization of dogs running at large,
7 including reasonable associated charges, and provide for the
8 sale of the dogs for the benefit of the township.

9 (2) The running at large of other animals and authorize
10 their seizure and detention, including reasonable associated
11 charges, and provide for sale of the animals for the benefit
12 of the township.

13 § 4324. Regulation of foundations, party walls and partition
14 fences.

15 (a) General rule.--Subject to the provisions of and
16 regulations adopted under the act of November 10, 1999 (P.L.491,
17 No.45), known as the Pennsylvania Construction Code Act, and
18 other applicable law, the board of commissioners may provide
19 regulations for foundations, party walls and partition fences.

20 (b) Fees authorized.--The board of commissioners may
21 prescribe and enforce reasonable fees for the services of its
22 officers and agents in the adjustment of party walls, partition
23 fences and similar items.

24 § 4325. Ambulances and rescue and lifesaving services.

25 The board of commissioners may:

26 (1) Acquire, operate and maintain motor vehicles for the
27 purposes of transporting sick and injured individuals to and
28 from hospitals.

29 (2) Appropriate funds toward ambulance and rescue and
30 lifesaving services.

1 (3) Enter into contracts relating to rescue and
2 lifesaving services.

3 § 4326. Display of flags.

4 The board of commissioners may display the flag of the United
5 States or the Commonwealth, the official POW/MIA flag or the
6 flag of a county or municipal corporation in this Commonwealth
7 on any public building or grounds of the township.

8 § 4327. Health and cleanliness regulations.

9 The board of commissioners may make regulations as necessary
10 for the health, safety, morals, general welfare, cleanliness,
11 beauty, convenience and comfort of the township and its
12 inhabitants.

13 § 4328. Public facilities.

14 The board of commissioners may acquire property for the
15 purposes of providing, maintaining and operating public
16 facilities, such as comfort and waiting stations, drinking
17 fountains and watering troughs.

18 § 4329. Hospital appropriations.

19 The board of commissioners may, in townships having a
20 population of 2,000 inhabitants or more, appropriate money for
21 the support of an incorporated hospital that is engaged in
22 charitable work and extends treatment and medical attention to
23 the residents of the township.

24 § 4330. Community nursing services.

25 The board of commissioners may appropriate money annually to
26 nonprofit associations or corporations that provide for:

27 (1) community nursing services for the elderly and other
28 needy persons;

29 (2) the control of communicable disease;

30 (3) the immunization of children;

1 (4) the operation of child health centers; or
2 (5) instructive visits to parents of new babies
3 beginning in the prenatal period and family health guidance,
4 including nutrition and detection and correction of defects.

5 § 4331. Parking and parking lots.

6 (a) General rule.--The board of commissioners may:

7 (1) Regulate parking and parking lots and provide
8 parking accommodations to promote the convenience and
9 protection of the public.

10 (2) Establish or designate, at the board's discretion,
11 areas exclusively reserved for parking by handicapped
12 individuals and post signs regulating the areas.

13 (3) Erect parking meters and regulate parking meter
14 charges.

15 (4) Acquire by gift, purchase, lease or eminent domain,
16 lands that the board deems necessary or desirable for the
17 purpose of establishing and maintaining parking lots.

18 (5) Plan, design, locate, hold, construct, improve,
19 maintain, operate, own or lease, either in the capacity of
20 lessor or lessee, and install facilities and equipment on any
21 land to be devoted to the parking of vehicles.

22 (b) Fines and fees.--Consistent with 75 Pa.C.S. (relating to
23 vehicles), the right to regulate the use of the lots shall
24 include the right to impose fines and fees for violation of any
25 law or ordinance regulating parking.

26 (c) Construction.--Nothing in this section may be construed
27 to limit statutory and regulatory protections and prohibitions
28 relating to the rights of individuals with disabilities.

29 § 4332. Appropriations for certain streets.

30 The board of commissioners may appropriate money annually for

improvements to a street which is located wholly or partially within the township and has been adversely affected by parking availability as determined by the board.

§ 4333. Airports.

(a) Acquisition of land.--A township may acquire by grant, lease, purchase or condemnation proceedings, subject to the limitations in 26 Pa.C.S. § 206 (relating to extraterritorial takings), any land lying either within or without the limits of the township which, in the judgment of the board of commissioners, may be necessary and desirable for the purpose of establishing and maintaining a municipal airport, landing field, intermediate landing field, aviation easement or other airport facility.

(b) Operation and maintenance.--

(1) A township acquiring land under this section may establish, equip, condition, operate and maintain the land as a municipal airport, landing field, intermediate landing field, aviation easement or other airport facility and may lease the land, or any part, to an individual or corporation desiring to use the land for aviation purposes.

(2) A township may enter into a contract in the form of a lease providing for the use of the land, or any part, by the Federal Government for the Federal Government's use of the land for aviation purposes upon nominal rental or without consideration.

(c) Joint acquisition, operation and maintenance.--In accordance with this section, a township may acquire land jointly with another municipality for aviation purposes and may jointly establish, operate and maintain a municipal airport, landing field, intermediate landing field, aviation easement or

other airport facility on the jointly acquired land in
accordance with 53 Pa.C.S. Ch. 23 Subch. A (relating to
intergovernmental cooperation).

§ 4334. Appropriations for airports.

The board of commissioners may appropriate money to assist a
municipality or municipal airport authority to acquire,
establish, operate and maintain air navigation facilities lying
either within or without the limits of the township.

§ 4335. Purchase and planting of trees.

The board of commissioners may accept, purchase and plant, or
contribute to the purchase and planting of, shade trees and
shrubs along the streets, highways and sidewalks of the township
and exercise care, custody and control of shade trees in
accordance with Chapter 73 (relating to parks, recreation
centers, shade trees and forests).

§ 4336. Intergovernmental cooperation.

The board of commissioners may enter into agreements under 53
Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental
cooperation) with the following:

(1) Other political subdivisions, in accordance with
existing laws, to:

(i) make joint purchases of materials, supplies or
equipment; and

(ii) perform governmental powers, duties and
functions.

(2) The proper authorities of municipal corporations,
regional police or fire forces or other public safety or
governmental entities created by two or more municipal
corporations under 53 Pa.C.S. Ch. 23 Subch. A, for:

(i) mutual aid or assistance in police and fire

1 protection or other public safety services or for the
2 furnishing to or receiving from the municipal
3 corporations or governmental entities police and fire
4 protection or other public safety service; and

5 (ii) making appropriations for public safety
6 services.

7 (3) In connection with an agreement under paragraph (2)
8 for police or fire protection or other public safety
9 services, the township shall not be required to advertise for
10 bids or receive bonds as required for contracts under
11 existing law. When an agreement has been entered into, the
12 police, firefighters, fire police or other public safety
13 services of the employing municipal corporation or
14 governmental entity shall have the powers and authority
15 conferred by law on police, firefighters, fire police or
16 other public safety services in the territory of the
17 municipal corporation that has contracted to secure the
18 service.

19 § 4337. Widening and deepening of watercourses.

20 (a) General rule.--After permits have been secured from all
21 applicable agencies, the board of commissioners or an agent or
22 employee of the board may widen and deepen a watercourse running
23 through the township and erect dykes, retaining walls and
24 embankments along the watercourse as necessary to prevent water
25 from overflowing the watercourse's banks.

26 (b) Entry on and condemnation of land.--For purposes under
27 subsection (a), a township may enter and condemn property as may
28 be necessary. A township may enter land lying near the
29 watercourse and secure materials as may be necessary in
30 connection with the work. Damages for property taken, injured or

destroyed as the result of the work shall be fixed and
determined as provided under 26 Pa.C.S. (relating to eminent
domain).

(c) Appropriations.--A township may appropriate money to
effectuate this section.

§ 4338. Regulation of charges.

The board of commissioners may make and regulate charges for
the use of township facilities.

§ 4339. Street, sewer and sidewalk regulations.

(a) General rule.--The board of commissioners may:

(1) Regulate the streets, sewers, public squares, common
grounds, sidewalks, curbs, gutters, culverts and drains
within the township.

(2) Regulate the heights, grades, widths, slopes and
construction of an item listed under paragraph (1).

(3) Grant rights for the installation and maintenance of
public utilities in the streets, including pipes, wires,
fibers, cables or other utility or service medium.

(b) Compliance and applicability of law.--The power granted
under subsection (a) shall be exercised in compliance with
Federal and State law and shall be subject to the power of the
Pennsylvania Public Utility Commission under 66 Pa.C.S. Pt. I
(relating to public utility code) to regulate the business,
facilities and service of public utilities, including
determining the location and installation of utility facilities.

§ 4340. Capital reserve fund.

The board of commissioners may establish and maintain a
separate capital reserve fund for anticipated legal capital
expenditures subject to the following:

(1) The fund shall be designated for a specific purpose

1 or purposes when established.

2 (2) The money in the fund shall be used for the
3 construction, purchase or replacement of or addition to
4 municipal buildings, equipment, machinery, motor vehicles or
5 other capital assets of the township as specified at the time
6 the fund was established and for no other purpose unless the
7 commissioners, by a four-fifths vote, declare that the
8 original purpose or purposes have become impracticable,
9 inadvisable or impossible, or that conditions in the township
10 make other capital expenditures more urgent than those for
11 which the fund was established.

12 (3) The board of commissioners may appropriate money
13 from the general township fund to be paid into the capital
14 reserve fund, or place in the capital reserve fund money
15 received from the sale, lease or other disposition of
16 township property or from another source unless received or
17 acquired for a particular purpose.

18 (4) The fund shall be controlled, invested, reinvested
19 and administered and the money and any income derived from
20 the fund expended for a purpose for which the fund was
21 established in a manner determined by the board of
22 commissioners.

23 (5) The money in the fund, when invested, shall be
24 invested in securities designated by 53 Pa.C.S. Pt. VII
25 Subpt. B (relating to indebtedness and borrowing) as legal
26 investments for sinking funds of municipalities.

27 § 4341. Operating reserve fund.

28 (a) General rule.--The board of commissioners may create and
29 maintain a separate operating reserve fund in order to:

30 (1) Minimize future revenue shortfalls and deficits.

1 (2) Provide greater continuity and predictability in the
2 funding of vital government services.

3 (3) Minimize the need to increase taxes to balance the
4 budget in times of fiscal distress.

5 (4) Provide the capacity to undertake long-range
6 financial planning and to develop fiscal resources to meet
7 long-term needs.

8 (b) Limitation on appropriations.--The board of
9 commissioners may annually make appropriations from the general
10 township fund to the operating reserve fund, but no
11 appropriation may be made to the operating reserve fund if the
12 effect of the appropriation would cause the operating reserve
13 fund to exceed 25% of the estimated revenues of the township's
14 general fund in the current fiscal year.

15 (c) Authorized purposes.--The board of commissioners may, at
16 any time by resolution, make appropriations from the operating
17 reserve fund for the following purposes only:

18 (1) Meet emergencies involving the health, safety and
19 welfare of the residents of the township.

20 (2) Counterbalance potential budget deficits resulting
21 from shortfalls in anticipated revenues or program receipts
22 from any source.

23 (3) Counterbalance potential budget deficits resulting
24 from increases in anticipated costs for goods or services.

25 (4) Provide anticipated operating expenditures related
26 either to the planned growth of existing projects or programs
27 or to establish new projects or programs if, for a project or
28 program, appropriations have been made and allocated to a
29 separate restricted account established within the operating
30 reserve fund.

1 (d) Investment authorized.--The operating reserve fund shall
2 be invested, reinvested and administered in a manner consistent
3 with the provisions of section 4905 (relating to investment of
4 township funds).

5 § 4342. Surplus foods.

6 The board of commissioners may make an appropriation for the
7 handling, storage and distribution of surplus foods obtained
8 through a Federal, State or local agency.

9 § 4343. Industrial promotions.

10 The board of commissioners may make appropriations to an
11 industrial development agency.

12 § 4344. Nondebt revenue bonds.

13 (a) General rule.--The board of commissioners may issue
14 nondebt revenue bonds under 53 Pa.C.S. Pt. VII Subpt. B
15 (relating to indebtedness and borrowing) to provide sufficient
16 money for and toward the acquisition, construction,
17 reconstruction, extension or improvement of:

18 (1) Municipal facilities, including water systems or
19 facilities.

20 (2) Sewers, sewer systems and sewage disposal systems or
21 facilities.

22 (3) Systems for the treatment or disposal of garbage and
23 refuse.

24 (4) Aeronautical facilities, including airports,
25 terminals and hangars.

26 (5) Park and recreational facilities, including parking
27 lots.

28 (b) Sources of security for nondebt revenue bonds.--Nondebt
29 revenue bonds issued under subsection (a) shall be secured
30 solely by the pledge of the whole or part of the rent, toll or

charge for the use or services of the facilities.

(c) Costs of issue.--Included in the cost of the issue may be any costs and expenses incident to constructing and financing the facilities and selling and distributing the bonds.

§ 4345. Historical properties.

The board of commissioners may appropriate money to nonprofit associations or corporations organized for the purpose of acquiring and maintaining historical properties. The appropriations shall only be used by the association or corporation for the acquisition, restoration and maintenance of the historical properties.

§ 4346. Insurance.

(a) General rule.--The board of commissioners may secure insurance or compensation in accordance with Article VI of the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, for:

(1) Volunteer firefighters of companies duly recognized by the township, by motion or resolution, killed or injured while going to, returning from or attending fires or while performing any other duties authorized by the township.

(2) Township employees as defined in section 601 of the Workers' Compensation Act.

(b) Insurance contracts for buildings and property.--The board of commissioners may enter into contracts for insurance with an insurance company, association or exchange, authorized by law to transact business in this Commonwealth, to insure buildings or property owned or leased by the township.

(c) Insurance contracts for public liability.--The board of commissioners may enter into contracts for insurance with an insurance company, association or exchange authorized by law to

1 transact business in this Commonwealth to insure any public
2 liability of the township.

3 (d) Insurance contracts covering employee life and medical
4 expenses.--

5 (1) The board of commissioners may enter into contracts
6 for insurance with an insurance company, nonprofit
7 hospitalization corporation, nonprofit medical service
8 corporation, association or exchange authorized by law to
9 transact business in this Commonwealth to insure its
10 employees or commissioners, or any class or classes of the
11 employees or commissioners or dependents of the employees or
12 commissioners, under a policy or policies of group insurance
13 covering life, health, hospitalization, medical and surgical
14 service or accident insurance.

15 (2) A life, health, hospitalization, medical service or
16 accident insurance coverage contract entered into by a
17 township between January 1, 1959, and December 31, 1984, that
18 includes or provides coverage for commissioners shall not be
19 void or unlawful solely because the inclusion of
20 commissioners was subsequently found to be without lawful
21 authority. No penalty, assessment, surcharge, forfeiture or
22 disciplinary action of any kind may occur as a result of
23 participation by those commissioners. Insurance benefits
24 payable to insureds or their beneficiaries arising out of or
25 on account of deaths, injuries, accidents or illnesses
26 occurring before November 29, 1985, remain the property of
27 the insureds or beneficiaries of the insureds.

28 (e) Contracts for employee annuities and pensions.--

29 (1) The board of commissioners may contract with an
30 insurance company granting annuities or pensions for the

1 pensioning of employees or any class or classes of employees
2 and pay part or all of the premiums or charges for carrying
3 the contracts.

4 (2) A pension or annuity contract entered into by a
5 township between January 1, 1959, and December 31, 1984, that
6 includes or provides for benefits for commissioners at
7 township expense shall not be void or unlawful solely because
8 the inclusion of commissioners was subsequently found to be
9 without lawful authority. No penalty, assessment, surcharge
10 or disciplinary action of any kind may occur as a result of
11 participation by those commissioners provided that anyone
12 entitled to benefit coverage under a pension paid for, in
13 whole or in part, by a township without lawful authority
14 shall deliver, surrender and assign to the township all
15 benefits paid under the contract after December 31, 1984.

16 (3) If an official personally contributed toward a
17 pension plan or a purchase of an annuity under paragraph (2),
18 the official shall be refunded the official's total
19 contributions, plus accumulated interest, less an amount
20 already paid to the official under the annuity or pension
21 plan, when the annuity or pension benefits are delivered,
22 surrendered or assigned to the township, or when the annuity
23 becomes the property of the township by operation of this
24 section. In lieu of a refund of total contributions plus
25 accumulated interest, an official who personally contributed
26 toward the pension plan or toward the purchase of the annuity
27 may elect to purchase from the township the township's
28 interest in that pension plan or annuity program. The
29 election option shall be exercised within 60 days of November
30 29, 1985. The value of the interest of the township in the

1 pension plan or annuity program with respect to the official
2 shall be determined by the actuary who prepared the 1983
3 municipal pension report for the township pension plan or
4 annuity program under the act of December 6, 1972 (P.L.1383,
5 No.293), entitled "An act requiring municipal pension systems
6 to have an actuarial investigation of the fund made by an
7 actuary who shall report his findings to the Department of
8 Community Affairs," using the same applicable actuarial
9 assumptions as used in that report or, if no actuary was
10 retained for the 1983 report or no 1983 report was filed, by
11 an actuary retained for the purpose of valuing the township
12 interest. The cost of the actuarial valuation of the township
13 interest and future administrative costs of the pension plan
14 or the annuity program attributable to the official shall be
15 payable by the official in a manner to be established by
16 agreement with the township auditors.

17 (4) No elected or appointed township official included
18 in a township-paid pension or annuity plan entered into prior
19 to December 31, 1984, shall be subject to any penalty,
20 assessment, surcharge or disciplinary action as a result of
21 the participation. Any residual interest, value, refund of
22 premium or benefits payable on or after December 31, 1984,
23 arising out of the township-paid interest of the elected or
24 appointed township officials shall become the exclusive
25 property of the township.

26 (f) Appropriation.--The board of commissioners may
27 appropriate money from the general township fund for the
28 purposes of this section.

29 (g) Construction.--Nothing in this section shall be
30 construed to affect a contract, right or coverage of insurance

1 vested or existing on the effective date of this section.
2 "Contract," as used in this section, includes an annuity
3 contract if the option to renew continues to provide the same
4 rights to the annuitant that existed as of the effective date of
5 this subsection.

6 (h) Deduction of premiums and charges.--

7 (1) The commissioners may deduct from an employee's or
8 commissioner's pay, salary or compensation the part of the
9 premium or charge, as is payable by the employee or
10 commissioner, and as may be authorized by the employee or
11 commissioner in writing. The insurance shall be uniformly
12 applicable to each employee or commissioner covered and shall
13 not give eligibility preference to, or improperly
14 discriminate in favor of, commissioners.

15 (2) (Reserved).

16 (i) Definition.--As used in this section, the term
17 "employee" does not include an independent contractor, township
18 engineer and township solicitor.

19 § 4347. Appropriations for urban common carrier mass
20 transportation.

21 The board of commissioners may:

22 (1) Appropriate money for urban common carrier mass
23 transportation purposes from current revenues.

24 (2) Make annual contributions to county departments of
25 transportation or urban common carrier mass transportation
26 authorities to assist the departments or the authorities to
27 meet the costs of operation, maintenance, capital
28 improvements and debt service.

29 (3) Enter into long-term agreements providing for the
30 payment of the contributions.

1 § 4348. Open burning.

2 The board of commissioners may regulate open burning,
3 including the prohibition of the open burning of combustible
4 materials.

5 § 4349. Community development.

6 The board of commissioners may undertake community
7 development programs, including urban renewal, public housing,
8 model cities programs and neighborhood development projects.

9 § 4350. Observances and celebrations.

10 The board of commissioners may appropriate money annually for
11 the observance of holidays, centennials or other anniversaries
12 or for township celebrations or civic projects or programs.

13 § 4351. Building hospitals.

14 The board of commissioners may appropriate money toward the
15 purchase, erection, maintenance or support of medical centers or
16 hospital building facilities. Approval by the appropriate health
17 planning agency is required if the total cost of the purchase or
18 erection exceeds \$100,000.

19 § 4352. Tourist promotion agencies.

20 (a) General rule.--The board of commissioners may
21 appropriate money annually to a tourist promotion agency to
22 assist the agency in carrying out tourist promotional
23 activities.

24 (b) Definition.--As used in this section, the term "tourist
25 promotion agency" has the same meaning given to it under section
26 2 of the act of July 4, 2008 (P.L.621, No.50), known as the
27 Tourism Promotion Act.

28 § 4353. Sale of real or personal property to nonprofit medical
29 service corporation.

30 The board of commissioners may sell to a nonprofit medical

1 service corporation any township-owned:

2 (1) Real property for the nonprofit medical service
3 corporation's exclusive use as a site for a medical service
4 facility.

5 (2) Personal property for the nonprofit medical service
6 corporation's use at the medical service facility.

7 § 4354. Sale of real or personal property to nonprofit housing
8 corporation.

9 The board of commissioners may sell to a nonprofit housing
10 corporation any township-owned:

11 (1) Real property for the nonprofit housing
12 corporation's exclusive use for housing for the elderly.

13 (2) Personal property for the nonprofit housing
14 corporation's use at the nonprofit housing corporation.

15 § 4355. Nonprofit art corporations.

16 (a) General rule.--The board of commissioners may
17 appropriate money annually, of an amount not more than equal to
18 one mill of the real estate tax, to any nonprofit art
19 corporation for the conduct of the corporation's artistic and
20 cultural activities.

21 (b) Definitions.--As used in this section, the following
22 words and phrases shall have the meanings given to them in this
23 subsection unless the context clearly indicates otherwise:

24 "Artistic and cultural activities." The term includes the
25 display or production of theater, music, dance, painting,
26 architecture, sculpture, arts and crafts, photography, film,
27 graphic arts and design and creative writing.

28 "Nonprofit art corporation." A local arts council,
29 commission or coordinating agency or other nonprofit corporation
30 engaged in the production or display of works of art, including

1 the visual, written or performing arts.

2 § 4356. Neighborhood crime watch programs.

3 (a) General rule.--The board of commissioners may
4 appropriate money annually to a neighborhood crime watch
5 program.

6 (b) Immunity.--Notwithstanding any other provision of law,
7 no township or official of a township shall become subject to
8 contractual, tort or other liability as a result of having made
9 an appropriation under this section.

10 § 4357. Drug and alcohol abuse programs.

11 The board of commissioners may appropriate annually, out of
12 the general funds of the township, a sum to be divided in
13 amounts as the commissioners may determine and to be used for
14 education and development of programs within the community
15 dealing with drug and alcohol abuse. The money may also be
16 contributed to existing programs available to the township's
17 residents in adjacent communities or in the county where the
18 township is located at the discretion of the board of
19 commissioners.

20 § 4358. Watershed associations.

21 The board of commissioners may make appropriations to
22 nonprofit watershed associations for watersheds serving the
23 township. Appropriations may not be used to undertake litigation
24 against a municipality or to seek redress against an individual
25 landowner.

26 § 4359. Emergency services.

27 (a) General rule.--The township shall ensure that fire and
28 emergency medical services are provided within the township by
29 the means and to the extent determined by the township,
30 including the appropriate financial and administrative

1 assistance for the services.

2 (b) Consultation with providers.--The township shall consult
3 with fire and emergency medical services providers to discuss
4 the emergency services needs of the township.

5 (c) Annual itemized listing as condition of funding.--The
6 township shall require each emergency services organization
7 receiving township money to provide to the township an annual
8 itemized listing of all expenditures of the money before the
9 township may consider budgeting additional money to the
10 organization.

11 § 4360. Mines and quarries.

12 (a) Duty of owners, operators and superintendents.--The
13 owner, operator or superintendent of a mine, colliery or quarry
14 located wholly or partially within the limits of the township
15 shall furnish maps, plans and drawings of workings, excavations
16 and surface support to the township as the board of
17 commissioners may require, and the following shall apply:

18 (1) In the case of a coal mine or colliery, the map or
19 plan shall exhibit the workings or excavations in every seam
20 of coal on a separate sheet and the tunnels and passages
21 connecting with the workings or excavations.

22 (2) The map or plan under paragraph (1) shall show:

23 (i) In degrees the general inclination of the
24 strata, with any material deflection in the strata in the
25 workings or excavations.

26 (ii) Tidal elevations of the bottom of every shaft,
27 slope, tunnel and gangway and of any other point in the
28 mine or on the surface where the elevation is deemed
29 necessary by the township.

30 (iii) The number of the last survey on the gangways

1 or the most advanced workings.

2 (3) The owner, operator or superintendent of the mine,
3 colliery or quarry shall update, at least once every three
4 months, the pertinent maps, plans and drawings to reflect any
5 extension made in a mine, colliery or quarry during the three
6 preceding months, except those made within 30 days
7 immediately preceding the time of placing the extensions on
8 the map or drawing.

9 (4) A township engineer, assistant or other person
10 authorized by the board of commissioners may enter and survey
11 a mine, colliery or quarry within the limits of the township,
12 at all reasonable times, but not so as to impede or obstruct
13 the workings of the mine, colliery or quarry.

14 (5) The owner, operator or superintendent of the mine,
15 colliery or quarry shall furnish the means necessary for the
16 entry, survey and exit.

17 (b) (Reserved).

18 § 4361. Conservation district.

19 The board of commissioners may make appropriations to a
20 conservation district, as the term is defined under section 3 of
21 the act of May 15, 1945 (P.L.547, No.217), known as the
22 Conservation District Law, in which the township is located.

23 § 4362. Electricity.

24 The board of commissioners may manufacture and sell
25 electricity and regulate its use and prices under Chapter 67
26 (relating to manufacture and sale of electricity).

27 § 4363. Storm water.

28 A township may, by ordinance, after obtaining a required
29 permit from the Department of Environmental Protection or other
30 Federal or State entity, acquire, operate and maintain areas for

the infiltration, detention or retention of storm water and for other methods of storm water management authorized by the Department of Environmental Protection.

§ 4364. Validity of township records and recording or transcribing of township records.

(a) General rule.--A township record required to be recorded or transcribed shall be deemed valid if typewritten, printed, photocopied, microfilmed or electronically or digitally stored or retained by any other process that accurately reproduces the original and forms a durable medium for recording, storing and reproducing in accordance with the act of May 9, 1949 (P.L.908, No.250), entitled "An act relating to public records of political subdivisions other than cities and counties of the first class; authorizing the recording and copying of documents, plats, papers and instruments of writing by digital, photostatic, photographic, microfilm or other process, and the admissibility thereof and enlargements thereof in evidence; providing for the storage of duplicates and sale of microfilm and digital copies of official records and for the destruction of other records deemed valueless; and providing for the services of the Pennsylvania Historical and Museum Commission to political subdivisions."

(b) Specifications of records in books.--If recording or transcribing in a specified book of record is required, including minutes of the proceedings of the board of commissioners, the records shall be recorded or transcribed as follows:

(1) in a mechanical post binder book capable of being permanently sealed with consecutively numbered pages with a security code printed on it and a permanent locking device

1 with the township seal being impressed on each page; or
2 (2) in a bound book with pages being consecutively
3 numbered by transcribing directly upon the pages of the book
4 of record or by permanently attaching the records or copies
5 to the book of record with the township seal being impressed
6 on each page to which the record is attached, with each
7 impression covering both a portion of the attached record and
8 a portion of the page of the book of record to which the
9 record is attached.

10 (c) Validation of previous records.--Records previously
11 recorded or transcribed in a manner authorized by law at the
12 time the records were recorded or transcribed are validated.

13 CHAPTER 45

14 REAL ESTATE REGISTRY

15 Sec.

16 4501. Real estate registry.

17 § 4501. Real estate registry.

18 (a) General rule.--For the purpose of procuring accurate
19 information on the ownership of real estate, the board of
20 commissioners may provide, by ordinance, for a real estate
21 registry in a manner not inconsistent with the act of October 9,
22 2008 (P.L.1400, No.110), known as the Uniform Municipal Deed
23 Registration Act.

24 (b) Registry.--The board of commissioners shall designate a
25 person to have charge of the registry who shall make and
26 carefully preserve the necessary books, maps and plans as may
27 show the location and ownership of each lot, piece of real
28 estate and subdivision of real estate. For purposes of
29 establishing or maintaining the registry, the person in charge
30 of the registry shall have access to public records without

1 charge.

2 (c) Validity of certain claims.--Information contained
3 within a real estate registry shall not affect the validity of a
4 municipal claim or tax claim of the township.

5 (d) Additional information as may be required.--Nothing in
6 this section shall be construed to prohibit a township from
7 requiring owners to provide information relevant to the
8 enforcement of a township ordinance in accordance with law.

9 CHAPTER 47

10 PUBLIC HEALTH

11 Sec.

12 4701. Appointment of boards of health and health officers.

13 4702. Members of board.

14 4703. Organization of board.

15 4704. Duties of secretary.

16 4705. Powers and duties of health officer.

17 4706. Powers and duties of board of health.

18 4707. Entry of premises.

19 4708. Abatement of nuisances.

20 4709. Expenditures.

21 4710. Cooperation in health work.

22 4711. Powers of Department of Health.

23 § 4701. Appointment of boards of health and health officers.

24 (a) General rule.--The board of commissioners may, by
25 ordinance, establish a board of health or the office of health
26 officer to administer and enforce the health ordinances and
27 related ordinances of the township. A health officer must,
28 whether appointed by the board of commissioners or by the board
29 of health, have experience or training in public health work and
30 must, within six months of taking the oath of office, be

1 certified for the office of health officer by the Department of
2 Health.

3 (b) Payment of expenses.--Expenses incurred by the board of
4 health or a health officer shall be paid by the township.

5 (c) Dissolution.--A township may, by ordinance, dissolve a
6 board of health or the office of health officer and decide to
7 become subject to the jurisdiction of a county department of
8 health or joint county department of health under the act of
9 August 24, 1951 (P.L.1304, No.315), known as the Local Health
10 Administration Law.

11 § 4702. Members of board.

12 (a) Composition.--

13 (1) A board of health appointed by the board of
14 commissioners shall be composed of three or five members, at
15 the discretion of the board of commissioners.

16 (2) At least one of the board members shall be a
17 reputable professional health care provider with no less than
18 two years' experience in the practice of the respective
19 profession.

20 (3) If no professional health care provider can be
21 identified to serve on the board, the board of commissioners
22 may appoint an individual at a public meeting who has
23 experience in, or is knowledgeable of, public health issues.

24 (b) First appointments.--At the first appointment for a
25 board:

26 (1) With three members:

27 (i) One member shall be appointed to serve for one
28 year.

29 (ii) One member shall be appointed to serve for two
30 years.

(iii) One member shall be appointed to serve for three years.

(2) With five members:

(i) One member shall be appointed to serve for one year.

(ii) One member shall be appointed to serve for two years.

(iii) One member shall be appointed to serve for three years.

(iv) One member shall be appointed to serve for four years.

(v) One member shall be appointed to serve for five years.

(3) Subsequent terms for board members shall be staggered, and, for a three-member board, a subsequent term shall be three years, and, for a five-member board, a subsequent term shall be five years.

(c) Salary for secretary.--The members of the board of health shall serve without compensation, but if a member of the board shall be elected to the office of secretary, the member shall be entitled to receive a salary fixed by the board for that office.

(d) Definition.--As used in this section, the term "professional health care provider" means an individual who is licensed, certified or registered to practice or operate in the health care field under the laws of this Commonwealth. The term includes the following:

(1) A physician.

(2) A dentist.

(3) A podiatrist.

1 (4) A chiropractor.

2 (5) An optometrist.

3 (6) A psychologist.

4 (7) A pharmacist.

5 (8) A registered or practical nurse.

6 (9) A physical therapist.

7 (10) A physician's assistant.

8 (11) A paramedic.

9 (12) An administrator of a hospital, nursing or
10 convalescent home or other health care facility.

11 (13) A veterinarian.

12 § 4703. Organization of board.

13 (a) Oath of office.--The members of the board shall each
14 take the oath or affirmation prescribed for township officers. A
15 secretary or health officer appointed under subsection (b) shall
16 take the oath or affirmation required of members of the board.

17 (b) Officers.--The board shall annually organize by electing
18 a president from among the members of the board, a secretary,
19 who need not be a member of the board, and a health officer, who
20 may not be a member of the board. The secretary and the health
21 officer shall receive salaries fixed by the board and ratified
22 by the board of commissioners and shall serve for a period of
23 one year or until a successor is elected and qualified.

24 (c) Bonds.--The board of commissioners may require the
25 secretary and health officer to furnish a bond to the township,
26 in an amount fixed by ordinance, for the faithful discharge of
27 the secretary's or health officer's duties.

28 (d) Payment of fees and penalties into township treasury.--
29 Fees collected or received by the board, or by an officer in the
30 officer's official capacity, shall be paid into the township

1 treasury monthly, together with penalties which shall be
2 recovered for the violation of a regulation of the board.

3 (e) Oaths and affirmations.--The president and secretary
4 shall have full power to administer oaths or affirmations in any
5 proceeding or investigation regarding the regulations of the
6 board but shall not be entitled to receive a fee for the
7 administration of oaths and affirmations.

8 § 4704. Duties of secretary.

9 The secretary of the board has the following duties:

10 (1) Maintain, under 53 Pa.C.S. Ch. 13 Subch. F (relating
11 to records), the minutes of the proceedings of the board and
12 keep accurate accounts of the expenditures of the board.

13 (2) Transmit bills to the board of commissioners for
14 payment in the same manner as other bills of the township are
15 paid.

16 (3) Draw requisitions for the payment of money on
17 account of the board of health and present the requisitions
18 to the president of the board for the president's approval.

19 (4) Provide statements of the expenditures to the board
20 at each stated meeting or as frequently as the board
21 requires.

22 (5) Prepare, under the direction of the board, the
23 annual report to the board of commissioners and the estimate
24 of appropriation needed for the following year.

25 (6) Report to the Department of Health at statutorily or
26 regulatorily required intervals the cases of communicable
27 disease reported to the board of health on the form provided
28 by the Department of Health and make an annual report to the
29 Department of Health.

30 (7) Perform other duties as may be required by the board

1 of health.

2 § 4705. Powers and duties of health officer.

3 (a) Citations.--A health officer may issue a citation for a
4 violation of a health ordinance or related law.

5 (b) Duties.--A health officer has the following duties:

6 (1) Administer and enforce the health ordinances of the
7 township and related laws.

8 (2) Perform the duties as are vested in local health
9 officers by statute or regulation.

10 (3) Make sanitary inspections.

11 (4) Execute the orders of the board of health.

12 (5) Attend all regular and special meetings of the board
13 of health.

14 § 4706. Powers and duties of board of health.

15 (a) General rule.--A board of health has the following
16 powers:

17 (1) Recommend to the board of commissioners rules and
18 regulations necessary for the preservation of the public
19 health and for carrying into effect the functions of the
20 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) Enforcement.--A board of health has the duty to enforce
26 all of the following related to the promotion of public health
27 and prevention of the introduction and spread of infectious or
28 contagious disease:

29 (1) A statute.

30 (2) A regulation of the Department of Health.

1 (3) An ordinance of the township.

2 § 4707. Entry of premises.

3 (a) General rule.--Upon order of the board of health or upon
4 order of a health officer if there is no board of health, the
5 following individuals may enter a premises in the township where
6 an infectious or contagious disease or a nuisance detrimental to
7 the public health is suspected and examine and abate the disease
8 or nuisance:

9 (1) A member of the board of health.

10 (2) A health officer.

11 (3) An employee of a board of health or a health
12 officer.

13 (4) An agent of a board of health or a health officer.

14 (b) Search warrant.--If entry to the premises under
15 subsection (a) is prevented, the board of health or health
16 officer may obtain an administrative search warrant from a
17 magisterial district judge with jurisdiction over the premises
18 upon a showing of any of the following:

19 (1) Reasonable standards and an administrative plan for
20 conducting inspections.

21 (2) The condition of the premises or general area and
22 the passage of time since the last inspection.

23 (3) Probable cause of a violation of a law specified in
24 section 4706(b) (relating to powers and duties of board of
25 health).

26 § 4708. Abatement of nuisances.

27 (a) General rule.--If the board of health, or health officer
28 if there is no board of health, finds a condition or premises to
29 be a nuisance to the health of the residents of the township,
30 the board of health or health officer shall issue a written

1 order of abatement directed to the owner, agent of the owner or
2 the occupant of the premises. The order, which shall be a public
3 record, shall state that the conditions specified in the order
4 constitute a nuisance and order an abatement of the nuisance
5 within a specified reasonable time.

6 (b) Noncompliance.--Upon noncompliance of the order under
7 subsection (a), the board shall issue a written order to the
8 health officer directing removal or abatement of the nuisance.
9 An order shall be executed by the health officer or an agent of
10 the health officer. The expense of the execution of the order
11 shall be recoverable as a nuisance claim from the owner of the
12 premises with a 10% penalty.

13 (c) Other relief.--In lieu of or in addition to the
14 procedures under subsections (a) and (b), the board of
15 commissioners may seek relief from a nuisance or threatened
16 nuisance by an action at law or in equity. The board of
17 commissioners may seek guidance of the board or health officer
18 in determining the nature of the relief requested.

19 § 4709. Expenditures.

20 (a) Estimate of expenditures.--The board of health or the
21 health officer shall submit to the board of commissioners,
22 before commencement of the township's fiscal year, an estimate
23 of the probable expenditures of the board of health or the
24 health officer during the ensuing fiscal year.

25 (b) Appropriations.--The board of commissioners shall make
26 appropriations based on the estimate as deemed necessary.

27 (c) Report.--The board of health or the health officer
28 shall, each January, submit a report to the board of
29 commissioners on the appropriation and expenditures for the
30 preceding fiscal year and information on subjects relative to

1 the sanitary conditions or requirements of the township.

2 § 4710. Cooperation in health work.

3 A township may cooperate with a political subdivision and
4 with the Department of Health in the administration and
5 enforcement of health laws.

6 § 4711. Powers of Department of Health.

7 (a) General rule.--Nothing in this part may be construed to
8 limit the powers and duties of the Department of Health,
9 including the powers and duties under Article XXI of the act of
10 April 9, 1929 (P.L.177, No.175), known as The Administrative
11 Code of 1929.

12 (b) Expenses.--

13 (1) The expenses of the Department of Health for which
14 the township is liable shall be paid by the township where
15 the expenses have been incurred.

16 (2) If expenses under paragraph (1) are unpaid for a
17 period of more than three months after a statement of the
18 expenses has been rendered to the township and demand for
19 payment is made, the Secretary of Health shall, with the
20 approval of the Governor, institute an action against the
21 township for the collection of the expenses. The
22 reasonableness of the expenditures made by the secretary
23 shall be submitted to the jury for the jury's determination.

24 (3) Upon payment, the Department of Health shall return
25 the money to the State Treasurer, who shall credit the amount
26 to the appropriation made to the Department of Health.

27 CHAPTER 49

28 FINANCE AND TAXATION

29 Sec.

30 4901. Fiscal year, annual budget and regulation of

1 appropriations.

2 4902. Budget amendment.

3 4903. Uniform financial report and forms.

4 4904. Appropriations not to be exceeded.

5 4905. Investment of township funds.

6 4906. Indebtedness and orders of previous years.

7 4907. Disbursements to pay indebtedness.

8 4908. Tax levies.

9 4909. Additions and revisions to duplicates.

10 4910. Authority to levy, assess and collect mercantile and

11 business privilege taxes on gross receipts.

12 4911. Tax rates to be expressed in dollars and cents.

13 4912. Special levies to pay indebtedness.

14 4913. Delivery of duplicates.

15 \$ 4901. Fiscal year, annual budget and regulation of

16 appropriations.

17 (a) Fiscal year.--The fiscal year in townships of the first

18 class shall begin on January 1 and end on December 31.

19 (b) Annual budget.--The board of commissioners shall

20 annually prepare a proposed budget for all funds for the ensuing

21 fiscal year. The proposed budget shall reflect as nearly as

22 possible the estimated revenues and expenditures of the township

23 for the year for which the budget is prepared.

24 (c) Notice of proposed budget.--Notice that the proposed

25 budget is available for inspection and copying shall be

26 published by the township in a newspaper of general circulation

27 in accordance with the provisions of section 1107 (relating to

28 legal advertising). The proposed budget shall be kept on file

29 with the township secretary and be made available for public

30 inspection and copying by the township secretary for a period of

1 20 days. The notice shall state the date fixed by the board of
2 commissioners for adoption of the proposed budget, and notice
3 shall be published at least 20 days prior to the time fixed by
4 the board of commissioners for adoption of the proposed budget.
5 A township may not prepare and advertise notice of a proposed
6 budget when the budget is knowingly inaccurate.

7 (d) Adoption of budget.--After the proposed budget has been
8 available for public inspection for at least 20 days, the board
9 of commissioners shall, after making revisions as appropriate,
10 adopt the final budget not later than December 31.

11 (e) Revision of budget.--Upon a revision of the proposed
12 budget, if the estimated revenues or expenses in the budget will
13 be increased more than 10% in the aggregate, or more than 25% on
14 any individual item, over the proposed budget, it shall be
15 presumed that the tentative budget was inaccurate, and the
16 proposed budget may not be legally adopted with the increases
17 unless the proposed budget is again advertised once, at least 10
18 days before adoption, and an opportunity given to taxpayers to
19 examine the amended proposed budget.

20 (f) Regulation of appropriations.--The tax levied by the
21 board of commissioners shall be fixed, within the limit allowed
22 by law, that together with other sources of revenue will meet
23 and cover appropriations. The total appropriation may not exceed
24 the revenues estimated as available for the fiscal year. If the
25 money available from taxation and other sources is estimated to
26 be in excess of the requirements of the ensuing fiscal year, an
27 appropriation may be made for the payment of township orders or
28 indebtedness of the previous years. A budget adopted in the
29 December prior to the fiscal year to which the budget applies
30 may be amended.

1 (g) Supplemental appropriations.--The board of commissioners
2 may at any time by resolution make supplemental appropriations
3 for any lawful purpose from any money on hand or estimated to be
4 received within the fiscal year and not appropriated to any
5 other purpose, including the proceeds of any borrowing as
6 authorized by law. Supplemental appropriations may be made
7 whether or not an appropriation for that purpose was included in
8 the original budget as adopted.

9 (h) Transfers.--The board of commissioners may, by
10 resolution, transfer unencumbered money from one township
11 account to another, but no money may be transferred from the
12 fund allocated for the payment of debts or from any fund raised
13 by a special tax levy or assessment for a particular purpose.
14 Transfers may not be made during the first three months of the
15 fiscal year. No money may be paid out of the township treasury
16 except upon appropriation made according to law.
17 \$ 4902. Budget amendment.

18 (a) General rule.--During the month of January next
19 following a municipal election, the board of commissioners may
20 amend the budget and the levy and tax rate to conform with the
21 amended budget. A period of 10 days' public inspection at the
22 office of township secretary of the proposed amended budget
23 after notice by the township secretary to that effect is
24 published once in a newspaper of general circulation, as
25 provided in section 1107 (relating to legal advertising), shall
26 intervene between the proposed amended budget and the amended
27 budget's adoption. An amended budget must be adopted by the
28 board of commissioners on or before the 15th day of February.

29 (b) Limitation.--No proposed amended budget may be revised
30 upward in excess of 10% in the aggregate or in excess of 25% of

the amount of an individual item in the proposed amended budget.
\$ 4903. Uniform financial report and forms.

(a) Preparation of forms.--The uniform forms for the annual
financial report required to be made by the township auditors or
controller to the Department of Community and Economic
Development shall be prepared by a committee consisting of four
representatives from the Pennsylvania State Association of
Township Commissioners and the Secretary of Community and
Economic Development, or the secretary's agent or designee who
shall be a person trained in the field of municipal finance.

(b) Appointment of representatives.--The representatives of
townships shall be appointed by the president of the
Pennsylvania State Association of Township Commissioners. The
representatives shall be chosen from among the finance officers
or other officers of townships who have knowledge of fiscal
procedures. As far as possible, the representatives shall be
chosen to represent townships in the various population groups
within the range of townships of the first class. The president
of the organization shall supply to the Department of Community
and Economic Development the names and addresses of the
representatives immediately upon their appointment.

(c) Expenses and meetings.--The representatives shall serve
without compensation but shall be reimbursed by the Commonwealth
for the necessary expenses incurred in attending meetings of the
committee. The committee shall meet at the call of the Secretary
of Community and Economic Development, or the secretary's agent
or designee, who shall serve as chairperson of the committee.

(d) Duties of secretary.--It shall be the duty of the
Secretary of Community and Economic Development, or the
secretary's agent or designee, to ensure that the forms required

under this chapter are prepared in cooperation with the
committee. In the event that the committee should for any reason
fail to cooperate, the Secretary of Community and Economic
Development, or the secretary's agent or designee, shall prepare
the forms. After the forms are prepared, the Secretary of
Community and Economic Development, or the secretary's agent or
designee, shall issue the forms and distribute them annually, as
needed, to the designated officers of each township.

§ 4904. Appropriations not to be exceeded.

The township may not hire employees, purchase materials,
execute contracts or issue orders for the payment of money if it
would result in the total expenditure of money for a specific
purpose to exceed the amount appropriated for that purpose.

§ 4905. Investment of township funds.

(a) General rule.--The board of commissioners shall have
power to provide for the investment of money in the general
township fund or in special funds.

(b) Sinking funds.--The board of commissioners shall have
power to invest township sinking funds as authorized under 53
Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and
borrowing).

(c) Investment standard.--The board of commissioners shall
invest township funds consistent with sound business practices.

(d) Restrictions.--The board of commissioners shall provide
for an investment program subject to restrictions contained in
this chapter and in any other applicable statute and any rules
and regulations adopted by the board of commissioners.

(e) Authorized investments.--In addition to investments
authorized under the act of July 25, 1973 (P.L.217, No.53),
entitled "An act authorizing cities of the first class and

second class to invest all funds received and deposited with the
city treasurer in certain commercial paper under certain terms
and conditions; and providing for investment of public
corporation or municipal authority funds," a township may invest
in:

(1) United States Treasury bills.

(2) Short-term obligations of the United States
Government or its agencies or instrumentalities.

(3) Deposits in savings accounts or time deposits, other
than certificates of deposit, or share accounts of
institutions insured by the Federal Deposit Insurance
Corporation or the National Credit Union Share Insurance Fund
to the extent that the accounts are insured, and, for any
amounts above the insured maximum, provided that approved
collateral as provided by law shall be pledged by the
depository. Those deposits are differentiated from savings or
demand deposits as authorized by the act of July 25, 1973
(P.L.217, No.53).

(4) Obligations of any of the following:

(i) the United States of America or any of its
agencies or instrumentalities backed by the full faith
and credit of the United States of America;

(ii) the Commonwealth of Pennsylvania or any of its
agencies or instrumentalities backed by the full faith
and credit of the Commonwealth; or

(iii) a political subdivision of the Commonwealth of
Pennsylvania or any of its agencies or instrumentalities
backed by the full faith and credit of the political
subdivision.

(5) Shares of an investment company registered under the

1 Investment Company Act of 1940 (54 Stat. 789, 15 U.S.C. §
2 80a-1 et seq.), whose shares are registered under the
3 Securities Act of 1933 (48 Stat. 74, 15 U.S.C. § 77a et
4 seq.), provided that the only investments of that company are
5 in the authorized investments for township funds listed in
6 paragraphs (1), (2), (3) and (4), and both of the following
7 conditions are met:

8 (i) The investment company is managed in accordance
9 with 17 CFR 270.2a-7 (relating to money market funds).

10 (ii) The investment company is rated in the highest
11 category by a nationally recognized rating agency.

12 (6) Certificates of deposit purchased from institutions
13 insured by the Federal Deposit Insurance Corporation or the
14 National Credit Union Share Insurance Fund to the extent that
15 the accounts are insured, and, for any amounts above the
16 insured maximum, provided that approved collateral as
17 provided by law shall be pledged by the depository.
18 Certificates of deposit purchased from commercial banks shall
19 be limited to an amount equal to 20% of a bank's total
20 capital and surplus. Certificates of deposit purchased from
21 savings and loan associations or savings banks shall be
22 limited to an amount equal to 20% of an institution's assets
23 minus liabilities.

24 (7) An investment authorized under 20 Pa.C.S. Ch. 73
25 (relating to municipalities investments) shall be an
26 authorized investment for a pension or retirement fund.

27 (f) Powers of board of commissioners.--In making investments
28 of township funds, the board of commissioners shall have
29 authority to:

30 (1) Permit assets pledged as collateral under subsection

1 (e) (3), to be pooled in accordance with the act of August 6,
2 1971 (P.L.281, No.72), entitled "An act standardizing the
3 procedures for pledges of assets to secure deposits of public
4 funds with banking institutions pursuant to other laws;
5 establishing a standard rule for the types, amounts and
6 valuations of assets eligible to be used as collateral for
7 deposits of public funds; permitting assets to be pledged
8 against deposits on a pooled basis; and authorizing the
9 appointment of custodians to act as pledgees of assets."

10 (2) Combine money from more than one fund under township
11 control for the purchase of a single investment if:

12 (i) each of the funds combined for the purpose shall
13 be accounted for separately; and

14 (ii) the earnings from the investment are separately
15 and individually computed and recorded and credited to
16 the accounts from which the investment was purchased.

17 (3) Join with one or more other political subdivisions
18 and municipal authorities in accordance with 53 Pa.C.S. Ch.
19 23 Subch. A (relating to intergovernmental cooperation) in
20 the purchase of a single investment, provided that the
21 requirements of paragraph (2) are met.

22 § 4906. Indebtedness and orders of previous years.

23 No order or indebtedness of a previous year may be paid out
24 of the funds of a fiscal year, unless the funds available from
25 taxation and other sources are estimated to be in excess of
26 requirements for the current fiscal year. If the available funds
27 are in excess of the current fiscal year requirements, an
28 appropriation may be made for this purpose to the extent of the
29 excess, or unless, after the close of the fiscal year, it shall
30 be ascertained that the funds appropriated and available for the

fiscal year are in excess of the amount required, in which case
the surplus may be applied to the former orders of indebtedness.
\$ 4907. Disbursements to pay indebtedness.

(a) Procedure.--Disbursements in discharge of township
indebtedness duly incurred shall be made by the township
treasurer or the treasurer's deputy, by virtue of warrants or
orders drawn on the treasurer by the order of the board of
commissioners, signed by the president or vice president and
attested to by the secretary or assistant secretary of the
board.

(b) Approval.--The board shall prescribe, by ordinance, the
manner in which bills for township indebtedness shall be
approved for payment.

\$ 4908. Tax levies.

(a) General rule.--The board of commissioners may levy taxes
by resolution for taxes levied at the same rate as or a rate
lower than the previous fiscal year, and by ordinance if the tax
rate increases from the previous fiscal year. Taxes may be
levied upon all property and occupations within the township
made taxable for township purposes and subject to valuation and
assessment by the county assessment office, for the following
purposes and at the following rates:

(1) An annual tax for general township purposes, not
exceeding 30 mills, unless the board of commissioners by
majority action shall, upon due cause shown by resolution,
petition the court of common pleas for the right to levy
additional millage for general revenue purposes. The court,
after public notice as the court may direct and after
hearing, may order a greater rate than 30 mills but not
exceeding five additional mills to be levied.

1 (2) The following:

2 (i) An annual tax not exceeding three mills for the
3 purpose of:

4 (A) building and maintaining suitable places for
5 the housing of fire apparatus;

6 (B) purchasing, maintaining and operating fire
7 apparatus;

8 (C) making of appropriations to fire companies
9 located inside or outside the township;

10 (D) contracting with adjacent municipalities or
11 volunteer fire companies in adjacent municipalities
12 for fire protection;

13 (E) the training of fire personnel and payments
14 to fire training schools and centers;

15 (F) the purchase of land upon which to erect a
16 fire house; and

17 (G) the erection and maintenance of a fire house
18 or fire training school and center.

19 (ii) The township may appropriate up to one-half,
20 but not to exceed one mill, of the revenue generated from
21 a tax under this clause for the purpose of paying
22 salaries, benefits or other compensation of fire
23 suppression employees of the township or a fire company
24 serving the township. For any calendar year, the board of
25 commissioners may waive the appropriation limitation
26 under this subparagraph by resolution.

27 (iii) If an annual tax for the purposes specified in
28 this paragraph is proposed to be set at a level higher
29 than three mills, the question shall be submitted to the
30 voters of the township and the county board of elections

1 shall frame the question in accordance with the election
2 laws of this Commonwealth for submission to the voters of
3 the township.

4 (3) An annual tax, not exceeding one-tenth of one mill,
5 for the purpose of caring for trees planted under the
6 supervision of the shade tree commission and for the purpose
7 of publishing notices of meetings to consider the planting,
8 removing or changing of trees. In lieu of the tax provided
9 for in this paragraph, the board of commissioners may, by
10 specific appropriation, provide for the maintenance of shade
11 trees by appropriation from the general fund of the township.

12 (4) An annual tax so long as necessary for the purpose
13 of procuring a lot or erecting a building on a lot for a
14 municipal building and for the payment of indebtedness
15 incurred in connection with procuring the lot or erecting the
16 building.

17 (5) An annual tax sufficient to pay interest and
18 principal on indebtedness incurred under 53 Pa.C.S. Pt. VII
19 Subpt. B (relating to indebtedness and borrowing) or any
20 prior or subsequent act governing the incurrence of
21 indebtedness of the township.

22 (6) An annual tax not exceeding one-half of one mill to
23 provide for pensions, retirement or the purchase of annuity
24 contracts for township employees. This tax shall be kept in a
25 separate fund and used only for the purposes provided in this
26 paragraph.

27 (7) (i) An annual tax not exceeding one-half mill for
28 the purpose of supporting ambulance, rescue and other
29 emergency services serving the township, except as
30 provided in subsection (c).

1 (ii) The township may appropriate up to one-half of
2 the revenue generated from a tax under this clause for
3 the purpose of paying salaries, benefits or other
4 compensation of employees of an ambulance, rescue or
5 other emergency service serving the township. For any
6 calendar year, the board of commissioners may waive the
7 appropriation limitation under this subparagraph by
8 resolution.

9 (8) An annual tax not exceeding five mills to create and
10 maintain a revolving fund to be used in making permanent
11 street, sidewalk, water supply or sewer improvements before
12 the collection of all or part of the cost from property
13 owners as otherwise authorized under this part. A revolving
14 fund may also be used for the deposit of funds raised through
15 the issuance of general obligation bonds of the township for
16 the making of permanent street, sidewalk, water supply or
17 sewer improvements. When all or part of the cost of the
18 construction of a permanent street, sidewalk, water supply or
19 sewer improvement is paid from the revolving fund and is
20 later assessed and collected from property owners as
21 otherwise authorized under this part, the collections shall
22 be applied to the credit of the revolving fund to the extent
23 of the withdrawal from the revolving fund for that purpose.

24 (9) An annual tax sufficient for the purpose of
25 constructing, maintaining and operating parks, recreation
26 areas, facilities and programs or for paying the township's
27 share of a joint action with one or more political
28 subdivisions, in accordance with section 7306 (relating to
29 joint ownership and maintenance).

30 (b) Applicability.--This section does not include:

1 (1) the levy of taxes upon particular districts or parts
2 of a township for particular purposes; or

3 (2) special levies otherwise provided for in this part.

4 (c) Referendum.--The tax for supporting ambulance and rescue
5 squads serving the township shall not exceed the rate specified
6 in subsection (a) (7) except when the question is submitted to
7 the voters of the township in the form of a referendum which
8 will appear on the ballot in accordance with the election laws
9 of this Commonwealth, in which case the rate shall not exceed
10 three mills. The county board of elections shall frame the
11 question to be submitted to the voters of the township in
12 accordance with the election laws of this Commonwealth.

13 § 4909. Additions and revisions to duplicates.

14 (a) Reassessment.--If in a township there is any
15 construction of a building or buildings not otherwise exempt as
16 a dwelling after January 1 of any year and the building is not
17 included in the tax duplicate of the township, the county
18 assessment office shall, upon the request of the board of
19 commissioners, direct the assessor in the county assessment
20 office to inspect and reassess, subject to the right of appeal
21 and adjustment by statute, the taxable property in the township
22 to which major improvements have been made after January 1 of
23 any year and to give notice of the reassessments within 10 days
24 to the authority responsible for assessments, the township and
25 the property owner.

26 (b) Addition to duplicate.--The real property shall be added
27 to the duplicate and shall be taxable for township purposes at
28 the reassessed valuation for that proportionate part of the
29 fiscal year of the township remaining after the property was
30 improved. Any improvement made during the month shall be

1 computed as having been made on the first day of the month.

2 (c) Notice of taxes due.--A certified copy of the additions
3 or revisions to the duplicate shall be furnished by the board of
4 township commissioners to the township tax collector, together
5 with the board's warrant for collection of the same, and within
6 10 days the township tax collector shall notify the owner of the
7 property of the taxes due the township.

8 § 4910. Authority to levy, assess and collect mercantile and
9 business privilege taxes on gross receipts.

10 Notwithstanding section 533(b) of the act of December 13,
11 1988 (P.L.1121, No.145), known as the Local Tax Reform Act, a
12 township of the first class or a home rule municipality that
13 previously had been a township of the first class and that has a
14 population exceeding 70,000 which, before December 1, 1988, has
15 levied, assessed or collected or provided for the levying,
16 assessment or collection of a mercantile tax on gross receipts
17 or parts of gross receipts may levy, assess and collect or
18 provide for the levying, assessment or collection of mercantile
19 and business privilege taxes on gross receipts or parts of gross
20 receipts. This authority shall apply to the tax year beginning
21 January 1, 1998, and to each tax year thereafter.

22 § 4911. Tax rates to be expressed in dollars and cents.

23 If the board of commissioners, by ordinance or resolution,
24 fixes the rate of taxation for any year at a mill rate, the
25 ordinance or resolution shall also include a statement
26 expressing the rate of taxation in dollars and cents on each
27 \$100 of assessed valuation of taxable property.

28 § 4912. Special levies to pay indebtedness.

29 In addition to the levies provided for in section 4908
30 (relating to tax levies), when it is shown to the court that the

debts due by a township exceed the amount which the board of commissioners may collect in any year by taxation, the court, after ascertaining the amount of indebtedness of the township, may, in an action of mandamus, direct the board of commissioners by special taxation to collect an amount sufficient to pay the debts. If the amount of the indebtedness is so large as to render it unadvisable to collect the entire amount in any one year, taking into consideration other necessary taxation, the court may direct the special taxes to be levied and collected during successive years as may be required for payment of the debt.

§ 4913. Delivery of duplicates.

The board of commissioners shall, within 30 days after adoption of the budget or within 30 days after receipt of the assessment roll from the county, whichever is later, deliver a duplicate of the assessment of township taxes to the township tax collector, together with the board's warrant for collection of the taxes.

CHAPTER 51

CONTRACTS

Sec.

5101. Power to make contracts.

5102. Regulation of contracts.

5103. Evasion of advertising requirements.

5104. Bonds for protection of labor and materials.

5105. Purchase contracts for petroleum products and fire companies, rescue companies and ambulance companies.

5106. Separate specifications for branches of work.

5107. Workers' compensation insurance.

5108. Personal interest in contracts and purchases.

1 § 5101. Power to make contracts.

2 (a) Purposes.--A township may make contracts for lawful
3 purposes and for the purposes of carrying into execution the
4 provisions of this part and the laws of this Commonwealth.

5 (b) Lowest responsible bidder.--Except as otherwise
6 specifically provided in this part, contracts and purchases must
7 be made with and from the lowest responsible bidder. For
8 purposes of this chapter, the lowest responsible bidder need not
9 be the bidder submitting the lowest dollar amount bid. A
10 township may also consider the quality of goods or services
11 supplied, ease of repair, compatibility with other township
12 equipment or services, responsiveness, past performance of the
13 bidder and any other reasonable factors specified in the
14 advertisement for bids.

15 (c) Electronic bids.--A township may permit the electronic
16 submission of bids and may receive bids electronically for
17 competitive bid purchases and contracts under 62 Pa.C.S. Ch. 46
18 (relating to electronic bidding by local government units).

19 § 5102. Regulation of contracts.

20 (a) Advertisement.--A contract or purchase in excess of the
21 base amount of \$18,500, subject to adjustment under subsection
22 (d), except those mentioned in this section and except as
23 provided under the act of October 27, 1979 (P.L.241, No.78),
24 entitled "An act authorizing political subdivisions,
25 municipality authorities and transportation authorities to enter
26 into contracts for the purchase of goods and the sale of real
27 and personal property where no bids are received," shall be in
28 writing and shall be made only after notice by the secretary,
29 published once in one newspaper of general circulation,
30 published or circulating in the county in which the township is

1 situated. The advertisement shall be published not less than 10
2 days prior to the date fixed for the opening of bids and shall
3 also be posted in a conspicuous place within the township. The
4 advertisement for contracts or purchases shall contain the date,
5 time and location for opening of bids and shall state the amount
6 of the performance bond determined under subsection (f). The
7 advertisement shall also contain full plans and specifications,
8 or refer to the places where copies of plans and specifications
9 can be obtained. The plans and specifications shall be on file
10 not less than 10 days in advance of opening bids.

11 (b) Amount of contract.--The amount of the contract shall in
12 all cases, whether of straight sale price, conditional sale,
13 lease, lease purchase or otherwise, be the entire amount which
14 the township pays to the successful bidder or the bidder's
15 assigns in order to obtain the services or property, or both.
16 The amount of the contract shall not be construed to mean only
17 the amount that is paid to acquire title or to receive any other
18 particular benefit or benefits of the whole bargain.

19 (c) Price quotations.--Written or telephonic price
20 quotations from at least three qualified and responsible
21 contractors shall be requested for a contract in excess of the
22 base amount of \$10,000, subject to adjustment under subsection
23 (d) but less than the amount requiring advertisement and
24 competitive bidding. In lieu of a price quotation, a memorandum
25 shall be kept on file showing that fewer than three qualified
26 contractors exist in the market area within which it is
27 practicable to obtain quotations. A written record of telephonic
28 price quotations shall be made and shall contain at least the
29 date of the quotation, the name of the contractor and the
30 contractor's representative, the construction, reconstruction,

1 repair, maintenance or work that was the subject of the
2 quotation and the price. Written price quotations, written
3 records of telephonic price quotations and memoranda shall be
4 retained for a period of three years. As used in this section,
5 "written price quotations" include electronic mail.

6 (d) Adjustment to base amount.--An adjustment to the base
7 amounts specified under subsections (a) and (c) shall be made as
8 follows:

9 (1) The Department of Labor and Industry shall determine
10 the percentage change in the Consumer Price Index for All
11 Urban Consumers: All Items (CPI-U) for the United States City
12 Average as published by the United States Department of
13 Labor, Bureau of Labor Statistics, for the 12-month period
14 ending September 30, 2012, and for each successive 12-month
15 period.

16 (2) If the department determines that there is no
17 positive percentage change, then no adjustment to the base
18 amounts may occur for the relevant time period provided for
19 in this subsection.

20 (3) If the department determines that there is a
21 positive percentage change in the first year that the
22 determination is made under paragraph (1):

23 (i) The positive percentage change shall be
24 multiplied by each base amount, and the products shall be
25 added to the base amounts, respectively, and the sums
26 shall be preliminary adjusted amounts.

27 (ii) The preliminary adjusted amounts shall be
28 rounded to the nearest \$100 to determine the final
29 adjusted base amounts for purposes of subsections (a) and
30 (c).

1 (4) In each successive year in which there is a positive
2 percentage change in the CPI-U for the United States City
3 Average, the positive percentage change shall be multiplied
4 by the most recent preliminary adjusted amounts, and the
5 products shall be added to the preliminary adjusted amount of
6 the prior year to calculate the preliminary adjusted amounts
7 for the current year. The sums shall be rounded to the
8 nearest \$100 to determine the new final adjusted base amounts
9 for purposes of subsections (a) and (c).

10 (5) The determinations and adjustments required under
11 this subsection shall be made in the period between October 1
12 and November 15 of each year.

13 (6) The final adjusted base amounts and new final
14 adjusted base amounts obtained under paragraphs (3) and (4)
15 shall become effective January 1 for the calendar year
16 following the year in which the determination required under
17 paragraph (1) is made.

18 (7) The department shall transmit notice to the
19 Legislative Reference Bureau for publication in the
20 Pennsylvania Bulletin prior to January 1 of each calendar
21 year of the annual percentage change determined under
22 paragraph (1) and the unadjusted or final adjusted base
23 amounts determined under paragraphs (3) and (4) at which
24 competitive bidding is required under subsection (a) and
25 written or telephone price quotations are required under
26 subsection (c), respectively, for the calendar year beginning
27 the first day of January after publication of the notice. The
28 notice shall include a written and illustrative explanation
29 of the calculations performed by the department in
30 establishing the unadjusted or final adjusted base amounts

1 under this subsection for the ensuing calendar year.

2 (8) The annual increase in the preliminary adjusted base
3 amounts obtained under paragraphs (3) and (4) shall not
4 exceed 3%.

5 (e) Bids.--

6 (1) The following apply:

7 (i) If advertisement and bidding are required, the
8 advertisement shall specify the date, time and place bids
9 will be received and the date, time and place for the
10 opening of bids.

11 (ii) At the board of commissioners' request, the
12 bids advertised for must be accompanied by cash, money
13 order, a certified or cashier's good faith check or other
14 irrevocable letter of credit drawn upon a bank authorized
15 to do business in this Commonwealth or by a bond with
16 corporate surety in the amount as the board of
17 commissioners determine, and, when requested, no bid may
18 be considered unless so accompanied.

19 (iii) Bids received pursuant to an advertisement
20 shall be opened publicly by the board of commissioners or
21 the board's agent or employees. The amount of each bid
22 and any other relevant information as may be specified by
23 the board, together with the name of each bidder, shall
24 be disclosed and recorded, and the record shall be open
25 to public inspection and copying.

26 (iv) At a public meeting of the board of
27 commissioners, the board shall either award the contract
28 or reject all bids.

29 (2) A contract executed in violation of the provisions
30 of this section shall be void. Nothing in this section may

1 prevent the making of contracts for governmental services for
2 a period exceeding one year, but a contract shall be executed
3 only for the amounts agreed to be paid for the services to be
4 rendered in succeeding fiscal years.

5 (f) Performance bond.--The successful bidder, when
6 advertising is required, shall be required to furnish a bond or
7 irrevocable letter of credit or other security with suitable
8 reasonable requirements guaranteeing the performance of the
9 contract, with sufficient surety, in an amount as determined by
10 the board of commissioners. The amount shall be not less than
11 10% nor more than 100% of the amount of the liability under the
12 contract within 20 days after the contract has been awarded,
13 unless the board of commissioners shall prescribe a shorter
14 period of not less than 10 days. Upon failure to furnish the
15 security within the prescribed time, the previous award shall be
16 void. Deliveries, accomplishment and guarantees may be required
17 in all cases of expenditures including the exceptions under
18 subsection (g).

19 (g) Exceptions.--

20 (1) The following contracts or purchases made by the
21 board of commissioners shall not require advertising, bidding
22 or price quotations as provided in this chapter:

23 (i) For maintenance, repairs or replacements for
24 water, electricity or other public works of the township,
25 provided the maintenance, repairs or replacements do not
26 constitute new additions, extensions or enlargements of
27 existing facilities and equipment. Security may be
28 required by the board of commissioners as in other cases
29 of work done.

30 (ii) For improvements, repairs and maintenance of

1 any kind made or provided by a township through the
2 township's own employees if the materials used for street
3 improvement or construction in excess of the amount
4 specified or adjusted under subsections (a) and (c) are
5 subject to the relevant price quotation or advertising
6 requirements under this section.

7 (iii) Where particular types, models or pieces of
8 new equipment, articles, apparatus, appliances, computer
9 software, vehicles or parts thereof are desired by the
10 board of commissioners that are patented or copyrighted
11 products or are needed to ensure compatibility with
12 existing systems, facilities or equipment.

13 (iv) For used personal property, such as equipment,
14 articles, apparatus, appliances, vehicles or parts
15 thereof being purchased from a public utility, municipal
16 corporation, county, school district, municipal
17 authority, council of government, volunteer fire company,
18 volunteer ambulance service, volunteer rescue squad or
19 Federal or State Government.

20 (v) Involving a policy of insurance or a surety
21 bond.

22 (vi) Made for public utility service and
23 electricity, natural gas or telecommunications services.

24 (vii) Made with another political subdivision or
25 county or council of governments, consortium, cooperative
26 or other similar entity created under 53 Pa.C.S. Ch. 23
27 Subch. A (relating to intergovernmental cooperation) or
28 the Federal Government, the Commonwealth, an agency of
29 the Federal Government or the Commonwealth or a municipal
30 authority, including the sale, leasing or loan of

1 supplies or materials by the Federal Government or the
2 Commonwealth or their agencies. The price may not be in
3 excess of that fixed by the Federal Government or the
4 Commonwealth or their agencies.

5 (viii) Involving personal or professional services.

6 (ix) For materials and supplies or equipment rental
7 under emergency conditions under 35 Pa.C.S. Pt. V
8 (relating to emergency management services).

9 (x) Involving equipment rental with operators if
10 more than 50% of the total labor personnel hours required
11 for the completion of the contract is supplied by the
12 township through the township's own employees.

13 (xi) For the purchase of repair parts or materials
14 for use in existing township equipment or facilities if
15 the item or material to be purchased is the sole item of
16 its kind on the market or is manufactured as a
17 replacement for the original item or equipment being
18 repaired.

19 (xii) For emergency maintenance, repairs or
20 replacements for water, electricity or public works of
21 the township, if the emergency maintenance, repairs or
22 replacements do not constitute new additions, extensions
23 or enlargements of existing facilities and equipment, but
24 security may be required by the board of commissioners,
25 as in other cases of work done. The actual emergency and
26 the nature of the procurement shall be stated in a
27 resolution by the board of commissioners and adopted at
28 the next public meeting.

29 (xiii) For the mitigation of a real or potential
30 emergency involving a clear and present danger to the

1 health, safety and welfare of the residents of the
2 township. For those contracts or purchases made in cases
3 of emergencies, the actual emergency and the nature of
4 the procurement shall be stated in a resolution by the
5 board of commissioners and adopted at the next public
6 meeting.

7 (2) 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 (h) Other acts.--The board of commissioners shall award
13 contracts subject to the requirements of and may exercise any
14 powers granted by the following acts to the extent applicable:

15 (1) The act of August 15, 1961 (P.L.987, No.442), known
16 as the Pennsylvania Prevailing Wage Act.

17 (2) The act of December 20, 1967 (P.L.869, No.385),
18 known as the Public Works Contractors' Bond Law of 1967.

19 (3) The act of January 17, 1968 (P.L.11, No.5), known as
20 The Minimum Wage Act of 1968.

21 (4) The act of January 23, 1974 (P.L.9, No.4), referred
22 to as the Public Contract Bid Withdrawal Law.

23 (5) The act of March 3, 1978 (P.L.6, No.3), known as the
24 Steel Products Procurement Act.

25 (6) The act of February 17, 1994 (P.L.73, No.7), known
26 as the Contractor and Subcontractor Payment Act.

27 (7) 62 Pa.C.S. Pt. II (relating to general procurement
28 provisions).

29 (i) Restriction on compensation and fees.--No person,
30 consultant, firm or corporation contracting with a township for

1 purposes of rendering personal or professional services to the
2 township may share with any township officer or employee, and no
3 township officer or employee may accept, any portion of the
4 compensation or fees paid by the township for the contracted
5 services provided to the township except under the following
6 terms or conditions:

7 (1) Full disclosure of all relevant information
8 regarding the sharing of the compensation or fees shall be
9 made to the board of commissioners.

10 (2) The board of commissioners must approve the sharing
11 of a fee or compensation for personal or professional
12 services prior to the performance of the services.

13 (3) No fee or compensation for personal or professional
14 services may be shared except for work actually performed.

15 (4) No shared fee or compensation for personal or
16 professional services may be paid at a rate in excess of that
17 commensurate for similar personal or professional services.

18 § 5103. Evasion of advertising requirements.

19 (a) General rule.--

20 (1) No commissioner shall evade the provisions of
21 section 5102 (relating to regulation of contracts) as to
22 advertising for bids by purchasing or contracting for
23 services and personal properties piecemeal for the purpose of
24 obtaining prices under \$18,500, subject to adjustment under
25 section 5102(d), upon transactions, which transactions
26 should, in the exercise of reasonable discretion and
27 prudence, be conducted as one transaction amounting to more
28 than \$18,500, subject to adjustment under section 5102(d).

29 (2) This subsection is intended to make unlawful the
30 evading of advertising requirements by making a series of

1 purchases or contracts, each for less than the advertising
2 requirement price, or by making several simultaneous
3 purchases or contracts, each below the price, when in either
4 case, the transactions involved should have been made as one
5 transaction for one price.

6 (3) A commissioner who votes in violation of this
7 subsection and knows that the transaction upon which the
8 commissioner votes is or should be a part of a larger
9 transaction and is being divided in order to evade the
10 requirements as to advertising for bids, shall be jointly and
11 severally subject to a surcharge for 10% of the full amount
12 of the contract or purchase.

13 (4) If it appears that a commissioner may have voted in
14 violation of this section, but the purchase or contract on
15 which the commissioner voted was not approved by the board of
16 commissioners, this section shall not apply.

17 (b) Violation and penalty.--A commissioner who votes to
18 unlawfully evade the provisions of section 5102 and who knows
19 that the transaction upon which the commissioner votes is or
20 should be a part of a larger transaction and is being divided in
21 order to evade the requirements as to advertising for bids
22 commits a misdemeanor of the third degree for each contract
23 entered into as a direct result of that vote. The penalty under
24 this subsection shall be in addition to a surcharge that may be
25 assessed under subsection (a).

26 § 5104. Bonds for protection of labor and materials.

27 (a) General rule.--Before a contract exceeding \$10,000 is
28 awarded to a prime contractor or construction manager for the
29 construction, erection, installation, completion, alteration,
30 repair of or addition to a public work or improvement of any

1 kind, the contractor shall furnish to the township a payment
2 bond for the protection of claimants supplying labor or
3 materials to the prime contractor to whom the contract is
4 awarded, at no less than 100% of the contract amount,
5 conditioned for the prompt payment of the materials furnished or
6 labor supplied or performed in the prosecution of the contract
7 under the act of December 20, 1967 (P.L.869, No.385), known as
8 the Public Works Contractors' Bond Law of 1967.

9 (b) Other requirements.--The bond requirement is in addition
10 to any other bond requirement required by law to be given in
11 connection with the contract.

12 § 5105. Purchase contracts for petroleum products for fire
13 companies, rescue companies and ambulance companies.

14 (a) General rule.--The board of commissioners of each
15 township shall have power to permit, subject to terms and
16 conditions as it may, and as specifically provided, shall,
17 prescribe a paid or volunteer fire company, paid or volunteer
18 rescue company and paid or volunteer ambulance company in the
19 township to participate in purchase contracts for petroleum
20 products entered into by the township.

21 (b) Participation.--A company desiring to participate in
22 purchase contracts shall file with the township secretary a
23 request to authorize the company to participate in contracts for
24 the purchase of petroleum products of the township and agreeing
25 that the company shall be bound by the terms and conditions as
26 the township may, and as specifically provided, shall, prescribe
27 and that the company shall be responsible for payment directly
28 to the vendor under each purchase contract.

29 (c) Terms and conditions.--Among the terms and conditions,
30 the township shall prescribe that all prices shall be free on

1 board destination.

2 § 5106. Separate specifications for branches of work.

3 (a) General rule.--In the preparation of specifications for
4 the erection or alteration of a public building, when the entire
5 cost of the work exceeds the base amount of \$18,500, subject to
6 annual adjustment under section 5102(d) (relating to regulation
7 of contracts), the architect, engineer or person preparing the
8 specifications shall prepare separate specifications for the
9 plumbing, heating, ventilating and electrical work, and the
10 township shall receive separate bids upon each of the branches
11 of work.

12 (b) Lowest responsible bidder.--The township shall award the
13 contract for the plumbing, heating, ventilating and electrical
14 work to the lowest responsible bidder for each of the branches.

15 § 5107. Workers' compensation insurance.

16 (a) General rule.--A contract executed by a township or an
17 officer of a township that involves the construction or doing of
18 work involving the employment of labor shall contain a provision
19 that the contractor shall accept, as far as the work covered by
20 the contract is concerned, the provisions of the act of June 2,
21 1915 (P.L.736, No.338), known as the Workers' Compensation Act,
22 and that the contractor shall insure the contractor's liability
23 under the Workers' Compensation Act and shall file with the
24 township with which the contract is made a certificate of
25 exemption from insurance from the Bureau of Workers'
26 Compensation of the Department of Labor and Industry. The
27 following shall apply:

28 (1) The certificate of exemption from insurance may be
29 issued on the basis of either individual self-insurance or
30 group self-insurance.

1 (2) A contractor shall file with the township with which
2 the contract is made any applications to be excepted by the
3 provisions of the Workers' Compensation Act in respect to
4 certain employees on religious grounds if the applications
5 have been accepted by the Department of Labor and Industry.

6 (b) Violation.--A contract executed in violation of
7 subsection (a) is void.

8 § 5108. Personal interest in contracts and purchases.

9 Elected and appointed township officials and township
10 employees are restricted from an interest in township contracts
11 and purchases to the extent provided under 65 Pa.C.S. Ch. 11
12 (relating to ethics standards and financial disclosure).

13 CHAPTER 53

14 EMINENT DOMAIN, ASSESSMENT OF

15 DAMAGES AND BENEFITS

16 Sec.

17 5301. Exercise of eminent domain.

18 5302. Restrictions relating to certain property.

19 5303. Declaration of intention.

20 5304. Value of land or property not to be assessed as benefits.

21 5305. Title acquired.

22 § 5301. Exercise of eminent domain.

23 (a) General rule.--A township may acquire property by
24 eminent domain, including entering upon, appropriating, taking,
25 using and occupying private lands and property for any of the
26 following public purposes:

27 (1) The laying out, opening, widening, extending,
28 vacating, grading or changing the grades or lines of streets
29 or highways.

30 (2) The construction of bridges and the piers and

1 abutments for bridges.

2 (3) The construction of slopes, embankments and storm
3 water sewers and storm water facilities, the changing of
4 watercourses, and the construction of sanitary sewer mains,
5 drains or treatment works.

6 (4) The erection and extension of water systems, wharves
7 and docks, public buildings, public works or land for a
8 public-works-related function, municipal waste processing and
9 disposal facilities, including municipal waste landfills,
10 libraries and the establishment of parks, playgrounds and
11 recreation places.

12 (5) For all other purposes authorized by this part.

13 (b) Proceedings.--Eminent domain proceedings shall be
14 subject to and conform with the provisions of 26 Pa.C.S.
15 (relating to eminent domain).

16 § 5302. Restrictions relating to certain property.

17 (a) General rule.--In addition to the restrictions made by
18 other provisions of this part in particular cases or by any
19 other provision of law, no township shall exercise the right of
20 eminent domain against:

21 (1) land now occupied by a building that was used during
22 the Colonial or Revolutionary period as a place of Assembly
23 by the Council of the Colony of Pennsylvania, the Supreme
24 Executive Council of the Commonwealth of Pennsylvania or the
25 Congress of the United States;

26 (2) the land occupied by any fort, redoubt or blockhouse
27 erected during the Colonial or Revolutionary period or a
28 building used as headquarters by the Commander-in-Chief of
29 the Continental Army; or

30 (3) the site of a building, fort, redoubt, blockhouse or

headquarters that is preserved for the site's historic
associations and not for private profit.

(b) Colonial and Revolutionary period.--For purposes of
subsection (a), the Colonial and Revolutionary period shall be
deemed to have ended on September 3, 1783.

§ 5303. Declaration of intention.

A township shall declare the township's intention to acquire,
enter upon, take, use and appropriate private property or land
for any of the purposes authorized by this part by ordinance or
resolution.

§ 5304. Value of land or property not to be assessed as
benefits.

In the appropriation of land or property for public use,
other than for streets, it shall be unlawful to assess any
portion of the damage done to or value of the appropriated land
or property against the other property adjoining or in the
vicinity of the appropriated land or property.

§ 5305. Title acquired.

Except as otherwise provided by law, if land or other real or
personal property is acquired by a township in eminent domain
proceedings, other than for street or highway or easement
purposes, or is acquired by gift, purchase or otherwise, the
title obtained by the township shall be in fee simple absolute
or like absolute ownership unless the parties agree otherwise in
writing and the agreement expressly appears in a recorded deed
affecting real property acquired by the township or in the
notice of condemnation.

CHAPTER 55

STREETS AND HIGHWAYS

Sec.

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3 5503. Certain streets declared public streets.
4 5504. Power to lay out, open, vacate and alter streets.
5 5505. Prohibition.
6 5506. Procedures for laying out, opening, changing, improving
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8 5507. Petition for opening.
9 5508. Notice of petition.
10 5509. Width of public streets.
11 5510. Opening and repairing streets.
12 5511. Street closings and detours.
13 5512. Street connecting with street of another municipal
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15 5513. Acceptance of land for street purposes.
16 5514. Powers of State and counties preserved.
17 5515. Exclusive nature of provisions.
18 5516. Failure of board of commissioners to hold hearing.
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20 5518. Bike paths.
21 5519. Streets in or near public parks.
22 5520. Elimination of curves and acquisition of views.
23 5521. Improving or vacating streets by agreement.
24 5522. Proceedings with or without petition.
25 5523. Power to open drains and ditches.
26 5524. Trees and shrubbery within right-of-way.
27 5525. Protection of streets or highways from snowdrifts.
28 5526. Naming of streets.
29 5527. Street lighting, ornamental lighting and traffic control
30 signals and devices.

1 5528. Penalty for destroying signs.

2 5529. Railroad crossings.

3 5530. Street permits.

4 5531. County aid in the improvement of township streets.

5 5532. Boundary streets.

6 5533. When center line of street is boundary between township
7 and another municipal corporation.

8 5534. Streets having more than half of their width within
9 township.

10 5535. Assessment for improvements on property outside limits
11 where street entirely within township.

12 § 5501. Definitions.

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

16 "Improving a street" or "improvement." Work on a street or
17 portion of a street done or proposed to be done in order to open
18 the street if the street has not previously been opened or, if
19 previously opened, to make the street more usable or more
20 suitable for use by the traveling public or safer for use. The
21 term includes, but is not limited to, grading, paving and
22 curbing. The term does not include maintenance or repaving.

23 "Laying out." The plotting of:

24 (1) An unopened street or portion of the street on a
25 township plan or official map adopted in accordance with the
26 act of July 31, 1968 (P.L.805, No.247), known as the
27 Pennsylvania Municipalities Planning Code, on a subdivision
28 or land development plan or by the enactment of an ordinance
29 adopted in accordance with this chapter.

30 (2) An unopened street in a case where any of the lines

1 of the street are proposed to be revised or in a case where
2 the street was never previously laid out although the street
3 may have been opened and used.

4 "Opened streets." The streets within the township used as
5 public passageways.

6 "Opening a street." The construction and grading of a street
7 or portion of a street and the act of physically taking
8 possession of an area or laid-out street for the purpose of
9 making the street usable to the traveling public.

10 "Portion." A portion either of the width or length of a
11 street. Opening a portion of a street may mean extending or
12 widening a street, and vacating a portion of a street may mean
13 closing or narrowing a street.

14 "Street." A street, road, lane, alley, court or public
15 square for or intended for public use. The term includes the
16 cartway, sidewalk, gutter, curb or right-of-way area, whether or
17 not the street, or any portion of the street, that is owned in
18 fee by others than the township. Streets are of two classes,
19 opened and unopened.

20 "Unopened streets." The streets within the township neither
21 used as a public passageway nor accepted or maintained, but
22 plotted in one of the following:

23 (1) a township plan or official map adopted in
24 accordance with the Pennsylvania Municipalities Planning
25 Code;

26 (2) an ordinance laying out the street in accordance
27 with this chapter;

28 (3) a subdivision or land development plan; or

29 (4) an individual deed.

30 § 5502. Township street plan.

1 (a) General rule.--A township that has not maintained an
2 accurate plan of township streets adopted in accordance with
3 this chapter prior to the effective date of this section may
4 only adopt a plan of streets under the act of July 31, 1968
5 (P.L.805, No.247), known as the Pennsylvania Municipalities
6 Planning Code.

7 (b) Deemed amendment.--If a township maintains a plan of
8 streets adopted prior to the effective date of this section, or
9 maintains an official map containing opened and unopened
10 streets, a street laid out in accordance with this chapter by
11 ordinance or by final approval of a subdivision or land
12 development plan must be deemed an amendment to the plan.
13 Notwithstanding any other provision of law, a deemed amendment
14 as provided under this section and a subsequent placement of the
15 street on a plan may not be subject to public notice or public
16 hearing if the street has been laid out in accordance with the
17 requirements of this chapter.

18 (c) Plan of streets or official map not required.--The
19 maintenance of a plan of streets or official map shall not be
20 required in order for a township to lay out streets in
21 accordance with sections 5504 (relating to power to lay out,
22 open, vacate and alter streets) and 5506 (relating to procedures
23 for laying out, opening, changing, improving or vacating
24 streets).

25 § 5503. Certain streets declared public streets.

26 (a) General rule.--Every street which has been used for
27 public travel, and maintained and kept in repair continuously by
28 the township for a period of at least 21 years under
29 authorization by the board of commissioners, is a public street
30 having a right-of-way of not less than 24 feet, even though

1 there is no public record of the laying out or dedication for
2 public use of the street.

3 (b) Evidence.--In a proceeding under this section, any
4 relevant oral or documentary evidence of public travel or
5 maintenance and repairs by the township shall, if presented, be
6 considered, including, but not limited to:

7 (1) Maps or surveys which are either generated by any
8 governmental unit or are created under a judicial proceeding
9 of the courts of this Commonwealth.

10 (2) Evidence concerning the distribution of government
11 funds to the township under the act of June 1, 1956 (1955
12 P.L.1944, No.655), referred to as the Liquid Fuels Tax
13 Municipal Allocation Law.

14 (3) Approved subdivision plans, deeds or other documents
15 containing a designation of the street as either a township
16 street or otherwise.

17 (4) Evidence that the street is an extension from a
18 public street or public cul-de-sac or a throughway between
19 other municipal or State streets or provides the only access
20 to a municipal boundary line.

21 (5) Court orders, decisions, findings of fact or other
22 matters of judicial record relating to public or private
23 rights in the street.

24 (c) Considerations relevant in proceedings.--For purposes of
25 this section:

26 (1) The frequency of use of a street may be considered
27 relevant in a proceeding under this section, but, in the
28 absence of additional findings on the purpose of the use,
29 shall not alone be sufficient to establish that the street
30 has been used for public travel.

1 (2) The condition or sufficiency of the street surface
2 for public travel may be considered relevant in a proceeding
3 under this section, but, absent additional findings of actual
4 public maintenance and repair, shall not alone be sufficient
5 to establish maintenance and repair by the township.

6 (d) Construction.--Nothing in this section shall be
7 construed as affecting the weight or persuasiveness of any
8 evidence presented as provided under subsection (b) or the
9 relevance of any evidence presented except as otherwise provided
10 in this section.

11 (e) Presentation of evidence.--In a proceeding in which this
12 section is relied upon to allege the existence of a public
13 street, the proponent of the public status of the street shall
14 present evidence first and the burden shall then shift to the
15 opponent to present evidence to refute the public status of the
16 street.

17 § 5504. Power to lay out, open, vacate and alter streets.

18 With regard to a street or portion of a street within
19 township limits, a township may, with or without petition of
20 abutting property owners, do any of the following:

21 (1) Lay out, open, widen, straighten, alter, extend,
22 relocate and improve.

23 (2) Establish or reestablish the grades.

24 (3) Keep in order and repair and in safe passable
25 condition.

26 (4) Vacate and discontinue when deemed expedient for the
27 public good.

28 (5) With the approval of the Department of
29 Transportation, vacate highways laid out by the Commonwealth
30 within the township limits which have remained unopened for

1 30 years.

2 § 5505. Prohibition.

3 No street shall be laid out and opened through a burial
4 ground or cemetery, nor through grounds occupied by a building
5 used as a place for public worship or as a public or parochial
6 school or educational or charitable institution or seminary,
7 unless the consent of the owner of the premises is first
8 secured.

9 § 5506. Procedures for laying out, opening, changing, improving
10 or vacating streets.

11 (a) General rule.--Before the enactment of an ordinance for
12 the laying out, opening, widening, straightening, extending,
13 altering, improving, relocating or vacating of a street or
14 highway or portion of a street or highway, the board of
15 commissioners shall give 10 days' written notice to the owners
16 of property adjacent to the street or highway or portions of the
17 street or highway affected of the time and place set for a
18 hearing on the proposed matter. Witnesses may be summoned and
19 examined by the board of commissioners and by the parties
20 interested at the hearing.

21 (b) Report.--After the hearing and a consideration of the
22 matter under subsection (a), if the board of commissioners votes
23 in favor of exercising the power conferred, the board of
24 commissioners shall make a written report, together with a draft
25 or survey of the street or highway, which shall include:

26 (1) the width of the street or highway;

27 (2) the improvements along the street or highway; and

28 (3) the names of the owners of property which the street
29 or highway shall pass through or abut.

30 (c) Filing of report.--The report and draft shall be filed

1 in the recorder of deeds office of the county.

2 (d) Filing of exceptions.--A resident or property owner
3 affected by the report may, within 30 days after the filing of
4 the report of the board of commissioners, upon entering in the
5 court sufficient surety to indemnify the board of commissioners
6 for all costs incurred in the proceedings, file exceptions to
7 the report, together with a petition for a review.

8 (e) Process.--The following shall apply after the expiration
9 of the term allowed for filing exceptions or upon an order of
10 the court upon disposition of any exceptions:

11 (1) If the board of commissioners desires to lay out,
12 open, widen, straighten, alter, extend, improve, relocate or
13 vacate the street or highway or portion of the street or
14 highway, the board of commissioners shall enact an ordinance
15 for the actions.

16 (2) The court of common pleas, on application by
17 petition by the board of commissioners or any person
18 interested, shall appoint three viewers from the county board
19 of viewers to assess the damages and benefits occasioned by
20 the proceeding unless the damages and benefits are otherwise
21 agreed upon.

22 § 5507. Petition for opening.

23 (a) General rule.--A petition may be presented to the board
24 of commissioners for the opening, widening, straightening,
25 extending, altering, improving, relocating, vacating or
26 establishing or reestablishing the grade of a street.

27 (b) Requirements.--A petition made under this section must
28 be:

29 (1) Signed by a majority, in number and interest, of the
30 owners of property abutting on the line of the proposed

1 improvement or vacation as fixed at the time of presentation
2 of the petition.

3 (2) Verified by affidavit of one or more of the
4 petitioners.

5 (3) Accompanied by payment of reasonable and necessary
6 fees established by resolution in a form acceptable to the
7 township. Fees may include the reasonable and necessary costs
8 and expenses anticipated to be incurred by the township in
9 responding to the petition, including advertising,
10 engineering, hearing, legal and similar costs.

11 (c) Multiple owners.--The majority in interest of owners of
12 undivided interests in a piece of property shall be deemed as
13 one person for the purposes of the petition.

14 § 5508. Notice of petition.

15 (a) General rule.--After a petition has been presented as
16 provided under section 5507 (relating to petition for opening)
17 and the board of commissioners has determined the adequacy of
18 the petition, but before final enactment of any ordinance
19 enacted as provided in the petition, notice shall be published
20 once in a newspaper of general circulation as provided under
21 section 1107 (relating to legal advertising), and handbills
22 shall be posted in conspicuous places along the line of the
23 proposed improvement.

24 (b) Requirements.--The notice and handbills shall include
25 the following:

26 (1) A statement that the petition for the improvement
27 was signed by a majority, in interest and number, of the
28 owners of property abutting the line of the proposed
29 improvement.

30 (2) That a person interested may provide comments at a

1 public hearing to be held at a date, time and place as stated
2 in the published notice and handbills.

3 (c) Publication of notice.--If, after a hearing, the board
4 of commissioners determines to proceed with the consideration of
5 an ordinance pursuant to the petition, the board of
6 commissioners shall publish notice of the proposed ordinance and
7 incorporate reference to any maps or drawing in accordance with
8 Chapter 77 (relating to ordinances).

9 § 5509. Width of public streets.

10 (a) General rule.--The width of a street in a township shall
11 not be less than 24 feet nor more than 120 feet. The minimum
12 required width shall be in addition to the width required for
13 necessary slopes in cuts or fills.

14 (b) Width of alleys.--The width of an alley shall be subject
15 to the discretion of the board of commissioners.

16 § 5510. Opening and repairing streets.

17 (a) General rule.--Laid out public streets in a township
18 shall, as soon as practicable, be effectually opened and
19 constantly kept in repair. All streets shall, in all seasons, be
20 kept reasonably clear of all impediments to easy and convenient
21 traveling, at the expense of the township.

22 (b) Effect of proceedings.--When proceedings have been
23 initiated under this part for the opening and laying out of a
24 public street in a township, the street shall be physically
25 opened for use by the public within a period of five years after
26 the completion of the proceedings. If the street is not opened
27 or if no proceedings have been commenced to compel the opening
28 in five years, then the proceedings are void and the land
29 proposed to be taken shall revert to the owners of the land free
30 of any easement or right of the public to use the land.

1 § 5511. Street closings and detours.

2 (a) General rule.--The following shall apply to the closing
3 of a street to vehicular traffic:

4 (1) No street shall be closed to vehicular traffic,
5 except upon order of the board of commissioners or, in cases
6 of emergency when immediate action is necessary to protect
7 public safety, by order of the police, an authorized fire
8 official or other authorized public employee.

9 (2) A street may not remain closed for a longer period
10 than is necessary for the purpose for which the order to
11 close was issued.

12 (3) Except in cases of emergency when immediate action
13 is necessary to protect public safety, no street shall be
14 closed to vehicular traffic when the street has been
15 designated as a detour by the Department of Transportation,
16 unless the Secretary of Transportation has provided written
17 consent or the board of commissioners has, by resolution duly
18 recorded on the minutes, declared the closing necessary for
19 the safety of the public.

20 (4) When a street which forms a part or section of a
21 State highway or has been designated as a detour by the
22 Department of Transportation is closed to vehicular traffic,
23 the township shall at once notify the Department of
24 Transportation of the creation of a detour under this
25 section. The Department of Transportation shall be notified
26 immediately after the detour is removed.

27 (5) When a street is to be closed, it shall be the duty
28 of the board of commissioners or official authorizing the
29 closing to immediately designate or lay out a detour.

30 (6) While the detour is in use, legible signs shall be

1 erected and maintained at reasonable intervals indicating the
2 proper direction and the detour shall be maintained in a safe
3 and passable condition, except in the case of State or county
4 highways.

5 (7) When the street that had been closed is opened for
6 traffic, all detour signs shall be removed.

7 (8) Except in the case of State or county highways, the
8 board of commissioners shall, as soon as possible, repair the
9 street designated as a detour and place the street in a
10 condition at least equal to the street's condition when
11 designated as a detour.

12 (b) Use of private lands.--

13 (1) The board of commissioners may enter into an
14 agreement with the owners of private lands, covering the
15 acquisition of right-of-way privileges for a detour over
16 private property for the period when the street shall be
17 closed to traffic.

18 (2) If the parties cannot reach an agreement, the
19 township may proceed with the construction of the detour with
20 the owner of the property taken for the detour entitled to
21 seek damages, if any, in the same manner as damages are now
22 ascertained for the opening of streets in the township.

23 (c) Payment by board of commissioners.--In the exercise of
24 the rights conferred by this section relating to detours, the
25 board of commissioners is empowered to pay for the necessary
26 maintenance, subsequent repair and land rental out of the money
27 available for the construction and maintenance of township
28 streets.

29 (d) Violation.--A person who willfully removes, defaces,
30 destroys or disregards a barricade, light, danger sign, detour

sign or warning of any other type legally erected or placed or
who drives on, over or across a street which has been closed by
proper authority commits a summary offense punishable upon
conviction in accordance with section 7711 (relating to fines
and penalties).

(e) Exception.--A person who has no outlet due to the
closing of a street may drive on, over or across the street,
subject to reasonable conditions as may be prescribed by the
township, without being subject to the penalties imposed by this
section.

(f) Damages.--In addition to the penalties provided in
subsection (d), the township or the township's agents or
contractors may, in an action at law, recover damages, including
costs of labor, materials and prosecution from a person who
damages a street when the street is closed to vehicular traffic.

(g) Money collected.--All money collected under the
provisions of this section shall be paid over to the township
treasurer.

(h) Excessive or unusual conditions.--The board of
commissioners may temporarily close a street when the board of
commissioners determines that excessive or unusual conditions
have rendered the street unfit or unsafe for travel, and
immediate repair, because of the time of year or other
conditions, is impracticable. The street or portion of the
street closed shall be properly marked at the street's
extremities and a means of passage for the customary users of
the street shall, whenever possible, be provided.

§ 5512. Street connecting with street of another municipal
corporation.

(a) General rule.--All streets partly within a township of

1 the first class shall be laid out, opened, widened,
2 straightened, altered, extended, vacated, improved, relocated or
3 have grades established or reestablished under this chapter to
4 the extent the street or portion of the street is within the
5 township.

6 (b) Streets outside township.--

7 (1) The procedures applicable to any portion of the
8 street outside the township shall be as provided by the code
9 applicable to the classification of the other municipal
10 corporation with which the street is shared.

11 (2) Notwithstanding paragraph (1), no action may be
12 taken under this chapter that would result in the change of
13 location or grade or the vacation of a street or portion of
14 the street that connects with a street of another municipal
15 corporation without approval of the court of common pleas of
16 the county in which the other municipal corporation is
17 located, unless the municipal corporation first files with
18 the township secretary the municipal corporation's approval
19 of the proposed action.

20 § 5513. Acceptance of land for street purposes.

21 (a) Board acceptance of land.--The board of commissioners
22 may, by ordinance or resolution, accept in the name of the
23 township any land dedicated by deed to the township to be used
24 in any manner for street purposes.

25 (b) Certain designations prohibited.--No person shall
26 construct, open or dedicate any street or drainage facilities in
27 connection with the street for public use or travel in a
28 township without first submitting plans to the board of
29 commissioners for approval. The plans shall be prepared in
30 accordance with rules and regulations as may be prescribed by

1 the board of commissioners and shall show the profiles of the
2 streets, the course, structure and capacity of any drainage
3 facilities, the method of drainage of the adjacent or contiguous
4 territory and any other details required under the rules and
5 regulations adopted by the board of commissioners.

6 (c) Application.--The act of July 31, 1968 (P.L.805,
7 No.247), known as the Pennsylvania Municipalities Planning Code,
8 shall apply to the construction, security requirements and
9 dedication of streets and connected drainage facilities if the
10 streets proposed to be constructed are part of a plan required
11 by an ordinance adopted under the Pennsylvania Municipalities
12 Planning Code.

13 (d) Board powers.--

14 (1) Before acting upon plans not subject to review under
15 subsection (c), the board of commissioners may, in the
16 board's discretion, arrange for a public hearing, after
17 giving notice as the board of commissioners may deem
18 desirable in each case. The board of commissioners may alter
19 the plans and specify changes or modifications of any kind
20 and may make the approval of the plans subject to
21 alterations, changes or modifications. Plans, when approved,
22 shall be signed on behalf of the township by an officer as
23 the commissioners may designate, and an approved copy shall
24 be filed in the township engineer's office or other proper
25 office and be available for public inspection.

26 (2) No street or drainage facilities in connection with
27 the street shall be opened, constructed or dedicated for
28 public use or travel except in compliance with plans approved
29 by the board of commissioners and until the approved plan is
30 recorded as required in this chapter.

1 (e) Board refusal to approve.--If the board of commissioners
2 refuses to approve a plan submitted to the board under this
3 section, a person aggrieved by the action of the board of
4 commissioners may, within 30 days after the action, appeal from
5 the action by petition to the court of common pleas, and the
6 court shall hear the matter de novo. The following shall apply:

7 (1) After a hearing, the court may enter a decree
8 affirming, reversing or modifying the action of the board of
9 commissioners as may appear just.

10 (2) The court shall designate the manner in which
11 notices of the hearing of an appeal shall be given to all
12 parties interested.

13 (3) The decision of the court shall be final.

14 (4) A plan approved by the action of the board of
15 commissioners or by the court on appeal shall be recorded by
16 the person applying for approval in the office of the
17 recorder of deeds of the county.

18 (f) Limitations.--If a street or drainage facilities in
19 connection with a street is opened, constructed or dedicated for
20 public use or travel, except in compliance with plans approved
21 and recorded, neither the board of commissioners nor a public
22 authority shall be required to place, construct or operate a
23 sewer, drain, water pipe or other facilities or do any work of
24 any kind in or upon the street. Neither the board of
25 commissioners nor any other public authority shall have any
26 responsibility of any kind with respect to the street or
27 drainage facilities, even if the street or drainage facilities
28 are in use by the public, unless the street or drainage
29 facilities are accepted by ordinance or by deed of dedication.
30 Nothing in this part shall prevent the laying of trunk sewers,

drains or water or gas mains if required by engineering
necessity for the accommodation of other territory.

(g) Failure to obtain plan approval.--If a person opens a
street or drainage facility in connection with the street
without submitting and obtaining approval of plans as provided
in this section, and if the board of commissioners shall have no
information that the street or drainage facility is intended for
public use or travel, the board of commissioners may, in the
board's discretion, file with the recorder of deeds of the
county a certificate containing a description of the land served
by the street or drainage facility in connection with the
street. The board of commissioners shall include a statement
that, as the board of commissioners have not approved the plans,
neither the board of commissioners nor any other public
authority shall have any responsibility to furnish any
facilities or services with respect to the land or have any
responsibility of any kind with respect to the street or
drainage facility. The owner of the land shall be designated and
indexed as grantor in the records of the office of the recorder
of deeds, and the township shall be designated and indexed as
grantee. It shall not be necessary for the certificate to be
executed by any party other than the board of commissioners
filing the certificate.

(h) Enforcement and failure to certify.--

(1) Nothing in this section shall be deemed to prevent
the board of commissioners from enforcing the provisions of
this part in which a street or drainage facility in
connection with the street is intended for public use or
travel.

(2) If a township fails to file a certificate under

1 subsection (g), nothing in this section shall be interpreted
2 to create a deemed approval of the plans nor create any
3 responsibility of the township with respect to the land,
4 street or drainage facility.

5 (i) Offense.--A person who constructs, opens or dedicates a
6 street or drainage facilities for public use or travel in a
7 township without having first complied with the provisions of
8 this section and of any ordinances or resolutions of the board
9 of commissioners commits a misdemeanor of the third degree and
10 is subject to suit for all costs and damages incurred by the
11 township or property owners in the course of correcting
12 substantive violations of State or municipal law or regulations
13 resulting from or arising out of the unlawfully constructed
14 street or facility. All money recovered shall be paid to the
15 township treasurer.

16 (j) No maintenance required.--No approval of plans by the
17 board of commissioners shall obligate or require the township to
18 construct, reconstruct, maintain, repair or grade the streets.
19 § 5514. Powers of State and counties preserved.

20 Nothing contained in this chapter shall be held to restrict
21 or limit the Department of Transportation or any county in the
22 exercise of any duties, powers and functions under the
23 provisions of State law.

24 § 5515. Exclusive nature of provisions.

25 No street may be dedicated, accepted, acquired, laid out,
26 opened or vacated by a township except under this chapter.

27 § 5516. Failure of board of commissioners to hold hearing.

28 If, after the filing of a petition under this chapter, the
29 board of commissioners fails to hold a required hearing, an
30 aggrieved party may file a mandamus action in the court of

1 common pleas requesting that a hearing be held.

2 § 5517. Entry on land to maintain markers and monuments.

3 The board of commissioners and the board of commissioners'
4 agents and employees may enter upon any land or property to
5 maintain markers and monuments as the board of commissioners
6 deems necessary in carrying out the board of commissioners'
7 powers and duties under this chapter.

8 § 5518. Bike paths.

9 The board of commissioners may provide for the construction
10 and maintenance of bike paths for the protection or convenience
11 of the traveling public.

12 § 5519. Streets in or near public parks.

13 (a) Creation, relocation or alteration of parks.--The board
14 of commissioners may contract with the Commonwealth, a county or
15 a municipal corporation owning and operating parks inside the
16 township to establish, relocate, alter or vacate public streets
17 inside or contiguous to those parks. The board of commissioners
18 shall take no action with respect to the public streets without
19 the written consent and agreement of the Commonwealth, county or
20 municipal corporation owning and operating the parks. A street,
21 when altered or relocated under this section, shall be
22 maintained and repaired the same as other township streets.

23 (b) Ordinance required.--The agreement shall be adopted by
24 ordinance and within 30 days the street shall be a public street
25 of the township.

26 (c) Petition of injury.--The owner of any land through which
27 a public street may be located or relocated may apply by
28 petition to the court of common pleas, specifying the injury
29 that has been sustained by reason of the relocation of the
30 public street. The proceedings relative to the assessment and

payment of damages of the landowner shall be in accordance with
26 Pa.C.S. (relating to eminent domain).

§ 5520. Elimination of curves and acquisition of views.

(a) Land acquired by township.--Any township may, singly or
jointly with another municipality, acquire, by purchase or by
the right of eminent domain, lands or easements along or
adjacent to any township street that may be necessary to
eliminate dangerous curves, widen streets or provide a free and
unobstructed view down and across lands located at or near the
intersection of any two streets or highways, or a street or
highway and a railroad or railway, or at a curve in a street or
highway, for the better protection and safety to the traveling
public.

(b) Postcondemnation abatement.--After condemnation, the
township may abate or remove, or cause to be abated or removed,
any obstruction to the view over and across the lands.

(c) Condemnation proceedings.--The proceedings for the
condemnation of lands and for the assessment of damages for
property, or portions of property, taken, injured or destroyed,
agreed to be paid by the township if the taking is jointly with
another municipality, shall be taken in the manner provided
under the law governing eminent domain.

(d) Fair use.--Upon the purchase or condemnation of lands or
easements for a free and unobstructed view, the owner of the
lands may make every use of the lands that will not interfere
with a free and unobstructed view at the dangerous crossing or
curve.

§ 5521. Improving or vacating streets by agreement.

(a) Board powers after damages.--When the board of
commissioners constructs, changes, widens, relocates, vacates or

1 alters any portion of a public street under the board of
2 commissioners' supervision, and can agree with the property
3 owners affected by the change as to damages, the board of
4 commissioners may, upon payment of damages agreed upon,
5 construct, change, widen, relocate, vacate or alter the portion
6 of the street as contemplated in the agreement without the
7 formality of a view.

8 (b) Record of agreement.--A copy of the agreement stating
9 the facts regarding the construction, change, widening,
10 relocation, vacation or alteration, accompanied by a map or
11 draft of the street agreed to be constructed, changed, widened,
12 relocated, vacated or altered, shall be presented and recorded
13 in the office of the recorder of deeds or similar office in home
14 rule counties after which the new location is the public street
15 or the old location is vacated.

16 (c) Construction.--Nothing contained in this section shall
17 be construed to prohibit a township from paying for curbs,
18 gutters, sidewalks, retaining walls and incidental work
19 necessitated by such construction, change, alteration,
20 relocation, vacation or widening in cases where the necessary
21 land is dedicated to the township for public use.

22 § 5522. Proceedings with or without petition.

23 A township may improve streets, portions of streets or a
24 particular width or additional widths of streets, with or
25 without the assistance or contribution of the Federal
26 Government, the Commonwealth, the county or a corporation
27 occupying the thoroughfare, and may assess and collect the
28 following from the owners of real estate abutting on the
29 improvement in accordance with Chapter 63 (relating to
30 assessments for public improvements):

1 (1) The whole cost of improvement.

2 (2) The whole cost of improvement not aided or
3 contributed to by the Federal Government, the Commonwealth,
4 the county or a corporation.

5 (3) Any part of the cost.

6 § 5523. Power to open drains and ditches.

7 (a) Maintenance.--The board of commissioners or its agents
8 and employees may enter any lands or enclosures and cut, open,
9 maintain and repair drains or ditches through the property when
10 necessary to carry the water from the streets.

11 (b) Summary offense.--A person who damages or diverts a
12 drain or ditch without the authority of the board of
13 commissioners commits a summary offense and is liable for the
14 cost of restoring the drain or ditch. All money recovered under
15 this subsection shall be paid to the township treasurer.

16 § 5524. Trees and shrubbery within right-of-way.

17 (a) Modifications to obstacle permitted.--In order to
18 provide for easy and convenient traveling upon the public
19 streets or highways, the board of commissioners may cut, alter
20 or remove trees, shrubbery, underbrush, refuse or obstructions
21 within the legal width of a public street or highway, or any
22 portion of a public street or highway.

23 (b) Brush.--All logs, cordwood, branch wood or other forms
24 of wood derived from the destruction or removal of trees growing
25 along streets or highways shall be surrendered to and remain the
26 property of the abutting owners, provided that the abutting
27 owners shall, within 10 days after notice from the township,
28 remove the logs, cordwood, branch wood or other forms of wood
29 from the legal width of the street or highway. In the event of
30 the abutting owners' failure to remove the wood, the abutting

owners shall forfeit all interest in the wood and the wood may be disposed of as the board of commissioners deems proper.

§ 5525. Protection of streets or highways from snowdrifts.

(a) Entrance on private property for snow fence.--A township may enter upon private property adjacent to a public street or highway and place on the private property a snow fence to within a limit of 100 feet from the right-of-way line of the public street or highway in order to eliminate snow drifting on the traveled portion of the street.

(b) Snow fence limitations.--A snow fence may not be placed before the first day of November or remain in place after the first day of April of the succeeding year unless the written consent of the owner of the adjacent property is obtained agreeing to an extension of time for the removal of the snow fence.

(c) Compensation and appeal.--If the board of commissioners and the owner of the property upon which a snow fence is placed and removed under this section cannot agree to the amount of compensation, if any, to be paid to the owner for placing the snow fence, including the amount of damages, if any, to be paid for injury to the property resulting from placing and removing the fence, the owner may petition the court of common pleas of the county for the appointment of viewers to ascertain the amount of damage incurred in the manner provided in this part for eminent domain proceedings. Damages, if any, when ascertained, shall be paid by the township from the general township fund.

§ 5526. Naming of streets.

The board of commissioners may provide for and regulate the naming of streets and highways. When the naming of a street or

1 highway will affect signage maintained by the Department of
2 Transportation, the board of commissioners shall notify the
3 department.

4 § 5527. Street lighting, ornamental lighting and traffic
5 control signals and devices.

6 The board of commissioners may provide street lights and
7 ornamental lighting and make regulations for the protection of
8 lighting. The board may assess the costs of street lighting and
9 ornamental lighting in accordance with Chapter 63 (relating to
10 assessments for public improvements). The board may provide for
11 the erection, maintenance and operation of traffic control
12 signals and devices in accordance with 75 Pa.C.S. (relating to
13 vehicles).

14 § 5528. Penalty for destroying signs.

15 (a) Unlawful sign modification or destruction.--It shall be
16 unlawful for a person to willfully destroy, remove, injure or
17 deface a sign legally erected upon or near a public street,
18 highway or bridge by the board of commissioners, or legally
19 erected with the consent of the board of commissioners over a
20 public street, highway or bridge, by a club, association or
21 other organized body, for the direction, guidance or safety of
22 travelers. It shall also be unlawful for a person to willfully
23 destroy, remove, injure or deface a temporary traffic-control
24 device legally erected to enhance traffic or worker safety in a
25 construction or maintenance work zone, including cones, batons,
26 barrels, barricades, signs, sign trucks, arrow boards or other
27 devices specified in a traffic safety plan approved by the
28 township or the Department of Transportation.

29 (b) Summary offense.--A person who violates this section
30 commits a summary offense and, upon conviction, shall be

1 punished in accordance with section 7711 (relating to fines and
2 penalties), which may include the costs of labor, materials and
3 prosecution. Money collected shall be paid to the township
4 treasurer.

5 § 5529. Railroad crossings.

6 (a) Rail crossings above and below.--Every township
7 constructing a street across a railroad shall construct the
8 street above or below the grade of the railroad, unless
9 permitted by the Pennsylvania Public Utility Commission to
10 construct the street at grade.

11 (b) New construction.--New construction of a street crossing
12 a railroad or the vacation of a street crossing a railroad shall
13 be constructed or vacated only in the manner consistent with the
14 rules and regulations and under the jurisdiction of the
15 Pennsylvania Public Utility Commission.

16 (c) Damages.--Compensation for damages to the owners of
17 adjacent property taken, injured or destroyed by the
18 construction of a street crossing a railroad or the vacation of
19 a street crossing a railroad shall be ascertained, fixed and
20 paid under 66 Pa.C.S. Pt. I (relating to public utility code).

21 § 5530. Street permits.

22 No railroad or street railway shall be constructed upon a
23 township street, nor shall a railroad or street railway
24 crossings, driveway connections, gas pipes, water pipes,
25 electric conduits or other piping be laid upon or in, nor shall
26 a telephone, telegraph or electric light or power poles or coal
27 tipples or other obstructions or facilities of nonpublic utility
28 communication providers be erected upon or in any portion of a
29 township street, except under conditions, restrictions and
30 regulations, and subject to the payment of fees for permits as

1 may be prescribed and required by the board of commissioners not
2 exceeding the reasonable cost of issuing the permit and expense
3 of inspecting the work authorized by the permit upon completion
4 of the work. All fees collected for permits shall be paid into
5 the township treasury.

6 § 5531. County aid in the improvement of township streets.

7 (a) Improvement.--Whenever the owners of the majority of the
8 assessed valuation of real property within a township desire a
9 principal street within the township to be improved and
10 maintained at the joint expense of the county and township, the
11 owners may petition the board of commissioners of the township
12 for the improvement and require the board of commissioners to
13 make application to the county commissioners for the improvement
14 and maintenance in accordance with the provisions of existing
15 law.

16 (b) Board inaction and court order.--If the board of
17 commissioners refuses to act upon, or unduly delays action on, a
18 petition for the improvement and maintenance of a street, a
19 citizen taxpayer of the township or county may, by petition,
20 present the facts of the matter to the court of common pleas and
21 request the court to order an action as the case may require.
22 If, after due hearing had before the court, it appears that the
23 truth of the matters alleged in the petition are sustained, the
24 court shall make an order directing the board of commissioners
25 to act upon the application or applications, and that the
26 application or petition for the improvement be forwarded to the
27 county commissioners.

28 § 5532. Boundary streets.

29 (a) Boundary streets.--When a street, other than a State or
30 county road, is created or located along, on or over boundaries

1 between a township and any other municipal corporation, the
2 creation, location, construction, maintenance and repair of the
3 street shall be the joint responsibility of the township and the
4 municipal corporation with which the common boundary is shared.

5 (b) Board agreements.--The board of commissioners may make
6 agreements with the governing body of the municipal corporation
7 with which the common boundary is shared to provide for the
8 apportionment of the cost of construction, maintenance and
9 repair of boundary streets.

10 (c) Court determination.--If an amicable agreement on the
11 proportionate share of costs of construction, maintenance and
12 repair of boundary streets cannot be executed, the board of
13 commissioners or the governing body of the other municipal
14 corporation involved may petition the court of common pleas of
15 the county for a determination of the rights and
16 responsibilities of the respective municipal corporations
17 involved.

18 (d) Court order.--The court, after hearing of which notice
19 shall be given to all parties interested as the court may
20 direct, shall make an order directing the manner of the opening
21 and maintenance and the division of the costs between the
22 township and the other municipal corporation.

23 § 5533. When center line of street is boundary between township
24 and another municipal corporation.

25 (a) Municipal corporation contracts.--A township may enter
26 into a contract with a municipal corporation to provide for the
27 grading, curbing, draining and paving of a street that
28 constitutes the dividing line between the township and the
29 municipal corporation.

30 (b) Alterations and improvements.--The alterations and

1 improvements shall be made under the supervision of the township
2 or municipal corporation, or by contract let by the township or
3 the municipal corporation, as may be provided for in the
4 contract between the township and the municipal corporation.

5 § 5534. Streets having more than half of their width within
6 township.

7 (a) General rule.--If a street, more than one-half the width
8 of which is within the limits of the township, divides the
9 township from any other municipal corporation, the street may be
10 improved by the township in the same manner as if the street
11 were entirely located within the limits of the township.

12 (b) Assessment.--The property, within or outside the
13 township, that abuts the street and benefits from the
14 improvements may, for a depth of 150 feet plus one-half the
15 width of the street measured from the street's center line, be
16 assessed for any and all municipal improvements to or on the
17 street in the same manner as the property would be assessed
18 under the provisions of this chapter if the property were
19 entirely located within the limits of the township.

20 § 5535. Assessment for improvements on property outside limits
21 where street entirely within township.

22 If a street, entirely within the limits of a township,
23 divides the township from any other municipal corporation, the
24 property on the side of the street, within or outside the
25 township, that abuts the street and benefits from the
26 improvement may, for a depth of 150 feet from the street's
27 center line, be assessed for any and all municipal improvements
28 to or on the streets on which the property abuts in the same
29 manner as the property would be assessed under the provisions of
30 this title if the property were entirely located within the

1 limits of the township.

2 CHAPTER 57

3 BRIDGES

4 Sec.

5 5701. Construction and acquisition of bridges.

6 5702. Maintenance.

7 5703. Boundary bridges.

8 § 5701. Construction and acquisition of bridges.

9 (a) Construction generally.--A township may erect and
10 construct or acquire by purchase, condemnation or otherwise, a
11 bridge and the piers, abutments and approaches for the bridge,
12 to be used, improved and maintained as a street whether the
13 bridge is wholly or partly within the township limits.

14 (b) Proceedings.--The proceedings for laying out and opening
15 a bridge shall be the same as provided by this part for the
16 laying out and opening of streets, and the bridge or portion of
17 the bridge may be vacated under the same procedure as provided
18 in this part for the relocation or vacation of streets or
19 portions of streets.

20 (c) Pennsylvania Public Utility Commission powers and
21 duties.--Nothing in this chapter shall affect the powers or
22 duties of the Pennsylvania Public Utility Commission to the
23 extent otherwise provided by law.

24 (d) Obstructions prohibited.--Bridges over railroads shall
25 not obstruct the railroad over which the bridge is built.
26 Nothing in this section shall release the railroad or other
27 companies or the Commonwealth from the requirements of existing
28 laws.

29 (e) Definition.--As used in this chapter, the term "bridge"
30 shall mean a structure built to span and provide passage over a

1 valley, street, railroad track, private property, gully, river,
2 creek, stream or any other body of water or physical obstacle
3 and shall include viaducts constructed from a series of spans or
4 arches.

5 § 5702. Maintenance.

6 (a) Maintained as township structure.--A bridge shall be
7 maintained as a township structure, and the township may
8 contract with any party interested, except the county, for the
9 maintenance of the bridge.

10 (b) Unrecorded county bridge.--If a bridge, or part of a
11 bridge, has been built by the county, or the whole or part of
12 the money necessary to build the bridge has been furnished by
13 the county, and the bridge has not been entered on record as a
14 county bridge, the bridge shall be maintained, kept in repair
15 and rebuilt, when necessary, by the township or municipal
16 corporation in which, or on the boundary line of which the
17 bridge is located, without rendering the county liable for the
18 maintenance and repair of the bridge.

19 § 5703. Boundary bridges.

20 (a) Intergovernmental cooperation permitted.--If a bridge
21 crosses the boundary line of a township and another municipal
22 corporation, the township may enter into an intergovernmental
23 cooperation agreement in accordance with 53 Pa.C.S. Ch. 23
24 Subch. A (relating to intergovernmental cooperation) with the
25 municipal corporation for the construction and maintenance of
26 the bridge and for apportionment of the costs.

27 (b) Court petition.--If an amicable agreement on the
28 proportionate share of costs of construction, maintenance and
29 repair of boundary bridges cannot be executed, the board of
30 commissioners or the governing body of the other municipal

corporation involved may petition the court of common pleas of the county or counties for a determination of the rights and responsibilities of the respective municipal corporations involved.

CHAPTER 59

SIDEWALKS

Sec.

5901. Power to lay out and establish grades.

5902. Width.

5903. Paving and curbing sidewalks.

5904. Repair of sidewalks.

5905. Emergency repairs.

§ 5901. Power to lay out and establish grades.

Townships may, by ordinance, lay out and establish sidewalks, curbs, gutters and surface water drains along any street and, with the consent of the Secretary of Transportation, along any State highway, and, with the consent of the county commissioners, along any county road. Townships may establish grades for the sidewalks, which may be separate and apart from the grade established for the street or highway. For the purposes of this section, a township may acquire land by purchase, gift or the right of eminent domain.

§ 5902. Width.

The width of a sidewalk shall be fixed by the board of commissioners either by ordinance or resolution.

§ 5903. Paving and curbing sidewalks.

(a) General rule.--Townships may, upon notice as provided by ordinance, require owners of property abutting on a street, including State highways and county roads, to construct, grade, pave, curb, repave and recurb the sidewalks along the property

1 under regulations and specifications prescribed by ordinance.
2 All reconstruction, repaving and recurbing may be provided for
3 in the ordinance providing for the original construction, paving
4 and curbing, without the necessity for adopting a new ordinance
5 providing for the reconstruction, repaving and recurbing.

6 (b) Failure to comply.--Upon the failure of a property owner
7 to comply with the notice under subsection (a), a township may
8 cause the construction, grading, paving, curbing, repaving and
9 recurbing to be done by the township itself or by contract, and
10 to levy and collect the cost of the work from the property owner
11 abutting the sidewalk.

12 (c) Cost.--The cost of any work incurred by the township
13 under subsection (b) may be levied against and collected from
14 the owner who failed to complete the work after notice to do so,
15 together with a penalty of 10% of the costs and all charges and
16 expenses. The costs, penalties, charges and expenses provided
17 for shall be a lien upon the property for which the notice to do
18 the work was given. The lien shall exist from the time of the
19 commencement of the work, which date shall be fixed by the
20 township engineer and certified to the township secretary in
21 accordance with section 3504 (relating to certificate of
22 commencement and of completion of municipal improvements). A
23 lien may be collected by action in assumpsit or by lien filed in
24 the manner provided by law for the filing and collection of
25 municipal claims, or the cost of any construction, grading,
26 paving, curbing, repaving and recurbing may be borne in whole or
27 in part by the township. If the township pays in part, the
28 remaining cost shall be collected as provided by this section.

29 (d) Notice.--

30 (1) Each notice shall be served upon the owner of the

1 premises to which the notice refers, if the owner is a
2 resident of the township. If the owner is not a resident, the
3 notice may be served upon the agent or tenant of the owner or
4 upon the occupant of the premises. If the owner has no agent
5 or tenant or there is no occupier of the premises, service
6 shall be by notice posted upon the premises.

7 (2) The notice required by this section shall specify a
8 period of time of not less than 60 days for the owner to
9 complete the specified work. If the work has not been
10 completed after the specified time has elapsed, the owner
11 shall be deemed to have failed to comply.

12 § 5904. Repair of sidewalks.

13 (a) General rule.--The owners of property abutting any
14 street, including State highways and county roads, shall keep
15 the sidewalk, together with any portion of the property paved
16 along such a street and used as a sidewalk or public walk, in
17 good order and repair, and, at all times, free and clear of all
18 obstruction to safe and convenient passage.

19 (b) Failure to comply.--If the property owner neglects to
20 perform the duty imposed in subsection (a), the board of
21 commissioners may serve written notice upon the property owner
22 under section 5903(d)(1) (relating to paving and curbing
23 sidewalks) to do what is necessary. If the property owner fails
24 to comply with the requirements of the notice within 30 days
25 from the date of service, the township may make the necessary
26 repairs or remove any obstruction. The cost of the work,
27 together with a penalty of 10%, shall be paid by the delinquent
28 property owner and may be collected by action of assumpsit, or
29 the township may file a municipal lien against the property.

30 § 5905. Emergency repairs.

1 (a) General rule.--A township may make emergency repairs to
2 sidewalks within the township's corporate limits if an officer
3 or designated individual representing the department or
4 committee in charge of repairs to sidewalks upon inspection
5 determines that a substantial and immediate danger exists to
6 public health, safety and welfare.

7 (b) Report.--The officer or individual shall prepare a
8 written report of the conditions which shall be conclusive
9 evidence of the existence of the emergency justifying the
10 repair.

11 (c) Intent.--This section is intended to provide an
12 additional remedy for townships in connection with emergency
13 repairs of sidewalks.

14 (d) Service.--

15 (1) A copy of the written report shall be served upon
16 the abutting property owner, along with a notice to make
17 emergency repairs to the sidewalk within 48 hours of service
18 of the notice and report.

19 (2) The notice and copy of the report shall be served
20 under section 5903(d)(1) (relating to paving and curbing
21 sidewalks).

22 (3) The report shall expressly state that emergency
23 repairs are required.

24 (4) If the owner fails to make the emergency repairs
25 within the prescribed time, the township may make the
26 emergency repairs to the sidewalk.

27 (e) Cost.--Upon the completion of emergency repairs, the
28 cost of the repairs shall be a charge against the owner of the
29 abutting property and shall be a lien, until paid, upon the
30 abutting property, provided that a claim is filed for the lien

1 in accordance with the law providing for the filing and
2 collection of municipal claims.

3 (f) Collection.--The amount of the claim against the owner
4 of the abutting property may also be collected from the owner by
5 an action in assumpsit.

6 CHAPTER 61

7 SANITARY SEWERS AND DRAINS

8 Subchapter

9 A. Establishing and Constructing Sewer And Drainage Systems,
10 Sewer Connections and Rates, Disposal of Sewage and
11 Assessment of Cost of Construction

12 B. Acquisition of Sewer System from Private Interests and
13 Distribution of Costs

14 C. Contracts with Individuals or Corporations for
15 Construction and Maintenance of Sewer and Drainage
16 Systems

17 D. Sewers and Drains in Streets or Highways or Over Private
18 Property and Assessment of Cost of Construction According
19 to Benefits

20 E. Sewers under State and County Highways

21 F. Connecting with Adjoining Sewer

22 G. Joint Sanitary Sewers and Drains

23 SUBCHAPTER A

24 ESTABLISHING AND CONSTRUCTING SEWER AND
25 DRAINAGE SYSTEMS, SEWER CONNECTIONS AND RATES,
26 DISPOSAL OF SEWAGE AND ASSESSMENT OF COST OF
27 CONSTRUCTION

28 Sec.

29 6101. Power to establish and construct sewers and drains and
30 require connections and sewer rentals.

1 6102. Required connection and fees.

2 6103. Notice of contemplated construction.

3 6104. Location of sanitary sewers on private property.

4 6105. Treatment works and facilities.

5 6106. Cost of construction and payment.

6 6107. Sewer districts.

7 6108. Assessments.

8 § 6101. Power to establish and construct sewers and drains and
9 require connections and sewer rentals.

10 (a) Establishment and construction.--Townships may establish
11 and construct a system of sanitary sewers and drainage, locating
12 the system, as far as practicable, in the right-of-way of the
13 street in a street. The system may be for the service and use of
14 properties on both sides of the street or on only one side of
15 the street in which the system is laid, as seems advisable to
16 the township commissioners.

17 (b) Connections.--The board of commissioners may, in
18 accordance with section 6102(a) (relating to required connection
19 and fees), permit, and, if necessary for the public health by
20 ordinance, require an owner of property benefited, improved or
21 accommodated by sanitary sewers, to make connections with the
22 sanitary sewer system in the manner specified by the board of
23 commissioners. All connections required shall be uniform.

24 (c) Regulations.--The board of commissioners may, by
25 ordinance, make regulations relating to the use and maintenance
26 of the sanitary sewer system and treatment works. Violations of
27 the ordinance may be enforced by penalties. The regulations may
28 do all of the following:

29 (1) Specify materials and substances which may or may
30 not enter the public sewer or sewer system.

1 (2) Require that certain types or classes of waste be
2 subjected to treatment or to grinding or other reduction in
3 size before entering into the sewer.

4 (3) Restrict the quantity of waste material that may
5 enter a sanitary sewer from a premises within any time
6 interval.

7 (d) Rate.--

8 (1) Each person whose property is connected to a
9 sanitary sewer system shall pay a monthly, quarterly,
10 semiannual or annual rate to the township, in addition to the
11 cost of making connections to the sanitary sewer system.

12 (2) The initial imposition of the rate under paragraph
13 (1) shall be established by ordinance. Any subsequent rate
14 adjustments may be by resolution, provided that the ordinance
15 establishing the rate allows for future rate adjustments by
16 resolution adopted at a public meeting. This paragraph shall
17 not be construed to invalidate or void any rate imposed or
18 adjusted prior to the effective date of this section.

19 (3) The rate under this subsection shall constitute a
20 lien, until paid, against the property connected to the
21 sanitary sewer system, and the amount may be recovered by due
22 process of law through an action in assumpsit in the name of
23 the township against the owner of the property charged or by
24 a lien filed in the nature of a municipal lien.

25 (e) Data.--All water utilities supplying water to users
26 within the boundaries of a township shall, at the request of the
27 board of commissioners, furnish to the township, on or before
28 the 15th day of the month following the month during which bills
29 are issued, a list of all water meter readings and flat-rate
30 water bills and the basis for each flat-rate water charge, so

1 that the data may be used in calculating sewer rates. The
2 township may reimburse utilities reasonable amounts for
3 necessary clerical and other expenses incurred in the
4 preparation of the lists.

5 (f) Construction.--Nothing in this section shall be
6 construed to repeal or modify any of the provisions of 66
7 Pa.C.S. (relating to public utilities).

8 (g) Approval.--If required by other law, a township shall
9 obtain the consent and permit of the Department of Environmental
10 Protection or other Federal, State or county entity, including
11 the Pennsylvania Turnpike Commission, for the laying out and
12 construction of a sanitary sewer and treatment works.

13 (h) Definition.--As used in this chapter, the term "sanitary
14 sewer" means a sewer used for receiving and collecting sewage
15 matter and liquid waste from the inside of buildings and
16 structures. In those townships where there are what is known as
17 "combined sewers," the term means a sewer used for receiving, in
18 addition to such sewage and liquid waste from the inside of
19 buildings and structures, storm, roof or surface drainage. The
20 term includes a combined sewer.

21 § 6102. Required connection and fees.

22 (a) General rule.--A township may, by ordinance, require a
23 property owner to connect with and use a sanitary sewer system
24 established or constructed by the township, joint sanitary sewer
25 board or a municipal authority serving the township if the
26 property abuts on or adjoins any street or highway along which
27 the sewer system is located or whose principal building is
28 within 150 feet from the sanitary sewer.

29 (b) Failure to connect.--

30 (1) If an owner of property abutting on or adjoining or

1 whose principal building is within 150 feet from the sanitary
2 sewer fails to connect with and use the sanitary sewer under
3 subsection (a) for a period of 60 days after notice to do so
4 has been served by the board of commissioners, either by
5 personal service or by registered mail, the board of
6 commissioners or their agents may enter the property and
7 construct the connection.

8 (2) The board of commissioners shall send an itemized
9 bill of the cost of construction under paragraph (1) to the
10 owner of the property to which connection has been made,
11 which shall be payable immediately.

12 (3) If the owner fails to pay the bill under paragraph
13 (2), the board of commissioners shall file a municipal lien
14 for the cost of the construction. The township may also by
15 ordinance impose penalties to enforce regulations or orders
16 in regards to sewer connections.

17 (c) Fees.--As a condition of connection to a sanitary sewer
18 collection, treatment or disposal facility, owned or operated by
19 a township, a township may impose and charge the following to
20 property owners who desire or are required to connect to the
21 sanitary sewer system or who desire to increase their usages of
22 the system:

23 (1) A connection fee.

24 (2) A customer facilities fee.

25 (3) A tapping fee.

26 (4) Similar fees, as enumerated and defined by 53

27 Pa.C.S. § 5607(d)(24) (relating to purposes and powers).
28 § 6103. Notice of contemplated construction.

29 No sanitary sewer system shall be constructed under this
30 chapter unless an ordinance of the board of commissioners

1 authorizing the construction is published once in a newspaper of
2 general circulation under section 1107 (relating to legal
3 advertising).

4 § 6104. Location of sanitary sewers on private property.

5 Where it is reasonably impracticable, in the judgment of the
6 board of commissioners, in any part of the sanitary sewer system
7 to carry sanitary sewers along the lines of public streets or
8 highways, the board of commissioners may locate and construct as
9 much of the sanitary sewers as is necessary through private
10 lands and may acquire the necessary land or right of way for
11 this purpose by gift, purchase or the exercise of the right of
12 eminent domain.

13 § 6105. Treatment works and facilities.

14 The board of commissioners may acquire by eminent domain or
15 enter into contracts with other municipal corporations,
16 corporations or persons for the acquisition of lands or
17 facilities for the location, construction, maintenance, use and
18 operation of sanitary sewer systems and treatment facilities.

19 Acquisitions may be made for the purpose of future additions to
20 and enlargements of existing systems. The acquired land may be
21 located either inside or outside the boundaries of the township.

22 Any extension shall be in conformity with 26 Pa.C.S. § 206
23 (relating to extraterritorial takings) and any other applicable
24 requirement of 26 Pa.C.S. (relating to eminent domain).

25 § 6106. Cost of construction and payment.

26 The cost of construction of a system of sanitary sewers or
27 drains, constructed by the authority of this subchapter, may be
28 charged upon the properties benefited, improved or accommodated
29 to the extent of the benefits, or may be paid for wholly or
30 partially by general taxation. Any amount not legally chargeable

1 upon properties benefited, improved or accommodated shall be
2 paid out of the general township fund.

3 § 6107. Sewer districts.

4 (a) General rule.--When a sanitary sewer system is
5 constructed by a township for the accommodation of a certain
6 portion of the township, the board of commissioners may
7 designate the territory accommodated into a sewer district or
8 divide the portion into several sewer districts.

9 (b) Apportionment.--The board of commissioners shall
10 estimate the proportion of the cost of the sanitary sewer system
11 to be charged on each of the districts and declare and establish
12 the apportionment by resolution and the following shall apply:

13 (1) No district shall be charged more than the
14 district's due proportion of the cost of a sanitary sewer
15 system, or any part of the system, used jointly by more than
16 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
20 the sanitary sewer system, the township may be treated as a
21 single district or divided into districts, and be subject to
22 the provisions of this section.

23 § 6108. Assessments.

24 Assessments, whether based according to benefits conferred or
25 by the front foot basis, and assessment awards, if any, shall be
26 calculated under Chapter 63 (relating to assessments for public
27 improvements).

28 SUBCHAPTER B

29 ACQUISITION OF SEWER SYSTEM FROM PRIVATE

30 INTERESTS AND DISTRIBUTION OF COSTS

1 Sec.

2 6111. Power to acquire community sewage collection or disposal
3 systems.

4 § 6111. Power to acquire community sewage collection or
5 disposal systems.

6 (a) General rule.--A township may, by ordinance, acquire
7 ownership of a community sewage collection or disposal system by
8 purchase, the exercise of eminent domain under 26 Pa.C.S.
9 (relating to eminent domain) or by gift from the owner or
10 owners.

11 (b) Eminent domain.--In eminent domain proceedings, the
12 viewers shall assess the costs and expenses of the community
13 sewage collection or disposal system acquired by the township
14 upon the property or properties benefited according to benefits.
15 A deficiency that is not assessed upon the benefited property or
16 properties shall be paid by the township.

17 (c) Enlargement.--After a community sewage collection or
18 disposal system has been acquired under this section by the
19 township, the board of commissioners shall have the power to
20 enlarge the system if the board deems the enlargement advisable.
21 The cost and expenses of the enlargement may be distributed or
22 assessed in the same manner as if the enlargement was a regular
23 sewer constructed by the township under other provisions of this
24 chapter.

25 (d) Special provisions.--If a community sewage collection or
26 disposal system is established or constructed within a township
27 by a private owner or owners and the board of commissioners is
28 empowered by ordinance to acquire the ownership of the sewage
29 disposal system, or when the system has been enlarged by the
30 township, the acquisition and ownership shall be subject to the

1 following provisions:

2 (1) An agreement shall be considered a valid agreement
3 by the owners of the sewage collection or disposal system and
4 shall be a transfer of ownership to the township when any of
5 the following enter into an agreement with the township for
6 the acquisition of the system by the township:

7 (i) The person or persons having established or
8 constructed a community sewage collection or disposal
9 system.

10 (ii) More than one-half of the number of owners of
11 properties which are connected with, have a right to use
12 and are using a community sewage collection or disposal
13 system.

14 (2) The township shall operate and maintain any
15 community sewage collection or disposal system acquired any
16 or enlargement or any addition to a system for the use of the
17 following:

18 (i) Persons having acquired from the township or
19 from the former owner or owners the right to use the
20 system.

21 (ii) Other owners of property accessible to the
22 system up to the capacity of the community sewage
23 collection or disposal system.

24 (3) All persons whose property connects with the
25 community sewage collection or disposal system acquired or
26 constructed by the township shall pay to the township
27 treasurer, a monthly, quarterly, semiannual or annual charge
28 prescribed by a resolution of the board of commissioners. The
29 amount of the charges shall not be in excess of the estimated
30 amount necessary to maintain and operate the system and to

1 establish a reserve fund sufficient for the system's future
2 replacement.

3 (4) All sewer rentals or charges imposed by the board of
4 commissioners against properties connected with a community
5 sewage collection or disposal system under this section shall
6 constitute liens against the properties and may be collected
7 in the same manner as other sewer charges.

8 (5) All money received from the sewer charges shall be
9 deposited as a special reserve fund and shall be used only
10 for the payment of the cost of operating and maintaining the
11 community sewage collection or disposal system and the
12 replacement, if necessary and economically desirable. If, at
13 any time after the acquisition or enlargement of the
14 community sewage system, a regular sewer system is made
15 available by the township for connection with the properties
16 using the community sewage collection or disposal system, the
17 owners of the properties shall be subject to the other
18 provisions of this chapter relating to sewers, and all money
19 at that time in the reserve fund which was received from
20 charges for the use of that particular community sewage
21 collection or disposal system and which is over and above the
22 amount expended for the operation and maintenance of that
23 particular sewage collection or disposal system shall be used
24 towards the payment of any sewer assessments charged against
25 the properties under other sections of this part.

26 (e) Construction.--Nothing in this section may be construed
27 to supersede the requirements of the act of January 24, 1966
28 (1965 P.L.1535, No.537), known as the Pennsylvania Sewage
29 Facilities Act.

30 (f) Definitions.--As used in this section, the following

1 words and phrases shall have the meanings given to them in this
2 subsection unless the context clearly indicates otherwise:
3 "Community sewage collection or disposal system." All or
4 part of a device or devices installed on any privately or
5 publicly owned parcel of land intended to treat or dispose of
6 the sewage or equivalent volume of domestic sewage from two or
7 more residences, buildings or occupied parcels of land, or any
8 system of piping used in collection and conveyance of sewage on
9 private or public property.

10 SUBCHAPTER C

11 CONTRACTS WITH INDIVIDUALS OR CORPORATIONS

12 FOR CONSTRUCTION AND MAINTENANCE OF SEWER AND

13 DRAINAGE SYSTEMS

14 Sec.

15 6121. Contracts for sewer and drainage systems.

16 § 6121. Contracts for sewer and drainage systems.

17 (a) General rule.--In a case where, under the authority of
18 section 6101 (relating to power to establish and construct
19 sewers and drains and require connections and sewer rentals), a
20 system of sewage and drainage covering a township in whole or in
21 part shall be approved and authorized by ordinance, the board of
22 commissioners may enter into a contract with any responsible
23 individual or corporation for the construction of a system of
24 sewage or drainage at the expense of the individual or
25 corporation and the following shall apply:

26 (1) The individual or corporation shall be entitled
27 under the contract to exercise all the powers of the township
28 in the construction, maintenance and operation of the system
29 of sewage or drainage, with the right to collect fees
30 connected to the construction, maintenance and operation as

1 the board of commissioners prescribes, in as full a manner as
2 the fees might have been collected by the township or the
3 commissioners.

4 (2) In the contract, the board of commissioners shall
5 reserve to the township the right at any time, after a
6 prescribed time, to take possession of the system of sewage
7 and drainage and the system's appurtenances, at a price and
8 upon terms to be fixed in the contract.

9 (b) Construction.--Nothing in this section shall be
10 construed to repeal or modify any of 66 Pa.C.S. (relating to
11 public utilities).

12 SUBCHAPTER D

13 SEWERS AND DRAINS IN STREETS OR HIGHWAYS

14 OR OVER PRIVATE PROPERTY AND ASSESSMENT OF COST

15 OF CONSTRUCTION ACCORDING TO BENEFITS

16 Sec.

17 6131. Cost of construction.

18 § 6131. Cost of construction.

19 Townships may construct sanitary sewers and drains in any
20 street or highway, or through or on or over private property.
21 The costs, damages and expenses of the construction of sanitary
22 sewers or drains may be paid for wholly or partially by general
23 taxation, or may be assessed upon the properties accommodated or
24 benefited under Chapter 63 (relating to assessments for public
25 improvements).

26 SUBCHAPTER E

27 SEWERS UNDER STATE AND COUNTY HIGHWAYS

28 Sec.

29 6141. State and county highways and consent required.

30 § 6141. State and county highways and consent required.

1 (a) General rule.--A township may construct a sanitary sewer
2 and drain in or under any State or county highway within the
3 township boundaries.

4 (b) Consent.--

5 (1) For the construction of a sanitary sewer in or under
6 a county highway, the consent of the county commissioners of
7 the county shall be obtained.

8 (2) For the construction of a sanitary sewer in or under
9 a State highway, the consent of the Department of
10 Transportation shall be obtained.

11 SUBCHAPTER F

12 CONNECTING WITH ADJOINING SEWER

13 Sec.

14 6151. Connection by agreement or petition and appointment of
15 viewers.

16 § 6151. Connection by agreement or petition and appointment of
17 viewers.

18 (a) General rule.--If a township desires to connect with the
19 existing sanitary sewer of an adjacent municipal corporation or
20 municipal authority for either sewage collection or treatment
21 purposes, the entities may enter into an agreement for this
22 purpose. If no agreement has been reached between the township
23 and the adjacent municipal corporation or municipal authority,
24 the township shall proceed as provided under subsection (b).

25 (b) Application.--An application shall be made by the board
26 of commissioners to the court of common pleas of the county
27 where the proposed connection is to be located, stating the
28 desire of the township to connect with the existing sanitary
29 sewer of the municipal corporation or municipal authority. If
30 the court determines that the connection can be made without

impairing the usefulness of the existing sanitary sewer, the
court shall appoint three viewers who shall:

(1) View the premises and investigate the facts of the
case.

(2) Assess the proportionate part of the expense of
building the original sanitary sewer upon the petitioning
township.

(3) Fix the proportion of the expense for repairs which
the municipal corporation or municipal authority and the
township shall bear.

(4) Determine all other questions which are likely to
arise in connection with the sanitary sewer.

(c) Report.--The viewers shall report the results of their
investigation under subsection (b) to the court, and the court
shall confirm the report within 30 days of the report's
submission unless exceptions are filed. Any interested party may
appeal the disposition of filed exceptions.

SUBCHAPTER G

JOINT SANITARY SEWERS AND DRAINS

Sec.

6161. Building joint sewers.

§ 6161. Building joint sewers.

(a) General rule.--Under 53 Pa.C.S. Ch. 23 Subch. A
(relating to intergovernmental cooperation), a township may
contract with another municipal corporation providing for the
joint construction or maintenance of sanitary sewer systems and
for joint construction onto existing sanitary sewer systems, and
the following shall apply:

(1) The agreement shall provide for the apportionment of
costs among the municipal corporations.

1 (2) The board of commissioners may assess the township's
2 respective portion of the costs, as may be legally
3 assessable, upon property benefited by the facilities under
4 Chapter 63 (relating to assessments for public improvements).

5 (3) Any portion of the cost not assessed or assessable
6 shall be paid by the respective municipal corporations under
7 the agreement.

8 (4) In addition to or in lieu of contracting with other
9 municipal corporations, townships may contract with municipal
10 authorities for the purposes of this section.

11 (b) Board.--

12 (1) The municipal corporations joining or contemplating
13 joining in any improvement, in order to facilitate the
14 building of the sanitary sewer system and in securing
15 preliminary surveys and estimates, may by ordinance provide
16 for the appointment of a joint sanitary sewer board composed
17 of one representative from each of the municipal corporations
18 joining. The board shall act as the advisory and
19 administrative agency in the construction of the improvement
20 and its subsequent operation and maintenance.

21 (2) Members of the joint sanitary sewer board
22 established under paragraph (1) shall serve for terms of six
23 years each, from the date of the member's appointment until
24 the member's successor is appointed. The joint sanitary sewer
25 board shall organize by the election of a chairperson,
26 secretary and treasurer.

27 (3) The municipal corporations may, in the ordinances
28 creating the joint sanitary sewer board, authorize the board
29 to appoint an engineer, a solicitor and other assistants as
30 deemed necessary and agree to the share of the compensation

1 of those persons each municipal corporation shall pay.

2 (4) The members of the joint sanitary sewer board shall
3 receive compensation for attending board meetings as
4 established in the budget that is prepared by the joint
5 sanitary sewer board and submitted to and adopted by the
6 municipal corporations. The members shall be entitled to
7 actual expenses to be paid by the respective municipal
8 corporations the members represent.

9 (c) Powers and duties.--

10 (1) A joint sanitary sewer board may adopt rules and
11 regulations consistent with the requirements of this chapter
12 to govern the board's proceedings and shall prepare and
13 suggest any practical measures and plans by means of which
14 the joint improvement may be carried to successful completion
15 and plan the future development of the system, so as to
16 conform to a general plan.

17 (2) The joint sanitary sewer board may prepare a joint
18 agreement or agreements for submission to and adoption by the
19 municipal corporations defining the advisory and
20 administrative powers of the joint sanitary sewer board and
21 specifying the following:

22 (i) consent of the municipal corporations to the
23 proposed improvement;

24 (ii) the manner in which preliminary and final
25 plans, specifications and estimates for the proposed
26 improvement shall be prepared and adopted;

27 (iii) how proposals for bids shall be advertised and
28 contracts awarded;

29 (iv) the manner in which the costs of the
30 improvement and other incidental and preliminary expenses

1 in connection with the improvement and the future cost of
2 operation and maintenance shall be equitably shared,
3 apportioned and paid; and

4 (v) all other matters, including the preparation and
5 submission of annual and other budgets, as may be deemed
6 necessary or required by law to complete the proposed
7 improvement and to assure future maintenance and
8 operation of the proposed improvement.

9 (3) The joint sanitary sewer board may not make an
10 improvement or expend any public money which has not first
11 been authorized by all of the municipal corporations
12 proceeding with the improvement.

13 (d) Eminent domain.--

14 (1) When it is necessary to acquire, appropriate, injure
15 or destroy private property to build a joint sanitary sewer
16 system or improvement and the property cannot be acquired by
17 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
22 of eminent domain shall be vested in a municipal corporation
23 adjacent to the territory where the property is located
24 subject to 26 Pa.C.S. § 206 (relating to extraterritorial
25 takings).

26 (3) Damages for any property taken, injured or destroyed
27 shall be assessed as provided by the laws relating to the
28 municipal corporation exercising the right of eminent domain
29 and shall be paid by the municipal corporations joining in
30 the same proportion as other costs of the improvement.

1 (e) Indebtedness.--Each township joining in an improvement
2 shall have power to incur or increase the township's
3 indebtedness, not exceeding constitutional limits, for the
4 purpose of paying the township's share or portion of the cost of
5 the improvement in the manner now provided by law for the
6 incurring of indebtedness.

7 CHAPTER 63

8 ASSESSMENTS FOR PUBLIC IMPROVEMENTS

9 Sec.

10 6301. Definitions.

11 6302. Authority to assess.

12 6303. Method of assessment.

13 6304. Petition for viewers by board of commissioners.

14 6305. Petition for viewers by taxpayers.

15 6306. Notice of assessment.

16 6307. Benefits and damages.

17 6308. Payment of assessments in installments.

18 6309. Collection of assessments.

19 § 6301. Definitions.

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

23 "Front foot." The term includes, but is not limited to,
24 front linear foot, lot, parcel, dwelling unit or square foot.

25 "Public improvement." The term includes, but is not limited
26 to, the following:

27 (1) The building, paving, grading, rebuilding, repaving
28 and regrading of streets, sidewalks, curbs and gutters.

29 (2) The creation, extension and renovation of water
30 treatment, transmission, distribution and disposal systems.

1 (3) The creation, extension and renovation of sewage
2 collection, transmission, distribution, treatment and
3 disposal systems.

4 (4) The creation, extension and renovation of storm,
5 surface and subsurface drainage systems.

6 (5) The construction, reconstruction and repair of
7 wharves and docks.

8 (6) The installation, maintenance or operation of
9 lighting that services the streets, sidewalks and other
10 public places within the township.

11 (7) The planting, transplanting, removal and protection
12 of shade trees.

13 § 6302. Authority to assess.

14 (a) Authority.--Unless otherwise provided for in this
15 chapter, a township is authorized to assess all or any portion
16 of the costs of a public improvement against any properties that
17 are benefited by the public improvement.

18 (b) Payment of costs.--Unless otherwise provided in this
19 chapter, in addition to the authority to assess the cost of
20 public improvements against properties benefited either on the
21 front foot method or benefit conferred method of assessment, a
22 township may pay for the cost of public improvements, in whole
23 or in part, from the township general fund or from a special
24 township fund dedicated to that purpose.

25 (c) Indebtedness.--If a township incurs indebtedness under
26 53 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and
27 borrowing) for the purposes of funding the cost and expense of
28 making public improvements for which assessments are made in
29 accordance with this chapter, payments made on the assessments
30 must be applied to pay the debt service for the indebtedness

1 incurred for funding the cost and expense of making the public
2 improvements.

3 (d) Assessment outside of township.--Property benefited,
4 improved or accommodated that is located outside the limits of
5 the township that constructed the public improvement may, if
6 located no more than 150 feet from the public improvement, be
7 assessed for the cost of the public improvement in the same
8 manner as the property would be assessed under the laws of this
9 Commonwealth if the property were entirely located within the
10 limits of the township.

11 § 6303. Method of assessment.

12 (a) Ordinance.--If the board of commissioners elects to
13 exercise the power to make assessments for a given public
14 improvement as authorized in section 6302 (relating to authority
15 to assess), the board of commissioners shall, by ordinance and
16 in conformity with this chapter, establish the method and
17 procedure by which assessments shall be made.

18 (b) Allocation of costs and expenses.--

19 (1) The board of commissioners may, by ordinance, make
20 the assessment by any means that results in fairly allocating
21 all or a portion of the costs and expenses of the public
22 improvement among all properties benefited by the improvement
23 in reasonable proportion to the benefits conferred upon each
24 property. The methods that may be used to make assessments in
25 accordance with this subsection may include, but are not
26 limited to:

27 (i) An equal assessment per front foot.

28 (ii) An assessment made by benefits conferred.

29 (2) Only one assessment method may be used in allocating
30 the costs for a particular public improvement unless a

1 township is divided into districts for sanitary sewer or
2 water, in which case the assessment in each district may be
3 by different methods if the same assessment method is used
4 within a particular district.

5 (c) Front foot method.--If the front foot method is used:

6 (1) The cost to be collected shall be divided by the
7 total number of linear feet of street frontage of all
8 properties benefited.

9 (2) The assessment against each property shall be that
10 portion of the cost which is determined by multiplying the
11 dividend under paragraph (1) by the number of linear feet for
12 street frontage of that property.

13 (3) For corner or irregularly shaped lots or if special
14 conditions exist, the board of commissioners shall have the
15 power and its duty shall be to provide for an equitable
16 adjustment, as necessary, to prevent an unjust or excessive
17 assessment.

18 (4) If the front foot method is used but is comprised of
19 other than linear feet, such as lots, parcels, dwelling units
20 or square feet, the formula under paragraphs (1) and (2)
21 shall be adapted to comport with the unit of lots, parcels,
22 dwelling units or square feet as applicable.

23 (d) Assessment of benefits conferred method.--In lieu of the
24 front foot method, the board of commissioners may elect to have
25 the benefits of public improvements assessed, in whole or in
26 part, upon property benefited, improved or accommodated by
27 assessing an equal assessment on the properties benefited,
28 improved or accommodated in proportion to the total cost of
29 construction of the improvement. The amount of the charge on
30 each property shall be determined by the board of commissioners.

1 (e) Certificate of assessment.--The board of commissioners
2 shall issue a certificate of assessment when either assessing on
3 the front foot method or on the basis of benefits conferred upon
4 property benefited, improved or accommodated, duly certified
5 under the seal of the township and attested by the president of
6 the board of commissioners and secretary. The certificate of
7 assessment shall state the method of assessment used. The
8 certificate of assessment shall be prima facie evidence in any
9 suit for recovery of the same of the correctness and validity of
10 the assessment.

11 § 6304. Petition for viewers by board of commissioners.

12 The board of commissioners may petition the court of common
13 pleas for the appointment of viewers to assess the total cost of
14 an improvement in accordance with this chapter. The viewers
15 shall assess the total cost of the improvement, or as much of
16 the cost as is reasonable, upon the lands or properties
17 peculiarly benefited.

18 § 6305. Petition for viewers by taxpayers.

19 (a) Petition.--Taxpayers of the township whose property is
20 being assessed for benefits for a public improvement may present
21 a petition to the court of common pleas stating that the
22 assessment insufficiently represents the benefits accruing to
23 abutting, benefited or accommodated properties. The petition may
24 include a request for the appointment of viewers to assess
25 benefits if at least 50% of the taxpayers whose parcels are
26 abutting, benefited or accommodated by the public improvement in
27 question join the petition or if taxpayers whose property
28 valuation as assessed for taxable purposes within the township
29 amounts to at least 50% of the total property valuation of the
30 properties being assessed for the public improvement join the

petition. The petition must be presented within 90 days of the issuance of the certificate of assessment.

(b) Viewers.--The court shall appoint three disinterested viewers, none of whom shall be a resident of that portion of the township that is benefited or accommodated by the public improvement in question. The viewers shall proceed under this chapter and 26 Pa.C.S. (relating to eminent domain) for the assessment of damages and benefits by viewers. Upon the filing of the petition by taxpayers for the appointment of viewers, any assessment made by the board of commissioners and any proceedings shall be stayed pending the disposition of the petition by the court.

§ 6306. Notice of assessment.

(a) Personal notice.--After the amounts to be assessed against the properties to be benefited by the public improvement have been calculated in accordance with the method and procedures as prescribed by ordinance, the township shall give personal notice of the assessment to the owner of each property that is being assessed. The notice shall also state that the owner has 30 days from receipt of the notice to appeal the assessment. If a certificate is required to be filed with the board of commissioners relating to the public improvement as otherwise provided in this part, a copy of the certificate shall accompany the notice.

(b) Assessment effective.--An assessment made under this chapter shall become effective 30 days after personal notice is given by any of the following means:

(1) Personal service on the owner or the owner's agent.

(2) Certified mail, addressee only, return receipt requested, to the owner at the owner's last known address.

1 (3) Posting notice at or upon the property after
2 reasonable attempts to give personal notice under paragraphs
3 (1) and (2) have failed.

4 § 6307. Benefits and damages.

5 In a proceeding in which damages to property are being sought
6 as a result of a public improvement for which an assessment of
7 benefits has been made, the excess of damages over benefits, the
8 excess of benefits over damages or nothing in case the benefits
9 and damages are equal, shall be awarded to or assessed against
10 the owner of land and property affected by the public
11 improvement. Damages shall be calculated in accordance with 26
12 Pa.C.S. (relating to eminent domain).

13 § 6308. Payment of assessments in installments.

14 (a) Authorization.--An ordinance providing for a public
15 improvement, the expense of which is to be defrayed by an
16 assessment against properties benefited by the public
17 improvement, may authorize payment of the assessment in
18 installments. The ordinance shall:

19 (1) Set a time when the installment payments shall
20 commence.

21 (2) Specify the length of time over which the
22 installments may be extended. The period during which
23 installments may be paid shall not exceed the lesser of 10
24 years or the number of years equal to the period of maturity
25 of the bonds issued to fund the public improvement.

26 (3) Specify whether payments are to be made by equal
27 annual or more frequent installments.

28 (b) Interest rate.--The ordinance shall specify the rate of
29 interest for the installments, which shall not be more than 6%
30 per year unless a bond is issued for the improvement, in which

case the maximum interest rate on the installment payments shall be in accordance with section 9 of the act of May 16, 1923 (P.L.207, No.153), referred to as the Municipal Claim and Tax Lien Law.

(c) Written agreement.--The township shall enter into a written installment agreement with each property owner that will pay the assessment in installments, subject to the requirements of the ordinance pertaining to the agreements and this chapter.

(d) Installments not paid.--If any of the installments remain unpaid for 60 days after the installments have become due and payable:

(1) The entire unpaid assessment, plus unpaid accrued interest and any costs, shall be due and payable.

(2) The township may proceed to collect the installments by filing a lien in the same manner as municipal claims are filed under the Municipal Claim and Tax Lien Law or by instituting a civil action.

(e) Advance payments.--A property owner upon whom an assessment has been made may pay all or as many of the installments before due, with interest and costs to the due date of the next installment.

§ 6309. Collection of assessments.

(a) Authority.--The board of commissioners shall have the power to authorize the township treasurer or other township official to collect assessments.

(b) Procedure.--The following shall apply to the collection of assessments:

(1) A township may collect an assessment that remains unpaid for 60 days after personal notice was given under section 6306 (relating to notice of assessment) unless an

installment agreement has been entered into under section 6308 (relating to payment of assessments in installments).

(2) An assessment made under this chapter may be collected in the same manner as municipal claims under the act of May 16, 1923 (P.L.207, No.153), referred to as the Municipal Claim and Tax Lien Law, or by instituting a civil action against the owner of the benefited property.

(3) Interest on an unpaid assessment shall begin to accrue from the time of completion of the improvement at a rate not to exceed 6% per year unless a bond is issued for the improvement, in which case the maximum interest rate shall be as provided in section 9 of the Municipal Claim and Tax Lien Law.

(4) If a property owner has two or more lots against which there is an assessment for the same improvement, all of the lots may be embraced in one claim.

(5) Assessments, whether paid one time or by installments, shall be payable at the office of the township treasurer or any other place designated by ordinance.

CHAPTER 65

WATER SUPPLY

Subchapter

A. Acquisition, Construction and Maintenance

B. Joint Water System

SUBCHAPTER A

ACQUISITION, CONSTRUCTION AND MAINTENANCE

Sec.

6501. Contracts for water supply and development of own water supply.

6502. Public utility law saved.

1 6503. Rates.

2 6504. Distribution system and State permit.

3 6505. Occupation of highways.

4 6506. Property damages.

5 6507. Water districts.

6 6508. Connection to water system.

7 6509. Cost of connection and payment.

8 6510. Default in payment of installment.

9 § 6501. Contracts for water supply and development of own water
10 supply.

11 (a) Contracting allowed.--Townships may contract with an
12 adjoining municipal corporation owning a water system or with a
13 municipal authority or a private company for a supply of water
14 for public and private uses to be delivered into the lines of
15 the township at, near or within the boundaries of the township.

16 (b) Additional allowance.--This section does not prohibit a
17 contract between a township and a municipal corporation, or a
18 private company, for the supply of water in territory being
19 supplied by any other private company.

20 (c) Water system.--A township may construct, maintain and
21 operate its own water system and shall have full power by
22 contract to develop an independent supply of water at any time,
23 and the township is not required to purchase a water supply
24 needed by the township from either an adjoining municipal
25 corporation or from a private company.

26 § 6502. Public utility law saved.

27 Nothing contained in this chapter shall be construed to
28 repeal or to supersede any of the provisions of 66 Pa.C.S.
29 (relating to public utilities).

30 § 6503. Rates.

1 (a) Rates fixed.--For water supplied by the township, the
2 board of commissioners shall fix the rates charged to users of
3 water or to owners whose properties are connected to the water
4 system. The board of commissioners shall provide for the
5 collection of the water rates. The rates shall be in addition to
6 the cost of making any connections under section 6508 (relating
7 to connection to water system). For users outside the township,
8 the fixing of rates shall be subject to, and in accordance with,
9 applicable law and the rules and regulations of the Pennsylvania
10 Public Utility Commission.

11 (b) Rate establishment.--The initial imposition of the rate
12 imposed under subsection (a) shall be established by ordinance.
13 Subsequent rate adjustments may be by resolution if the
14 ordinance establishing the rate allows for future rate
15 adjustments by resolution adopted at a public meeting. This
16 subsection shall not be construed to invalidate or void any rate
17 imposed or adjusted prior to December 28, 2020.

18 § 6504. Distribution system and State permit.

19 A township entering into a contract for the supply of water
20 may, by ordinance, provide, regulate and protect a system of
21 water distribution after filing a certified copy of the plans
22 and surveys for the system, with a description of the sources
23 from which it is proposed to derive the supply, with the
24 Department of Environmental Protection and, if required by law,
25 other Federal or State entities, and written permits for the
26 construction of the system are issued in accordance with
27 existing law.

28 § 6505. Occupation of highways.

29 (a) Authority.--Except as provided in subsection (b), in
30 providing for, regulating, protecting and extending a township's

system of distribution of water, a township may occupy streets, roads or highways, and may take, injure or destroy private property as provided in this chapter. A highway under the jurisdiction of the Department of Transportation may not be occupied until a permit has been obtained from the Department of Transportation.

(b) Exceptions.--Property belonging to or used as a cemetery, place of public worship, public or parochial school or other educational or charitable institution or seminary shall not be taken, injured or destroyed by virtue of this section.

§ 6506. Property damages.

If the compensation and damages arising from the taking, injury or destruction of private property cannot be agreed upon, the township shall proceed under 26 Pa.C.S. (relating to eminent domain).

§ 6507. Water districts.

The board of commissioners may designate, define and create one or more water districts within the township and the board of commissioners shall determine the proportion of the cost of the water system which shall be equitably charged on each district and declare and establish the apportionment by resolution. A water district may not be charged with more than the district's due proportion of the cost of the main pipe lines, pumping stations or other parts of the water system used jointly by more than one district.

§ 6508. Connection to water system.

(a) Property owners.--The board of commissioners may, by ordinance, require that a property owner connect with and use a water system of the township or municipal authority or a joint water system in either of the following cases:

1 (1) Except as provided in subsection (b), if the nearest
2 property line is located within 150 feet of a water system or
3 any part or extension of the system.

4 (2) If the property has no supply of water which is safe
5 for human consumption.

6 (b) Exception.--With respect to water supplied for human
7 consumption, a property owner who, after December 28, 2020, is
8 subject to mandatory connection under subsection (a)(1), shall
9 not be required to connect to the water system if all of the
10 following apply:

11 (1) The water system or part or extension of the system
12 that is within 150 of the nearest property line was in
13 existence on December 28, 2020.

14 (2) The property has its own supply of water which is
15 safe for human consumption.

16 (3) Prior to December 28, 2020, the property owner was
17 not required to connect to the existing system.

18 (c) Wells.--Industries and farms which have their own supply
19 of water for uses other than human consumption through installed
20 and operating wells existing prior to December 28, 2020, may
21 continue to use their preexisting wells for that purpose but are
22 required to use the water system of the township or municipal
23 authority to provide water for human consumption.

24 (d) Backflow prevention device.--A township may require an
25 owner of property to install and maintain a backflow prevention
26 device based on the degree of potential hazard of the connected
27 property in accordance with other applicable law.

28 (e) Penalties.--A township may assess penalties for the
29 violation of ordinances pertaining to water connections or
30 backflow prevention devices.

1 (f) Fee imposition.--

2 (1) A township may, by ordinance, impose and charge
3 certain fees to property owners who desire or are required to
4 connect to the water system owned or operated by the
5 township, a municipal authority or a joint water board or who
6 desire to increase their usage of the water system.

7 (2) The fees imposed under paragraph (1) may be a
8 connection fee, a customer facilities fee, a tapping fee and
9 other similar fees as enumerated and calculated under 53
10 Pa.C.S. § 5607(d)(24) (relating to purposes and powers).

11 (3) The tapping fee may include a reimbursement part as
12 provided in 53 Pa.C.S. § 5607(d)(24)(i)(C)(IV) to be refunded
13 to the private individual or corporation that paid for the
14 construction of the water system or any part or extension of
15 the water system.

16 (g) Failure to connect.--

17 (1) If a property owner required under subsection (a) to
18 connect with and use the system fails to connect within 90
19 days after notice to connect has been served by the board of
20 commissioners, either by personal service or registered mail,
21 the board of commissioners or their agents may enter the
22 property and construct the connection.

23 (2) The board of commissioners shall send an itemized
24 bill of the cost of construction of the connection to the
25 owner of the property to which connection has been made,
26 which bill is payable immediately, or the board of
27 commissioners may authorize the payment of the cost of
28 construction of connections in equal monthly installments and
29 the installments shall bear interest at a rate not to exceed
30 6%.

1 § 6509. Cost of connection and payment.

2 The cost of construction of connections shall be payable
3 immediately at the office designated by the board of
4 commissioners, or if authorized by the board of commissioners,
5 in monthly installments, with interest from the date of
6 completion of the construction of the connection.

7 § 6510. Default in payment of installment.

8 For defaults in the payment of any installment and interest
9 for a period of 60 days after the payment is due, the entire
10 cost of construction of the connection and accrued interest
11 shall become due and the township may collect the unpaid cost of
12 construction of the connection and accrued interest from the
13 owner by a municipal claim or in an action of assumpsit.

14 SUBCHAPTER B

15 JOINT WATER SYSTEM

16 Sec.

17 6511. Joint construction, acquisition or maintenance.

18 6512. Permits.

19 6513. Joint commission.

20 § 6511. Joint construction, acquisition or maintenance.

21 A township may join with one or more municipal corporations
22 in the construction or acquisition and maintenance of a water
23 system.

24 § 6512. Permits.

25 The construction of a water system may be commenced only
26 after plans for the water system have been filed with the
27 Department of Environmental Protection and, if required by law,
28 other Federal or State entities and permits issued in accordance
29 with law.

30 § 6513. Joint commission.

1 (a) Appointment.--The municipal corporations joining in the
2 construction or acquisition and maintenance of a water system
3 may, by ordinance, provide for the appointment of a joint
4 commission of a water system in order to facilitate the
5 construction, operation and maintenance of the water system and
6 to secure preliminary surveys and estimates.

7 (b) Agency.--The joint commission shall act generally as the
8 advisory and administrative agency in the construction of the
9 improvement and its subsequent operation and maintenance.

10 (c) Composition.--The joint commission shall be composed of
11 one representative, or alternatively an equal number of
12 representatives, from each of the joining municipal
13 corporations. The members of the joint commission shall serve
14 for terms of six years each from the dates of their respective
15 appointments and until their successors are appointed.

16 (d) Organization.--The joint commission shall organize by
17 the election of a chairperson, secretary and treasurer. The
18 secretary and treasurer may be the same individual.

19 (e) Appointments.--The municipal corporations may, in the
20 ordinances creating the joint commission, authorize the joint
21 commission to appoint an engineer, a solicitor and other
22 assistants as are deemed necessary, and agree to share the
23 compensation costs for members who attend meetings which shall
24 be fixed in the budget prepared by the joint commission and
25 submitted to and adopted by the joining municipal corporations.
26 In addition to the agreed upon compensation that a member
27 receives for each attendance at a meeting, members shall be
28 entitled to actual expenses to be paid by the respective
29 municipal corporations that the members represent.

30 CHAPTER 67

1 MANUFACTURE AND SALE OF ELECTRICITY

2 Sec.

3 6701. Manufacture and sale of electricity.

4 6702. Regulation of use and prices.

5 6703. Sale of hydroelectric generating facilities.

6 6704. Construction or purchase of hydroelectric generating
7 facilities.

8 6705. Submission to electors.

9 6706. Limitation on indebtedness.

10 \$ 6701. Manufacture and sale of electricity.

11 A township may manufacture electricity by means of a
12 hydroelectric generating facility owned or operated by the
13 township for the use of the inhabitants of the township. A
14 township owning or operating a hydroelectric generating facility
15 may make contracts for the sale of electricity to persons
16 engaged in the business of the manufacture or sale of
17 electricity.

18 \$ 6702. Regulation of use and prices.

19 A township furnishing electricity under this chapter may
20 regulate the use of electricity in dwellings, business places
21 and other places in the township and the rate to be charged for
22 the electricity.

23 \$ 6703. Sale of hydroelectric generating facilities.

24 A township may sell, by ordinance, all or part of its
25 hydroelectric generating facilities to a purchaser for the sale
26 price as the parties may agree upon.

27 \$ 6704. Construction or purchase of hydroelectric generating
28 facilities.

29 A township may construct or purchase facilities to
30 manufacture electricity by hydroelectric generation. A township

1 may purchase a hydroelectric generating facility at the price
2 agreed upon by the township and the person, partnership or a
3 majority of the stockholders of a corporation that owns the
4 facilities.

5 § 6705. Submission to electors.

6 Before a township constructs or purchases a hydroelectric
7 generating facility, the question of the increase of the debt of
8 the township shall first be submitted to the qualified voters of
9 the township in the manner provided by law for the increase of
10 indebtedness of municipal corporations.

11 § 6706. Limitation on indebtedness.

12 A township which constructs or purchases a hydroelectric
13 generating facility may not incur any indebtedness for the
14 construction or enlargement of a new or existing dam or
15 impoundment structure but may incur indebtedness for repairs or
16 reconstruction of an existing dam or impoundment in connection
17 with the hydroelectric project.

18 CHAPTER 69

19 PUBLIC BUILDINGS

20 Sec.

21 6901. Township buildings.

22 6902. Garages and warehouses.

23 6903. Appropriation of property.

24 6904. Ordinance of commissioners.

25 6905. Assessment of damages.

26 6906. Use of public lands acquired for other purposes.

27 § 6901. Township buildings.

28 The board of commissioners may procure by purchase, gift,
29 exchange or the exercise of eminent domain a lot of ground
30 located within the township and erect or use buildings for

1 township purposes.

2 § 6902. Garages and warehouses.

3 The board of commissioners may purchase or lease land inside
4 or outside the limits of the township and erect garages,
5 warehouses or other buildings as may be necessary for handling
6 and storing equipment, materials and supplies.

7 § 6903. Appropriation of property.

8 (a) Use.--Except as provided under subsection (b), townships
9 may enter upon and appropriate private property and land
10 previously granted or dedicated to public or other use within
11 the limits of the township, and which is no longer used for the
12 purpose for which the appropriation was granted or dedicated,
13 for the erection on the property of a municipal building, fire
14 house, lockup and other public buildings for public purposes.

15 (b) Exception.--Land or property used for a cemetery,
16 burying ground, public or parochial school, educational or
17 charitable institution, seminary or place of public worship may
18 not be taken or appropriated.

19 § 6904. Ordinance of commissioners.

20 When the board of commissioners desires to acquire, enter
21 upon, take, use and appropriate private property or lands for
22 public buildings, the board shall declare the board's intention
23 by ordinance.

24 § 6905. Assessment of damages.

25 The provisions of 26 Pa.C.S. (relating to eminent domain)
26 prevail relating to the compensation and damages arising from
27 taking, using and appropriating private or public property for
28 township purposes.

29 § 6906. Use of public lands acquired for other purposes.

30 When the board of commissioners desires to take any public

1 lands previously granted or dedicated for a use or purpose for
2 which the lands are no longer used, the board of commissioners
3 shall pass an ordinance declaring the board's intention, and
4 shall petition the court of common pleas for leave to file the
5 bond of the township to secure any person who may be entitled to
6 compensation for the taking. The court shall direct notice to be
7 given by publication in at least one newspaper of general
8 circulation as required under section 1107 (relating to legal
9 advertising). If no exceptions are filed to the bond on or
10 before the day fixed in the notice, the court shall approve the
11 leave. The court may increase the amount of the bond, shall hear
12 and determine all exceptions that are filed against the petition
13 and the sufficiency of the bond and may grant or deny the
14 request of the petition. Upon the granting of the petition and
15 the approval of the bond, the board of commissioners may enter
16 upon and take the lands to erect public buildings. The bond,
17 which shall be in the name of the Commonwealth for the use of
18 any person that is entitled to damages by reason of the taking
19 of the lands, shall remain on file for their use and benefit.

20 CHAPTER 71

21 LICENSES AND LICENSE FEES

22 Subchapter

23 A. Transient Retail Merchants

24 B. Restrictions

25 SUBCHAPTER A

26 TRANSIENT RETAIL MERCHANTS

27 Sec.

28 7101. Licensing transient retail businesses.

29 § 7101. Licensing transient retail business.

30 (a) Regulation.--A township may, by ordinance, regulate and

license transient retail merchants engaged in any transient retail business within the township. The ordinance may prohibit the commencement or transaction of any transient retail business until or unless the license required by the ordinance has been obtained from the township by the individual, firm or corporation desiring to commence the transient retail business. The ordinance may be enforced by a penalty, not to exceed \$300, for a violation of the provisions of the ordinance and may provide for other means of enforcement.

(b) Fees.--The board of commissioners may establish license fees for businesses regulated under this section. The license fees shall bear a reasonable relationship to the cost of administering the ordinance and regulating, inspecting and supervising each business.

(c) Construction.--Nothing contained in this section shall be construed to apply to any of the following:

(1) farmers selling their own produce;

(2) a person selling personal property, donated by the owners, if the proceeds of the sale are to be applied to a charitable or philanthropic purpose; or

(3) a manufacturer or producer in the sale of bread and bakery products, meat and meat products or milk and milk products.

SUBCHAPTER B

RESTRICTIONS

Sec.

7111. Persons taking orders by samples.

7112. Insurance business.

7113. License fees on residents not to exceed those on nonresidents.

1 § 7111. Persons taking orders by samples.

2 (a) Prohibition.--A township may not impose, levy or collect
3 a license fee or mercantile tax upon a person that takes, by
4 sample, from a dealer or merchant an order for merchandise on
5 behalf of an individual or company that pays a license fee or
6 mercantile tax at the individual's or company's chief place of
7 business.

8 (b) Retail sales not authorized.--Nothing in this section
9 authorizes a person to sell by retail to a person other than a
10 dealer or merchant without payment of a license or permit fee.

11 § 7112. Insurance business.

12 A township may not impose or collect a license fee upon an
13 insurance company, insurance agent or insurance broker
14 authorized to transact business under the act of May 17, 1921
15 (P.L.682, No.284), known as The Insurance Company Law of 1921.

16 § 7113. License fees on residents not to exceed those on
17 nonresidents.

18 A township may not pass an ordinance imposing a license fee
19 upon a manufacturer, including an agent, representative and
20 employee, that is a resident of this Commonwealth for soliciting
21 orders for or selling personal property manufactured within this
22 Commonwealth if the township could not legally impose the same
23 license fee upon a manufacturer, including an agent,
24 representative and employee, that is a nonresident of the
25 Commonwealth for soliciting orders for or selling personal
26 property manufactured outside this Commonwealth.

27 CHAPTER 73

28 PARKS, RECREATION CENTERS, SHADE TREES

29 AND FORESTS

30 Subchapter

1 A. Public Parks, Playgrounds and Recreation Centers

2 B. Shade Tree Commission

3 C. Forests

4 D. Penalties and Assessments

5 SUBCHAPTER A

6 PUBLIC PARKS, PLAYGROUNDS AND RECREATION CENTERS

7 Sec.

8 7301. Acquisition of land and buildings.

9 7302. Creation of recreation board.

10 7303. Composition of park or recreation boards.

11 7304. Organization and operation of park or recreation boards.

12 7305. Expenses.

13 7306. Joint ownership and maintenance.

14 7307. Issue of bonds.

15 § 7301. Acquisition of land and buildings.

16 (a) Authorization.--For the purpose of making, enlarging and
17 maintaining public parks, recreation areas and facilities, a
18 township may, subject to subsection (b):

19 (1) separately or jointly with another political
20 subdivision, by ordinance dedicate and set apart land not
21 dedicated to another public use or purpose; and

22 (2) enter upon, appropriate and acquire by gift, devise,
23 purchase, lease or otherwise, private property.

24 (b) Facilities.--A township may construct and equip a new
25 facility upon land under subsection (a).

26 (c) Taxation.--A township may levy and collect general
27 taxes, or special taxes under section 4908(a)(9) (relating to
28 tax levies), as necessary to pay for action under this section.

29 (d) Appropriations.--A township may make appropriations for
30 the construction, improvement, maintenance, care, regulation and

government of land and facilities under this section.

(e) Prohibition.--A township, acting individually or jointly with another political subdivision, may not acquire private property within the limits of another municipal corporation without the consent of the governing body of the municipal corporation where the property is located.

§ 7302. Creation of recreation board.

A board of commissioners has the following powers related to recreation:

(1) Equip, operate, maintain and regulate public parks, recreation areas and facilities.

(2) Conduct recreation programs.

(3) Appoint officers and hire employees.

(4) By ordinance, vest authority under paragraphs (1), (2) and (3) in:

(i) an appropriate local agency; or

(ii) a park or recreation board established by ordinance stating powers and duties.

§ 7303. Composition of park or recreation boards.

(a) Members.--If a board of commissioners establishes a park or recreation board under section 7302(4)(ii) (relating to creation of recreation board), the board of commissioners shall appoint five or seven individuals. Each individual must be a resident of, or own property in, the township where the park or recreation board operates.

(b) Terms.--

(1) Initial appointments shall be for staggered terms so that the terms of no more than two members expire annually.

(2) Subsequent appointments shall be for terms of five years or until successors are appointed.

1 (3) A member of a park or recreation board may only be
2 removed by the board of commissioners for malfeasance in
3 office or nonfeasance in office.

4 (4) A vacancy on a park or recreation board shall be
5 filled by the board of commissioners for the unexpired term.

6 (c) Compensation.--Members of a park or recreation board
7 shall serve without compensation.

8 § 7304. Organization and operation of park or recreation
9 boards.

10 (a) Officers.--The members of a park board or recreation
11 board shall elect, for a one-year term, a chairperson, a
12 secretary and other necessary officers.

13 (b) Employees.--If specified in the vesting ordinance under
14 section 7302(4)(ii) (relating to creation of recreation board),
15 the park or recreation board may employ necessary individuals.

16 (c) Business.--

17 (1) Except as specified in paragraph (2), a park or
18 recreation board may adopt rules for the conduct of its
19 business.

20 (2) Paragraph (1) does not apply if the vesting
21 ordinance under section 7302(4)(ii) prohibits rulemaking.

22 (d) Annual report.--A park or recreation board shall submit
23 an annual report to the board of commissioners. The report shall
24 include an analysis of the community recreation areas,
25 facilities and leadership, with particular reference to extent,
26 adequacy and effectiveness, in view of the public expenditure
27 involved and the public needs to be met.

28 § 7305. Expenses.

29 (a) Payment.--

30 (1) Expenses incurred in the maintenance and operation

1 of parks, recreation areas and facilities under this chapter
2 shall be payable from the treasury of the township or from
3 the treasury of the applicable political subdivisions
4 pursuant to an intergovernmental cooperation agreement.

5 (2) The board of commissioners may annually appropriate
6 money to pay expenses under paragraph (1).

7 (b) Taxation.--The board of commissioners may raise money
8 for payment under subsection (a) by general or special taxation.
9 § 7306. Joint ownership and maintenance.

10 (a) Authority.--A township may join or establish, with other
11 municipalities, a joint recreation board under 53 Pa.C.S. Ch. 23
12 Subch. A (relating to intergovernmental cooperation). The joint
13 recreation board may acquire property for and operate and
14 maintain parks, public recreation areas and facilities. A school
15 district may join with the township in equipping, operating and
16 maintaining parks, public recreation areas and facilities and
17 may appropriate money for those actions.

18 (b) Costs and expenses.--Costs and expenses of the joint
19 recreation board, including those relative to property jointly
20 acquired, shall be paid for by the respective municipalities as
21 specified in the intergovernmental cooperation agreement.

22 § 7307. Issue of bonds.

23 A township may incur indebtedness and may issue general
24 obligation bonds for the purpose of acquiring land, buildings
25 and equipment for parks and recreation areas under 53 Pa.C.S.
26 Pt. VII Subpt. B (relating to indebtedness and borrowing).

27 SUBCHAPTER B

28 SHADE TREE COMMISSION

29 Sec.

30 7311. Right of establishment.

1 7312. Appointment, terms and vacancies.
2 7313. Powers may be vested in park commission.
3 7314. General powers of shade tree commission.
4 7315. Hiring of employees and regulations.
5 7316. Report of shade tree commission.
6 7317. Notice of work.
7 7318. Payment by owners and assessment.
8 7319. Removal of diseased or dangerous trees.
9 7320. Maintenance by township and funds.
10 7321. Penalties.
11 § 7311. Right of establishment.
12 (a) Ordinance.--A township may, by ordinance, establish a
13 shade tree commission.
14 (b) No ordinance.--If there is no ordinance under subsection
15 (a), the board of commissioners shall have the powers and duties
16 of a shade tree commission under this chapter.
17 § 7312. Appointment, terms and vacancies.
18 (a) Scope.--This section applies to a shade tree commission
19 established under section 7311(a) (relating to right of
20 establishment).
21 (b) Composition.--The board of commissioners shall appoint
22 three or five shade tree commissioners. Each shade tree
23 commissioner must be a resident of the township.
24 (c) Terms.--
25 (1) If three shade tree commissioners are appointed:
26 (i) one initial term shall be for three years;
27 (ii) one initial term shall be for four years; and
28 (iii) one initial term shall be for five years.
29 (2) If five shade tree commissioners are appointed:
30 (i) one initial term shall be for one year;

- 1 (ii) one initial term shall be for two years;
2 (iii) one initial term shall be for three years;
3 (iv) one initial term shall be for four years; and
4 (v) one initial term shall be for five years.

5 (3) A term for a subsequent appointment shall be for
6 five years.

7 (4) A vacancy shall be filled by the board of
8 commissioners for the unexpired term.

9 (d) Compensation.--Shade tree commissioners shall serve
10 without compensation.

11 § 7313. Powers may be vested in park commission.

12 If a township has a commission for the care of public parks,
13 the board of commissioners may, by ordinance, confer on that
14 commission the powers and duties of the shade tree commission.

15 § 7314. General powers of shade tree commission.

16 Except as provided in section 5524 (relating to trees and
17 shrubbery within right-of-way), the shade tree commission:

18 (1) has exclusive custody and control of the shade trees
19 in the township; and

20 (2) may plant, remove, maintain and protect shade trees
21 on the public streets and highways in the township.

22 § 7315. Hiring of employees and regulations.

23 (a) Employees.--The shade tree commission may, with the
24 approval of the board of commissioners, select, employ and
25 discharge and pay individuals to perform the functions of the
26 shade tree commission.

27 (b) Regulations.--

28 (1) Subject to paragraph (2), the commission may
29 promulgate and enforce regulations for the care and
30 protection of the shade trees of the township.

1 (2) A regulation is not in force until the regulation
2 is:

3 (i) approved by the board of commissioners; and

4 (ii) published at least once in a newspaper of

5 general circulation under section 1107 (relating to legal

6 advertising).

7 § 7316. Report of shade tree commission.

8 (a) Requirement.--The shade tree commission shall annually
9 report to the board of commissioners the shade tree commission's
10 transactions and expenses for the preceding fiscal year of the
11 township.

12 (b) Incorporation.--The park commission may incorporate the
13 transactions and expenses in the park commission's regular
14 report to the board of commissioners.

15 § 7317. Notice of work.

16 (a) Requirement.--If a shade tree commission proposes to
17 plant, transplant or remove shade trees on a street or highway,
18 notice of the time and place of the meeting at which the work is
19 to be considered must be given once in one newspaper of general
20 circulation immediately preceding the time of the meeting.

21 (b) Contents.--The notice shall specify in detail the street
22 or highway where trees are proposed to be planted, transplanted
23 or removed.

24 § 7318. Payment by owners and assessment.

25 (a) Payment--The owner of the real estate abutting the
26 location of the planting, transplanting or removal of a shade
27 tree shall pay the cost of:

28 (1) the work;

29 (2) necessary and suitable guards, curbing or grading
30 for protection of the shade trees; and

1 (3) replacing pavement or sidewalk necessarily disturbed
2 in the execution of the work.

3 (b) Assessment.--

4 (1) Subject to paragraph (2), if the township undertakes
5 work under subsection (a), costs shall be assessed in
6 accordance with Chapter 63 (relating to assessments for
7 public improvements).

8 (2) If the benefit conferred method of assessment is
9 used, the benefit conferred may not exceed actual cost.

10 § 7319. Removal of diseased or dangerous trees.

11 (a) Owners.--The shade tree commission may, by regulation
12 and upon notice required by an ordinance, order a property owner
13 to cut and remove trees afflicted with a disease which threatens
14 to injure or destroy shade trees in the township.

15 (b) Commission.--If an owner does not comply with an order
16 under subsection (a), the township may perform work and assess
17 and collect the cost against the property owner under section
18 7318 (relating to payment by owners and assessment).

19 § 7320. Maintenance by township and funds.

20 (a) Responsibility.--The township shall pay:

21 (1) the cost and expense of caring for shade trees after
22 planting; and

23 (2) the expense of publishing the notice under section
24 7317 (relating to notice of work) and 7318 (relating to
25 payment by owners and assessment).

26 (b) Certification.--The shade tree commission shall annually
27 certify costs and expenses under subsection (a) to the board of
28 commissioners.

29 (c) Appropriation.--Instead of levying the tax authorized
30 under the general tax levying powers of this part, the board of

commissioners may provide for the expenses under subsection (a)
by an appropriation equal to the amount certified under
subsection (b).

§ 7321. Penalties.

(a) Authority.--As provided by ordinance, a shade tree
commission may assess penalties for the violation of the shade
tree commission's regulations and this chapter relating to shade
trees.

(b) Effect.--A penalty under subsection (a):

(1) is a lien upon the real estate of the offender; and

(2) may be collected as a municipal claim.

SUBCHAPTER C

FORESTS

Sec.

7331. Right of acquisition of forest lands.

7332. Ordinance and notice.

7333. Appropriation for acquisition.

7334. Regulations.

7335. Appropriation for maintenance and revenue.

7336. Use of township forests.

7337. Ordinance of sale.

7338. Appropriation of money to forestry organizations.

§ 7331. Right of acquisition of forest lands.

A township has the following powers:

(1) To acquire, by purchase, gift or lease, a tract of
land covered with forest or tree growth or suitable for the
growth of trees for the benefit of the township. A tract
under this paragraph may be located within or outside the
township.

(2) To administer a tract under paragraph (1) in

accordance with the practices and principles of scientific forestry.

§ 7332. Ordinance and notice.

If the board of commissioners deems it expedient to acquire land for forests, it shall pass an ordinance describing the facts and conditions relating to the proposed action.

§ 7333. Appropriation for acquisition.

Money necessary for the purchase of a tract shall be appropriated in the same manner as appropriations for township purposes. Money may be provided from the current revenue or by the proceeds of a sale of general obligation bonds.

§ 7334. Regulations.

Upon acquisition of a forest or land suitable for a forest, the board of commissioners may promulgate regulations governing the proper administration of the acquired forestry as necessary to produce continuing township revenue by the sale of forest products. The regulations may provide for the administration, maintenance, protection and development of the forests or lands suitable for forests as necessary or expedient.

§ 7335. Appropriation for maintenance and revenue.

Money necessary for the administration, maintenance, protection and development of forests shall be appropriated and applied for township purposes. The revenue and the return on the revenue arising from the forests shall be paid into the township treasury to be used for general township purposes.

§ 7336. Use of township forests.

A township forest may be used by the public as general outing or recreation grounds subject to the regulations under section 7334 (relating to regulations).

§ 7337. Ordinance of sale.

1 (a) Determination.--If the board of commissioners deems it
2 expedient to sell or lease a township forest, a part of a
3 township forest or a product from a township forest, the board
4 of commissioners shall pass an ordinance specifying the facts
5 and conditions relating to the proposed action.

6 (b) Requirements.--To pass an ordinance under subsection
7 (a), the board of commissioners must comply with the advertising
8 and bidding requirements of section 4302 (relating to real
9 property).

10 § 7338. Appropriation of money to forestry organizations.

11 The board of commissioners may appropriate money from the
12 township treasury:

13 (1) to a forest protection association cooperating in
14 forest work with the Department of Conservation and Natural
15 Resources; or

16 (2) to be expended in direct cooperation with the
17 department in forest work.

18 SUBCHAPTER D

19 PENALTIES AND ASSESSMENTS

20 Sec.

21 7341. Management.

22 § 7341. Management.

23 (a) Payment.--A penalty or assessment under this chapter
24 shall be paid to the township treasurer.

25 (b) Use.--The township treasurer shall keep penalties and
26 assessments in a separate fund and utilized only for the
27 purposes authorized by this chapter.

28 CHAPTER 75

29 UNIFORM CONSTRUCTION CODE, PROPERTY MAINTENANCE CODE

30 AND RESERVED POWERS

1 Sec.
2 7501. Definitions.
3 7502. Primacy of Uniform Construction Code.
4 7503. Changes in Uniform Construction Code.
5 7504. Public nuisance.
6 7505. Property maintenance code.
7 7506. Reserved powers.

8 § 7501. Definitions.

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

12 "Pennsylvania Construction Code Act." The act of November
13 10, 1999 (P.L.491, No.45), known as the Pennsylvania
14 Construction Code Act.

15 "Uniform Construction Code." The Uniform Construction Code
16 adopted under section 301 of the Pennsylvania Construction Code
17 Act.

18 § 7502. Primacy of Uniform Construction Code.

19 (a) Applicability.--The Pennsylvania Construction Code Act
20 and the Uniform Construction Code shall apply to the
21 construction, alteration, repair and occupancy of the buildings
22 and structures within a township.

23 (b) Primacy.--This section and an ordinance passed or a rule
24 or regulation adopted under this section shall not supersede or
25 abrogate the Pennsylvania Construction Code Act or the Uniform
26 Construction Code and shall be construed and read in pari
27 materia with both.

28 § 7503. Changes in Uniform Construction Code.

29 The board of commissioners may pass an ordinance to equal or
30 exceed the minimum requirements of the Uniform Construction Code

1 in accordance with and subject to the requirements of section
2 503 of the Pennsylvania Construction Code Act. An ordinance
3 exceeding the provisions of the Uniform Construction Code must
4 meet the standards provided in section 503(j)(2) of the
5 Pennsylvania Construction Code Act.

6 § 7504. Public nuisance.

7 (a) Abatement.--Except as provided under subsection (b), any
8 building, housing or property or a part of any building, housing
9 or property erected, altered, extended, reconstructed, removed
10 or maintained, contrary to the provisions of an ordinance passed
11 for the purposes specified under this chapter, may be declared,
12 by a court of law, a public nuisance and may be abatable.

13 (b) Exception.--A violation of the Uniform Construction Code
14 or of an ordinance that equals or exceeds the Uniform
15 Construction Code shall be subject to the provisions of the
16 Pennsylvania Construction Code Act and the regulations
17 promulgated under the Pennsylvania Construction Code Act by the
18 Department of Labor and Industry relating to enforcement for
19 noncompliance.

20 § 7505. Property maintenance code.

21 (a) Property maintenance code.--

22 (1) Notwithstanding the primacy of the Uniform
23 Construction Code, the board of commissioners may pass a
24 property maintenance code ordinance in either of the
25 following manners:

26 (i) Pass, as the property maintenance code
27 ordinance, a standard or nationally recognized property
28 maintenance code, with alterations.

29 (ii) Incorporate by reference, into the property
30 maintenance code ordinance, a standard or nationally

1 recognized property maintenance code, or an alteration of
2 the code, published and printed in book form. An
3 incorporated code need not be recorded in or attached to
4 the ordinance book but shall be deemed legally recorded
5 if the incorporating property maintenance code ordinance
6 is recorded, with an accompanying notation stating where
7 the full text of the incorporated code is filed.

8 (2) The property maintenance ordinance may provide for
9 reasonable property fines and penalties for violations.

10 (3) Notice of consideration of the property maintenance
11 code ordinance must be published to summarize its contents
12 and to identify locations within the township where copies
13 may be examined and obtained. Notice under this paragraph
14 must be published once in one newspaper of general
15 circulation at least one week and not more than three weeks
16 prior to the presentation of the proposed property
17 maintenance code ordinance to the board of commissioners.

18 (4) At least three copies of the property maintenance
19 code ordinance shall be made available for public inspection
20 and use during business hours and available to an interested
21 party at cost or without charge.

22 (5) The procedure under this subsection applies to an
23 amendment or repeal of the property maintenance code
24 ordinance.

25 (b) Property maintenance inspectors.--

26 (1) The board of commissioners may appoint property
27 maintenance inspectors.

28 (2) A property maintenance inspector may enter upon and
29 inspect property, subject to constitutional standards, at
30 reasonable hours and in a reasonable manner for the

administration and enforcement of the property maintenance code ordinance under subsection (a)(1). A fee payable to a property maintenance inspector under the property maintenance code ordinance shall be promptly remitted to the township treasurer for the use of the township.

(c) Legal actions.--In addition to the penalties provided by the property maintenance code ordinance, the township may institute an action in law or equity to enjoin or prevent a violation of the property maintenance code ordinance.

(d) Construction.--The powers of a township under this section are in addition to the powers under:

(1) the act of November 26, 2008 (P.L.1672, No.135), known as the Abandoned and Blighted Property Conservatorship Act;

(2) 53 Pa.C.S. Ch. 61 (relating to neighborhood blight reclamation and revitalization); and

(3) 68 Pa.C.S. Ch. 21 (relating to land banks).
§ 7506. Reserved powers.

(a) Scope.--This section applies if the Uniform Construction Code, or a replacement code, is no longer applicable in townships as a result of:

(1) legislative action; or

(2) a final judicial order:

(i) for which the time for appeal has expired, and no appeal has been taken; or

(ii) from which there is no pending appeal.

(b) Powers.--If subsection (a) applies, the board of commissioners has the following powers:

(1) Pass and enforce an ordinance to regulate land and improvements as follows:

1 (i) The ordinance may be related to any of the
2 following:

3 (A) Construction and reconstruction.

4 (B) Alteration.

5 (C) Repair and maintenance.

6 (D) Conversion.

7 (E) Occupation and use.

8 (F) Sanitation, ventilation, heating, egress,
9 lighting, electrical wiring, water supply, toilet
10 facilities, drainage and plumbing.

11 (G) Fire prevention and fireproofing. This
12 subparagraph includes prescribing limitations under
13 which only buildings of noncombustible material and
14 fireproofed roofs are used in construction, erection
15 or substantial reconstruction.

16 (H) Inspection.

17 (ii) The ordinance may be combined with the property
18 maintenance code ordinance.

19 (iii) Section 7505 (relating to property maintenance
20 code) applies.

21 (iv) The ordinance may provide for reasonable fines
22 and penalties for violation.

23 (2) Require approval of plans and specifications before
24 work of construction, reconstruction, alteration, extension,
25 repair or conversion of a building begins.

26 (3) Do all of the following related to building
27 inspectors, housing inspectors, property maintenance
28 inspectors, fire prevention inspectors, electrical inspectors
29 and plumbing inspectors:

30 (i) Appoint them.

1 (ii) Fix their compensation.

2 (iii) Grant the right to enter upon and inspect a
3 premises, subject to constitutional standards, at
4 reasonable hours and in a reasonable manner, for the
5 administration and enforcement of the ordinance under
6 paragraph (1). A fee payable to an inspector as provided
7 in the ordinance under paragraph (1) shall be promptly
8 remitted to the township treasurer for the use of the
9 township.

10 (4) In addition to the penalties provided by the
11 ordinance under paragraph (1), institute an action in equity
12 to:

13 (i) enjoin unlawful construction, reconstruction,
14 alteration, extension, repair, conversion, maintenance,
15 use or occupation of property located within the
16 township;

17 (ii) correct the unlawful action; and

18 (iii) prevent the use or occupancy of the building,
19 housing or structure.

20 CHAPTER 77

21 ORDINANCES

22 Subchapter

23 A. General Provisions

24 B. Enforcement

25 SUBCHAPTER A

26 GENERAL PROVISIONS

27 Sec.

28 7701. Ordinances and resolutions.

29 7702. Publication.

30 7703. Recording and proof.

1 7704. Codification of ordinances.

2 7705. Appeals on ordinances and resolutions.

3 7706. Standard or nationally recognized codes.

4 § 7701. Ordinances and resolutions.

5 (a) Authority.--

6 (1) The board of commissioners shall pass ordinances in
7 accordance with this chapter and the laws of this
8 Commonwealth in which the powers of the township shall be
9 exercised:

10 (i) as deemed beneficial to the township; and

11 (ii) to provide for the enforcement of the powers of
12 the township.

13 (2) The board of commissioners may amend or repeal
14 existing ordinances by the passage of subsequent ordinances.

15 (b) Ordinances.--Every legislative act of the board of
16 commissioners must be by ordinance. A legislative act includes:

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 within the
24 township and imposing a penalty for violation of the
25 regulated conduct.

26 (2) Imposing an assessment on benefited property for
27 public improvements under Chapter 63 (relating to assessments
28 for public improvements).

29 (3) Increasing the rate of taxation from the previous
30 fiscal year.

1 (c) Resolutions.--The board of commissioners shall pass
2 resolutions in accordance with this chapter and the laws of this
3 Commonwealth. Resolutions may be passed for any purpose,
4 including:

5 (1) Ceremonial or congratulatory expressions of the good
6 will of the board of commissioners.

7 (2) Statements of public policy of the board of
8 commissioners.

9 (3) Approval of formal agreements of the township. This
10 paragraph does not include agreements arising under an
11 established purchasing system of the township.

12 (4) Approval, if required, of administrative regulations
13 and bylaws arising under State statutes or township
14 ordinances.

15 (5) Levying a tax at the same or a lower rate than the
16 previous fiscal year.

17 § 7702. Publication.

18 (a) Requirements.--Except as provided under this chapter or
19 other statutory provision, the board of commissioners must
20 publish a proposed ordinance once in one newspaper of general
21 circulation at least seven days and not more than 60 days prior
22 to passage. Publication of a proposed ordinance ~~must~~ SHALL <--
23 include all of the following:

24 (1) ~~The full text or the subject matter and a brief~~ <--
25 ~~summary prepared by the township solicitor stating all the~~
26 ~~provisions in reasonable detail.~~ THE FULL TEXT OF THE <--
27 PROPOSED ORDINANCE OR THE TITLE AND A BRIEF SUMMARY OF THE
28 PROPOSED ORDINANCE. THE BRIEF SUMMARY SHALL INCLUDE A
29 DESCRIPTION OF EACH OF THE FOLLOWING, AS APPLICABLE:

30 (I) AN ADOPTION, AMENDMENT OR REPEAL OF A TAX, FEE,

1 CHARGE OR ASSESSMENT.

2 (II) AN ADOPTION, AMENDMENT OR REPEAL OF A
3 REGULATION WHICH PROVIDES FOR AN OFFENSE OR CIVIL OR
4 CRIMINAL PENALTY.

5 (III) A PROVISION OR COVENANT THAT DOES ONE OR MORE
6 OF THE FOLLOWING:

7 (A) PROVIDES FOR THE PAYMENT OR DISBURSEMENT OF
8 FUNDS FOR GOODS, SERVICES OR CONTRACTUAL OBLIGATIONS.

9 (B) RESTRICTS FUNDS FOR A SPECIFIC PURPOSE OR
10 OBLIGATION.

11 (C) PLEDGES FUNDS FOR A SPECIFIC PURPOSE OR
12 OBLIGATION.

13 (2) A reference to the township office or other place
14 where copies of the proposed ordinance may be examined.

15 (3) A REFERENCE TO THE PUBLICLY ACCESSIBLE INTERNET
16 WEBSITE, IF ANY, WHERE THE FULL TEXT OF THE PROPOSED
17 ORDINANCE MAY BE EXAMINED.

<--

18 (A.1) LEGAL SUFFICIENCY.--IF A PUBLISHED SUMMARY IS SUBJECT
19 TO A LEGAL CHALLENGE, A SUMMARY SHALL BE LEGALLY SUFFICIENT IF
20 THE SUMMARY CONTAINING THE INFORMATION REQUIRED UNDER SUBSECTION
21 (A) (1) IS MADE AVAILABLE FOR EXAMINATION AT THE TIME OF
22 PUBLICATION IN CONFORMITY WITH SUBSECTION (A) (2) AND (3).

23 (A.2) LAND USE ORDINANCES.--NOTWITHSTANDING SUBSECTION (A)
24 (1), THE REQUIREMENTS OF THIS SECTION SHALL NOT SUPERSEDE THE
25 PUBLICATION OR NOTIFICATION REQUIREMENTS OF A PROPOSED ORDINANCE
26 UNDER THE ACT OF JULY 31, 1968 (P.L.805, NO.247), KNOWN AS THE
27 PENNSYLVANIA MUNICIPALITIES PLANNING CODE.

28 (b) Summary.--If the full text is not included in the
29 publication of the proposed ordinance, the following apply:

30 (1) The newspaper in which the proposed ordinance is

1 published shall, upon request, be furnished a copy of the
2 full text without charge.

3 (2) The following apply:

4 (i) In addition to copies of the full text of the
5 proposed ordinance retained under subsection (a), an
6 attested copy of the full text shall be filed within 30
7 days after passage in the county law library or other
8 county office designated by the county commissioners.

9 (ii) Except as provided in subparagraph (iii)(D),
10 the county commissioners may impose a fee not greater
11 than the actual costs of storing the proposed ordinance.

12 (iii) Filing with the county may be completed by the
13 submission of an electronic copy of the ordinance as
14 follows:

15 (A) The county has discretion on whether to
16 permit receipt by the office storing municipal
17 ordinances.

18 (B) Upon request by the township, the county
19 shall notify the township of the method by which
20 electronic copies may be submitted.

21 (C) The county may store the ordinance
22 electronically if the public is able to access the
23 electronically stored township ordinances during
24 regular business hours at the office or at a remote
25 location.

26 (D) The county may not charge a fee for
27 electronic storage.

28 (E) The township shall retain a printed copy of
29 the email and ordinance as transmitted.

30 (3) The date of the filing with the county under

1 paragraph (2) shall not affect the effective date of the
2 ordinance and shall not be deemed a defect in the process of
3 the passage of the ordinance.

4 (c) Notice of amendments.--If substantial amendments are
5 made in the proposed ordinance, before voting upon passage, the
6 board of commissioners must, within at least 10 days before
7 passage, readvertise in one newspaper of general circulation the
8 subject matter and a brief summary stating the provisions in
9 reasonable detail and a summary of the amendments. A copy of the
10 full text of the amended proposed ordinance shall be retained
11 where township records are kept.

12 (d) Maps.--If a map, plan or drawing is passed as part of an
13 ordinance, instead of publishing the map, plan or drawing 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 map, plan or drawing is on file and may be examined.
17 § 7703. Recording and proof.

18 (a) Recording.--A township ordinance and a township
19 resolution pertaining to tax levies shall, within 30 days after
20 enactment, be recorded by the township secretary in an ordinance
21 book. Failure to record within the time provided shall not be
22 deemed a defect in the process of enactment of the ordinance or
23 resolution pertaining to a tax levy. The ordinance book shall be
24 open to the inspection of citizens during normal business hours.

25 (b) Proof.--An ordinance may be proved by the certificate of
26 the township secretary under the corporate seal. If an ordinance
27 is printed or published in book or pamphlet form by the
28 authority of the township, the ordinance shall be accepted as
29 evidence without further proof. The entry of the township
30 ordinance in the ordinance book shall be sufficient without the

signature of the president of the board of commissioners or other person.

(c) Prior ordinances.--The text of a township ordinance or a portion of an ordinance which was attached to the ordinance book before July 31, 1963, shall be considered in force as if the ordinance or portion of ordinances had been recorded directly in the ordinance book if all other requirements of this chapter applicable to the enactment, approval, advertising and recording were complied with within the time limits prescribed under this chapter.

§ 7704. Codification of ordinances.

(a) Authority.--The board of commissioners may prepare a codification or revision of the general body of township ordinances or of the ordinances on a particular subject.

(1) The codification or revision may be enacted as an ordinance of the township. The required advertised notice of the proposed enactment of the consolidation, codification or revision must specify its general nature and shall include a listing of the table of contents.

(2) As necessary to effectuate a codification or revision, an ordinance may be enacted to repeal or amend a complete group or body of ordinances. The advertisement giving notice of the proposed enactment must, in lieu of a table of contents, list only the title of each ordinance in the complete group or body of ordinances.

(b) Enactment.--For a codification or revision under subsection (a):

(1) the ordinance must be introduced by the board of commissioners at least 30 days before enactment; and

(2) notice of the introduction of the ordinance must be

1 given by advertisement in a newspaper of general circulation
2 at least 15 days before enactment.

3 (c) Subsequent notice.--If a codification or revision under
4 subsection (a) has been enacted as an ordinance, it shall not be
5 necessary to advertise the entire text, but is sufficient to
6 publish a notice stating that the codification or revision which
7 had previously been given was enacted.

8 § 7705. Appeals from ordinances and resolutions.

9 (a) Legality.--A complaint as to the legality of an
10 ordinance or a resolution must be made to a court of common
11 pleas under 42 Pa.C.S. § 5571.1 (relating to appeals from
12 ordinances, resolutions, maps, etc.).

13 (b) Legality and propriety.--For an ordinance laying out
14 streets over private lands, the court has jurisdiction to review
15 the propriety and legality of the ordinance.

16 § 7706. Standard or nationally recognized codes.

17 (a) Incorporation by reference.--

18 (1) Except as provided in paragraph (2) or the
19 Pennsylvania Construction Code Act, the board of
20 commissioners may incorporate by reference a standard or
21 nationally recognized code or a portion of the standard or
22 code in an ordinance.

23 (2) A portion of a code which limits the work to be
24 performed to any type of construction contractor or labor or
25 mechanic classification may not be incorporated by reference.

26 (3) Three copies of the incorporated material must be
27 filed with the township secretary at least 10 days before the
28 board of commissioners considers the proposed ordinance.

29 (4) Upon enactment, a copy of the incorporated material
30 shall be kept with the ordinance book and available for

1 public use, inspection, examination and copying.

2 (b) Time frame.--

3 (1) Except as provided in the Pennsylvania Construction
4 Code Act and regulations adopted under that act, an ordinance
5 under subsection (a) shall be enacted within 60 days after
6 the ordinance is filed with the secretary of the township and
7 shall encompass the provisions of the code and be effective
8 as of the code date stated in the ordinance.

9 (2) A township that has adopted any standard or
10 nationally recognized code by reference may adopt subsequent
11 ordinances which incorporate by reference any subsequent
12 changes thereof, properly identified as to date and source,
13 as may be adopted by the agency or association which
14 promulgated the code.

15 (3) An ordinance which incorporates standard or
16 nationally recognized code amendments by reference shall
17 become effective after the same procedure and in the same
18 manner as is specified in this section for original adoption
19 of the code.

20 (c) Technical regulations or code.--An ordinance which
21 incorporates by reference standard technical regulations or code
22 is subject to applicable provisions of the Pennsylvania
23 Construction Code Act.

24 SUBCHAPTER B

25 ENFORCEMENT

26 Sec.

27 7711. Fines and penalties.

28 7712. Commitment pending trial.

29 7713. Township's liability for costs of prisoners to county.

30 § 7711. Fines and penalties.

1 (a) Authority.--A township ordinance shall prescribe fines
2 and penalties for violations as follows:

3 (1) A civil penalty may not exceed \$600 per violation.

4 (2) A criminal fine may not exceed \$1,000 per violation.

5 A criminal penalty may prescribe imprisonment to the extent
6 allowed by law for the punishment of a summary offense.

7 (3) The ordinance may provide that a separate violation
8 under paragraph (1) or (2) arises out of:

9 (i) each day of violation; and

10 (ii) each applicable section of the ordinance.

11 (4) The ordinance may provide for assessment of court
12 costs and reasonable attorney fees incurred by the township
13 in the enforcement proceedings.

14 (5) The board of commissioners may delegate the initial
15 determination of ordinance violation and the service of
16 notice of violation to a qualified officer or agent.

17 (b) Enforcement at law.--Unless otherwise provided by
18 statute, a township ordinance shall specify the method of its
19 enforcement as follows:

20 (1) Except as provided in paragraph (2), if a civil
21 penalty is not paid, the township must initiate a civil
22 action for collection under the Pennsylvania Rules of Civil
23 Procedure. A township is exempt from the payment of costs in
24 an action under this paragraph.

25 (2) For an ordinance regulating building, housing,
26 property maintenance, health, fire, public safety, parking,
27 solicitation, curfew, water or air or noise pollution,
28 enforcement must be by a criminal action under Pa.R.Crim.P.
29 Ch. 4 (relating to procedures in summary cases). The
30 municipal solicitor may assume charge of the prosecution

1 without the consent of the district attorney as required
2 under Pa.R.Crim.P. No. 454(C) (relating to trial in summary
3 cases). Enforcement under this paragraph does not preclude
4 enforcement under section 7505(c) (relating to property
5 maintenance code).

6 (3) Except for an ordinance subject to paragraph (2), an
7 ordinance enacted prior to October 29, 2020, shall be deemed
8 automatically amended so that it is enforceable under
9 paragraph (1).

10 (4) If a civil claim under paragraph (1), exclusive of
11 interest, costs and fees, exceeds the monetary jurisdiction
12 of a magisterial district judge under 42 Pa.C.S. § 1515(a)(3)
13 (relating to jurisdiction and venue), the township may:

14 (i) bring the action in a court of common pleas; or

15 (ii) make a waiver under 42 Pa.C.S. § 1515(a)(3).

16 (c) Enforcement in equity.--In addition to or in lieu of
17 enforcement under subsection (b), a township may enforce an
18 ordinance in equity in a court of common pleas of the judicial
19 district where the township is situate.

20 (d) Payment.--Money collected under subsection (b) shall be
21 paid to the township treasurer.

22 § 7712. Commitment pending trial.

23 An individual arrested for the violation of a township
24 ordinance may, pending hearing or trial, be committed to the
25 township lockup, or if there is no suitable township lockup, a
26 county correctional facility.

27 § 7713. Township's liability for costs of prisoners to county.

28 If section 7712 (relating to commitment pending trial)
29 applies, the expenses of maintaining the prisoner during
30 confinement shall be paid by the township, and the county shall

1 not be liable for the maintenance.

2 CHAPTER 79

3 ACTIONS BY AND AGAINST TOWNSHIPS

4 Sec.

5 7901. Collection of municipal claims.

6 § 7901. Collection of municipal claims.

7 (a) Assumpsit.--

8 (1) If a township has a municipal claim for making an
9 improvement, providing water or sewer service or removing a
10 nuisance, the township may collect the claim by an action in
11 assumpsit against the person that owned the property at the
12 time of the completion of the improvement or at the time the
13 applicable water or sewer rate or the cost of the removal of
14 the nuisance first became payable. The remedy under this
15 paragraph is in addition to the remedies provided by law for
16 the filing of liens for the collection of municipal claims,
17 including water rates, sewer rates and the removal of
18 nuisances.

19 (2) This subsection applies notwithstanding the fact
20 that there was a failure on the part of the township or its
21 agent to enter the municipal claim as a lien.

22 (b) Limitation of action.--An action in assumpsit must be
23 commenced either within six years after:

24 (1) completion of the improvement;

25 (2) the applicable water or sewer rate becomes payable;

26 or

27 (3) the cost of removal of the nuisance becomes payable.

28 CHAPTER 81

29 REPEALS

30 Sec.

1 8101. Revival and repeal.

2 § 8101. Revival and repeal.

3 (a) Revival.--Nothing in this chapter shall be construed to
4 revive a repealed statutory provision.

5 (b) Repeals.--(Reserved).

6 PART III

7 (Reserved)

8 Section 2. Repeals are as follows:

9 (1) The General Assembly declares that the repeal under
10 paragraph (2) is necessary to effectuate the addition of 73
11 Pa.C.S. Pts. I and II.

12 (2) The act of June 24, 1931 (P.L.1206, No.331), known
13 as The First Class Township Code, is repealed.

14 Section 3. The addition of 73 Pa.C.S. Pts. I and II is a
15 continuation of the act of June 24, 1931 (P.L.1206, No.331),
16 known as The First Class Township Code. The following apply:

17 (1) Except as otherwise provided in 73 Pa.C.S. Pt. I or
18 II, all activities initiated under The First Class Township
19 Code shall continue and remain in full force and effect and
20 may be completed under 73 Pa.C.S. Pt. I or II. Orders,
21 regulations, rules and decisions which were made under The
22 First Class Township Code and which are in effect on the
23 effective date of section 2(2) of this act shall remain in
24 full force and effect until revoked, vacated or modified
25 under 73 Pa.C.S. Pt. I or II. Contracts, obligations and
26 collective bargaining agreements entered into under The First
27 Class Township Code are not affected nor impaired by the
28 repeal of The First Class Township Code.

29 (2) Except as set forth in paragraph (3), any difference
30 in language between 73 Pa.C.S. Pts. I and II and The First

1 Class Township Code is intended only to conform to the style
2 of the Pennsylvania Consolidated Statutes and is not intended
3 to change or affect the legislative intent, judicial
4 construction or administration and implementation of The
5 First Class Township Code.

6 (3) Paragraph (2) does not apply to the addition of the
7 following provisions:

8 73 Pa.C.S. § 1711(a.2).

9 73 Pa.C.S. § 2103(a.2).

10 73 Pa.C.S. § 2904(a) and (d).

11 73 Pa.C.S. § 2923(a).

12 73 Pa.C.S. § 5904(a).

13 73 PA.C.S. § 7702(A), (A.1) AND (A.2).

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14 Section 4. This act shall take effect in 60 days.