

"FIRST CLASS TOWNSHIP CODE, THE"
Act of Jun. 24, 1931, P.L. 1206, No. 331 **Cl. 73**
(Reenacted and amended May 27, 1949, P.L.1955, No.569)

AN ACT

Concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto.

Compiler's Note: Section 2 of Act 209 of 1990 provided that Act 331 is repealed insofar as it is inconsistent with Act 209.

Compiler's Note: Section 1 of Act 165 of 1970 provided that the limits heretofore imposed by Act 331 upon the rates of interest for such bonds, obligations or indebtedness. and interest costs permitted to be paid upon bonds, obligations and indebtedness issued by the Commonwealth or its agencies or instrumentalities or authorities, and by local political subdivisions or their agencies or authorities, are hereby removed for such bonds, obligations or indebtedness.

Compiler's Note: Section 31 of Act 708 of 1961 provided that Act 331 is repealed insofar as it relates to the licensing and regulation of auctioneers.

CONTENTS

Article	Sections
I. Preliminary Provisions,	101-110
II. Classification, Creation, Reestablishment and Change of Name of Townships,	201-235
(a) Classification,	201
(b) Creation of Townships of the First Class from Townships of the Second Class,	205-208
(bb) Reestablishment of Townships of the Second Class,	209-209.1
(c) Creation of Townships of the First Class by Merger or Consolidation,	210-220
(d) Officers of Newly Created Town-ships,	225-228
(e) Certificate of Creation of Town-ships to Be Furnished State Departments,	235
(f) Change of Name of Township of First Class,	240
II.I. Change of Name of Township of First Class (Repealed)	2.201-2.203
III. Townships Lines and Boundaries	301-307
IV. Wards,	401-409
V. Election of Officers; Vacancies in Office,	501-533
(a) General Provisions,	501-503
(b) Commissioners (Repealed)	
(c) Tax Collector (Repealed)	
(d) Assessors (Repealed)	
(e) Auditors (Repealed)	
(f) Controller (Repealed)	
(g) Vacancies in Office,	530

VI.	General Provisions Relating to Township Officers,	601-650
	(a) General Provisions,	601-605
	(b) County Associations of Township Officers (Repealed)	
	(c) State Association of Township Officers,	620-624
	(c.1) County Associations of Township Officers,	624.1-624.3
	(d) Civil Service for Police and Firefighters,	625-650
VII.	Township Commissioners,	701-704
VIII.	Township Treasurer (Repealed)	
VIII-A.	Appointed Township Treasurer,	801-A-806-A
VIII-B.	Tax Collector,	801-B
IX.	Township Secretary,	901-903
X.	Auditors,	1001-1052
	(a) Elected Auditors,	1001-1019
	(b) Appointed Independent Auditor,	1050-1052
	
XI.	Controller,	1101-1110
XII.	Township Solicitor,	1201-1204
XIII.	Township Engineer,	1301-1316
	(a) General Provisions,	1301-1306
	(b) Real Estate Registry (Repealed)	
XIII-A.	Township Manager,	1301-A-1304-A
XIII-B.	Veterans' Affairs,	1301-B-1314-B
	(a) Pennsylvania National Guard, ..	1301-B-1304-B
	(b) Support of Veterans' Organizations and Memorials,	1311-B-1314-B
	
XIV.	Police,	1401-1416
XV.	Corporate Powers,	1501-1503
XV-A.	Real Estate Registry,	1501-A
XVI.	Public Health,	1601-1627
	(a) Boards of Health (Repealed)	
	(b) Vacation of Streets Declared Nuisance by Board of Health (Repealed)	
XVII.	Finance and Taxation,	1701-1712
XVIII.	Contracts,	1801-1811
XIX.	Eminent Domain; Assessment of Damages and Benefits,	1901-1953
	(a) General Provisions Relating to Eminent Domain (Repealed)	
	(b) Procedure for the Exercise of Eminent Domain and for the Assessment of Damages and Benefits (Repealed)	
XX.	Streets and Highways,	2001-2096
	(a) Plans of Streets and Highways (Repealed)	
	(b) Laying Out, Opening, Widening, Straightening, Vacating and Relaying Streets, Highways, Et Cetera; Repairs and Detours (Repealed)	
	(c) Dedicated Streets and Drainage Facilities (Repealed)	
	(d) Relocation, Alteration, and Vacation of Streets in or near State Parks (Repealed)	

- (e) Elimination of Curves (Repealed)
- (f) Acquisition of Unobstructed Views at Curves and Intersections (Repealed)
- (g) Changing or Altering Streets by Agreement with Property Owners (Repealed)
- (h) Grading, Draining, Curbing, Paving, Macadamizing Streets or Highways on Petition, and Assessment of Benefits by Viewers (Repealed)
- (i) Grading, Draining, Curbing, Paving or Macadamizing Streets or Highways, and Collection of Cost by Foot Front Rule (Repealed)
- (j) Road Material, Ditches, Drains and Watercourses (Repealed)
- (k) Trees, Shrubberty, and Obstructions within Limits of Streets or Highways (Repealed)
- (l) Protection of Streets or Highways from Snowdrifts (Repealed)
- (m) Guideposts and Index Boards (Repealed)
- (n) Streets Crossing Railroad; Special Uses of Streets (Repealed)
- (o) County-aid in the Improvement of Township Streets (Repealed)
- (p) Penal Provisions (Repealed)
- (q) Opening, Making, Amending and Repairing Streets and Bridges by Contracts with Taxpayers (Repealed)

XXI. Boundary Roads and Streets
(Repealed)

2101-2130

- (a) Opening, Repairing and Improving Streets on Division Line of Townships (Repealed)
- (b) Maintenance of Streets between Township and Cities or Boroughs (Repealed)
- (c) Street, the Centre Line of which is the Dividing Line between Townships and Boroughs or Cities in the Same County (Repealed)
- (d) Street, the Centre Line of which is the Dividing Line between Townships and Cities in an Adjacent County (Repealed)
- (e) Improvement of Street where more the One-Half of Width is in Township; Assessment of Property outside Limits (Repealed)
- (f) Assessment of Property outside Limits of Township for Street Improvements (Repealed)

	(g) Grading, Curbing, Paving, Macadamizing Boundary Street or Highway, Et Cetera (Repealed)	
XXII.	Bridges,	2201-2225
	(a) As Part of Street (Repealed)	
	(b) Over Railroads (Repealed)	
	(c) Over Marshy or Swampy Grounds, Creeks, Rivulets, Guillies, Canals and Railroads (Repealed)	
	(d) Over Streams, Railroads and Canals on Township Boundaries (Repealed)	
	(e) Maintenance, Repair, and Rebuilding of Bridges Built by County (Repealed)	
XXIII.	Sidewalks,	2301-2305
XXIV.	Sanitary Sewers and Drains,	2401-2447
	(a) Establishing and Constructing Sewer and Drainage Systems; Sewer Connections and Rates; Disposal of Sewage; Assessment of Cost of Construction,	2401-2411
	(b) Acquisition of Sewer System from Private Interests; Distribution of Costs,	2415
	(c) Contracts with Individuals or Corporations for Construction and Maintenance of Sewer and Drainage Systems,	2420
	(d) Sewers and Drains in Streets or Highways, or over Private Property; Assessment of Cost of Construction According to Benefits,	2425
	(e) Sewers under State and County Highways,	2430-2431
	(f) Connecting with Adjoining Sewer,	2435-2436
	(g) Joint Sanitary Sewers and Drains,	2440-2441
	(h) Non-debt Revenue Sewer Bonds (Repealed)	2445-2447
XXV.	Collection by Instalment of the Cost of Street, Curb, Sidewalk and Sewer Improvements (Repealed)	2501-2507
XXV-A.	Assessments for Public Improvements,	2501-A-2509-A
XXVI.	Revolving Fund for Street and Sewer Improvements (Repealed)	2601-2602
XXVII.	Water Supply.....	2701-2712
	(a) Acquisition, Construction and Maintenance,	2701-2709.2
	(b) Joint Water System,	2710-2712
XXVII-A.	Manufacture and Sale of Electricity,	2701-A-2706-A
XXVIII.	Public Buildings,	2801-2806
XXIX.	Licenses and License Fees ,	2901-2912
	(a) Transient Retail Merchants, ...	2901
	(b) Restrictions,	2910-2912
XXX.	Parks, Recreation Centers, Shade Trees and Forests,	3001-3048

(a) Public Parks, Playgrounds, and Recreation Centers,	3001-3016
(b) Shade Tree Commission,	3020-3031
(c) Forests,	3040-3048
XXX-A. Land Subdivision (Repealed)	3061-3068
XXXI. Zoning (Repealed)	3101-3111
XXXI-A. Uniform Construction Code, Property Maintenance Code and Reserved Powers	3101-A-3106-A
XXXII. Township Planning Commission (Repealed)	3201-3203
XXXIII. Enforcement of Ordinances (Repealed)	3301-3305
XXXIII-A. Ordinances,	3301-A
(a) General Provisions,	3301-A-3306-A
(b) Enforcement,	3321-A-3323-A
XXXIV. Actions by and against Townships, ..	3401-3406
XXXV. Repeals,	3501-3502

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

ARTICLE XXXI-A
UNIFORM CONSTRUCTION CODE, PROPERTY MAINTENANCE CODE AND
RESERVED POWERS
(Art. XXXI-A added Oct. 30, 2015, P.L.207, No.51)

Compiler's Note: Section 3 of Act 51 of 2015, which added Article XXXI-A, provided that nothing in Act 51 shall be construed to repeal or modify any township ordinance in effect on the effective date of Act 51 or affect any proceeding or enforcement of any township ordinance instituted prior to the effective date of Act 51.

ARTICLE I
PRELIMINARY PROVISIONS

Section 101. Short Title; Effective Date.--This act shall be known, and may be cited, as "The First Class Township Code." This reenactment, revision, amendment and consolidation of the laws relating to townships of the first class shall become effective the first day of January, 1950.

Section 102. Definitions.--The following words, terms and phrases, as used in this act, shall have the following meanings unless the context clearly indicates otherwise:

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

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

"Individual." A natural person.

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

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

"Municipality." A county, city, borough, incorporated town, township of the first or second class or any 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.

(a) (Deleted by amendment).

(b) (Deleted by amendment).

(c) (Deleted by amendment).

(102 amended Oct. 29, 2020, P.L.782, No.96)

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

(a) The assessment and valuation of property and persons for the purposes of taxation and collection of taxes, except as provided herein;

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

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

(c) Conduct of elections;

(d) Public schools and school districts;

(e) The powers and duties of constables;

(f) Magisterial district judges;

(g) State highways and private roads;

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

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

(i) Any of the provisions of 24 Pa.C.S. Ch. 93 (relating to public library code);

(j) Crimes and offenses provided for in 18 Pa.C.S. (relating to crimes and offenses);

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

(103 amended Oct. 29, 2020, P.L.782, No.96)

Compiler's Note: Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

Section 104. Construction of Act Generally.--(a) The provisions of this act so far as they are the same as those of laws in effect prior to June 24, 1931, are intended as a continuation of laws in effect prior to June 24, 1931, and not as new enactments. The repeal by this act of any act of Assembly, or part thereof, shall not revive any act, or part thereof, repealed or superseded prior to June 24, 1931, nor affect the existence of class of any township created prior to June 24, 1931. The provisions of this act shall not affect any act done, liability incurred, or right accrued or vested, or affect any suit or prosecution, pending or to be instituted, to enforce any right or penalty or punish any offense under the authority of the repealed laws. All ordinances, resolutions, regulations, and rules, made pursuant to any act of Assembly repealed by this act, shall continue with the same force and effect as if the act had not been repealed. Any person, holding office under any act of Assembly repealed by this act, shall continue to hold office until the expiration of the term

thereof, subject to the conditions attached to the office prior to June 24, 1931.

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

(104 amended Oct. 29, 2020, P.L.782, No.96)

Section 105. Constitutional Construction.--The provisions of this act 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 act. It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein.

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

(106 amended Oct. 29, 2020, P.L.782, No.96)

Section 107. How Act Applies.--This act shall apply to all townships of the first class within the Commonwealth existing on June 24, 1931, or created thereafter.

(107 amended Oct. 29, 2020, P.L.782, No.96)

Section 108. Saving Clauses Where Class of Township Changed.--If a township of the second class is designated a township of the first class, or if a township of the first class is reestablished as a township of the second class, all liabilities incurred, rights accrued or vested, obligations issued or contracted, and all suits and prosecutions pending or to be instituted to enforce any right or penalty accrued or to punish any offense committed before the change of class, and all ordinances, resolutions, rules and regulations shall continue with the same force and effect as if no change had been made.

(108 amended Oct. 29, 2020, P.L.782, No.96)

Section 109. Exception as to Taxation.--(109 repealed Oct. 29, 2020, P.L.782, No.96)

Section 110. Legal Advertising.--(a) Whenever, under the provisions of this act, notice is required to be published in one or more newspapers, the publication shall be made in a newspaper of general circulation, as defined in 45 Pa.C.S. § 101 (relating to definitions), printed in the township, if there is such a newspaper, and, if not, then in a newspaper circulating generally in the township.

(b) Unless dispensed with by special order of court, if the notice relates to any proceeding or matter in any court, or the holding of an election for the increase of indebtedness, or the issue and sale of bonds to be paid by taxation, 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. Ordinances, auditors' statements, summaries of auditors' statements, advertisements inviting proposals for public contracts and for bids for materials and supplies, or lists of delinquent taxpayers, shall be published only in newspapers of general circulation.

(110 amended Oct. 29, 2020, P.L.782, No.96)

Compiler's Note: The act of May 16, 1929 (P.L.1784, No.587), referred to as the Newspaper Advertising Act, was repealed by the act of July 9, 1976 (P.L.877, No.160).

The subject matter is now contained in 45 Pa.C.S. Ch.3
(relating to legal advertising).

ARTICLE II
CLASSIFICATION, CREATION, REESTABLISHMENT
AND CHANGE OF NAME OF TOWNSHIPS
(Art. hdg. amended Oct. 29, 2020, P.L.782, No.96)

(a) Classification

Section 201. Classification of Townships.--The townships now in existence and those to be created are divided into two classes: townships of the first class and townships of the second class. A township of the first class shall be a township having a population of at least 300 inhabitants to the square mile and is functioning as a township of the first class on June 24, 1931, or that were created after June 24, 1931, as a township of the first class in the manner provided in this act. A township that is not a township of the first class or a home rule municipality shall be classified as a township of the second class. A change from one class to the other shall be made only as provided by this act or the laws relating to townships of the second class.

(201 amended Oct. 29, 2020, P.L.782, No.96)

(b) Creation of Townships of the First Class
from Townships of the Second Class

Section 205. Enrollment to Ascertain Population.--(205 repealed Oct. 29, 2020, P.L.782, No.96)

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

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

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

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

(4) The election officers shall compute the votes cast at the election and certify the votes to the county board of elections. The county board of elections shall compute the votes cast and certify the result to the county commissioners, the board of supervisors of the township of the second class and

the clerk of the court of common pleas. If a majority of the votes cast at the election are in favor of becoming a township of the first class, the government of the township of the first class shall be organized and become effective on the first Monday of January after the election. When the township of the first class is organized and becomes effective, the terms of the officers of the township of the second class shall cease and the officers appointed by the court for the township under section 225 shall take office. If a majority of the votes cast at the election are in favor of remaining a township of the second class, no further proceedings may be initiated for a period of two years from the date of the election.

(205.1 added Oct. 29, 2020, P.L.782, No.96)

Section 206. Proclamations by County Commissioners.--(206 repealed Oct. 29, 2020, P.L.782, No.96)

Section 207. Submission of Question to Voters.--(207 repealed Oct. 29, 2020, P.L.782, No.96)

Section 208. Returns of Election and Effect Thereof.--(208 repealed Oct. 29, 2020, P.L.782, No.96)

(bb) Reestablishment of Townships of the
Second Class

Section 209. Ascertainment of Population.--(209 repealed Oct. 29, 2020, P.L.782, No.96)

Section 209.1. Reestablishment of Townships of the Second Class.--A township of the first class may, no sooner than five years after becoming a township of the first class, be reestablished as a township of the second class as provided in the act of May 1, 1933 (P.L.103, No.69), known as "The Second Class Township Code."

(209.1 added Oct. 29, 2020, P.L.782, No.96)

Section 209a. Submission of Question to Voters; Returns of Election, and Effect Thereof.--(209a repealed Oct. 29, 2020, P.L.782, No.96)

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

(Subdiv. hdg. amended Oct. 29, 2020, P.L.782, No.96)

Compiler's Note: Section 2 of Act 90 of 1994 repealed provisions relating to the consolidation of townships. Provisions for merger and consolidation of municipalities are now found in 53 Pa.C.S. Ch. 7 Subch. C (relating to consolidation and merger).

Section 210. Manner in Which Townships of the First Class May Be Created.--(210 repealed Oct. 13, 1994, P.L.596, No.90)

Section 211. Petitions.--(211 repealed Oct. 13, 1994, P.L.596, No.90)

Section 212. Confirmation Nisi of Petition; Notice of Filing.--(212 repealed Oct. 13, 1994, P.L.596, No.90)

Section 213. Exceptions; Confirmation Absolute of Petition.--(212 repealed Oct. 13, 1994, P.L.596, No.90)

Section 214. Elections.--(214 repealed Oct. 13, 1994, P.L.596, No.90)

Section 216. Return of Election; Decree.--(216 repealed Oct. 13, 1994, P.L.596, No.90)

Section 217. Boundary Monuments.--(217 repealed Oct. 13, 1994, P.L.596, No.90)

Section 218. Classification of New Townships.--(218 repealed Oct. 13, 1994, P.L.596, No.90)

Section 219. Costs.--(219 repealed Oct. 13, 1994, P.L.596, No.90)

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

(220 added Oct. 29, 2020, P.L.782, No.96)

(d) Officers of Newly Created Townships

Section 225. Officers for New Townships.--(a) If a new township of the first class is created from a township of the second class pursuant to this article, the court of common pleas shall appoint the elective officers for the new township and determine the polling place or places in the new township. The appointed officers shall hold office until the first Monday of January after the next municipal election as provided in this act.

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

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

(225 amended Oct. 29, 2020, P.L.782, No.96)

Section 226. Election of Commissioners in New Townships.--(226 repealed Oct. 29, 2020, P.L.782, No.96)

Section 227. Election of Tax Collector in New Townships.--(227 repealed Oct. 29, 2020, P.L.782, No.96)

Compiler's Note: See sections 14 and 15 of Act 188 of 2012 in the appendix to this act for special provisions relating to applicability of law and municipal officers affected by Act 188.

Section 228. Election of Township Assessor and Assistant Township Assessor in New Townships.--(228 repealed Feb. 2, 2012, P.L.62, No.7)

Compiler's Note: Section 8832(d) of the Consolidated County Assessment Law (53 Pa.C.S. Ch. 88) provides that the office of local elected assessor is abolished.

(e) Certificate of Creation of Townships to Be
Furnished State Departments

Section 235. Certificate of Creation of Township.--If a township of the first class is created, the clerk of the court shall certify to the Department of State, the Department of Transportation, the Department of Community and Economic Development and the county planning commission a copy of the

record constituting the charter of the township. The clerk of the court may charge a fee of three dollars and fifty cents (\$3.50), to be paid as part of the costs of the proceedings.
(235 amended Oct. 29, 2020, P.L.782, No.96)

Compiler's Note: Section 301(a) (16) of Act 58 of 1996, which created the Department of Community and Economic Development and abolished the Department of Community Affairs, provided that all other powers and duties delegated to the Department of Community Affairs not otherwise expressly transferred elsewhere by Act 58 and currently performed by the Department of Community Affairs under section 235 are transferred to the Department of Community and Economic Development.

(f) Change of Name of Township of First Class
(Subdiv. hdg. added Oct. 29, 2020, P.L.782, No.96)

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

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

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

(240 added Oct. 29, 2020, P.L.782, No.96)

ARTICLE II.I

CHANGE OF NAME OF TOWNSHIP OF FIRST CLASS
(Art. repealed Oct. 29, 2020, P.L.782, No.96)

Section 2.201. Petition of Electors.--(2.201 repealed Oct. 29, 2020, P.L.782, No.96)

Section 2.202. Filing and Advertisement of Petition.--(2.202 repealed Oct. 29, 2020, P.L.782, No.96)

Section 2.203. Returns and Effect of Election.--(2.203 repealed Oct. 29, 2020, P.L.782, No.96)

ARTICLE III TOWNSHIP LINES AND BOUNDARIES

Section 301. Stream Boundaries.--(301 repealed July 7, 2022, P.L.455, No.41)

Section 302. Petition to Court; Establishment of Disputed Boundaries.--(302 repealed July 7, 2022, P.L.455, No.41)

Section 303. Boundary Commissioners; Report.--(303 repealed July 7, 2022, P.L.455, No.41)

Section 304. Exceptions and Procedure.--(304 repealed July 7, 2022, P.L.455, No.41)

Section 305. Boundary Monuments.--(305 repealed July 7, 2022, P.L.455, No.41)

Section 306. Compensation and Expenses of Boundary Commissioners; Cost.--(306 repealed July 7, 2022, P.L.455, No.41)

Section 307. Adjustment of Indebtedness.--(307 repealed July 7, 2022, P.L.455, No.41)

ARTICLE IV WARDS

Section 401. Creation and Alteration of Wards.--(a) In addition to reapportionment initiated in accordance with 53 Pa.C.S. Ch. 9 (relating to municipal reapportionment) and section 11 of Article IX of the Constitution of Pennsylvania, the board of commissioners may, by ordinance, do any of the following:

- (1) Divide townships into wards.
- (2) Create new wards out of two or more adjoining wards or parts of wards.
- (3) Consolidate two or more wards into one ward.
- (4) Divide any ward already erected into two or more wards.
- (5) Alter the lines of two or more adjoining wards.
- (6) Cause the lines or boundaries of wards to be ascertained or established.
- (7) Abolish all wards.

(b) The following shall apply:

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

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

(3) At the discretion of the board of commissioners, any ward which contains less than 350 registered electors may be abolished, and the territory of the ward may be merged into a contiguous existing ward or wards. If two or more contiguous wards have respective populations not meeting the population threshold of 350 registered electors, the commissioners may consolidate those contiguous wards into one ward. All other wards shall remain as established until altered or divided as provided in this article. The composition of the wards shall be subject to subsection (d).

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

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

(401 amended Oct. 29, 2020, P.L.782, No.96)

Compiler's Note: Section 9 of Act 312 of 1974 provided that section 401 is repealed insofar as it is inconsistent. Act 312 of 1974, in turn, was repealed by the act of December 19, 1996 (P.L.1158, No.177). The subject matter is now contained in 53 Pa.C.S. Ch. 9 (relating to municipal reapportionment).

Section 402. Signing Petition; Appointment and Powers of Commissioners.--(402 repealed Oct. 4, 1978, P.L.946, No.186)

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

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

(402.1 added Oct. 29, 2020, P.L.782, No.96)

Section 403. Filing and Confirmation of Report; Exceptions.--(403 repealed Oct. 29, 2020, P.L.782, No.96)

Compiler's Note: Section 9 of Act 312 of 1974 provided that section 403 is repealed insofar as it is inconsistent. Act 312 of 1974, in turn, was repealed by the act of December 19, 1996 (P.L.1158, No.177). The subject matter is now contained in 53 Pa.C.S. Ch. 9 (relating to municipal reapportionment).

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

(403.1 added Oct. 29, 2020, P.L.782, No.96)

Section 404. Compensation of Commissioners.--(404 repealed Oct. 29, 2020, P.L.782, No.96)

Section 405. Election Districts.--(405 repealed Oct. 29, 2020, P.L.782, No.96)

Section 406. Numbering of Wards.--(406 repealed Oct. 29, 2020, P.L.782, No.96)

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

At the first municipal election occurring at least 90 days after the division into wards, there shall be elected, by the registered electors of each ward of the township, one township commissioner, who shall reside in the ward for which the commissioner is elected. At the election, the township commissioners elected in even-numbered wards shall be elected for terms of two years each, and those in odd-numbered wards for terms of four years each, or vice versa, as the case may be, in order that the expiration of the terms will harmonize with the expiration of terms of township commissioners elected for the even or odd numbered wards under the provisions of this act. Thereafter, successors to the commissioners shall be elected for terms of four years each at the municipal election immediately preceding the expiration of the terms of ward commissioners.

If the number of wards into which the township has been divided is less than five, then, at the municipal election preceding the expiration of the terms of any commissioner or commissioners elected at large, if the expiration of terms will leave the township with less than five township commissioners, there shall be elected at large a sufficient number of township commissioners so that the total number of commissioners elected by wards and at large in the township shall thereafter be five. If one township commissioner is elected at large, the commissioner shall be elected for a term of four years. If two township commissioners are elected at large, one shall be elected for a term of two years, and one for a term of four years. If three township commissioners are elected at large, two shall be elected for terms of four years each, and one for a term of two years. Successors to the township commissioners elected at large shall be elected for terms of four years each.

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.

(407 amended Oct. 29, 2020, P.L.782, No.96)

Compiler's Note: Section 9 of Act 312 of 1974 provided that section 407 is repealed insofar as it is inconsistent. Act 312 of 1974, in turn, was repealed by the act of December 19, 1996 (P.L.1158, No.177). The subject matter is now contained in 53 Pa.C.S. Ch. 9 (relating to municipal reapportionment).

Section 408. Schedule of Election of Commissioners in Newly Created Wards.--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, then, 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, there shall be elected, by the registered electors of the new ward, one township commissioner, who shall reside in the ward for which the commissioner is elected, 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 act. Successors to the township commissioners shall be elected for terms of four years. The number of commissioners thereafter elected at large in the township shall be the difference between the number of wards and five, and a sufficient number of commissioners shall be elected at large at each municipal election preceding the expiration of terms of commissioners at large so that the total number of commissioners in the township will at all times be five.

If a new ward is created in any township previously divided into wards and the number of wards thereafter in the township is five, then, at the municipal election preceding the expiration of the term of office of any commissioner or commissioners elected at large, a township commissioner shall be elected for the ward, who shall reside in the ward. The election shall be for a two or four year term 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 act. The successor to the ward commissioner shall be elected for a four-year term. No township commissioner shall thereafter be elected at large in the township.

If the number of wards in the township, including the new ward, will be more than five, the court of common pleas shall appoint a township commissioner for the new ward, who shall hold office until the first Monday in January succeeding the first municipal election at which township commissioners are elected in the even or odd numbered wards under the provisions of this act, at which election, and every four years thereafter, a township commissioner, who shall reside in the ward, shall be elected by the qualified electors of the ward for a term of four years.

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

(408 amended Oct. 29, 2020, P.L.782, No.96)

Compiler's Note: Section 9 of Act 312 of 1974 provided that section 408 is repealed insofar as it is inconsistent. Act 312 of 1974, in turn, was repealed by the act of December 19, 1996 (P.L.1158, No.177). The subject matter is now contained in 53 Pa.C.S. Ch. 9 (relating to municipal reapportionment).

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

(409 added Oct. 29, 2020, P.L.782, No.96)

ARTICLE V ELECTION OF OFFICERS; VACANCIES IN OFFICE

(a) General Provisions

Compiler's Note: Act 54 of 2017 added 53 Pa.C.S. § 1142, which provides that "active military duty" shall not disqualify a person from fulfilling residency requirements for municipal elective office and that one who is a resident of a municipality for at least one year immediately prior to the person's absence due to active military duty shall be deemed to be an ongoing resident of the municipality for purposes of any residency requirement of office unless and until the person demonstrates an intent to establish a new domicile outside the municipality.

Section 501. Eligibility.--(a) Only a registered elector of a township may be eligible to an elective office in the township. Before being sworn into office, each elected township officer, or, except as provided under section 530, each appointed township officer in case of a vacancy in an elective office, shall present a signed affidavit to the township secretary stating that the officer resides in the township, or within the ward in the case of a ward office, from which elected or appointed and has resided in the township or ward continuously for at least one year immediately prior to the officer's election or appointment. In the case of a newly created ward in existence for less than one year at the time of a township officer's election or appointment, the affidavit shall state that the officer has resided within the township continuously for at least one year immediately prior to the

officer's election or appointment and within the ward from the date of the ward's creation continuously until the officer's election or appointment.

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

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

(501 amended Oct. 29, 2020, P.L.782, No.96)

Section 502. Term of Office.--Except if a vacancy in office occurs pursuant to section 530, officers shall hold office for the term for which the individual was elected. Officers shall not serve longer than the first Monday of January succeeding the municipal election at which a successor was elected.

(502 amended Oct. 29, 2020, P.L.782, No.96)

Section 503. Elected Officers.--(a) The electors of each township shall elect:

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

(i) In townships divided into wards but having less than five wards, the number of commissioners shall be five. One commissioner shall be elected from each ward, and the remaining number of commissioners, to which the township is entitled, shall be elected at large. In townships having five or more wards, one commissioner shall be elected from each ward. Township commissioners shall be elected at municipal elections, preceding the expiration of the terms of commissioners then in office, for terms of four years each. Commissioners from odd-numbered wards shall be elected at alternate municipal elections than the municipal elections at which commissioners from even-numbered wards are elected. Elections at large shall be held at the municipal election preceding the expiration of the term of any commissioner elected at large.

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

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

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

(ii) If no individual is elected to the position of tax collector in the municipal election, or if the position of tax collector becomes vacant, the board of commissioners may, by resolution, appoint an individual or person to collect taxes. If a person other than an individual is appointed, the person shall post bonds to the same extent as would an individual appointed to fill the vacancy and as further provided by terms and

conditions as set forth by the board of commissioners. Notwithstanding the Local Tax Collection Law, if a person other than an individual is appointed as a tax collector, no individual employed by the appointed tax collector or any of the appointed tax collector's officers shall be required to be or become a qualified tax collector or to file criminal history record information.

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

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

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

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

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

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

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

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

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

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

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

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

(iv) The office of controller shall be continued until the ordinance is repealed, when the office of controller shall terminate. The township shall either appoint an independent auditor or, at the next municipal election following the repeal of the ordinance, provide

for the election of three auditors, to whom the following shall apply:

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

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

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

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

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

(503 amended Oct. 29, 2020, P.L.782, No.96)

Compiler's Note: See sections 14 and 15 of Act 188 of 2012 in the appendix to this act for special provisions relating to applicability of law and municipal officers affected by Act 188.

(b) Commissioners

(Subdiv. repealed Oct. 29, 2020, P.L.782, No.96)

Section 504. Number and Election of Commissioners in Townships Having Wards.--(504 repealed Oct. 29, 2020, P.L.782, No.96)

Section 505. Number and Election of Commissioners in Townships Not Divided into Wards.--(505 repealed Oct. 29, 2020, P.L.782, No.96)

(c) Tax Collector

(Subdiv. repealed Oct. 29, 2020, P.L.782, No.96)

Section 510. Election of Tax Collector.--(510 repealed Oct. 29, 2020, P.L.782, No.96)

Section 511. Eligibility.--(511 repealed Oct. 24, 2012, P.L.1478, No.188)

(d) Assessors

(Subdiv. repealed Oct. 29, 2020, P.L.782, No.96)

Section 515. Election of Township Assessor and Assistant Township Assessor.--(515 repealed Feb. 2, 2012, P.L.62, No.7)

Compiler's Note: Section 8832(d) of the Consolidated County Assessment Law (53 Pa.C.S. Ch. 88) provides that the office of local elected assessor is abolished.

(e) Auditors

(Subdiv. repealed Oct. 29, 2020, P.L.782, No.96)

Section 520. Election of Auditors.--(520 repealed Oct. 29, 2020, P.L.782, No.96)

(f) Controller

(Subdiv. repealed Oct. 29, 2020, P.L.782, No.96)

Section 525. Election of Controller.--(525 repealed Oct. 29, 2020, P.L.782, No.96)

Section 526. Acceptance of Controller; Provisions by Ordinance.--(526 repealed Oct. 29, 2020, P.L.782, No.96)

(g) Vacancies in Office

Section 530. Vacancies in General.--(a) If a vacancy occurs in the office of township commissioner, auditor, controller, or tax collector by death, resignation, removal provided in section 604, termination of residency from the township or ward in the case of a ward office, or by failure to take the required oath, give required bond or provide the affidavit required under section 501, or otherwise, the board of commissioners shall fill the vacancy within thirty (30) days by appointing by resolution a registered elector of the township or ward in the case of a ward office, in which the vacancy occurs. If a person other than an individual is appointed to fill a vacancy in the office of tax collector under section 503(a)(2)(ii), the person shall not be required to file the affidavit required under section 501. An individual appointed as a tax collector under section 4.2 or 4.4 of the act of May 25, 1945 (P.L.1050, No.394), known as the Local Tax Collection Law, shall not be required to file an affidavit required under section 501.

(a.1) Except as provided under subsection (b.2), the following shall apply: (Intro par. amended Oct. 31, 2024, P.L.1118, No.130)

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

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

(b) The following apply:

(1) A vacancy board shall be convened to fill a vacancy within fifteen (15) days if the board of commissioners of a township, for any reason, fails to fill a vacancy after thirty (30) days. The board of commissioners may vote to convene the vacancy board within thirty (30) days of a vacancy if the board of commissioners is unable, for any reason, to fill the vacancy and shall provide a justification at a public meeting.

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

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

((b) amended Oct. 31, 2024, P.L.1118, No.130)

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

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

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

((b.1) amended Oct. 31, 2024, P.L.1118, No.130)

(b.2) Notwithstanding any other subsections in this section, if there are vacancies in a majority of the offices of commissioners, the court of common pleas shall fill the vacancies upon presentation of a petition signed by the remaining commissioners or at least fifteen (15) registered 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.2) amended Oct. 31, 2024, P.L.1118, No.130)

(b.3) The 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 sixty (60) days after the vacancy occurs, at which election an eligible person shall be elected to the office for the remainder of the term. The appointed registered elector shall have been a resident of the township or ward continuously for at least one (1) year immediately prior to the appointment.

(530 amended Oct. 29, 2020, P.L.782, No.96)

Compiler's Note: See sections 14 and 15 of Act 188 of 2012 in the appendix to this act for special provisions relating to applicability of law and municipal officers affected by Act 188.

Section 531. Auditors.--(531 repealed June 15, 1978, P.L.475, No.69)

Section 532. Township Treasurer and Controller.--(532 repealed June 15, 1978, P.L.475, No.69)

Section 533. Assessors.--(533 repealed June 15, 1978, P.L.475, No.69)

ARTICLE VI GENERAL PROVISIONS RELATING TO TOWNSHIP OFFICERS

(a) General Provisions

Section 601. Oath.--Every person elected or appointed to any township office in any township shall, before entering upon the duties of office, take and subscribe an oath or affirmation of office under 53 Pa.C.S. § 1141 (relating to form of oaths of office), before any judge or magisterial district judge of the county or a notary public. A copy of the oath or affirmation shall, within ten days thereafter, be filed with the township secretary.

(601 amended Oct. 29, 2020, P.L.782, No.96)

Compiler's Note: Section 3(3) of Act 76 of 2008 provided that all acts and parts of acts are repealed insofar as they are inconsistent with Act 76. Section 1 of Act 76 amended 53 Pa.C.S. Ch. 11 (relating to general provisions) by adding section 1141 (relating to form of oaths of office), which provides the form of oaths of

office for elected or appointed officials of municipalities.

Section 602. Bonds.--(a) Except as provided for in subsection (b), when any officer or employee of any township is required by law or action of the board of commissioners to give bond for the faithful performance of the officer's or employee's duties, the bond shall be with a surety company or other company authorized by law to act as surety. The township shall pay the premium on the bond, except that the premium on the bond of the township tax collector shall be paid by the respective taxing districts, as provided by the act of May 25, 1945 (P.L.1050, No.394), known as the "Local Tax Collection Law."

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

(602 amended Oct. 29, 2020, P.L.782, No.96)

Compiler's Note: See sections 14 and 15 of Act 188 of 2012 in the appendix to this act for special provisions relating to applicability of law and municipal officers affected by Act 188.

Section 603. Compensation.--(a) Elected officers of townships other than tax collector shall receive a salary, compensation or emoluments of office as may from time to time be fixed by ordinance of the township in accordance with this act.

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

(b) Tax collectors shall receive a salary, compensation or emoluments of office as may from time to time be fixed by ordinance of the township in accordance with the "Local Tax Collection Law."

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

(d) Appointed officers and employees of the township shall receive compensation for their services as the board of commissioners shall prescribe.

(603 amended Oct. 29, 2020, P.L.782, No.96)

Compiler's Note: See sections 14 and 15 of Act 188 of 2012 in the appendix to this act for special provisions relating to applicability of law and municipal officers affected by Act 188.

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

(604 carried without amendment Oct. 29, 2020, P.L.782, No.96)

Section 605. Annuities in Lieu of Joining Pension or Retirement System.--(a) A township may provide, by ordinance, to employees of not less than ten years of satisfactory service and who are not less than sixty years of age upon termination of active employment with the township a proportion of the compensation last paid to them but not in excess of 50% of the compensation.

(b) Any arrangement to provide post retirement compensation to retired appointees and employees pursuant to this section shall be a pension plan within the meaning of that term pursuant to the act of December 18, 1984 (P.L.1005, No.205), known as the "Municipal Pension Plan Funding Standard and Recovery Act," and the township establishing that plan shall provide funding of that pension plan in an amount sufficient to meet the minimum obligation of the municipality with respect to the pension plan pursuant to the "Municipal Pension Plan Funding Standard and Recovery Act."

(c) Nothing in this section shall be construed to preclude any employee of the township from joining any pension system or municipal retirement system that the township may establish or adopt.

(d) Upon the effective date of this subsection, a township may not provide for an annuity in lieu of employees joining a pension or retirement system. Nothing in this subsection shall be construed to affect the rights of any current or retired employees or appointees of a township entitled to payments granted in accordance with any annuity entered into prior to the effective date of this subsection.

(605 amended Oct. 29, 2020, P.L.782, No.96)

(b) County Associations of Township Officers
(Subdiv. repealed Oct. 29, 2020, P.L.782, No.96)

Section 610. Formation of County Associations;
Meetings.--(610 repealed Oct. 29, 2020, P.L.782, No.96)

Section 611. Membership of Associations; Expenses of
Members.--(611 repealed Oct. 29, 2020, P.L.782, No.96)

Section 612. Officers of Association; Ex-Officio
Membership.--(612 repealed Oct. 29, 2020, P.L.782, No.96)

(c) State Association of Township Officers

Section 620. State Association of Township
Commissioners.--(a) The formation of a State association of township commissioners is authorized.

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

(c) The association, at its annual meeting and educational conference, by majority vote of all the voting delegates attending, shall have power to adopt and amend bylaws to govern the association. The bylaws shall govern the qualifications of delegates, election of officers, their designation, qualifications and duties, payment of dues and other organizational details. The association shall function under these bylaws for advancing the interest of and betterment of township government in townships of the first class.

(d) The dues adopted in the bylaws shall be paid by each township upon becoming a member of the association and shall

be used for association purposes and activities authorized or ratified by the association or incurred on behalf of the association by its officers and executive committee.

(620 amended Oct. 29, 2020, P.L.782, No.96)

Section 621. Delegates from Townships.--(621 repealed Oct. 29, 2020, P.L.782, No.96)

Section 621.1. Authorization to Attend Annual Meetings and Educational Conferences.--(a) Township commissioners 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) In addition to each annual meeting and educational conference as specified 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.

(621.1 added Oct. 29, 2020, P.L.782, No.96)

Section 622. Expenses Paid by Townships.--(a) 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, which shall be limited to the registration fee, mileage for use of personal vehicle or reimbursement of actual transportation expense going to and returning from the meeting, conference or educational training plus all other actual expenses that the board of commissioners may have agreed to pay.

(b) The board of commissioners may authorize township employees to be compensated at their regular employee rate during their 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 shall not be more than four days, including the time spent traveling to and from the event.

(622 amended Oct. 29, 2020, P.L.782, No.96)

Section 623. Expenses of Annual Meeting.--(623 repealed Oct. 29, 2020, P.L.782, No.96)

Section 624. Conferences, Institutes and Schools.--(624 repealed Oct. 29, 2020, P.L.782, No.96)

(c.1) County Associations of Township Officers
(Subdiv. added Oct. 29, 2020, P.L.782, No.96)

Section 624.1. Formation of County Associations; Meetings.--County associations of township officers may be formed in the respective counties, or the township officers of two or more counties may form a joint county or regional

association. The associations, when formed, shall hold annual, semiannual or quarterly conferences or educational training at the county seats of the respective counties, or some other suitable place within the Commonwealth, for the purpose of advancing the interests of the townships in the association and the inhabitants of the townships.

(624.1 added Oct. 29, 2020, P.L.782, No.96)

Section 624.2. Membership of Associations; Expenses of Members.--(a) The board of commissioners, newly elected township commissioners prior to officially taking office and other township officers designated by the board shall attend the conferences or educational training whenever possible. A township officer attending a conference or educational training shall receive a certificate, signed by the presiding officer and secretary or acting secretary of the association, attesting to the township officer's presence at the conference or educational training.

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

(c) The board of commissioners may authorize township employes to be compensated at their regular employe rate during their attendance at a 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 conference or educational training if sufficient documentation of the wages or salary is presented to the board of commissioners to justify the reimbursement.

(624.2 added Oct. 29, 2020, P.L.782, No.96)

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

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

(624.3 added Oct. 29, 2020, P.L.782, No.96)

(d) Civil Service for Police and Firefighters
(Subdiv. hdg. amended Oct. 29, 2020, P.L.782, No.96)

Section 625. Appointments of Police and Firefighters.--(a) This subdivision shall not apply to any township having a police force of less than three members or to volunteer fire

departments or companies employing their own firefighters or to townships having less than three salaried firefighters.

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

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

(d) No individual shall be suspended, removed or demoted as a paid employe in any police force or as a paid firefighter of any township, except in accordance with the provisions of this subdivision.

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

(625 amended Oct. 29, 2020, P.L.782, No.96)

Section 626. Civil Service Commission Created; Appointments; Vacancies.--(a) Subject to section 625(a), a civil service commission is established in each township where a police force or paid firefighters force is maintained.

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

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

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

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

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

(626 amended Oct. 29, 2020, P.L.782, No.96)

Compiler's Note: Section 3(3) of Act 76 of 2008 provided that all acts and parts of acts are repealed insofar as they are inconsistent with Act 76. Section 1 of Act 76 amended 53 Pa.C.S. Ch. 11 (relating to general

provisions) by adding section 1141 (relating to form of oaths of office), which provides the form of oaths of office for elected or appointed officials of municipalities.

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

(627 amended Oct. 29, 2020, P.L.782, No.96)

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

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

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

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

(628 amended Oct. 29, 2020, P.L.782, No.96)

Section 629. Clerks and Supplies; Solicitor.--The township shall provide to the commission, on its requisition, clerical assistance that may be necessary for the work of the commission. The township shall provide a suitable and convenient room for the use of the commission. The commission shall order from the township the necessary stationery, postage, printing or supplies. The commission may appoint a solicitor. The township shall pay for the solicitor's services to the commission. The township may place a reasonable limit on the amount of compensation authorized each year for the services of the solicitor. The elected and appointed officials of the township shall aid the commission in carrying out the provisions of this subdivision.

(629 amended Oct. 29, 2020, P.L.782, No.96)

Section 630. Rules and Regulations.--(a) The commission shall have power to prescribe, amend and enforce rules and regulations for carrying into effect the provisions of this subdivision and shall be governed by the commission's rules and regulations. The board of commissioners may not promulgate rules and regulations, or amendments to them, for carrying into effect the provisions of this subdivision. The board of commissioners may make suggestions regarding proposed rules and regulations or amendments to the rules and regulations to members of the commission for their consideration. Regardless of whether the board of commissioners makes suggestions regarding proposed rules and regulations or amendments to the rules and regulations, rules and regulations or amendments shall be approved by the board of commissioners before the effective

date of the rules and regulations or amendments. When the rules and regulations or amendments have been approved by the board of commissioners, the rules and regulations or amendments shall not be abrogated, amended or added to without the approval of the board of commissioners.

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

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

(630 amended Oct. 29, 2020, P.L.782, No.96)

Section 631. Minutes and Records.--The commission shall keep minutes of its proceedings and records of examinations and other official actions. All recommendations of applicants for appointment received by the commission shall be kept and preserved for a period of five years, and all records and all written causes of removal filed with the commission, except as otherwise provided in section 645, shall be subject to reasonable regulation and open to public inspection in accordance with the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

(631 amended Oct. 29, 2020, P.L.782, No.96)

Section 632. Investigations.--The commission may conduct investigations concerning all matters regarding the administration and enforcement of this subdivision and rules and regulations promulgated under this subdivision. The chairperson of the commission may administer oaths and affirmations in relation to the investigations.

(632 amended Oct. 29, 2020, P.L.782, No.96)

Section 633. Subpoenas.--(a) The 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 commission.

(b) All officers in public service and employees shall attend and testify if required to do so by the commission.

(c) If an individual refuses or neglects to obey a subpoena issued by the commission, the individual shall, upon conviction, be sentenced to pay a fine of no less than \$250 and no 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.

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

(633 amended Oct. 29, 2020, P.L.782, No.96)

Section 634. Annual Report.--The commission shall make an annual report to the board of commissioners containing a brief summary of its work during the year, which shall be available

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

(634 amended Oct. 29, 2020, P.L.782, No.96)

Section 635. General Provisions Relating to Examinations.--(a) The commission shall make rules and regulations to be approved as provided in section 630, providing for the examination of applicants for positions in the police force and as paid firefighters and for promotions, which rules and regulations shall prescribe the minimum qualifications of all applicants to be examined and the passing grades. All examinations for positions or promotions shall be practical in character and shall relate to matters and include inquiries as will fairly test the merit and fitness of the individuals examined to discharge the duties of the employment sought by them. All examinations shall be open to all applicants who have the minimum qualifications required by the rules and regulations. Each applicant for examination for an original position shall:

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

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

(3) if made a conditional offer of employment, be given a physical and psychological medical examination in accordance with section 643; and

(4) be subject to a background investigation. Background investigations may be restricted to those candidates on an eligibility list or those to be certified to the board of commissioners for appointment in accordance with section 638.

(a.1) An applicant for promotion shall be subject to the regulations adopted by the commission and to examination and selection in accordance with section 642. A physical fitness or agility examination that is job related and consistent with business necessity and physical and psychological medical examinations may, but need not, be required for promotions.

(b) Public notice of the time and place of every examination, together with the information as to the kind of position to be filled, shall be given by publication once in a newspaper of general circulation at least two weeks prior to each examination, and a copy of the notice shall be prominently posted in the office of the commission or other public place.

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

(635 amended Oct. 29, 2020, P.L.782, No.96)

Compiler's Note: Section 2 of Act 100 of 2011, which amended section 635, provided that the amendment shall apply to promotions made on or after October 19, 2010.

Compiler's Note: Section 7 of Act 75 of 2010, which amended section 635, provided that nothing contained in the amendment shall affect the validity of any civil services appointments or promotions made prior to the effective date of section 7.

Section 636. Application for Examination.--An individual who desires to apply for examination must file with the commission a formal application in which the applicant shall provide under oath or affirmation information required by the commission's rules and regulations showing the applicant's qualifications for the position for which the applicant is being examined.

(636 amended Oct. 29, 2020, P.L.782, No.96)

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

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

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

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

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

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

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

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

(637 amended Oct. 29, 2020, P.L.782, No.96)

Compiler's Note: Section 7 of Act 75 of 2010, which amended section 637, provided that nothing contained in the amendment shall affect the validity of any civil services appointments or promotions made prior to the effective date of section 7.

Section 638. Eligibility List and Manner of Filling Appointments.--(a) At the completion of the testing process, including a physical agility or other examination, with the exception of a background investigation to be conducted after the establishment of an eligibility list and physical and psychological medical examination under section 643, the commission shall rank the candidates who have satisfied the minimum requirements for appointment on an eligibility list. The eligibility list shall contain the names of individuals eligible for appointment listed from highest to lowest based on their scores on the examinations administered by the commission and any points for which the applicant was entitled by virtue of 51 Pa.C.S. Ch. 71 (relating to veterans' preference). The eligibility list will be valid for one year from the date the commission formally adopts the eligibility list. Prior to expiration of the one-year period, the commission may extend the validity of the eligibility list for up to an additional twelve (12) months by a majority vote of the

commission at a duly authorized commission meeting. In the absence of a lawful extension by the commission, the list shall expire.

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

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

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

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

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

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

(c) A vacancy in an existing position in the police force or as a paid firefighter which occurs as a result of retirement, resignation, disability or death may be filled by the board of commissioners by the reappointment or reinstatement of a former employe of the police force or fire department who had previously complied with this section. No examination, other than a physical examination as directed by the civil service commission, shall be required in a case of reappointment or reinstatement to the force or department with which the employe previously served, except at the discretion of the board of commissioners or as otherwise required by law.

(d) In the case of a vacancy in the office of chief of police or chief of the fire department or equivalent official, the board of commissioners may nominate an individual to the commission. The commission shall subject the nominee to a noncompetitive examination. If the nominee is certified by the commission as qualified, the nominee may be appointed to the position and shall be subject to the provisions of this subdivision.

(638 amended Oct. 29, 2020, P.L.782, No.96)

Compiler's Note: Section 2 of Act 100 of 2011, which amended section 638, provided that the amendment shall apply to promotions made on or after October 19, 2010.

Compiler's Note: Section 7 of Act 75 of 2010, which amended section 638, provided that nothing contained in the amendment shall affect the validity of any civil services appointments or promotions made prior to the effective date of section 7.

Section 639. Age; Applicant's Residence.--No individual shall be eligible to apply for examination unless the individual

is at least 18 years of age at the date of application. The board of commissioners may accept applications from nonresidents of the township and may require nonresident police officers and nonresident paid firefighters to become residents of the township after appointment to the positions. The rules and regulations of the civil service commission shall reflect the residency requirements of the board of commissioners or a collective bargaining agreement or award.

(639 amended Oct. 29, 2020, P.L.782, No.96)

Section 640. Probationary Period.--(a) An original appointment to a position in the police force or as a paid firefighter shall be for a probationary period of not less than six months and not more than one year, but during the probationary period an appointee may be dismissed only for a cause specified in section 637 or because of incapacity for duty due to the use of alcohol or drugs.

(b) If, at the close of a probationary period, the conduct or fitness of the probationer has not been satisfactory to the board of commissioners, the probationer 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) 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 645. 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).

(640 amended Oct. 29, 2020, P.L.782, No.96)

Compiler's Note: Section 7 of Act 75 of 2010, which amended section 640, provided that nothing contained in the amendment shall affect the validity of any civil services appointments or promotions made prior to the effective date of section 7.

Section 641. Provisional Appointments.--(a) 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 commission for a noncompetitive examination. If the nominee is certified by the commission as qualified after the noncompetitive examination, the nominee may be provisionally appointed to fill the vacancy.

(b) Within 90 days of the provisional appointment under subsection (a), the commission shall hold a competitive examination, certify an eligibility list and make a regular appointment to the position in accordance with section 638 from the names submitted by the 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 emergency cases.

(641 amended Oct. 29, 2020, P.L.782, No.96)

Section 642. Promotions.--(a) A promotion shall be based on merit to be ascertained by an examination to be prescribed by the commission. All questions relative to a promotion shall be practical in character and fairly test the merit and fitness of individuals seeking promotion.

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

(c) The commission shall certify for each vacancy the names of three individuals on the eligibility list who have received the highest average in the last promotion examination held within a period of two years preceding the date of the request for the eligibility list. If three names are not available, the commission shall certify the names remaining on the eligibility list. The board of commissioners shall make an appointment from the names certified, based solely on the merits and fitness of the candidate, unless the board of commissioners make objections to the commission regarding any individual on the eligibility list for any reason provided under section 637.

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

(642 amended Oct. 29, 2020, P.L.782, No.96)

Compiler's Note: Section 7 of Act 75 of 2010, which amended section 642, provided that nothing contained in the amendment shall affect the validity of any civil services appointments or promotions made prior to the effective date of section 7.

Section 643. Physical and Psychological Medical Examinations.--(a) An applicant selected from the eligibility list shall receive a conditional offer of employment. The offer of employment shall be conditioned upon 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) 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) 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) 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) Nothing in this subdivision shall be construed to authorize physical or psychological medical examinations prior to conditional appointment.

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

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

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

"Physician" (Deleted by amendment).

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

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

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

(643 amended Oct. 29, 2020, P.L.782, No.96)

Compiler's Note: Section 7 of Act 75 of 2010, which amended section 643, provided that nothing contained in the amendment shall affect the validity of any civil services appointments or promotions made prior to the effective date of section 7.

Section 644. Removals.--(a) An individual employed in a police or fire force of a township may not be suspended without pay, removed or demoted except for the following reasons:

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

(2) Neglect or violation of any official duty.

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

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

(5) Intoxication while on duty.

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

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

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

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

(b) If, for reasons of economy or other reasons, it shall be deemed necessary by a township to reduce the number of paid employes of the police or fire force, the township shall furlough the individual, including a probationer, last appointed to the respective force. The removal shall be accomplished by furloughing in numerical order commencing with the individual last appointed until the reduction shall have been accomplished. If the police or fire force shall again be increased, the employes furloughed shall be reinstated in the order of their seniority in the respective service. This subsection, as to reductions in force, is not applicable to a chief of police or fire chief.

(644 amended Oct. 29, 2020, P.L.782, No.96)

Section 645. Hearings on Dismissals and Demotions.--(a) An individual suspended, removed or demoted may make written answers to charges filed against the individual not later than the day scheduled for the hearing. The commission shall grant the individual a hearing which shall be held within a period of ten days from the filing of written charges, unless continued by the commission for cause at the request of the board of commissioners or the accused. The failure of the commission to hold a hearing within ten days from the filing of the written charges shall not result in the dismissal of the charges filed.

(b) At a hearing, the individual against whom the charges are made may be present in person and by counsel. The board of commissioners, or the chief of police or fire chief, as applicable, when the board of commissioners is not in session, may suspend the individual without pay pending the determination of the charges against the individual, but if the commission fails to uphold the charges, the individual sought to be suspended, removed or demoted shall be reinstated with full pay for the period during which the individual was suspended, removed or demoted, and no charges shall be officially recorded against the individual's record.

A stenographic record of all testimony taken at the hearings shall be filed with and preserved by the commission, which record shall be sealed and not be available for public inspection if the charges are dismissed.

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

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

(e) In any case in which a police officer or firefighter who is a member of a bargaining unit is subject to suspension, discharge or discipline, the police officer or firefighter shall have the option of challenging the suspension, discharge or discipline imposed by using the procedures provided in this

section or by a proceeding in grievance arbitration. A choice to proceed either by the procedures provided for in this section or by grievance arbitration shall foreclose the opportunity to proceed in the alternative method.

(645 amended Oct. 29, 2020, P.L.782, No.96)

Section 646. Present Employees Exempted.--All appointments in the police or fire forces of townships, including the chief of police or equivalent official, prior to the creation of a commission, shall continue to hold their positions and shall not be required to take any examination under the provisions of this act except that which may be required for promotion. This section shall not be construed to apply to individuals employed temporarily in emergency cases.

(646 amended Oct. 29, 2020, P.L.782, No.96)

Section 647. Discrimination Prohibited.--(a) No question in a form of application for examination or in an examination or inquiry shall be so framed as to elicit information from an applicant in violation of Federal or State antidiscrimination laws, such as 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) No discrimination shall be exercised, threatened or promised by a person against or in favor of an applicant or employe in violation of Federal or State antidiscrimination laws, such as 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 done or duty omitted or to be done under this subdivision.

(647 amended Oct. 29, 2020, P.L.782, No.96)

Section 648. Penalty.--A township commissioner who, by vote, appoints an individual to the police force or as a firefighter contrary to the provisions of this subdivision, or a township commissioner or member of the commission who willfully refuses to comply with or conform to the provisions of this subdivision, commits a misdemeanor and, upon conviction, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500) or to imprisonment not exceeding ninety days, or both.

(648 amended Oct. 29, 2020, P.L.782, No.96)

Section 649. Salaries of Civil Service Commission.--(649 repealed Oct. 29, 2020, P.L.782, No.96)

Section 650. Police Force and Firefighters Defined.--(a) Police force as used in this subdivision shall mean a police force organized and operating as prescribed by law, the members of which devote their 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.

(b) Firefighter as used in this subdivision shall mean an individual who operates fire apparatus and devotes the individual's normal working hours to operating 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.

(650 amended Oct. 29, 2020, P.L.782, No.96)

ARTICLE VII TOWNSHIP COMMISSIONERS

Section 701. Organization; Failure to Organize.--(a) The board of commissioners shall organize on the first Monday of January of each even-numbered year. If the first Monday is a legal holiday the meeting shall be held the following day. The board of commissioners shall assemble for the organization meeting at their place of meeting at a time convenient to the governing body.

(b) At the organization meeting, the board shall elect one member as president and one as vice-president, who, as long as they continue to be commissioners, shall hold office until their successors are elected and qualified. The president, or, in the president's absence, the vice-president, shall preside at all meetings of the board, and perform other duties as are specified in this act or which may be prescribed by ordinance.

If a majority of the board of commissioners do not attend the organization meeting, those present may adjourn the meeting from day to day until a majority attend.

(c) If the board of commissioners of a township fails to organize within ten days from the time prescribed by this section, the court of common pleas, upon the petition of at least ten registered electors, verified by the affidavit of one of the petitioners, shall issue a rule upon the delinquent commissioners to show cause why their seats should not be declared vacant. The rule shall be returnable not less than five days from the time of its issue, and after hearing, the court may declare the seats of the members of the board responsible for the failure to organize vacant, and shall appoint others in their place to hold office for the respective unexpired terms.

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

(701 amended Oct. 29, 2020, P.L.782, No.96)

Section 702. Monthly Meetings, Quorum, Voting.--(a) The board of commissioners shall meet at least once a month, at a time and place designated by ordinance.

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

(b.1) Telecommunication.--

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

(i) A majority of the members of the board is physically present at the advertised meeting place within the township and a quorum is established at the convening or reconvening of the meeting. If, after the convening or reconvening of a meeting, a member of the board has been disqualified from voting as a matter of law, but is still physically present, members of the board

participating by telecommunication device in accordance with this section shall be counted to maintain a quorum.

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

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

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

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

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

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

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

(702 amended Oct. 29, 2020, P.L.782, No.96)

Section 703. Compensation.--(a) Each township commissioner may receive a salary, established by ordinance, as follows:

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

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

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

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

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

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

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

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

(a.1) Notwithstanding subsection (a), the board of commissioners may provide for a member of the board of commissioners to receive compensation on a per-meeting basis based on attendance of board members. Total annual compensation may not exceed the amounts specified in subsection (a). Compensation shall only be payable for duly advertised public meetings in which a member of the board of commissioners participated. If the board of commissioners has provided that

board members shall receive compensation on a per-meeting basis, the board of commissioners may provide for the forfeiture of up to one-twelfth (1/12) of the annual compensation of a board member or impose another appropriate penalty for each unexcused absence from a regularly scheduled meeting.

(b) The population shall be determined by the latest available official census figures. No township shall be required to reduce the salary of a commissioner as a result of a decrease in population. Any change in salary, compensation or emoluments of the elected office shall become effective at the beginning of the next term of the township commissioner.

(703 amended Oct. 29, 2020, P.L.782, No.96)

Section 704. Reports to Auditors.--The board of commissioners shall annually, on or before the first day of February, furnish to the township auditors information concerning the construction, reconstruction, maintenance and repair of streets or other matters that may be required by a department of the Commonwealth to be included in the annual township report.

(704 amended Oct. 29, 2020, P.L.782, No.96)

ARTICLE VIII TOWNSHIP TREASURER

(Hdg. repealed Oct. 24, 2012, P.L.1478, No.188)

Section 801. Fidelity Bond.--(801 repealed Oct. 24, 2012, P.L.1478, No.188)

Section 802. Compensation.--(802 repealed May 25, 1945, P.L.1050, No.394)

Section 803. Accounts to Be Kept by Treasurer.--(803 repealed Oct. 24, 2012, P.L.1478, No.188)

Section 804. Payment of Moneys on Orders.--(804 repealed Oct. 24, 2012, P.L.1478, No.188)

Section 805. Powers as Tax Collector.--(805 repealed Oct. 24, 2012, P.L.1478, No.188)

Section 806. Oath.--(806 repealed Oct. 24, 2012, P.L.1478, No.188)

Section 807. Special Funds; Penalty.--(807 repealed Oct. 24, 2012, P.L.1478, No.188)

Section 808. Depositories of Township Funds; Selection; Bonds.--(808 repealed Oct. 24, 2012, P.L.1478, No.188)

ARTICLE VIII-A APPOINTED TOWNSHIP TREASURER

(Art. added Oct. 24, 2012, P.L.1478, No.188)

Section 801-A. Township treasurer.

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

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

(c) Deputy.--

(1) The township treasurer shall, within 60 days of the treasurer's appointment, nominate to the board of

commissioners a person to be appointed by the board as the deputy treasurer. The board may, subject to the nominated person meeting the bonding qualifications in paragraph (3), appoint the nominated person as the deputy treasurer.

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

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

(801-A amended Oct. 29, 2020, P.L.782, No.96)

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

(a) Requirements for bond.--The township treasurer shall, before entering upon the duties of office, give a fidelity bond to the township in an amount established by ordinance or resolution and at least equal to 50% of the amount of township funds estimated by the board of commissioners to be available to the township treasurer at any time during the current year. The bond shall be provided by a surety company or companies duly authorized to do business in this Commonwealth. The bond given by the treasurer shall be conditioned on the faithful performance of the duties as stated in section 803-A. The treasurer shall not, in any event, be required to give bond or bonds aggregating an amount in excess of the taxes to be paid over to the treasurer by the tax collector. The bonding requirements of this section shall also apply to the deputy treasurer.

(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 as provided in section 602(b).

(802-A amended Oct. 29, 2020, P.L.782, No.96)

Section 803-A. 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 shall not be executed unless there is money available in the treasury. The following apply:

(i) Nothing in this act 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 the treasurer's accounts for those amounts, nor shall the treasurer have any claim or right of action against the township.

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

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

(803-A amended Oct. 29, 2020, P.L.782, No.96)

Section 804-A. Penalty for failure to perform duties.

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

(804-A added Oct. 24, 2012, P.L.1478, No.188)

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

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

(805-A amended Oct. 29, 2020, P.L.782, No.96)

Section 806-A. Depositories of township funds.

The following shall apply:

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

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

(3) The depository or depositories shall not be required to furnish bond or collateral security to cover the amount of any deposit to the extent that the same is insured as provided in paragraph (1).

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

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

(6) The following apply:

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

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

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

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

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

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

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

(806-A amended Oct. 29, 2020, P.L.782, No.96)

ARTICLE VIII-B TAX COLLECTOR

(Art. added Oct. 24, 2012, P.L.1478, No.188)

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

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

(b) Collection of taxes permitted.--

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

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

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

(801-B amended Oct. 29, 2020, P.L.782, No.96)

ARTICLE IX
TOWNSHIP SECRETARY

Section 901. Appointment of Secretary and Salary.--The board of commissioners shall appoint a secretary to serve at the pleasure of the board and who shall not be a member of the board. The secretary shall act as secretary of the board. The secretary's salary shall be fixed by ordinance or resolution.

(901 amended Oct. 29, 2020, P.L.782, No.96)

Section 901.1. Assistant Secretary.--The board of commissioners may, by resolution, appoint an assistant secretary. The assistant secretary shall assist the secretary in the performance of the secretary's duties and, in the absence or disability of the secretary, perform the duties 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 shall 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 shall not receive compensation for the services and shall be bonded.

(901.1 amended Oct. 29, 2020, P.L.782, No.96)

Section 902. Duties and Penalty.--(a) 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) 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.

(902 amended Oct. 29, 2020, P.L.782, No.96)

Section 903. 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.

(903 amended Oct. 29, 2020, P.L.782, No.96)

ARTICLE X AUDITORS

(a) Elected Auditors

(Subart. hdg. added Oct. 29, 2020, P.L.782, No.96)

Section 1001. Meetings; General Duties.--(a) The township auditors shall meet annually, on the day following the day which is fixed by this act for the organization of the township commissioners. The auditors shall organize by the election of a chair and secretary. Two auditors shall constitute a quorum.

(b) The auditors shall:

(1) Audit, settle, and adjust the accounts of the township commissioners, township treasurer, tax collector, secretary, and other officers and persons receiving and disbursing or authorizing the disbursement of the moneys of the township during the preceding fiscal year.

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

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

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

(1001 amended Oct. 29, 2020, P.L.782, No.96)

Compiler's Note: Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

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

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

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

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

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

(1001.1 added Oct. 29, 2020, P.L.782, No.96)

Section 1002. Subpoenas, oaths and perjury.--(a) The auditors of each township may:

(1) Issue subpoenas to obtain the attendance of:

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

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

(iii) any persons whom it may be necessary to examine as a witness.

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

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

(1002 amended Oct. 29, 2020, P.L.782, No.96)

Compiler's Note: Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

Section 1003. Completion, Filing and Publication of Auditor's Report and Financial Statement.--(a) The auditors shall complete the annual audit, settlement, and adjustment as soon as possible after the end of the fiscal year.

(b) The auditors shall, within ten days after the completion of the report under subsection (c), publish, by advertisement in at least one newspaper of general circulation in accordance with the provisions of section 110, concise financial information prepared or approved by the auditors and consistent with the audited financial statements for total assets, total liabilities and total net position at the end of the fiscal year and total revenue, total expenses and changes in total net position for that fiscal year and a reference to a place within the township where copies of the financial statements and accompanying auditors' report may be examined. If the full financial statements and accompanying auditors' report are not published, copies shall be supplied to the publishing newspaper when the request for publication is submitted.

(c) The annual auditors' report and annual financial statement shall be presented on a uniform form prepared and furnished as provided in section 1701a.

(d) The auditors' report and financial statement shall be signed by all of the auditors and the auditors' report shall be duly verified by the oath of one of the auditors. A secretary of the auditors shall file a copy of the report with the secretary of the township, the clerk of the court or the prothonotary, as may be provided by local rules of court, the Department of Community and Economic Development and the Department of Transportation not later than ninety days after the close of the fiscal year. Any secretary of the auditors refusing or wilfully 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 any or all of the

auditors to prepare the statement upon which the report is to be based, the auditor commits a summary offense.

(1003 amended Oct. 29, 2020, P.L.782, No.96)

Compiler's Note: Section 301(a) (16) of Act 58 of 1996, which created the Department of Community and Economic Development and abolished the Department of Community Affairs, provided that all other powers and duties delegated to the Department of Community Affairs not otherwise expressly transferred elsewhere by Act 58 and currently performed by the Department of Community Affairs under section 1003 are transferred to the Department of Community and Economic Development.

Section 1004. Canceling Orders.--The auditors shall cancel all orders and vouchers that the auditors find have been paid by writing the word "audited" on the face of the orders or vouchers.

(1004 amended Oct. 29, 2020, P.L.782, No.96)

Section 1005. Penalty for Failure to Perform Duty.--Any auditor who fails to comply with the provisions of this subdivision commits a summary offense.

(1005 amended Oct. 29, 2020, P.L.782, No.96)

Section 1006. Attorney to Auditors.--(a) The auditors may employ an attorney if a disagreement occurs between the auditors and any official or board of officials whose accounts the auditors are required to audit. The attorney shall not be employed until reasonable effort to reach an agreement has been made, and only after notice of the auditors' intention to hire the attorney has been given to the official or board of officials.

(b) 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 attorney shall be paid out of the township general fund.

(1006 amended Oct. 29, 2020, P.L.782, No.96)

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

(b) The following shall apply:

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

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

(3) Paragraph (1) shall not apply to a case involving fraud or collusion on the part of officers nor to any penalty enuring to the benefit of or payable to the Commonwealth.

Notwithstanding this section, the procedures in the act of May 25, 1945 (P.L.1050, No.394), known as the "Local Tax Collection

Law," shall apply to balances and shortages in the tax accounts of the tax collector.

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

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

(1006.1 added Oct. 29, 2020, P.L.782, No.96)

Section 1007. Balances Due to Be Entered as Judgments.--Any balance, in any report of the auditors, against any officer of the township shall constitute a surcharge against such officer as fully as if expressly stated in the report to be a surcharge. The amount of a balance and of any express surcharge shall, if no appeal is taken or after an appeal has been finally determined in favor of the township, be entered by the prothonotary as a judgment against the officer. The clerk of the court of common pleas shall certify the amount of every balance or surcharge contained in a report from which no appeal has been taken within the time provided under this subarticle to the court of common pleas for entry by the prothonotary as a judgment.

(1007 amended Oct. 29, 2020, P.L.782, No.96)

Section 1008. Collection of Surcharges.--Any auditor, registered elector or taxpayer of the township may enforce the collection of a judgment entered for a surcharge for the benefit of the township, by any appropriate action or execution, upon filing in the court of common pleas a bond, with one or more sureties (in the case of a registered elector or taxpayer), conditioned to indemnify the township from all costs of the proceedings undertaken by the registered elector or taxpayer, subject, however, to all rights of appeal from the report of the auditors granted by this subarticle.

(1008 amended Oct. 29, 2020, P.L.782, No.96)

Section 1009. Appeals from Report.--The township, or any registered elector or taxpayer of the township on its behalf, or any officer or person whose account is settled or audited by the township auditors, may appeal from the settlement or audit to the court of common pleas within forty-five days from the date of the filing of the auditors' report with the clerk of the court of common pleas.

(1009 amended Oct. 29, 2020, P.L.782, No.96)

Section 1010. Appeal Bond.--No appeal by a registered elector or taxpayer or officer shall be allowed unless the appellant secures a bond with sufficient surety to prosecute the appeal and to pay all costs of appeal in case, if the appellant is a registered elector or taxpayer, the appellant fails to obtain a final decision more favorable to the township than that awarded by the auditors, or in case the appellant is an accounting officer, the appellant fails to obtain a final decision more favorable to the officer than that awarded by the auditors.

(1010 amended Oct. 29, 2020, P.L.782, No.96)

Section 1011. Intervention by Taxpayers.--(1011 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1012. Procedure on Appeals.--(a) In any proceeding upon an appeal from a report of the auditors, the accounts of the officer or the person in question may be investigated de novo, and the burden shall be upon each officer or person whose accounts are involved in the appeal of establishing the right to credits claimed by the officer or person, but the opposing party in the appeal may use any facts, figures or findings of the report of the auditors as prima facie evidence against any officer or person.

(b) If more than one appeal from the report of the auditors is taken, the court may on its own motion and shall, upon petition of any interested party, direct the several appeals be consolidated.

(1012 amended Oct. 29, 2020, P.L.782, No.96)

Section 1013. Testimony and Argument.--(1013 repealed Oct. 29, 2020, P.L.782, No.96)

Section 1014. Framed Issues.--(1014 repealed Oct. 29, 2020, P.L.782, No.96)

Section 1015. Prima Facie Evidence.--(1015 repealed Oct. 29, 2020, P.L.782, No.96)

Section 1016. Findings of Facts and Law, Judgment and Appeals.--After hearing, the court shall file its findings of fact and law and enter judgment accordingly, and the judgment entered may be enforced by the prevailing party by any appropriate proceedings. An appeal from the court's ruling may be taken in accordance with law.

(1016 amended Oct. 29, 2020, P.L.782, No.96)

Section 1017. Cost.--In all cases of appeal from the report or audit of the township auditors to the court of common pleas, the costs shall be determined by the court.

(1017 amended Oct. 29, 2020, P.L.782, No.96)

Section 1018. Appeals.--(1018 repealed Oct. 29, 2020, P.L.782, No.96)

Section 1019. Attorney Fees.--(a) Upon final determination of an appeal taken under section 1009 from any report, audit or settlement of the account of any township officer, attorney fees shall be awarded as follows:

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

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

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

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

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

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

(1019 amended Oct. 29, 2020, P.L.782, No.96)

(b) Appointed Independent Auditor
(Subart. added Oct. 29, 2020, P.L.782, No.96)

Section 1050. Appointment of independent auditor.

If an ordinance has been enacted for the appointment of an independent auditor in lieu of elected auditors under section 503(a)(3), the board of commissioners shall appoint an independent auditor by resolution and the provisions of this subarticle shall apply. The independent auditor shall be a certified public accountant or a firm of certified public accountants.

(1050 added Oct. 29, 2020, P.L.782, No.96)

Section 1051. Audits.

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

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

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

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

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

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

(1051 added Oct. 29, 2020, P.L.782, No.96)

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

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

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

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

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

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

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

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

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

(1052 added Oct. 29, 2020, P.L.782, No.96)

ARTICLE XI CONTROLLER

Section 1101. Oath and Bond of Controller.--(a) The township controller, if the office has been created, shall, before entering upon the duties of office, take the required oath or affirmation of office under 53 Pa.C.S. § 1141 (relating to form of oaths of office).

(b) Pursuant to section 602, the controller shall give bond to the township, with a surety company or other company authorized by law to act as surety, to be approved by the board of commissioners, in a sum as the board of commissioners may direct by ordinance, conditioned for the faithful discharge of the controller's duties. The amount of the bond shall be sufficient to adequately protect the township from any illegal or unfaithful action by the controller. The cost of the bond shall be paid by the township.

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

(1101 amended Oct. 29, 2020, P.L.782, No.96)

Compiler's Note: Section 3(3) of Act 76 of 2008 provided that all acts and parts of acts are repealed insofar as they are inconsistent with Act 76. Section 1 of Act 76 amended 53 Pa.C.S. Ch. 11 (relating to general provisions) by adding section 1141 (relating to form of oaths of office), which provides the form of oaths of office for elected or appointed officials of municipalities.

Section 1102. Salary of Controller.--The annual salary of the controller shall be fixed by ordinance, passed at least

thirty days before the controller's election. Any change in salary, compensation or emoluments of the elected office shall become effective at the beginning of the next term of the controller.

(1102 amended Oct. 29, 2020, P.L.782, No.96)

Section 1103. General Powers and Duties of Controller.--(a)

The township controller shall manage the fiscal affairs of the township. The controller shall examine, audit, and settle all accounts in which the township is concerned, either as debtor or creditor, if provisions for the settlement are made by law. If no provisions, or an insufficient provision, has been made, the controller shall examine the accounts and report to the board of commissioners the relevant facts and opinions on the accounts.

(b) In the examination, audit and settlement of accounts the controller shall have all of the powers and perform all of the duties vested in and imposed on the auditors by this act. In the authentication of any account or claim or demand against the township, the controller shall have the same power and authority as the elected township auditors to obtain the attendance of parties and witnesses and the production of documents and to administer oaths and affirmations. An individual guilty of swearing or affirming falsely before the controller commits perjury. The controller shall make and file an annual report of the audit and make and publish the annual financial statement in the same form and manner and at the same time as is required of the elected township auditors by this act.

(c) The township controller shall:

(1) have supervision and control of the accounts of all departments, bureaus, and officers of the township, authorized to collect, receive, or disburse the public money, or who are charged with the management or custody of the accounts;

(2) audit their respective accounts and may at any time require from any of them a statement in writing of any money or property of the township in their possession or under their control, showing the amount of cash on hand and the amount deposited in banks and banking institutions, together with the names of the institutions;

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

(4) immediately upon the discovery of any default, irregularity or delinquency, report the same to the board of commissioners; and

(5) audit and report upon the account of an officer upon the death, resignation, removal, or expiration of the term of the officer.

(1103 amended Oct. 29, 2020, P.L.782, No.96)

Section 1104. Countersigned Warrants.--The township controller shall countersign all warrants upon the township treasurer, with the form of the warrant to be prescribed by the board of commissioners, but no warrant shall be countersigned unless there is sufficient unencumbered money in the respective appropriation item to pay the same. Whenever a warrant on the treasurer shall be presented to the controller to be

countersigned, the person presenting the warrant shall, if the controller requires, produce evidence that:

(1) the amount expressed in the warrant is due to the person in whose favor it is drawn; and

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

(1104 amended Oct. 29, 2020, P.L.782, No.96)

Section 1105. Prevention of Appropriation Overdrafts.--The township controller shall not permit any appropriation made by the board of commissioners to be overdrawn. If an appropriation is exhausted, the object of which is not complete, the commissioner shall immediately report the fact to the board of commissioners, and accompany the report with a statement of the money which has been drawn on the appropriation and the particular purpose for which it was drawn.

(1105 amended Oct. 29, 2020, P.L.782, No.96)

Section 1106. Amount of Contracts to Be Charged Against Appropriations.--(a) Every contract involving appropriation of money shall designate the item of appropriation on which it is founded, and the estimated amount of the expenditure which shall be charged against the item and certified by the township controller on the contract, before it shall take effect as a contract. Payment required by the contract shall be made from the fund for which the contract is appropriated.

(b) If the controller certifies a contract in excess of the appropriation made, the township shall not be liable for the excess, but the controller and the controller's sureties shall be liable for the excess amount, which may be recovered in an action at law by the aggrieved contracting party.

(c) The controller shall certify contracts for the payment of which sufficient appropriations have been made.

(1106 amended Oct. 29, 2020, P.L.782, No.96)

Section 1107. Management and Improvement of Township Finances.--The township controller shall, as often as the controller may deem expedient or the board of commissioners shall direct, suggest plans to the board of commissioners for the management and improvement of the township finances.

(1107 amended Oct. 29, 2020, P.L.782, No.96)

Section 1108. Financial Records to Be Kept by Controller.--The township controller shall maintain financial records and maintain as many accounts, under appropriate titles, as may be necessary to show separately and distinctly all the estates and property, real and personal, vested in the township, all trusts in the care of the township, all debts due and owing the township, all receipts and expenditures of the various departments of the township government, and all appropriations made by the board of commissioners and the sums under the same, respectively.

(1108 amended Oct. 29, 2020, P.L.782, No.96)

Section 1109. Appeals from Controller's Report.--Appeals may be taken from the settlement and audit of the controller as shown in the controller's report to the court of common pleas of the county, by the same persons, in the same manner, within the same time, subject to the same conditions and procedure, and with like effect in every respect as provided in this act in the cases of appeals from the settlement and audit of the auditors as shown in their report.

(1109 amended Oct. 29, 2020, P.L.782, No.96)

Section 1110. Controller to Retain Financial Records, Pending Appeals.--Every township controller shall retain possession, during the forty-five days' period elapsing between

the date of filing the report and the expiration of the time for filing the appeal from the report, all financial records and other papers that were submitted to the controller for audit of the accounts of township officers. If an appeal is taken, the controller shall continue to hold the financial records and papers for production in the proceeding to determine the appeal.
(1110 amended Oct. 29, 2020, P.L.782, No.96)

ARTICLE XII TOWNSHIP SOLICITOR

Section 1201. Township Solicitor.--The board of commissioners may appoint and determine the compensation of a township solicitor and, as needed, special counsel. The township solicitor or special counsel must be licensed to practice law in this Commonwealth and may be an individual or a law firm, partnership, association or professional corporation. The township solicitor or special counsel shall serve at the pleasure of the board of commissioners.

(1201 amended Oct. 29, 2020, P.L.782, No.96)

Section 1202. Bond.--(1202 repealed Oct. 29, 2020, P.L.782, No.96)

Section 1203. Control of Legal Matters.--

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

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

(1203 amended Oct. 29, 2020, P.L.782, No.96)

Section 1204. Duties of Solicitor.--The township solicitor or special counsel, as applicable, shall:

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

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

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

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

(1204 amended Oct. 29, 2020, P.L.782, No.96)

ARTICLE XIII TOWNSHIP ENGINEER

(a) General Provisions

Section 1301. Township Engineer.--

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

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

(1301 amended Oct. 29, 2020, P.L.782, No.96)

Section 1302. Bond.--(1302 repealed Oct. 29, 2020, P.L.782, No.96)

Section 1303. Control of Engineering Matters.--

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

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

(1303 amended Oct. 29, 2020, P.L.782, No.96)

Section 1304. Duties; Preparation of Plans.--The township engineer shall perform duties and provide reports as the board of commissioners may direct for the construction, reconstruction, maintenance and repair of streets, bridges, culverts and other engineering work. The township engineer may prepare plans, specifications and estimates of the work undertaken by the township and shall furnish the board of commissioners and the committees of the township with reports, information or estimates on any township engineering work or on questions submitted by the board of commissioners.

(1304 amended Oct. 29, 2020, P.L.782, No.96)

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

(a) The township engineer shall certify to the township secretary the date of commencement and date of completion of all municipal improvements, the cost of which, in whole or in part, is to be paid by the owners of the abutting property. The certification shall be made a part of the permanent records of the township. The certified date of commencement and certified date of completion shall be conclusive on all parties.

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

(1305 amended Oct. 29, 2020, P.L.782, No.96)

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

(1306 amended Oct. 29, 2020, P.L.782, No.96)

(b) Real Estate Registry

(Subdiv. repealed Oct. 29, 2020, P.L.782, No.96)

Section 1310. Provisions for Registration of Real Estate.--(1310 repealed Oct. 29, 2020, P.L.782, No.96)

Section 1311. Preparation of Books, Plans and Maps.--(1311 repealed Oct. 29, 2020, P.L.782, No.96)

Section 1312. Preservation of Records.--(1312 repealed Oct. 29, 2020, P.L.782, No.96)

Section 1313. Certified Copies of Entries Admissible as Evidence.--(1313 repealed Oct. 29, 2020, P.L.782, No.96)

Section 1314. Duties Imposed on Owners of Real Estate When Registry Established; Penalty.--(1314 repealed Oct. 29, 2020, P.L.782, No.96)

Section 1315. Registry of Properties; Duty of County Officers.--(1315 repealed Oct. 29, 2020, P.L.782, No.96)

Section 1316. Conservation District.--(1316 repealed Oct. 29, 2020, P.L.782, No.96)

ARTICLE XIII-A
TOWNSHIP MANAGER

(Art. added Oct. 29, 2020, P.L.782, No.96)

Section 1301-A. Township manager.

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

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

(1301-A added Oct. 29, 2020, P.L.782, No.96)

Section 1302-A. Powers and duties; agreement.

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

(b) Scope of agreement and validity.--

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

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

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

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

(c) Status as public official.--The township manager, if an individual, and, in the case of a partnership, limited partnership, association or a professional corporation appointed as the township manager, all officers and those employees directly providing services as required or authorized by the agreement, shall be considered a public official for purposes of the provisions of 65 Pa.C.S. § 1103 (relating to restricted activities).

(1302-A added Oct. 29, 2020, P.L.782, No.96)

Section 1303-A. Bond.

(a) General rule.--The township manager shall, if required by the board of commissioners, give a bond to the township,

with a surety company or other company authorized by law to act as surety, to be approved by the board of commissioners, in such sum as the board of commissioners, by ordinance or resolution, directs, 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 602(b).

(1303-A added Oct. 29, 2020, P.L.782, No.96)

Section 1304-A. Incompatibility.

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

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

(1304-A added Oct. 29, 2020, P.L.782, No.96)

ARTICLE XIII-B VETERANS' AFFAIRS

(Art. added Oct. 29, 2020, P.L.782, No.96)

(a) Pennsylvania National Guard

(Subart. added Oct. 29, 2020, P.L.782, No.96)

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

(a) General rule.--Except as provided in 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 notwithstanding any limitation of the use by the township whether by donation, dedication, appropriation, statute or otherwise.

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

(1301-B added Oct. 29, 2020, P.L.782, No.96)

Section 1302-B. Land for armory purposes.

(a) General rule.--Except as provided in 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 power conferred by subsection (a) may not be exercised to take church property or other actual place of regularly stated religious worship, graveyard, cemetery or a dwelling house or the curtilage of any of them in the actual occupancy of the owner.

(1302-B added Oct. 29, 2020, P.L.782, No.96)

Section 1303-B. 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) To assist the State Armory Board in the erection of armories for the use of the Pennsylvania National Guard.

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

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

(1303-B added Oct. 29, 2020, P.L.782, No.96)

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

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

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

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

(d) Accounting required.--

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

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

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

(1304-B added Oct. 29, 2020, P.L.782, No.96)

(b) Support of Veterans' Organizations and Memorials

(Subart. added Oct. 29, 2020, P.L.782, No.96)

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

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

(1311-B added Oct. 29, 2020, P.L.782, No.96)

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

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

(1312-B added Oct. 29, 2020, P.L.782, No.96)

Section 1313-B. Care of memorials.

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

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

(1313-B added Oct. 29, 2020, P.L.782, No.96)

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

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

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

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

(1314-B added Oct. 29, 2020, P.L.782, No.96)

ARTICLE XIV POLICE

Section 1401. Appointment, Compensation and Training of Police Officers.--(a) The board of commissioners may, subject to the civil service provisions of this act, appoint and fix the number, rank and compensation of the members of the township police force.

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

(1) by municipal police officers under a contract;

(2) through the purchase of police services; or

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

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

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

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

(d) The following shall apply:

(1) No police officer shall at the same time hold any public office other than constable, health officer or school director of a school district situated within a county of the second class.

(2) A police officer who holds the office of school director in a school district situated within a county of the second class pursuant to paragraph (1), whether contracted or otherwise employed by the school district, shall not be permitted to serve as a school police officer, as provided for in section 1302-C of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949.

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

(f) Except as provided in section 630, the board of commissioners shall promulgate rules and regulations for the organization of the police force.

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

(1401 amended Oct. 29, 2020, P.L.782, No.96)

Section 1401.1. Special Fire Police.--The president of the board of commissioners may confirm any member of a volunteer

fire company nominated to serve as special fire police under 35 Pa.C.S. Ch. 74 Subch. D (relating to special fire police). The president of the board of commissioners may swear in or affirm special fire police officers.

(1401.1 added Oct. 29, 2020, P.L.782, No.96)

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

(1402 amended Oct. 29, 2020, P.L.782, No.96)

Section 1403. Powers of Police Officers.--A township police officer shall have those powers and duties as are granted to police officers under the laws of this Commonwealth, the rules of the Supreme Court or the ordinances of the township, for the violation of which a fine or penalty may be imposed.

(1403 amended Oct. 29, 2020, P.L.782, No.96)

Section 1404. Service of Process; Fees.--Police officers may serve and execute criminal process or processes issued for the violation of township ordinances and shall charge the same fees and costs as pertain by law to constables of the township for similar services, but the fees and costs shall be paid to the township treasurer for the use of the township.

(1404 amended Oct. 29, 2020, P.L.782, No.96)

Compiler's Note: Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

Section 1405. Supervision of Police.--The chief of police and police officers shall obey the orders of the board of commissioners or any other person or committee as designated by ordinance or resolution of the board for that purpose.

(1405 amended Oct. 29, 2020, P.L.782, No.96)

Section 1406. Keepers to Receive Prisoners.--(1406 repealed Oct. 29, 2020, P.L.782, No.96)

Section 1407. Badge.--Township police officers, when on duty, shall wear a badge or shield with the words "Township Police" and the name of the township inscribed on the badge or shield.

(1407 amended Oct. 29, 2020, P.L.782, No.96)

Section 1408. Compensation.--

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

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

(1408 amended Oct. 29, 2020, P.L.782, No.96)

Section 1409. Police Pension Fund.--

(a) If a police force of less than three full-time members is maintained, the township shall, unless there is a private organization or association constituting and managing an existing pension fund for the members of the police force in the township, by ordinance, establish a police pension fund to be maintained by member contributions of an equal percentage charge against each member of the police force. The member contributions, except to the extent that subsection (c) of section 607 of the act of December 18, 1984 (P.L.1005, No.205), known as the "Municipal Pension Plan Funding Standard and Recovery Act," applies, shall not exceed annually four percent of the pay of the member.

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

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

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

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

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

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

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

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

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

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

(i) (Reserved).

(j) The act of May 29, 1956 (1955 P.L.1804, No.600), referred to as the Municipal Police Pension Law, or the act of February 1, 1974 (P.L.34, No.15), known as the Pennsylvania Municipal Retirement Law, shall govern any township police

pension fund not established under the provisions of this section.

(1409 amended Oct. 29, 2020, P.L.782, No.96)

Compiler's Note: Section 12 of Act 600 of 1955 provided that section 1409 is repealed insofar as it applies to townships maintaining a police force of three or more members, except that the benefits that have accrued under this Code shall continue.

Section 1409.1. Private Police Pension Funds; Optional Transfers.--(a) If there is a private organization or association constituting and managing an existing pension fund for the members of the police force in any township, the township shall establish a police pension fund for the purpose of paying pensions to the members of the police force if the membership of the organization or association, by a two-thirds vote, elects to transfer its funds with all its assets and liabilities into a township police pension fund as required to be established by this act.

(b) The transfer under subsection (a) may be made by the transfer of securities. After the transfer, the township police pension fund shall assume the liability of continuing the payment of pensions to members of the police force retired prior to the transfer in accordance with the laws and regulations under which the members were retired.

(1409.1 amended Oct. 29, 2020, P.L.782, No.96)

Compiler's Note: Section 12 of Act 600 of 1955 provided that section 1409.1 is repealed insofar as it applies to townships maintaining a police force of three or more members, except that the benefits that have accrued under this Code shall continue.

Section 1410. Minimum Service for Retirement.--(1410 repealed Oct. 29, 2020, P.L.782, No.96)

Section 1411. Retirement Allowance.--(1411 repealed Oct. 29, 2020, P.L.782, No.96)

Section 1412. General Funds of Township not Liable.--(1412 repealed Oct. 29, 2020, P.L.782, No.96)

Section 1413. Township Appropriations; Gifts; Management.--(1413 repealed Oct. 29, 2020, P.L.782, No.96)

Section 1414. Reasons for Denying Retirement Allowance.--(1414 repealed Oct. 29, 2020, P.L.782, No.96)

Section 1415. Annuity Contracts in Lieu of Police Pension Fund.--(1415 repealed Oct. 29, 2020, P.L.782, No.96)

Section 1416. School Crossing Guards.--(a) (1) The board of commissioners, by resolution, may appoint school crossing guards who shall be authorized only to manage traffic and pedestrians at or near schools while the school crossing guards are in uniform.

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

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

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

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

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

(4) The school crossing guards shall not:

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

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

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

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

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

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

(1416 amended Oct. 29, 2020, P.L.782, No.96)

ARTICLE XV CORPORATE POWERS

Section 1501. Suits; Property.--Townships of the first class may:

(1) Sue and be sued.

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

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

(1501 amended Oct. 29, 2020, P.L.782, No.96)

Compiler's Note: The act of May 2, 1945 (P.L.382, No.164), referred to as the Municipality Authorities Act of 1945, referred to in clause II, was repealed by the act of June 19, 2001 (P.L.287, No.22). The subject matter is now contained in 53 Pa.C.S. Ch. 56 (relating to municipal authorities).

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

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

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

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

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

(f) (1) Notwithstanding this section, the board of commissioners shall have the authority to exchange real property for real property of equal or greater value without complying with this section if the property being acquired by the township is to be used for municipal purposes. Municipal purposes as used in this subsection include a subsequent sale or lease of the property to any of the entities listed in section 1501.3.

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

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

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

(1501.1 added Oct. 29, 2020, P.L.782, No.96)

Section 1501.2. Personal Property.--(a) Except as provided in subsection (d), no township personal property may be disposed of, by sale or otherwise, except upon approval of the board of commissioners. In cases when the board of commissioners approves a sale of the property, the board of commissioners shall estimate the fair market value of the entire lot to be disposed

of. If the board of commissioners estimates the fair market value to be two thousand dollars or more, the entire lot shall be advertised for sale once, in at least one newspaper of general circulation, not less than ten days prior to the date fixed for the opening of bids or public auction. The date of opening of bids or public auction shall be announced in the advertisement, and sale of the property advertised shall be made to the highest bidder.

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

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

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

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

(1501.2 added Oct. 29, 2020, P.L.782, No.96)

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

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

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

(3) An authority as defined in 53 Pa.C.S. § 5602 (relating to definitions) or an authority or industrial and commercial

development authority as defined under section 3 of the act of August 23, 1967 (P.L.251, No.102), known as the Economic Development Financing Law.

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

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

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

(7) A nonprofit medical service corporation as authorized by section 1502.46.

(8) A nonprofit housing corporation as authorized under section 1502.47.

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

(c) Real property sold under this section to a volunteer fire company, volunteer ambulance service or volunteer rescue squad, nonprofit medical service corporation or to a nonprofit 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.

(1501.3 added Oct. 29, 2020, P.L.782, No.96)

Section 1501.4. 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 article is subject to a surcharge to the extent of any loss or injury to the township as a result of the sale or lease.

(1501.4 added Oct. 29, 2020, P.L.782, No.96)

Section 1501.5. General Powers.--The board of commissioners may make and adopt any 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 the proper management, care and control of the township and its finances, and the maintenance of peace, good government and welfare of the township and its trade, commerce and manufactures.

(1501.5 added Oct. 29, 2020, P.L.782, No.96)

Section 1502. Specific Powers.--The corporate power of a township of the first class shall be vested in a board of commissioners. In the exercise of any specific powers involving the enactment of an ordinance, passage of a resolution or the making of any regulation, restriction or prohibition, the township may provide for enforcement and penalties for violations. The specific powers of the township shall include the powers provided under this article.

(1502 amended Oct. 29, 2020, P.L.782, No.96)

Compiler's Note: Section 3 of Act 51 of 2015, which amended clause XIX, provided that nothing in Act 51 shall be construed to repeal or modify any township ordinance in effect on the effective date of Act 51 or affect any proceeding or enforcement of any township ordinance instituted prior to the effective date of Act 51.

Compiler's Note: See sections 14 and 15 of Act 188 of 2012 in the appendix to this act for special provisions

relating to applicability of law and municipal officers affected by Act 188.

Compiler's Note: Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

Compiler's Note: Section 302(d) of Act 177 of 1988, known as the General Association Act of 1988, provided that clause LVII is repealed insofar as it is inconsistent with 15 Pa.C.S. § 1511, (relating to additional powers of certain public utility corporations).

Compiler's Note: The act of April 28, 1961 (P.L.111, No.5), known as the "Tourist Promotion Law," referred to in this section, was repealed by the act of July 4, 2008 (P.L.621, No.50), known as the Tourist Promotion Act.

Compiler's Note: Section 1 of Act 21 of 1947 provided that townships are authorized to regulate parking lots within their boundaries and to collect license or permit fees from the operators.

Compiler's Note: The act of May 2, 1945 (P.L.382, No.164), referred to as the Municipality Authorities Act of 1945, referred to in clause LXXVII, was repealed by the act of June 19, 2001 (P.L.2877, No.22). The subject matter is now contained in 53 Pa.C.S. Ch. 56 (relating to municipal authorities).

Compiler's Note: The Municipal Borrowing Law, referred to in clause LXI, has been repealed, renamed and codified over time. The subject matter is now contained in 53 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and borrowing.)

Section 1502.1. Officers, Positions and Departments.--(a) The board of commissioners may create any office, position or department which the board may deem necessary for the good of government and interests of the township and may fix the compensation of appointed individuals.

(b) The board of commissioners may provide for and regulate the manner of hiring and discharging employes and the fixing of salaries or compensation, consistent with applicable Federal and State law.

(1502.1 added Oct. 29, 2020, P.L.782, No.96)

Section 1502.2. Police Force.--The board of commissioners may establish, equip, maintain and define the duties of a police force.

(1502.2 added Oct. 29, 2020, P.L.782, No.96)

Section 1502.3. Lockup facilities.--The board of commissioners may provide for lockup facilities in the township for the temporary detention and confinement of individuals.

(1502.3 added Oct. 29, 2020, P.L.782, No.96)

Section 1502.4. Rewards.--The board of commissioners may offer rewards for information leading to the arrest and conviction of an individual guilty of a crime within the township.

(1502.4 added Oct. 29, 2020, P.L.782, No.96)

Section 1502.5. Disorderly Conduct.--The board of commissioners may, by ordinance, prohibit disorderly conduct within the limits of the township and provide for the imposition of penalties for the conduct in accordance with this act. If an ordinance is enacted, it shall define disorderly conduct in a manner substantially similar to the provisions of 18 Pa.C.S. § 5503 (relating to disorderly conduct).

(1502.5 added Oct. 29, 2020, P.L.782, No.96)

Section 1502.6. Public Safety.--The board of commissioners may take all necessary means to secure the safety of persons or property within the township.

(1502.6 added Oct. 29, 2020, P.L.782, No.96)

Section 1502.7. Fire Protection.--The board of commissioners may:

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

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

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

(1502.7 added Oct. 29, 2020, P.L.782, No.96)

Section 1502.8. Building and Housing Regulations.--In addition to other remedies provided by law, the board of commissioners may enact and enforce suitable ordinances relating to building and housing regulations in accordance with Article XXXI-A.

(1502.8 added Oct. 29, 2020, P.L.782, No.96)

Section 1502.9. Numbering Buildings.--The board of commissioners may, by ordinance, require and regulate the numbering of buildings and lots.

(1502.9 added Oct. 29, 2020, P.L.782, No.96)

Section 1502.10. Regulation of Business.--To provide for the prohibition, licensing and regulation of business, a board of commissioners may:

(1) In addition to licensing in accordance with Article XXIX, prohibit, license and regulate by ordinance the following:

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

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

(iii) With respect to marketplaces:

(A) regulate markets whether for individual use or for resale;

(B) purchase and own ground;

(C) erect, establish and maintain marketplaces for which parts of a street or sidewalk may be temporarily used;

(D) contract with a person for the erection, maintenance and regulation of marketplaces, on terms and conditions and in a manner as the board of commissioners may prescribe;

(E) provide and enforce suitable regulations respecting marketplaces;

(F) provide for the payment of the cost or expense of marketplaces, either in whole or in part, out of the funds of the township; and

(G) levy and collect a suitable license fee from each person who may be authorized by the board of commissioners to occupy any portion of a marketplace or any portion of a street or sidewalk for temporary market purposes.

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

(3) Issue licenses under the act of July 31, 1963 (P.L.410, No.217), entitled "An act regulating and licensing all sales

at retail when such sales are advertised as 'Closing Out Sale,' 'Fire, Smoke or Water Damage Sale,' or 'Defunct Business Sale,' with exceptions; requiring filing of inventory and bond; and providing for appeals and penalties."

(1502.10 added Oct. 29, 2020, P.L.782, No.96)

Section 1502.11. Nuisances and Dangerous Structures.--(a)

A board of commissioners may prohibit and remove any nuisance or dangerous structure on public or private grounds, including, but not limited to weeds, accumulations of municipal waste, the storage of abandoned or junked automobiles and obstructions or nuisances in the streets of the township.

(b) The board of commissioners may:

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

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

(1502.11 added Oct. 29, 2020, P.L.782, No.96)

Section 1502.12. Municipal Waste.--(a) A board of commissioners, in the manner authorized by the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act, and the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, may prohibit accumulations of municipal waste on public and private property, including the imposition and collection of reasonable fees and charges for the collection, removal and disposal of the municipal waste. As used in this act, "municipal waste" shall have the same meaning as given to the term in the Municipal Waste Planning, Recycling and Waste Reduction Act.

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

(2) A contract with refuse haulers may be made for an initial period not exceeding five years with optional renewal periods of up to five years.

(3) Paragraph (2) shall not apply to a contract with any other political subdivision or with any municipality authority.

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

(2) A contract with the owner of a private facility for the disposal or incineration of municipal waste may be made for a period not to exceed 20 years.

(3) Paragraph (2) shall not apply to a contract with any other political subdivision or with any municipality authority.

(d) The board of commissioners may:

(1) Acquire any real property and erect, maintain, improve, operate and lease, either as lessor or lessee, facilities for incineration, landfill or other methods of disposal, either inside or outside the limits of the township, including equipment, either separately or jointly, with any other political subdivision or with any municipality authority in order to provide for the:

(i) collection, removal, disposal and destruction of municipal waste;

(ii) collection and storage of recyclable materials; or

(iii) 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 may maintain lands and places for the dumping of municipal waste.

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

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

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

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

(f) The board of commissioners may make appropriations to any other political subdivision or any municipality 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) 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 or materials separated, collected, recovered or created by recycling, as provided in the act of April 9, 1992 (P.L.70, No.21) entitled "An act excluding the sale of recyclable material from political subdivision personal property sale restrictions relating to advertising and bidding."

(1502.12 added Oct. 29, 2020, P.L.782, No.96)

Section 1502.13. Fireworks and Inflammable Articles.--In conformity with Federal and State laws and regulations, the board of commissioners may provide for fireworks and inflammable articles as follows:

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

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

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

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

(1502.13 added Oct. 29, 2020, P.L.782, No.96)

Section 1502.14. Smoke Regulations.--The board of commissioners may regulate the emission of smoke from chimneys, smokestacks and other sources, except locomotive smokestacks, to the extent that the regulation is not otherwise prohibited by applicable Federal or State law.

(1502.14 added Oct. 29, 2020, P.L.782, No.96)

Section 1502.15. Prohibition of Fire-Producing Devices and Smoking.--The board of commissioners may prohibit and regulate the smoking or carrying of lighted cigarettes, cigars, pipes or matches and the use of matches or fire-producing devices. An ordinance enacted or regulation or resolution adopted under this section shall not regulate smoking in a manner that conflicts with the act of June 13, 2008 (P.L.182, No.27), known as the Clean Indoor Air Act.

(1502.15 added Oct. 29, 2020, P.L.782, No.96)

Section 1502.16. Animals.--The board of commissioners may prohibit or regulate, by ordinance, the following:

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

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

(1502.16 added Oct. 29, 2020, P.L.782, No.96)

Section 1502.17. Regulation of Foundations, Party Walls and Partition Fences.--(a) Subject to the provisions of and regulations adopted pursuant to the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, and other applicable law, the board of commissioners may provide regulations for foundations, party walls and partition fences.

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

(1502.17 added Oct. 29, 2020, P.L.782, No.96)

Section 1502.18. Ambulances and Rescue and Lifesaving Services.--The board of commissioners may:

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

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

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

(1502.18 added Oct. 29, 2020, P.L.782, No.96)

Section 1502.19. Display of Flags.--The board of commissioners may display the flag of the United States, the Commonwealth, the official POW/MIA flag or the flag of any county or municipal corporation in this Commonwealth on any public building or grounds of the township.

(1502.19 added Oct. 29, 2020, P.L.782, No.96)

Section 1502.20. Health and Cleanliness Regulations.--The board of commissioners may make regulations as necessary for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the township and its inhabitants.

(1502.20 added Oct. 29, 2020, P.L.782, No.96)

Section 1502.21. Public Facilities.--The board of commissioners may acquire property for the purposes of providing, maintaining and operating public facilities, such as comfort and waiting stations, drinking fountains and watering troughs.

(1502.21 added Oct. 29, 2020, P.L.782, No.96)

Section 1502.22. Hospital Appropriations.--The board of commissioners may, in townships having a population of two thousand inhabitants or more, appropriate money for the support of any incorporated hospital that is engaged in charitable work and extends treatment and medical attention to the residents of the township.

(1502.22 added Oct. 29, 2020, P.L.782, No.96)

Section 1502.23. Community Nursing Services.--The board of commissioners may appropriate money annually to any nonprofit associations or corporations that provide for:

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

(2) the control of communicable disease;

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

(1502.23 added Oct. 29, 2020, P.L.782, No.96)

Section 1502.24. Parking and Parking Lots.--(a) The board of commissioners may:

(1) regulate parking and parking lots and provide parking accommodations to promote the convenience and protection of the public;

(2) establish or designate, at the board's discretion, areas exclusively reserved for parking by handicapped individuals and post signs regulating the areas;

(3) erect parking meters and regulate parking meter charges;

(4) acquire by gift, purchase, lease or eminent domain, lands that the board may deem necessary or desirable for the purpose of establishing and maintaining parking lots; and

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

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

(c) Nothing in this section may be construed to limit statutory and regulatory protections and prohibitions relating to the rights of disabled individuals.

(1502.24 added Oct. 29, 2020, P.L.782, No.96)

Section 1502.25. Appropriations for Certain Streets.--The board of commissioners may appropriate money annually for improvements to any street, as defined in section 102, located wholly or partially within the township which has been adversely affected by parking availability as determined by the board.

(1502.25 added Oct. 29, 2020, P.L.782, No.96)

Section 1502.26. Airports.--(a) A township is authorized and empowered to 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) A township acquiring land under this section is authorized to 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 any individual or corporation desiring to use the land for aviation purposes. 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) In accordance with this section, a township may acquire land jointly with another municipality for aviation purposes and may jointly 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).

(1502.26 added Oct. 29, 2020, P.L.782, No.96)

Section 1502.27. Appropriations for Airports.--The board of commissioners may appropriate funds 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.

(1502.27 added Oct. 29, 2020, P.L.782, No.96)

Section 1502.28. 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 have the care, custody and control of shade trees pursuant to Article XXX.

(1502.28 added Oct. 29, 2020, P.L.782, No.96)

Section 1502.29. 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 protection or any other public safety services or for the furnishing to or receiving from the municipal corporations or governmental entities police and fire protection or any other public safety service; and

(ii) making appropriations for public safety services.

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

(1502.29 added Oct. 29, 2020, P.L.782, No.96)

Section 1502.30. Widening and Deepening of Watercourses.--(a) After permits have been secured from all applicable agencies, the board of commissioners or an agent or employe of the board may widen and deepen a watercourse running through the township and erect dykes, retaining walls and embankments along the watercourse as necessary to prevent water from overflowing the watercourse's banks.

(b) For the purposes under subsection (a), a township may enter and condemn property as may be necessary. A township may enter land lying near the watercourse and secure materials as may be necessary in 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). Townships may appropriate money to effectuate the provisions of this section.

(1502.30 added Oct. 29, 2020, P.L.782, No.96)

Section 1502.31. Regulation of Charges.--The board of commissioners may make and regulate charges for the use of township facilities.

(1502.31 added Oct. 29, 2020, P.L.782, No.96)

Section 1502.32. Street, Sewer, Sidewalk, Etc., Regulations.--(a) The board of commissioners may:

(1) regulate the streets, sewers, public squares, common grounds, sidewalks, curbs, gutters, culverts and drains within a township;

(2) regulate the heights, grades, widths, slopes and construction of any item listed under paragraph (1); and

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

(b) 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.

(1502.32 added Oct. 29, 2020, P.L.782, No.96)

Section 1502.33. Capital Reserve Fund.--The board of commissioners may create and maintain a separate capital reserve fund for anticipated legal capital expenditures and the following shall apply:

(1) The fund shall be designated for a specific purpose or purposes when created.

(2) The money in the fund shall be used for the construction, purchase or replacement of or addition to municipal buildings, equipment, machinery, motor vehicles or other capital assets of the township as specified at the time of the creation of the fund and for no other purpose unless the commissioners by a four-fifths vote declare that the original purpose or purposes have become impracticable, inadvisable or impossible, or that conditions in the township make other capital expenditures more urgent than those for which the fund was created.

(3) The board of commissioners may appropriate money from the general township fund to be paid into the capital reserve fund, or place in the fund any money received from the sale, lease or other disposition of any township property or from any other source unless received or acquired for a particular purpose.

(4) The fund shall be controlled, invested, reinvested and administered and the money and any income derived from it expended for any of the purposes for which the fund is created in a manner determined by the board of commissioners.

(5) The money in the fund, when invested, shall be invested in securities designated by 53 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and borrowing) as legal investments for sinking funds of municipalities.

(1502.33 added Oct. 29, 2020, P.L.782, No.96)

Section 1502.34. Operating Reserve Fund.--(a) The board of commissioners may create and maintain a separate operating reserve fund in order to:

(1) minimize future revenue shortfalls and deficits;

(2) provide greater continuity and predictability in the funding of vital government services;

(3) minimize the need to increase taxes to balance the budget in times of fiscal distress; and

(4) provide the capacity to undertake long-range financial planning and to develop fiscal resources to meet long-term needs.

(b) The board of commissioners may annually make appropriations from the general township fund to the operating reserve fund, but no appropriation may be made to the operating reserve fund if the effect of the appropriation would cause the fund to exceed 25% of the estimated revenues of the township's general fund in the current fiscal year.

(c) The board of commissioners may, at any time by resolution, make appropriations from the operating reserve fund for the following purposes only:

(1) meet emergencies involving the health, safety and welfare of the residents of the township;

(2) counterbalance potential budget deficits resulting from shortfalls in anticipated revenues or program receipts from any source;

(3) counterbalance potential budget deficits resulting from increases in anticipated costs for goods or services; or

(4) provide anticipated operating expenditures related either to the planned growth of existing projects or programs or to establish new projects or programs if, for a project or program, appropriations have been made and allocated to a separate restricted account established within the operating reserve fund.

(d) The operating reserve fund shall be invested, reinvested and administered in a manner consistent with the provisions of section 1705.1.

(1502.34 added Oct. 29, 2020, P.L.782, No.96)

Section 1502.35. Surplus Foods.--The board of commissioners may make an appropriation for the handling, storage and distribution of surplus foods obtained through a Federal, State or local agency.

(1502.35 added Oct. 29, 2020, P.L.782, No.96)

Section 1502.36. Industrial Promotions.--The board of commissioners may make appropriations to an industrial development agency.

(1502.36 added Oct. 29, 2020, P.L.782, No.96)

Section 1502.37. Nondebt Revenue Bonds.--(a) The board of commissioners may issue nondebt revenue bonds pursuant to provisions of 53 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and borrowing) to provide sufficient money for and toward the acquisition, construction, reconstruction, extension or improvement of:

(1) municipal facilities, including water systems or facilities;

(2) sewers, sewer systems and sewage disposal systems or facilities;

(3) systems for the treatment or disposal of garbage and refuse;

(4) aeronautical facilities, including, but not limited to, airports, terminals and hangars; and

(5) park and recreational facilities, including parking lots.

(b) Any nondebt revenue bonds issued under subsection (a) shall be secured solely by the pledge of the whole or part of the rent, toll or charge for the use or services of the facilities.

(c) 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.

(1502.37 added Oct. 29, 2020, P.L.782, No.96)

Section 1502.38. 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.

(1502.38 added Oct. 29, 2020, P.L.782, No.96)

Section 1502.39. Insurance.--(a) 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; and

(2) township employes, as defined in section 601 of the Workers' Compensation Act.

(b) The board of commissioners may enter into contracts for insurance with any insurance company, association or exchange, authorized by law to transact business in this Commonwealth, to insure any building or property owned or leased by the township.

(c) The board of commissioners may enter into contracts for insurance with any insurance company, association or exchange authorized by law to transact business in this Commonwealth to insure any public liability of the township.

(d) (1) The board of commissioners may enter into contracts for insurance with any insurance company, nonprofit hospitalization corporation, nonprofit medical service corporation, association or exchange authorized by law to transact business in this Commonwealth to insure its employes or commissioners, or any class or classes of the employes or commissioners or dependents of the employes or commissioners, under a policy or policies of group insurance covering life, health, hospitalization, medical and surgical service, or accident insurance.

(2) Any life, health, hospitalization, medical service or accident insurance coverage contract entered into by a township between January 1, 1959, and December 31, 1984, that includes or provides coverage for commissioners shall not be void or unlawful solely because the inclusion of commissioners was subsequently found to be without lawful authority. No penalty, assessment, surcharge, forfeiture or disciplinary action of any kind may occur as a result of participation by those commissioners. Insurance benefits payable to insureds or their beneficiaries arising out of or on account of deaths, injuries, accidents or illnesses occurring before November 29, 1985, remain the property of the insureds or beneficiaries of the insureds.

(e) (1) The board of commissioners may contract with any insurance company, granting annuities or pensions for the pensioning of employes or any class or classes of employes and pay part or all of the premiums or charges for carrying the contracts.

(2) Any pension or annuity contract entered into by a township between January 1, 1959, and December 31, 1984, that includes or provides for benefits for commissioners at township expense shall not be void or unlawful solely because the inclusion of commissioners was subsequently found to be without lawful authority. No penalty, assessment, surcharge or disciplinary action of any kind may occur as a result of

participation by those commissioners provided that anyone entitled to benefit coverage under a pension paid for, in whole or in part, by a township without lawful authority shall deliver, surrender and assign to the township all benefits paid under the contract after December 31, 1984.

(3) If any official personally contributed toward a pension plan or a purchase of an annuity under paragraph (2), the official shall be refunded the official's total contributions, plus any accumulated interest, less any amount already paid to the official under the annuity or pension plan, when the annuity or pension benefits are delivered, surrendered or assigned to the township, or when the annuity becomes the property of the township by operation of this section. In lieu of a refund of total contributions plus accumulated interest, an official who personally contributed toward the pension plan or toward the purchase of the annuity may elect to purchase from the township the township's interest in that pension plan or annuity program. The election option shall be exercised within sixty days of November 29, 1985. The value of the interest of the township in the pension plan or annuity program with respect to the official shall be determined by the actuary who prepared the 1983 municipal pension report for the township pension plan or annuity program pursuant to the act of December 6, 1972 (P.L.1383, No.293), entitled "An act requiring municipal pension systems to have an actuarial investigation of the fund made by an actuary who shall report his findings to the Department of Community Affairs," using the same applicable actuarial assumptions as used in that report or, if no actuary was retained for the 1983 report or no 1983 report was filed, by an actuary retained for the purpose of valuing the township interest. The cost of the actuarial valuation of the township interest and any future administrative costs of the pension plan or the annuity program attributable to the official shall be payable by the official in a manner to be established by agreement with the township auditors.

(4) No elected or appointed township official included in a township-paid pension or annuity plan entered into prior to December 31, 1984, shall be subject to any penalty, assessment, surcharge or disciplinary action of any kind as a result of the participation. Any residual interest, value, refund of premium or benefits payable on or after December 31, 1984, arising out of the township-paid interest of the elected or appointed township officials shall become the exclusive property of the township.

(f) The board of commissioners may appropriate money from the general township fund for the purposes of this section.

(g) Nothing in this section shall affect any contract, right or coverage of insurance vested or existing on the effective date of this subsection. Contract, as used in this section, includes an annuity contract if the option to renew continues to provide the same rights to the annuitant that existed on the effective date of this subsection.

(h) The commissioners are hereby authorized, enabled and permitted to deduct from the employee's or commissioner's pay, salary or compensation the part of the premium or charge, as is payable by the employee or commissioner, and as may be authorized by the employee or commissioner in writing. The insurance shall be uniformly applicable to each employee or commissioner covered and shall not give eligibility preference to, or improperly discriminate in favor of, commissioners. As used in this section, the terms "employee" and "employees" exclude

independent contractors and all township engineers and solicitors.

(1502.39 added Oct. 29, 2020, P.L.782, No.96)

Section 1502.40. Appropriations for Urban Common Carrier Mass Transportation.--The board of commissioners may:

- (1) appropriate funds for urban common carrier mass transportation purposes from current revenues;
- (2) make annual contributions to county departments of transportation or urban common carrier mass transportation authorities to assist the departments or the authorities to meet the costs of operation, maintenance, capital improvements and debt service; and

(3) enter into long-term agreements providing for the payment of the contributions.

(1502.40 added Oct. 29, 2020, P.L.782, No.96)

Section 1502.41. Open Burning.--The board of commissioners may regulate open burning, including the prohibition of the open burning of combustible material.

(1502.41 added Oct. 29, 2020, P.L.782, No.96)

Section 1502.42. Community Development.--The board of commissioners may undertake community development programs, including, but not limited to, urban renewal, public housing, model cities programs and neighborhood development projects.

(1502.42 added Oct. 29, 2020, P.L.782, No.96)

Section 1502.43. Observances and Celebrations.--The board of commissioners may appropriate funds annually for the observance of holidays, centennials or other anniversaries or for township celebrations or civic projects or programs.

(1502.43 added Oct. 29, 2020, P.L.782, No.96)

Section 1502.44. Building Hospitals.--The board of commissioners may appropriate funds toward the purchase, erection, maintenance or support of any medical center or hospital building facilities. Approval by the appropriate health planning agency is required if the total cost of the purchase or erection exceeds \$100,000.

(1502.44 added Oct. 29, 2020, P.L.782, No.96)

Section 1502.45. Tourist Promotion Agencies.--The board of commissioners may appropriate funds annually to any tourist promotion agency to assist the agencies in carrying out tourist promotional activities. "Tourist promotion agency" shall have the same meaning given to it under section 2 of the act of July 4, 2008 (P.L.621, No.50), known as the Tourism Promotion Act.

(1502.45 added Oct. 29, 2020, P.L.782, No.96)

Section 1502.46. Sale of Real or Personal Property to Nonprofit Medical Service Corporation.--The board of commissioners may sell to a nonprofit medical service corporation any township-owned:

- (1) real property for its exclusive use as a site for a medical service facility; and
- (2) personal property for its use at the medical service facility.

(1502.46 added Oct. 29, 2020, P.L.782, No.96)

Section 1502.47. Sale of Real or Personal Property to Nonprofit Housing Corporation.--The board of commissioners may sell to a nonprofit housing corporation any township-owned:

- (1) real property for its exclusive use for housing for the elderly; and
- (2) personal property for its use at the nonprofit housing corporation.

(1502.47 added Oct. 29, 2020, P.L.782, No.96)

Section 1502.48. Nonprofit Art Corporations.--(a) The board of commissioners may appropriate funds annually, of an amount

not more than equal to one mill of the real estate tax, to any nonprofit art corporation for the conduct of the corporation's artistic and cultural activities.

(b) As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Artistic and cultural activities." The term shall include the display or production of theater, music, dance, painting, architecture, sculpture, arts and crafts, photography, film, graphic arts and design and creative writing.

"Nonprofit art corporation." A local arts council, commission or coordinating agency or any other nonprofit corporation engaged in the production or display of works of art, including the visual, written or performing arts.

(1502.48 added Oct. 29, 2020, P.L.782, No.96)

Section 1502.49. Neighborhood Crime Watch Programs.--The board of commissioners may appropriate annually an amount toward a neighborhood crime watch program. Notwithstanding any other provision of law, no township or official of a township shall become subject to contractual, tort or other liability as a result of having made an appropriation pursuant to this section.

(1502.49 added Oct. 29, 2020, P.L.782, No.96)

Section 1502.50. Drug and Alcohol Abuse Programs.--The board of commissioners may appropriate annually, out of the general funds of the township, a sum to be divided in amounts as the commissioners may determine and to be used for education and development of programs within the community dealing with drug and alcohol abuse. The funds may also be contributed to existing programs available to the township's residents in adjacent communities or in the county where the township is situate at the discretion of the board of commissioners.

(1502.50 added Oct. 29, 2020, P.L.782, No.96)

Section 1502.51. Watershed Associations.--The board of commissioners may make appropriations to nonprofit watershed associations for watersheds serving the township. Appropriations may not be used to undertake litigation against any municipality or to seek redress against any individual landowner.

(1502.51 added Oct. 29, 2020, P.L.782, No.96)

Section 1502.52. Emergency Services.--(a) The township shall be responsible for ensuring that fire and emergency medical services are provided within the township by the means and to the extent determined by the township, including the appropriate financial and administrative assistance for these services.

(b) The township shall consult with fire and emergency medical services providers to discuss the emergency services needs of the township.

(c) The township shall require each emergency services organization receiving township funds to provide to the township an annual itemized listing of all expenditures of these funds before the township may consider budgeting additional funding to the organization.

(1502.52 added Oct. 29, 2020, P.L.782, No.96)

Section 1502.53. Mines and Quarries.--(a) The owner, operator or superintendent of each mine, colliery or quarry located wholly or partially within the limits of the township shall furnish maps, plans and drawings of workings, excavations and surface support to the township as the board of commissioners may require, and the following shall apply:

(1) In the case of a coal mine or colliery, the map or plan shall exhibit the workings or excavations in every seam of coal on a separate sheet and the tunnels and passages connecting with the workings or excavations.

(2) The map or plan under paragraph (1) shall show:

(i) in degrees the general inclination of the strata, with any material deflection in the strata in the workings or excavations, and shall also show the tidal elevations of the bottom of every shaft, slope, tunnel and gangway and of any other point in the mine or on the surface where the elevation shall be deemed necessary by the township;

(ii) the number of the last survey on the gangways or the most advanced workings.

(3) Each owner, operator or superintendent of a mine, colliery or quarry shall update, at least once every three months, the pertinent maps, plans and drawings to reflect any extensions made in any mine, colliery or quarry during the three preceding months, except those made within thirty days immediately preceding the time of placing the extensions upon the map or drawing.

(4) A township engineer, assistant or other person authorized by the board of commissioners may enter and survey any mine, colliery or quarry within the limits of the township, at all reasonable times, but not so as to impede or obstruct the workings of the mine, colliery or quarry.

(5) The owner, operator or superintendent of the mine, colliery or quarry shall furnish the means necessary for the entry, survey and exit.

(b) (Reserved).

(1502.53 added Oct. 29, 2020, P.L.782, No.96)

Section 1502.54. Conservation District.--The board of commissioners may make appropriations to a conservation district, as the term is defined under section 3 of the act of May 15, 1945 (P.L.547, No.217), known as the Conservation District Law, in which the township is located.

(1502.54 added Oct. 29, 2020, P.L.782, No.96)

Section 1502.55. Electricity.--The board of commissioners may manufacture and sell electricity and regulate its use and prices pursuant to Article XXVII-A.

(1502.55 added Oct. 29, 2020, P.L.782, No.96)

Section 1502.56. Storm Water.--A township may, by ordinance, after obtaining any required permit from the Department of Environmental Protection or other 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.

(1502.56 added Oct. 29, 2020, P.L.782, No.96)

Section 1503. Typewritten, printed, photocopied, microfilmed and electronically or digitally stored records valid and recording or transcribing records.--(a) All township records 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) 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 with the township seal being impressed upon each page; or

(2) in a bound book with pages being consecutively numbered by transcribing directly upon the pages of the book of record or by permanently attaching the records or copies to the book of record with the township seal being impressed upon each page to which the record is attached, with each impression covering both a portion of the attached record and a portion of the page of the book of record to which the record is attached.

(c) All records previously recorded or transcribed in any manner authorized by this act at the time the records were recorded or transcribed are validated.

(1503 amended Oct. 29, 2020, P.L.782, No.96)

ARTICLE XV-A REAL ESTATE REGISTRY

(Art. added Oct. 29, 2020, P.L.782, No.96)

Section 1501-A. Real Estate Registry.

(a) General rule.--For the purpose of procuring accurate information on the ownership of all real estate, the board of commissioners may provide, by ordinance, for a real estate registry in a manner not inconsistent with the act of October 9, 2008 (P.L.1400, No.110), known as the Uniform Municipal Deed Registration Act.

(b) Registry.--The board of commissioners shall designate a person to have charge of the registry who shall cause to be made and shall carefully preserve all necessary books, maps and plans as may show the location and ownership of every lot, piece of real estate and subdivision of real estate. For purposes of establishing or maintaining the registry, the person in charge of the registry shall have access to public records without charge.

(c) Validity of certain claims.--Information contained within a real estate registry shall not affect the validity of any municipal claim or tax claim of the township.

(d) Additional information as may be required.--Nothing in this section shall prohibit a township from requiring owners to provide information relevant to the enforcement of any township ordinance in accordance with law.

(1501-A added Oct. 29, 2020, P.L.782, No.96)

ARTICLE XVI PUBLIC HEALTH

(a) Boards of Health

(Subdiv. hdg. repealed Oct. 29, 2020, P.L.782, No.96)

Section 1601. Appointment of Boards of Health and Health Officers.--(a) The board of commissioners may, by ordinance, establish a board of health or the office of health officer to administer and enforce the health ordinances and related ordinances of the township. A health officer must, whether appointed by the board of commissioners or by the board of

health, have experience or training in public health work and must, within six months of taking the oath of office, be certified for the office of health officer by the State Department of Health.

(b) Expenses incurred by the board of health or a health officer shall be paid by the township.

(c) A township may, by ordinance, dissolve a board of health or the office of health officer and decide to become subject to the jurisdiction of a county department of health or joint county department of health under the act of August 24, 1951 (P.L.1304, No.315), known as the Local Health Administration Law.

(1601 amended Oct. 29, 2020, P.L.782, No.96)

Section 1602. Members of Board; Terms; Secretary.--(a) A board of health appointed by the board of commissioners shall be composed of three or five members, at the discretion of the board, and the following shall apply:

(1) At least one of the board members shall be a reputable professional health care provider of not less than two years' experience in the practice of the respective profession.

(2) If no professional health care provider can be identified to serve on the board, the board of commissioners may appoint an individual at a public meeting who has experience in, or is knowledgeable of, public health issues.

(b) At the first appointment for a board:

(1) With three members:

(i) one member shall be appointed to serve for one year;

(ii) one member shall be appointed to serve for two years; and

(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; and

(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) The members of the board of health shall serve without compensation, but if any 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) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Professional health care provider." 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 shall include the following:

(1) A physician.

(2) A dentist.

(3) A podiatrist.

(4) A chiropractor.

(5) An optometrist.

(6) A psychologist.

(7) A pharmacist.

(8) A registered or practical nurse.

- (9) A physical therapist.
- (10) A physician's assistant.
- (11) A paramedic.
- (12) An administrator of any hospital, nursing or convalescent home or other health care facility.
- (13) A veterinarian.

(1602 amended Oct. 29, 2020, P.L.782, No.96)

Section 1603. Organization of Board; Salary of Secretary; Bonds; Fees and Penalties; Power to Administer Oaths.--(a) The members of the board shall each take the oath or affirmation prescribed for township officers.

(b) The board shall annually organize by electing a president from among the members of the board, a secretary, who may or may not be a member of the board, and a health officer, who shall not be a member of the board. The secretary and the health officer shall receive salaries fixed by the board and ratified by the board of commissioners, and shall serve for a period of one year or until a successor is elected and qualified.

(c) The board of commissioners may require the secretary and health officer to furnish a bond to the township, in an amount fixed by ordinance, for the faithful discharge of the secretary's or health officer's duties and shall also take and subscribe to the oath or affirmation required of members of the board.

(d) All fees collected or received by the board, or by any officer in the officer's official capacity, shall be paid over into the township treasury monthly, together with all penalties which shall be recovered for the violation of any regulation of the board. The president and secretary shall have full power to administer oaths or affirmations in any proceeding or investigation regarding the regulations of the board, but shall not be entitled to receive any fee for the administration of oaths and affirmations.

(1603 amended Oct. 29, 2020, P.L.782, No.96)

Compiler's Note: Section 3(3) of Act 76 of 2008 provided that all acts and parts of acts are repealed insofar as they are inconsistent with Act 76. Section 1 of Act 76 amended 53 Pa.C.S. Ch. 11 (relating to general provisions) by adding section 1141 (relating to form of oaths of office), which provides the form of oaths of office for elected or appointed officials of municipalities.

Section 1604. Duties of Secretary.--The secretary of the board has the following duties:

(1) Maintain, under 53 Pa.C.S. Ch. 13 Subch. F (relating to records), the minutes of the proceedings of the board and keep accurate accounts of the expenditures of the board.

(2) Transmit all bills to the board of commissioners for payment in the same manner as other bills of the township are paid.

(3) Draw requisitions for the payment of money on account of the board of health and present the requisitions to the president of the board for the president's approval.

(4) Render statements of the expenditures to the board at each stated meeting or as frequently as the board requires.

(5) Prepare, under the direction of the board, the annual report to the board of commissioners and the estimate of appropriation needed for the ensuing year.

(6) Report to the State Department of Health at statutory or regulatory required intervals the cases of communicable

disease reported to the board of health on the form provided by the State Department of Health and make an annual report to the State Department of Health.

(7) Perform other duties as may be required by the board of health.

(1604 amended Oct. 29, 2020, P.L.782, No.96)

Section 1605. Powers and Duties of Health Officer.--(a) A health officer may issue a citation for the violation of a health ordinance or related law.

(b) A health officer has the following duties:

(1) Administer and enforce the health ordinances of the township and related laws.

(2) Perform the duties as are vested in local health officers by statute or regulation.

(3) Make sanitary inspections.

(4) Execute the orders of the board of health.

(5) Attend all regular and special meetings of the board of health.

(1605 amended Oct. 29, 2020, P.L.782, No.96)

Section 1606. Powers and Duties of Board of Health.--(a)

A board of health has the following powers:

(1) Recommend to the board of commissioners rules and regulations necessary for the preservation of the public health and for carrying into effect the functions of the board.

(2) Appoint a health officer.

(3) Abate and remove nuisances the board of health deems detrimental to the public health.

(4) Mark infected premises.

(b) A board of health has the duty to enforce all of the following related to the promotion of public health and prevention of the introduction and spread of infectious or contagious disease:

(1) A statute.

(2) A regulation of the State Department of Health.

(3) An ordinance of the township.

(1606 amended Oct. 29, 2020, P.L.782, No.96)

Section 1607. Entry of Premises.--(a) A member of the board of health, a health officer, an employee of a board or a health officer or an agent of a board or a health officer may, upon order of the board or upon order of a health officer if there is no board, enter a premises in the township where an infectious or contagious disease or a nuisance detrimental to the public health is suspected and examine and abate the disease or nuisance.

(b) If entry to the premises under subsection (a) is prevented, the board of health or health officer may obtain an administrative search warrant from a magisterial district judge with jurisdiction over the premises upon a showing of any of the following:

(1) Reasonable standards and an administrative plan for conducting inspections.

(2) The condition of the premises or general area and the passage of time since the last inspection.

(3) Probable cause of a violation of a law specified in section 1606(b).

(1607 amended Oct. 29, 2020, P.L.782, No.96)

Section 1608. Abatement of Nuisances.--(a) If the board of health, or health officer if there is no board, finds a condition or premises to be a nuisance to the health of the residents of the township, it shall issue a written order of abatement directed to the owner, agent of the owner or the occupant of the premises. The order, which shall be a public

record, shall state that the conditions specified in the order constitute a nuisance and order an abatement of the nuisance within a specified reasonable time.

(b) Upon noncompliance of the order under subsection (a), the board shall issue a written order to the health officer directing removal or abatement of the nuisance. An order shall be executed by the health officer or an agent of the health officer. The expense of the execution of the order shall be recoverable as a nuisance claim from the owner of the premises with a ten percent penalty.

(c) In lieu of or in addition to the procedure under subsections (a) and (b), the board of commissioners may seek relief from a nuisance or threatened nuisance by an action at law or in equity. The board of commissioners may seek guidance of the board or the health officer in determining the nature of the relief requested.

(1608 amended Oct. 29, 2020, P.L.782, No.96)

Section 1609. Expenditures.--(a) The board of health or the health officer shall submit to the board of commissioners, before commencement of the township's fiscal year, an estimate of the probable expenditures of the board of health or the health officer during the ensuing fiscal year.

(b) The board of commissioners shall make appropriations based on the estimate as deemed necessary.

(c) The board of health or the health officer shall, each January, submit a report to the board of commissioners on the appropriation and expenditures for the preceding fiscal year and information on subjects relative to the sanitary conditions or requirements of the township.

(1609 amended Oct. 29, 2020, P.L.782, No.96)

Section 1610. Cooperation in Health Work.--A township may cooperate with any political subdivision and with the State Department of Health in the administration and enforcement of health laws.

(1610 amended Oct. 29, 2020, P.L.782, No.96)

Section 1611. Powers of State Department of Health.--(a)

Nothing in this act may be construed to limit the powers and duties of the State Department of Health, including the powers and duties under Article XXI of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929."

(b) (1) The expenses of the State Department of Health for which the township is liable shall be paid by the township where the expenses have been incurred.

(2) If expenses under paragraph (1) are unpaid for a period of more than three months after a statement of the expenses has been rendered to the township and demand for payment is made, the Secretary of Health shall, with the approval of the Governor, institute an action against the township for the collection of the expenses. The reasonableness of the expenditures made by the secretary shall be submitted to the jury for its determination.

(3) Upon payment, the State Department of Health shall return the money to the State Treasurer, who shall credit the amount to the appropriation made to the State Department of Health.

(1611 amended Oct. 29, 2020, P.L.782, No.96)

Section 1612. Expenses Incurred by Board or Secretary of Health.--(1612 repealed Oct. 29, 2020, P.L.782, No.96)

Section 1613. Suits by State Secretary of Health to Recover Expenses.--(1613 repealed Oct. 29, 2020, P.L.782, No.96)

Section 1614. Payment of Expenses Recovered Into State Treasury.--(1614 repealed Oct. 29, 2020, P.L.782, No.96)

(b) Vacation of Streets Declared Nuisances
by Board of Health
(Subdiv. repealed Oct. 29, 2020, P.L.782, No.96)

Section 1620. Petitions to Vacate Nuisances.--(1620 repealed Oct. 29, 2020, P.L.782, No.96)

Section 1621. Jury of View.--(1621 repealed Oct. 29, 2020, P.L.782, No.96)

Section 1622. Hearings and Report.--(1622 repealed Oct. 29, 2020, P.L.782, No.96)

Section 1623. Notice of Filing Report.--(1623 repealed Oct. 29, 2020, P.L.782, No.96)

Section 1624. Exceptions to Report.--(1624 repealed Oct. 29, 2020, P.L.782, No.96)

Section 1625. Appeals from Report.--(1625 repealed Oct. 29, 2020, P.L.782, No.96)

Section 1626. Confirmation of Report.--(1626 repealed Oct. 29, 2020, P.L.782, No.96)

Section 1627. When Vacation Proceedings not to Be Had.--(1627 repealed Oct. 29, 2020, P.L.782, No.96)

ARTICLE XVII
FINANCE AND TAXATION

Section 1701. Fiscal Year; Annual Budget; Regulation of Appropriations.--(a) The fiscal year in townships of the first class shall begin on January 1 and end on December 31.

(b) The board of commissioners shall annually prepare a proposed budget for all funds for the ensuing fiscal year. The proposed budget shall reflect as nearly as possible the estimated revenues and expenditures of the township for the year for which the budget is prepared.

(b.1) Notice that the proposed budget is available for inspection and copying shall be published by the township in a newspaper of general circulation in accordance with the provisions of section 110. The proposed budget shall be kept on file with the township secretary and be made available for public inspection and copying by the township secretary for a period of twenty days. The notice shall state the date fixed by the board of commissioners for adoption of the proposed budget and notice shall be published at least twenty days prior to the time fixed by the board of commissioners for adoption of the proposed budget. A township shall not prepare and advertise notice of a proposed budget when it is knowingly inaccurate.

(b.2) After the proposed budget has been available for public inspection for at least twenty days, the board of commissioners shall, after making revisions as appropriate, adopt the final budget not later than December 31.

(b.3) Upon any revision of the proposed budget, if the estimated revenues or expenses in the budget will be increased more than ten percent in the aggregate, or more than twenty-five percent on any individual item, over the proposed budget, it shall be presumed that the tentative budget was inaccurate, and the proposed budget may not be legally adopted with the increases unless the proposed budget is again advertised once, at least ten days before adoption, and an opportunity given to taxpayers to examine the amended proposed budget.

(b.4) The tax levied by the board of commissioners shall be fixed within the limit allowed by law that together with other sources of revenue will meet and cover appropriations.

The total appropriation shall not exceed the revenues estimated as available for the fiscal year. If the funds available from taxation and other sources shall be estimated to be in excess of the requirements of the ensuing fiscal year, an appropriation may be made for the payment of township orders or indebtedness of the previous years. A budget adopted in the December prior to the fiscal year to which the budget applies may be amended.

(c) The board of commissioners may at any time by resolution make supplemental appropriations for any lawful purpose from any funds on hand or estimated to be received within the fiscal year and not appropriated to any other purpose, including the proceeds of any borrowing as authorized by law. Supplemental appropriations may be made whether or not an appropriation for that purpose was included in the original budget as adopted.

(d) The board of commissioners may, by resolution, transfer unencumbered money from one township account to another, but no money may be transferred from the fund allocated for the payment of debts or from any fund raised by a special tax levy or assessment for a particular purpose. Transfers may not be made during the first three months of the fiscal year. No funds shall be paid out of the township treasury except upon appropriation made according to law.

(1701 amended Oct. 29, 2020, P.L.782, No.96)

Section 1701.1. Amending Budget; Notice.--(a) During the month of January next, following any municipal election, the board of commissioners may amend the budget and the levy and tax rate to conform with its amended budget. A period of ten days' public inspection at the office of township secretary of the proposed amended budget after notice by the township secretary to that effect is published once in a newspaper of general circulation, as provided in section 110, shall intervene between the proposed amended budget and its adoption. An amended budget must be adopted by the board of commissioners on or before the fifteenth day of February.

(b) No proposed amended budget shall be revised upward in excess of ten percent in the aggregate or in excess of twenty-five percent of the amount of an individual item in the proposed amended budget.

(1701.1 amended Oct. 29, 2020, P.L.782, No.96)

Section 1701a. Uniform Financial Report and Forms.--(a)

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) 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) 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) 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 by this act 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.

(1701a amended Oct. 29, 2020, P.L.782, No.96)

Section 1702. Appropriations Not to Be Exceeded; Changes in Appropriations.--The township may not hire employees, purchase materials, execute contracts or issue orders for the payment of any money if it would result in the total expenditure of money for a specific purpose to exceed the amount appropriated for that purpose.

(1702 amended Oct. 29, 2020, P.L.782, No.96)

Section 1703. Certain Contracts Invalid.--(1703 repealed Oct. 29, 2020, P.L.782, No.96)

Section 1704. Power to Create Indebtedness; Sinking Fund; Temporary Indebtedness.--(1704 repealed Oct. 29, 2020, P.L.782, No.96)

Section 1705. Sinking Fund; Regulations and Investments.--(1705 repealed Oct. 29, 2020, P.L.782, No.96)

Section 1705.1. Investment of Township Funds.--(a) The board of commissioners shall have power to provide for the investment of money, in the general township fund or in special funds.

(a.1) The board of commissioners shall have power to invest township sinking funds as authorized by 53 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and borrowing).

(b) The board of commissioners shall invest township funds consistent with sound business practice.

(c) The board of commissioners shall provide for an investment program subject to restrictions contained in this act and in any other applicable statute and any rules and regulations adopted by the board of commissioners.

(d) Authorized types of investments for township funds, in addition to those 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," are:

(i) United States Treasury bills.

(ii) Short-term obligations of the United States Government or its agencies or instrumentalities.

(iii) 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 so insured, and, for any amounts above the insured maximum, provided that approved collateral as provided by law therefore shall be pledged by the depository. Such deposits are differentiated from savings or demand deposits as authorized by the act of July 25, 1973 (P.L.217, No.53).

(iv) Obligations of 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, the Commonwealth of Pennsylvania or any of its agencies or instrumentalities backed by the full faith and credit of the Commonwealth, or of any 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.

(v) Shares of an investment company registered under the Investment Company Act of 1940 (54 Stat. 789, 15 U.S.C. § 80a-1 et seq.), whose shares are registered under the Securities Act of 1933 (48 Stat. 74, 15 U.S.C. § 77a et seq.), provided that the only investments of that company are in the authorized investments for township funds listed in (i) through (iv), and both of the following conditions are met:

(A) The investment company is managed in accordance with 17 CFR 270.2a-7 (relating to money market funds).

(B) The investment company is rated in the highest category by a nationally recognized rating agency.

(vi) Certificates of deposit purchased from institutions insured by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund to the extent that the accounts are so insured, and, for any amounts above the insured maximum, provided that approved collateral as provided by law therefore shall be pledged by the depository. Certificates of deposit purchased from commercial banks shall be limited to an amount equal to twenty percent of a bank's total capital and surplus. Certificates of deposit purchased from savings and loan associations or savings banks shall be limited to an amount equal to twenty percent of an institution's assets minus liabilities.

(vii) Any investment authorized by 20 Pa.C.S. Ch. 73 (relating to municipalities investments) shall be an authorized investment for any pension or retirement fund.

(e) In making investments of township funds, the board of commissioners shall have authority to:

(i) Permit assets pledged as collateral under subsection (d)(iii), to be pooled in accordance with the act of August 6, 1971 (P.L.281, No.72), entitled "An act standardizing the procedures for pledges of assets to secure deposits of public funds with banking institutions pursuant to other laws; establishing a standard rule for the types, amounts and valuations of assets eligible to be used as collateral for deposits of public funds; permitting assets to be pledged against deposits on a pooled basis; and authorizing the appointment of custodians to act as pledgees of assets."

(ii) Combine money from more than one fund under township control for the purchase of a single investment, if each of the funds combined for the purpose shall be accounted for separately in all respects and that the earnings from the investment are separately and individually computed and recorded and credited to the accounts from which the investment was purchased.

(iii) Join with one or more other political subdivisions and municipal authorities in accordance with 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental cooperation) in the purchase of a single investment, provided that the requirements of subclause (ii) are adhered to.

(1705.1 amended Oct. 29, 2020, P.L.782, No.96)

Compiler's Note: The act of July 12, 1972 (P.L.762, No.180), referred to as the Intergovernmental Cooperation Law, referred to in subsec. (e)(iii), was repealed by the act

of December 19, 1996 (P.L.1158, No.177). The subject matter is now contained in 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental cooperation).

Section 1706. Indebtedness and Orders of Previous Years.--No orders or indebtedness of any previous years shall be paid out of the funds of any fiscal year, unless the funds available from taxation and other sources shall be estimated to be in excess of requirements for the current fiscal year. If the available funds are in excess of the current fiscal year requirements, an appropriation may be made for this purpose to the extent of the excess, or unless, after the close of the fiscal year, it shall be ascertained that the funds appropriated and available therefor are in excess of the amount required, in which case the surplus may be applied to the former orders of indebtedness.

(1706 amended Oct. 29, 2020, P.L.782, No.96)

Section 1707. Sale of Securities.--(1707 repealed June 25, 1941, P.L.159, No.87)

Section 1708. Disbursements to Pay Indebtedness.--All 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. The board shall prescribe, by ordinance, the manner in which bills for township indebtedness shall be approved for payment.

(1708 amended Oct. 29, 2020, P.L.782, No.96)

Section 1709. Tax Levies.--(a) 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, upon all property and upon all 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 thirty 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 it may direct and after hearing, may order a greater rate than thirty mills but not exceeding five additional mills to be levied.

(2) (i) An annual tax not exceeding three mills for the purpose of:

(A) building and maintaining suitable places for the housing of fire apparatus;

(B) purchasing, maintaining and operating fire apparatus;

(C) making of appropriations to fire companies located inside or outside the township;

(D) contracting with adjacent municipalities or volunteer fire companies therein for fire protection;

(E) the training of fire personnel and payments to fire training schools and centers;

(F) the purchase of land upon which to erect a fire house; and

(G) the erection and maintenance of a fire house or fire training school and center.

(ii) The township may appropriate up to one-half, but not to exceed one mill, of the revenue generated from a tax under this clause for the purpose of paying salaries, benefits or

other compensation of fire suppression employees of the township or a fire company serving the township. For any calendar year, the board of commissioners may waive the appropriation limitation under this subparagraph by resolution. ((ii) amended Oct. 31, 2024, P.L.1150, No.139)

(iii) If an annual tax for the purposes specified in this clause is proposed to be set at a level higher than three mills the question shall be submitted to the voters of the township, and the county board of elections shall frame the question in accordance with the election laws of the Commonwealth for submission to the voters of the township.

(3) An annual tax, not exceeding one-tenth of one mill, for the purpose of caring for trees planted under the supervision of the shade tree commission, and for the purpose of publishing notices of meetings to consider the planting, removing, or changing of trees. In lieu of the tax provided for in this clause, the board of commissioners may, by specific appropriation, provide for the maintenance of shade trees by appropriation from the general funds of the township.

(4) An annual tax so long as necessary, for the purpose of procuring a lot and/or erecting a building thereon for a municipal building, and for the payment of indebtedness incurred in connection therewith.

(5) An annual tax sufficient to pay interest and principal on any indebtedness incurred pursuant to 53 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and borrowing) or any prior or subsequent act governing the incurrence of indebtedness of the township.

(6) An annual tax not exceeding one-half (1/2) mill to provide for pensions, retirement, or the purchase of annuity contracts for township employees. This tax shall be kept in a separate fund and used only for the purposes provided in this clause.

(7) (i) An annual tax not exceeding one-half mill for the purpose of supporting ambulance, rescue and other emergency services serving the township, except as provided in subsection (c).

(ii) The township may appropriate up to one-half of the revenue generated from a tax under this clause for the purpose of paying salaries, benefits or other compensation of employees of an ambulance, rescue or other emergency service serving the township. For any calendar year, the board of commissioners may waive the appropriation limitation under this subparagraph by resolution.

((7) amended Oct. 31, 2024, P.L.1150, No.139)

(8) An annual tax not exceeding five mills to create and maintain a revolving fund to be used in making permanent street, sidewalk, water supply or sewer improvements before the collection of all or part of the cost from property owners as otherwise authorized by this act. A revolving fund may also be used for the deposit of funds raised through the issuance of general obligation bonds of the township for the making of permanent street, sidewalk, water supply or sewer improvements. When all or part of the cost of the construction of any permanent street, sidewalk, water supply or sewer improvement is paid from the revolving fund and is later assessed and collected from property owners as otherwise authorized by this act, the collections shall be applied to the credit of the revolving fund to the extent of the withdrawal from the revolving fund for that purpose.

(9) An annual tax sufficient for the purpose of constructing, maintaining and operating parks, recreation areas,

facilities and programs or for paying the township's share of a joint action with one or more political subdivisions, in accordance with section 3013.

(b) This section does not include the levy of any taxes upon particular districts, or parts of any township, for particular purposes, nor special levies otherwise provided for in this act.

(c) The tax for supporting ambulance and rescue squads serving the township shall not exceed the rate specified in subsection (a) (7) except when the question is submitted to the voters of the township in the form of a referendum which will appear on the ballot in accordance with the election laws of the Commonwealth, in which case the rate shall not exceed three mills. The county board of elections shall frame the question to be submitted to the voters of the township in accordance with the election laws of the Commonwealth.

(1709 amended Oct. 29, 2020, P.L.782, No.96)

Compiler's Note: Section 21(16) of Act 54 of 2024 provided that subsecs. (a) (2) (i), (ii) and (iii) and (7) (i) and (ii) and (c) are repealed insofar as they are inconsistent with the addition of sections 8011(a) and 8012(a) of the act of April 9, 1929, P.L.343, No.176, known as The Fiscal Code.

Compiler's Note: The act of July 12, 1972 (P.L.781, No.185), known as the Local Government Unit Debt Act, referred to in subsec. (a) Five, was repealed by the act of December 19, 1996 (P.L.1158, No.177). The subject matter is now contained in 53 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and borrowing).

Section 1709.1. Additions and Revisions to Duplicates.--If in any township there is any construction of a building or buildings not otherwise exempt as a dwelling after January first of any year and the building is not included in the tax duplicate of the township, the county assessment office shall, upon the request of the board of commissioners, direct the assessor in the county assessment office to inspect and reassess, subject to the right of appeal and adjustment by statute, all taxable property in the township to which major improvements have been made after January first of any year and to give notice of the reassessments within ten days to the authority responsible for assessments, the township and the property owner. The real property shall be added to the duplicate and shall be taxable for township purposes at the reassessed valuation for that proportionate part of the fiscal year of the township remaining after the property was improved. Any improvement made during the month shall be computed as having been made on the first day of the month. A certified copy of the additions or revisions to the duplicate shall be furnished by the board of township commissioners to the township tax collector, together with the board's warrant for collection of the same, and within ten days the township tax collector shall notify the owner of the property of the taxes due the township.

(1709.1 amended Oct. 29, 2020, P.L.782, No.96)

Compiler's Note: See sections 14 and 15 of Act 188 of 2012 in the appendix to this act for special provisions relating to applicability of law and municipal officers affected by Act 188.

Section 1709.2. Authority to Levy, Assess and Collect Mercantile and Business Privilege Taxes on Gross

Receipts.--Notwithstanding section 533(b) of the act of December 13, 1988 (P.L.1121, No.145), known as the "Local Tax Reform Act," a township of the first class or a home rule municipality that previously had been a township of the first class and that has a population exceeding 70,000 which before December 1, 1988, has levied, assessed or collected or provided for the levying, assessment or collection of a mercantile tax on gross receipts or parts of gross receipts may levy, assess and collect or provide for the levying, assessment or collection of mercantile and business privilege taxes on gross receipts or parts of gross receipts. This authority shall apply to the tax year beginning January 1, 1998, and to each tax year thereafter.

(1709.2 added Dec. 19, 1997, P.L.618, No.64)

Section 1710. Tax Rates to Be Expressed in Dollars and Cents.--Whenever the board of commissioners shall, by ordinance or resolution, fix the rate of taxation for any year at a mill rate, the ordinance or resolution shall also include a statement expressing the rate of taxation in dollars and cents on each one hundred dollars of assessed valuation of taxable property.

(1710 amended Oct. 29, 2020, P.L.782, No.96)

Section 1711. Special Levies to Pay Indebtedness.--In addition to the levies provided for in section 1709, when it is shown to the court that the debts due by any 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 inadvisable 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.

(1711 amended Oct. 29, 2020, P.L.782, No.96)

Section 1712. Delivery of Duplicates.--The board of commissioners shall within thirty days after adoption of the budget or within thirty 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.

(1712 amended Oct. 29, 2020, P.L.782, No.96)

Compiler's Note: See sections 14 and 15 of Act 188 of 2012 in the appendix to this act for special provisions relating to applicability of law and municipal officers affected by Act 188.

ARTICLE XVIII CONTRACTS

Section 1801. Power to Make Contracts.--(a) A township may make contracts for lawful purposes and for the purposes of carrying into execution the provisions of this act and the laws of the Commonwealth.

(b) Except as otherwise specifically provided in this act, all contracts and purchases must be made with and from the lowest responsible bidder. For purposes of this article, the lowest responsible bidder need not be the bidder submitting the lowest dollar amount bid. A township may also consider the quality of goods or services supplied, ease of repair, compatibility with other township equipment or services,

responsiveness, past performance of the bidder and any other reasonable factors specified in the advertisement for bids.

(c) A township may permit the electronic submission of bids and may receive bids electronically for competitive bid purchases and contracts pursuant to 62 Pa.C.S. Ch. 46 (relating to electronic bidding by local government units).

(1801 amended Oct. 29, 2020, P.L.782, No.96)

Section 1802. Regulation of Contracts.--(a) All contracts or purchases in excess of the base amount of eighteen thousand five hundred dollars, subject to adjustment under subsection (a.2), except those mentioned in this section and except as provided by the act of October 27, 1979 (P.L.241, No.78), entitled "An act authorizing political subdivisions, municipality authorities and transportation authorities to enter into contracts for the purchase of goods and the sale of real and personal property where no bids are received," shall be in writing, and shall be made only after notice by the secretary, published once in one newspaper of general circulation, published or circulating in the county in which the township is situated. The advertisement shall be published not less than ten days prior to the date fixed for the opening of bids and shall also be posted in a conspicuous place within the township. The advertisement for contracts or purchases shall contain the date, time and location for opening of bids and shall state the amount of the performance bond determined under subsection (c). The advertisement shall also contain full plans and specifications, or refer to the places where copies thereof can be obtained. All plans and specifications shall be on file not less than ten days in advance of opening bids. The amount of the contract shall in all cases, whether of straight sale price, conditional sale, lease, lease purchase or otherwise, be the entire amount which the township pays to the successful bidder or the bidder's assigns in order to obtain the services or property, or both, and shall not be construed to mean only the amount that is paid to acquire title or to receive any other particular benefit or benefits of the whole bargain.

(a.1) Written or telephonic price quotations from at least three qualified and responsible contractors shall be requested for all contracts in excess of the base amount of ten thousand dollars, subject to adjustment under subsection (a.2) but less than the amount requiring advertisement and competitive bidding or, in lieu of price quotations, a memorandum shall be kept on file showing that fewer than three qualified contractors exist in the market area within which it is practicable to obtain quotations. A written record of telephonic price quotations shall be made and shall contain at least the date of the quotation, the name of the contractor and the contractor's representative, the construction, reconstruction, repair, maintenance or work that was the subject of the quotation and the price. Written price quotations, written records of telephonic price quotations and memoranda shall be retained for a period of three years. Written price quotations as used throughout this section include electronic mail.

(a.2) Adjustments to the base amounts specified under subsections (a) and (a.1) shall be made as follows:

(1) The Department of Labor and Industry shall determine the percentage change in the Consumer Price Index for All Urban Consumers: All Items (CPI-U) for the United States City Average as published by the United States Department of Labor, Bureau of Labor Statistics, for the twelve-month period ending September 30, 2012, and for each successive twelve-month period.

(2) If the department determines that there is no positive percentage change, then no adjustment to the base amounts shall occur for the relevant time period provided for in this subsection.

(3) (i) If the department determines that there is a positive percentage change in the first year that the determination is made under paragraph (1), the positive percentage change shall be multiplied by each base amount, and the products shall be added to the base amounts, respectively, and the sums shall be preliminary adjusted amounts.

(ii) The preliminary adjusted amounts shall be rounded to the nearest one hundred dollars, to determine the final adjusted base amounts for purposes of subsections (a) and (a.1).

(4) In each successive year in which there is a positive percentage change in the CPI-U for the United States City Average, the positive percentage change shall be multiplied by the most recent preliminary adjusted amounts, and the products shall be added to the preliminary adjusted amount of the prior year to calculate the preliminary adjusted amounts for the current year. The sums shall be rounded to the nearest one hundred dollars to determine the new final adjusted base amounts for purposes of subsections (a) and (a.1).

(5) The determinations and adjustments required under this subsection shall be made in the period between October 1 and November 15 of each year.

(6) The final adjusted base amounts and new final adjusted base amounts obtained under paragraphs (3) and (4) shall become effective January 1 for the calendar year following the year in which the determination required under paragraph (1) is made.

(7) The department shall transmit notice to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin prior to January 1 of each calendar year of the annual percentage change determined under paragraph (1) and the unadjusted or final adjusted base amounts determined under paragraphs (3) and (4) at which competitive bidding is required under subsection (a) and written or telephone price quotations are required under subsection (a.1), respectively, for the calendar year beginning the first day of January after publication of the notice. The notice shall include a written and illustrative explanation of the calculations performed by the department in establishing the unadjusted or final adjusted base amounts under this subsection for the ensuing calendar year.

(8) The annual increase in the preliminary adjusted base amounts obtained under paragraphs (3) and (4) shall not exceed three percent.

(b) (1) (i) If advertisement and bidding are required, the advertisement shall specify the date, time and place bids will be received and the date, time and place for the opening of bids.

(ii) At the board of commissioners' request, the bids advertised for must be accompanied by cash, money order, a certified or cashier's good faith check or other irrevocable letter of credit drawn upon a bank authorized to do business in this Commonwealth or by a bond with corporate surety in the amount as the board of commissioners determine, and, when requested, no bid may be considered unless so accompanied.

(iii) Bids received pursuant to an advertisement shall be opened publicly by the board of commissioners or the board's agent or employees. The amount of each bid and any other relevant information as may be specified by the board, together

with the name of each bidder, shall be disclosed and recorded, and the record shall be open to public inspection and copying.

(iv) At a public meeting of the board of commissioners, the board shall either award the contract or reject all bids.

(2) Any contract executed in violation of the provisions of this section shall be void. Nothing in this section shall prevent the making of contracts for governmental services for a period exceeding one year, but any contract shall be executed only for the amounts agreed to be paid for the services to be rendered in succeeding fiscal years.

(c) The successful bidder, when advertising is required, shall be required to furnish bond or irrevocable letter of credit or other security with suitable reasonable requirements guaranteeing the performance of the contract, with sufficient surety, in an amount as determined by the board of commissioners which shall be not less than ten percent nor more than one hundred percent of the amount of the liability under the contract within twenty days after the contract has been awarded, unless the board of commissioners shall prescribe a shorter period of not less than ten days. Upon failure to furnish the security within the prescribed time, the previous award shall be void. Deliveries, accomplishment and guarantees may be required in all cases of expenditures including exceptions herein.

(d) The contracts or purchases made by the board of commissioners which shall not require advertising, bidding or price quotations, as provided in this article, are as follows:

(1) Those for maintenance, repairs or replacements for water, electricity, or other public works of the township, provided they do not constitute new additions, extensions or enlargements of existing facilities and equipment but security may be required by the board of commissioners as in other cases of work done.

(2) Those made for improvements, repairs and maintenance of any kind made or provided by a township through its own employes if the materials used for street improvement or construction in excess of the amount specified or adjusted under subsection (a.1) are subject to the relevant price quotation or advertising requirements contained in this section.

(3) Those where particular types, models or pieces of new equipment, articles, apparatus, appliances, computer software, vehicles or parts thereof are desired by the board of commissioners which are patented or copyrighted products or are needed to ensure compatibility with existing systems, facilities or equipment.

(3.1) Those for used personal property, such as equipment, articles, apparatus, appliances, vehicles or parts thereof being purchased from a public utility, municipal corporation, county, school district, municipal authority, council of government, volunteer fire company, volunteer ambulance service, volunteer rescue squad or Federal or State Government.

(4) Those involving a policy of insurance or a surety bond.

(4.1) Those made for public utility service and electricity, natural gas or telecommunications services.

(4.2) Those made with another political subdivision or a county, or council of governments, consortium, cooperative or other similar entity created under 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental cooperation) or the Federal Government, the Commonwealth, any agency of the Federal Government or the Commonwealth or any municipal authority, including the sale, leasing or loan of any supplies or materials by the Federal Government or the Commonwealth or their agencies.

The price may not be in excess of that fixed by the Federal Government or the Commonwealth, or their agencies.

(5) Those involving personal or professional services.

(6) Those made for materials and supplies or equipment rental under emergency conditions under 35 Pa.C.S. Pt. V (relating to emergency management services).

(7) Those involving equipment rental with operators if more than fifty percent of the total labor personnel hours required for the completion of the contract is supplied by the township through its own employees.

(8) Those for the purchase of repair parts or materials for use in existing township equipment or facilities if the item or material to be purchased is the sole item of its kind on the market or is manufactured as a replacement for the original item or equipment being repaired.

(9) Those for emergency maintenance, repairs or replacements for water, electricity or public works of the township, if they do not constitute new additions, extensions or enlargements of existing facilities and equipment, but security may be required by the board of commissioners, as in other cases of work done. The actual emergency and the nature of the procurement shall be stated in a resolution by the board of commissioners and adopted at the next public meeting.

(10) Those for the mitigation of a real or potential emergency involving a clear and present danger to the health, safety and welfare of the residents of the township. For those contracts or purchases made in cases of emergencies, the actual emergency and the nature of the procurement shall be stated in a resolution by the board of commissioners and adopted at the next public meeting.

Nothing in this subsection prohibits the board of commissioners from engaging in advertising, bidding or price quotations if the board of commissioners determines that the advertising, bidding or price quotations are in the public interest.

(e) The board of commissioners shall award contracts subject to the requirements of and may exercise any powers granted by the following acts to the extent applicable:

(1) The act of August 15, 1961 (P.L.987, No.442), known as the "Pennsylvania Prevailing Wage Act."

(2) The act of December 20, 1967 (P.L.869, No.385), known as the "Public Works Contractors' Bond Law of 1967."

(3) The act of January 17, 1968 (P.L.11, No.5), known as "The Minimum Wage Act of 1968."

(4) The act of January 23, 1974 (P.L.9, No.4), referred to as the Public Contract Bid Withdrawal Law.

(5) The act of March 3, 1978 (P.L.6, No.3), known as the "Steel Products Procurement Act."

(6) The act of February 17, 1994 (P.L.73, No.7), known as the "Contractor and Subcontractor Payment Act."

(7) 62 Pa.C.S. Pt. II (relating to general procurement provisions).

(f) No person, consultant, firm or corporation contracting with a township for purposes of rendering personal or professional services to the township shall share with any township officer or employee, and no township officer or employee shall accept, any portion of the compensation or fees paid by the township for the contracted services provided to the township except under the following terms or conditions:

(1) Full disclosure of all relevant information regarding the sharing of the compensation or fees shall be made to the board of commissioners.

(2) The board of commissioners must approve the sharing of any fee or compensation for personal or professional services prior to the performance of the services.

(3) No fee or compensation for personal or professional services may be shared except for work actually performed.

(4) No shared fee or compensation for personal or professional services may be paid at a rate in excess of that commensurate for similar personal or professional services.

(1802 amended Oct. 29, 2020, P.L.782, No.96)

Compiler's Note: Section 3 of Act 85 of 2011, which amended subsecs. (a), (a.1) and (d)(2) and added subsec. (a.2), provided that Act 85 shall apply to contracts and purchases advertised on or after January 1 of the year following the effective date of section 3.

Section 1802.1. Evasion of Advertising Requirements.--(a)

(1) No commissioner or commissioners shall evade the provisions of section 1802 as to advertising for bids by purchasing or contracting for services and personal properties piecemeal for the purpose of obtaining prices under eighteen thousand five hundred dollars, subject to adjustment under section 1802(a.2), upon transactions, which transactions should, in the exercise of reasonable discretion and prudence, be conducted as one transaction amounting to more than eighteen thousand five hundred dollars, subject to adjustment under section 1802(a.2).

(2) This subsection is intended to make unlawful the evading of advertising requirements by making a series of purchases or contracts, each for less than the advertising requirement price, or by making several simultaneous purchases or contracts, each below the price, when in either case, the transactions involved should have been made as one transaction for one price.

(3) Any commissioners who vote in violation of this subsection and know that the transaction upon which they so vote is or should be a part of a larger transaction and is being divided in order to evade the requirements as to advertising for bids, shall be jointly and severally subject to surcharge for ten percent of the full amount of the contract or purchase.

(4) If it appears that a commissioner may have voted in violation of this section, but the purchase or contract on which the commissioner voted was not approved by the board of commissioners, this section shall not apply.

(b) Any commissioner who votes to unlawfully evade the provisions of section 1802 and who knows that the transaction upon which the member votes is or should be a part of a larger transaction and is being divided in order to evade the requirements as to advertising for bids commits a misdemeanor of the third degree for each contract entered into as a direct result of that vote. The penalty under this subsection shall be in addition to a surcharge that may be assessed under subsection (a).

(1802.1 amended Oct. 29, 2020, P.L.782, No.96)

Compiler's Note: Section 3 of Act 85 of 2011, which amended section 1802.1, provided that Act 85 shall apply to contracts and purchases advertised on or after January 1 of the year following the effective date of section 3.

Section 1804. Bonds for Protection of Labor and Materials.--Before a contract exceeding ten thousand dollars is awarded to a prime contractor or construction manager for the construction, erection, installation, completion, alteration, repair of or addition to a public work or

improvement of any kind, the contractor shall furnish to the township a payment bond for the protection of claimants supplying labor or materials to the prime contractor to whom the contract is awarded, at no less than one hundred percent of the contract amount, conditioned for the prompt payment of the materials furnished or labor supplied or performed in the prosecution of the contract under the act of December 20, 1967 (P.L.869, No.385), known as the "Public Works Contractors' Bond Law of 1967." The bond requirement is in addition to any other bond requirement required by law to be given in connection with the contract.

(1804 amended Oct. 29, 2020, P.L.782, No.96)

Compiler's Note: Section 10 of Act 385 of 1967 provided that section 1803 is repealed insofar as it is inconsistent with Act 385.

Section 1804.1. Purchase Contracts for Petroleum Products; Fire Company, Etc., Participation.--The board of commissioners of each township shall have power to permit, subject to terms and conditions as it may, and as specifically provided, shall, prescribe a paid or volunteer fire company, paid or volunteer rescue company and paid or volunteer ambulance company in the township to participate in purchase contracts for petroleum products entered into by the township. A company desiring to participate in purchase contracts shall file with the township secretary a request to authorize it to participate in contracts for the purchase of petroleum products of the township and agreeing that it will be bound by the terms and conditions as the township may, and as specifically provided, shall, prescribe and that it will be responsible for payment directly to the vendor under each purchase contract. Among the terms and conditions, the township shall prescribe that all prices shall be F.O.B. destination.

(1804.1 amended Oct. 29, 2020, P.L.782, No.96)

Section 1805. Separate Specifications for Branches of Work.--In the preparation of specifications for the erection or alteration of any public building, when the entire cost of the work exceeds the base amount of eighteen thousand five hundred dollars (\$18,500), subject to annual adjustment under section 1802(a.2), the architect, engineer, or person preparing the specifications shall prepare separate specifications for the plumbing, heating, ventilating, and electrical work, and the township shall receive separate bids upon each of the branches of work, and award the contract for the same to the lowest responsible bidder for each of the branches.

(1805 amended Oct. 29, 2020, P.L.782, No.96)

Compiler's Note: Section 3 of Act 85 of 2011, which amended section 1805, provided that Act 85 shall apply to contracts and purchases advertised on or after January 1 of the year following the effective date of section 3.

Section 1806. Workers' Compensation Insurance.--(a) A contract executed by a township or an officer of a township, which involves the construction or doing of work involving the employment of labor, shall contain a provision that the contractor shall accept, insofar as the work covered by the contract is concerned, the provisions of the act of June 2, 1915 (P.L.736, No.338), known as the "Workers' Compensation Act," and any supplements or amendments to the act, and that the contractor will insure the contractor's liability under the act and will file with the township with which the contract is made a certificate of exemption from insurance from the Bureau

of Workers' Compensation of the Department of Labor and Industry. The certificate of exemption from insurance may be issued on the basis of either individual self-insurance or group self-insurance. Additionally, a contractor shall file with the township with which the contract is made any applications to be excepted by the provisions of the "Workers' Compensation Act" in respect to certain employees on religious grounds if the applications have been accepted by the Department of Labor and Industry.

(b) A contract executed in violation of subsection (a) is void.

(1806 amended Oct. 29, 2020, P.L.782, No.96)

Section 1807. Engineers and Architects Not to Be Interested in Contracts.--(1807 repealed Oct. 29, 2020, P.L.782, No.96)

Section 1808. Minimum Wages under Contracts.--(1808 repealed Oct. 29, 2020, P.L.782, No.96)

Section 1809. Discrimination Between Employees.--(1809 repealed May 15, 1998, P.L.358, No.57)

Section 1810. Publication of Contract Notices.--(1810 repealed July 9, 1976, P.L.877, No.160)

Section 1811. Personal Interest in Contracts and Purchases.--Elected and appointed township officials and township employees are restricted from an interest in township contracts and purchases to the extent provided in 65 Pa.C.S. Ch. 11 (relating to ethics standards and financial disclosure).

(1811 amended Oct. 29, 2020, P.L.782, No.96)

ARTICLE XIX EMINENT DOMAIN; ASSESSMENT OF DAMAGES AND BENEFITS

(a) General Provisions Relating to Eminent Domain
(Subdiv. hdg. repealed Oct. 29, 2020, P.L.782, No.96)

Section 1901. Exercise of Eminent Domain.--(a) A township may acquire property by eminent domain, including entering upon, appropriating, taking, using and occupying private lands and property for any of the following public purposes:

(1) The laying out, opening, widening, extending, vacating, grading or changing the grades or lines of streets or highways.

(2) The construction of bridges and the piers and abutments for bridges.

(3) The construction of slopes, embankments and storm water sewers and storm water facilities, the changing of watercourses, and the construction of sanitary sewer mains, drains or treatment works.

(4) The erection and extension of water systems, wharves and docks, public buildings, public works or land for a public works related function, municipal waste processing and disposal facilities, including municipal waste landfills, libraries, and the establishing of parks, playgrounds and recreation places.

(5) For all other purposes authorized by this act.

(b) Eminent domain proceedings shall be subject to and conform with the provisions of 26 Pa.C.S. (relating to eminent domain).

(1901 amended Oct. 29, 2020, P.L.782, No.96)

Section 1902. Restrictions As to Certain Property.--(a) In addition to the restrictions made by other provisions of this act in particular cases or by any other provision of law, no township shall exercise the right of eminent domain against:

(1) land now occupied by any building that was used during the Colonial or Revolutionary period as a place of Assembly by

the Council of the Colony of Pennsylvania, the Supreme Executive Council of the Commonwealth of Pennsylvania, or the Congress of the United States;

(2) the land occupied by any fort, redoubt, or blockhouse erected during the Colonial or Revolutionary period or any building used as headquarters by the Commander-in-Chief of the Continental Army; or

(3) the site of any building, fort, redoubt, blockhouse, or headquarters that is preserved for the site's historic associations and not for private profit.

(b) For the purposes of subsection (a), the Colonial and Revolutionary period shall be deemed to have ended on September 3, 1783.

(1902 amended Oct. 29, 2020, P.L.782, No.96)

Section 1902.1. Declaration of Intention.--A township shall declare its intention to acquire, enter upon, take, use and appropriate any private property or land for any of the purposes authorized by this act by ordinance or resolution.

(1902.1 added Oct. 29, 2020, P.L.782, No.96)

Section 1903. Possession of Property upon Tender of Bond.--(1903 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1904. Notice to Quit; Possession; Procedure.--(1904 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1905. Bond of Township Without Surety Sufficient.--(1905 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1906. Value of Land or Property Not to Be Assessed as Benefits; Exceptions.--In the appropriation of land or property for public use, other than for streets, it shall not be lawful 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.

(1906 amended Oct. 29, 2020, P.L.782, No.96)

Section 1907. Right to Damages.--(1907 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1908. Viewers' Report.--(1908 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1909. Plans of Properties Condemned to Be Furnished to Viewers.--(1909 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1910. Condemnation Petition to Specify Liens; Exception.--(1910 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1911. Findings of Facts as to Liens.--(1911 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1912. Reports of Viewers as to Liens; Appeals; Distribution to Lien Creditors; Discharge of Liens.--(1912 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1913. Vesting Title.--(1913 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1914. Competency of Evidence as to Market Value of Land or Property.--(1914 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1915. Proceedings Where Assessments by Viewers Waived.--(1915 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1916. Appeals in Eminent Domain Proceedings; Payment of Money Into Court.--(1916 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1917. 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 any real property acquired by the township or in the notice of condemnation.

(1917 amended Oct. 29, 2020, P.L.782, No.96)

Section 1918. Land Transferable.--(1918 repealed Apr. 18, 1978, P.L.202, No.53)

(b) Procedure for the Exercise of Eminent Domain and for the Assessment of Damages and Benefits
(Subdiv. repealed Oct. 29, 2020, P.L.782, No.96)

Section 1920. Petition for Viewers; Time of Meeting.--(1920 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1921. When Viewers May Be Appointed.--(1921 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1922. Notice of Meeting of Viewers.--(1922 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1923. Swearing Viewers; Hearings; Schedules of Damages and Benefits.--(1923 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1924. Assessment of Damages and Benefits.--(1924 repealed Oct. 29, 2020, P.L.782, No.96)

Section 1925. Assessment Awards.--(1925 repealed Oct. 29, 2020, P.L.782, No.96)

Section 1926. Separate Reports of Damages and Benefits.--(1926 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1927. Notice When Schedules Will Be Exhibited.--(1927 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1928. Service of Notices.--(1928 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1929. Report of Viewers; Plan of Improvements.--(1929 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1930. Notice of Filing of Report.--(1930 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1931. Townships to Pay Costs of Proceedings.--(1931 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1932. Bond of Township.--(1932 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1933. Condition of Bond; Notice of Filing in Court.--(1933 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1934. Filing Bond; Recovery Thereon.--(1934 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1935. Exceptions to Report of Viewers.--(1935 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1936. Confirmation of Report of Viewers.--(1936 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1937. Effect of Exceptions on Confirmation of Report.--(1937 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1938. Appeals from Confirmations after Exceptions.--(1938 repealed June 3, 1971, P.L.118, No.6 and Apr. 28, 1978, P.L.202, No.53)

Section 1939. Effect of Appeals.--(1939 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1940. Filing Assignments of Error, Et Cetera.--(1940 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1941. Certificate of Judge of the Court Below.--(1941 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1942. Effect of Affirmation of Decree of Court Below.--(1942 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1943. Consolidation of Appeals.--(1943 repealed June 3, 1971, P.L.118, No.6 and Apr. 28, 1978, P.L.202, No.53)

Section 1944. Appellants May Unite in Appeals; Effect Thereof.--(1944 repealed June 3, 1971, P.L.118, No.6 and Apr. 28, 1978, P.L.202, No.53)

Section 1945. Appeals from Reports of Viewers for Jury Trial.--(1945 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1946. Reason for Appeals to Be Stated.--(1946 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1947. Costs.--(1947 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1948. Notices; Appeals from the Court Below.--(1948 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1949. Appeals to the Wrong Court.--(1949 repealed June 3, 1971, P.L.118, No.6 and repealed Apr. 28, 1978, P.L.202, No.53)

Section 1950. Appeals Not to Prevent Filing Liens.--(1950 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1951. Discontinuance of Proceedings.--(1951 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1952. Assessments to Bear Interest.--(1952 repealed Oct. 29, 2020, P.L.782, No.96)

Section 1953. Damages to Bear Interest.--(1953 repealed Apr. 28, 1978, P.L.202, No.53)

ARTICLE XX

STREETS AND HIGHWAYS

(Hdg. amended May 27, 1953, P.L.220, No.30)

(a) Plans of Streets and Highways

(Subdiv. hdg. repealed Oct. 29, 2020, P.L.782, No.96)

Section 2001. (2001 repealed July 31, 1968, P.L.805, No.247)

Section 2002. Definitions.--The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Improving a street" or "improvement." The term includes work on a street or portion thereof done or proposed to be done in order to open the street if the street has not previously been opened or, if previously opened, to make the street more usable or more suitable for use by the traveling public or safer for use. The term includes, but is not limited to, grading, paving and curbing. The term shall not include maintenance or repaving.

"Laying out." The term includes the plotting of:

(1) An unopened street or portion of the street on a township plan or official map adopted in accordance with the act of July 31, 1968 (P.L.805, No.247), known as the "Pennsylvania Municipalities Planning Code," on a subdivision or land development plan or by the enactment of an ordinance adopted in accordance with this article.

(2) An unopened street in a case where any of the lines of the street are proposed to be revised or in a case where the street was never previously laid out although the street may have been opened and used.

"Opened streets." The term includes the streets within the township used as public passageways.

"Opening a street." The term includes the construction and grading of a street or portion thereof and the act of physically taking possession of an area or laid-out street for the purpose of making the same usable to the traveling public.

"Portion." The term includes a portion either of the width or length of a street. Opening a portion of a street may mean

extending or widening a street, and vacating a portion of a street may mean closing or narrowing a street.

"Street." The term includes a street, road, lane, alley, court or public square, either for or intended for public use and shall include the cartway, sidewalk, gutter, curb or the right-of-way area, whether or not the street, or any portion of the street, is owned in fee by others than the township. Streets are of two classes, opened and unopened.

"Unopened streets." The term includes the streets within the township neither used as a public passageway nor accepted or maintained, but plotted in one of the following:

(1) a township plan or official map adopted in accordance with the Pennsylvania Municipalities Planning Code;

(2) an ordinance laying out the street in accordance with this article;

(3) a subdivision or land development plan; or

(4) an individual deed.

(2002 added Oct. 29, 2020, P.L.782, No.96)

Section 2003. Township Street Plan.--(a) A township that has not maintained an accurate plan of township streets adopted in accordance with this article prior to the effective date of this section may only adopt a plan of streets under the act of July 31, 1968 (P.L.805, No.247), known as the "Pennsylvania Municipalities Planning Code."

(b) If a township maintains a plan of streets adopted prior to the effective date of this section, or maintains an official map containing opened and unopened streets, a street laid out in accordance with this article by ordinance or by final approval of a subdivision or land development plan must be deemed an amendment to the plan. Notwithstanding any other provision of law, a deemed amendment as provided in this section and a subsequent placement of the street on a plan may not be subject to public notice or public hearing if the street has been laid out in accordance with the requirements of this article.

(c) The maintenance of a plan of streets or official map shall not be required in order for a township to lay out streets in accordance with sections 2005 and 2007.

(2003 added Oct. 29, 2020, P.L.782, No.96)

Section 2004. Certain Streets Declared Public Streets.--(a) Every street which has been used for public travel and maintained and kept in repair continuously by the township for a period of at least twenty-one years, pursuant to authorization by the board of commissioners, is a public street having a right-of-way of not less than twenty-four feet, even though there is no public record of the laying out or dedication for public use of the street.

(b) In any proceeding pursuant to this section, any relevant oral or documentary evidence of public travel or maintenance and repairs by the township shall, if presented, be considered, including, but not limited to:

(1) Maps or surveys which are either generated by any governmental unit or are created pursuant to any judicial proceeding of the courts of this Commonwealth.

(2) Evidence concerning the distribution of government funds to the township pursuant to the act of June 1, 1956 (1955 P.L.1944, No.655), referred to as the Liquid Fuels Tax Municipal Allocation Law.

(3) Approved subdivision plans, deeds or other documents containing a designation of the street as either a township street or otherwise.

(4) Evidence that the street is an extension from a public street or public cul-de-sac or a throughway between other municipal or State streets or provides the only access to a municipal boundary line.

(5) Court orders, decisions, findings of fact or other matters of judicial record relating to public or private rights in the street.

(c) For purposes of this section:

(1) The frequency of use of a street may be considered relevant in any proceeding pursuant to this section, but, in the absence of additional findings on the purpose of such use, shall not alone be sufficient to establish that the street has been used for public travel.

(2) The condition or sufficiency of the street surface for public travel may be considered relevant in any proceeding pursuant to this section, but, absent additional findings of actual public maintenance and repair, shall not alone be sufficient to establish maintenance and repair by the township.

(d) Nothing in this section shall be construed as affecting the weight or persuasiveness of any evidence presented in accordance with subsection (b) or the relevance of any evidence presented except as otherwise provided in this section.

(e) In any proceeding in which this section is relied upon to allege the existence of a public street, the proponent of the public status of the street shall present evidence first, and the burden shall then shift to the opponent to present evidence to refute the public status of the street.

(2004 added Oct. 29, 2020, P.L.782, No.96)

(b) Laying Out, Opening, Widening, Straightening,
Vacating and Relaying Streets, Highways,
Et Cetera; Repairs and Detours

(Subdiv. hdg. repealed Oct. 29, 2020, P.L.782, No.96)

Section 2005. Power to Lay Out, Open, Vacate and Alter Streets.--With regard to any street or portion of a street within township limits, a township may, with or without petition of abutting property owners, do any of the following:

(1) Lay out, open, widen, straighten, alter, extend, relocate and improve.

(2) Establish or reestablish the grades.

(3) Keep in order and repair and in safe passable condition.

(4) Vacate and discontinue when deemed expedient for the public good.

(5) With the approval of the Department of Transportation, vacate highways laid out by the Commonwealth within the township limits which have remained unopened for thirty years.

(2005 amended Oct. 29, 2020, P.L.782, No.96)

Section 2006. Prohibition.--No street shall be laid out and opened through any burial ground or cemetery, nor through any grounds occupied by a building used as a place for public worship, or as a public or parochial school or educational or charitable institution or seminary, unless the consent of the owner of the premises is first secured.

(2006 amended Oct. 29, 2020, P.L.782, No.96)

Section 2007. Procedures for Laying Out, Opening, Changing, Improving or Vacating Streets.--(a) Before the enactment of any ordinance for the laying out, opening, widening, straightening, extending, altering, improving, relocating or vacating of any street or highway or portion of any street or highway, the board of commissioners shall give ten days' written notice to the owners of property adjacent to the street or

highway or portions of the street or highway affected thereby of the time and place set for a hearing on the proposed matter. Witnesses may be summoned and examined by the board of commissioners and by the parties interested at the hearing.

(b) After the hearing and a consideration of the matter under subsection (a), if the board of commissioners votes in favor of exercising the power so conferred, the board shall make written report, together with a draft or survey of the street or highway, which shall include:

- (1) the width of the street or highway;
- (2) the improvements along the street or highway; and
- (3) the names of the owners of property which the street or highway shall pass through or abut.

(c) The report and draft shall be filed in the recorder of deeds office of the county.

(d) Any resident or property owner affected by the report may, within thirty days after the filing of the report of the board of commissioners, upon entering in the court sufficient surety to indemnify the board of commissioners for all costs incurred in the proceedings, file exceptions to the report, together with a petition for a review.

(e) The following shall apply after the expiration of the term allowed for filing exceptions or upon an order of the court upon disposition of any exceptions:

(1) If the board of commissioners desires to lay out, open, widen, straighten, alter, extend, improve, relocate or vacate the street or highway or portion thereof, the board of commissioners shall enact an ordinance for the same.

(2) The court of common pleas, on application by petition by the board of commissioners or any person interested, shall appoint three viewers from the county board of viewers to assess the damages and benefits occasioned by the proceeding unless the damages and benefits are otherwise agreed upon.

(2007 amended Oct. 29, 2020, P.L.782, No.96)

Section 2008. Draft; Report.--(2008 repealed Oct. 29, 2020, P.L.782, No.96)

Section 2009. Exceptions to Report.--(2009 repealed Oct. 29, 2020, P.L.782, No.96)

Section 2010. Appointment of Viewers.--(2010 repealed Oct. 29, 2020, P.L.782, No.96)

Section 2011. Notices to Be Posted Along Improvement.--(2011 repealed Oct. 29, 2020, P.L.782, No.96)

Section 2011.1. Petition for Opening, Etc.--(a) A petition may be presented to the board of commissioners for the opening, widening, straightening, extending, altering, improving, relocating, vacating or establishing or reestablishing the grade of any street.

(b) A petition made pursuant to this section must be:

(1) Signed by a majority, in number and interest, of the owners of property abutting on the line of the proposed improvement or vacation as fixed at the time of presentation of the petition.

(2) Verified by affidavit of one or more of the petitioners.

(3) Accompanied by payment of reasonable and necessary fees established by resolution in a form acceptable to the township. Fees may include those reasonable and necessary costs and expenses anticipated to be incurred by the township in responding to the petition, such as advertising, engineering, hearing, legal and similar costs.

(c) The majority in interest of owners of undivided interests in any piece of property shall be deemed as one person for the purposes of the petition.

(2011.1 added Oct. 29, 2020, P.L.782, No.96)

Section 2011.2. Notice of Petition.--(a) After a petition has been presented in accordance with section 2011.1 and the board of commissioners has determined the adequacy of the petition, but before final enactment of any ordinance enacted pursuant to the petition, notice shall be published once in a newspaper of general circulation pursuant to section 110, and handbills shall be posted in conspicuous places along the line of the proposed improvement.

(b) The notice and handbills shall include the following:

(1) Statement that the petition for the improvement was signed by a majority, in interest and number, of the owners of property abutting the line of the proposed improvement.

(2) Any person interested may provide comments at a public hearing to be held at a date, time and place as stated in the published notice and handbills.

(c) If, after a hearing, the board of commissioners determines to proceed with the consideration of an ordinance pursuant to the petition, it shall publish notice of the proposed ordinance and incorporate reference to any maps or drawing in accordance with Article XXXIII-A.

(2011.2 added Oct. 29, 2020, P.L.782, No.96)

Section 2012. Width of Public Streets.--(a) The width of a street in townships shall not be less than twenty-four feet nor more than one hundred and twenty feet. The minimum required width shall be in addition to any width required for necessary slopes in cuts or fills.

(b) The width of an alley shall be subject to the discretion of the board of commissioners.

(2012 amended Oct. 29, 2020, P.L.782, No.96)

Section 2013. Opening and Repairing Streets.--(a) Laid out public streets in townships shall, as soon as practicable, be effectually opened and constantly kept in repair. All streets shall, at all seasons, be kept reasonably clear of all impediments to easy and convenient traveling, at the expense of the township.

(b) When proceedings have been initiated under this act for the opening and laying out of any public street in any township, the street shall be physically opened for use by the public within a period of five years after the completion of the proceedings. If the street is not opened or if no proceedings have been commenced to compel the opening in five years, then the proceedings are void and the land proposed to be taken shall revert to the owners of the land free of any easement or right of the public to use the land.

(2013 amended Oct. 29, 2020, P.L.782, No.96)

Section 2014. Street Closings and Detours.--(a) The following shall apply to the closing of a street to vehicular traffic:

(1) No street shall be closed to vehicular traffic, except upon order of the board of commissioners or, in cases of emergency, when immediate action is necessary to protect public safety, by order of the police, an authorized fire official or other authorized public employee.

(2) A street may not remain closed for a longer period than is necessary for the purpose for which the order to close was issued.

(3) Except in cases of emergency, when immediate action is necessary to protect public safety, no street shall be closed to vehicular traffic when the street has been designated as a detour by the Department of Transportation, unless the Secretary of Transportation has provided written consent or the board of

commissioners has, by resolution duly recorded on its minutes, declared the closing necessary for the safety of the public.

(4) When any street which forms a part or section of a State highway or has been designated as a detour by the Department of Transportation is closed to vehicular traffic, the township shall at once notify the Department of Transportation of the creation of a detour under this section. The Department of Transportation shall be notified immediately after the detour is removed.

(5) When any street is to be closed, it shall be the duty of the board of commissioners or official authorizing the closing to immediately designate or lay out a detour.

(6) While the detour is in use, legible signs shall be erected and maintained at reasonable intervals indicating the proper direction and the detour shall be maintained in a safe and passable condition, except in the case of State or county highways.

(7) When the street that had been closed is opened for traffic, all detour signs shall be removed.

(8) Except in the case of State or county highways, the board of commissioners shall, as soon as possible, repair the street designated as a detour and place the street in a condition at least equal to its condition when designated as a detour.

(b) The board of commissioners may enter into agreement with the owners of private lands, covering the acquisition of right of way privileges for a detour over private property for the period when the street shall be closed to traffic. If the parties cannot reach an agreement, the township may proceed with the construction of the detour with the owner of the property taken for the detour entitled to seek damages, if any, in the same manner as damages are now ascertained for the opening of streets in the township.

(c) In the exercise of the rights conferred by this section relating to detours, the board of commissioners is empowered to pay for the necessary maintenance, subsequent repair, and land rental out of the money available for the construction and maintenance of township streets.

(d) Any person who willfully removes, defaces, destroys or disregards any barricade, light, danger sign, detour sign, or warning of any other type legally erected or placed or who drives on, over or across any street which has been closed by proper authority commits a summary offense punishable upon conviction in accordance with section 3321-A.

(e) 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) 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 any person who damages a street when it is closed to vehicular traffic.

(g) All money collected under the provisions of this section shall be paid over to the township treasurer.

(h) The board of commissioners may temporarily close any street when it 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.

(2014 amended Oct. 29, 2020, P.L.782, No.96)

Compiler's Note: Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

Section 2015. Laying out Roads under the General Road Law.--(2015 repealed Oct. 29, 2020, P.L.782, No.96)

Section 2016. Street Connecting with Street of Another Municipal Corporation.--(a) All streets partly within a township of the first class shall be laid out, opened, widened, straightened, altered, extended, vacated, improved, relocated or have grades established or reestablished pursuant to this article to the extent the street or portion of the street is within the township.

(b) (1) The procedures applicable to any portion of the street outside the township shall be pursuant to the code applicable to the classification of the other municipal corporation with which the street is shared.

(2) Notwithstanding paragraph (1), no action may be taken under this article that would result in the change of location or grade or the vacation of a street or portion of the street that connects with a street of another municipal corporation without approval of the court of common pleas of the county in which the other municipal corporation is located, unless the municipal corporation first files with the township secretary the municipal corporation's approval of the proposed action.

(2016 added Oct. 29, 2020, P.L.782, No.96)

(c) Dedicated Streets and Drainage Facilities
(Subdiv. hdg. repealed Oct. 29, 2020, P.L.782, No.96)

Section 2019. Scope of Subdivision. (2019 repealed Oct. 29, 2020, P.L. , No.96)

Section 2020. Acceptance of Land for Street Purposes.--(a) The board of commissioners may, by ordinance or resolution, accept in the name of the township any land dedicated by deed to the township to be used in any manner for street purposes.

(b) No person shall construct, open, or dedicate any street or any drainage facilities in connection with the street for public use or travel in any township without first submitting plans to the board of commissioners for their approval. The plans shall be prepared in accordance with rules and regulations as may be prescribed by the commissioners and shall show the profiles of the streets, the course, structure, and capacity of any drainage facilities and the method of drainage of the adjacent or contiguous territory and any other details required under the rules and regulations adopted by the board of commissioners.

(c) The act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, shall apply to the construction, security requirements and dedication of streets and connected drainage facilities if the streets proposed to be constructed are part of a plan required by an ordinance adopted under the Pennsylvania Municipalities Planning Code.

(d) (1) Before acting upon plans not subject to review under subsection (c), the board of commissioners may, in the board's discretion, arrange for a public hearing, after giving notice as they may deem desirable in each case. The board of

commissioners may alter the plans and specify changes or modifications of any kind and may make its approval of the plans subject to alterations, changes or modifications. Plans, when so approved, shall be signed on behalf of the township by an officer as the commissioners may designate, and an approved copy shall be filed in the township engineer's office or other proper office, where the same shall be available to public inspection.

(2) No street or any drainage facilities in connection with the street shall be opened, constructed, or dedicated for public use or travel except in compliance with plans approved by the board of commissioners and until the approved plan is recorded as required in this article.

(e) If the board of commissioners refuses to approve any plans submitted to the board under this section, any person aggrieved by the action of the board of commissioners may within thirty days after the action appeal from the action by petition to the court of common pleas and the court shall hear the matter de novo. The following shall apply:

(1) After a hearing, the court may enter a decree affirming, reversing or modifying the action of the board of commissioners as may appear just.

(2) The court shall designate the manner in which notices of the hearing of any appeal shall be given to all parties interested.

(3) The decision of the court shall be final.

(4) A plan approved by the action of the board of commissioners or by the court on appeal shall be recorded by the person applying for approval in the office of the recorder of deeds of the county.

(f) If any street or any drainage facilities in connection with a street is opened, constructed or dedicated for public use or travel, except in compliance with plans approved and recorded, neither the board of commissioners nor any public authority shall be required to place, construct or operate any sewer, drain, water pipe or other facilities or do any work of any kind in or upon the street. Neither the board of commissioners nor any other public authority shall have any responsibility of any kind with respect to the street or drainage facilities even if the street or drainage facilities are in use by the public, unless the street or drainage facilities is accepted by ordinance or by deed of dedication. Nothing in this act 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) 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 their 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 same.

(h) The following shall apply:

(1) Nothing in this section shall be deemed to prevent the board of commissioners from enforcing the provisions of this act in which any street or any drainage facility in connection with the street is intended for public use or travel.

(2) If a township fails to file a certificate under subsection (g), nothing in this section shall be interpreted to create a deemed approval of the plans nor create any responsibility of the township with respect to the land, street or drainage facility.

(i) Any person who constructs, opens or dedicates any street or drainage facilities for public use or travel in any township without having first complied with the provisions of this section and of any ordinances or resolutions of the board of commissioners commits a misdemeanor of the third degree and is subject to suit for all costs and damages incurred by the township or property owners in the course of correcting substantive violations of State or municipal law or regulations resulting from or arising out of the unlawfully constructed street or facility. All money recovered shall be paid to the township treasurer.

(j) No approval of plans by the board of commissioners shall obligate or require the township to construct, reconstruct, maintain, repair or grade the streets.

(2020 amended Oct. 29, 2020, P.L.782, No.96)

Section 2021. Appeals where Commissioners Refuse Approval.--(2021 repealed Oct. 29, 2020, P.L.782, No.96)

Section 2022. No Responsibility on Township Where Plans Not Approved.--(2022 repealed Oct. 29, 2020, P.L.782, No.96)

Section 2023. Entry of Lands.--(2023 repealed Oct. 29, 2020, P.L.782, No.96)

Section 2024. Penalty.--(2024 repealed Oct. 29, 2020, P.L.782, No.96)

Section 2025. Powers of State and Counties Preserved.--(2025 repealed Oct. 29, 2020, P.L.782, No.96)

Section 2025.1. Powers of State and Counties Preserved.--Nothing contained in this article shall be held to restrict or limit the Department of Transportation or any county in the exercise of any of its duties, powers and functions under the provisions of any State law.

(2025.1 added Oct. 29, 2020, P.L.782, No.96)

Section 2026. Exclusive Nature of Provisions.--No street may be dedicated, accepted, acquired, laid out, opened or vacated by a township except under this article.

(2026 added Oct. 29, 2020, P.L.782, No.96)

Section 2027. Failure of Board of Commissioners to Hold Hearing.--If, after the filing of a petition under this article, the board of commissioners fails to hold a required hearing, an aggrieved party may file a mandamus action in the court of common pleas requesting that a hearing be held.

(2027 added Oct. 29, 2020, P.L.782, No.96)

Section 2028. Entry on Land to Maintain Marks and Monuments.--The board of commissioners and the board of commissioners' agents and employees may enter upon any land or property to maintain marks and monuments as the board of commissioners deems necessary in carrying out the board of commissioners' powers and duties under this article.

(2028 added Oct. 29, 2020, P.L.782, No.96)

Section 2029. Bike Paths.--The board of commissioners may provide for the construction and maintenance of bike paths for the protection or convenience of the traveling public.

(2029 added Oct. 29, 2020, P.L.782, No.96)

(d) Relocation, Alteration, and Vacation of
Streets in or near State Parks

(Subdiv. hdg. repealed Oct. 29, 2020, P.L.782, No.96)

Section 2030. Streets in or near Public Parks.--(a) The board of commissioners may contract with the Commonwealth, a county or a municipal corporation owning and operating parks inside the township to establish, relocate, alter or vacate public streets inside or contiguous to those parks. The board of commissioners shall take no action with respect to the public streets without the written consent and agreement of the Commonwealth, county or municipal corporation owning and operating the parks. Any street when altered or relocated under this section shall be maintained and repaired the same as other township streets.

(b) The agreement shall be adopted by ordinance and within thirty days the street shall be a public street of the township.

(c) The owner of any land through which any public street may be located or relocated may apply by petition to the court of common pleas, setting forth the injury that has been sustained by reason of the relocation of the public street. The proceedings relative to the assessment and payment of damages of the landowner shall be pursuant to 26 Pa.C.S. (relating to eminent domain).

(2030 amended Oct. 29, 2020, P.L.782, No.96)

Section 2031. Agreement to Be Filed in Court; Effect of Filing.--(2031 repealed Oct. 29, 2020, P.L.782, No.96)

Section 2032. Altered and Relocated Streets Declared Township Streets.--(2032 repealed Oct. 29, 2020, P.L.782, No.96)

Section 2033. Assessment of Damages.--(2033 repealed Oct. 29, 2020, P.L.782, No.96)

(e) Elimination of Curves

(Subdiv. repealed Oct. 29, 2020, P.L.782, No.96)

Section 2035. (2035 repealed Oct. 29, 2020, P.L.782, No.96)

(f) Acquisition of Unobstructed Views at Curves
and Intersections

(Subdiv. hdg. repealed Oct. 29, 2020, P.L.782, No.96)

Section 2040. Elimination of Curves and Acquisition of Views.--(a) 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 any street or highway, for the better protection and safety to the traveling public.

(b) 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) 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) 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 as will not interfere with a free and unobstructed view at the dangerous crossing or curve.

(2040 amended Oct. 29, 2020, P.L.782, No.96)

(g) Changing or Altering Streets by Agreement
with Property Owners

(Subdiv. hdg. repealed Oct. 29, 2020, P.L.782, No.96)

Section 2045. Improving or Vacating Streets by Agreement.--

(a) When the board of commissioners constructs, changes, widens, relocates, vacates or alters any portion of any public street under their supervision, and can agree with the property owners affected by the change as to damages, the board of commissioners may, upon payment of damages agreed upon, construct, change, widen, relocate, vacate or alter the portion of the street as contemplated in the agreement without the formality of a view.

(b) A copy of the agreement setting forth the facts regarding the construction, change, widening, relocation, vacation or alteration, accompanied by a map or draft of the street agreed to be constructed, changed, widened, relocated, vacated or altered, shall be presented and recorded in the office of the recorder of deeds or similar office in home rule counties after which the new location is the public street or the old location is vacated.

(c) Nothing contained in this section shall be construed to prohibit a township from paying for curbs, gutters, sidewalks, retaining walls and incidental work necessitated by such construction, change, alteration, relocation, vacation or widening in cases where the necessary land is dedicated to the township for public use.

(2045 amended Oct. 29, 2020, P.L.782, No.96)

(h) Grading, Draining, Curbing, Paving,
Macadamizing Streets or Highways on Petition,
and Assessment of Benefits by Viewers

(Subdiv. hdg. repealed Oct. 29, 2020, P.L.782, No.96)

Section 2050. Proceedings With or Without
Petition.--Townships may improve streets, portions of streets or a particular width or additional widths of streets, with or without the assistance or contribution of the Federal Government, the Commonwealth, the county or a corporation occupying the thoroughfare, and may assess and collect the following from the owners of real estate abutting on the improvement in accordance with Article XXV-A:

(1) The whole cost of improvement.

(2) The whole cost of improvement not aided or contributed to by the Federal Government, the Commonwealth, the county or a corporation.

(3) Any part of the cost.

(2050 amended Oct. 29, 2020, P.L.782, No.96)

Section 2051. Grading Restrictions.--(2051 repealed Oct. 29, 2020, P.L.782, No.96)

Section 2052. Notice.--(2052 repealed Oct. 29, 2020, P.L.782, No.96)

Section 2053. Contents of Notice.--(2053 repealed Oct. 29, 2020, P.L.782, No.96)

Section 2054. Appeals from Ordinance.--(2054 repealed Oct. 29, 2020, P.L.782, No.96)

Section 2055. Assessment of Damages and Benefits by Viewers.--(2055 repealed Oct. 29, 2020, P.L.782, No.96)

Section 2056. Assessments to Bear Interest; Collection.--(2056 repealed Oct. 29, 2020, P.L.782, No.96)

(i) Grading, Draining, Curbing, Paving or
Macadamizing Streets or Highways, and Collection
of Cost by Foot Front Rule
(Subdiv. repealed Oct. 29, 2020, P.L.782, No.96)

Section 2060. Proceedings With or Without Petition.--(2060 repealed Oct. 29, 2020, P.L.782, No.96)

Section 2061. Grading Restrictions.--(2061 repealed Oct. 29, 2020, P.L.782, No.96)

Section 2062. Notice of Assessments.--(2062 repealed Oct. 29, 2020, P.L.782, No.96)

Section 2063. Collection of Assessments.--(2063 repealed Oct. 29, 2020, P.L.782, No.96)

(j) Road Material, Ditches, Drains and Watercourses
(Subdiv. repealed Oct. 29, 2020, P.L.782, No.96)

Section 2065. Power to Enter Lands.--(2065 repealed Oct. 29, 2020, P.L.782, No.96)

Section 2066. Viewers to Fix Damages.--(2066 repealed Oct. 29, 2020, P.L.782, No.96)

Section 2067. Ditches, Drains, and Watercourses; Approval of Plans.--(2067 repealed Oct. 29, 2020, P.L.782, No.96)

Section 2068. Power to Open Drains and Ditches.--(a) The board of commissioners or its agents and employees may enter any lands or enclosures and cut, open, maintain and repair drains or ditches through the property when necessary to carry the water from the streets.

(b) Any person who damages or diverts any drain or ditch without the authority of the board of commissioners commits a summary offense and is liable for the cost of restoring the drain or ditch. All money recovered under this subsection shall be paid to the township treasurer.

(2068 added Oct. 29, 2020, P.L.782, No.96)

(k) Trees, Shrubbery, and Obstructions within
Limits of Streets or Highways
(Subdiv. hdg. repealed Oct. 29, 2020, P.L.782, No.96)

Section 2070. Trees and Shrubbery Within Right-of-Way.--(a) In order to provide for easy and convenient traveling upon the public streets or highways, the board of commissioners may cut, alter or remove any trees, shrubbery, underbrush, refuse or obstructions within the legal width of any public street or highway, or any portion thereof.

(b) All logs, cordwood, branch wood or other forms of wood derived from the destruction or removal of any trees growing along streets or highways shall be surrendered to and remain the property of the abutting owners, provided that the abutting owners shall, within ten days after notice from the township, remove the logs, cordwood, branch wood or other forms of wood from the legal width of the street or highway. In the event of the abutting owners' failure to do so, they shall forfeit all

interest therein, and the same may be disposed of as the board of commissioners deems proper.

(2070 amended Oct. 29, 2020, P.L.782, No.96)

- (l) Protection of Streets or Highways from Snowdrifts
(Subdiv. hdg. repealed Oct. 29, 2020, P.L.782, No.96)

Section 2078. Protection of Streets or Highways from Snowdrifts.--(a) A township may enter upon private property adjacent to any public street or highway and place thereon a snow fence to within a limit of one hundred (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) 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) 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 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 act for eminent domain proceedings. Damages, if any, when ascertained, shall be paid by the township from the general township fund.

(2078 amended Oct. 29, 2020, P.L.782, No.96)

- (m) Guideposts and Index Boards
(Subdiv. hdg. repealed Oct. 29, 2020, P.L.782, No.96)

Section 2080. Duty to Erect.--(2080 repealed Oct. 29, 2020, P.L.782, No.96)

Section 2080.1. 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 highway will affect signing maintained by the Department of Transportation, the board of commissioners shall notify the department.

(2080.1 added Oct. 29, 2020, P.L.782, No.96)

Section 2080.2. Street Lighting, Ornamental Lighting and Traffic Control Signals and Devices.--The board of commissioners may provide street lights and ornamental lighting and make regulations for the protection of lighting. The board may assess the costs of street lighting and ornamental lighting in accordance with Article XXV-A. The board may provide for the erection, maintenance and operation of traffic control signals and devices in accordance with 75 Pa.C.S. (relating to vehicles).

(2080.2 added Oct. 29, 2020, P.L.782, No.96)

Section 2081. Penalty for Destroying Signs.--(a) It shall be unlawful for any person to wilfully destroy, remove, injure, or deface any sign legally erected upon or near any public street, highway or bridge by the board of commissioners, or legally erected with the consent of the board of commissioners over any public street, highway or bridge, by any club, association, or other organized body, for the direction, guidance or safety of travelers. It shall also be unlawful for any person to wilfully destroy, remove, injure or deface any temporary traffic-control device legally erected to enhance

traffic or worker safety in a construction or maintenance work zone, including, but not limited to, cones, batons, barrels, barricades, signs, sign trucks, arrow boards or other devices specified in a traffic safety plan approved by the township or the Department of Transportation.

(b) Any person who violates this section commits a summary offense punishable upon conviction in accordance with section 3321-A, which may include the costs of labor, materials and prosecution. Money collected shall be paid to the township treasurer.

(2081 amended Oct. 29, 2020, P.L.782, No.96)

(n) Streets Crossing Railroad; Special Uses of Streets
(Subdiv. hdg. repealed Oct. 29, 2020, P.L.782, No.96)

Section 2083. Railroad Crossings.--(a) Every township constructing a street across a railroad shall construct the same above or below the grade of the railroad, unless permitted by the Pennsylvania Public Utility Commission to construct the street at grade.

(b) Any new construction of a street crossing a railroad or any vacation of any street crossing a railroad shall be constructed or vacated only in the manner consistent with the rules and regulations and under the jurisdiction of the Pennsylvania Public Utility Commission.

(c) Compensation for damages to the owners of adjacent property taken, injured or destroyed by the construction of a street crossing a railroad or any vacation of any street crossing a railroad shall be ascertained, fixed and paid under 66 Pa.C.S. Pt. I (relating to public utility code).

(2083 amended Oct. 29, 2020, P.L.782, No.96)

Section 2084. Street Permits.--No railroad or street railway shall be constructed upon any township street, nor shall any railroad or street railway crossings, driveway connections, gas pipe, water pipe, electric conduits, or other piping be laid upon or in, nor shall any telephone, telegraph or electric light or power poles, or any coal tipples or any other obstructions or facilities of nonpublic utility communication providers be erected upon or in, any portion of a township street, except under conditions, restrictions and regulations, and subject to the payment of fees for permits as may be prescribed and required by the board of commissioners, not exceeding the reasonable cost of issuing the permit and expense of inspecting the work authorized by the permit upon completion thereof. All fees collected for permits shall be paid into the township treasury.

(2084 amended Oct. 29, 2020, P.L.782, No.96)

Compiler's Note: Section 302(d) of Act 177 of 1988, known as the General Association Act of 1988, provided that section 2084 is repealed insofar as it is inconsistent with 15 Pa.C.S. § 1511 (relating to additional powers of certain public utility corporations).

(o) County-aid in the Improvement of Township Streets
(Subdiv. hdg. repealed Oct. 29, 2020, P.L.782, No.96)

Section 2086. County Aid in the Improvement of Township Streets.--(a) Whenever the owners of the majority of the assessed valuation of real property within any township desire any principal street within the township to be improved and maintained at the joint expense of the county and township,

they may petition the board of commissioners of the township for the improvement and require the board of commissioners to make application to the county commissioners for the improvement and maintenance in accordance with the provisions of existing law

(b) If the board of commissioners refuse to act upon, or unduly delay action on, any petition for the improvement and maintenance of any street, any citizen taxpayer of the township or county may, by petition, present the facts of the matter to the court of common pleas, requesting the court to order such action thereon as the case may require. If after due hearing had before the court it shall appear that the truth of the matters alleged in the petition are sustained, the court shall make an order directing the board of commissioners to forthwith act upon the application or applications, and that the application or petition for the improvement be forthwith forwarded to the county commissioners.

(2086 amended Oct. 29, 2020, P.L.782, No.96)

(p) Penal Provisions

(Subdiv. repealed Oct. 29, 2020, P.L.782, No.96)

Section 2088. (2088 repealed Oct. 29, 2020, P.L.782, No.96)

(q) Opening, Making, Amending, and Repairing Streets
and Bridges by Contracts with Taxpayers

(Subdiv. repealed Oct. 29, 2020, P.L.782, No.96)

Section 2090. Taxpayers' Rights.--(2090 repealed Oct. 29, 2020, P.L.782, No.96)

Section 2091. Petition to Court.--(2091 repealed Oct. 29, 2020, P.L.782, No.96)

Section 2092. Bond of Petitioner.--(2092 repealed Oct. 29, 2020, P.L.782, No.96)

Section 2093. Notice to Commissioners and Auditors.--(2093 repealed Oct. 29, 2020, P.L.782, No.96)

Section 2094. Contracts; Stipulations.--(2094 repealed Oct. 29, 2020, P.L.782, No.96)

Section 2095. No Street Tax to Be Levied.--(2095 repealed Oct. 29, 2020, P.L.782, No.96)

Section 2096. Inspection.--(2096 repealed Oct. 29, 2020, P.L.782, No.96)

Section 2097. Boundary Streets.--(a) When any street, other than a State or county road, is created or located along, on or over boundaries between a township and any other municipal corporation, the creation, location, construction, maintenance and repair of the street shall be the joint responsibility of the township and the municipal corporation with which the common boundary is shared.

(b) The board of commissioners may make agreements with the governing body of the municipal corporation with which the common boundary is shared to provide for the apportionment of the cost of construction, maintenance and repair of boundary streets.

(c) If an amicable agreement on the proportionate share of costs of construction, maintenance and repair of boundary streets cannot be executed, the board of commissioners or the governing body of the other municipal corporation involved may petition the court of common pleas of the county for a determination of the rights and responsibilities of the respective municipal corporations involved.

(d) The court, after hearing of which notice shall be given to all parties interested as the court may direct, shall make an order directing the manner of the opening and maintenance and the division of the costs between the township and the other municipal corporation.

(2097 added Oct. 29, 2020, P.L.782, No.96)

Section 2098. Streets, the Center Line of Which is the Boundary Between a Township and Another Municipal Corporation.--(a) A township may enter into a contract with a municipal corporation to provide for the grading, curbing, draining, and paving of any street that constitutes the dividing line between the township and the municipal corporation.

(b) The alterations and improvements shall be made under the supervision of the township or municipal corporation, or by contract let by the township or the municipal corporation, as may be provided for in the contract between the township and the municipal corporation.

(2098 added Oct. 29, 2020, P.L.782, No.96)

Section 2099. Streets Having More Than Half of Their Width Within Township.--(a) If any street, more than one-half the width of which is within the limits of the township, shall divide the township from any other municipal corporation, the street may be improved by the township in the same manner as if the street were entirely located within the limits of the township.

(b) The property, within or outside the township, that abuts the street and benefits from the improvements may, for a depth of one hundred fifty feet plus one-half the width of the street measured from its center line, be assessed for any and all municipal improvements to or on the street in the same manner as the property would be assessed under the provisions of this article if it were entirely located within the limits of the township.

(2099 added Oct. 29, 2020, P.L.782, No.96)

Section 2099.1. Assessment for Improvements on Property Outside Limits Where Street Entirely Within Township.--Whenever any street, entirely within the limits of any township, shall divide the township from any other municipal corporation, the property on the side of the street, within or outside the township, that abuts the street and benefits from the improvement may, for a depth of one hundred fifty feet from its center line, be assessed for any and all municipal improvements to or on the streets on which the property abuts in the same manner as the property would be assessed under the provisions of this act if it were entirely located within the limits of the township.

(2099.1 added Oct. 29, 2020, P.L.782, No.96)

ARTICLE XXI

BOUNDARY ROADS AND STREETS

(Art. repealed Oct. 29, 2020, P.L.782, No.96)

(a) Opening, Repairing and Improving Streets
on Division Line of Townships
(Subdiv. repealed Oct. 29, 2020, P.L.782, No.96)

Section 2101. (2101 repealed Oct. 29, 2020, P.L.782, No.96)

(b) Maintenance of Streets between Township
and Cities or Boroughs
(Subdiv. repealed Oct. 29, 2020, P.L.782, No.96)

Section 2105. (2105 repealed Oct. 29, 2020, P.L.782, No.96)

- (c) Street, the Centre Line of which is the Dividing
Line between Townships and Boroughs or
Cities in the Same County
(Subdiv. repealed Oct. 29, 2020, P.L.782, No.96)

Section 2110. (2110 repealed Oct. 29, 2020, P.L.782, No.96)

- (d) Street, the Centre Line of which is the
Dividing Line between Townships and Cities
in an Adjacent County
(Subdiv. repealed Oct. 29, 2020, P.L.782, No.96)

Section 2115. (2115 repealed Oct. 29, 2020, P.L.782, No.96)

- (e) Improvement of Street where more than
One-Half of Width is in Township; Assessment of
Property outside Limits
(Subdiv. repealed Oct. 29, 2020, P.L.782, No.96)

Section 2120. (2120 repealed Oct. 29, 2020, P.L.782, No.96)

- (f) Assessment of Property outside Limits of
Township for Street Improvements
(Subdiv. repealed Oct. 29, 2020, P.L.782, No.96)

Section 2125. (2125 repealed Oct. 29, 2020, P.L.782, No.96)

- (g) Grading, Curbing, Paving, Macadamizing
Boundary Street or Highway, Et Cetera
(Subdiv. repealed Oct. 29, 2020, P.L.782, No.96)

Section 2130. (2130 repealed Oct. 29, 2020, P.L.782, No.96)

ARTICLE XXII BRIDGES

(Art. hdg. amended Oct. 29, 2020, P.L.782, No.96)

- (a) As Part of Street
(Subdiv. hdg. repealed Oct. 29, 2020, P.L.782, No.96)

Section 2201. Construction and Acquisition of Bridges.--(a)
Any township may erect and construct, or acquire by purchase,
condemnation or otherwise, any bridge and the piers, abutments
and approaches for the bridge, to be used and thereafter
improved and maintained as a street whether the bridge is wholly
or partly within the township limits.

(b) The proceedings for laying out and opening a bridge
shall be the same as provided by this act for the laying out
and opening of streets, and the bridge or portion of the bridge
may thereafter be vacated under the same procedure as provided
in this act for the relocation or vacation of streets or
portions of streets.

(c) Nothing in this article shall affect the powers or
duties of the Pennsylvania Public Utility Commission to the
extent otherwise provided by law.

(d) Bridges over railroads shall not obstruct the railroad
over which it is built. Nothing in this section shall release
railroad or other companies or the Commonwealth from the
requirements of existing laws.

(e) As used in this article, the term "bridge" shall mean a structure built to span and provide passage over a valley, street, railroad track, private property, gully, river, creek, stream or any other body of water or physical obstacle and shall include viaducts constructed from a series of spans or arches.
(2201 amended Oct. 29, 2020, P.L.782, No.96)

(b) Over Railroads
(Subdiv. hdg. repealed Oct. 29, 2020, P.L.782, No.96)

Section 2205. Power to Construct.--(2205 repealed Oct. 29, 2020, P.L.782, No.96)

Section 2206. Maintenance.--(a) A bridge shall be maintained as a township structure, and the township may contract with any party interested, except the county, for the maintenance of the bridge.

(b) Whenever a bridge, or part thereof, has been built by the county, or the whole or part of the money necessary to build it has been furnished by the county, and the bridge has not been entered on record as a county bridge, the bridge shall be maintained, kept in repair, and rebuilt, when necessary, by the township or municipal corporation in which, or on the boundary line of which it is located, without rendering the county liable for the same.

(2206 amended Oct. 29, 2020, P.L.782, No.96)

(c) Over Marshy or Swampy Grounds, Creeks,
Rivulets, Gullies, Canals and Railroads
(Subdiv. repealed Oct. 29, 2020, P.L.782, No.96)

Section 2210. Power to Make and Maintain.--(2210 repealed Oct. 29, 2020, P.L.782, No.96)

Section 2211. Damages.--(2211 repealed Oct. 29, 2020, P.L.782, No.96)

(d) Over Streams, Railroads and Canals
on Township Boundaries
(Subdiv. hdg. repealed Oct. 29, 2020, P.L.782, No.96)

Section 2220. Boundary Bridges.--(a) If a bridge crosses the boundary line of a township and another municipal corporation, the township may enter into an intergovernmental cooperation agreement in accordance with 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental cooperation) with the municipal corporation for the construction and maintenance of the bridge and for apportionment of the costs.

(b) If an amicable agreement on the proportionate share of costs of construction, maintenance and repair of boundary bridges cannot be executed, the board of 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.

(2220 amended Oct. 29, 2020, P.L.782, No.96)

Section 2221. Bridges between Townships and Municipalities.--(2221 repealed Oct. 29, 2020, P.L.782, No.96)

Section 2222. Bridges over Railroad or Canal.--(2222 repealed Oct. 29, 2020, P.L.782, No.96)

(e) Maintenance, Repair, and Rebuilding
of Bridges Built by County
(Subdiv. repealed Oct. 29, 2020, P.L.782, No.96)

ARTICLE XXIII
SIDEWALKS

Section 2301. 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 grades may be separate and apart from the grade established for the street or highway. For the purposes of this section, any township may acquire land by purchase, gift, or by the right of eminent domain.

(2301 amended Oct. 29, 2020, P.L.782, No.96)

Section 2302. Width.--The width of any sidewalk shall be fixed by the board of commissioners either by ordinance or resolution.

(2302 amended Oct. 29, 2020, P.L.782, No.96)

Section 2303. Paving and Curbing Sidewalks.--(a) Townships may, upon notice as provided by ordinance, require owners of property abutting on any street, including State highways and county roads, to construct, grade, pave, curb, repave and recurb the sidewalks along the property under regulations and specifications prescribed by ordinance. All reconstruction, repaving and recurbing may be provided for in the ordinance providing for the original construction, paving and curbing, without the necessity for adopting a new ordinance providing for the reconstruction, repaving and recurbing.

(b) Upon the failure of any property owner to comply with the notice under subsection (a), a township may cause the construction, grading, paving, curbing, repaving and recurbing to be done by the township itself, or by contract, and to levy and collect the cost of the work from the property owner abutting the sidewalk.

(c) The cost of any work incurred by the township pursuant to subsection (b) may be levied against and collected from the owner who failed to complete the work pursuant to notice to do so, together with a penalty of ten percent of the costs and all charges and expenses. The costs, penalties, charges and expenses provided for shall be a lien upon the property for which the notice to do the work was given. The lien shall exist from the time of the commencement of the work, which date shall be fixed by the township engineer and certified to the township secretary in accordance with section 1305. Any lien may be collected by action in assumpsit or by lien filed in the manner provided by law for the filing and collection of municipal claims or the cost of any construction, grading, paving, curbing, repaving and recurbing may be borne in whole or in part by the township. If the township pays in part, the remaining cost shall be collected as provided by this section.

(d) The following shall apply:

(1) Each notice shall be served upon the owner of the premises to which the notice refers, if the owner is a resident of the township. If the owner is not a resident, the notice may be served upon the agent or tenant of the owner or upon the occupant of the premises. If the owner has no agent or tenant or there is no occupier of the premises, service shall be by notice posted upon the premises.

(2) The notice required by this section shall specify a period of time of not less than sixty days for the owner to complete the specified work. If the work has not been completed after the specified time has elapsed, the owner shall be deemed to have failed to comply.

(2303 amended Oct. 29, 2020, P.L.782, No.96)

Section 2304. Repair of Sidewalks.--(a) An abutting property owner shall keep the sidewalk, together with any portion of the property paved and used as a sidewalk or public walk immediately in front of the property, in good order and repair, and, at all times, free and clear of all obstruction to safe and convenient passage.

(b) If the property owner neglects to perform the duty imposed in subsection (a), the board of commissioners may serve written notice upon the property owner pursuant to section 2303(d)(1) to do what is necessary. If the property owner fails to comply with the requirements of the notice within thirty days from the date of its service, the township may make the necessary repairs or remove any obstruction. The cost of the same, together with a penalty of ten percent, shall be paid by the delinquent property owner, and may be collected by action of assumpsit, or the township may file a municipal lien against the property.

(2304 amended Oct. 29, 2020, P.L.782, No.96)

Section 2305. Emergency Repairs.--(a) A township may make emergency repairs to sidewalks, within its corporate limits, if an officer or designated individual representing the department or committee in charge of repairs to sidewalks upon inspection determines that a substantial and immediate danger exists to public health, safety and welfare.

(b) The officer or individual shall prepare a written report of those conditions which shall be conclusive evidence of the existence of the emergency justifying the repair.

(c) This section is intended to provide an additional remedy for townships in connection with emergency repairs of sidewalks.

(d) The following shall apply:

(1) A copy of the written report shall be served upon the abutting property owner, along with a notice to make emergency repairs to the sidewalk within forty-eight hours of service of the notice and report.

(2) The notice and copy of the report shall be served pursuant to section 2303(d)(1).

(3) The report shall expressly state that emergency repairs are required.

(4) If the owner fails to make the emergency repairs within the prescribed time, the township may make the emergency repairs to the sidewalk.

(e) Upon the completion of any emergency repairs, the cost of the repairs shall be a charge against the owner of the abutting property and shall be a lien, until paid, upon the abutting property, provided that a claim is filed for the lien in accordance with the law providing for the filing and collection of municipal claims.

(f) The amount of the claim against the owner of the abutting property may also be collected from the owner by an action in assumpsit.

(2305 added Oct. 29, 2020, P.L.782, No.96)

ARTICLE XXIV

SANITARY SEWERS AND DRAINS

(Art. hdg. amended Oct. 29, 2020, P.L.782, No.96)

Compiler's Note: Section 2 of Act 209 of 1990 provided that the provisions of this Code relating to the charging of a tapping fee for connection to a municipally owned water or sewer system are repealed insofar as they are inconsistent with Act 209, which amends the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code (MPC). Section 507-A of the MPC prohibits the imposition of a tapping fee or similar fee unless such fee is calculated as provided in the applicable provisions of the act of May 2, 1945 (P.L.382, No.164), known as the Municipality Authorities Act of 1945. The Municipality Authorities Act of 1945 was repealed by the act of June 19, 2001 (P.L.287, No.22). The subject matter is now contained in 53 Pa.C.S. Ch. 56 (relating to municipal authorities).

(a) Establishing and Constructing Sewer and
Drainage Systems; Sewer Connections and Rates;
Disposal of Sewage; Assessment of Cost of
Construction

Section 2401. Power to Establish and Construct Sewers and Drains; Require Connections; Sewer Rentals.--(a) Townships may establish and construct a system of sanitary sewers and drainage, locating the system, as far as practicable, in the right-of-way of the street in any street and may be for the service and use of properties on both sides of the street or on only one side of the street in which they are laid, as seems advisable to the township commissioners.

(b) The board of commissioners may, in accordance with section 2401.1(a), permit, and, if necessary for the public health by ordinance, require any owner of property benefited, improved or accommodated by sanitary sewers, to make connections with the sanitary sewer system in the manner specified by the board of commissioners. All connections required shall be uniform.

(c) The board of commissioners may, by ordinance, make regulations relating to the use and maintenance of the sanitary sewer system and treatment works. Violations of the ordinance may be enforced by penalties. The regulations may do all of the following:

(1) Specify materials and substances which may or may not enter the public sewer or sewer system.

(2) Require that certain types or classes of waste be subjected to treatment or to grinding or other reduction in size before entering into the sewer.

(3) Restrict the quantity of waste material that may enter a sanitary sewer from any premises within any time interval.

(d) (1) Each person whose property is connected to a sanitary sewer system shall pay a monthly, quarterly, semiannual or annual rate to the township, in addition to the cost of making connections to the sanitary sewer system.

(2) The initial imposition of the rate under paragraph (1) shall be established by ordinance. Any subsequent rate adjustments may be by resolution provided that the ordinance establishing the rate allows for future rate adjustments by resolution adopted at a public meeting. This paragraph shall not be construed to invalidate or void any rate imposed or adjusted prior to the effective date of this paragraph.

(3) The rate under this subsection shall constitute a lien, until paid, against the property connected to the sanitary sewer system, and the amount thereof may be recovered by due process

of law through an action in assumpsit in the name of the township against the owner of the property charged or by a lien filed in the nature of a municipal lien.

(e) All water utilities supplying water to users within the boundaries of any township shall, at the request of the board of commissioners, furnish to the township, on or before the fifteenth day of the month following the month during which bills are issued, a list of all water meter readings and flat-rate water bills and the basis for each flat-rate water charge, so that the data may be used in calculating sewer rates. The township may reimburse utilities reasonable amounts for necessary clerical and other expenses incurred in the preparation of the lists.

(f) The term "sanitary sewer," as used in this article, shall mean and include a sewer used for receiving and collecting sewage matter and liquid waste from the inside of buildings and structures, and, in those townships where there shall be what is known as "combined sewers," receiving, in addition to such sewage and liquid waste from the inside of buildings and structures, storm, roof or surface drainage or any of them, the term "sanitary sewer," as used in this article, shall include such combined sewers.

(g) Nothing in this section shall be construed to repeal or modify any of the provisions of 66 Pa.C.S. (relating to public utilities).

(h) If required by other law, a township shall obtain the consent and permit of the Department of Environmental Protection or other Federal, State or county entity, including the Pennsylvania Turnpike Commission, for the laying out and construction of a sanitary sewer and treatment works.

(2401 amended Oct. 29, 2020, P.L.782, No.96)

Compiler's Note: The act of May 28, 1937 (P.L.1053, No.286), known as the Public Utility Law, was repealed by the act of July 1, 1978 (P.L.598, No.116). The subject matter is now contained in 66 Pa.C.S. (relating to public utilities).

Section 2401.1. Required Connection and Fees.--(a) A township may, by ordinance, require a property owner to connect with and use a sanitary sewer system established or constructed by the township, joint sanitary sewer board or a municipal authority serving the township if the property abuts on or adjoins any street or highway along which the sewer system is located or whose principal building is within one hundred fifty feet from the sanitary sewer.

(b) (1) If an owner of property abutting on or adjoining or whose principal building is within one hundred fifty feet from the sanitary sewer fails to connect with and use the sanitary sewer under subsection (a) for a period of sixty days after notice to do so has been served by the board of commissioners, either by personal service or by registered mail, the board of commissioners or their agents may enter the property and construct the connection.

(2) The board of commissioners shall send an itemized bill of the cost of construction under paragraph (1) to the owner of the property to which connection has been made, which shall be payable immediately.

(3) If the owner fails to pay the bill under paragraph (2), the board of commissioners shall file a municipal lien for the cost of the construction. The township may also by ordinance impose penalties to enforce regulations or orders in regards to sewer connections.

(c) As a condition of connection to a sanitary sewer collection, treatment or disposal facility, owned or operated by a township, a township may impose and charge the following to property owners who desire or are required to connect to the sanitary sewer system or who desire to increase their usages of the system:

- (1) A connection fee.
- (2) A customer facilities fee.
- (3) A tapping fee.

(4) Similar fees, as enumerated and defined by 53 Pa.C.S. § 5607(d)(24) (relating to purposes and powers).

(2401.1 amended Oct. 29, 2020, P.L.782, No.96)

Section 2401.2. Notice of Contemplated Construction.--No sanitary sewer system shall be constructed under this article unless an ordinance of the board of commissioners authorizing the construction is published once in a newspaper of general circulation pursuant to section 110.

(2401.2 added Oct. 29, 2020, P.L.782, No.96)

Section 2402. Location of Sanitary Sewers on Private Property.--Where it is reasonably impracticable, in the judgment of the board of commissioners, in any part of the sanitary sewer system, to carry sanitary sewers along the lines of public streets or highways, the board of commissioners may locate and construct so much of the sanitary sewers as is necessary through private lands and may acquire the necessary land or right of way for this purpose by gift, purchase or by the exercise of the right of eminent domain.

(2402 amended Oct. 29, 2020, P.L.782, No.96)

Section 2403. Treatment Works and Facilities.--The board of commissioners may acquire by eminent domain or enter into contracts with other municipal corporations, corporations or persons for the acquisition of lands or facilities for the location, construction, maintenance, use and operation of sanitary sewer systems and treatment facilities. Acquisitions may be made for the purpose of future additions to and enlargements of existing systems. The acquired land may be located either inside or outside the boundaries of the township. Any extension shall be in conformity with 26 Pa.C.S. § 206 (relating to extraterritorial takings) and any other applicable requirement of 26 Pa.C.S. (relating to eminent domain).

(2403 amended Oct. 29, 2020, P.L.782, No.96)

Section 2404. Entry on Lands to Mark Sewer Routes; Damages.--(2404 repealed Oct. 29, 2020, P.L.782, No.96)

Section 2405. Enforcement of Judgment for Damages.--(2405 repealed Oct. 29, 2020, P.L.782, No.96)

Section 2406. Cost of Construction and Payment.--The cost of construction of any system of sanitary sewers or drains, constructed by the authority of this subdivision of this article, may be charged upon the properties benefited, improved or accommodated thereby to the extent of the benefits, or may be paid for wholly or partially by general taxation. Any amount not legally chargeable upon properties benefited, improved or accommodated shall be paid out of the general township fund.

(2406 amended Oct. 29, 2020, P.L.782, No.96)

Section 2407. Sewer Districts.--(a) When a sanitary sewer system is constructed by a township for the accommodation of a certain portion of the township, the board of commissioners may designate the territory accommodated into a sewer district or divide the portion into several sewer districts.

(b) The board of commissioners shall estimate the proportion of the cost of the sanitary sewer system to be charged on each

of the districts and declare and establish the apportionment by resolution and the following shall apply:

(1) No district shall be charged more than the district's due proportion of the cost of a sanitary sewer system, or any part of the system, used jointly by more than one district.

(2) The aggregate amount charged on a property in any district shall not exceed the amount of the estimate.

(3) Where the whole of the township is accommodated by the sanitary sewer system, the township may be treated as a single district or divided into districts, and be subject to the provisions of this section.

(2407 amended Oct. 29, 2020, P.L.782, No.96)

Section 2408. Assessments.--Assessments, whether based according to benefits conferred or by the front foot basis, and assessment awards, if any, shall be calculated pursuant to Article XXV-A.

(2408 amended Oct. 29, 2020, P.L.782, No.96)

Section 2409. Procedure for Assessment of Benefits.--(2409 repealed Oct. 29, 2020, P.L.782, No.96)

Section 2410. Lien for Assessments; Costs of Proceedings.--(2410 repealed Oct. 29, 2020, P.L.782, No.96)

Section 2411. Assessment of Property Outside Limits of Townships for Sewers.--(2411 repealed Oct. 29, 2020, P.L.782, No.96)

(b) Acquisition of Sewer System from Private
Interests; Distribution of Costs

Section 2415. Power to Acquire Community Sewage Collection or Disposal Systems.--(a) A township may, by ordinance, acquire ownership of a community sewage collection or disposal system by purchase, the exercise of eminent domain pursuant to 26 Pa.C.S. (relating to eminent domain) or by gift from the owner or owners.

(b) In eminent domain proceedings, the viewers shall assess the costs and expenses of the community sewage collection or disposal system acquired by the township upon the property or properties benefited according to benefits. Any deficiency that is not assessed upon the benefited property or properties shall be paid by the township.

(c) After a community sewage collection or disposal system has been acquired under this section by the township, the board of commissioners shall have the power to enlarge the system if they deem it advisable. The cost and expenses of the enlargement may be distributed or assessed in the same manner as if the enlargement was a regular sewer constructed by the township under other provisions of this act.

(d) If a community sewage collection or disposal system is established or constructed within a township by a private owner or owners, and the board of commissioners are empowered by ordinance to acquire the ownership of the sewage disposal system, or when the system has been enlarged by the township, the acquisition and ownership shall be subject to the following provisions:

(1) An agreement shall be considered a valid agreement by the owners of the sewage collection or disposal system and shall be a transfer of ownership to the township when any of the following enter into an agreement with the township for the acquisition of the system by the township:

(i) The person or persons having established or constructed a community sewage collection or disposal system.

(ii) More than one-half of the number of owners of properties which are connected with, have a right to use and are using a community sewage collection or disposal system.

(2) The township shall operate and maintain any community sewage collection or disposal system acquired or enlargement or addition to a system for the use of the following:

(i) Persons having acquired from the township or from the former owner or owners the right to use the system.

(ii) Other owners of property accessible to the system up to the capacity of the community sewage collection or disposal system.

(3) All persons whose property connects with the community sewage collection or disposal system acquired or constructed by the township shall pay to the township treasurer, a monthly, quarterly, semiannual or annual charge prescribed by a resolution of the board of commissioners. The amount of the charges shall not be in excess of the estimated amount necessary to maintain and operate the system and to establish a reserve fund sufficient for its future replacement.

(4) All sewer rentals or charges imposed by the board of commissioners against properties connected with a community sewage collection or disposal system under this section shall constitute liens against the properties and may be collected in the same manner as other sewer charges.

(5) All money received from the sewer charges shall be deposited as a special reserve fund and shall be used only for the payment of the cost of operating and maintaining the community sewage collection or disposal system and the replacement, if necessary and economically desirable. If, at any time after the acquisition or enlargement of the community sewage system, a regular sewer system is made available by the township for connection with the properties using the community sewage collection or disposal system, the owners of the properties shall be subject to the other provisions of this act relating to sewers, and all money at that time in the reserve fund which was received from charges for the use of that particular community sewage collection or disposal system and which is over and above the amount expended for the operation and maintenance of that particular sewage collection or disposal system shall be used towards the payment of any sewer assessments charged against the properties under other sections of this act.

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

"Community sewage collection or disposal system." All or part of a device or devices installed on any privately or publicly owned parcel of land intended to treat or dispose of the sewage or equivalent volume of domestic sewage from two or more residences, buildings or occupied parcels of land, or any system of piping used in collection and conveyance of sewage on private or public property.

(f) Nothing in this section may be construed to supersede the requirements of the act of January 24, 1966 (1965 P.L.1535, No.537), known as the "Pennsylvania Sewage Facilities Act."

(2415 amended Oct. 29, 2020, P.L.782, No.96)

(c) Contracts with Individuals or Corporations
for Construction and Maintenance of Sewer and
Drainage Systems

Section 2420. Contracts for Sewer and Drainage Systems.--(a) In a case where, under the authority of section 2401, a system of sewage and drainage covering a township in whole or in part shall have been approved and authorized by ordinance, the board of commissioners may enter into a contract with any responsible individual or corporation for the construction of a system of sewage or drainage at the expense of the individual or corporation and the following shall apply:

(1) The individual or corporation shall be entitled under the contract to exercise all the powers of the township in the construction, maintenance and operation of the system of sewage or drainage, with the right to collect fees connected to the construction, maintenance and operation as the board of commissioners prescribes, in as full manner as the fees might have been collected by the township or the commissioners.

(2) In the contract the board of commissioners shall reserve to the township the right at any time, after a prescribed time, to take possession of the system of sewage and drainage, and the system's appurtenances, at a price and upon terms to be fixed in the contract.

(b) Nothing in this section shall be construed to repeal or modify any of 66 Pa.C.S. (relating to public utilities).

(2420 amended Oct. 29, 2020, P.L.782, No.96)

Compiler's Note: The act of May 28, 1937 (P.L.1053, No.286), known as the Public Utility Law, was repealed by the act of July 1, 1978 (P.L.598, No.116). The subject matter is now contained in 66 Pa.C.S. (relating to public utilities).

(d) Sewers and Drains in Streets or Highways,
or over Private Property; Assessment of Cost
of Construction According to Benefits
((d) amended May 27, 1953, P.L.220, No.30)

Section 2425. Cost of Construction.--Townships may construct sanitary sewers and drains in any street or highway, or through or on or over private property. The costs, damages, and expenses of the construction of any sanitary sewers or drains may be paid for wholly or partially by general taxation, or may be assessed upon the properties accommodated or benefited pursuant to Article XXV-A.

(2425 amended Oct. 29, 2020, P.L.782, No.96)

(e) Sewers under State and County Highways

Section 2430. State and County Highways and Consent Required.--(a) A township may construct a sanitary sewer and drain in or under any State or county highway within the township boundaries.

(b) (1) For the construction of a sanitary sewer in or under a county highway, the consent of the county commissioners of the county shall be obtained.

(2) For the construction of a sanitary sewer in or under a State highway, the consent of the Department of Transportation shall be obtained.

(2430 amended Oct. 29, 2020, P.L.782, No.96)

Section 2431. Assessment of Cost.--(2431 repealed Oct. 29, 2020, P.L.782, No.96)

(f) Connecting with Adjoining Sewer
(Subdiv. hdg. amended Oct. 29, 2020, P.L.782, No.96)

Section 2435. Connection by Agreement or Petition and Appointment of Viewers.--(a) If a township desires to connect with the existing sanitary sewer of an adjacent municipal corporation or municipal authority for either sewage collection or treatment purposes, the entities may enter into an agreement for this purpose. If no agreement has been reached between the township and the adjacent municipal corporation or municipal authority, the township shall proceed as provided under subsection (b).

(b) An application shall be made by the board of commissioners to the court of common pleas of the county where the proposed connection is to be located, setting forth the desire of the township to connect with the existing sanitary sewer of the municipal corporation or municipal authority. If the court determines that the connection can be made without impairing the usefulness of the existing sanitary sewer, it 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 thereafter bear.

(4) Determine all other questions which are likely to arise in connection with the sanitary sewer.

(c) The viewers shall report the results of their investigation under subsection (b) to the court, and the court shall confirm the report within thirty days of the report's submission unless exceptions are filed. Any interested party may appeal the disposition of filed exceptions.

(2435 amended Oct. 29, 2020, P.L.782, No.96)

Section 2436. Notice of Contemplated Construction; Protests by Property Owners.--(2436 repealed Oct. 29, 2020, P.L.782, No.96)

(g) Joint Sanitary Sewers and Drains

(Subdiv. hdg. amended Oct. 29, 2020, P.L.782, No.96)

Section 2440. Building Joint Sewers.--(a) Pursuant to 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.

(2) The board of commissioners may assess the township's respective portion of the costs, as may be legally assessable, upon property benefited by the facilities pursuant to Article XXV-A.

(3) Any portion of the cost not assessed or assessable shall be paid by the respective municipal corporations under the agreement.

(4) In addition to or in lieu of contracting with other municipal corporations, townships may contract with municipal authorities for the purposes of this section.

(b) (1) The municipal corporations joining or contemplating joining in any improvement, in order to facilitate the building of the sanitary sewer system and in securing preliminary surveys and estimates, may by ordinance provide for the appointment of a joint sanitary sewer board composed of one representative

from each of the municipal corporations joining. The board shall act as the advisory and administrative agency in the construction of the improvement and its subsequent operation and maintenance.

(2) Members of the joint sanitary sewer board established under paragraph (1) shall serve for terms of six years each, from the date of the member's appointment until the member's successor is appointed. The joint sanitary sewer board shall organize by the election of a chairperson, secretary, and treasurer.

(3) The municipal corporations may, in the ordinances creating the joint sanitary sewer board, authorize the board to appoint an engineer, a solicitor and other assistants as deemed necessary and agree to the share of the compensation of those persons each municipal corporation is to pay.

(4) The members of the joint sanitary sewer board shall receive compensation for attending board meetings as established in the budget that is prepared by the joint sanitary sewer board and submitted to and adopted by the municipal corporations. The members shall be entitled to actual expenses to be paid by the respective municipal corporations the members represent.

(c) (1) A joint sanitary sewer board may adopt rules and regulations consistent with the requirements of this article to govern its proceedings and shall prepare and suggest any practical measures and plans by means of which the joint improvement may be carried to successful completion and plan the future development of the system, so as to conform to a general plan.

(2) The joint sanitary sewer board may prepare a joint agreement or agreements for submission to and adoption by the municipal corporations defining the advisory and administrative powers of the joint sanitary sewer board and setting forth the following:

(i) consent of the municipal corporations to the proposed improvement;

(ii) the manner in which preliminary and final plans, specifications and estimates for the proposed improvement shall be prepared and adopted;

(iii) how proposals for bids shall be advertised and contracts awarded;

(iv) the manner in which the costs of the improvement and other incidental and preliminary expenses in connection with the improvement and the future cost of operation and maintenance shall be equitably shared, apportioned and paid; and

(v) all other matters, including the preparation and submission of annual and other budgets, as may be deemed necessary or required by law to complete the proposed improvement and to assure future maintenance and operation thereof.

(3) The joint sanitary sewer board may not make any improvement or expend any public money which has not first been authorized by all of the municipal corporations proceeding with the improvement.

(d) (1) When it is necessary to acquire, appropriate, injure or destroy private property to build a joint sanitary sewer system or improvement and the property cannot be acquired by purchase or gift, the right of eminent domain shall vest in the municipal corporation where the property is located.

(2) When it is necessary to acquire, injure or destroy property in any territory not within the limits of any of the municipal corporations joining in the improvement, the right of eminent domain shall be vested in a municipal corporation

adjacent to the territory where the property is located subject to 26 Pa.C.S. § 206 (relating to extraterritorial takings).

(3) Damages for any property taken, injured or destroyed shall be assessed as provided by the laws relating to the municipal corporation exercising the right of eminent domain and shall be paid by the municipal corporations joining in the same proportion as other costs of the improvement.

(e) Each township joining in an improvement shall have power to incur or increase the township's indebtedness, not exceeding constitutional limits, for the purpose of paying the township's share or portion of the cost of the improvement in the manner now provided by law for the incurring of indebtedness.

(2440 amended Oct. 29, 2020, P.L.782, No.96)

Section 2441. State Permit.--(2441 repealed Oct. 29, 2020, P.L.782, No.96)

(h) Non-debt Revenue Sewer Bonds
(Subdiv. hdg. repealed Oct. 29, 2020, P.L.782, No.96)

Section 2445. Sewer Bonds.--(2445 repealed June 8, 1965, P.L.98, No.67)

Section 2446. Issuance and Sale of Bonds; Maturity; Negotiability.--(2446 repealed June 25, 1941, P.L.159, No.87)

Section 2447. Remedies of Bondholders.--(2447 repealed June 25, 1941, P.L.159, No.87)

ARTICLE XXV
COLLECTION BY INSTALMENT OF THE COST OF
STREET, CURB, SIDEWALK AND SEWER IMPROVEMENTS
(Art. repealed Oct. 29, 2020, P.L.782, No.96)

Section 2501. Ordinances for Instalment Payments.--(2501 repealed Oct. 29, 2020, P.L.782, No.96)

Section 2502. Issue of Bonds.--(2502 repealed Oct. 29, 2020, P.L.782, No.96)

Section 2503. Sale of Bonds; Interest.--(2503 repealed Oct. 29, 2020, P.L.782, No.96)

Section 2504. Entry of Liens.--(2504 repealed Oct. 29, 2020, P.L.782, No.96)

Section 2505. Assessments, Where Payable.--(2505 repealed Oct. 29, 2020, P.L.782, No.96)

Section 2506. Default in Payment of Instalment.--(2506 repealed Oct. 29, 2020, P.L.782, No.96)

Section 2507. Payments in Full; Subdivisions of Property.--(2507 repealed Oct. 29, 2020, P.L.782, No.96)

ARTICLE XXV-A
ASSESSMENTS FOR PUBLIC IMPROVEMENTS
(Art. added Oct. 29, 2020, P.L.782, No.96)

Section 2501-A. Definitions.

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

"Front foot." The term includes, but is not limited to, front linear foot, lot, parcel, dwelling unit or square foot.

"Public improvement." The term includes, but is not limited to, the following:

(1) The building, paving, grading, rebuilding, repaving and regrading of streets, sidewalks, curbs and gutters.

(2) The creation, extension and renovation of water treatment, transmission, distribution and disposal systems.

(3) The creation, extension and renovation of sewage collection, transmission, distribution, treatment and disposal systems.

(4) The creation, extension and renovation of storm, surface and subsurface drainage systems.

(5) The construction, reconstruction and repair of wharves and docks.

(6) The installation, maintenance or operation of lighting that services the streets, sidewalks and other public places within the township.

(7) The planting, transplanting, removal and protection of shade trees.

(2501-A added Oct. 29, 2020, P.L.782, No.96)

Section 2502-A. Authority to assess.

(a) Authority.--Unless otherwise provided for in this article, a township is authorized to assess all or any portion of the costs of a public improvement against any properties that are benefited by the public improvement.

(b) Payment of costs.--Unless otherwise provided in this article, in addition to the authority to assess the cost of public improvements against properties benefited either on the front foot method or benefit conferred method of assessment, a township may pay for the cost of public improvements, in whole or in part, from the township general fund or from a special township fund dedicated to that purpose.

(c) Indebtedness.--If a township incurs indebtedness pursuant to 53 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and borrowing) for the purposes of funding the cost and expense of making public improvements for which assessments are made in accordance with this article, payments made on the assessments must be applied to pay the debt service for the indebtedness incurred for funding the cost and expense of making the public improvements.

(d) Assessment outside of township.--Property benefited, improved or accommodated that is located outside the limits of the township that constructed the public improvement may, if located no more than 150 feet from the public improvement, be assessed for the cost of the public improvement in the same manner as the property would be assessed under the laws of this Commonwealth if it were entirely located within the limits of the township.

(2502-A added Oct. 29, 2020, P.L.782, No.96)

Section 2503-A. Method of assessment.

(a) Ordinance.--If the board of commissioners elects to exercise the power to make assessments for a given public improvement as authorized in section 2502-A, the board of commissioners shall, by ordinance and in conformity with this article, establish the method and procedure pursuant to which assessments shall be made.

(b) Allocation of costs and expenses.--The following shall apply:

(1) The board of commissioners may, by ordinance, make the assessment by any means that results in fairly allocating all or a portion of the costs and expenses of the public improvement among all properties benefited by the improvement in reasonable proportion to the benefits conferred upon each property. The methods that may be used to make assessments in accordance with this subsection may include, but are not limited to:

(i) An equal assessment per front foot.

(ii) An assessment made by benefits conferred.

(2) Only one assessment method may be used in allocating the costs for a particular public improvement unless a township is divided into districts for sanitary sewer or water, in which case the assessment in each district may be by different methods so long as the same assessment method is used within a particular district.

(c) Front foot method.--If the front foot method is used:

(1) The cost to be collected shall be divided by the total number of linear feet of street frontage of all properties benefited.

(2) The assessment against each property shall be that portion of the cost which is determined by multiplying the dividend under paragraph (1) by the number of linear feet for street frontage of that property.

(3) In the case of corner or irregularly shaped lots or where special conditions exist, the board of commissioners shall have the power and its duty shall be to provide for an equitable adjustment, as necessary, to prevent an unjust or excessive assessment.

(4) If the front foot method is used but is comprised of other than linear feet, such as lots, parcels, dwelling units or square feet, the formula in paragraphs (1) and (2) shall be adapted to comport with the unit of lots, parcels, dwelling units or square feet as applicable.

(d) Assessment of benefits conferred method.--In lieu of the front foot method, the board of commissioners may elect to have the benefits of public improvements assessed, in whole or in part, upon property benefited, improved or accommodated by assessing an equal assessment on the properties benefited, improved or accommodated in proportion to the total cost of construction of the improvement. The amount of the charge on each property shall be determined by the board of commissioners.

(e) Certificate of assessment.--The board of commissioners shall issue a certificate of assessment when either assessing on the front foot method or on the basis of benefits conferred upon property benefited, improved or accommodated, duly certified under the seal of the township and attested by the president of the board of commissioners and secretary. The certificate of assessment shall state the method of assessment used. The certificate of assessment shall be prima facie evidence in any suit for recovery of the same of the correctness and validity of the assessment.

(2503-A added Oct. 29, 2020, P.L.782, No.96)

Section 2504-A. Petition for viewers by board of commissioners.

The board of commissioners may petition the court of common pleas for the appointment of viewers to assess the total cost of an improvement as set forth in this article. The viewers shall assess the total cost of the improvement, or so much of the cost as may be just and reasonable, upon the lands or properties peculiarly benefited.

(2504-A added Oct. 29, 2020, P.L.782, No.96)

Section 2505-A. Petition for viewers by taxpayers.

(a) Petition.--Taxpayers of the township whose property is being assessed for benefits for a public improvement may present a petition to the court of common pleas stating that the assessment insufficiently represents the benefits accruing to abutting, benefited or accommodated properties. The petition may include a request for the appointment of viewers to assess benefits if at least 50% of the taxpayers whose parcels are abutting, benefited or accommodated by the public improvement in question join the petition or if taxpayers whose property valuation as assessed for taxable purposes within the township

amounts to at least 50% of the total property valuation of the 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 article 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.

(2505-A added Oct. 29, 2020, P.L.782, No.96)

Section 2506-A. 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 pursuant to 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 act, a copy of the certificate shall accompany the notice.

(b) Assessment effective.--An assessment made pursuant to this article 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.
- (3) Posting notice at or upon the property after reasonable attempts to give personal notice pursuant to paragraphs (1) and (2) have failed.

(2506-A added Oct. 29, 2020, P.L.782, No.96)

Section 2507-A. Benefits and damages.

In any proceeding in which damages to property are being sought as a result of a public improvement for which an assessment of benefits has been made, the excess of damages over benefits, the excess of benefits over damages or nothing in case the benefits and damages are equal, shall be awarded to or assessed against the owner of land and property affected by the public improvement. Damages shall be calculated pursuant to 26 Pa.C.S. (relating to eminent domain).

(2507-A added Oct. 29, 2020, P.L.782, No.96)

Section 2508-A. Payment of assessments in installments.

(a) Authorization.--An ordinance providing for a public improvement, the expense of which is to be defrayed by an assessment against properties benefited by the public improvement, may authorize payment of the assessment in installments. The ordinance shall:

- (1) Set a time when the installment payments shall commence.
- (2) Specify the length of time over which the installments may be extended. The period during which installments may be paid shall not exceed the lesser of 10 years or the number of years equal to the period of maturity of the bonds issued to fund the public improvement.
- (3) Specify whether payments are to be made by equal annual or more frequent installments.

(b) Interest rate.--The ordinance shall set forth the rate of interest for the installments, which shall not be more than 6% 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 article.

(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 they are due, with interest and costs to the due date of the next installment.

(2508-A added Oct. 29, 2020, P.L.782, No.96)
Section 2509-A. 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 pursuant to section 2506-A unless an installment agreement has been entered into pursuant to section 2508-A.

(2) An assessment made under this article 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 pursuant to 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.

(2509-A added Oct. 29, 2020, P.L.782, No.96)

ARTICLE XXVI
REVOLVING FUND FOR STREET AND
SEWER IMPROVEMENTS

(Art. repealed Oct. 29, 2020, P.L.782, No.96)

Section 2601. Special Tax; Bond Issue.--(2601 repealed Oct. 29, 2020, P.L.782, No.96)

Section 2602. Repayments into Revolving Fund.--(2602 repealed Oct. 29, 2020, P.L.782, No.96)

ARTICLE XXVII

WATER SUPPLY

(Art. hdg. amended Oct. 29, 2020, P.L.782, No.96)

Compiler's Note: Section 2 of Act 209 of 1990 provided that the provisions of this Code relating to the charging of a tapping fee for connection to a municipally owned water or sewer system are repealed insofar as they are inconsistent with Act 209, which amends the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code (MPC). Section 507-A of the MPC prohibits the imposition of a tapping fee or similar fee unless such fee is calculated as provided in the applicable provisions of the act of May 2, 1945 (P.L.382, No.164), known as the Municipality Authorities Act of 1945. The Municipality Authorities Act of 1945 was repealed by the act of June 19, 2001 (P.L.287, No.22). The subject matter is now contained in 53 Pa.C.S. Ch. 56 (relating to municipal authorities).

(a) Acquisition, Construction and Maintenance

Section 2701. Contracts for Water Supply; Development of Own Water Supply.--(a) Townships may contract with any adjoining municipal corporation owning a water system, or with a municipal authority or a private company, for a supply of water for public and private uses to be delivered into the lines of the township at or near or within the boundaries of the township.

(b) This section does not prohibit a contract between a township and a municipal corporation, or a private company, for the supply of water in territory being supplied by any other private company.

(c) A township may construct, maintain and operate its own water system and shall have full power by contract to develop an independent supply of water at any time, and it is not required to purchase a water supply needed by the township from either an adjoining municipal corporation or from a private company.

(2701 amended Oct. 29, 2020, P.L.782, No.96)

Section 2701.1. Public Utility Law Saved.--Nothing contained in this article shall be construed to repeal or to supersede any of the provisions of 66 Pa.C.S. (relating to public utilities).

(2701.1 added Oct. 29, 2020, P.L.782, No.96)

Section 2701.2. Rates.--(a) For water supplied by the township, the board of commissioners shall fix the rates charged to users of water or to owners whose properties are connected to the water system. The board of commissioners shall provide for the collection of the water rates. The rates shall be in addition to the cost of making any connections under section 2707. In the case of users outside the township, the fixing of rates shall be subject to, and in accordance with, applicable law and the rules and regulations of the Pennsylvania Public Utility Commission.

(b) The initial imposition of the rate imposed under subsection (a) shall be established by ordinance. Any subsequent rate adjustments may be by resolution provided that the ordinance establishing the rate allows for future rate

adjustments by resolution adopted at a public meeting. This subsection shall not be construed to invalidate or void any rate imposed or adjusted prior to the effective date of this section.

(2701.2 added Oct. 29, 2020, P.L.782, No.96)

Section 2702. Distribution System; State Permit.--A township entering into a contract for the supply of water may, by ordinance, provide, regulate and protect a system of water distribution after filing a certified copy of the plans and surveys for the system, with a description of the sources from which it is proposed to derive the supply, with the Department of Environmental Protection and, if required by law, other Federal or State entities, and written permits for the construction of the system are issued in accordance with existing law.

(2702 amended Oct. 29, 2020, P.L.782, No.96)

Section 2703. Occupation of Highways.--(a) In providing for, regulating, protecting and extending its 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 article. No highway under the jurisdiction of the Department of Transportation shall be occupied until a permit has been obtained from the Department of Transportation.

(b) Property belonging to or used as a cemetery, a place of public worship, or any public or parochial school, or other educational or charitable institution or seminary, shall not be taken, injured or destroyed by virtue of this section.

(2703 amended Oct. 29, 2020, P.L.782, No.96)

Section 2704. 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 pursuant to 26 Pa.C.S. (relating to eminent domain).

(2704 amended Oct. 29, 2020, P.L.782, No.96)

Section 2705. Appointment of Viewers.--(2705 repealed Oct. 29, 2020, P.L.782, No.96)

Section 2706. 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. No district shall be charged with more than its 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.

(2706 amended Oct. 29, 2020, P.L.782, No.96)

Section 2707. Connection to Water System.--(a) 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) Except as provided in subsection (b), if the nearest property line is located within one hundred fifty feet of a water system or any part or extension of the system.

(2) If the property has no supply of water which is safe for human consumption.

(b) With respect to water supplied for human consumption, a property owner who, after the effective date of this subsection, is subject to mandatory connection pursuant to subsection (a)(1), shall not be required to connect to the water system pursuant to that subsection if all of the following conditions exist:

(1) The water system or part or extension of the system that is within one hundred fifty feet of the nearest property line was in existence on the effective date of this subsection.

(2) The property has its own supply of water which is safe for human consumption.

(3) Prior to the effective date of this subsection, the property owner was not required to connect to the existing system.

(c) Those industries and farms which have their own supply of water for uses other than human consumption through installed and operating wells existing prior to the effective date of this subsection may continue to use their preexisting wells for that purpose but are required to use the water system of the township or municipal authority to provide water for human consumption.

(d) A township may require any owner of property to install and maintain a backflow prevention device based on the degree of potential hazard of the connected property in accordance with other applicable law.

(e) A township may assess penalties for the violation of ordinances pertaining to water connections or backflow prevention devices.

(f) (1) A township may, by ordinance, impose and charge certain fees to property owners who desire or are required to connect to the water system owned or operated by the township, a municipal authority or a joint water board or who desire to increase their usage of the water system.

(2) The fees in paragraph (1) may be a connection fee, a customer facilities fee, a tapping fee and other similar fees as enumerated and calculated under 53 Pa.C.S. § 5607(d)(24) (relating to purposes and powers).

(3) The tapping fee may include a reimbursement part as provided in 53 Pa.C.S. § 5607(d)(24)(i)(C)(IV) to be refunded to the private person or corporation who paid for the construction of the water system or any part or extension thereof.

(g) (1) If any property owner required under subsection (a) to connect with and use the system fails to do so within ninety days after notice to do so has been served by the board of commissioners, either by personal service or registered mail, the board of commissioners or their agents may enter the property and construct the connection.

(2) The board of commissioners shall send an itemized bill of the cost of construction of the connection to the owner of the property to which connection has been made, which bill is payable immediately, or the board of commissioners may authorize the payment of the cost of construction of connections in equal monthly installments and the installments shall bear interest at a rate not to exceed six percent.

(2707 amended Oct. 29, 2020, P.L.782, No.96)

Section 2708. Connection to Water Supply System of Municipality Authorities.--(2708 repealed Oct. 29, 2020, P.L.782, No.96)

Section 2709. Cost of Connection; Where Payable.--The cost of construction of connections shall be payable immediately at the office designated by the board of commissioners, or if authorized by the board of commissioners, in monthly installments, with interest from the date of completion of the construction of the connection.

(2709 amended Oct. 29, 2020, P.L.782, No.96)

Section 2709.1. Default in Payment of Installment.--In case of default in the payment of any installment and interest for

a period of sixty days after the same has become due, the entire cost of construction of the connection and accrued interest shall become due and the township may collect the unpaid cost of construction of the connection and accrued interest from the owner by a municipal claim or in an action of assumpsit.

(2709.1 amended Oct. 29, 2020, P.L.782, No.96)

Section 2709.2. Entry of Liens.--(2709.2 repealed Oct. 29, 2020, P.L.782, No.96)

(b) Joint Water System

(Subdiv. hdg. amended Oct. 29, 2020, P.L.782, No.96)

Section 2710. Joint Construction, Acquisition or Maintenance.--Any township may join with one or more municipal corporations in the construction or acquisition and maintenance of a water system.

(2710 amended Oct. 29, 2020, P.L.782, No.96)

Section 2711. Permits.--The construction of a water system shall be commenced only after plans for the water system have been filed with the Department of Environmental Protection and, if required by law, other Federal or State entities and permits issued in accordance with law.

(2711 amended Oct. 29, 2020, P.L.782, No.96)

Section 2712. Joint Commission.--(a) The municipal corporations joining in the construction or acquisition and maintenance of a water system may, by ordinance, provide for the appointment of a joint commission of a water system in order to facilitate the construction, operation and maintenance of the water system and to secure preliminary surveys and estimates.

(b) The joint commission shall act generally as the advisory and administrative agency in the construction of the improvement and its subsequent operation and maintenance.

(c) The joint commission shall be composed of one representative, or alternatively an equal number of representatives, from each of the joining municipal corporations. The members of the joint commission shall serve for terms of six years each from the dates of their respective appointments and until their successors are appointed.

(d) The joint commission shall organize by the election of a chairperson, secretary and treasurer. The secretary and treasurer may be the same person.

(e) The municipal corporations may, in the ordinances creating the joint commission, authorize the joint commission to appoint an engineer, a solicitor and other assistants as are deemed necessary, and agree to share the compensation costs for members who attend its meetings as shall be fixed in the budget prepared by the joint commission and submitted to and adopted by the joining municipal corporations. In addition to the agreed upon compensation that a member receives for each attendance at a meeting, members shall be entitled to actual expenses to be paid by the respective municipal corporations that the members represent.

(2712 amended Oct. 29, 2020, P.L.782, No.96)

ARTICLE XXVII-A
MANUFACTURE AND SALE OF ELECTRICITY
(Art. added
Feb. 20, 1982, P.L.90, No.33)

Section 2701-A. Manufacture and Sale of Electricity.--Any township may manufacture electricity by means of a hydroelectric generating facility owned or operated by the township for the use of the inhabitants of the township. Any township owning or operating a hydroelectric generating facility may make contracts for the sale of electricity to persons engaged in the business of the manufacture or sale of electricity.

(2701-A amended Oct. 29, 2020, P.L.782, No.96)

Section 2702-A. Regulation of Use and Prices.--Any township furnishing electricity pursuant to this article may regulate the use of electricity in dwellings, business places and other places in the township and the rate to be charged for the electricity.

(2702-A amended Oct. 29, 2020, P.L.782, No.96)

Section 2703-A. Sale of Hydroelectric Generating Facilities.--A township may sell, by ordinance, all or part of its hydroelectric generating facilities to a purchaser for the sale price as the parties may agree upon.

(2703-A amended Oct. 29, 2020, P.L.782, No.96)

Section 2704-A. Construction or Purchase of Hydroelectric Generating Facilities.--Any township may construct or purchase facilities to manufacture electricity by hydroelectric generation. Any township may purchase a hydroelectric generating facility at the price agreed upon by the township and the person, partnership or a majority of the stockholders of a corporation that owns the facilities.

(2704-A amended Oct. 29, 2020, P.L.782, No.96)

Section 2705-A. Submission to Electors.--Before any township constructs or purchases a hydroelectric generating facility, the question of the increase of the debt of the township shall first be submitted to the qualified voters of the township in the manner provided by law for the increase of indebtedness of municipal corporations.

(2705-A amended Oct. 29, 2020, P.L.782, No.96)

Section 2706-A. Limitation on Indebtedness.--No township which constructs or purchases a hydroelectric generating facility shall incur any indebtedness for the construction or enlargement of a new or existing dam or impoundment structure but may incur indebtedness for repairs or reconstruction of an existing dam or impoundment in connection with the hydroelectric project.

(2706-A added Feb. 20, 1982, P.L.90, No.33)

ARTICLE XXVIII PUBLIC BUILDINGS

Section 2801. Township Buildings.--The board of commissioners may procure by purchase, gift, exchange or the exercise of eminent domain a lot or lots of ground located within the township, and erect or use buildings thereon for township purposes.

(2801 amended Oct. 29, 2020, P.L.782, No.96)

Section 2802. Garages and Warehouses.--The board of commissioners may purchase or lease land inside or outside the limits of the township, and erect garages, warehouses or other buildings as may be necessary for handling and storing equipment, materials and supplies.

(2802 amended Oct. 29, 2020, P.L.782, No.96)

Section 2803. Appropriation of Property.--(a) Townships may enter upon and appropriate private property and also land previously granted or dedicated to public or other use within the limits of the township, and which is no longer used for the

purpose for which the same was granted or dedicated, for the erection thereon of a municipal building, fire house, lockup, and other public buildings as are necessary for public purposes.

(b) Notwithstanding subsection (a), no land or property used for any cemetery, burying ground, public or parochial school, educational or charitable institution, seminary, or place of public worship shall be taken or appropriated.

(2803 amended Oct. 29, 2020, P.L.782, No.96)

Section 2804. Ordinance of Commissioners.--Whenever the board of commissioners desires to acquire, enter upon, take, use, and appropriate private property or lands for public buildings, they shall declare their intention by ordinance.

(2804 amended Oct. 29, 2020, P.L.782, No.96)

Section 2805. Assessment of Damages.--The compensation and damages arising from taking, using and appropriating of private or public property for township purposes shall be pursuant to 26 Pa.C.S. (relating to eminent domain).

(2805 amended Oct. 29, 2020, P.L.782, No.96)

Section 2806. Use of Public Lands Acquired for other Purposes.--Whenever the board of commissioners desires to take any public lands previously granted or dedicated to a use or purpose for which they are no longer used, the board of commissioners shall pass an ordinance declaring its intention, and shall petition the court of common pleas for leave to file the bond of the township to secure any person or persons who may be entitled to compensation for the taking. The court shall direct notice to be given by publication in at least one newspaper of general circulation pursuant to section 110. If no exceptions are filed to the bond on or before the day fixed in the notice, the court shall approve the same. The court may increase the amount of the bond, shall hear and determine all exceptions that are filed against the petition and the sufficiency of the bond and may grant or deny the request of the petition. Upon the granting of the petition and the approval of the bond, the board of commissioners may enter upon and take the lands for the purposes of erecting public buildings. The bond, which shall be in the name of the Commonwealth for the use of any person or persons who are entitled to damages by reason of the taking of the lands, shall remain on file for their use and benefit.

(2806 amended Oct. 29, 2020, P.L.782, No.96)

ARTICLE XXIX LICENSES AND LICENSE FEES

(a) Transient Retail Merchants

Section 2901. Licensing Transient Retail Business.--(a) 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 doing of any transient retail business until or unless the license required by the ordinance has been obtained from the township by the person, firm or corporation desiring to commence the transient retail business. The ordinance may be enforced by penalties, not exceeding three hundred dollars, for a violation of its provisions and may provide for other means of enforcement.

(b) 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) Nothing contained in this section shall be construed to apply to any of the following:

- (1) farmers selling their own produce;
- (2) any 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) any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk and milk products.

(2901 amended Oct. 29, 2020, P.L.782, No.96)

(b) Restrictions

Section 2910. Persons Taking Orders by Samples.--A township may not impose, levy or collect a license fee or mercantile tax upon a person that takes, by sample, from a dealer or merchant an order for merchandise on behalf of an individual or company that pays a license fee or mercantile tax at the individual's or company's chief place of business. Nothing in this section shall authorize a person to sell by retail to a person other than a dealer or merchant without payment of a license or permit fee.

(2910 amended Oct. 29, 2020, P.L.782, No.96)

Section 2911. Insurance Business.--A township may not impose or collect a license fee upon an insurance company, including an agent, or an insurance broker, authorized to transact business under the act of May 17, 1921 (P.L.682, No.284), known as "The Insurance Company Law of 1921."

(2911 amended Oct. 29, 2020, P.L.782, No.96)

Section 2912. License Fees on Residents not to Exceed those on Nonresidents.--A township may not enact an ordinance imposing a license fee upon a manufacturer, including an agent, representative, or employe of any manufacturer, who is a resident of the Commonwealth and solicits orders for or sells personal property manufactured within this Commonwealth if the township could not legally impose the same license fee upon a manufacturer, including an agent, representative or employee, that is a nonresident of the Commonwealth and solicits orders for or sells personal property manufactured outside this Commonwealth.

(2912 amended Oct. 29, 2020, P.L.782, No.96)

ARTICLE XXX PARKS, RECREATION CENTERS, SHADE TREES AND FORESTS

(a) Public Parks, Playgrounds, and Recreation Centers

Section 3001. Acquisition of Lands and Buildings.--(a) Townships may, separately or jointly, by ordinance dedicate and set apart lands not dedicated to other public uses or purposes, and may enter upon, appropriate, and acquire by gift, devise, purchase, lease or otherwise, private property for the purpose of making, enlarging, and maintaining public parks, recreation areas and facilities.

(b) Townships may construct and equip new facilities upon such lands and may levy and collect general taxes, or special taxes pursuant to section 1709(a)(9), as necessary to pay for the same and may make appropriations for the construction,

improvement, maintenance, care, regulation and government of the same.

(c) No township, acting individually or jointly, may acquire private property within the limits of another municipal corporation for the purposes designated in this section without the consent of the governing body of the municipal corporation in which the property is located.

(3001 amended Oct. 29, 2020, P.L.782, No.96)

Section 3002. Limitation of Expenditures.--(3002 repealed July 2, 1953, P.L.321, No.69)

Section 3003. Submission of Question to Voters.--(3003 repealed July 2, 1953, P.L.321, No.69)

Section 3004. Notice of Election.--(3004 repealed July 2, 1953, P.L.321, No.69)

Section 3005. Form of Ballot.--(3005 repealed July 2, 1953, P.L.321, No.69)

Section 3006. Result of Election; Resubmission of Question Limited.--(3006 repealed July 2, 1953, P.L.321, No.69)

Section 3007. Liability of Township for Property Taken.--(3007 repealed July 2, 1953, P.L.321, No.69)

Section 3008. Appointment of Viewers.--(3008 repealed July 2, 1953, P.L.321, No.69)

Section 3009. Creation of Recreation Board.--(a) Townships may improve, maintain, and regulate public parks, recreation areas, and facilities and conduct recreation programs.

(b) The authority to supervise, maintain and regulate parks, recreation areas and facilities may be vested in any existing body or board or in a park board or recreation board, as the board of commissioners may determine. The board of commissioners may equip, operate and maintain the parks, recreation areas and facilities as authorized by this act and shall, for the purpose of carrying out the provisions of this act, employ any officers or employees as they deem proper.

(c) If the board of commissioners determines that the power to equip, operate and maintain parks, recreation areas and facilities shall be exercised by a recreation board, the board of commissioners may, by ordinance, establish in the township a recreation board which shall possess those powers and duties as may be delegated to it by ordinance.

(3009 amended Oct. 29, 2020, P.L.782, No.96)

Section 3010. Composition of Park or Recreation Boards.--(a) Park or recreation boards, when established, shall consist of five or seven persons who are residents of or property owners in the township and shall be appointed by the board of commissioners.

(b) The members of the park or recreation board shall serve for terms of five years or until their successors are appointed, except that the members of the board first appointed shall be appointed for staggered terms so that the terms of no more than two members shall expire annually thereafter.

(c) Members of the board shall serve without pay.

(d) All persons appointed to the board shall serve their full terms unless they shall voluntarily resign or be removed by the board of commissioners for malfeasance or nonfeasance of duty. Vacancies in the board, occurring other than by expiration of term, shall be filled for the unexpired term, in the same manner as original appointments.

(3010 amended Oct. 29, 2020, P.L.782, No.96)

Section 3011. Organization of Park or Recreation Boards; Delegated Powers and Duties.--The members of a park board or recreation board established pursuant to this article shall elect their own chairperson and secretary and select all other

necessary officers to serve for a period of one year. The park or recreation board may, if delegated, select, employ or discharge persons as may be needed as authorized by this article. The board shall have power to adopt rules and regulations for the conduct of all business within its jurisdiction unless otherwise provided by the ordinance establishing the board. The board shall submit an annual report to the board of commissioners, including an analysis of the community recreation areas, facilities and leadership, with particular reference to the extent and adequacy of the program and its effectiveness in view of the public expenditure involved and the public needs to be met.

(3011 amended Oct. 29, 2020, P.L.782, No.96)

Section 3012. Maintenance and Tax Levy.--(a) All expenses incurred in the maintenance and operation of parks, recreation areas and facilities established under this article shall be payable from the treasury of the township or from the treasury of the applicable political subdivisions pursuant to an intergovernmental cooperation agreement.

(b) The board of commissioners may annually appropriate and raise by general or special taxation an amount necessary for the purpose of maintaining and operating the parks, recreation areas and facilities and programs.

(3012 amended Oct. 29, 2020, P.L.782, No.96)

Section 3013. Joint Ownership and Maintenance.--(a) Any township may join or create, with one or more municipalities, a joint recreation board in accordance with 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental cooperation). The joint recreation board may acquire property for and operate and maintain any parks, public recreation areas and facilities. Any school district may join with the township in equipping, operating and maintaining parks, public recreation areas and facilities and may appropriate money therefor.

(b) All the costs and expenses of the joint recreation board, including those relative to property jointly acquired, shall be paid for by the respective municipalities as specified in the intergovernmental cooperation agreement.

(3013 amended Oct. 29, 2020, P.L.782, No.96)

Section 3014. Issue of Bonds.--The township may incur indebtedness and may issue general obligation bonds for the purpose of acquiring lands or buildings for parks and recreation areas and the equipment thereof in accordance with 53 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and borrowing).

(3014 amended Oct. 29, 2020, P.L.782, No.96)

Section 3015. Plan of Parks, Recreation Areas and Facilities.--(3015 repealed July 31, 1968, P.L.805, No.247)

Section 3016. Lands for Planned Parks and Recreation Areas to be Appropriated Within Three Years.--(3016 repealed July 31, 1968, P.L.805, No.247)

(b) Shade Tree Commission

Section 3020. Right of Establishment.--Townships may, by ordinance, establish a shade tree commission. In townships where the township commissioners shall not elect to create by ordinance a shade tree commission, the board of commissioners may exercise all the rights and perform the duties and obligations imposed by this article upon the shade tree commission.

(3020 amended Oct. 29, 2020, P.L.782, No.96)

Section 3021. Appointment; Terms; Vacancies.--(a) A shade tree commission shall be composed of three or five residents

of the township who shall be appointed by the board of commissioners and shall serve without compensation.

(b) If a shade tree commission of three members is established by any township, the board of commissioners shall appoint one member for a term of three years, one for a term of four years, and one for a term of five years. If a shade tree commission of five members is established by any township, the board of commissioners shall appoint members to staggered terms so that one term expires every year. On the expiration of the term of any shade tree commissioner, a successor shall be appointed by the board of commissioners to serve for a term of five years.

(c) Vacancies in the office of shade tree commissioner shall be filled by the board of commissioners for the unexpired term.

(3021 amended Oct. 29, 2020, P.L.782, No.96)

Section 3022. Powers may be Vested in Park Commission.--If in any township there exists a commission for the care of public parks, the board of commissioners may, by ordinance, confer on the park commission all the powers and all the duties prescribed by this article for the shade tree commission.

(3022 amended Oct. 29, 2020, P.L.782, No.96)

Section 3023. General Powers of Shade Tree Commission.--Except as provided in section 2070, the shade tree commission shall have exclusive custody and control of the shade trees in the township, and is authorized to plant, remove, maintain and protect shade trees on the public streets and highways in the township.

(3023 amended Oct. 29, 2020, P.L.782, No.96)

Section 3024. Hiring of Employees; Regulations.--The shade tree commission may, with the approval of the board of commissioners, select, employ and discharge and pay persons to perform the duties and directions of the shade tree commission and make, publish and enforce regulations for the care and protection of the shade trees of the township. No regulations shall be in force until approved by the board of commissioners and until published at least once in a newspaper of general circulation in accordance with the provisions of section 110.

(3024 amended Oct. 29, 2020, P.L.782, No.96)

Section 3025. Report of Shade Tree Commission.--The shade tree commission shall annually report in full to the board of commissioners its transactions and expenses for the preceding fiscal year of the township. The park commission may incorporate the transactions and expenses in its regular report to the board of commissioners.

(3025 amended Oct. 29, 2020, P.L.782, No.96)

Section 3026. Notice of Work.--If a shade tree commission proposes to plant, transplant or remove shade trees on any street or highway, notice of the time and place of the meeting at which the work is to be considered shall be given once in one newspaper of general circulation immediately preceding the time of the meeting. The notice shall specify in detail the streets or highways, or portions thereof, upon which trees are proposed to be planted, transplanted or removed.

(3026 amended Oct. 29, 2020, P.L.782, No.96)

Section 3027. Payment by Owners; Assessment.--(a) The cost of planting, transplanting or removing any shade trees in the streets or highways of the township, of the necessary and suitable guards, curbing or grading for protection of the shade trees and of the replacing of any pavement or sidewalk necessarily disturbed in the execution of the work shall be paid by the owner of the real estate abutting the location of the work.

(b) In the event that the township undertakes the work described in this section, costs shall be assessed in accordance with Article XXV-A and if the benefit conferred method of assessment is used, the benefit conferred shall be no greater than actual costs.

(3027 amended Oct. 29, 2020, P.L.782, No.96)

Section 3027.1. Removal of Diseased or Dangerous Trees.--The shade tree commission may, by regulation and upon notice provided by ordinance, require owners of property to cut and remove trees afflicted with any disease which threatens to injure or destroy shade trees in the township. Upon failure of any owner to comply with the notice, the township may cause the work to be done by the township and assess and collect the cost against the owner of the property in accordance with section 3027.

(3027.1 amended Oct. 29, 2020, P.L.782, No.96)

Section 3028. Assessments Liens.--(3028 repealed Oct. 29, 2020, P.L.782, No.96)

Section 3029. Maintenance by Township; Funds For.--(a) The cost and expenses of caring for shade trees after planting, and the expense of publishing the notice required by this article shall be paid by the township.

(b) The shade tree commission shall annually certify the amount needed under this article to the board of commissioners.

(c) Instead of levying the tax authorized under the general tax levying powers of this act, the board of commissioners may provide for the expenses of caring for trees previously planted and publishing the notice, by appropriations equal to the amount certified to be required by the shade tree commission.

(3029 amended Oct. 29, 2020, P.L.782, No.96)

Section 3030. Penalties.--(a) As provided by ordinance of the township, the shade tree commission may assess penalties for the violation of its regulations and this article relating to shade trees. Any penalty assessed shall be a lien upon the real estate of the offender and may be collected as a municipal claim.

(b) All penalties or assessments imposed under this article shall be paid to the township treasurer to be kept in a separate fund and utilized only for the purposes authorized by this article.

(3030 amended Oct. 29, 2020, P.L.782, No.96)

Section 3031. Disposition of Penalties.--(3031 repealed Oct. 29, 2020, P.L.782, No.96)

(c) Forests

Compiler's Note: Section 302(h) of Act 18 of 1995, which created the Department of Conservation and Natural Resources and renamed the Department of Environmental Resources as the Department of Environmental Protection, provided that the Department of Conservation and Natural Resources shall exercise the powers of duties conferred upon the Department of Forests and Waters by subarticle (c).

Section 3040. Right of Acquisition of Forest Lands.--A township may acquire by purchase, gift or lease tracts of land covered with forest or tree growth or suitable for the growth of trees for the benefit of the township, and administer the tracts in accordance with the practices and principles of scientific forestry. The tracts may be of any size suitable for

the purpose and may be located within or without the township limits.

(3040 amended Oct. 29, 2020, P.L.782, No.96)

Section 3041. Approval of Department of Forests and Waters.--(3041 repealed Oct. 29, 2020, P.L.782, No.96)

Section 3042. Ordinance and Notice.--If the board of commissioners deems it expedient to acquire land for forests, it shall enact an ordinance setting forth the facts and conditions relating to the proposed action.

(3042 amended Oct. 29, 2020, P.L.782, No.96)

Section 3043. Appropriation for Acquisition.--Money necessary for the purchase of the tracts 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.

(3043 amended Oct. 29, 2020, P.L.782, No.96)

Section 3044. Regulations.--Upon the acquisition of any forests or lands suitable for forests, 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.

(3044 amended Oct. 29, 2020, P.L.782, No.96)

Section 3045. Appropriation for Maintenance; 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.

(3045 amended Oct. 29, 2020, P.L.782, No.96)

Section 3046. Use of Township Forests.--Township forests may be used by the public as general outing or recreation grounds subject to the regulations under section 3044.

(3046 amended Oct. 29, 2020, P.L.782, No.96)

Section 3047. Ordinance of Sale.--(a) If the board of commissioners deem it expedient to sell or lease a township forest, a part of a township forest or a product from a township forest, the board shall enact an ordinance setting forth the facts and conditions relating to the proposed action.

(b) To enact an ordinance under this section, the board shall comply with the advertising and bidding requirements of section 1501.1.

(3047 amended Oct. 29, 2020, P.L.782, No.96)

Section 3048. Appropriation of Money to Forestry Organizations.--The board of commissioners may appropriate money from the township treasury to a forest protection association cooperating in forest work with the Department of Conservation and Natural Resources or to be expended in direct cooperation with the Department of Conservation and Natural Resources in forest work.

(3048 amended Oct. 29, 2020, P.L.782, No.96)

ARTICLE XXX-A LAND SUBDIVISION

(Art. hdg. repealed Oct. 29, 2020, P.L.782, No.96)

Section 3061. Grant of Power.--(3061 repealed July 31, 1968, P.L.805, No.247)

Section 3062. Public Hearing.--(3062 repealed July 31, 1968, P.L.805, No.247)

Section 3063. Subdivision Control.--(3063 repealed July 31, 1968, P.L.805, No.247)

Section 3064. Definition of Subdivision.--(3064 repealed July 31, 1968, P.L.805, No.247)

Section 3065. Subdivisions Wherein Lots Abut Existing Improved Streets or Highways of Sufficient Width.--(3065 repealed July 31, 1968, P.L.805, No.247)

Section 3066. Subdivisions Wherein Lots Abut Existing Streets or Highways of Insufficient Width or Proposed Streets.--(3066 repealed July 31, 1968, P.L.805, No.247)

Section 3067. Sale of Lots; Issuance of Building Permit or Erection of Building.--(3067 repealed July 31, 1968, P.L.805, No.247)

Section 3068. Penalty.--(3068 repealed July 31, 1968, P.L.805, No.247)

ARTICLE XXXI

ZONING

(Art. hdg. repealed Oct. 29, 2020, P.L.782, No.96)

Section 3101. Grant of Power.--(3101 repealed July 31, 1968, P.L.805, No.247)

Section 3102. Districts.--(3102 repealed July 31, 1968, P.L.805, No.247)

Section 3103. Purpose in View.--(3103 repealed July 31, 1968, P.L.805, No.247)

Section 3104. Methods of Procedure.--(3104 repealed July 31, 1968, P.L.805, No.247)

Section 3105. Changes.--(3105 repealed July 31, 1968, P.L.805, No.247)

Section 3106. Zoning Commission.--(3106 repealed July 31, 1968, P.L.805, No.247)

Section 3107. Board of Adjustment.--(3107 repealed July 31, 1968, P.L.805, No.247)

Section 3107.1. Salary of Members of Board of Adjustment.--(3107.1 repealed July 31, 1968, P.L.805, No.247)

Section 3107.2. Counsel for Board of Adjustment.--(3107.2 repealed July 31, 1968, P.L.805, No.247)

Section 3108. Remedies.--(3108 repealed July 31, 1968, P.L.805, No.247)

Section 3109. Conflict with Other Laws.--(3109 repealed July 31, 1968, P.L.805, No.247)

Section 3110. Act not to Apply to Certain Buildings of Public Service Corporations.--(3110 repealed July 31, 1968, P.L.805, No.247)

Section 3111. Finances.--(3111 repealed July 31, 1968, P.L.805, No.247)

ARTICLE XXXI-A

UNIFORM CONSTRUCTION CODE, PROPERTY MAINTENANCE CODE AND RESERVED POWERS

(Art. XXXI-A added Oct. 30, 2015, P.L.207, No.51)

Compiler's Note: Section 3 of Act 51 of 2015, which added Article XXXI-A, provided that nothing in Act 51 shall be construed to repeal or modify any township ordinance in effect on the effective date of Act 51 or affect any proceeding or enforcement of any township ordinance instituted prior to the effective date of Act 51.

Section 3101-A. Definitions.

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

"Pennsylvania Construction Code Act." The act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act.

"Uniform Construction Code." The Uniform Construction Code adopted under section 301 of the Pennsylvania Construction Code Act.

(3101-A added Oct. 30, 2015, P.L.207, No.51)

Section 3102-A. Primacy of Uniform Construction Code.

(a) General rule.--The Pennsylvania Construction Code Act and the Uniform Construction Code shall apply to the construction, alteration, repair and occupancy of the buildings and structures within a township.

(b) Primacy.--This section and an ordinance, rule or regulation adopted under this section shall not supersede or abrogate the Pennsylvania Construction Code Act or the Uniform Construction Code and shall be construed and read in pari materia with both.

(3102-A added Oct. 30, 2015, P.L.207, No.51)

Section 3103-A. Changes in Uniform Construction Code.

The board of commissioners may propose and enact an ordinance to equal or exceed the minimum requirements of the Uniform Construction Code in accordance with and subject to the requirements of section 503 of the Pennsylvania Construction Code Act. An ordinance exceeding the provisions of the Uniform Construction Code shall be required to meet the standards provided in section 503(j)(2) of the Pennsylvania Construction Code Act.

(3103-A amended Oct. 29, 2020, P.L.782, No.96)

Section 3104-A. Public nuisance.

A building, housing or property, or part of a building, housing or property erected, altered, extended, reconstructed, removed or maintained, contrary to the provisions of an ordinance passed for a purpose specified in this article may be declared, by a court of law, a public nuisance, and may be abatable as such. However, a violation of the Uniform Construction Code or an ordinance that equals or exceeds the Uniform Construction Code shall be subject to the provisions of the Pennsylvania Construction Code Act and the regulations adopted thereunder by the Department of Labor and Industry relating to enforcement for noncompliance.

(3104-A added Oct. 30, 2015, P.L.207, No.51)

Section 3105-A. Property maintenance code.

(a) Property maintenance code.--Notwithstanding the primacy of the Uniform Construction Code, the board of commissioners may enact a property maintenance ordinance, and they may incorporate a standard or nationally recognized property maintenance code, or a variation or change or part of the code, published and printed in book form, without incorporating the text of the code in the ordinance, or the board of commissioners may enact a standard or nationally recognized property maintenance code or a change or variation or part, as the ordinance. In either event, the ordinance, or a change or variation or part, need not be advertised after passage, but notice of its consideration, in reasonable detail, shall be published as will give adequate notice of its contents and a reference to the place or places within the township where copies of the proposed property maintenance code may be examined or obtained. The notice required by this subsection shall be published once in one newspaper of general circulation at least

one week and not more than three weeks prior to the presentation of the proposed property maintenance code to the board of commissioners. No fewer than three copies of the ordinance adopted by the board of commissioners shall be made available for public inspection and use during business hours or be made available to an interested party at the cost of the copies or may be furnished or lent without charge. A property maintenance code adopted by reference need not be recorded in or attached to the ordinance book but shall be deemed to have been legally recorded if the ordinance by which the code was adopted by reference shall have been recorded, with an accompanying notation stating where the full text of the code shall have been filed. The ordinance may provide for reasonable property fines and penalties for violations of the ordinance. The procedure under this section relating to the adoption of the ordinance may likewise be utilized in amending, supplementing or repealing a provision of the ordinance.

(b) Property maintenance inspectors.--The board of commissioners may appoint property maintenance inspectors who shall have the right to enter upon and inspect any premises, subject to constitutional standards, at reasonable hours and in a reasonable manner for the administration and enforcement of the township's property maintenance code or ordinance incorporating a standard or nationally recognized property maintenance code. A fee payable to property maintenance inspectors under the ordinance shall be promptly paid by them to the township treasurer for the use of the township.

(c) Legal actions.--In addition to the penalties provided by the property maintenance ordinance, the township may institute appropriate actions or proceedings at law or in equity to prevent or restrain property maintenance violations.

(d) Construction.--The powers of a township as provided in this section shall be in addition to, but not limited to, the powers provided in the act of November 26, 2008 (P.L.1672, No.135), known as the Abandoned and Blighted Property Conservatorship Act, 53 Pa.C.S. Ch. 61 (relating to neighborhood blight reclamation and revitalization) and 68 Pa.C.S. Ch. 21 (relating to land banks).

(3105-A amended Oct. 29, 2020, P.L.782, No.96)
Section 3106-A. Reserved powers.

If, as a result of legislative action or final order of court for which the time for appeal has expired and no appeal has been taken or from which there is no pending appeal, the Uniform Construction Code or a replacement code is no longer applicable in townships, the board of commissioners may:

(1) Enact and enforce ordinances to govern and regulate the construction, reconstruction, alteration, extension, repair, conversion, maintenance, occupation, sanitation, ventilation, heating, egress, lighting, electrical wiring, water supply, toilet facilities, drainage, plumbing, fire prevention, fireproofing, including prescribing limitations wherein only buildings of noncombustible material and fireproofed roofs are used in construction, erection or substantial reconstruction, use and inspection of all buildings and housing or parts of buildings and housing and the roofs, walls and foundations of buildings and housing, and all facilities and services in or about the buildings or housing constructed, erected, altered, designed or used, in whole or in part, for use or occupancy, and the sanitation and inspection of land appurtenant to the buildings or housing. The codes may be combined or separately enacted or combined with the property maintenance code. The board of

commissioners may adopt, amend or incorporate by reference a standard or nationally recognized code or a variation or change or part of the code as its ordinance in the manner provided in section 3105-A. The ordinance may provide for reasonable fines and penalties for violations of the ordinance.

(2) Require that, before work of construction, reconstruction, alteration, extension, repair or conversion of a building has begun, approval of the plans and specifications be secured.

(3) Appoint building inspectors, housing inspectors, property maintenance inspectors, fire prevention inspectors, electrical inspectors and plumbing inspectors and fix their compensation. The inspectors shall have the right to enter upon, subject to constitutional standards, and inspect a premises at reasonable hours and in a reasonable manner, for the administration and enforcement of the township's adopted codes or ordinances incorporating standard or nationally recognized codes. A fee payable to inspectors under the ordinances shall be paid by them to the township treasurer for the use of the township as promptly as may be.

(4) In addition to the penalties provided by ordinances, institute appropriate actions or proceedings at law or in equity to prevent or restrain the unlawful construction, reconstruction, alteration, extension, repair, conversion, maintenance, use or occupation of property located within the township, to restrain, correct or abate the violation and to prevent the use or occupancy of the building, housing or structure.

(3106-A amended Oct. 29, 2020, P.L.782, No.96)

ARTICLE XXXII

TOWNSHIP PLANNING COMMISSION

(Art. hdg. repealed Oct. 29, 2020, P.L.782, No.96)

Section 3201. Power to Create Planning Commission; Residence of Commissioners; Employees; Rules and Regulations.--(3201 repealed July 31, 1968, P.L.805, No.247)

Section 3202. Maps and Plans; Recommendations of Planning Commission.--(3202 repealed July 31, 1968, P.L.805, No.247)

Section 3203. Reference of Proposals to Planning Commission.--(3203 repealed July 31, 1968, P.L.805, No.247)

ARTICLE XXXIII

ENFORCEMENT OF ORDINANCES

(Art. repealed Oct. 29, 2020, P.L.782, No.96)

Section 3301. Proceedings for Violation of Township Ordinances.--(3301 repealed Oct. 29, 2020, P.L.782, No.96)

Section 3302. Arrests on View; Complaints.--(3302 repealed Oct. 29, 2020, P.L.782, No.96)

Section 3303. Disposition of Fines and Penalties.--(3303 repealed Apr. 28, 1978, P.L.202, No.53)

Section 3304. Incarceration of Violators of Township Ordinances; Collection of Fines and Penalties.--(3304 repealed Oct. 29, 2020, P.L.782, No.96)

Section 3305. Township's Liability for Costs of Prisoners to County.--(3305 repealed Oct. 29, 2020, P.L.782, No.96)

ARTICLE XXXIII-A

ORDINANCES

(Art. added Oct. 29, 2020, P.L.782, No.96)

(a) General Provisions
(Subart. added Oct. 29, 2020, P.L.782, No.96)

Section 3301-A. Ordinances and resolutions.

(a) General rule.--The board of commissioners shall enact ordinances in accordance with this article and the laws of this Commonwealth in which the powers of the township shall be exercised as deemed beneficial to the township and to provide for the enforcement of the powers of the township. The board of commissioners may amend, repeal or revise existing ordinances by the enactment of subsequent ordinances.

(b) Ordinances.--Every legislative act of the board of commissioners shall be by ordinance. Legislative acts shall include, but not be limited to:

- (1) Legislation doing any of the following:
 - (i) Exercising the police power of the township.
 - (ii) Regulating land use, development and subdivision.
 - (iii) Imposing building, plumbing, electrical, property maintenance, housing and similar standards.
 - (iv) Regulating the conduct of a person or entity within the township and imposing penalties for violation of the regulated conduct.
- (2) Imposing assessments on benefited property for public improvements in accordance with Article XXV-A.
- (3) Increasing the rate of taxation from the previous fiscal year.

(c) Resolutions.--The board of commissioners shall adopt resolutions in accordance with this article and the laws of this Commonwealth. Resolutions may be adopted for any purpose, including, but not limited to, the following:

- (1) Ceremonial or congratulatory expressions of the good will of the board of commissioners.
- (2) Statements of public policy of the board of commissioners.
- (3) Approval of formal agreements of the township, except for agreements arising under an established purchasing system of the township.
- (4) Approval, if required, of administrative rules, regulations and bylaws arising under State statutes or township ordinances.
- (5) Levying taxes at the same rate as or a rate lower than the previous fiscal year.

(3301-A added Oct. 29, 2020, P.L.782, No.96)

Section 3302-A. Publication.

(a) Requirements.--Except as provided under this article or other law, the board of commissioners shall publish every proposed ordinance once in one newspaper of general circulation at least seven days and not more than 60 days prior to enactment. Publication of any proposed ordinance shall include all of the following:

- (1) The full text or the subject matter and a brief summary prepared by the township solicitor setting forth all the provisions in reasonable detail.
- (2) A reference to the township office or other place where township records are kept where copies of the proposed ordinance may be examined.

(b) Summary.--If the full text is not included in the publication of the proposed ordinance, the following shall apply:

(1) The newspaper in which the proposed ordinance is published shall, upon request, be furnished a copy of the full text without charge.

(2) The following shall apply:

(i) In addition to copies of the full text of the proposed ordinance retained where township records are kept in accordance with subsection (a), an attested copy of the full text shall be filed within 30 days after enactment in the county law library or other county office designated by the county commissioners.

(ii) The county commissioners may impose a fee not greater than the actual costs of storing the proposed ordinance.

(iii) Filing with the county may be completed by the submission of an electronic copy of the ordinance through a method available, in the sole discretion of the county, to permit receipt by the office storing municipal ordinances. No fee pursuant to clause (ii) shall be imposed for storing an electronic copy of an ordinance.

(iv) Upon request by the township, the county shall notify the township of the method by which electronic copies may be submitted.

(v) The county may store the ordinance electronically if the public is able to access the electronically stored township ordinances during regular business hours at the office or at a remote location.

(vi) The township shall retain a printed copy of the email and ordinance as transmitted.

(3) The date of the filing with the county under paragraph (2) shall not affect the effective date of the ordinance and shall not be deemed a defect in the process of the enactment of the ordinance.

(c) Notice of amendments.--If substantial amendments are made in the proposed ordinance, before voting upon enactment, the board of commissioners shall within at least ten days before enactment readvertise in one newspaper of general circulation the subject matter and a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments. A copy of the full text of the amended proposed ordinance shall be retained where township records are kept.

(d) Maps.--When maps, plans or drawings of any kind are adopted as part of an ordinance, instead of publishing them as part of the proposed ordinance, the board of commissioners may refer in publishing the proposed ordinance to the place where the maps, plans or drawings are on file and may be examined.

(3302-A added Oct. 29, 2020, P.L.782, No.96)
Section 3303-A. Recording and proof.

(a) Recording.--All township ordinances and all township resolutions pertaining to tax levies shall, within thirty days after enactment, be recorded by the township secretary in an ordinance book. A failure to record within the time provided shall not be deemed a defect in the process of enactment of the ordinance or resolution pertaining to a tax levy. The ordinance book shall be open to the inspection of citizens during normal business hours.

(b) Proof.--All ordinances may be proved by the certificate of the township secretary under the corporate seal. If an ordinance is printed or published in book or pamphlet form by the authority of the township, the ordinance shall be accepted as evidence without further proof. The entry of the township 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 ordinances or portions of ordinances had been recorded directly upon the pages of the ordinance book if all other requirements of this act applicable to the enactment, approval, advertising and recording of the ordinances or portions of ordinances were complied with within the time limits prescribed under this act.

(3303-A added Oct. 29, 2020, P.L.782, No.96)

Section 3304-A. Codification of ordinances.

(a) Consolidation, codification and revision.--The board of commissioners may prepare or have prepared a consolidation, codification or revision of the general body of township ordinances or the ordinances on a particular subject. The board of commissioners may enact the consolidation, codification or revision as an ordinance of the township except the required advertised notice of the proposed enactment of the consolidation, codification or revision shall specify its general nature and shall include a listing of its table of contents. The procedure for the consolidation, codification or revision of township ordinances as a single ordinance may also be followed in enacting a complete group or body of ordinances, repealing or amending existing ordinances as may be necessary, in the course of preparing a consolidation, codification or revision of the township ordinances, except that the advertisement giving notice of the proposed enactment shall list, in lieu of a table of contents, the titles only of each of the ordinances in the complete group or body of ordinances.

(b) Enactment.--For a consolidation, codification or revision under subsection (a), the ordinance shall be introduced by the board of commissioners at least 30 days before its final enactment and, at least 15 days before final enactment, notice of the introduction of the ordinance shall be given by advertisement in a newspaper of general circulation.

(c) Subsequent notice.--When any consolidation, codification or revision under subsection (a) has been enacted as an ordinance, it shall not be necessary to advertise the entire text, but it shall be sufficient to publish a notice stating that the consolidation, codification or revision, which had previously been given, was finally enacted.

(3304-A added Oct. 29, 2020, P.L.782, No.96)

Section 3305-A. Appeals from ordinances.

Complaint as to the legality of any ordinance or resolution shall be made to the court of common pleas pursuant to 42 Pa.C.S. § 5571.1 (relating to appeals from ordinances, resolutions, maps, etc.). In cases of ordinances laying out streets over private lands, the court shall have jurisdiction to review the propriety as well as the legality of the ordinance.

(3305-A added Oct. 29, 2020, P.L.782, No.96)

Section 3306-A. Standard or nationally recognized codes.

(a) Authority to enact.--In the same manner as other ordinances, and except as otherwise provided in this article or the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, the board of commissioners may enact, by reference to a standard or nationally recognized code, all or a portion of the standard or nationally recognized code as an ordinance of the township. No portion of any code which limits the work to be performed to any type of

construction contractor or labor or mechanic classification shall be enacted. Three copies of the proposed standard or nationally recognized code, portion of the code or amendment to the code shall be filed with the secretary of the township at least 10 days before the board of commissioners considers the proposed ordinance. Upon enactment, a copy shall be kept with the ordinance book and available for public use, inspection, examination and copying.

(b) Time frame.--

(1) Except as otherwise provided by the Pennsylvania Construction Code Act and regulations adopted pursuant to the act, an ordinance adopting, by reference, a standard or nationally recognized code shall be enacted within 60 days after it is filed with the secretary of the township and shall encompass the provisions of the code effective as of the code date stated in the ordinance.

(2) A township that has adopted any standard or nationally recognized code by reference may adopt subsequent ordinances which incorporate by reference any subsequent changes thereof, properly identified as to date and source, as may be adopted by the agency or association which promulgated the code.

(3) An ordinance which incorporates standard or nationally recognized code amendments by reference shall become effective after the same procedure and in the same manner as is specified in this section for original adoption of the code.

(c) Technical regulations or code.--An ordinance that incorporates, by reference, standard technical regulations or code shall be subject to the provisions of the Pennsylvania Construction Code Act, if applicable.

(3306-A added Oct. 29, 2020, P.L.782, No.96)

(b) Enforcement

(Subart. added Oct. 29, 2020, P.L.782, No.96)

Section 3321-A. Fines and penalties.

(a) Prescription.--

(1) A township ordinance shall prescribe fines and penalties for violation.

(i) A civil penalty may not exceed \$600 per violation.

(ii) The board of commissioners may prescribe a criminal fine not to exceed \$1,000 per violation and may prescribe imprisonment to the extent allowed by law for the punishment of a summary offense.

(2) An ordinance under this subsection may provide that a separate violation under paragraph (1)(i) or (ii) shall arise for:

(i) each day of violation; and

(ii) each applicable section of the ordinance.

(3) An ordinance may provide for assessment of court costs and reasonable attorney fees incurred by the township in the enforcement proceedings.

(4) The board of commissioners may delegate the initial determination of ordinance violation and the service of notice of violation to a qualified officer or agent.

(b) Enforcement at law.--Unless otherwise provided by statute, a township ordinance shall set forth the method of its enforcement in accordance with the following:

(1) Except as provided in paragraph (2), if the penalty is not paid, the township shall initiate a civil action for

collection in accordance with the Pennsylvania Rules of Civil Procedure. A township shall be exempt from the payment of costs in an action under this paragraph.

(2) For an ordinance regulating building, housing, property maintenance, health, fire, public safety, parking, solicitation, curfew, water or air or noise pollution, enforcement shall be by a criminal action in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The municipal solicitor may assume charge of the prosecution without the consent of the district attorney as required under Pa.R.Crim.P. No. 454 (relating to trial in summary cases). Violations of the property maintenance code or ordinance may also be enforced under section 3105-A(c).

(3) Except for an ordinance subject to paragraph (2), an ordinance enacted prior to the effective date of this section shall be deemed automatically amended so that it shall be enforced under paragraph (1).

(4) If a civil claim under this subsection, exclusive of interest, costs or fees, exceeds the monetary jurisdiction of a magisterial district judge under 42 Pa.C.S. § 1515(a) (relating to jurisdiction and venue), the township may:

(i) bring the action in a court of common pleas;

or

(ii) make a waiver under 42 Pa.C.S. § 1515(a)(3).

(c) Enforcement in equity.--In addition to or in lieu of enforcement under subsection (b), a township may enforce an ordinance in equity in a court of common pleas of the county where the township is situate.

(d) Payment.--Money collected under subsection (b) shall be paid to the township treasurer.

(3321-A added Oct. 29, 2020, P.L.782, No.96)

Section 3322-A. Commitment pending trial.

An individual arrested for the violation of a township ordinance may, pending hearing or trial, be committed to the township lockup, or if there is no suitable township lockup, a county correctional facility.

(3322-A added Oct. 29, 2020, P.L.782, No.96)

Section 3323-A. Township's liability for costs of prisoners to county.

If a prisoner is committed to a county correctional facility under section 3322-A, the expenses of maintaining the prisoner during confinement shall be paid by the township and the county shall not be liable for the maintenance.

(3323-A added Oct. 29, 2020, P.L.782, No.96)

ARTICLE XXXIV ACTIONS BY AND AGAINST TOWNSHIPS

Section 3401. Commissioners to Bring and Defend Suits.--(3401 repealed Apr. 28, 1978, P.L.202, No.53)

Section 3402. Rights of Taxpayers to Inquire into Judgments.--(3402 repealed Apr. 28, 1978, P.L.202, No.53)

Section 3403. Appeals by Taxpayers.--(3403 repealed Apr. 28, 1978, P.L.202, No.53)

Section 3404. Affidavit and Bail by Taxpayers.--(3404 repealed Apr. 28, 1978, P.L.202, No.53)

Section 3405. Taxpayers Parties to Suits.--(3405 repealed Apr. 28, 1978, P.L.202, No.53)

Section 3406. Collection of Municipal Claims.--(a) In addition to the remedies provided by law for the filing of liens for the collection of municipal claims, including, but not

limited to, water rates, sewer rates and the removal of nuisances, townships may proceed for the recovery and collection of municipal claims by action of assumpsit against the person or persons who were the owner or owners of the property at the time of the completion of the improvement or at the time the water or sewer rates or the cost of the removal of nuisances first became payable, notwithstanding the fact that there was a failure on the part of the township or its agents to enter the municipal claim as a lien against the property assessed for the improvement or for the furnishing of water or sewer services and for the removal of nuisances, and for the recovery of which the action of assumpsit was brought.

(b) The action in assumpsit shall be commenced either within six years after the completion of the improvement from which the claim arises or within six years after the applicable rates or the cost of abating a nuisance first became payable.

(3406 amended Oct. 29, 2020, P.L.782, No.96)

ARTICLE XXXV REPEALS

Section 3501. Repeals.--(a) Nothing contained in this amendment, revision and reenactment shall be construed to revive any act or part of an act heretofore repealed.

(b) The following additional acts and parts of acts are hereby repealed as respectively indicated:

(1) The act, approved the twenty-second day of June, one thousand nine hundred thirty-one (Pamphlet Laws 844), entitled, as amended, "An act authorizing the Commonwealth of Pennsylvania, or any department or division thereof, and counties, cities, boroughs, incorporated towns, townships, school districts, vocational school districts, and institution districts to make contracts of life, health, hospitalization, medical services, and accident policies for the benefit of employes thereof, and contracts for pensions for such employes; and providing for the payment of the cost thereof," so far as it relates to townships of the first class.

(2) The act, approved the twenty-second day of June, one thousand nine hundred thirty-one (Pamphlet Laws 845), entitled "An act authorizing the publication of advertisements for bids for public works, supplies or equipment in certain publications and journals devoted to information about construction work," so far as it relates to townships of the first class.

(3) The act, approved the first day of May, one thousand nine hundred thirty-five (Pamphlet Laws 124), entitled "An act authorizing the insurance of deposits of funds, of this Commonwealth and of the political subdivisions thereof, with the Federal Deposit Insurance Corporation or other similar agency; and prohibiting requiring further security for amounts so insured," so far as it relates to townships of the first class.

(4) The act, approved the eighteenth day of July, one thousand nine hundred thirty-five (Pamphlet Laws 1173), entitled "An act to prohibit discrimination on account of race, creed or color in employment under contracts for public buildings or public works," so far as it relates to townships of the first class.

(5) The act, approved the sixteenth day of March, one thousand nine hundred thirty-seven (Pamphlet Laws 98), entitled "An act authorizing political subdivisions to stipulate in specifications, upon which contracts for the construction, alteration or repairs of any public work or improvement are

entered into, the minimum wages to be paid to laborers and mechanics, and providing for the stipulation of penalties in such contracts where such minimum wage stipulations are violated, and for the recovery of such penalties, and their return in certain cases," so far as it relates to townships of the first class.

(6) The act, approved the fifth day of June, one thousand nine hundred forty-one (Pamphlet Laws 84), entitled "An act providing for and regulating the appointment, promotion and reduction in rank, suspension and removal of paid members of the police force in boroughs, incorporated towns and townships of the first class maintaining a police force of not less than three members; creating a civil service commission in each borough, incorporated town and township of the first class; defining the duties of such civil service commission; imposing certain duties and expense on boroughs, incorporated towns and townships of the first class; imposing penalties, and repealing inconsistent laws," so far as it relates to townships of the first class.

(7) The act, approved the first day of June, one thousand nine hundred forty-five (Pamphlet Laws 1232), entitled "An act providing for and regulating the appointment, promotion and reduction in rank, suspension and removal of paid operators of fire apparatus in boroughs, incorporated towns and townships of the first class; creating a civil service commission in each borough, incorporated town and township of the first class; defining the duties of such civil service commission; imposing certain duties and expenses on boroughs, incorporated towns and townships of the first class; imposing penalties; and repealing inconsistent laws," so far as it relates to townships of the first class.

(8) The act of April 9, 1931 (P.L.22, No.20), entitled "An act to validate and confirm tax levies made for general township purposes, in excess of ten mills, by boards of township commissioners of townships of the first class, when such excess was for the purpose of the payment of interest on indebtedness and sinking fund charges," absolutely.

(9) The act of July 2, 1937 (P.L.2803, No.588), entitled "An act providing a method of annexation of townships of the first class, and parts thereof, to cities and boroughs, and regulating the proceedings pertaining thereto," absolutely.

(10) The act of July 18, 1935 (P.L.1172, No.381), entitled "An act requiring tax collectors of townships of the first class to secure from banks, banking institutions or trust companies a bond to secure payment of deposits of all township tax money deposited therein by such tax collector, secured by a surety company authorized to transact business within the Commonwealth of Pennsylvania, or a depository agreement secured by the deposit of bonds or interest bearing securities of the United States, the Commonwealth of Pennsylvania, or any city, borough, township or school district in the Commonwealth of Pennsylvania," absolutely.

(c) All other acts and parts of acts inconsistent with, supplied by, or appertaining to the subject matter covered by this act are repealed. It is the intention that this act shall furnish a complete and exclusive system for the government and regulation of townships of the first class, except as to the several matters enumerated in section 103 of this act.

(d) This act shall not repeal or modify any of the provisions of the following:

(1) 66 Pa.C.S. Pt. I (relating to Public Utility Code).

(2) A law, the enforcement of which is vested in the Department of Health.

(3) A law, the enforcement of which is vested in the Department of Environmental Protection.

(4) A law, the enforcement of which is vested in the Department of Conservation and Natural Resources.

(3501 amended Oct. 29, 2020, P.L.782, No.96)

Section 3502. (3502 repealed Oct. 29, 2020, P.L.782, No.96)

APPENDIX

Supplementary Provisions of Amendatory Statutes

2012, OCTOBER 24, P.L.1478, NO.188

Section 14. Notwithstanding any other provision of law to the contrary, the following shall apply:

(1) The term of the person who holds the office of elected treasurer in a first class township shall end on the first Monday in January immediately following the municipal election of 2013.

(2) After the effective date of this section, if the elected township treasurer is unable to perform the duties of his office and fails or refuses to appoint a deputy, the court of common pleas, on petition of the board of township commissioners, shall appoint a deputy treasurer to serve until the treasurer is again able to perform the duties of his office, or until such deputy is removed by the court, but in no instance shall such deputy serve beyond the term of the treasurer in whose office he is serving as deputy treasurer. The court shall also fix the compensation of such deputy treasurer at a rate not to exceed that paid to the elected township treasurer. For the time such deputy shall serve, such compensation shall be deducted from the compensation otherwise payable to the township treasurer. Such deputy shall furnish bond in the same manner as the bond of the treasurer.

Compiler's Note: Act 188 added, amended or repealed sections 227 and 503, Article V, subdivision (c) heading, sections 510, 511, 530, 602 and 603, Article VIII heading, sections 801, 803, 804, 805, 806, 807, and 808, Articles VIII-A and VIII-B and sections 1502, 1709.1 and 1712 of Act 331.

Section 15. Municipal officers affected by this act shall transfer all necessary records to effectuate this act.