

"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Compiler's Note: Section 2 of Act 209 of 1990 provided that Act 331 is repealed insofar as it is inconsistent with Act 209.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Compiler's Note: Section 31 of Act 708 of 1961 provided that Act 331 is repealed insofar as it relates to the licensing and regulation of auctioneers.

TABLE OF CONTENTS

ARTICLE	SECTIONS
I. Preliminary Provisions	101-110
II. Classification and Creation of Townships of the First Class	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	209-209a
(c) Creation of Townships of the First Class by Consolidation	210-219
(d) Officers of Newly Created Townships	225-228
(e) Certificate of Creation of Townships to Be Furnished State Departments	235
II.I. Change of Name of Township of First	

	Class	2.201-2.203
III.	Townships Lines and Boundaries	301-307
IV.	Wards	401-408
V.	Election of Officers; Vacancies in Office	501-533
	(a) General Provisions	501-503
	(b) Commissioners	504-505
	(c) Treasurer	510-511
	(d) Assessors	515
	(e) Auditors	520
	(f) Controller	525-526
	(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	610-612
	(c) State Association of Township Officers	620-624
	(d) Civil Service for Police and Firemen	625-650
VII.	Township Commissioners	701-704
VIII.	Township Treasurer	801-808
IX.	Township Secretary	901-903
X.	Auditors	1001-1019
XI.	Controller	1101-1110
XII.	Township Solicitor	1201-1204
XIII.	Township Engineer	1301-1316
	(a) General Provisions	1301-1306
	(b) Real Estate Registry	1310-1316
XIV.	Police	1401-1416
XV.	Corporate Powers	1501-1503
XVI.	Public Health	1601-1627
	(a) Boards of Health	1601-1614
	(b) Vacation of Streets Declared Nuisances by Board of Health	1620-1627
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	1901-1918
	(b) Procedure for the Exercise of Eminent Domain and for the Assessment of Damages and Benefits	1920-1953
XX.	Streets and Highways	2001-2096

	(a) Plans of Streets and Highways ...	2001
	(b) Laying Out, Opening, Widening, Straightening, Vacating and Re-laying Streets, Highways, Et Cetera; Repairs and Detours	2005-2015
	(c) Dedicated Streets and Drainage Facilities	2019-2025
	(d) Relocation, Alteration, and Vacation of Streets in or near State Parks	2030-2033
	(e) Elimination of Curves	2035
	(f) Acquisition of Unobstructed Views at Curves and Intersections	2040
	(g) Changing or Altering Streets by Agreement with Property Owners ..	2045
	(h) Grading, Draining, Curbing, Paving, Macadamizing Streets or Highways on Petition, and Assessment of Benefits by Viewers	2050-2056
	(i) Grading, Draining, Curbing, Paving or Macadamizing Streets or Highways, and Collection of Cost by Foot Front Rule	2060-2063
	(j) Road Material, Ditches, Drains and Watercourses	2065-2067
	(k) Trees, Shrubbery, and Obstructions within Limits of Streets or Highways	2070
	(l) Protection of Streets or Highways from Snowdrifts	2078
	(m) Guideposts and Index Boards	2080-2081
	(n) Streets Crossing Railroad; Special Uses of Streets	2083-2084
	(o) County-aid in the Improvement of Township Streets	2086
	(p) Penal Provisions	2088
	(q) Opening, Making, Amending and Repairing Streets and Bridges by Contracts with Taxpayers	2090-2096
XXI.	Boundary Roads and Streets	2101-2130
	(a) Opening, Repairing and Improving Streets on Division Line of Townships	2101
	(b) Maintenance of Streets between Township and Cities or Boroughs	2105
	(c) Street, the Centre Line of which	

	is the Dividing Line between Townships and Boroughs or Cities in the Same County	2110
(d)	Street, the Centre Line of which is the Dividing Line between Townships and Cities in an Adjacent County	2115
(e)	Improvement of Street where more than One-Half of Width is in Township; Assessment of Property outside Limits	2120
(f)	Assessment of Property outside Limits of Township for Street Improvements	2125
(g)	Grading, Curbing, Paving, Macadamizing Boundary Street or Highway, Et Cetera	2130
XXII.	Bridges and Viaducts	2201-2225
(a)	As Part of Street	2201
(b)	Over Railroads	2205-2206
(c)	Over Marshy or Swampy Grounds, Creeks, Rivulets, Gullies, Canals and Railroads	2210-2211
(d)	Over Streams, Railroads, and Canals on Township Boundaries ...	2220-2222
(e)	Maintenance, Repair, and Rebuilding of Bridges Built by County	2225
XXIII.	Sidewalks	2301-2304
XXIV.	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 Sewer of Ad-	
joining Municipality	2435-2436
(g) Joint Sewers and Drains	2440-2441
(h) Non-debt Revenue Sewer Bonds	2445-2447
XXV. Collection by Instalment of the Cost of	
Street, Curb, Sidewalk and Sewer Im-	
provements	2501-2507
XXVI. Revolving Fund for Street and Sewer Im-	
provements	2601-2602
XXVII. Water Supply and Waterworks	2701-2712
(a) Acquisition, Construction and	
Maintenance	2701-2709.2
(b) Construction, Acquisition and	
Maintenance of Waterworks in	
Connection with Municipalities ..	2710-2712
XXVII-A. Manufacture and Sale of Electricity.....	2701A-2706A
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	3061-3068
XXXI. Zoning	3101-3111
XXXII. Township Planning Commission	3201-3203
XXXIII. Enforcement of Ordinances	3301-3305
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 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 meanings herein

assigned to them unless the context clearly indicates otherwise.

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

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

(c) "Highway" or "State highway," a road or highway of the State highway system.

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 and the collection of municipal claims by liens;

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

(c) Election officers and the general conduct of elections;

(d) Public schools and school districts;

(e) Constables;

(f) Justices of the peace;

(g) State roads and private roads;

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

(i) Free non-sectarian libraries;

(j) Crimes and offenses provided for in the Penal Code.

Section 104. Construction of Act Generally.--The provisions of this act so far as they are the same as those of existing laws are intended as a continuation of such laws 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, heretofore repealed or superseded, nor affect the existence of class of any township heretofore created. 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 such repealed laws. All ordinances, regulations, and rules, made pursuant to any act of Assembly repealed by this act, shall continue with the same force and effect as if such act had not been repealed. Any person, holding office under any act of Assembly repealed by this act, shall continue to hold such office until the expiration of the term thereof, subject to the conditions attached to such office prior to the passage of this act.

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, such reference shall also apply to and include any codification wherein the provisions of the act referred to are substantially reenacted.

Section 107. How Act Applies.--This act shall apply to all townships of the first class within the Commonwealth, as now existing or hereinafter created.

Section 108. Saving Clauses Where Class of Townships Changed.--Whenever any township of the second class is designated a township of the first class, or whenever any 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 punish any offense committed, prior to such change of class, and all ordinances, resolutions, rules and regulations shall continue with the same force and effect as if no such change had been made.

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

Section 110. Legal Advertising.--Whenever, under the provisions of this act, notice is required to be published in one newspaper, such publication shall be made in a newspaper of general circulation, as defined by the Newspaper Advertising Act, approved May sixteenth, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand seven hundred eighty-four), printed in the township, if there is such a newspaper, and, if not, then in a newspaper circulating generally in such township. If such notice is required to be published in more than one newspaper, it shall be published in at least one newspaper of general circulation, defined as aforesaid, printed, if there be such a newspaper, or circulating generally as above provided in the township. When such 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, such notice shall also, in counties of the second, third, fourth and fifth classes, be published in the legal newspaper, if any, designated by the rules of court of the proper county for the publication of legal notices and advertisements, unless such publication be dispensed with by special order of court: Provided, however, That 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, defined as aforesaid.

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 AND CREATION OF TOWNSHIPS
OF THE FIRST CLASS

(a) Classification

Section 201. The townships now in existence and those to be hereafter created are divided into two classes. Townships of the first class shall be those having a population of at least three hundred inhabitants to the square mile, which have heretofore fully organized and elected their officers and are now functioning as townships of the first class, or which may hereafter be created townships of the first class in the manner provided in this act. All townships, not townships of the first class, shall be townships of the second class. A change from one class to the other shall hereafter be made only as provided by this act or the laws relating to townships of the second class.

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

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

The said commissioner shall make an enrollment of the inhabitants of such township, and make report thereof to the court at the next ensuing term. Upon the filing of the report, the same shall be confirmed nisi, which confirmation shall become absolute unless excepted to within thirty days thereafter, during which time notice of the said filing and

confirmation shall be advertised in a newspaper of general circulation, once a week for three weeks. If exceptions are filed to the report within the said thirty days, the court, upon consideration thereof, shall confirm the report or modify the said finding. After final confirmation, the clerk of the court shall certify to the county commissioners and to the township supervisors of the township the population of the township as shown by said proceedings. The costs and expenses of the proceedings, including a reasonable fee for the commissioner and attorney, shall be paid by the petitioners or by the township, or partly by each, as the court shall direct.

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

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

Section 208. Returns of Election and Effect Thereof.--The election officers shall compute the votes cast at the election provided for in the preceding section and make return thereof to the clerk of the court of quarter sessions, who shall tabulate the same and certify the result thereof to the county commissioners and the township supervisors of such township. If a majority of the votes cast at any such election shall be in favor of becoming a township of the first class, the government of the township of the first class shall be organized and become operative on the first Monday of January next succeeding such election, at which time the terms of the officers of the township of the second class shall cease and terminate. If a majority of the votes cast at any such election shall be in

favor of remaining a township of the second class, no further proceedings shall be had for a period of two years, after which period the supervisors, by unanimous action, may, or, upon petition of ten per centum of the registered voters of the township, shall, through the County Board of Elections, resubmit the question to the electors of the township in the manner hereinbefore provided.

(bb) Reestablishment of Townships of the
Second Class

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

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

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

the township.

Section 209a. Submission of Question to Voters; Returns of Election, and Effect Thereof.--At the first general or municipal election occurring at least ninety days after the ascertainment by special enrollment or from the last preceding United States census, that any township of the first class no longer has a population of at least three hundred inhabitants to the square mile, the question whether such township of the first class shall be reestablished as a township of the second class shall be submitted to the voters of the township, and the county board of elections shall cause to be printed, on separate ballots to be used in such township at such election, a proper question framed in accordance with the election laws of the Commonwealth.

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

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

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)

(d) Officers of Newly Created Townships

Section 225. Officers for New Townships.--Whenever a new
township of the first class shall be created in accordance with
any of the procedures in this article, the court of quarter
sessions shall appoint five commissioners, and the other
elective officers to which the township is entitled, and fix the
polling place or places in such township. The officers so
appointed shall hold their offices from the first Monday of
January following the election creating such township until the
first Monday of January following the municipal election at
which officers of the township are elected as hereinafter
provided.

Section 226. Election of Commissioners in New Townships.--At
the first municipal election following the creation of a
township as hereinbefore provided, if such township has not been
divided into wards, there shall be elected five township
commissioners at large. Three of such 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 such
election. The ballots at such 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.

Section 227. Election of Treasurer in New Townships.--At
such municipal election, the qualified electors of such township
shall elect a township treasurer for a two or four year term so
that his term shall expire at the same time as the terms of
treasurers of other townships of the first class under the
provisions of this act. Thereafter the term of treasurer of said
township shall be four years from the first Monday of January
next following his election.

Section 228. Election of Township Assessor and Assistant
Township Assessor in New Townships.--At such municipal election,
one township assessor shall be elected for a term of four years

and one assistant township assessor for a term of two years. Thereafter the terms of such township assessor and assistant township assessor shall be four years from the first Monday of January succeeding their respective elections.

This section shall not apply to townships in counties having county boards for the assessment and revision of taxes where assessors, under existing laws, are appointed.

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

Section 235. Certificate of Creation of Township.--Whenever a township of the first class is created, the clerk of the court shall certify such creation to the Department of Community Affairs and Department of Highways of the Commonwealth. The clerk of the court shall be allowed a fee of three dollars and fifty cents for his services, to be paid as part of the costs of the proceedings.

(235 amended Oct. 5, 1967, P.L.345, No.148)

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 transferrred 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.

ARTICLE II.I

CHANGE OF NAME OF TOWNSHIP OF FIRST CLASS
(II.I added June 14, 1957, P.L.330, No.175)

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

(2.201 added June 14, 1957, P.L.330, No.175)

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

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

(2.202 added June 14, 1957, P.L.330, No.175)

Section 2.203. Returns and Effect of Election.--The election officers shall compute the votes cast on the question and make return thereof to the clerk of the court of quarter sessions who shall tabulate the same and certify the result thereof. If a majority of the votes cast at any such election shall be 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 were against the change, there shall be no further proceedings on the petition.

(2.203 added June 14, 1957, P.L.330, No.175)

ARTICLE III

TOWNSHIP LINES AND BOUNDARIES

Section 301. Stream Boundaries.--Whenever any township is bounded by the nearest margin of any navigable stream, and the opposite township, borough, or city, as the case may be, is also bounded by the nearest margin of the same stream, the middle of such stream shall be the boundary between such township and the opposite township, borough or city. Nothing contained in this section shall be construed to repeal any local or special law providing to the contrary.

Section 302. Establishment of Boundaries.--The courts of quarter sessions may, upon the presentation of a petition signed by at least fifty freeholders, residents of the township, (a) alter the lines of a township and any adjoining township, borough or city so as to suit the convenience of the inhabitants thereof; (b) cause the lines or boundaries of townships to be ascertained and established; and (c) ascertain and establish disputed lines and boundaries between two or more townships or between townships and cities or boroughs. When any such petition is presented, the court may require the petitioners to file a bond in sufficient sum to secure the payment of all costs of the proceeding.

(302 amended Sept. 7, 1955, P.L.563, No.140)

Section 303. Petition to Court; Commissioners' Report.--Upon application by petition, the court shall appoint three impartial

citizens, one of whom shall be a registered surveyor or engineer, to inquire into the prayer of the petition. After having given notice to parties interested as directed by the court, the commissioners shall hold a hearing and view the lines or boundaries; and they, or any two of them, shall prepare a report, together with their opinion of the same, and accompany it with a plot or draft of the lines and boundaries proposed to be altered or ascertained and established if the same cannot be fully designated by natural lines or boundaries. Upon the filing of any such report, the same shall be confirmed nisi and the court may, by its order, require such notice to be given by the petitioners to the parties interested, as it deems proper.

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

Section 305. Monuments.--Whenever any such township line or boundary is altered or ascertained and established, the court shall cause the same to be appropriately marked with stone monuments placed at intervals not exceeding fifteen hundred feet.

Section 306. Compensation and Expenses of Commissioners; Cost.--The compensation and expenses of commissioners appointed to alter or ascertain and establish township lines shall be in the amount approved by the court. The court shall, by its order, provide how the costs and expenses of any such proceeding, including the furnishing and placing of monuments, shall be paid, and may assess them against the petitioners, any township or municipalities interested, or any of them.

Section 307. Adjustment of Indebtedness.--Whenever the boundaries of any township have been altered or ascertained and established, the court of quarter sessions may adjust the taxes, debts, and expenses for township, municipal and school purposes between the townships, municipalities and school districts affected.

ARTICLE IV

WARDS

Section 401. Creation, Division and Redivision of Wards.-- The court of quarter sessions, upon petition, may divide or redivide any township, heretofore or hereafter created, into wards, erect any wards out of two or more adjoining wards, or parts thereof, consolidate two or more wards into one ward, divide any wards already erected into two or more wards, or alter the lines or boundaries of any two or more adjoining wards, and may cause lines or boundaries of wards to be fixed and established. No township shall be divided or redivided into more than fifteen wards.

No ward shall be created containing less than three hundred registered electors therein, and all wards which now, or at any time hereafter shall, contain less than three hundred and fifty registered electors therein may in the discretion of the court be abolished, and if so abolished, the territory thereof shall be distributed among the remaining wards in such manner as the court of quarter sessions shall direct. All other wards as heretofore established shall remain as heretofore until altered or divided as provided in this article:

Provided, That if, in townships wherein any ward shall be abolished as herein provided, the number of wards shall be reduced to less than five, then the commissioner in the ward or wards abolished shall continue in office for the term for which elected, and shall become a commissioner or commissioners at large from such township as provided in this act, with respect to townships having less than five wards.

(401 amended Aug. 24, 1963, P.L.1146, No.487)

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 403. Filing and Confirmation of Report; Exceptions.--When the report is presented, the court shall confirm the report nisi, which confirmation shall become absolute unless exceptions thereto are filed within thirty days after such confirmation nisi. The court may grant a review if, in its opinion, a better adjudication may thereby be secured. If no exceptions are filed, the court may confirm the report, or make such other order as by it shall be deemed proper. If exceptions are filed, the court shall fix a time for hearing,

and thereafter shall enter such decree as by it shall be deemed just and proper. From the final decree as entered by the court of quarter sessions, there shall be no appeal.

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

Compiler's Note: Section 9 of Act 312 of 1974 provided that section 404 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 405. Election Districts.--The court of quarter sessions may, from time to time, divide any such ward into two or more election districts so as to suit the conveniences of the electors thereof.

Compiler's Note: Section 9 of Act 312 of 1974 provided that section 405 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 406. Numbering of Wards.--When any township shall be divided or redivided into wards, or when any ward in any township shall be created, divided, or altered, the court shall, in its decree, fix the number of each of the wards of such township.

Compiler's Note: Section 9 of Act 312 of 1974 provided that section 406 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 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 ninety days after such 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 he is elected. At such 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 such terms will harmonize with the expiration of terms of township commissioners elected for such numbered wards under the provisions of this act. Thereafter, successors to such 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 theretofore elected at large, if such 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 at such election, he shall be elected for a term of four years. If two township commissioners are elected at large at such election, 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 at such election, two shall be elected for terms of four years each, and one for a term of two years. Successors to such township commissioners elected at large at such election 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.

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.--Whenever in a township previously divided into wards, a new ward is created, and the number of wards thereafter in such township, including the new ward, is less than five, then, at the municipal election next following the expiration of the term of the commissioner or commissioners elected at large whose terms shall first expire after such creation, there shall be elected, by the registered electors of such new ward, one township commissioner, who shall reside in the ward for which he is elected, for a term of two or four years, so that the expiration of his term will harmonize with the expiration of terms of commissioners for such numbered wards under the provisions of this act. Successors to such township commissioners shall be elected for terms of four years. The number of commissioners thereafter elected at large in any such 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.

Whenever, in any township previously divided into wards, a new ward is created, and the number of wards thereafter in such 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 such ward, who shall reside in the ward. Such election shall be for a two or four year term so that the expiration of his term will harmonize with the expiration of terms of commissioners for such numbered wards under the provisions of this act. The successor to such ward commissioner shall be elected for a four-year term. No township commissioner shall thereafter be elected at large in such township.

If the number of wards in such township, including the new ward, shall be more than five, the court of quarter sessions shall appoint a township commissioner for such new ward, who shall hold office until the first Monday in January succeeding the first municipal election at which township commissioners are elected in such 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 said 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.

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).

ARTICLE V

ELECTION OF OFFICERS; VACANCIES IN OFFICE

(a) General Provisions

Section 501. Electors Only Eligible.--No person shall be eligible to any elective office in any township unless he is a registered elector of the township for which he is chosen.

Section 502. Hold Until Successors Qualified.--Officers of townships other than township commissioners shall hold their offices until their successors are elected and qualified, but such service shall not continue longer than the first Monday of January succeeding the next municipal election at which election a successor shall be elected for the unexpired term.

Section 503. Elected Officers Enumerated.--The electors of each township shall elect (a) at least five township commissioners, (b) one township treasurer, (c) except as hereinafter otherwise provided, one township assessor and one assistant township assessor, and (d) except as otherwise hereinafter provided, three elected auditors or one appointed auditor, or one controller where such office has been established. All elected township officers shall be registered electors of the township.

(b) Commissioners

Section 504. Number and Election of Commissioners in Townships Having Wards.--In townships having less than five wards, the number of commissioners shall be five. One such 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. Commissioners shall reside in the ward from which elected, and shall have resided in said ward continuously for at least one year before their election. 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, from the first Monday of January succeeding their election. At the election in the year one thousand nine hundred and fifty-one, the commissioners from odd-numbered wards shall be elected, and at the election in the year one thousand nine hundred and fifty-three, those from even-numbered wards shall be

elected. Elections at large shall be held at the municipal election preceding the expiration of the term of any commissioner elected at large.

Section 505. Number and Election of Commissioners in Townships Not Divided into Wards.--In townships not divided into wards, the number of township commissioners shall be five, 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, from the first Monday of January next succeeding, to take the place of the commissioners whose terms then expire. Commissioners shall reside in the township from which elected and shall have resided in that township continuously for at least one year before their election.

(505 amended Dec. 17, 1990, P.L.744, No.186)

(c) Treasurer

Section 510. Election of Treasurer.--At the municipal election in the year one thousand nine hundred and fifty-three, and every fourth year thereafter, the electors of each township shall elect a township treasurer for a term of four years, from the first Monday of January next following his election.

When the 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 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.

Section 511. Eligibility.--The same person may hold the office of township treasurer and treasurer of the school district, but no township treasurer shall hold any other township office except that of tax collector.

(d) Assessors

Section 515. Election of Township Assessor and Assistant Township Assessor.--At the municipal election preceding the expiration of the term of any township assessor or assistant

township assessor, and quadrennially thereafter, one township assessor or one assistant township assessor, or both, as the case may be, shall be elected for four year terms, from the first Monday of January next succeeding their election.

The compensation of the assistant township assessor shall be the same as provided by law for the township assessor, and shall be paid by the county.

This section shall not apply to townships in counties having county boards for the assessment and revision of taxes where assessors, under existing laws, are appointed.

(e) Auditors

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

Any township may, instead of electing three auditors as above provided or one controller as hereinafter provided, provide, by ordinance, for the audit of its accounts by an independent auditor who shall be a certified public accountant, registered in Pennsylvania, a firm of certified public accountants so registered, or a competent public accountant, or a competent firm of public accountants. Where such an ordinance has been so adopted, an independent auditor shall be appointed, annually, by resolution before the close of the fiscal year, to make an independent examination of all the accounts and accounting records of the township for the fiscal year then closing. Said appointment shall be made at least thirty days prior to the close of the fiscal year. Such independent auditor shall have and possess all the powers and perform all the duties provided in this act for elected auditors. The compensation of any such type of appointed auditor shall be fixed by the board of commissioners. When an independent auditor is appointed as herein provided, the office of elected auditor is hereby abolished.

Whenever any township has heretofore provided by ordinance, for the audit of its accounts by an appointed auditor, said township shall have the right at any time to repeal said ordinance; and, thereupon, the office of appointed auditor shall be abolished, and said township shall have the further right, at the next municipal election following the repeal of said ordinance, to elect three auditors, one for a term of two years, one for a term of four years, and one for a term of six years from the first Monday of January succeeding such election, which auditors so elected shall succeed the appointed auditor, and

shall have and possess all the powers and perform all the duties provided in this act for elected auditors.

(520 amended Dec. 17, 1969, P.L.378, No.166)

(f) Controller

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

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

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

(g) Vacancies in Office

Section 530. Vacancies in General.--When a vacancy occurs in the office of township commissioner, auditor, controller, treasurer, assessor, assistant auditor, or assistant triennial assessor in any township, by reason of death, resignation, removal from the township or ward, or otherwise, the board of township commissioners of such township shall fill such vacancy by appointing by resolution a registered voter of the ward or township, as the case may be, in which the vacancy occurs. If the board of township commissioners of any township shall refuse, fail, or neglect, or be unable for any reason whatsoever, to fill such vacancy within thirty (30) days after the vacancy occurs, then the vacancy board shall fill the

vacancy within fifteen (15) additional days by appointing a registered elector of the ward or township, as the case may be, in which the vacancy occurs. 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 township commissioners at the board's first meeting each calendar year or as soon thereafter as practical, and who shall act as chairman of the vacancy board. If the vacancy board does not fill the vacancy within the prescribed time, the chairman shall, or in the case of a vacancy in the chairmanship 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 ward or township, as the case may be, in which the vacancy occurs. In the case where there are vacancies in a majority of the offices of commissioners, the court of common pleas shall fill such vacancies upon presentation of petition signed by not less than fifteen (15) registered electors of the township. In all cases, the person so appointed shall hold the office if the term thereof continues so long, 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 for the remainder of the term and shall have been a resident of the township continuously for at least one (1) year before his appointment. In townships divided into wards, all appointed commissioners shall reside in the ward in which the vacancy occurred and shall have resided in said ward continuously for at least one (1) year before appointment. No person who was convicted of or pled guilty or no contest to a felony shall be eligible for appointment to fill a vacancy on the board of commissioners for a period of three (3) years from the date of the conviction or plea.

(530 amended May 1, 1981, P.L.32, No.12)

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 his office, take and subscribe an oath or affirmation,

before some person having authority to administer oaths, to support the Constitution of the United States and of this Commonwealth, and to perform the duties of his office with fidelity. A copy of such oath or affirmation shall, within ten days thereafter, be filed with the township secretary.

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.--When any officer or employe of any township is required to give bond for the faithful performance of his duties, such bond shall be with a surety company or other company authorized by law to act as surety and the township shall pay the premium on such bond, except the premium on bond of township treasurer as tax collector shall be paid by the respective taxing districts, as provided by the Local Tax Collection Law, approved May twenty-five, one thousand nine hundred forty-five (Pamphlet Laws 1050), and its amendments.

(602 amended Sept. 7, 1955, P.L.563, No.140)

Section 603. Compensation.--Elected officers of townships shall receive such salary, compensation or emoluments of office as may from time to time be fixed by ordinance of the township in accordance with provisions of section 703. Any change in salary, compensation or emoluments of office shall become effective at the beginning of the next term of the elected officer. Appointed officers and employes of the township shall receive such compensation for their services as the township commissioners shall prescribe.

(603 amended Feb. 25, 1976, P.L.52, No.21)

Section 604. Failure of Officer to Perform Duties.--If any township officer refuses or neglects to perform his duties, the court of quarter sessions, upon complaint in writing by one hundred citizens, owners of real estate residing in the township, may issue a rule upon such officer to show cause why his office should not be declared vacant and another appointed in his stead. Such rule shall be made returnable not less than two weeks from its date of issue. Upon hearing and proof that the facts alleged in the complaint are true, the court may declare the office vacant and appoint another in his stead, to hold office for the unexpired term.

Section 605. Annuities in Lieu of Joining Pension or Retirement System.--A township may, by ordinance, provide as

compensation to employes of not less than ten years of satisfactory service 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 fifty per centum thereof, as fixed in said ordinance or amendment thereto. Any arrangement to provide post retirement compensation to aged appointees and employes 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 that act. Nothing herein shall preclude any employe of the township from joining any pension system or municipal retirement system that the township may establish or adopt. The intent and purpose of this section is to permit townships, without levying any special tax or exceeding the existing tax limitation for general revenue purposes, to pay to their employes who are too old to advantageously join any pensioning or retirement system a reasonable annuity in lieu of joining a pension or retirement system, and who are not and cannot now be socially protected by any Federal social security system.

(605 amended Dec. 16, 1992, P.L.1218, No.159)

(b) County Associations of Township Officers

Section 610. 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 association. Such associations, when formed, shall hold annual conventions, or may hold semiannual or quarterly conventions, conferences, institutes, or schools at the county seats of the respective counties, or some other suitable place within the Commonwealth, for the purpose of considering and discussing questions and subjects pertaining to the best methods for the construction, improvement, and maintenance of the public highways and bridges, and the administration of township governments.

(610 amended Nov. 26, 1978, P.L.1186, No.279)

Section 611. Membership of Associations; Expenses of Members.--The township commissioners and other officers of the township designated by the township commissioners shall attend such conventions, conferences, institutes or schools whenever possible. Each township officer attending such convention, conference, institute or school shall receive a certificate,

signed by the presiding officer and secretary or acting secretary of the association, attesting his presence at the convention, conference, institute, or school. Such certificate shall entitle him 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 such meeting plus all other actual expenses that the township commissioners may have agreed to pay. Every delegate attending the annual meeting shall submit to the township commissioners an itemized account of expenses incurred thereat. The township commissioners may authorize township employes to be compensated at their regular employe rate during their attendance at the annual meeting. The board of township commissioners may authorize a commissioner who is not employed by the township to receive total or partial reimbursement for lost wages or salary while attending the annual meeting provided that sufficient documentation of such wages or salary is presented to the board of township commissioners to justify the reimbursement. The expenses of holding any such convention shall be paid pro rata by the townships joining therein.

(611 amended June 29, 2002, P.L.633, No.92)

Section 612. Officers of Association; Ex-Officio Membership.--The officers of the association shall consist of a president, two vice-presidents, a secretary, and a treasurer; all of whom, except the secretary, shall be members of the association, and shall hold office for one year or until their successors are chosen. If desirable, the secretary may be a person not a regular member of the association, and may be paid for his service such compensation, not exceeding twenty-five dollars per annum, as the other officers may determine. Every township shall have one vote in the convention. The mayor of any city, the burgess of any borough, or their duly appointed representative, the county commissioners, and the judges of the court in the county, the township engineer of the State Highway Department, the assistant engineers of the division of township highways, and the superintendent of State highways in charge of such county, shall be eligible to membership, but shall not be entitled to vote nor to hold office.

(c) State Association of Township Officers

Section 620. Formation of State Association Authorized.--The formation of a State association of township commissioners is hereby authorized. The township commissioners and not more than three other officers of the township designated by the township commissioners, including the delegate provided for by section

six hundred twenty-one, may attend such meeting. The association shall hold annual meetings, at such time and place within the Commonwealth as it may designate, for the purpose of discussing various questions and subjects pertaining to the duties of township commissioners, and for the purpose of devising uniform, economical, and efficient methods of administering the affairs of townships.

The association, at its annual meeting, by majority vote of all the voting delegates there represented, shall have power to adopt and amend bylaws to govern the association which 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.

The dues as adopted in these bylaws are legal expenditures of the townships and shall be used to pay for the services, publications and other expenses, including the rental and acquisition of real estate to be used for association purposes and activities authorized by the association or incurred in behalf of the association by its officers and executive committee.

(620 amended Mar. 16, 1965, P.L.2, No.2)

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

Section 622. Expenses of Delegates Paid by Townships.--Each delegate and other officer attending the annual meeting of the State association shall be allowed 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 such meeting plus all other actual expenses that the township commissioners may have agreed to pay. Every delegate attending the annual meeting shall submit to the township commissioners an itemized account of expenses incurred thereat. The township commissioners may authorize township employes to be compensated at their regular employe rate during their attendance at the annual meeting. The board of township commissioners may authorize a commissioner who is not employed by the township to receive total or partial reimbursement for lost wages or salary while attending the annual meeting provided that sufficient documentation of such wages or salary is presented to the board of township commissioners to justify the reimbursement. No delegate shall receive expenses for more than four days including the time employed in traveling thereto and

therefrom, together with mileage going to and returning from the meeting. These expenses shall be paid by the respective townships.

(622 amended June 29, 2002, P.L.633, No.92)

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

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

(624 amended Jan. 28, 1988, P.L.17, No.8)

(d) Civil Service for Police and Firemen

Section 625. Appointments of Police and Firemen.--This subdivision (d) of this article 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 operators or to townships having less than three salaried operators of fire apparatus. The subdivision (d) of this article is subject, as heretofore, to the power of the township commissioners to determine compensation. Hereafter, each and every appointment to and promotion directly by the township shall be made only according to qualifications and fitness to be ascertained by examinations which shall be competitive, as hereinafter provided.

No person shall hereafter be suspended, removed or reduced in rank as a paid employe in any police force or as a paid operator of fire apparatus of any township, except in accordance with the provisions of this subdivision.

Section 626. Civil Service Commission Created; Appointments; Vacancies.--There is hereby created in each township where a police force or paid fire apparatus operators as hereinbefore provided are being maintained, a civil service commission, hereinafter referred to as the commission. The commission shall

consist of three commissioners who shall be qualified electors of the township and shall be appointed by the township commissioners initially to serve for the terms of two, four and six years, and as terms thereafter expire shall be appointed for terms of six years.

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

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

The township 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. When 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. Any 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.

(626 amended June 12, 2002, P.L.373, No.54)

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 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 township commissioners.

Section 628. Organization of Commission; Quorum.--The commission first appointed shall organize within ten days of its appointment and shall elect one of its members as the chairman

and one as the secretary. The commission shall thereafter meet and organize on the first Monday of each even-numbered year. Each commissioner shall be notified in writing of each and every meeting. 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 chairman shall designate as many alternate members of the commission to sit on the commission as may be needed to provide a quorum. Any 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 pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates. No action of the commission shall be valid unless it shall have the concurrence of at least two members.

(628 amended June 12, 2002, P.L.373, No.54)

Section 629. Clerks and Supplies.--The township shall furnish to the commission, on its requisition, such clerical assistance as 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, and the elected and appointed officials of every such township shall aid the commission in all proper ways in carrying out the provisions of this subdivision.

Section 630. Rules and Regulations.--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 thereby. Before any such rules and regulations are in force, the same shall first be approved by the township commissioners. When such rules and regulations have been so approved they shall not be annulled, amended or added to without the approval of the township commissioners. All rules and regulations and modifications thereof shall be printed for public distribution at the expense of the township.

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 such records and all written causes of removal filed with the commission shall be subject to reasonable regulation and open to public inspection.

Section 632. Investigations.--The commission shall have power to make investigations concerning all matters touching the administration and enforcement of the civil service provisions

of this article and rules and regulations adopted thereunder. The chairman of the commission is hereby given power to administer oaths.

Section 633. Subpoenas.--The commission shall have power to issue subpoenas over the signature of the chairman to require the attendance of witnesses and the production of records and papers pertaining to any investigation or inquiry. The fees of such 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.

All officers in public service and employes shall attend and testify when required to do so by the commission.

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

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

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

Section 635. General Provisions Relating to Examinations.--The commission shall make rules and regulations to be approved as provided in section 630 hereof, providing for the examination of applicants for positions in the police force and as paid operators of fire apparatus 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 such matters and include such inquiries as will fairly test the merit and fitness of the persons 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 shall be subject to the regulations adopted by the commission and shall be required to submit to a physical examination either before or after being admitted to the regular examination held by the commission.

Public notice of the time and place of every examination, together with the information as to the kind of position or

place to be filled, shall be given by publication once in a newspaper of general circulation in the township or in a newspaper circulating generally in the township 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.

The commission shall post in its office the eligible list containing the names and grades of those who have passed the examination. Persons male or female who served in the military or naval service of the United States during any war in which the United States has been, is now, or shall hereafter be engaged and who have honorable discharges from such service, who have successfully passed the examination, shall be given the additional credits and preference in appointment and promotion provided for by law.

(635 amended Dec. 4, 1980, P.L.1101, No.188)

Section 636. Application for Examination.--Each person desiring to apply for examination shall file with the commission a formal application in which the applicant shall state under oath or affirmation, (a) his full name and residence or post office address, (b) his citizenship, place and date of birth, (c) his condition of health and physical capacity for public service, (d) his business or employment and his residence for the past five years, and (e) such other information as may be required by the commission's rules and regulations showing the applicant's qualifications for the position for which he is being examined.

Section 637. Rejection of Applicant; Hearing.--The commission may refuse to examine or, if examined, may refuse to certify after examination as eligible, any applicant who 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 he has applied, or who is physically disabled and unfit for the performance of the duties of the position to which he seeks employment, or who is addicted to the habitual use of intoxicating liquors or narcotic drugs, or who has been guilty of any crime involving moral turpitude or of infamous or notoriously disgraceful conduct, or who has been dismissed from public service for delinquency or misconduct in office, or who is affiliated with any group whose politics or activities are subversive to the form of government set forth in the Constitution and laws of the United States and Pennsylvania.

If any applicant or person feels himself aggrieved by the action of the commission in refusing to examine him or to certify him as eligible after examination, the commission shall, at the request of such person, within ten (10) days appoint a time and place where he may appear personally and by counsel.

Whereupon, the commission shall then review its refusal to make such examination or certification and take such testimony as may be offered. The decision of the commission shall be final.

Section 638. Manner of Filling Appointments.--Every position or employment in the police force or as paid operators of fire apparatus except that of chief of police or chief of the fire department or equivalent shall be filled only in the following manner: the township commissioners shall notify the commission of any vacancy which is to be filled and shall request the certification of a list of eligibles. The commission shall certify for each existing vacancy from the eligible list the names of three persons thereon who have received the highest average. The township commissioners shall, thereupon, with sole reference to the merits and fitness of the candidates, make an appointment from the three names certified unless they make objections to the commission as to one or more of the persons so certified for any of the reasons stated in section 637 of this subdivision. Should such objections be sustained by the commission, as provided in said section, the commission shall thereupon strike the name of such person from the eligible list and certify the next highest name for each name stricken off. As each subsequent vacancy occurs in the same or another position, precisely the same procedure shall be followed.

A vacancy in an existing position in the police force or as a paid operator of fire apparatus which occurs as a result of retirement, resignation, disability or death may be filled by the township commissioners by the reappointment or reinstatement of a former employe of the police force or fire department who had previously complied with the provisions of 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 township commissioners or as otherwise required by law.

In the case of a vacancy in the office of chief of police or chief of the fire department or equivalent official, the township commissioners may nominate a person to the commission. It shall thereupon become the duty of the commission to subject such person to a non-competitive examination and if such person shall be certified by the commission as qualified he may then be appointed to such position and thereafter shall be subject to all the provisions of this subdivision.

(638 amended Dec. 14, 1992, P.L.863, No.136)

Section 639. Age; Applicant's Residence.--No person shall be eligible to apply for examination unless he is more than eighteen years of age at the date of application. The commissioners may, at their option, accept applications from

non-residents of the township and may, by ordinance, require non-resident policemen and firemen to become residents of the township after appointment to such positions.

(639 amended June 16, 1972, P.L.429, No.126)

Section 640. Probation Period.--All original appointments to any position in the police force or as paid operators of fire apparatus 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 subdivision 637 of this subsection. If at the close of a probationary period the conduct or fitness of the probationer has not been satisfactory to the township commissioners, the probationer shall be notified in writing that he will not receive a permanent appointment. Thereupon, his appointment shall cease; otherwise, his retention shall be equivalent to a permanent appointment.

(640 amended May 17, 1972, P.L.293, No.72)

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

Section 642. Promotions.--Promotions shall be based on merits to be ascertained by examinations to be prescribed by the commission. All questions, relative to promotions shall be practical in character and such as will fairly test the merit and fitness of persons seeking promotion.

The township commissioners shall have power to determine in each instance whether an increase in salary shall constitute a promotion.

Section 643. Physical Examinations.--All applicants for examination shall undergo a physical examination as provided in section 635 which shall be conducted under the supervision of a doctor of medicine appointed by the commission. No person shall be eligible for appointment until said doctor certifies that the applicant is free from any bodily or mental defects, deformity

or disease that might incapacitate him from the discharge of the duties of the position desired.

(643 amended Dec. 4, 1980, P.L.1101, No.188)

Section 644. Removals.--No person employed in any police or fire force of any township shall be suspended, removed or reduced in rank except for the following reasons: (1) physical or mental disability affecting his ability to continue in service, in which cases the person shall receive an honorable discharge from service; (2) neglect or violation of any official duty; (3) violation of any law of this Commonwealth which provides that such 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 conducting of any political or election campaign otherwise than to exercise his own right of suffrage. A person so employed shall not be removed for religious, racial or political reasons. A written statement of any charges made against any person so employed shall be furnished to such person within five days after the same are filed with the commission.

If for reasons of economy or other reasons it shall be deemed necessary by any township to reduce the number of paid employes of the police or fire force, then such township shall apply the following procedure: (a) if there are any employes eligible for retirement under the terms of any retirement or pension law, then such reduction in numbers shall be made by retirement if the party to be retired exceeds the maximum age as defined in the act of October 27, 1955 (P.L.744, No.222), known as the "Pennsylvania Human Relations Act"; (b) if the number of paid employes in the police or fire forces eligible to retirement is insufficient to effect the necessary reduction in numbers or if there are no persons eligible for retirement or if no retirement or pension fund exists, then the reduction shall be effected by furloughing the person or persons, including probationers, last appointed to the respective force. Such removal shall be accomplished by furloughing in numerical order commencing with the person last appointed until such reduction shall have been accomplished. In the event the said police force shall again be increased, the employes furloughed shall be reinstated in the order of their seniority in the service. The provisions of this paragraph as to reductions in force shall not apply to any chief of police.

(644 amended July 7, 1983, P.L.38, No.20 and May 9, 1984, P.L.251, No.55; the Act 1984-55 amendment overlooked the amendment by Act 1983-20)

Section 645. Hearings on Dismissals and Reduction.--If the person suspended, removed or reduced in rank shall demand a

hearing by the commission, the demand shall be made to the commission. Such person may make written answers to any charges filed against him not later than the day fixed for hearing. The commission shall grant him a hearing which shall be held within a period of ten days from the filing of charges in writing unless continued by the commission for cause at the request of the township commissioners or the accused. At any such hearing, the person against whom the charges are made may be present in person and by counsel. The township commissioners, or the chief of police when the township commissioners are not in session, may suspend any such person without pay pending the determination of the charges against him, but in the event the commission fails to uphold the charges, then the person sought to be suspended, removed or demoted shall be reinstated with full pay for the period during which he was suspended, removed or demoted, and no charges shall be officially recorded against his record.

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

In the event the commission shall sustain the charges and order the suspension, removal or reduction in rank, the person suspended, removed or reduced in rank 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. Such appeal shall be taken within sixty days from the date of entry by the commission of its final order and shall be by petition. Upon such appeal being taken and docketed, the court of common pleas shall fix a day for a hearing and shall proceed to hear the appeal on the original record and such 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 employe shall be suspended, discharged, demoted or reinstated in accordance with the order of the court.

The township commissioners and the person 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.

(645 repealed in part June 3, 1971, P.L.118, No.6)

Section 646. Present Employes Exempted.--All appointments in the police or fire forces of townships, including the chief of police or equivalent official, upon the effective date of this act, shall continue to hold their positions and shall not be required to take any examination under the provisions of this

act except such as may be required for promotion: Provided, however, That this section shall not be construed to apply to persons employed temporarily in emergency cases.

Section 647. Discrimination on Account of Political or Religious Affiliations.--No question in any form of application for examination or in any examination shall be so framed as to elicit information concerning the political or religious opinions of any applicant nor shall inquiry be made concerning such opinion or affiliations and all disclosures thereof shall be discountenanced.

No discrimination shall be exercised, threatened or promised by any person against or in favor of any applicant or employe because of political or religious opinions or affiliations or race, and no offer or promise of reward, favor or benefit, directly or indirectly, shall be made to or received by any person for any act done or duty omitted or to be done under this subdivision of this article.

Section 648. Penalty.--Any township commissioner who by his vote causes to be appointed any person to the police force or as a fire apparatus operator contrary to the provisions of this subdivision, or any township commissioner or member of the civil service commission who wilfully refuses to comply with or conform to the provisions of this subdivision, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one hundred dollars (\$100) or suffer imprisonment not exceeding three months, or both.

Section 649. Salaries of Civil Service Commission.--The civil service commissioners of townships shall receive no compensation.

Section 650. Police Force and Fire Apparatus Operators Defined.--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 such work by the township.

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

ARTICLE VII TOWNSHIP COMMISSIONERS

Section 701. Organization; Failure to Organize.--The township 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 first day following. They shall assemble for such purpose at their place of meeting at a time convenient to the governing body. Until otherwise designated by ordinance, the place of meeting shall be the oldest polling place in the township.

The board shall organize by the election of one of their number as president and one as a 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 his absence, the vice-president, shall preside at all meetings of the board, and perform such other duties as are specified in this act or which may be prescribed by ordinance.

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

If the township commissioners of any township shall fail to organize within ten days from the time prescribed by this section, the court of quarter sessions, upon the petition of 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 any delinquent vacant, and appoint others in their stead to hold office for the respective unexpired terms.

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

(701 amended Dec. 20, 1991, P.L.402, No.47)

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

(b) A majority of the members of the board shall constitute a quorum.

(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 Apr. 2, 2002, P.L.217, No. 22)

Section 703. Compensation.--Each township commissioner may receive a salary, established by ordinance, of not more than one thousand eight hundred seventy-five dollars per year in townships having a population of less than five thousand, not more than two thousand five hundred dollars per year in townships having a population of five thousand or more but less than ten thousand, not more than three thousand two hundred fifty dollars per year in townships having a population of ten thousand or more but less than fifteen thousand, not more than four thousand one hundred twenty-five dollars per year in townships having a population of fifteen thousand or more but less than twenty-five thousand, not more than four thousand three hundred seventy-five dollars per year in townships having a population of twenty-five thousand or more but less than thirty-five thousand, and not more than five thousand dollars per year in townships having a population of thirty-five thousand or more. Such salaries shall be payable monthly or quarterly for the duties imposed by the provisions of this act. Benefits provided to the commissioners under section 1502(LXIII) 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(LXIII). The population shall be determined by the latest available official census figures, except that no township shall be required to reduce the salary of a commissioner as a result of a decrease in population or when an increase in salary is authorized pursuant to this section, the increase may be applied to the amount of the salary of the commissioner at the time such an increase is enacted by the board of commissioners.

(703 amended June 12, 2002, P.L.373, No.54)

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

ARTICLE VIII TOWNSHIP TREASURER

Section 801. Fidelity Bond.--The treasurer of each township shall give a fidelity and not a surety bond to the Commonwealth in a sum to be prescribed by ordinance or resolution and at least equal to fifty per centum of the probable amount of the annual township tax. Such bond shall be subscribed by a surety

company or companies duly authorized to do business in this Commonwealth. The bond given by the treasurer shall be conditioned on a just accounting for and paying over all moneys belonging to the township funds that may come into his hands, as treasurer, from taxation or otherwise, for the payment over thereof only in the manner prescribed by law, for the delivery to his successor in office of all papers, books, documents, and other things held in right of his office, for the payment to such successor of any balance in money remaining in his hands or charged against him in the settlement of his accounts, and that, as tax collector of township, county, poor, institution district, and school taxes, he shall account for and pay over all moneys received by him as taxes, penalties and interest. The township treasurer and his sureties shall be discharged from further liability on any bond as tax collector as soon as all tax items, contained in the duplicates delivered to him, are either--(1) collected and paid over to the proper taxing district; or (2) set forth in schedules filed with or certified to the proper tax authorities; or (3) returned to the county commissioners for sale of the real estate by the county treasurer, or returned in accordance with the Real Estate Tax Sale Law approved July 7, 1947, Pamphlet Laws 1368; or (4) in the case of occupation, poll, and per capita taxes, accounted for by payment over or by exoneration which shall be granted by the taxing district upon oath or affirmation that as tax collector he has complied with section 20 of the Local Tax Collection Law approved May 25th, 1945 (Pamphlet Laws 1050). The township treasurer shall be required to give but one bond, which shall include his duties as township treasurer and collector of township, county, school, institution district, and poor taxes, and shall cover the full term of his office. Should the township, county, school district, institution district or poor district be of the opinion at any time, that the bond given is not sufficient, additional security may be required to be given at the expense of the taxing district requiring the same. The treasurer shall not, in any event, be required to give bond or bonds aggregating an amount in excess of the taxes to be collected by him. The bond or bonds given by the township treasurer shall be for the use of the township, the county, the institution district, and the school district. Said bond shall be filed with the township commissioners.

(801 amended July 2, 1953, P.L.326, No.71)

Section 803. Accounts to Be Kept by Treasurer.--Every township treasurer shall take charge of all township moneys from all sources, and promptly deposit the same in a bank, banking institution or trust company in the name of the township, and keep distinct accounts of all sums received from taxes and other

sources, which accounts shall at all times be open to the inspection of the commissioners and township auditor or controller. He shall annually state his accounts, and lay the same, together with the books and the vouchers, before the township auditors or controller for audit.

Section 804. Payment of Moneys on Orders.--The township treasurer shall pay out the moneys coming into his hands only on orders, numbered in the order of their issue, 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 orders shall be paid. The signature of the president or vice-president may be a facsimile signature. Any township treasurer who shall pay out moneys in his hands except upon such orders, or shall pay out moneys in excess of the appropriation, shall be allowed no credit in the settlement of his accounts for the sum or sums so paid out, nor shall he have any claim or right of action against the township therefor.

Section 805. Powers as Tax Collector.--The township treasurer, by virtue of his office as treasurer, shall be tax collector. He shall collect all county, institution district, township, school, and other taxes, within such township, levied by authorities empowered to levy taxes. He shall, in addition to the powers, duties, and responsibilities enumerated in this act, have all the powers, perform all the duties, and be subject to all the obligations and responsibilities as are now by law vested in, conferred upon, or imposed upon, collectors of the several classes of taxes hereinbefore mentioned.

It is the purpose and intent of this section that no local taxes shall be collected in any township, except by the treasurer of the township.

Section 806. Oath.--The treasurer of every township shall, before he enters upon the duties of his office as collector of taxes for the county, take and subscribe an oath of office and file the same in the office of the court of quarter sessions.

Section 807. Special Funds; Penalty.--Whenever any moneys are collected in any township for any special purpose and are paid into the hands of the treasurer of such township, it shall be unlawful for such treasurer to apply such moneys, or any part thereof, to any purpose other than that for which such moneys were collected. Every such misapplication shall be a misdemeanor. Upon conviction of such offense, the treasurer shall be punished by a fine of not less than the amount so misapplied, or by imprisonment for not less than three months and not more than one year.

Section 808. Depositories of Township Funds; Selection; Bonds.--The board of commissioners shall, from time to time,

designate, by resolution, a depository or depositories for township funds. Such depository or depositories shall be banks, banking institutions or trust companies located in the Commonwealth.

Depositories so designated shall, upon receipt of notice of their selection as a depository of township funds, either furnish a bond to secure payment of deposits of township funds and any interest to the township, with a proper warrant to confess judgment in favor of the township, secured by a surety company or individual sureties to be approved by the board of commissioners, or deposit obligations of the United States, or the Commonwealth of Pennsylvania or any political subdivision thereof, to secure the payment of township deposits and any interest thereon. Such surety bonds shall be in a sum, to be fixed by ordinance or resolution, at least equal to the probable greatest amount of such deposit at any one time. The market value of deposit bonds shall be, at all times, at least equal to one hundred and twenty per centum of the amount of township funds to be secured. Such deposit bonds shall be accompanied by proper assignments or powers of attorney to transfer the same. In the event of the failure of the depository to pay to the township the full amount of such deposits and interest thereon, such bonds and the proceeds of sale thereof shall belong to the township until it shall receive therefrom the full amount of such deposits and interest thereon, and the township shall have a prior standing as respects such bonds and be in all respects preferred to any and all claims except such as have heretofore been preferred by law.

Nothing herein contained shall be construed to require a depository to furnish bond or collateral security to cover the amount of any deposit to the extent that the same is insured with the Federal Deposit Insurance Corporation.

The township treasurer shall, upon the designation and qualification of such depository or depositories, immediately transfer thereto the township funds, and shall thereafter keep such deposits solely in such depository or depositories in the name of the township.

No township treasurer complying with the provisions of this section, nor his surety or sureties, shall be chargeable with losses in township funds caused by the failure or negligence of such depository or depositories.

ARTICLE IX TOWNSHIP SECRETARY

Section 901. Election of Secretary; Salary.--The board of commissioners in townships shall elect a secretary, who must not be a member of the board. He shall act as secretary of the

board, shall be the official keeper of the minutes, and shall perform such other duties as are prescribed by ordinance or resolution of the board. He shall provide suitable books, the cost of which shall be paid out of the township funds, wherein he shall enter all matters of which he is required to keep a record. His salary shall be fixed by ordinance or resolution.

(901 amended Nov. 10, 1999, P.L.513, No.46)

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

(901.1 amended Sept. 2, 1965, P.L.483, No.245)

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

Section 903. Records Open to Inspection.--The minute book and other records and documents of every township shall be open to the inspection of any taxpayer thereof, his, her, or its agent, upon demand therefor at any time during business hours.

ARTICLE X

AUDITORS

Section 1001. Meetings; General Duties; Compensation.--The auditors of townships shall meet annually, on the day following the day which is fixed by this act for the organization of the township commissioners, and shall 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. The auditors shall make an audit of the dockets, transcripts, and other official records of the offices of the justice of the peace of the township to determine the amounts of fines and costs paid or

due to the township. All justices of the peace 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: Provided, That in any case where a justice of the peace charges a fine contrary to ordinances, or to any act which makes such fine payable to the township, the said auditors have the power to surcharge such justices of the peace in any amount or amounts undercharged as set forth in said ordinances or act. Two auditors shall constitute a quorum. Each auditor shall receive twenty dollars (\$20) per diem for each day necessarily employed in the duties of his office, to be paid out of funds of the township. A day shall consist of not less than five hours in the aggregate. In completing their audit, the auditors shall not be employed more than the following number of days: In townships having a population of less than three thousand, twenty days; in townships having a population of three thousand and more but less than ten thousand, thirty days; and in townships having a population of ten thousand and more, forty days.

(1001 amended July 31, 1968, P.L.917, No.276)

Section 1002. Subpoenas; Power to Administer Oaths;

Penalty.--The auditors of each township may issue subpoenas to obtain the attendance of the officers and persons whose accounts they are required to adjust, their executors and administrators, and of any persons whom it may be necessary to examine as witnesses, and to compel their attendance by attachment, in like manner as any court of common pleas may in cases pending before them, and may also compel the production of all books, vouchers, and papers relative to such accounts. Such subpoena and attachment shall be issued by a justice of the peace and be served and executed by a constable or any township auditor.

The auditors of each township may administer oaths and affirmations to all persons brought or appearing before them, whether accountants, witnesses, or otherwise. All persons guilty of swearing or affirming falsely on such examination shall be guilty of perjury.

Section 1003. Surcharges; Auditors' Report; Publication of Financial Statements.--The auditors shall complete their audit, settlement, and adjustment within as short a time as possible, and shall file copies thereof 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 Affairs and the Department of Highways not later than ninety days after the close of the fiscal year. Any officer or person whose act or neglect has contributed to the financial loss of the township shall be surcharged by the auditors with the amount of such loss. They shall, within ten days after the completion of their report, publish, by advertisement in at least one

newspaper of general circulation published in the township, or if no newspaper is published therein, then in one newspaper circulating generally in the township a concise financial statement setting forth the balance in the treasury at the beginning of the preceding fiscal year; all revenues received during the fiscal year by major classifications; all expenditures made during the fiscal year by major functions, and the current resources and liabilities of the township at the end of the fiscal year; the gross liability and net debt of the township; the amount of the assessed valuation of the township; the assets of the township with the character and value thereof; the date of the last maturity of the respective forms of funded debt and the assets in the sinking fund. The auditors' report and financial statement shall be made on uniform forms prepared and furnished, as provided in section 1701a of this act. 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. Any auditor refusing or wilfully neglecting to file an auditors' report shall, upon conviction thereof, in a summary proceeding be sentenced to pay a fine of five dollars for each day's delay beyond the time fixed herein for the filing of such report and costs. All fines recovered shall be for the use of the Commonwealth.

(1003 amended Dec. 17, 1986, P.L.1689, No.200)

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 transferrred 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 presented to them, which they find have been paid, by writing the word "audited" on the face thereof.

Section 1005. Penalty for Failure to Perform Duty.--Any auditor neglecting or refusing to comply with the preceding provisions of this article shall pay a penalty of one hundred dollars, to be recovered by suit, instituted in the name of the township, upon the complaint of any taxpayer, in the same manner as debts of like amount are recoverable. Any penalty recovered shall be paid into the treasury of the township.

Section 1006. Employment and Compensation of Attorney.--The auditors, in case of a disagreement with any official or board of officials whose accounts they are required to audit, may

employ an attorney. Such attorney shall not be employed until reasonable effort to reach an agreement has been made, and only after notice of their intention so to do has been given to said official or board of officials. The compensation for such attorney shall be fixed by the auditors, and shall not exceed thirty dollars, unless an appeal is taken to the courts, in which case the court shall fix the additional compensation for the attorney. The compensation for said attorney shall be paid out of the general fund, by a warrant drawn by the auditors upon the township treasurer.

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 said report to be a surcharge. Unless an appeal is taken as hereinafter provided, the auditors shall direct the clerk of the court of quarter sessions to certify the amount of every such balance or surcharge to the court of common pleas and the prothonotary shall enter the same as a judgment against such officer and in favor of the township.

Section 1008. Collection of Surcharges.--The auditors or any 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 which may accrue in the proceedings undertaken by such registered elector or taxpayer, subject, however, to all rights of appeal from the report of the auditors granted by this article.

Section 1009. Appeals from Report.--The township, or any registered elector or taxpayer thereof on its behalf, or any officer or person whose account is settled or audited by the township auditors, may appeal from any settlement or audit to the court of common pleas within forty-five days after the settlement has been filed in the court of quarter sessions.

Section 1010. Appeal Bond.--No appeal by a registered elector or taxpayer or officer shall be allowed unless the appellant shall enter into a recognizance to prosecute the same with effect, and to pay all costs accruing thereon in case, if the appellant be a registered elector or taxpayer, he shall fail to obtain a final decision more favorable to the township than that awarded by the auditors, or in case the appellant be an accounting officer, he shall fail to obtain a final decision more favorable to the officer than that awarded by the auditors.

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

Section 1012. Consolidation of Appeals.--When more than one appeal from the report of the auditors is taken, whether by the township, an officer or officers thereof, or by a registered elector or taxpayer, the court may on its own motion and shall, upon petition of any party interested, direct that the several appeals be consolidated.

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

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

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

Section 1016. Judgment.--After hearing, the court shall file its findings of fact and law and enter judgment in accordance therewith, and the judgment so entered may be enforced by any appropriate proceedings by any auditor, officer, registered elector, or taxpayer of the township.

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 abide the event of the suit as in other cases.

Section 1018. Appeals.--Any person interested may except to the rulings of the court.

(1018 repealed in part June 3, 1971, P.L.118, No.6)

Section 1019. Counsel Fees.--When an appeal is taken from the township auditor's report or settlement of the accounts of any public officer, in accordance with the laws relating thereto, and such appeal results favorably to the appellants in such a manner that money is recovered for any township, the court hearing such appeal shall make an order to pay a counsel fee.

ARTICLE XI CONTROLLER

Section 1101. Oath and Bond of Controller.--The township controller, where such office has been created, shall, before entering upon the duties of his office, take and subscribe the oath prescribed by this act for township officers, and 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 the sum of twenty thousand

dollars, conditioned for the faithful discharge of his duties, and to adequately protect the township from any illegal or unfaithful action by the controller. The cost of such bond shall be paid by the township.

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

(1101 amended July 2, 1953, P.L.326, No.71)

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 his election. His salary shall not exceed five thousand dollars.

(1102 amended Sept. 7, 1955, P.L.563, No.140)

Section 1103. General Powers and Duties of Controller; May Require Attendance of Witnesses; Penalty.--The township controller shall superintend the fiscal affairs of the township. He shall examine, audit, and settle all accounts whatsoever in which the township is concerned, either as debtor or creditor, where provisions for the settlement thereof are made by law, and where no such provisions, or an insufficient provision, has been made, he shall examine such accounts and report to the board of commissioners the facts relating thereto, with his opinion thereon.

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. He shall make and file an annual report of his audit and make and publish the annual financial statement in the same form and manner and at the same time as in this act required of the auditors.

The township controller shall have supervision and control of the accounts of all departments, bureaus, and officers of the township, authorized to collect, receive, or disburse the public moneys, or who are charged with the management or custody thereof. He shall audit their respective accounts and may at any time require from any of them a statement in writing of any moneys or property of the township in their hands 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 such institutions. He shall have power to examine every such account of a township officer in any bank or banking institution to verify the accuracy of the statement of such township, department, bureau, or officer, and it shall be the duty of every such bank and banking institution, its officers and agents, to furnish full information to the controller in relation to such 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 any such account. He shall, immediately upon the discovery of any default, irregularity or delinquency, report the same to the board of commissioners. He shall also audit and report upon the account of any such officer upon the death, resignation, removal, or expiration of the term of the said officer.

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

Section 1104. Controller to Countersign Warrants.--The township controller shall countersign all warrants upon the township treasurer, the form thereof 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 same shall, if the controller require, produce evidence.

1. That the amount expressed in the warrant is due to the person in whose favor it is drawn.

2. That 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.

Section 1105. Controller to Prevent Appropriation Over Drafts.--The township controller shall not permit any appropriation made by the board of township commissioners to be overdrawn. Whenever an appropriation is exhausted, the object of which is not complete, he shall immediately report the fact to the board of commissioners, and accompany such report with a statement of the moneys which have been drawn on such appropriation and the particular purpose for which they are

drawn.

Section 1106. Amount of Contracts to Be Charged Against Appropriations.--Every contract involving appropriation of money shall designate the item of appropriation on which it is founded, and the estimated amount of the expenditure thereunder shall be charged against such item and so certified by the township controller on the contract, before it shall take effect as a contract, and the payment required by such contract shall be made from the fund appropriated therefor. If the controller shall certify any contract in excess of the appropriation made therefor, the township shall not be liable for such excess, but the controller and his sureties shall be liable for the same, which may be recovered in an action at law by the contracting party aggrieved. It shall be the duty of the controller to certify contracts for the payments of which sufficient appropriations have been made.

Section 1107. Management and Improvement of Township Finances.--The township controller shall, as often as he 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.

Section 1108. Books to Be Kept by Controller.--The township controller shall keep a regular set of books, in which shall be opened and kept as many accounts, under appropriate titles, as may be necessary to show separately and distinctly all the estates and property whatsoever, real and personal, vested in the township, all trusts in the care of the same, 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.

Section 1109. Appeals from Controller's Report; Bond; Procedure on Appeal.--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 in this act provided in the cases of appeals from the settlement and audit of the auditors as shown in their report.

Section 1110. Controller to Retain Books, Documents, Et Cetera, Pending Appeals.--Every township controller shall retain in his possession, during the forty-five days' period elapsing between the date of filing his report and the expiration of the time for filing the appeal therefrom, all books, documents, vouchers, checks and other papers which have been procured before him in the course of his audit of the accounts of township officers, and, if any appeal shall be taken, shall

continue to hold the same for production in the proceeding to determine the appeal.

ARTICLE XII
TOWNSHIP SOLICITOR

Section 1201. Election; Vacancies.--The board of commissioners at the commencement of the fiscal year in any even-numbered year, or as soon thereafter as practicable, may elect, by a vote of a majority of the members, one person learned in the law, who shall be styled the township solicitor, and who shall serve for the term of two years, and until his successor qualifies. The compensation of the solicitor shall be fixed by the board of commissioners. Vacancies in the office of township solicitor shall be filled by the board of commissioners for the unexpired term.

Section 1202. Bond.--The township solicitor shall, if the board of commissioners so requires, 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 it shall by ordinance or resolution direct, conditioned for the faithful performance of his duty.

(1202 amended July 2, 1953, P.L.326, No.71)

Section 1203. Solicitor to have Control of Law Matters.--The law matters of the township shall be under the superintendence, direction and control of the township solicitor. No official or official body of the township, except as herein otherwise provided, shall employ an additional counsel without the assent or ratification of the board of commissioners.

Section 1204. Duties of Solicitor.--The township solicitor shall prepare such bonds, obligations, contracts, leases, conveyances, and assurances to which the township, or any department thereof, may be a party, as may be directed by ordinance or resolution; he shall commence and prosecute all actions brought by the township for or on account of any of the estates, rights, trusts, privileges, claims, or demands, as well as defend all actions or suits against the township, or any officer thereof, wherein or whereby any of the estates, rights, privileges, trusts, ordinances, or accounts of the township may be brought in question before any court in the Commonwealth; and shall do every professional act incident to the office which he may be authorized or required to do by the board of commissioners or by any ordinance or resolution. He shall, whenever required, furnish the board of commissioners, and the committees thereof, with his opinion in writing upon any question of law which may be submitted by any of them in their official capacities.

ARTICLE XIII
TOWNSHIP ENGINEER

(a) General Provisions

Section 1301. Election of Township Engineer; Term; Filling of Vacancies.--The board of commissioners at the commencement of the fiscal year in any even-numbered year, or as soon thereafter as may be practicable, may elect, by a vote of a majority of the members, one person as township engineer, who shall be a registered civil engineer. He shall serve for a term of two years, and until his successor qualifies. The board of commissioners shall fix the compensation of the engineer. Vacancies in the office of township engineer shall be filled by the board of commissioners for the unexpired term.

Section 1302. Bond.--The township engineer shall, if the board of commissioners so requires, 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 it shall by ordinance or resolution direct, conditioned for the faithful performance of his duty.

(1302 amended July 2, 1953, P.L.326, No.71)

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

Section 1304. Duties; Preparation of Plans.--The township engineer shall perform such duties as the board of commissioners shall prescribe as to the construction, reconstruction, maintenance, and repair of all streets, bridges, culverts, and other engineering work. He shall prepare plans, specifications, and estimates of all such work undertaken by such township, and shall, whenever required, furnish the board of commissioners, and the committees thereof, with reports, information, or estimates on any township engineering work or on questions submitted by any of them in their official capacity.

Section 1305. Certificate of Commencement and of Completion of Municipal Improvements.--The township engineer shall, immediately after the completion of any municipal improvement, the cost of which, in whole or in part, is to be paid by the owner of the abutting property, make certificate in which he shall state the day or time on which the particular improvement was completed, and shall file the same with the township secretary, who shall enter the said day or time of completion of the work in a book to be kept by him for said purpose. The said

day or time mentioned in said certificate shall be conclusive on all parties as to the time the said work was completed. The time of completion of the work, referred to in this section and in other parts of this act, shall be taken to mean the time of the completion of the whole contract for the improvement. He shall also furnish to the township secretary a certificate showing the time at which any such particular improvement was commenced, and such certificate shall be conclusive evidence of the time when the said improvement was begun. An entry of such date shall be made by said secretary in the book aforesaid.

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 such township.

(b) Real Estate Registry

Compiler's Note: Section 9 of Act 110 of 2008, known as the Uniform Municipal Deed Registration Act, provided that Subarticle (b) is repealed insofar as it is inconsistent with Act 110.

Section 1310. Provisions for Registration of Real Estate.--For the purpose of procuring accurate information in reference to the ownership of all real estate, the board of township commissioners may provide, by ordinance for the registry thereof in the manner following.

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

Section 1312. Preservation of Records.--The said books, maps and plans shall be carefully preserved in the office of the engineer of said township; and shall be so kept, by additions from time to time, or otherwise, as to show the ownership of every lot or piece of real estate, or subdivision thereof, within the township limits, with the successive transfers of title, from the date of the commencement of such plans; but

nothing therein or in this article shall invalidate any municipal or tax claim by reason of the fact that the same is not assessed or levied against the registered owner.

Compiler's Note: Section 1 of Act 264 of 1945 provided that the recorder of deeds of every county except counties of the second class, upon written request, is required to furnish each township within the county, a monthly record of all transfers of property located within the township.

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

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

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

hereinbefore provided.

(1315 amended Oct. 9, 1967, P.L.360, No.159)

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

(1316 added Nov. 21, 2001, P.L.842, No.84)

ARTICLE XIV

POLICE

Section 1401. Appointment, Compensation and Training of Policemen.--The board of township commissioners shall, 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. No policeman shall at the same time hold any public office other than constable and health officer. The board of commissioners shall prescribe all necessary rules and regulations for the organization of the police force. The board may assign the chief of police or any other member of the force to undergo a course of training at any training school for policemen, established and made available by the State or Federal Government, and may provide for the payment by the township of his expenses while in attendance in such training school.

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.

Section 1403. Powers of Policemen.--Policemen shall be ex-officio constables of the township and may, without warrant and on view, arrest and commit for hearing any and all persons guilty of a breach of the peace, vagrancy, riotous, or disorderly conduct or drunkenness, or who may be engaged in the commission of any unlawful act tending to imperil the personal security or endanger the property of the citizens, or violating any of the ordinances of the township for the violation of which a fine or penalty is imposed.

Section 1404. Service of Process; Fees.--Policemen shall have authority to serve and execute all criminal process for the violation of the township ordinances, which may be issued by any justice of the peace of the township, and shall charge the same fees and costs as pertain by law to constables for similar services, but such fees and costs shall be paid to the township treasurer for the use of the township.

Section 1405. Supervision of Police.--The chief of police and policemen shall obey the orders of the board of township

commissioners or such other person or committee as may be designated by ordinance or resolution of the board for such purposes.

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

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

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

Section 1409. Establishment of Police Pension Fund; Management.--Townships shall, unless there is a private organization or association constituting and managing an existing pension fund for the members of the police force in any such 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, which, 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 per centum of the pay of such member. All pension funds established under the provisions of this section shall be under the direction of the township commissioners or such committee as they may designate, and shall be applied, under such regulations as the commissioners may by ordinance prescribe, for the benefit of such members of the police force as shall receive honorable discharge therefrom by reason of age or disability and the families of such as may be injured or killed in the service. Any allowances made to those who are retired by reason of disability or age shall be in conformity with a uniform scale.

(1409 amended Dec. 16, 1992, P.L.1218, No.159)

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) Where there is a private organization or

association constituting and managing an existing pension fund for the members of the police force in any township, such township shall establish a police pension fund under the provisions of this act if the membership of such 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) Whenever such a private organization or association managing an existing police pension fund for the members of the police force in any township elects, by a two-thirds vote, to transfer its funds into the pension fund required to be established by this act, all the assets and liabilities of such existing fund shall be so transferred. Such transfer may be made by the transfer of securities. After such 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 such transfer in accordance with the laws and regulations under which such members were retired.

(1409.1 added May 14, 1949, P.L.1341, No.401)

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

Compiler's Note: Section 4 of Act 600 of 1955 provides that time spent in military service of the United States shall be credited to such member's employment record for pension or retirement benefits. Section 12 of Act 600 of 1955 provided that section 1410 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 1411. Retirement Allowance.--The basis of the apportionment of the pension shall be determined by the rate of monthly pay of the member at the date of death, honorable discharge, or retirement, and shall not in any case exceed in any year one-half the annual pay of such member, computed at such monthly rate.

Compiler's Note: Section 12 of Act 600 of 1955 provided that

section 1411 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 1412. General Funds of Township not Liable.-- Payments made for retirement allowances shall be a charge on no other fund in the treasury of the township or under its control other than the police pension fund.

Compiler's Note: Section 12 of Act 600 of 1955 provided that section 1412 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 1413. Township Appropriations; Gifts; Management.-- Any township 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 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 may take, by gift, grant, devise or bequest, any money or property, real, personal or mixed, in trust for the benefit of such police pension fund. The care, management, investment, and disposal of such trust funds or property shall be vested in such officers as the township commissioners shall, by ordinance, direct, and shall be governed by such officers, subject to any directions not inconsistent therewith, as the donors of such funds and property may prescribe. Any township may also make contributions to any incorporated police pension fund extending retirement benefits to police officers of the township, subject to such conditions as the township commissioners may impose and in conformance with any applicable provisions of the "Municipal Pension Plan Funding Standard and Recovery Act."

(1413 amended Dec. 16, 1992, P.L.1218, No.159)

Compiler's Note: Section 12 of Act 600 of 1955 provided that section 1413 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.

Compiler's Note: Section 1 of Act 444 of 1949 provided that townships are authorized to appropriate moneys to police pension funds.

Section 1414. Reasons for Denying Retirement Allowance.--No person participating in such police pension fund established by ordinance, and becoming entitled to receive a benefit therefrom, shall be deprived of his rights except for failing to comply with some general regulation relating to the management of such fund, which may be made by ordinance, and which provides that a

failure to comply therewith shall terminate the right to participate in the pension fund, after such notice and hearing as it shall prescribe.

Compiler's Note: Section 12 of Act 600 of 1955 provided that section 1414 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 1415. Annuity Contracts in Lieu of Police Pension Fund.--Townships may provide annuity contracts for the purpose of paying pensions or annuities to the members of the police force who receive honorable discharge therefrom by reason of age or disability and the families of such as may be injured or killed in service.

Compiler's Note: Section 12 of Act 600 of 1955 provided that section 1415 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 1416. School Crossing Guards.--(a) The board of township commissioners, by resolution, may appoint school crossing guards who shall be in uniform and be authorized only in the management of traffic and pedestrians. Such school crossing guards shall serve at the pleasure of the board of township commissioners, except as provided in subsection (b), and shall not come within the civil service provisions of this act, nor shall they be eligible to join any township pension fund. Their compensation shall be fixed by the board of township commissioners and they shall be paid by the board of township commissioners, or jointly by the board of township commissioners and the board of school directors in a ratio to be determined by the two boards. If the board of township 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 such board shall pay one-half of the compensation of such school crossing guards who shall have the duty of controlling and directing traffic at or near schools.

(b) The board of township commissioners may approve an ordinance allowing a board of school directors to assume hiring and oversight of school crossing guards. Before the board of township commissioners may approve such an ordinance, the board of directors of the school district shall approve a resolution requesting the authority to assume the hiring and oversight of school crossing guards. The ordinance shall outline how the police department will provide any necessary training and assistance of the school crossing guards while on duty. Such school crossing guards will be authorized only in the management

of traffic and pedestrians in and around areas identified by the police department and the school district superintendent or his or her designees. The school crossing guards shall not come within the civil service provision of this act, nor shall they fall under the bargaining unit of the school district nor 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 under any plans hereafter effective. Once the ordinance receives approval by the board of township commissioners, the school district shall assume the cost of compensation, including fixing such compensation, if any, of the school crossing guards. Auxiliary policemen, appointed as prescribed by general law, may be hired by the school district to serve as school crossing guards. The board of school directors shall notify the board of township commissioners of those hired to serve as school crossing guards and request that the necessary training or assistance be provided as outlined by the ordinance.

(1416 amended June 22, 2000, P.L.335, No.38)

ARTICLE XV
CORPORATE POWERS

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

I. Sue and be sued.

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

The board of township commissioners shall have the authority to reject all bids if such 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 township commissioners may establish a

minimum bid based on the fair market value of the real property.

Except as otherwise hereinafter provided in the case of personal property of an estimated fair market value of less than one thousand dollars, no township personal property shall be disposed of, by sale or otherwise, except upon approval of the board of township commissioners, by ordinance or resolution. In cases where the board of township commissioners shall approve a sale of such property, it shall estimate the fair market value of the entire lot to be disposed of. If the board of township commissioners shall estimate the fair market value to be one thousand dollars or more, the entire lot shall be advertised for sale once, in at least one newspaper of general circulation in the township, not less than ten days prior to the date fixed for the opening of bids or public auction, and such date of opening of bids or public auction shall be announced in such advertisement, and sale of the property so advertised shall be made to the best responsible bidder. The board of township commissioners may reject any bids received if the bids are believed to be less than the fair market value of the property. The board of township 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 one thousand dollars and the approval of the board of township commissioners shall not be required for any individual sale that shall be made in conformity to such procedure.

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

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

The provisions of this clause requiring advertising for bids or sale at public auction and sale to the highest bidder shall not apply where township real or personal property is to be sold to a county, city, borough, town, township, institution district, school district, volunteer fire company, volunteer ambulance service or volunteer rescue squad located within the township, or municipal authority pursuant to the Municipality Authorities Act of 1945, or to a nonprofit corporation engaged in community industrial, commercial or affordable housing development or reuse or where real property is to be sold to a person for his exclusive use in an industrial development program or where real property is to be sold to a nonprofit corporation organized as a public library, or where real property is to be sold to a nonprofit medical service corporation as authorized by clause LXXII of section 1502, or where real property is to be sold to a nonprofit housing

corporation as authorized by clause LXXIII of section 1502. When 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 township commissioners may elect to accept such nominal consideration for such sale as it shall deem appropriate. Real property sold pursuant to this clause 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 the corporation the property shall revert to the township.

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

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

(1501 amended Dec. 19, 1997, P.L.618, No.64)

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 1502. The corporate power of a township of the first class shall be vested in the board of township commissioners. The board shall have power--

I. Ordinances and Resolutions. (a) To adopt resolutions and ordinances prescribing the manner in which powers of the township shall be carried out, and generally regulating the affairs of the township. All such proposed ordinances, unless otherwise provided by law, shall be published at least once in one newspaper of general circulation in the township not more than sixty days nor less than seven days prior to passage. Publication of any proposed ordinance shall include either the full text thereof or the title and a brief summary prepared by the township solicitor setting forth all the provisions in reasonable detail and a reference to a place within the township where copies of the proposed ordinance may be examined. If the full text is not included a copy thereof shall be supplied to a

newspaper of general circulation in the township at the time the public notice is published. If the full text is not included an attested copy thereof shall be filed in the county law library or other county office designated by the county commissioners who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinances. In the event substantial amendments are made in the proposed ordinance or resolution, upon enactment, the board shall within ten days readvertise in one newspaper of general circulation in the township, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments. In any case in which maps, plans or drawings of any kind are adopted as part of an ordinance, the commissioners may, instead of publishing the same as part of the ordinance, refer, in publishing the ordinance, to the place where such maps, plans or drawings are on file and may be examined. No ordinance, or resolution of a legislative character in the nature of an ordinance, shall be considered in force until the same is recorded in the ordinance book of the township. All township ordinances shall, within one month after their passage, be recorded by the township secretary in a book provided for that purpose, which shall be at all times open to the inspection of citizens. The entry of the township ordinance in the ordinance book by the secretary shall be sufficient without the signature of the president of the board of commissioners or other person. Any and all township ordinances or portions thereof, the text of which prior to the effective date of this amendment shall have been attached to the ordinance book, shall be considered in force just as if such ordinances or portions thereof had been recorded directly upon the pages of such ordinance book: Provided, That all other requirements of this act applicable to the enactment, approval, advertising and recording of such ordinances or portions thereof were complied with within the time limit prescribed by this act. ((a) amended June 23, 1976, P.L.410, No.92)

(b) Whenever any township shall have caused to be prepared a consolidation, codification or revision of the general body of township ordinances, or the ordinances on a particular subject, the board of township commissioners may adopt such consolidation, codification or revision as an ordinance of the township, in the same manner that is now prescribed by law for the adoption of township ordinances, except as hereinafter provided.

Any such consolidation, codification or revision of township ordinances to be enacted as a single ordinance shall be introduced in the board of township commissioners at least thirty days before its final enactment, and at least fifteen

days before its final enactment, notice of the introduction of any consolidation, codification or revision, specifying its general nature and listing its table of contents, shall be given by advertisement in a newspaper of general circulation in said township.

When any such consolidation, codification or revision has been enacted as an ordinance, it shall not be necessary to advertise the entire text thereof, but it shall be sufficient in any such case, to publish a notice stating that such consolidation, codification or revision, notice of the introduction of which had previously been given, was finally enacted.

The procedure set forth in this section 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 in such case the advertisement giving notice of the introduction shall list, in lieu of a table of contents, the titles only of each of the ordinances in such complete group or body of ordinances, and the notice following enactment shall simply state that such group or body of ordinances was passed finally.

(c) Complaint as to the legality of any ordinance or resolution may be made to the court. In cases of the laying out of streets over private property the court shall have jurisdiction to review the propriety as well as the legality of the ordinance. ((c) repealed in part Apr. 28, 1978, P.L.202, No.53)

(d) Any ordinance may be adopted by reference to a standard or nationally recognized code, or to parts thereof, determined by the board, or the provisions of the ordinance may be supplied by reference to a typed or printed code, prepared under the direction of or accepted by the board, or the provisions may consist of a standard or nationally recognized code, or parts thereof, and also further provisions typed or printed as aforesaid: Provided, however, That 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 adopted.

Publication of such code, or amendments thereto, in full shall not be required, but it shall be sufficient compliance with this act, in such publication as is required, to set forth briefly the substance of such proposed code and to give notice of the place where such code is on file and may be examined. Not less than three copies of such code, portion, or amendment which

is incorporated or adopted by reference, shall be filed with the secretary of the township at least ten days before the board considers the proposed ordinance and upon enactment kept with the ordinance book, and available for public use, inspection and examination.

Any ordinance adopted by reference to any code shall be enacted within sixty days after it is filed with the secretary of the township and, in the case of a standard or nationally recognized code, shall encompass the provisions of the code effective as of the code date stated in the ordinance.

Any 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.

Any ordinances which incorporate code amendments by reference shall become effective after the same procedure and in the same manner as is herein specified for original adoption of any such code.

(I amended July 1, 1969, P.L.119, No.49)

II. Fines for Violation of Ordinances. To prescribe fines and penalties, not exceeding one thousand dollars for a violation of a building, housing, property maintenance, health, fire or public safety code or ordinance and for water, air and noise pollution violations, and not exceeding six hundred dollars for a violation of any other township ordinance, which fines and penalties may be collected by suit brought in the name of the township before any justice of the peace, in like manner as debts of like amount may be sued for by existing laws, and to remit such fines and penalties. (II amended Mar. 2, 1988, P.L.104, No.19)

III. Officers, Positions and Departments. To create any office, position or department which may be deemed necessary for the good government and interests of the township; to fix the compensation of persons appointed thereto; and to employ the township assessor and any assistant township assessor to perform work for the township in connection with the assessment and valuation of property and occupations for taxation purposes, or to perform other work when not engaged for the county, and to fix their compensation, payable by the township.

IV. Township Manager. To create, by ordinance, the office of township manager, and in like manner to abolish the same.

The powers, duties, term of office, and compensation of the township manager shall be regulated by ordinance. The commissioners may delegate, subject to recall, any of their respective non-legislative and non-judicial powers and duties to the township manager. He shall, if required by the township

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 commissioners, in such sum as it shall, by ordinance or resolution, direct, conditioned for the faithful performance of his duties.

(IV amended July 2, 1953, P.L.326, No.71)

V. Police Force. To establish, equip, and maintain a police force, and to define the duties of the same.

VI. Lockups and Commitments. To provide for the erection or purchase of lockups in the township for the detention and confinement of vagrants and persons arrested by the police officers until the persons so arrested can be taken before a justice of the peace for hearing; but no person shall be detained therein for a longer time than twenty-four hours (Sunday excepted) except upon order of a justice of the peace, legally authorized, who may commit any such person for further hearing.

VII. Committing Magistrate. To designate, from time to time, one of the justices of the peace to sit at the police station or town hall as a committing magistrate.

VIII. Vagrants. To arrest and confine, and to set to work on the streets or elsewhere, all vagrants found in the township.

IX. Disorderly Practices. To define and prohibit disorderly practices within the limits of the township.

X. Public Safety. To take all needful means for securing the safety of persons or property within the township.

XI. Road Implements. To purchase tools, implements, machinery, timber, and materials necessary for the making, paving, and repairing of streets and sidewalks, and other public work; to employ sufficient number of laborers to make and repair the same; and to lease or lend such tools, implements, and machinery to other townships, boroughs, or cities.

XII. Lights. To establish lights along the streets and highways, wherever deemed expedient. No such lights shall be established upon State highways until a permit has first been obtained from the State Department of Highways, or upon county highways until a permit has first been obtained from the county commissioners.

XIII. Lighting Assessments. On the petition of the owners of a majority of the lineal feet frontage along any street or highway, or portion thereof, in any village within the township, to enter into contracts with electric, gas, or other lighting companies to light and illuminate the streets, highways, and other public places in said village with electric light, gas light, or other illuminant.

The township commissioners shall annually assess, or cause to be assessed, the cost and expense of the maintenance of said

lights by an equal assessment on all property benefited by such lighting in proportion to the number of feet the same fronts on the street, or highway, or portion thereof to be lighted. The township commissioners may provide for an equitable reduction from the frontage of lots, at intersections, or where, from the peculiar or pointed shape of lots, an assessment of the full frontage would be inequitable. No such assessment shall be made against any farm land, but vacant lots between built-up sections, whether tilled or untilled, shall not be deemed to be farm lands: Provided, however, That the assessment per front foot against vacant lots shall be only twenty-five per centum (25%) of the assessment per foot front against property with improvements thereon. All such assessments for street lighting shall be filed with the township treasurer, who shall give thirty days' written or printed notice that the assessments are due and payable, stating the due date to each party assessed, either by service on the owner of the property, or by mailing such notice to the owner at his last known post office address. The township treasurer shall be entitled to the same commission for the collection of such assessments as he is entitled to by law for the collection of the township tax. If the assessments, or any of them remain unpaid, on the first Monday of May of the succeeding year they shall be placed in the hands of the township solicitor for collection. The solicitor shall collect the same, together with five per centum (5%) as attorney's commission, and interest from the date such assessments were due, by a municipal claim filed against the property of the delinquent owner in like manner as municipal claims are by law filed and collected. Where an owner has two or more lots against which there is an assessment for the same year, all such lots shall be embraced in one claim. All assessments, when collected, shall be paid over to the township treasurer, who shall receive and shall keep all such assessments collected for lighting the streets and highways in a separate account and pay out the same only upon orders signed by the president or vice president of the township commissioners, attested by the secretary or assistant secretary. The treasurer shall make a report to the auditor or controller of the township annually. (Par. amended May 31, 1955, P.L.56, No.27)

Ornamental Standards for Street Lighting. On the petition of the owners of seventy-five per cent of the lineal feet frontage along any street or highway or portion thereof in any village within the township to provide for the furnishing and installation of ornamental standards for street lighting with fittings and underground wiring therefor along such street or highway or the portion thereof affected, and to enter into contracts with electric, gas or other lighting companies to

furnish and install such standards with the fittings and wiring therefor.

The township commissioners shall assess or cause to be assessed the cost and expense of the furnishing and installation of said standards, fittings and underground wiring by an equal assessment on all property benefited by the furnishing and installation of such standards, fittings and underground wiring in proportion to the number of feet the same fronts on the street or highway or portion thereof to be lighted. The township commissioners may provide for an equitable reduction from the frontage of lots at intersections, or where from the peculiar or pointed shape of lots an assessment of the full frontage would be inequitable. No such assessment shall be made against any farm land, but vacant lots between built-up sections, whether tilled or untilled, shall not be deemed to be farm lands. All such assessments for the cost of furnishing and installation of such standards, fittings and underground wiring shall be filed with the township treasurer, who shall give thirty days written or printed notice that the assessments are due and payable, stating the due date to each party assessed, either by service on the owner of the property or by mailing such notice to the owner at his last known post office address. The township treasurer shall be entitled to the same commission for the collection of such assessments as he is entitled to by law for the collection of the township tax. If the assessments or any of them remain unpaid at the expiration of a period not exceeding ninety days, the exact time to be fixed by the township commissioners, they shall be placed in the hands of the township solicitor for collection. The solicitor shall collect the same together with five per centum (5%) as attorney's commission and interest from the date such assessments were due by a municipal claim filed against the property of the delinquent owner in like manner as municipal claims are by law filed and collected. Where an owner has two or more lots against which there is an assessment all such lots may be embraced in one claim. All assessments when collected shall be paid over to the township treasurer who shall receive and shall keep all such assessments collected in a separate account and pay out the same only upon orders signed by the president or vice president of the township commissioners, attested by the secretary or assistant secretary. The treasurer shall make a report to the auditor or controller of the township annually until all of such assessments are paid in full.

XIV. Water Supplies. To enter into contracts with any person or corporation to supply water for fire protection and other purposes for a period not exceeding twenty years. No such contract shall be exclusive as against the right of any other

water company, nor interfere with the right of such township to erect, maintain, and operate its own waterworks.

XV. Fire and Water Districts; Bond Issues and Taxes. To create, by ordinance, fire and water districts in any portion or portions of townships when, in their opinion, the same is necessary for the safety and convenience of the inhabitants of said township; to issue bonds restricted to the districts so created, for the purpose of procuring and maintaining the necessary supply of water to said district; and to levy such special tax restricted to said district as may be necessary to redeem any bonds so issued. To pay the cost or part of the cost of such water supply or water lines, the township commissioners may charge for any such water supply or water lines by an assessment of a special water or fire tax on all surface properties or real estate located in the water or fire district, which tax shall be based on the assessment for county purposes as established for general taxation. Such tax may be levied for a single year or for a term of years as the township commissioners may determine, but in the case of fire districts shall not exceed two mills per annum, and shall be collected in the same manner as other taxes. In lieu of the foregoing provisions, or in order to defray part of the cost of such water supply or water lines, in all cases where said township shall have established a water system and shall construct main water lines in said township, the board of township commissioners may charge the cost of construction of any municipal water lines or lateral lines, upon any streets or highways adjacent to main lines, or such portion of the cost of construction as the board may deem proper, upon the properties benefited or accommodated thereby. The ordinance, providing for such charge, shall be adopted by the board within six months from date of the final completion of such system of water lines. Said charges shall be assessed and collected in the manner provided in this act for the assessment and collection of charges for the construction of sewers. (XV amended Aug. 19, 1953, P.L.1090, No.290)

XVI. Fire Regulations. To make regulations within the township or within such limits, as may be deemed proper, relative to the cause and management of fires and the prevention thereof; to purchase or contribute to the purchase of fire engines and fire apparatus for the use of the township, and to appropriate money to fire companies for the operation and maintenance thereof and for the construction, repair and maintenance of fire company houses; to ordain rules and regulations for the government of such fire companies and their officers, and to regulate the method to be followed in the extinguishment of fires.

XVII. Fire Houses. To provide and maintain suitable places

for the housing of engines, hose carts, and other apparatus for the extinguishment of fire. (XVII amended May 18, 2004, P.L.229, No.34)

XVIII. Building and Housing Regulations. To prohibit or regulate the erection of wooden buildings and housing in certain parts of the township and make regulations for the construction of new buildings and housing and the alteration and repair of old ones, and to require that before the work begins municipal approval of the plans and specifications therefor be secured; to classify buildings and housing or parts of buildings and housing according to the use to be made of them; to specify the mode of construction of such different classes of buildings and housing; and to require that before any use or occupancy be changed from any classification to a different classification, as to which more stringent regulations are prescribed under the provisions of any ordinance relating thereto, municipal approval of the plans and specifications therefor be secured. (XVIII amended July 31, 1963, P.L.384, No.204)

XIX. Building and Housing Sanitation Regulations. In addition to other remedies provided by law, and in order to promote the public health, safety, morals, and the general welfare, to enact and enforce suitable ordinances to govern and regulate the construction, alteration, repairs, occupation, maintenance, sanitation, lighting, ventilation, water supply, toilet facilities, drainage, use, and inspection of all buildings and housing, or parts of buildings and housing, constructed, erected, altered, designed or used, in whole or in part, for human habitation or occupancy, and of the sanitation and inspection of land appurtenant thereto. In case any building, housing or structure is constructed, reconstructed, altered, repaired, converted, or maintained, or any building, housing or land is used, in violation of any ordinance enacted under authority conferred hereby, the board of township commissioners, in addition to penalties provided by ordinances enacted hereunder, may institute appropriate actions or proceedings, at law or in equity, to prevent and restrain such unlawful construction, reconstruction, alteration, repairs, conversion, maintenance or use, and to restrain, correct, or abate such violation and to prevent the occupancy of said building, housing or structure. The ordinances enacted pursuant to this clause shall not be inconsistent with the provisions of any statute governing the same matter, but all regulations prescribed by such ordinances, which are additional or supplementary to the statute law and not inconsistent therewith, or enacted for the purpose of carrying into effect the provisions of the statute law, shall be valid and binding. Such ordinances may adopt any standard building code and any standard

housing code, published and printed in book form, covering any or all of the above items, without incorporating such building code and such housing code in the ordinance; or any township may enact such building code and such housing code as its ordinance authorized under the provisions of this clause. In either event, such building code and such housing code shall not be published or advertised in full, as provided by this section in the case of the adoption of ordinances: Provided, That notice of the adoption of such standard building code and such housing code as the building ordinance and the housing ordinance of the township, together with a brief summary thereof setting forth the principal provisions of said ordinance in such reasonable detail as will give adequate notice of its contents pursuant to a uniform form which shall be prepared or approved by the Department of Labor and Industry, and a reference to the place or places, within the township, where copies of the building code and the housing code adopted are deposited and may be examined, shall be published in the manner provided by this section for the publication of ordinances. Not less than three such copies shall be made available to public inspection and use, during business hours, for a period of not less than three months after the adoption of such building code and such housing code. (XIX amended July 10, 1975, P.L.48, No.28)

XX. Building and Housing Inspectors. To provide for the inspection of the construction and repair of buildings and housing, including the appointment of one or more building inspectors and housing inspectors; to prescribe limits wherein none but buildings and housing of noncombustible material and fireproof roofs shall be erected or substantially reconstructed or removed thereinto; to provide penalties for the violation of such regulations. Any building and housing erected, reconstructed, or removed, contrary to the provisions of any ordinance passed for any of the purposes herein specified, is declared to be a public nuisance and abatable as such. (XX amended July 31, 1963, P.L.384, No.204)

XXI. Building Lines. To establish, by ordinance, and maintain uniform building lines upon any or all public streets or highways of the township.

XXII. Numbering Buildings. To provide for and regulate the naming of streets and highways; and to require and regulate the numbering of buildings.

XXIII. Insurance. To make contracts with any fire insurance company, association or exchange, including mutual companies duly authorized by law to transact insurance business in the Commonwealth, insuring any building or property of the township; to make contracts with any insurance company insuring any public liability of the township; to appropriate such amount as may be

necessary to secure insurance or compensation for volunteer firemen of companies duly recognized by the township by motion or resolution, killed or injured while going to or returning or attending fires; to make contracts of insurance with any insurance company, association or exchange authorized to transact business in this Commonwealth insuring township employes or any class or classes thereof under a policy or policies of insurance covering workmen's compensation, life, health or accident insurance, and to contract with any such company granting annuities or pensions for the pensioning of such employes, and to agree to pay part or all of the premiums or charges for carrying such contracts, and to appropriate moneys from the township treasury for such purposes.

XXIV. Markets, Market Houses and Peddling. To regulate markets and peddling, whether for individual use or for resale; to provide and enforce regulations for markets and market houses, whether for individual use or for sale or resale; and to acquire and own ground for and to erect, establish, and maintain market houses and market places, for which latter purposes, parts of any streets, highways or sidewalks may be temporarily used as specified by the township commissioners; to contract with any person, firm, or corporation for the erection, maintenance, and regulation of market houses and market places, on such terms and conditions and in such manner as the board of commissioners may prescribe; to provide for the payment of the cost and expense of providing markets and market houses, either in whole or in part, from township funds; and to levy and collect a license tax from every person who may be authorized to occupy any portion of said market houses or places. (XXIV amended May 27, 1953, P.L.220, No.30)

XXV. Milk Inspection. To provide for the inspection of milk and milk products; and to make regulations concerning the character and kind of milk and milk products which may be sold.

XXVI. Nuisances. To prohibit and remove any obstruction or nuisance in the streets and highways of the township; to make regulations respecting pigpens, slaughter houses, manure pits, drains, dumps, cesspools, and similar conditions, to prohibit and remove any noxious or offensive manufacture, art or business, or dangerous structure, or weeds, or any other nuisance whatsoever, on public or private grounds, prejudicial to the public health or safety, or to require the removal of the same by the owner or occupier of such grounds; in default of which, the township may cause the same to be done and collect the cost thereof, together with a penalty of ten per centum of such 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 may seek relief by bill in equity.

XXVIII. Ashes, Garbage, Rubbish and Refuse Materials. To make regulations relative to the accumulation of manure, compost and the like; to prohibit accumulation of ashes, garbage, rubbish and other refuse materials upon private properties including the imposition and collection of reasonable fees and charges for the collection, removal and disposal thereof, and to prescribe fines and penalties for the violation of such regulations; to collect, remove and dispose of or to provide, by contract or otherwise, for the collection, removal and disposal by incineration, land fill or other methods of ashes, garbage, rubbish and other refuse materials; and to prescribe penalties for the enforcement thereof. Any such contract may be made for a period not exceeding three years: Provided, That this limitation shall not apply to contracts entered into with any other political subdivision or with any municipality authority. To acquire any real property and to erect, maintain, improve, operate and lease, either as lessor or lessee, facilities for incineration, land fill or other methods of disposal, either within or without 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 destruction, collection, removal and disposal of ashes, garbage, rubbish and other refuse materials; and to provide for the payment of the cost and expense thereof, either in whole or part, out of the funds of the township and to acquire and to maintain lands and places for the dumping of ashes, garbage, rubbish and other refuse material. To fix, alter, charge and collect rates, and other charges for the collection, removal and disposal of ashes, garbage, rubbish and other refuse materials and the costs of including the payment of any indebtedness incurred for the construction, purchase, improvement, repair, maintenance and operation of any facilities therefor, and the amount due under any contract with any other political subdivision or with any municipality authority furnishing any of such services or facilities. To incur indebtedness and issue bonds for the costs of the construction, purchase, improvement and repair of any facilities for the collection, removal and disposal of ashes, garbage, rubbish and other refuse materials, including equipment to be used in connection therewith. To make appropriations to any other political subdivision or any municipality authority out of its general funds or out of any other available funds, including the proceeds of bonds of the township for the construction, purchase, improvement, repair, maintenance and operation of any facilities for the collection, removal and disposal of ashes, garbage, rubbish and other refuse materials. In the event that any such bonds were issued for such purposes, pursuant to a vote of the electors, any appropriation

of such proceeds as above set forth shall not be deemed such a change of purpose from that for which such bonds were issued as shall require the question to be again submitted to a vote of the electors under any existing law. Any such funds appropriated as herein authorized, which represent the proceeds of any bonds heretofore or hereafter issued by the township for the above purposes, shall be used by such other political subdivision or municipality authority for or toward the purpose or purposes for which such bonds were issued. (XXVII amended July 1, 1955, P.L.251, No.78)

XXVIII. Inflammable and Explosive Articles. To prohibit the manufacture, sale or storage of inflammable and explosive articles; to prescribe the quantities of inflammable and explosive articles that may be kept in any place; and to prescribe such other safeguards as may be deemed necessary.

XXIX. Smoke Regulations. To regulate the emission of smoke from chimneys, smokestacks and other sources, except locomotive smokestacks.

XXX. Animals. To prohibit or regulate the running at large of dogs and in the enforcement of such regulations to direct the killing of dogs or their seizure and detention, including reasonable charges therefor, or to provide for their sale for the benefit of the township; to prohibit and regulate the running at large of other animals and to authorize their seizure and detention, including reasonable charges therefor, and to provide for their sale for the benefit of the township.

XXXI. Amusements. To regulate, license, and fix the time of opening and closing of, or to prohibit, theatrical exhibitions, amusements and dances at which an admission or other fee is charged; to regulate, license and fix the time of opening and closing poolrooms, billiard-rooms, shooting galleries, skating rinks and bowling alleys; and to license, regulate or prohibit circuses.

XXXII. Party Walls and Fence Regulations. To make regulations respecting foundations, party walls and partition fences; and to prescribe reasonable fees for the services of its officers and agents in the adjustment of party walls, partition fences and the like, and to enforce payment of the same.

XXXIII. Watering Troughs. To erect watering troughs along the streets or highways and to keep the same in repair.

XXXIV. Ambulances and Rescue and Life Saving Services. To acquire and to operate and maintain motor vehicles for the purposes of conveying sick and injured persons of such township and the vicinity to and from hospitals, and, for such purposes, to appropriate and expend moneys of the township or to appropriate money annually towards ambulance and rescue and life saving service, and to enter into contracts relating thereto.

All appropriations of money heretofore made and contracts heretofore entered into by any township for such service are hereby validated and confirmed. (XXXIV amended June 30, 1969, P.L.109, No.41)

XXXV. Display of Flags. To display the flag of the United States, of the Commonwealth of Pennsylvania, the official POW/MIA flag and the flag of any county, city, borough, or township on the public buildings or grounds or any property of the township. (XXXV amended July 10, 1990, P.L.389, No.92)

XXXVI. Memorial Day Appropriations. To appropriate moneys for the expenses of Memorial Day services.

XXXVII. Care of Memorials. To maintain and keep in good order and repair at the expense of the township, and it shall be their duty so to do, any soldiers' monument, gun, or carriage, or other similar memorial, when there is not in existence any person, body or organization to care for and maintain the same, and when such memorials were not erected by the government of the United States, the Commonwealth of Pennsylvania, any other state, or by the commissioners of any county; and to receive from persons or organizations funds for such purposes.

XXXVIII. Soldiers' Cemeteries. To purchase plots of ground in any cemetery or burial ground for the interment of such deceased service persons who shall hereafter die within such township, or shall die beyond such township and shall have a legal residence within such township at the time of their death, and whose bodies are entitled to be buried by the county under the provisions of existing laws. Such plots of ground shall be paid for out of the treasury of such township. (XXXVIII amended Oct. 4, 1978, P.L.946, No.186)

XXXIX. Appropriations to Civic Associations. To annually appropriate a sum, not exceeding two hundred dollars, for the support of any voluntary association composed of electors of the several townships within such county, or any of them, which association is formed for the study and investigation of the welfare, economics, management and government of townships, and for the protection and safeguarding of the rights and franchises of townships, and for the purpose of recommending legislation beneficial to townships, or any one or more of such purposes.

XL. Armory Buildings. To appropriate money or convey land, either independently or in connection with any county, city, town, borough, or township, to the Commonwealth of Pennsylvania for the purpose of assisting the Armory Board of the Commonwealth in the erection of armories for the use of the National Guard, and to furnish water, light, or fuel, free of cost to the Commonwealth, for use in any armory, and to do all things necessary to accomplish the purposes of this clause.

XLI. Land for Armories. To take by right of eminent domain,

for the purpose of appropriating to themselves, for the use of the National Guard of Pennsylvania, such public land, easements, and public property as may be in their possession or control, and used or held by them for any other purpose. Such right, however, shall not be exercised as to any street or highway or wharf, but all other public easements and property may be appropriated and used for the purpose herein provided, any limitation of the use thereof by the township, either by donation, dedication, appropriation, statute, or otherwise, to the contrary notwithstanding.

XLII. Land for Armory Purposes. To acquire, by purchase or by gift or by the right of eminent domain, any land for the use of the National Guard of Pennsylvania, and to convey such lands so acquired to the Commonwealth of Pennsylvania to assist the Armory Board in the erection of armories. The proceedings for the condemnation of lands under the provisions of this act, and for the assessment of damages for property taken, injured or destroyed, shall be taken in the same manner as is now provided by this act for the condemnation of lands. The power conferred by this clause shall not be exercised to take any church property, graveyard, cemetery, or any dwelling house, or the curtilage of the same, in the actual occupancy of the owner.

XLIII. Junk Dealers, Pawnbrokers, Auctions. To regulate and license junk dealers, pawnbrokers, hucksters, peddlers, vendors, and public auctions and auctioneers and to regulate and license the establishment and maintenance of junk yards, salvage yards and other places used and maintained for the collection, storage and disposal of used and second-hand goods and materials. (XLIII amended May 23, 1961, P.L.215, No.114)

XLIV. Health and Cleanliness Regulations. To make such regulations as may be deemed necessary for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the township and the inhabitants thereof.

XLV. Comfort and Waiting Stations and Drinking Fountains. To acquire property for the purposes of providing, maintaining, and operating thereon comfort and waiting stations and drinking fountains; and to construct and maintain such stations and fountains on any of the streets or highways of the township.

XLVI. Support of National Guard Units. To appropriate annually a sum not exceeding seven hundred and fifty dollars for the support and maintenance, discipline and training of any dismounted company or similar unit of the National Guard, and a sum not to exceed fifteen hundred dollars for the support and maintenance of any mounted or motorized troop or similar unit of the National Guard. Where such 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. Any moneys so appropriated shall be paid by warrant drawn to the order of the commanding officer of such company, battalion, regiment or similar organization, only when it shall be certified to the township, by the Adjutant General of the State, that the said company or companies have satisfactorily passed the annual inspection provided by law. The moneys so appropriated shall be used and expended solely and exclusively for the support and maintenance, discipline and training of the said company, battalion, regiment, or similar organization; and the commanding officer shall account, by the proper vouchers to the said township each year, for the expenditure of the money so appropriated, and no appropriation shall be made for any subsequent year until the expenditure of the previous year is duly and satisfactorily accounted for.

The accounts of such expenditures shall be subject to the inspection of the Department of Military Affairs, and shall be audited by the Auditor General, in the manner provided by law, for the audit of accounts of State moneys.

XLVII. Hospital Appropriations. For townships having a population of two thousand inhabitants and upwards, to appropriate moneys for the support of any incorporated hospital which is engaged in charitable work, and extends treatment and medical attention to the residents of such townships; but no such appropriation shall exceed, in any year, the cost of free service extended to residents of the township which is in excess of any amount paid by the Commonwealth towards such free service, and in no case more than the sum of one thousand dollars (\$1000).

XLVII.I. Appropriations to Veterans' Home Associations. To annually appropriate a sum not exceeding three hundred dollars for the support of any Veterans' Home Association which provides a home or club-house 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.

XLVII.II. Appropriations for Community Nursing Services. To appropriate money annually towards any nonprofit associations or corporations which provide community nursing services for the control of communicable disease, the immunization of children, the operation of child health centers (Well-Baby Clinics), instructive visits to parents of new babies beginning in the prenatal period and family health guidance, including nutrition, detection and correction of defects, all of which relate to the responsibilities of local boards of health. (XLVII.II amended Oct. 4, 1978, P.L.946, No.186)

XLVIII. Garbage and Treatment Works. (XLVIII repealed July

1, 1955, P.L.251, No.78)

XLIX. Parking and Parking Lots. To regulate parking, to provide parking accommodations so as to promote the convenience and protection of the public and to establish or designate, at the discretion of the commissioners, areas exclusively reserved for parking by handicapped individuals; to erect parking meters and to regulate parking meter charges and to post signs regulating parking in areas established or designated for handicapped parking. To acquire by gift or purchase, or the right of eminent domain, lands for use as parking lots, and to plan, design, locate, hold, construct, improve, maintain, operate, own or lease, either in the capacity of lessor or lessee and install facilities and equipment, including parking meters, on any such land to be devoted to the parking of vehicles of any kind, which in the judgment of the board of township commissioners, may be necessary and desirable for the purpose of establishing and maintaining such parking lots and to regulate the use thereof. Whenever any lands shall be acquired by any township for parking lots, they may be operated by such townships as parking lots for parking vehicles only, but not for the sale or distribution of any commodity, or when so provided by ordinance or resolution, they may be let to and for private operation as parking lots on such terms and conditions as may be prescribed. (XLIX amended Oct. 5, 1979, P.L.200, No.68)

XLIX.I. Appropriations for Certain Streets. To appropriate money annually for improvements to any street as defined in section 102, located wholly or partially within the township, whether township owned or not, which has been adversely affected by parking availability as determined by the commissioners. (XLIX.I added Feb. 14, 1990, P.L.66, No.12)

L. Airports. To acquire by lease or purchase or by exercising the power of eminent domain, in the manner provided in article nineteen of this act, any land lying either within or without the limits of the township, which in the judgment of the board of township commissioners, may be necessary and desirable for the purpose of establishing and maintaining municipal airdromes, aviation landing fields and airport facilities. The title acquired by the township exercising the power of condemnation shall be a title in fee simple. Any township having acquired land for such purposes may establish, equip, condition, operate and maintain the same as a municipal airport, airdrome, landing field, or intermediate landing field, and may lease the same or any part thereof, to any individual or corporation desiring to use the same for aviation purposes, and may enter into a contract in the form of a lease providing for the use of said land, or any part thereof, by the Government of the United States for the use by said Government of said land for aviation

purposes upon nominal rental or without consideration.

Any township may acquire, by lease or purchase, land for aviation purposes as hereinbefore provided jointly with any county, city, borough, township, or political subdivision or municipality authority of this Commonwealth, and is hereby authorized and empowered to operate and maintain said airport, airdrome, landing field, or intermediate landing field jointly with any county, city, borough, township, or other political subdivision or municipality authority of this Commonwealth upon such terms and conditions, as may be agreed upon between the proper authorities of the county, city, borough, township, or other political subdivision of this Commonwealth.

LI. Purchase and Planting of Trees. To 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 to expend township moneys for such purpose. (LI amended May 27, 1953, P.L.220, No.30)

LII. General Powers. To make and adopt all such ordinances, by-laws, rules and regulations not inconsistent with or restrained by the Constitution and laws of this Commonwealth as may be deemed 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.

LIII. Joint Municipal Agreements. To enter into agreements with other political subdivisions in accordance with existing laws in making joint purchases of materials, supplies or equipment, and in performing governmental powers, duties and functions, and in carrying into effect provisions of law relating to said subjects which are common to such political subdivisions.

LIV. Joint Contracts for Police and Fire Protection. To enter into contracts with the proper authorities of near or adjacent cities, boroughs and townships either for mutual aid or assistance in police and fire protection, or for the furnishing to or receiving from such cities, boroughs or townships aid and assistance in police and fire protection, and to make appropriations therefor: Provided, That in connection with such contracts it shall not be necessary to receive bids or require bonds as required for other contracts under existing law.

LV. Widening and Deepening Water-Courses. After a permit has been secured from the Water and Power Resources Board, to widen and deepen water-courses running through the township and to erect such dykes, retaining walls and embankments along the same as shall be necessary to prevent water from overflowing the banks thereof. For such purposes, townships may enter upon and condemn such property as may be necessary. Townships may enter

upon land lying near such water-courses and secure such material as may be necessary in connection with such work. Damages for property taken, injured or destroyed as the result of such work shall be fixed and determined in the manner provided in article nineteen of this act. Townships may appropriate moneys for the purposes of carrying into effect the provisions of this clause.

LVI. Regulation of Charges. To make and regulate charges for the use of facilities of the township.

LVII. Street, Sewer, Sidewalk, Etc., Regulations. To regulate the streets, sewers, public squares, common grounds, sidewalks, curbs, gutters, culverts and drains, and the heights, grades, widths, slopes and construction thereof, and to grant rights therein for the installation of public utilities in said streets. (LVII added May 27, 1953, P.L.220, No.30)

LVIII. Creation of Capital Reserve Fund for Anticipated Capital Expenditures. To create and maintain a separate capital reserve fund for any anticipated legal capital expenditures, which fund shall be designated for a specific purpose or purposes at the time of its creation. The money in the fund shall be used, from time to time, 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: Provided, That it may be used for capital expenditure other than the purpose or purposes specified at the time it was created, if the commissioners by a four-fifths vote shall declare that the original purpose or purposes have become impracticable, inadvisable or impossible, or that conditions have arisen in the township which make other capital expenditures more urgent than those for which the fund was created.

The township commissioners may appropriate moneys from the general township funds to be paid into the capital reserve fund, or place in the fund any moneys 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. The fund shall be controlled, invested, reinvested and administered and the moneys therein and income from such moneys expended for the specific purpose or purposes for which the fund is created in such manner as may be determined by the township commissioners. The money in the fund, when invested, shall be invested in securities designated by law as legal investments for sinking funds of municipalities.

(LVIII added May 20, 1957, P.L.180, No.88)

LIX. Appropriations for Handling, Storage and Distribution of Surplus Foods. The board of township commissioners of any township may appropriate from township funds moneys for the

handling, storage and distribution of surplus foods obtained either through a local, State or Federal agency.

All appropriations of moneys heretofore made by the board of township commissioners of any township for the handling, storage and distribution of surplus foods obtained either through a local, State or Federal agency are hereby validated.

(LIX added Aug. 28, 1959, P.L.789, No.288)

LX. Appropriations for Industrial Promotions. To make appropriations to an industrial development agency. (LX added Aug. 6, 1963, P.L.535, No.284)

LXI. Non-Debt Revenue Bonds. To issue non-debt revenue bonds pursuant to provisions of the act of June 25, 1941 (P.L.159), known as the "Municipal Borrowing Law," to provide sufficient moneys for and towards the acquisition, construction, extension or improvement of municipal facilities, including water systems or facilities, sewers, sewer systems and sewage disposal systems or facilities, systems for the treatment or disposal of garbage and refuse, aeronautical facilities including but not limited to airports, terminals and hangars, and park and recreational facilities, and parking lots to be secured solely by the pledge of the whole or part of the rent, toll or charge for the use or services of such facilities.

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.

(LXI added June 8, 1965, P.L.98, No.67)

LXII. Appropriating Money for Historical Properties. To appropriate moneys to nonprofit associations or corporations organized for the purpose of acquiring and maintaining historical properties. Such appropriations shall only be used by the association or corporation for the acquisition, restoration and maintenance of the historical properties. (LXII added June 24, 1968, P.L.241, No.113)

LXIII. Insurance. To expend out of the general township fund such amount as may be necessary to secure workmen's compensation insurance for its employes, including volunteer firemen 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; to make contracts of insurance with any fire insurance company, duly authorized by law to transact business in the Commonwealth of Pennsylvania, on any building or property owned by such township, to make contracts with any insurance company, so authorized, insuring any public liability of the township, and to make contracts of insurance with any insurance company, or nonprofit hospitalization corporation, or nonprofit medical service corporation, authorized to transact business

within the Commonwealth, insuring its employes or commissioners, or any class or classes thereof, or their dependents, under a policy or policies of group insurance covering life, health, hospitalization, medical and surgical service, or accident insurance, and may contract with any such company, granting annuities or pensions, for the pensioning of such employes, or any class or classes thereof, and for such purposes, may agree to pay part or all of the premiums or charges for carrying such contracts, premiums, or charges, or portions thereof. The commissioners are hereby authorized, enabled and permitted to deduct from the employe's or commissioner's pay, salary or compensation such part of the premium or charge, as is payable by the employe or commissioner, and as may be so authorized by the employe or commissioner in writing. Such insurance shall be uniformly applicable to those covered and shall not give eligibility preference to, or improperly discriminate in favor of, commissioners. As used in this clause, the terms "employe" and "employes" exclude independent contractors and all township engineers and solicitors. 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 of such inclusion of commissioners; nor shall any penalty, assessment, surcharge or disciplinary action of any kind occur as a result of such participation by such commissioners; and insurance benefits payable to insureds or their beneficiaries arising out of or on account of deaths, injuries, accidents or illnesses occurring prior to the effective date of this amendatory act shall remain the property of the insureds or their beneficiaries.

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 of such inclusion of such commissioners; nor shall any penalty, assessment, surcharge or disciplinary action of any kind occur as a result of such participation by commissioners: Provided, however, That anyone entitled to benefit coverage under a pension paid for, in whole or in part, by any township without lawful authority shall deliver, surrender and assign to the township all benefits paid thereunder after December 31, 1984.

Where any official personally contributed toward such a pension plan or a purchase of such an annuity, he shall be refunded his total contributions thereto, plus any interest accumulated thereon, less any amount already paid to him 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 its interest in that pension plan or annuity program. The election option shall be exercised within sixty (60) days of the effective date of this act. 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.

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 said 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.

(LXIII amended Dec. 16, 1992, P.L.1218, No.159)

LXIV. Appropriations for Urban Common Carrier Mass Transportation. To appropriate funds for urban common carrier mass transportation purposes from current revenues and to make annual contributions to county departments of transportation or to urban common carrier mass transportation authorities to assist the departments or the authorities to meet costs of operation, maintenance, capital improvements, and debt service, and to enter into long-term agreements providing for the payment of the said contributions. (LXIV added Nov. 24, 1967, P.L.619, No.281)

LXV. Appropriating Money to Assist Political Subdivisions and Municipality Authorities for Airports. To appropriate moneys to assist any city, borough, town, township or other political

subdivision or municipality airport authority to acquire, establish, operate and maintain any and all air navigation facilities lying either within or without the limits of such township. (LXV added Jan. 25, 1966, 1965 P.L.1569, No.549)

LXVI. Open Burning. To regulate, including the prohibition of the open burning of combustible material. (LXVI added Dec. 9, 1970, P.L.881, No.277)

LXVII. Community Development. To undertake community development programs, including but not limited to urban renewal, public housing, model cities programs and neighborhood development projects. (LXVII added June 27, 1974, P.L.410, No.143)

LXVIII. Liability Insurances. (LXVIII repealed Nov. 26, 1978, P.L.1399, No.330)

LXIX. Appropriations for Observances and Celebrations. To appropriate annually an amount for the observance of holidays, centennials or other anniversaries or for township celebrations or civic projects or programs. (LXIX amended Mar. 30, 1988, P.L.300, No.36)

LXX. Building Hospitals. To appropriate not exceeding one dollar (\$1) per township resident per year toward the maintenance and/or support of any medical center or hospital building and further appropriate from such funds toward the purchase and/or erection of medical or hospital facilities. Where the total cost of such purchase or erection exceeds one hundred thousand dollars (\$100,000), it will necessitate approval by the appropriate health planning agency. The number of residents shall be determined from the latest decennial Federal census. (LXX added Dec. 19, 1975, P.L.575, No.164)

LXXI. Appropriations to Tourist Promotion Agencies. To appropriate annually, such amount of money but not in excess of ten cents (10¢) for each resident of the township, as determined by the latest official census, which may be deemed necessary, to any "tourist promotion agency," as defined in the act of April 28, 1961 (P.L.111, No.50), known as the "Tourist Promotion Law," to assist such agencies in carrying out tourist promotional activities. (LXXI added June 11, 1976, P.L.160, No.79)

LXXII. Sale of Real Property to Nonprofit Medical Service Corporation. To sell township-owned real property to a nonprofit medical service corporation for its exclusive use as a site for a medical service facility. (LXXII added Sept. 28, 1978, P.L.805, No.157)

LXXIII. Sale of Real Property to Nonprofit Housing Corporation. To sell township-owned real property to a nonprofit housing corporation for its exclusive use for housing for the elderly. (LXXIII added Sept. 28, 1978, P.L.805, No.157)

LXXIV. Appropriations to Nonprofit Art Corporations. To

appropriate annually, such amount of money, which the board of commissioners deems necessary but not exceeding an amount equal to one mill of the real estate tax to any nonprofit art corporation for the conduct of its artistic and cultural activities. For the purposes of this section nonprofit art corporation shall mean 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. Artistic and cultural activities 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. (LXXIV added Nov. 1, 1979, P.L.451, No.88)

LXXV. Appropriations for Neighborhood Crime Watch Programs. To appropriate annually, solely at the discretion of the board, an amount toward a neighborhood crime watch program. Notwithstanding any other provision of law, no township or official thereof shall become subject to contractual, tort or other liability as a result of having made an appropriation pursuant to this clause. (LXXV added Dec. 11, 1986, P.L.1501, No.160)

LXXVI. Appropriation for Support of Drug and Alcohol Abuse Programs. To appropriate annually, out of the general funds to the township, a sum not to exceed five thousand dollars (\$5000) to be divided in such amounts as the commissioners deem proper to be used for education and the development of programs within the community dealing with drug and alcohol abuse. Such funds also may 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 township commissioners. (LXXVI added Mar. 30, 1988, P.L.300, No.36)

LXXVII. Assessment of Tapping Fees. To enact, amend and repeal ordinances charging certain enumerated fees to property owners who desire to or are required to connect to any water or sewer system owned or operated by the township or who desire to increase their usages of such systems, including connection fees, customer facility fees and tapping fees, in accordance with the conditions and restrictions provided in clause (t) of subsection B of section 4 of the act of May 2, 1945 (P.L.382, No.164), known as the "Municipality Authorities Act of 1945." No township may charge any tapping, connection or other similar fee as a condition of connection to a township-owned sewer or water system unless the fee is calculated as provided in the applicable provisions of the "Municipality Authorities Act of 1945." (LXXVII added June 25, 1997, P.L.332, No.36)

LXXVIII. Appropriations to Watershed Associations. To appropriate money to nonprofit watershed associations for

watersheds serving the township. Such appropriations may not be used to undertake litigation against any municipal corporation or to seek redress against any individual landowner. (LXXVIII added July 5, 2005, P.L.45, No.14)

LXXIX. 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 any emergency services organizations 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.

(LXXIX added Mar. 17, 2008, P.L.49, No.9)

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.287, No.22). The subject matter is now contained in 53 Pa.C.S. Ch. 56 (relating to municipal authorities).

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: 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 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 1503. Typewritten, Printed, Photostated and Microfilmed Records Valid; Recording or Transcribing Records.-- All township records required to be recorded or transcribed shall be deemed valid if typewritten, printed, photostated or microfilmed, and where recording in a specified book of record is required, including minutes of the proceedings of the board of commissioners, such records may be recorded or transcribed in a mechanical post binder book capable of being permanently

sealed with consecutively numbered pages with a security code printed thereon and a permanent locking device with the township seal being impressed upon each page, or bound book with pages being consecutively numbered by transcribing directly upon the pages of such book of record or may be attached thereto to such book of record by stapling or by glue or any other adhesive substance or material, and all records heretofore recorded or transcribed in any manner authorized by this section are validated. When any record shall be recorded or transcribed after the effective date of this amendment by attaching such record or a copy thereof to the book of record as hereinabove provided, the township seal shall be impressed upon each page to which such record is attached, each impression thereof covering both a portion of the attached record and a portion of the page of the book of record to which such record is attached.

(1503 amended May 1, 1984, P.L.220, No.44)

ARTICLE XVI
PUBLIC HEALTH

(a) Boards of Health

Section 1601. Appointment of Boards of Health and Health Officers.--The administration of the health laws in townships shall be enforced by a board of health, or by a health officer or officers, as the case may be, appointed by the township commissioners.

Where township commissioners elect to appoint a health officer or officers, the said health officer or officers shall have the same powers and duties, and exercise the same authority, as is prescribed for boards of health in townships. All health officers, whether appointed by boards of health or township commissioners, shall have had some experience or training in public health work in accordance with rules and regulations established by the advisory health board of the State Department of Health. Such health officers shall not enter upon the performance of their duties until they are certified so to do by the State Department of Health.

Section 1602. Members of Board; Terms; Secretary.--Where the township commissioners decide to appoint a board of health, said board shall be composed of five members--at least one of whom shall be a reputable physician of not less than two years' experience in the practice of his profession, if one resides within the township. The members of the board shall be appointed by the township commissioners. At the first appointment, one member shall be appointed to serve for one year; one, for two years; one, for three years; one, for four years; and one, for

five years; and thereafter one member shall, in like manner, be appointed each year, to serve for five years. 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, he shall be entitled to receive a salary, fixed by the board for that office.

Section 1603. Organization of Board; Salary of Secretary; Bonds; Fees and Penalties; Power to Administer Oaths.--The members of the board shall severally, take and subscribe to the oath prescribed for township officers; and 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 such salary as may be fixed by the board and ratified by the board of commissioners of the township, and shall serve for a period of one year or until such time thereafter as their successors may be elected and qualified. They, if required by the board of commissioners, shall, severally, give bond to the township, in such sums as may be fixed by ordinance, for the faithful discharge of their duties, and shall also take and subscribe to the oath required of members of the board.

All fees which shall be collected or received by the board, or by any officer thereof in his 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 touching the regulations of the board, but shall not be entitled to receive any fee therefor.

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 shall keep the minutes of its proceedings; shall keep accurate accounts of the expenditures of the board, shall transmit all bills to the board of township commissioners for payment in the same manner as other bills of the township are paid; shall draw all requisitions for the payment of moneys on account of the board of health and present the same to the president of the board for his approval; shall render statements

of the expenditures to the board at each stated meeting or as frequently as the board may require; shall prepare, under the directions of the board, the annual report to the township commissioners, together with the estimate of appropriation needed for the ensuing year. He shall report to the State Department of Health at the end of each week, and for the fraction of each week occurring at the end of each month, the cases of communicable disease reported to the board of health, on the form provided for that purpose by the State Department of Health; shall also make an annual report to the State Department of Health; and shall make such other reports and perform such other duties as the board of health may require.

Section 1605. Duties of Health Officer.--It shall be the duty of the health officer to attend all stated and special meetings of the board of health, and at all times be ready and available for the prompt performance of his official duties. He shall placard and quarantine all premises upon which cases of communicable disease exist, which have been reported to the board of health or of which he or the board of health may have knowledge, which are required by law or by regulation of the State Department of Health to be placarded and quarantined; and shall disinfect such premises upon the expiration of the quarantine period and the recovery of the last person therein suffering from such disease. He shall serve written notice on teachers and persons in charge of public, parochial, Sunday, and other schools, requiring the exclusion from school of children who are suffering from or who reside in the same premises with other persons who are suffering from communicable diseases; shall make sanitary inspections; shall execute the orders of the board of health; and shall, in the performance of his duties, have the power and authority of a township police officer.

Section 1606. Powers of Board of Health.--The board of health shall have the power, and it shall be its duty, to enforce the laws of the Commonwealth, the regulations of the State Department of Health, and any ordinances of the township relating to health work, and to make and enforce such additional rules and regulations to prevent the introduction and spread of infectious or contagious diseases, by the regulation of intercourse with infected places, by the separation of infected persons and persons who shall have been exposed to any infectious or contagious disease, and by abating and removing all nuisances which it shall deem prejudicial to the public health, to mark infected houses or places, to prescribe rules for the construction and maintenance of house drains, wash pipes, soil pipes and cesspools, and make all such other rules and regulations as it shall deem necessary for the preservation of the public health, and such other powers relating to health

work as may be delegated by the township commissioners. The board shall also have power, with the consent of the township commissioners, in case of a prevalence or apprehended prevalence of any contagious or infectious diseases in its township, to establish one or more emergency hospitals, and to make provisions and regulations for the maintenance and management of the same.

The board shall also have the power to make, enforce, and cause to be published, all necessary rules and regulations not inconsistent with law for carrying into effect the powers and functions with which it is invested by law, and the power and authority relating to the public health conferred on townships. Such rules and regulations, when approved by the township commissioners, and when advertised in the same manner as other ordinances, shall have the force of ordinances of the township. All penalties or punishments prescribed for the violation thereof, as well as the expenses actually and necessarily incurred in carrying such rules and regulations into effect, shall be recoverable, for the use of the township, in the same manner as penalties for violation of the ordinances of the township, and subject to the like limitations as to the amount thereof.

Section 1607. Entry of Premises.--The board of health shall have the power, as a body or by committee, as well as the health officer, together with their assistants, subordinates, and workmen, under and by order of the said board, to enter at any time upon any premises in the township upon which there is suspected to be any infectious or contagious disease, or nuisance detrimental to the public health, for the purpose of examining and abating the same, and for any other purpose arising in connection with or in the performance of their duties.

Section 1608. Inspections.--The board of health may inspect house drains, waste and soil pipes, cesspools, waterclosets, slaughterhouses, hogpens, stables, stable yards, and any conditions or places whatsoever, in the township, which may constitute a nuisance or a menace to public health. Whenever any condition or place in the township is found by it to be a nuisance or a menace to the health of the people of the township, it shall issue a written order of abatement, directed to the owner, or agent of the owner of the premises, or to the occupant thereof, stating that the conditions specified therein constitute a nuisance or a menace to health, and ordering an abatement thereof within such time as may be specified by it in such order. In case such order of abatement is not obeyed within the time specified therein, it shall thereupon issue a further written order to the health officer, directing him to remove or

abate the same, which order shall be executed by him and his subordinates and workmen, and the expense thereof shall be recoverable from the owner of the premises upon or from which the nuisance or menace to health is abated or removed, in the same manner as debts of like character are now collected by law; or the said board of health may proceed to enforce such other remedy or inflict such penalty as may, by ordinance of the township, be provided.

Section 1609. Budget; Appropriations.--It shall be the duty of the board of health or appointed health officer or officers to submit annually, to the township commissioners, before the commencement of the fiscal year, an estimate of the probable expenditures of the board during the ensuing year; and the township commissioners shall then proceed to make such appropriations as may be deemed necessary. The board of health, health officer or officers, shall, at the close of each fiscal year, submit a report, in writing, to the township commissioners, of its appropriation and expenditures for the preceding year, together with such other information on subjects relative to the sanitary conditions or requirements of the township as may be necessary.

Section 1610. Cooperation in Health Work.--Any township may cooperate with the county, or with any city, borough, township or school district, as well as with the State Department of Health, in the administration and enforcement of health laws.

Section 1611. Powers of Secretary of Health.--Whenever, in the opinion of the Secretary of Health of the Commonwealth, conditions found by him to exist in any township shall constitute a menace to the lives and health of people living outside the boundaries of such township, or if it be known to him that any township is without an existing or efficient board of health, or health officer or officers, the Secretary of Health may enter, and take full charge of, and administer the health laws, regulations, and ordinances in such township, and may continue in charge thereof until he shall decide that a competent and efficient board of health, or health officer or officers, has been appointed and qualified for such township, and is ready, able and willing to assume and carry into effect the duties imposed upon it by law.

Section 1612. Expenses Incurred by Board or Secretary of Health.--All expenses incurred by any local board of health, its officers or employes, in the performance of the duties imposed upon it by law, and all expenses incurred by the Secretary of Health in accordance with the provisions of the preceding section, shall be paid by the township wherein such duties are performed, in the same manner as other expenses of such township are paid.

Section 1613. Suits by State Secretary of Health to Recover Expenses.--Whenever expenses incurred by the State Secretary of Health or his agents, in the administration of health laws in any township, in accordance with the provisions of this act, shall remain unpaid by said township for a period of more than three months after a statement of such expense has been rendered by him to such township, and demand for payment by him made, he shall, with the approval of the Governor, institute, in the name of the Commonwealth as plaintiff, an action of assumpsit against such township for the collection of such expense from the township, in the same manner as debts of like amount are collected by law: Provided, however, That upon the trial of any such action of assumpsit, the reasonableness of the expenditures made by the Secretary of Health shall be submitted to the jury for its determination.

Section 1614. Payment of Expenses Recovered Into State Treasury.--All expenses incurred by the State Secretary of Health in the administration of health laws in any township, when paid to him by such township, or when collected by him, shall be returned by him to the State Treasurer, who shall credit the amount so received to the appropriation made to the Department of Health.

(b) Vacation of Streets Declared Nuisances
by Board of Health

Section 1620. Petitions to Vacate Nuisances.--Whenever the board of health shall declare as a nuisance any public street or part thereof, any two or more owners of property adjacent or abutting upon the same may present their petition, verified by oath or affirmation, to the court of quarter sessions, setting forth the facts regarding such nuisance and praying that said street may be vacated. Such petition shall be accompanied by a certificate of the board of health, setting forth that they have declared such street to be a public nuisance.

Section 1621. Jury of View.--The court shall thereupon appoint a jury of view of three persons of the county. The jury, being sworn or affirmed to faithfully perform its duties, shall give notice to all parties likely to be affected by the proceedings, of the time and place of the first meeting, in such manner as the court shall direct.

(1621 amended Oct. 4, 1978, P.L.946, No.186)

Section 1622. Hearings and Report.--After the first meeting, the jury shall proceed to view the premises, hear all parties interested and their witnesses, and shall prepare a report of their finding and recommendations as to whether or not such street, or part thereof, should be vacated; and in such report

shall award damages and assess benefits to the property affected.

Section 1623. Notice of Filing Report.--The jury shall give notice, in writing, to all parties affected by their report, at least ten days before the same is filed in court. The notice shall state the time and place where such report will be open to inspection.

Section 1624. Exceptions to Report.--Any person aggrieved by such report may file exceptions thereto with the jury; whereupon the jury shall reconsider their report with the exceptions and change the same as justice may require. The report as finally prepared shall be filed in court.

Section 1625. Appeals from Report.--Any person affected by the report shall have the right of an appeal to the court of common pleas, within thirty days after the report is filed, and the procedure on such appeal shall be the same as in actions of trespass.

Section 1626. Confirmation of Report.--At the end of the period allowed for an appeal, the report shall be absolutely confirmed by the court as to such awards or assessments from which no appeals have been taken.

Section 1627. When Vacation Proceedings not to Be Had.--No street, or part thereof, shall be vacated in any case where the vacating deprives any lot abutting thereon of the sole means of ingress or egress, otherwise than to or from the front line thereof; nor where it was created by grant or contract and not theretofore accepted by the public.

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 commence on the first day of January of each year.

(b) The board of township commissioners shall each year, at least thirty days prior to the adoption of the annual budget, begin preparation of a proposed budget for all funds showing an estimate of the several amounts of money which will be required for the several specific purposes of township government and expenses for the ensuing fiscal year, and by ordinance appropriate, out of the revenues available for the year, the specific sums required as shown by the budget as finally adopted. At the option of the township commissioners, such budget may be prepared and adopted prior to the first Monday of January of the fiscal year to which such budget shall apply. Whenever the township commissioners shall exercise such option, the first reading of the budget shall take place in November and the budget shall be finally adopted in the month of December

prior to the fiscal year to which such budget shall apply. Said budget shall reflect as nearly as possible the estimated revenues and expenditures of the township for the year for which the budget is prepared. It shall be unlawful to prepare and advertise notice of a proposed budget when the same is knowingly inaccurate. Where, upon any revision of the budget, it appears that the estimated expenditures in the adopted budget will be increased more than ten percent in the aggregate, or more than twenty-five percent in any individual item, over the proposed budget, it shall be presumed that the tentative budget was inaccurate, and such budget may not be legally adopted with any such increases therein unless the same is again advertised once, as in the case of the proposed budget, and an opportunity afforded to taxpayers to examine the same and protest such increases. The tax levied by the township commissioners shall be fixed at such figure within the limit allowed by law, as with all other sources of revenue will meet and cover said appropriations. The total appropriation shall not exceed the revenues 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.

Final action shall not be taken on the proposed budget until after at least ten days public notice. The proposed budget shall be published or otherwise made available for public inspection at least twenty days prior to the date set for the adoption of the budget. The township commissioners after making such revisions and changes therein, as appear advisable, shall adopt the budget not later than the thirty-first day of December.

(c) The township 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 now or hereafter authorized by law.

(d) The township commissioners shall have power to authorize the transfer within the same fund of any unencumbered balance, or any portion thereof, from one spending agency to another, but such action shall be taken only during the last nine months of the fiscal year. However, when a transfer of over five percent of an appropriation item is made within a fund, or when a transfer of over five percent of the total appropriation to a fund is made from said fund to another fund, an affirmative vote of two-thirds of the township commissioners shall be required.

(e) ((e) Deleted by amendment)

(1701 amended June 22, 2000, P.L.335, No.38)

Section 1701.1. Amending Budget; Notice.--During the month of January next, following any municipal election, the commissioners of any township may amend the budget and 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, as provided in section 110 of this act, shall intervene between the proposed amended budget and the adoption thereof. Any amended budget must be adopted by the township commissioners on or before the fifteenth day of February.

No such proposed amended budget shall be revised upward in excess of ten percent in the aggregate thereof, or as, to an individual item in excess of twenty-five percent of the amount of such individual item in the proposed amended budget.

(1701.1 amended June 22, 2000, P.L.335, No.38)

Section 1701a. Committee to Prepare Uniform Forms.--Uniform forms for the annual reports of township auditors and controllers to the Department of Community and Economic Development, as required in sections 1003 and 1103 of this act, 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 his agent who shall be a person trained in the field of municipal finance.

Such representatives shall be appointed by the president of said organization within sixty days after the effective date of this act. As far as possible, such representatives shall be chosen to represent townships in the various population groups within the range of townships of the first class. The president of said organization shall supply to the Department of Community and Economic Development the names and addresses of such representatives immediately upon their appointment.

Said representatives shall serve without compensation, but they shall be reimbursed by the Commonwealth for all 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 his agent, who shall serve as chairman of the committee.

It shall be the duty of the Secretary of Community and Economic Development, or his agent, to see to it that the forms required by this act are prepared in cooperation with said committee. In the event that said committee should for any reason fail to furnish such cooperation, the Secretary of Community and Economic Development, or his agent, shall complete the preparation of the forms. After their preparation, he shall

issue said forms and distribute them annually, as needed, to the proper officers of each township.

(1701a amended June 22, 2000, P.L.335, No.38)

Section 1702. Appropriations Not to Be Exceeded; Changes in Appropriations.--No work shall be hired to be done, no materials purchased, no contracts made, and no orders issued for the payment of any moneys, by the authorities of any township, in any amount which will cause the sums appropriated to specific purposes to be exceeded. No change in the purpose of the appropriations shall be made unless by an ordinance, which shall set out the reasons for and character of such change. If any work shall be done for or materials furnished to any township contrary to the provisions of this section, the township commissioners are hereby prohibited from authorizing payment therefor as a moral obligation or otherwise, unless ordered or directed so to do by the court of common pleas or the court of quarter sessions of the county in which such township is situate.

Section 1703. Certain Contracts Invalid.--No contracts, hirings, or purchases made, or orders or warrants issued, not provided for by an appropriation by the township commissioners as is required by law, or which would cause any appropriation to be exceeded, shall be valid.

Compiler's Note: Section 1307 of Act 185 of 1972 provided that section 1703 is repealed insofar as it relates to the authorization, issue and sale of tax anticipation notes. The act of July 12, 1972 (P.L.781, No.185), known as the Local Government Unit Debt Act, 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 1704. Power to Create Indebtedness; Sinking Fund; Temporary Indebtedness.--The board of township commissioners may, by ordinance, borrow money and issue evidences of indebtedness therefor to the extent, and in the manner, in which municipal districts are now authorized to incur or increase the same, for the purpose of permanent improvements, but the total indebtedness so created shall not exceed five per centum of the county valuation of the property within the township without the assent of the electors of the township; or, by resolution of the board of township commissioners, they may authorize payment for permanent improvements or for other contracted obligations of the township by the issuance of certificates of indebtedness, payable on a certain date, not exceeding one year from the date of issue: Provided, That the total indebtedness so created by the township commissioners, together with other indebtedness

created by them, does not exceed five per centum of the county valuation of the property within the township, without the assent of the electors thereof. The rate of interest on such indebtedness shall not exceed six per centum per annum. In authorizing the issue of obligations or securities for such loans, the township commissioners shall provide that moneys subsequently derived from assessments upon parties benefited by such improvements shall be deposited in the sinking fund for the payment of the principal and interest of said obligations or securities.

Whenever the township funds have been exhausted, the township commissioners may make temporary loans, on the credit of the township, in anticipation of taxes to be collected for the current fiscal year, and issue a certificate of indebtedness therefor. All such loans shall be repaid from the first moneys available from taxes in anticipation of which the same were made.

(1704 amended Mar. 16, 1967, P.L.16, No.5)

Section 1705. Sinking Fund; Regulations and Investments.--It shall be the duty of the board of commissioners to cause accounts of the sinking fund and other accounts relating to the indebtedness of the township to be kept, and to see to the proper application and superintend the investment of moneys therein in accordance with law. The commissioners shall meet as often as may be necessary, and keep a record of the proceedings. The board of commissioners may (i) make investment of township sinking funds as authorized by the act of July 12, 1972 (P.L.781, No.185), known as the "Local Government Unit Debt Act"; and (ii) liquidate any such investment, in whole or in part, by disposing of securities or withdrawing funds on deposit. Any action taken to make or to liquidate any investment shall be made by the officers designated by action of the commissioners. The income derived from such investments or on any bank balances credited to the sinking fund shall be credited and applied only to the sinking fund.

(1705 amended July 3, 1980, P.L.374, No.94)

Compiler's Note: The act of July 12, 1972 (P.L.781, No.185), known as the Local Government Unit Debt Act, 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 1705.1. Investment of Township Funds.--(a) The board of commissioners shall have power to provide for the investment of moneys, in the general township fund or in special funds.

(b) The township commissioners shall invest township funds

consistent with sound business practice.

(c) The 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 shall be:

(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 Federal Savings and Loan Insurance Corporation or the National Credit Union Share Insurance Fund or the Pennsylvania Deposit Insurance Corporation or the Pennsylvania Savings Association Insurance Corporation to the extent that such 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. ((iii) amended Dec. 13, 1982, P.L.1153, No.265)

(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, whose shares are registered under the Securities Act of 1933, provided that the only investments of that company are in the authorized investments for township funds listed in (i) through (iv).

(vi) Certificates of deposit purchased from institutions insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation or the National Credit Union Share Insurance Fund or the Pennsylvania Deposit Insurance Corporation or the Pennsylvania Savings Association Insurance Corporation to the extent that such accounts are so insured. However, for any amounts above the insured maximum, such certificates of deposit shall be collateralized by a pledge or assignment of assets of the institution, and such collateral may include loans (including interest in pools of loans) secured by first mortgage liens on real property. 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. ((vi) added Dec. 13, 1982, P.L.1153, No.265)

(vii) Any investment authorized by 20 Pa.C.S. Ch. 73 (relating to fiduciaries investments) shall be an authorized investment for any pension or retirement fund. ((vii) added Dec. 13, 1982, P.L.1153, No.265)

(e) In making investments of township funds, the board of commissioners shall have authority:

(i) To 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), relating to pledges of assets to secure deposits of public funds.

(ii) To combine moneys from more than one fund under township control for the purchase of a single investment, provided that 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) To join with one or more other political subdivisions and municipal authorities in accordance with the act of July 12, 1972 (P.L.762, No.180), entitled "An act relating to intergovernmental cooperation," in the purchase of a single investment, provided that the requirements of subclause (ii) on separate accounting of individual funds and separate computation, recording and crediting of the earnings therefrom are adhered to.

(1705.1 amended July 3, 1980, P.L.374, No.94)

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, in which case an appropriation may be made for such purpose to the extent of such 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 such surplus may be applied to such former orders of

indebtedness.

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 his deputy, by virtue of warrants or orders drawn on him by the order of the board of township 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.

Section 1709. Tax Levies.--(a) The board of township commissioners may levy taxes upon all property and upon all occupations within the township made taxable for township purposes, as ascertained by the valuation for county purposes made by the assessors of the several counties of this Commonwealth for the year for which the township taxes are levied, for the purposes and at the rate hereinafter specified: Provided, however, That such valuation shall be subject to correction by the county commissioners of the several counties, and to appeal by the taxable persons in accordance with existing laws.

One. An annual tax for general township purposes, not exceeding thirty mills, unless the board of township commissioners by majority action shall, upon due cause shown by resolution, petition the court of quarter sessions, in which case the court may order a rate of not more than five mills additional to be levied: Further provided, That if, at the hearing before the court of quarter sessions upon said petition, of which notice shall be given as the court may direct, which hearing shall be held not less than ten nor more than fifteen days after said petition shall be presented, the owners of real estate having assessed valuation of fifty per centum of the total assessed valuation of real estate in said township shall, by petition, object to the making of an order for any additional tax levy, the court shall thereupon deny the prayer of said petition.

Two. (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 within or without 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 employes of the township or a fire company serving the township.

(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.

(Two amended Nov. 23, 2004, P.L.912, No.123)

Three. 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 township commissioners may, by specific appropriation, provide for the maintenance of such trees from the general funds of the township.

Four. An annual tax so long as necessary, for the purpose of procuring a lot and/or erecting a building thereon for a townhouse, and for the payment of indebtedness incurred in connection therewith.

Five. An annual tax sufficient to pay interest and principal on any indebtedness incurred pursuant to the act of July 12, 1972 (P.L.781, No.185), known as the "Local Government Unit Debt Act," or any prior or subsequent act governing the incurrence of indebtedness of the township.

Six. The commissioners of the township shall have the power to levy and collect annually on the valuation assessed for general township purposes as now is or may be provided by law, an additional tax not exceeding one-half (1/2) mill to provide for pensions, retirement, or the purchase of annuity contracts for township employes. This tax shall be kept in a separate fund and used only for the purposes herein provided.

Seven. (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 employes of an ambulance, rescue or other emergency service serving the township.

(Seven amended Nov. 23, 2004, P.L.912, No.123)

(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 clause seven of subsection (a) 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. ((c) amended Nov. 23, 2004, P.L.912, No.123)

(1709 amended Dec. 17, 1990, P.L.744, No.186)

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.-- Whenever in any first class 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 authority responsible for assessments in the township shall, upon the request of the township commissioners, direct the assessor in the township to inspect and reassess, subject to the right of appeal and adjustment provided by the act of Assembly under which assessments are made, all taxable property in the township to which major improvements have been made after January first of any year and to give notice of such reassessments within ten days to the authority responsible for assessments, the township and the property owner. The property shall then 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 of the month. A certified copy of the additions or revisions to the duplicate shall be furnished by the township commissioners to the township treasurer,

together with their warrant for collection of the same, and within ten days thereafter the township treasurer shall notify the owner of the property of the taxes due the township.

Whenever an assessment is made for a portion of a year as above provided, the same shall be added to the duplicate of the following or succeeding year unless the value of the improvements has already been included in said duplicate.

(1709.1 amended July 22, 1970, P.L.551, No.189)

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 commissioners of any township shall, by ordinance, fix the rate of taxation for any year at a mill rate, such ordinance 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.

Section 1711. Special Levies to Pay Indebtedness.--In addition to the levies hereinbefore provided for, when it is shown to the court that the debts due by any township exceed the amount which the township commissioners may collect in any year by taxation, the court, after ascertaining the amount of indebtedness of any such township, may, by a writ of mandamus, direct the township commissioners, by special taxation, to collect an amount sufficient to pay the same. If the amount of such indebtedness is so large as to render it unadvisable to collect the same in any one year, taking into consideration other necessary taxation, the court may direct the same to be levied and collected by annual instalments, and may order such special taxes to be levied and collected during such successive years as may be required for payment of the same.

(1711 repealed in part Apr. 28, 1978, P.L.202, No.53)

Section 1712. Delivery of Duplicates.--The board of township 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 treasurer, together with their warrant for the collection of the same.

(1712 amended Dec. 14, 1967, P.L.819, No.351)

ARTICLE XVIII

CONTRACTS

Section 1801. Power to Make Contracts.--Townships may make contracts for lawful purposes and for the purpose of carrying into execution the provisions of this act and the laws of the Commonwealth.

Section 1802. General Regulations Concerning Contracts.--(a) All contracts or purchases made by any township, involving the expenditure of over ten thousand dollars, except those hereinafter mentioned, shall not be made except with and from the lowest responsible bidder, shall be in writing, and shall be made only after notice by the secretary, published, in one newspaper of general circulation, published or circulating in the county in which the township is situated, at least two times at intervals of not less than three days where daily newspapers of general circulation are employed for such publication, or in case weekly newspapers are employed then the notice shall be published once a week for two successive weeks. The first advertisement shall be published not more than forty-five days and the second advertisement not less than ten days prior to the date fixed for the opening of bids. Advertisements for contracts or purchases shall also be posted in a conspicuous place within the township. Advertisements 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). All plans and specifications shall be on file at least ten days in advance of opening bids. The amount of the contract shall in all cases, whether of straight sale price, conditional sale, bailment lease, or otherwise, be the entire amount which the township pays to the successful bidder or his assigns in order to obtain the services or property, or both, and shall not be construed to mean only the amount which is paid to acquire title or to receive any other particular benefit or benefits of the whole bargain. ((a) amended Dec. 20, 1996, P.L.1495, No.192)

(a.1) Written or telephonic price quotations from at least three qualified and responsible contractors shall be requested for all contracts that exceed four thousand dollars but are 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 which 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. ((a.1) added July 10, 1990, P.L.389, No.92)

(b) (1) In every instance in which any contract for any public work, construction, materials, supplies, or other matters or things for any township shall be awarded upon competitive bids, it shall be the duty of the authorities authorizing the same to award said contract to the lowest responsible bidder. Any published notice for bids shall contain full plans and specifications, or refer to the places where copies thereof can be obtained, and give the time and place of a public meeting of a committee, appointed by the township commissioners or an open meeting of the township commissioners, at which committee or commissioners meeting, bids shall be publicly opened and read, and if it is an open meeting of the township commissioners, the contract may be awarded. If, through lack of a quorum or other reason, no meeting shall be held at such time and place, notice of the same kind shall be repeated once at least six days before the meeting of the subsequent time and place fixed, and the foregoing provisions as to bids shall apply. The same course shall be pursued until a meeting of a committee or the commissioners shall actually be held for receiving and opening bids.

(2) Notwithstanding clause (1), the board of township commissioners may direct that a committee of the board, a member of the board or a member of the township staff receive, open and review bids during normal business hours and forward the information to the board of township commissioners for subsequent award at a public meeting. Bidders shall be notified and other interested parties, upon request, shall be notified of the date, time and location of the opening of bids and may be present when the bids are opened.

(3) Any contract made in violation of the provisions of this section shall be void. But nothing contained in this section shall prevent the making of contracts for governmental services for a period exceeding one year, but any contract so made shall be executory only for the amounts agreed to be paid for such services to be rendered in succeeding fiscal years: Provided, That if, prior to the letting of any contract, taxpayers of the township, whose property valuation as assessed for taxable purposes within the township shall amount to sixty per centum or

over of the total property valuation as assessed for taxable purposes within the township, shall sign and file, with the township secretary of the board, a written protest against such contemplated contract, then such contract shall not be let.

(4) Every contract for the construction, reconstruction, repair, improvement or maintenance of public works shall contain a provision that any steel products used or supplied in the performance of the contract or any subcontracts thereunder shall be from steel made in the United States. The provisions of this act shall be construed in a manner consistent with the act of March 3, 1978 (P.L.6, No.3), known as the "Steel Products Procurement Act."

((b) amended June 26, 1995, P.L.66, No.13)

(c) The successful bidder, when advertising is required herein, shall be required to furnish bond with suitable reasonable requirements guaranteeing the performance of the contract, with sufficient surety, in an amount as determined by the township commissioners which shall be not less than ten per centum nor more than one hundred per centum of the amount of the liability under the contract within twenty days after the contract has been awarded, unless the township commissioners shall prescribe a shorter period of not less than ten days. Upon failure to furnish such bond within such time the previous award shall be void. Deliveries, accomplishment and guarantees may be required in all cases of expenditures including exceptions herein. ((c) amended Dec. 20, 1996, P.L.1495, No.192)

(d) The contracts or purchases made by the commissioners which shall not require advertising, bidding or price quotations, as hereinbefore provided, are as follows: (Intro. par. amended Dec. 18, 1996, P.L.1495, No.173)

(1) Those for maintenance, repairs or replacements for water, electric light, or other public works of the township, provided they do not constitute new additions, extensions or enlargements of existing facilities and equipment but a bond may be required by the commissioners as in other cases of work done.

(2) Those made for improvements, repairs and maintenance of any kind made or provided by any township through its own employes: Provided, however, That all materials used for street improvement, maintenance, and/or construction in excess of four thousand dollars be subject to the relevant price quotation or advertising requirements as contained herein. ((2) amended Dec. 18, 1996, P.L.1149, No.173)

(3) Those where particular types, models or pieces of new equipment, articles, apparatus, appliances, vehicles or parts thereof are desired by the commissioners which are patented and manufactured products.

(3.1) Those for used equipment, articles, apparatus,

appliances, vehicles or parts thereof being purchased from a public utility. ((3.1) added June 25, 1997, P.L.332, No.36)

(4) Those involving any policies of insurance or surety company bonds; those made for public utility service under tariffs on file with the Pennsylvania Public Utility Commission; those made with another political subdivision or a county; the Commonwealth of Pennsylvania; the Federal Government; any agency of the Commonwealth or the Federal Government or any municipal authority, including the sale, leasing or loan of any supplies or materials by the Commonwealth or Federal Government or their agencies. But the price thereof shall not be in excess of that fixed by the Commonwealth, the Federal Government or their agencies.

(5) Those involving personal or professional services.

((d) amended May 17, 1957, P.L.168, No.82)

(e) Every contract for the construction, reconstruction, alteration, repair, improvement or maintenance of public works shall comply with the provisions of the act of March 3, 1978 (P.L.6, No.3), known as the "Steel Products Procurement Act." ((e) added Oct. 4, 1978, P.L.1042, No.237)

(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 employe, and no township officer or employe 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 said 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.

((f) added Oct. 5, 1980, P.L.782, No.144)

(1802 amended May 10, 1951, P.L.255, No.40)

Section 1802.1. Evasion of Advertising Requirements.--(a) No commissioner or commissioners shall evade the provisions of section one thousand eight hundred two as to advertising for bids, by purchasing or contracting for services and personal properties piecemeal for the purpose of obtaining prices under ten thousand dollars upon transactions, which transactions should, in the exercise of reasonable discretion and prudence,

be conducted as one transaction amounting to more than ten thousand dollars. This provision 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 said price, when in either case, the transactions involved should have been made as one transaction for one price. Any commissioners who so vote in violation of this provision, and who know that the transaction upon which they so vote is or ought to be a part of a larger transaction, and that it is being divided in order to evade the requirements as to advertising for bids, shall be jointly and severally subject to surcharge for ten per centum of the full amount of the contract or purchase. Whenever it shall appear that a commissioner may have voted in violation of this section, but the purchase or contract on which he so voted was not approved by the board of commissioners, this section shall be inapplicable.

(b) Any commissioner who votes to unlawfully evade the provisions of section one thousand eight hundred two and who knows that the transaction upon which he so votes is or ought to be a part of a larger transaction and that it 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. This penalty shall be in addition to any surcharge which may be assessed pursuant to subsection (a).

(1802.1 amended July 10, 1990, P.L.389, No.92)

Section 1804. Bonds for Protection of Labor and Materialmen.--It shall be the duty of every township to require any person, copartnership, association, or corporation, entering into a contract with such township for the construction, erection, installation, completion, alteration, repair of or addition to any public work or improvement of any kind whatsoever, where the amount of such contract is in excess of one thousand five hundred dollars (\$1,500), before commencing work under such contract, to execute and deliver to such township, in addition to any other bond which may now or hereafter be required by law to be given in connection with such contract, an additional bond for the use of any and every person, copartnership, association, or corporation interested, in a sum not less than fifty per centum (50%) and not more than one hundred per centum (100%) of the contract price, as such township may prescribe, having as surety thereon one or more surety companies legally authorized to do business in this Commonwealth, conditioned for the prompt payment of all material furnished and labor supplied or performed in the prosecution of

the work, whether or not the said material or labor enter in and become component parts of the work or improvement contemplated. Such additional bond shall be deposited with and held by the township for the use of any party interested therein. Every such additional bond shall provide that every person, copartnership, association, or corporation, who, whether as sub-contractor or otherwise, has furnished material or supplied or performed labor in the prosecution of the work as above provided, and who has not been paid therefor, may sue in assumpsit on said additional bond, in the name of the township, for his, their, or its use and prosecute the same to final judgment for such sum or sums as may be justly due him, them, or it, and have execution thereon: Provided, however, That the township shall not be liable for the payment of any costs or expense of any suit.

(1804 amended Oct. 9, 1967, P.L.375, No.169)

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 such terms and conditions as it may, and as hereinafter specifically provided, shall, prescribe any 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. Any such company desiring to participate in such purchase contracts shall file with the township secretary a request that it be authorized to participate in contracts for the purchase of petroleum products of the township and agreeing that it will be bound by such terms and conditions as the township may, and as hereinafter specifically provided, shall, prescribe and that it will be responsible for payment directly to the vendor under each purchase contract. Among such terms and conditions, the township shall prescribe that all prices shall be F.O.B. destination.

(1804.1 added Nov. 9, 1977, P.L.230, No.72)

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 such work exceeds ten thousand dollars, the architect, engineer, or person preparing such specifications shall prepare separate specifications for the plumbing, heating, ventilating, and electrical work, and the township shall receive separate bids upon each of such branches of work, and award the contract for the same to the lowest responsible bidder.

(1805 amended July 10, 1990, P.L.389, No.92)

Section 1806. Workmen's Compensation Insurance.--All contracts executed by any township, which involve the construction or doing of any work involving the employment of labor, shall contain a provision that the contractor shall accept, in so far as the work covered by any such contract is concerned, the provisions of the Workmen's Compensation Act of one thousand nine hundred and fifteen, and any supplements or amendments thereto, and that the said contractor will insure his liability thereunder, or file with the township, with which the contract is made, a certificate of exemption from insurance from the Bureau of Workmen's Compensation of the Department of Labor and Industry.

Every officer of any township who shall sign, on behalf of the township, any contract, requiring in its performance the employment of labor, shall require, before the said contract shall be signed, proof that the said contractor with whom the contract is made shall have accepted the Workmen's Compensation Act of one thousand nine hundred and fifteen, and any supplements or amendments thereto, and proof that the said contractor has insured his liability thereunder in accordance with the terms of the said act, or that the said contractor has had issued to him a certificate of exemption from insurance by the Bureau of Workmen's Compensation of the Department of Labor and Industry.

In any contract executed in violation of the provisions of this act, the township, which is a party thereto, shall be regarded as the employer and liable to pay compensation to any person entitled to compensation, under the laws of the Commonwealth, as the result of employment pursuant to such contract.

Section 1807. Engineers and Architects Not to Be Interested in Contracts.--It shall be unlawful for any architect or engineer in the employ of a township, and engaged in the preparation of plans, specifications, or estimates, or for any officer or employe of the township, directly or indirectly, to bid on any public work at any letting of such work in such township.

It shall be unlawful for the officers of a township, charged with the duty of letting any public work, to award a contract to any such architect, engineer, officer, or employe in the employ of the township.

It shall be unlawful for any architect, engineer, officer, or employe, in the employ of any township, to be in any wise interested in any contract for public work in such township, or to receive any remuneration or gratuity from any person interested in such contract except under the terms and

conditions as provided in section 1802(f).

Any person or persons violating these provisions, or any one of them, shall forfeit his office, and shall be guilty of a misdemeanor, and, on conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars, or to undergo imprisonment of not less than six months, or both, in the discretion of the court.

(1807 amended Oct. 5, 1980, P.L.782, No.144)

Section 1808. Minimum Wages under Contracts.--(a) The specifications upon which contracts are entered into by any township for the construction, alteration or repair of any public work or improvement may, at the option of any such township, contain the minimum wage or wages which may be paid by the contractor or his subcontractors for the work performed by laborers and mechanics employed on such public work or improvement, and such laborers and mechanics shall in such cases be paid not less than such minimum wage or wages.

(b) Every contract for the construction, alteration or repair of any public work or improvement founded on specifications containing any such stipulation for minimum wage or wages shall stipulate a penalty of an amount equal to twice the difference between the minimum wage contained in said specifications and the wage actually paid to each laborer or mechanic for each day during which he has been employed at a wage less than that prescribed in said specifications.

(c) Every officer or person designated as an inspector of or having supervision over the work to be performed under any such contract in order to aid in enforcing the fulfillment thereof shall, upon observation or investigation, report to the commissioners of the township all violations of minimum wage stipulations, together with the name of each laborer or mechanic who has been paid a wage less than that prescribed by the specifications and the day or days of such violation.

(d) All such penalties shall be withheld and deducted for the use of the township from any moneys due the contractor by the officer or person whose duty it shall be to authorize the payment of moneys due such contractor, whether the violation of the minimum wage stipulation of the specifications was by the contractor or by any of his subcontractors: Provided, That if any such contractor or subcontractor subsequently pays to all laborers and mechanics the balance of the amounts stipulated in such contract, the township shall pay to the contractor the amounts so withheld as penalties.

Section 1809. Discrimination Between Employes.--(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. Penalty for Personal Interest in Contracts.-- Except as otherwise provided in this act, no township official, either elected or appointed, who knows or who by the exercise of reasonable diligence could know, shall be interested to any appreciable degree, either directly or indirectly, in any contract for the sale or furnishing of any supplies or materials for the use of the township or for any work to be done for such township involving the expenditure by the township of more than three hundred dollars in any year, but this limitation shall not apply to cases where such officer or appointee of the township is an employe of the person, firm or corporation to which the money is to be paid in a capacity with no possible influence on the transaction and in which he cannot be possibly benefited thereby, either financially or otherwise. But in the case of a commissioner, if he knows that he is within the exception just mentioned, he shall so inform the commissioners and shall refrain from voting on the expenditure or any ordinance relating thereto and shall in no manner participate therein. Any official or appointee who shall knowingly violate the provisions of this section shall be subject to surcharge to the extent of the damage shown to be thereby sustained by the township, to ouster from office, and shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars.

ARTICLE XIX
EMINENT DOMAIN; ASSESSMENT OF
DAMAGES AND BENEFITS

(a) General Provisions Relating to Eminent Domain

Section 1901. Exercise of Eminent Domain.--In the laying out, opening, widening, extending, vacating, grading or changing the grades or lines of streets or highways, the construction of bridges and the piers and abutments therefor, the construction of slopes, embankments and sewers, including storm water drains, the erection and extension of waterworks, wharves and docks, public buildings, public works, lands and places for the disposal of ashes and other refuse materials, garbage treatment works and libraries, the establishing of parks, playgrounds and recreation places, the changing of watercourses, and for all other purposes authorized by this act, a township of the first class may enter upon, appropriate, injure or destroy private lands, property and material.

(1901 amended May 27, 1953, P.L.220, No.30)

Section 1902. Restrictions As to Certain Property.--In addition to the restrictions made by other provisions of this act in particular cases, no township shall exercise the right of

eminent domain as against land now occupied by any building which 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; or as against 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 as against the site of any building, fort, redoubt, blockhouse, or headquarters which are preserved for their historic associations and not for private profit. The Colonial and Revolutionary period shall be taken as ended on the third day of September, one thousand seven hundred and eighty-three.

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 all cases of 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 land or property so appropriated against the other property adjoining or in the vicinity of the land or property so appropriated.

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.--In all cases where land or property is acquired in eminent domain proceedings other than for street or highway purposes, or is acquired by gift, purchase or otherwise, the title obtained by the township shall be in fee simple: Provided, That in particular instances a different title may by agreement be acquired.

(1917 amended May 27, 1953, P.L.220, No.30)

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

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.--The damages may be paid in whole or in part by the township, or may be assessed in whole or in part upon the land or property benefited. In the latter case, the viewers, having first determined the damages apart from the benefits, shall assess the total cost of the improvement, or so much thereof as may be just and reasonable, upon the lands or properties peculiarly benefited, including in the assessment all parties for which damages have been allowed, and shall report the same to the court. The total assessments for benefits shall not exceed the total damages awarded or agreed upon.

Section 1925. Assessment Awards.--In proceedings to assess damages and benefits, if the land or property is both benefited and damaged by such improvements, the excess of damages over benefits, or the excess of benefits over damages, or nothing in case the benefits and damages are equal, shall be awarded to or assessed against the several owners of the land or property affected thereby.

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.--All assessments for benefits, costs, and expenses shall bear interest at six per centum per annum from the expiration of thirty days after they shall have been finally ascertained, and shall be payable to the treasurer of the township.

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

((a) amended May 27, 1953, P.L.220, No.30)

Section 2001. (2001 repealed July 31, 1968, P.L.805, No.247)

(b) Laying Out, Opening, Widening, Straightening,
Vacating and Relaying Streets, Highways,
Et Cetera; Repairs and Detours

((b) amended May 27, 1953, P.L.220, No.30)

Section 2005. Power to Lay Out, Open, Widen, Vacate, Et Cetera.--(a) The board of township commissioners may enact, ordain, survey, lay out, open, widen, straighten, vacate, and relay all streets, and parts thereof, which are wholly within the township, upon the petition of a majority in interest of the owners of property or properties through whose land such street passes, or upon whose land it abuts, or without petition of the owners of abutting property if, in the judgment of the board of commissioners, it is necessary for the public convenience; and the authority to open, widen and straighten highways with the approval of the Secretary of Transportation. Such power shall include authority to vacate in whole or in part streets laid out by the Commonwealth where the same have remained unopened for a period of thirty years; and also the authority to lay out and open a street which will be a continuation or extension of a street already open by an adjacent city, borough, or township.

(b) For the purposes of subsection (a) "street" shall mean and include any street as defined by section 102, either for or intended for public use and shall include the cartway, sidewalk, gutter or the right-of-way area, whether or not such street, or any part thereof, is owned in fee by others than the township.

(2005 amended Apr. 28, 1978, P.L.118, No.48)

Section 2006. Burial Grounds, Et Cetera, Saved.--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 or corporation or person controlling the premises is first secured.

Section 2007. Notice of Hearing.--The board of commissioners shall give ten days' notice to the property owners affected thereby of the time and place when and where all parties interested may meet and be heard. Witnesses may be summoned and examined by the board of commissioners and by the parties interested at such meeting or any adjournment thereof.

Section 2008. Draft; Report.--After such hearing and a consideration of the matter, should the board of commissioners, or a majority thereof, decide in favor of exercising the power so conferred, they shall make written report, together with a draft or survey of the street or highway, fixing the width thereof and noting the improvements along the line thereof, and the names of the owners of property through which the same shall pass or whereon it shall abut. Such report and draft shall be filed in the office of the clerk of the court of quarter sessions.

(2008 amended May 27, 1953, P.L.220, No.30)

Section 2009. Exceptions to Report.--Any citizen or freeholder of the township 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 for all costs incurred in the proceedings, file exceptions to the report, together with a petition for a review.

Section 2010. Appointment of Viewers.--Upon favorable action on such matter by the board of commissioners, and after the expiration of the term allowed for filing exceptions, or upon the order of the court upon the disposition of any exceptions, if in either case the compensation for the damages or benefits accruing therefrom have not been agreed upon, the court of common pleas, or any law judge thereof in vacation, 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 in the manner provided by this act for such proceedings.

Section 2011. Notices to Be Posted Along Improvement.--After the passage or approval of any ordinance by the board of commissioners, for the opening, widening, straightening, extending, or vacating any street or highway, notice shall,

within ten days thereafter, be given by handbills posted in conspicuous places along the line of the proposed improvement. Such notice shall state the fact of the passage or approval of the ordinance, and the date of the passage or approval.

(2011 amended May 27, 1953, P.L.220, No.30)

Section 2012. Width of Public Roads.--The width of a street in townships shall not be less than thirty-three feet or more than one hundred and twenty feet, unless, in any particular case, the township commissioners shall determine that a street of lesser width will be sufficient for public use and travel; but in no case shall any public street be less than twenty-four feet in width: Provided, That the limits of width shall not be construed to include the width required for necessary slopes in cuts or fills, when the limits of the street and the extra width required for such slopes exceed the limits of width herein specified.

Section 2013. Opening and Repairing Roads.--Streets laid out by lawful authority in townships shall, as soon as may be 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.

Whenever proceedings have been heretofore or may hereafter be begun for the opening and laying out of any street in any township, such street shall be physically opened upon the ground for use by the public within the period of five years next after the completion of such proceedings, and if not so opened, then such proceedings shall be deemed to be void and of no effect, and the land proposed to be taken shall revert to the owners of the land, as in the case of the vacation of a street, free of any easement or right of the public to use the same.

Section 2014. Detours.--Except in the case of emergencies wherein the safety of the public would be endangered, no street in any township shall be closed to vehicular traffic, except upon order of the township commissioners, nor for a longer period than is necessary for the purpose for which such order is issued: Provided, however, That no street shall be closed to vehicular traffic when the same has been designated as a detour by the State Department of Highways, unless the written consent of the Department of Highways has first been obtained, or unless the township commissioners shall, by resolution duly recorded on their minutes, declare such closing necessary for the protection of the public safety.

When any street shall be closed, as hereinbefore provided, it shall be the duty of the township commissioners authorizing the closing to immediately designate or lay out a detour, on which they shall erect or cause to be erected and maintained while

such detour is in use, legible direction signs at each public road intersection throughout its entire length. During the period when such detour is in use, it shall be the duty of the township commissioners to maintain such detour in safe and passable condition, except in the case of State or county highways. It shall also be the duty of the authorities maintaining the detour to immediately remove all detour signs when the street originally closed is opened for traffic. Except in the case of State or county highways, the commissioners shall, as soon as possible, repair the street designated as a detour, and place same in a condition at least equal to its condition when designated as a detour. Whenever necessary in the creation of a detour, as aforesaid, the township commissioners responsible for laying out the detour may enter into agreement with the owners of private lands, covering the acquisition of right of way privileges over private property for the period when the street shall be closed to traffic. In the exercise of the rights conferred by this section, the township commissioners responsible are hereby empowered to pay for the necessary maintenance, subsequent repair, and land rental out of such funds as are available for the construction and maintenance of the streets in their charge.

Any person who shall wilfully remove, deface, destroy, or disregard any barricade, light, danger sign, detour sign, or warning of any other character whatsoever, erected or placed under authority of this section, or who shall drive on, over or across any street which has been properly closed, shall upon conviction thereof in a summary proceeding before a justice of the peace, be sentenced to pay a fine of not more than one hundred dollars, and the costs of prosecution, and, in default of the payment thereof, shall be imprisoned one day for each dollar of fine and costs unpaid: Provided, however, That persons who have no outlet due to the closing of a street may drive on, over or across such street, with the consent in writing of, and subject to such conditions as may be prescribed by, the township commissioners responsible for the closing, or their agents or contractors, without being subject to the penalties imposed by this section.

In addition to the penalties herein provided, the township commissioners responsible for the maintenance of a street which has been closed to vehicular traffic, or their agents or contractors, may, in an action at law, recover damages from any person or persons who have damaged a street by driving on, over or across the same when it is closed to vehicular traffic in accordance with the provisions of this act.

All fines and moneys collected under the provisions of this section shall be paid by the officer receiving the same to the

treasurer of the township in which the offense was committed.

The commissioners of any township may temporarily close any street when, in their opinion, excessive or unusual conditions have rendered such street unfit or unsafe for travel, and immediate repair, because of the time of year or other conditions, is impracticable. The street or portion thereof so closed shall be properly marked at its extremities, and a means of passage for the customary users of such road shall, whenever possible, be provided.

Anyone using such street or portion thereof after the same has been properly closed and marked, without a permit from the commissioners, shall be subject to a penalty of not more than one hundred dollars, to be recovered in a summary proceeding. The penalties so recovered shall be payable to the treasurer of the township wherein the offense was committed.

Section 2015. Laying out Roads under the General Road Law.-- All roads partly within townships of the first class, where one of the termini of such roads is without the township, shall be laid out, widened, changed, or vacated only by the courts of quarter sessions, as heretofore, in the manner provided by the general road law and the amendments, additions, and supplements thereto. But no such road shall be opened, changed, widened, altered, or vacated unless and until the board of commissioners of the township shall have passed a resolution consenting and approving thereto, and shall have filed, with the clerk of said court, a copy of such resolution, duly certified by the township secretary. All damages and benefits occasioned by such laying out and the subsequent opening thereof, or by any such widening, changing, or vacation, shall be assessed, collected, and paid in the manner provided by the general road law and the amendments, additions, and supplements thereto: Provided, That all damages occasioned by such laying out, and the opening thereof, or by the widening, changing, or vacating of all roads within townships of the first class shall be assessed, collected, and paid by such townships of the first class.

(c) Dedicated Streets and Drainage Facilities

Section 2019. Scope of Subdivision.--The provisions of this subdivision (c) of this article shall only apply in case a township shall fail to adopt and enforce land subdivision regulations as provided in Article XXX-A of this act and to situations not covered by such regulations.

Section 2020. Plans of Dedicated Streets.--The commissioners of any township may accept in the name of the township any land dedicated by deed to the township to be used in any manner for road purposes. No person shall construct, open, or dedicate any

street, or any drainage facilities in connection therewith, for public use or travel in any township, without first submitting plans thereof to the township commissioners for their approval. Such plans shall be prepared in duplicate in accordance with such rules and regulations as may be prescribed by the commissioners, and shall show the profiles of such streets, the course, structure, and capacity of any drainage facilities, and the method of drainage of the adjacent or contiguous territory, and also any other or further details, that may be required under the rules and regulations adopted by the township commissioners. Before acting upon any such plans, the commissioners may, in their discretion, arrange for a public hearing, after giving such notice as they may deem desirable in each case. The township commissioners are authorized to alter such plans, or order the same to be altered, and to specify any changes or modifications of any kind which they, in their discretion, may deem necessary with respect thereto, and may make their approval of such plans subject to any such alterations, changes or modifications, but no plans shall be approved until there is a solicitor's report as to municipal liens. Any plans when so approved shall be signed, in duplicate, on behalf of the township by such officer as the commissioners may designate, and an approved duplicate copy shall be filed in the township engineer's office or other proper office, where the same shall be available to public inspection. No street, or any drainage facilities in connection therewith, shall be opened, constructed, or dedicated for public use or travel, except in strict accordance with plans so approved by the commissioners, or with further plans subsequently approved by them in the same manner, nor until such plan, and the approval thereof, has been recorded as hereinafter provided.

(2020 amended Sept. 27, 1955, P.L.602, No.163)

Section 2021. Appeals where Commissioners Refuse Approval.-- In any case where the township commissioners shall refuse to approve any plans submitted to them in accordance with this act, any person aggrieved by the action of the commissioners may, within thirty days after such action, appeal therefrom by petition to the court of quarter sessions of the county, which court shall hear the matter de novo, and, after hearing, may enter a decree affirming, reversing, or modifying the action of the commissioners as may appear just in the premises. The court shall designate the manner in which notices of the hearing of any such appeal shall be given to all parties interested. The decision of the court shall be final.

The action of the township commissioners, or of the court on appeal, in approving any such plans, and an approved duplicate copy of such plans, shall be recorded by the person applying for

such approval in the office of the recorder of deeds of the county.

Section 2022. No Responsibility on Township Where Plans Not Approved.--If any street, or any drainage facilities in connection therewith, shall be opened, constructed, or dedicated for public use or travel, except in strict accordance with plans approved, and recorded as herein provided, neither the township commissioners nor any public authorities shall place, construct, or operate any sewer, drain, water pipe, or other facilities, or do any work of any kind, in or upon such street; and neither the township commissioners, nor any other public authorities, shall have any responsibility of any kind with respect to any such street, or drainage facilities, notwithstanding any use of the same by the public, unless such street, or drainage facilities, is accepted by ordinance, or by deed of dedication: Provided, however, That nothing herein contained shall prevent the laying of trunk sewers, drains, water or gas mains, if required by engineering necessity for the accommodation of other territory. If any person shall open any street, or any drainage facility, in connection therewith, without submitting and obtaining approval of plans, as approved in section two thousand twenty of this act, and if the township commissioners shall have no information that such street, or drainage facility, in connection therewith, shall be intended for public use, or travel, the township commissioners may, in their discretion, file with the recorder of deeds of the county, a certificate containing a description of the land served by such street, or drainage facility, in connection therewith and a statement that, as the township commissioners have not approved such plans, neither the township commissioners nor any other public authority shall have any responsibility to furnish any facilities, or services, with respect to such land; or any responsibility of any kind with respect to such street, or drainage facility, in connection therewith. The owner of such 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 therein. It shall not be necessary for such certificate to be executed by any other party than the township commissioners filing the same. Nothing herein contained shall be deemed to prevent the township commissioners from enforcing the provisions of this act in any case in which any such street, or any drainage facility, in connection therewith, is intended for public use, or travel.

(2022 amended Sept. 27, 1955, P.L.602, No.163)

Section 2023. Entry of Lands.--The township commissioners and their representatives and workmen may enter upon any land and property, and maintain marks and monuments, so far as the

commissioners deem necessary in carrying out their powers and duties of this subdivision.

Section 2024. Penalty.--Any person, copartnership, or corporation who or which shall construct, open, or dedicate any street, or any drainage facilities in connection therewith, for public use or travel in any township, without having first complied with the provisions of this subdivision, and of any ordinances or resolutions of the township commissioners adopted pursuant hereto, shall be guilty of a misdemeanor, and, upon conviction thereof, such person or the members of such copartnership or the officers of such corporation responsible for such violation shall be sentenced to suffer imprisonment not exceeding two years, or pay a fine not exceeding one thousand dollars, or both, in the discretion of the court.

Section 2025. Powers of State and Counties Preserved.--Nothing contained in this subdivision shall be held to restrict or limit the State Department of Highways or any county in the exercise of any of its duties, powers, and functions under the provisions of any act of Assembly now in force or hereafter to be enacted.

(d) Relocation, Alteration, and Vacation of
Streets in or near State Parks

Section 2030. Agreements to Relocate, Alter, and Vacate Streets in or near State Parks.--Whenever a public road or highway within a park or public ground, title to which park or public grounds is vested in the State of Pennsylvania, is laid out, located, relocated, altered, or vacated in such manner that a street, approaching, leading into, or contiguous to such park or public grounds, shall become either useless, inconvenient or burdensome, such street, approaching, leading into, or contiguous to such park or public grounds, may be altered, relocated, or vacated, by the township commissioners charged with the duty of maintaining such streets, in whole or in part for the purpose of making it convenient and suitable as an approach to the roads and highways within said park or public grounds, upon the consent and agreement of: (a) The commissioners or officials charged with the care and management of said park or public grounds; (b) the township commissioners charged with the duty of maintaining said street, approaching, leading into, or contiguous to said park or public grounds; and (c) the property owners owning the majority of the frontage of land abutting upon the relocated portion of the street approaching, leading into, or contiguous to said park or public grounds.

Section 2031. Agreement to Be Filed in Court; Effect of

Filing.--The filing of the consent and agreement of commissioners or officials charged with the care and management of such park or public grounds, the township commissioners charged with the maintenance of said streets, and of the property owners, provided for in the preceding section, in the court of quarter sessions of the county or counties in which the altered, relocated, or vacated street is situate, shall have the same force and effect as the filing and the approval and absolute confirmation by the court of quarter sessions of a report of viewers appointed in accordance with the general road law, and shall have the same force and effect as though said viewers had laid out, located, relocated, altered, or vacated such street in accordance with the agreement filed as aforesaid, and the report of said viewers had been filed, approved, and absolutely confirmed by the court.

The filing of said agreement in the court of quarter sessions shall be conclusive as to the question of the necessity for the laying out, location, relocation, alteration, or vacation of said streets, as contained in the said agreement, and that the portion or portions of said street abandoned or vacated was useless, inconvenient, and burdensome.

Section 2032. Altered and Relocated Streets Declared Township Streets.--Such street, when altered or relocated, shall be maintained and repaired in the same manner as other township streets are maintained and repaired.

Section 2033. Assessment of Damages.--The owner of any land through which any street may be so relocated may apply, by petition, to the court of quarter sessions of the proper county, setting forth the injury which has been sustained by reason of the relocation of the said street, and the proceedings relative to the assessment and payment of damages of said land owner shall be in accordance with the provisions of this act for proceedings for the assessment of damages and benefits.

(e) Elimination of Curves

Section 2035. Any township may acquire, by purchase or by the right of eminent domain, such property and lands situate along or adjacent to any township street or highway as, in the opinion of the commissioners of such township, may be necessary to eliminate dangerous curves and widen narrow streets or highways for the better protection and safety to the traveling public.

Upon any such purchase or condemnation, the township commissioners may, from time to time, abate or remove, or cause to be abated or removed, any such dangerous curve or curves, or widen such narrow street or highway, to the extent of the

property and land so acquired.

The proceedings for the condemnation of such property and lands under the provisions of this section, and for the assessment of damages for property or land taken, injured or destroyed, shall be taken in the same manner as is provided by this act for the condemnation of lands by townships.

(2035 amended May 27, 1953, P.L.220, No.30)

(f) Acquisition of Unobstructed Views at Curves
and Intersections

Section 2040. Any township may acquire, by purchase or by the right of eminent domain, a free and unobstructed view down and across such 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 any curve in any street or highway, as may be necessary to assure a free and unobstructed view in all directions at such crossings, and to so prevent the use of such lands for any purpose or in any manner which may interfere with or obstruct the vision of persons traveling upon any such street or highway.

Upon any such condemnation, the township commissioners, having had such view condemned, may from time to time, abate or remove, or cause to be abated or removed, any obstruction to such view over and across such lands.

The proceedings for the condemnation of such view over and across such lands and for the assessment of damages for property taken, injured or destroyed, shall be taken in the same manner as is provided in this act for the condemnation of land by townships.

Upon the condemnation of a view, the owner of such lands may make every such use thereof as will not interfere with a free and unobstructed view at such dangerous crossing or curve, and, unless specially provided for in such condemnation proceedings, such condemnation shall not be construed to prevent the owner thereof from using such land for pasture or the growing of grass, oats, wheat, or other crops which will not obstruct the vision more than wheat.

(2040 amended May 27, 1953, P.L.220, No.30)

(g) Changing or Altering Streets by Agreement
with Property Owners

Section 2045. Improving or Vacating Streets by Agreement.-- Whenever the commissioners of any township deem it advisable to construct, change, widen, relocate or alter any part of any street under their supervision, and can agree with the property

owners affected by such change as to damages, they may, upon payment of damages agreed upon, change, widen, relocate, or alter such part of such street as contemplated in such agreement without the formality of a view.

No such improvement of any part of any street shall be made, the costs and expenses of which to such township, including damages, shall exceed one thousand dollars. A petition setting forth the facts, accompanied by a map or draft of such proposed improvement, shall be presented to the court of quarter sessions for approval before such actual improvement is made; whereupon the new location, approved by the court, shall be taken to be the street and the old location shall be vacated.

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 or widening in cases where the land necessary therefor is dedicated to the township for public use.

(h) Grading, Draining, Curbing, Paving,
Macadamizing Streets or Highways on Petition,
and Assessment of Benefits by Viewers
((h) amended May 27, 1953, P.L.220, No.30)

Section 2050. Proceedings on Petition.--Upon the petition of a majority of property owners in interest or number, abutting on the line of any proposed improvement, to be verified by the affidavit of at least one of the petitioners, a majority in interest of owners of undivided interests in any piece of property to be treated as one person, a township may grade, curb, pave, or macadamize, or otherwise improve, any street or highway, or part thereof, or which may be, in whole or in part, boundaries thereof, and provide for the necessary drainage thereof; and may also provide for the improvement of any street or highway, and any sections or parts thereof, in length, in the space between the curb, gutter, or actual carriageway line and the property line, either by an original work or improvement thereon, or by a change, repair, renewal, or alteration in the said street or highway, curb, parking spaces, or shade trees, or by changing, altering, renewing, replanting, pruning, or otherwise improving the same, in any or all of said particulars. The majority in interest or number required for such petitions shall be fixed as of the date of such petition.

(2050 amended May 27, 1953, P.L.220, No.30)

Section 2051. Grading Restrictions.--In grading a street, it shall be unlawful to raise the street above the ordinary grade when a drain or culvert is constructed under such street, or

where a street is constructed over such drain or culvert.

Section 2052. Notice.--After the passage of any ordinance for the grading, curbing, paving, or macadamizing, or otherwise improving any street or highway, notice shall be given, within ten days thereafter, by handbills posted in conspicuous places along the line of the proposed improvement.

(2052 amended May 27, 1953, P.L.220, No.30)

Section 2053. Contents of Notice.--The notice shall state the fact and the date of the passage of such ordinance, that the petition for the improvement was signed by a majority in interest and number of owners of property abutting on the line of the proposed improvement, and that any person interested, denying the fact that said petition was so signed, may appeal to the court of common pleas of the county within thirty days from the passage of the ordinance.

Section 2054. Appeals from Ordinance.--Any person interested may, within thirty days from the passage of such ordinance, present a petition to the court of common pleas of the county, setting forth the facts; whereupon the court shall determine whether such improvement was petitioned for by the requisite majority. If the court shall find that it was not so petitioned for, it shall quash the ordinance, but if it shall find that it was so petitioned for, it shall approve the same. If no appeal shall be taken, or if the court, on appeal, shall approve the ordinance, the township may proceed with the improvement, and thereafter all parties shall be estopped from denying the fact that such petition was properly signed.

Section 2055. Assessment of Damages and Benefits by Viewers.--On petition, viewers shall be appointed, as provided in this act, who shall assess the damages, costs, and expenses of such grading, curbing, paving, or macadamizing, or parking, shade tree planting, or changing or altering, renewing, replanting, pruning, or improving, including the expenses for necessary drainage, upon the property benefited, according to benefits, if sufficient can be found, but if not, the deficiency, when ascertained, shall be paid by the township. The proceedings of the viewers and the proceedings on their report shall be as provided in this act for such proceedings.

Section 2056. Assessments to Bear Interest; Collection.--All such assessments for benefits if not paid within thirty days shall bear interest as provided by this act in such cases, and, if any such assessment remains unpaid, it shall be the duty of the township solicitor to collect the same with interest, by action of assumpsit, or by a lien to be filed and collected in the manner provided by law for the filing and collection of municipal claims. When an owner has two or more lots against which there is an assessment for the same improvement, all of

such lots may be embraced in one claim.

- (i) Grading, Draining, Curbing, Paving or Macadamizing Streets or Highways, and Collection of Cost by Foot Front Rule
- ((i) amended May 27, 1953, P.L.220, No.30)

Section 2060. Proceedings With or Without Petition.-- Townships, with petition or without petition, may grade, curb, gutter, pave, macadamize, or otherwise improve, streets or highways, or parts thereof, or a particular width or additional widths thereof, with or without the assistance or contribution of the State, county, or a corporation occupying the thoroughfare, and may assess and collect the whole cost thereof, or the whole cost not thus aided or contributed, or any part thereof, from the owners of real estate abutting on the improvement, by an equal assessment on the foot front, including the expense of the necessary drainage. The board of commissioners may make equitable adjustments for corner lots, or lots of irregular shape, where an assessment for full frontage would be unjust. Property not otherwise assessable shall become assessable by the petition of the owner or the owner's representative. In all cases where the whole width of the street is being paved without State or county aid, and more than two-thirds of the total cost is proposed to be assessed on abutters, the township shall, for this purpose, be considered as owner of non-assessable property, of street intersection, and of the deducted frontage on equitable adjustments. On petition of owners representing two-thirds of the number of feet of assessable properties abutting on the proposed improvement, the total cost of the improvement, or a lesser amount if the township desires, may be assessed on the assessable properties abutting, without any deduction for non-assessable property, or street intersection, or for the equitable adjustments aforesaid: Provided, That the petition states that the total cost may be assessed on the abutters.

(2060 amended May 27, 1953, P.L.220, No.30)

Section 2061. Grading Restrictions.--In grading a street, it shall be unlawful to raise the street above the ordinary grade when a drain or culvert is constructed under such street, or where a street is constructed over such drain or culvert.

Section 2062. Notice of Assessments.--The secretary of the township shall cause thirty days' notice of the assessment to be given to each party assessed, either by service on the owner or his agent, or left on the assessed premises.

Section 2063. Collection of Assessments.--If any assessment shall remain unpaid at the expiration of the notice, it shall be

the duty of the township solicitor to collect the same, with interest from thirty days after the completion of the improvement, by action of assumpsit, or by a lien to be filed and collected in the same manner as municipal claims. When an owner has two or more lots against which there is an assessment of the same improvement, all of such lots may be embraced in one claim.

(j) Road Material, Ditches, Drains and Watercourses

Section 2065. Power to Enter Lands.--When material cannot be conveniently obtained by contract at reasonable prices, the commissioners of townships may enter upon any land or enclosure within their township, lying near the street or highway, and dig, gather, and carry upon the street or highway any stones, sand, or gravel which they think necessary to make, maintain, or repair the street or highway. In exercising such right they shall do no unnecessary damage to the owners of the land, and shall repair any breaches of fences which they make.

(2065 amended May 27, 1953, P.L.220, No.30)

Section 2066. Viewers to Fix Damages.--Whenever the commissioners and the owners of any such materials cannot agree upon the price to be paid therefor, the value of such materials shall be assessed by viewers to be appointed and to make report as provided in this act in the case of eminent domain proceedings.

Section 2067. Ditches, Drains, and Watercourses; Approval of Plans.--No person shall stop, fill up, confine, pave or otherwise interfere with any drain, ditch, watercourse, or drainage facilities, in a township, without first submitting suitable plans thereof to the township commissioners for their approval. Such plans shall be prepared in accordance with such rules and regulations as may be prescribed by the commissioners, and shall show the exact nature of the work to be performed. Before acting upon any such plan, the commissioners may, in their discretion, arrange for a public hearing, after giving such notice as they may deem desirable in each case. The commissioners are authorized to alter such plans, and to specify any changes or modifications of any kind which they, in their discretion, may deem necessary with respect thereto, and may make their approval of such plans subject to any alterations, changes or modifications. Any plans, when so approved, shall be signed on behalf of the township by such officer as the commissioners may designate, and shall be filed in the township offices where the same shall be available for public inspection. No drain, ditch, watercourse, or drainage facilities, shall be constructed, altered, stopped, filled up, confined, paved, or

otherwise interfered with, except in strict accordance with plans so approved by the commissioners, or with further plans subsequently approved by them in the same manner. No township shall have any responsibility with respect to conditions arising as a result of the failure on the part of any person to comply with the requirements of this act.

The township commissioners may enter upon any lands or enclosures and cut, open, maintain, and repair such drains or ditches through the same as, in their judgment, are necessary to carry the water from the streets or highways.

Any person who shall stop, fill up, or confine, pave, or otherwise interfere with any such drain or ditch, watercourse, or drainage facilities, or shall divert or change the course thereof, without the approval of the commissioners as herein provided, shall upon conviction thereof, in a summary proceeding, be sentenced to pay a fine not exceeding twenty-five dollars for each offense, and in default of the payment of such fine and costs shall be sentenced to imprisonment of not more than ten days.

Nothing contained in this section shall be held to restrict or limit the State Department of Highways or any county in the exercise of any of its powers and duties under the provisions of any law of this Commonwealth, nor to obviate the necessity of securing the consent of the Water and Power Resources Board where required by existing law.

(2067 amended May 27, 1953, P.L.220, No.30)

(k) Trees, Shrubbery, and Obstructions within
Limits of Streets or Highways

((k) amended May 27, 1953, P.L.220, No.30)

Section 2070. In order to provide for easy and convenient traveling upon the public streets or highways, the township 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 part thereof. All logs, cordwood, or other forms of wood, derived from the destruction or removal of any trees growing along such streets or highways, shall become the property of the abutting owners, provided that such abutting owners shall, within ten days after notice from the township, remove such logs, cordwood, or other forms of wood from the legal width of the street or highway. In the event of their failure to do so, they shall forfeit all interest therein, and the same may be disposed of as the township commissioners deem proper.

(2070 amended May 27, 1953, P.L.220, No.30)

(1) Protection of Streets or Highways from Snowdrifts
((1) amended May 27, 1953, P.L.220, No.30)

Section 2078. Whenever any streets or highways, in townships, are so located as to render them liable, on account of high wind during the winter season, to be so filled with snow as to make them impassable, and, in the judgment of the commissioners, such drifts of snow can be avoided by the removal of any fence erected along either side of such street or highway and replacing the same by a fence constructed of posts, wire, and boards or rail combined, such commissioners may agree with the owners of such fences upon a plan for the erection of a fence constructed of posts, wire, and board or rail combined. The township may pay the owners of such fences a sum not to exceed the first cost of the wire used in the construction of such fences. The wire used in the construction of such fences shall be without barbs. This section shall not apply to any stone wall, hedge, or ornamental fence.

Any township which is responsible for the maintenance of any street shall have authority to enter upon private property adjacent to such street and place thereon a snow fence, at any point as may be deemed necessary to within a limit of one hundred (100) feet from the right of way line of such street, in order to eliminate snow drifting on the traveled portion of the street.

No such snow fence authorized shall be placed prior to November first, nor shall the same remain in place after April first 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 said snow fence.

If the township shall not be able to enter into an agreement with the owner of the adjacent property occupied by such snow fence as to the amount of damages sustained as a result of said fence being placed and removed, 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 such case, in the manner provided in this act for eminent domain proceedings. Such damages, if any, when ascertained, shall be paid by the township. Any funds available for the construction and maintenance of streets shall be available for the payment of such damages.

(2078 amended May 27, 1953, P.L.220, No.30)

(m) Guideposts and Index Boards

Section 2080. Duty to Erect.--The commissioners of the township shall erect posts at the intersection of all streets or

highways, and at one of the angles where any street or highway crosses another street or highway, and shall firmly fix thereon boards or metal signs with index hands pointing to the direction of such street or highway, but if a tree, trolley pole, telephone pole, telegraph pole or building is so erected that it can be used in place of a post, and permission has been secured from the owner thereof, such tree, pole, or building may be used in place of a post. On such boards and signs shall be inscribed, in large and legible characters, the name of the town, village, or place to which such streets or highways lead, and the distance thereto computed in miles. Where any street intersects or crosses a State highway, application for a permit shall be made by the commissioners to the State Department of Highways for the erecting of such signs.

(2080 amended May 27, 1953, P.L.220, No.30)

Section 2081. Penalty for Destroying.--It shall be unlawful for any person to wilfully destroy, remove, injure, or deface any guidepost or sign or index board legally erected upon or near any street, highway or bridge by the authorities of any township, or legally erected with the consent of the authorities having jurisdiction over such 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 for the purpose of enhancing 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. Any person violating any of the provisions of this section shall, upon conviction in a summary proceeding, be sentenced to pay a fine of not less than two hundred dollars nor more than five hundred dollars for the first offense, and a mandatory fine of five hundred dollars for the second or any subsequent offense, with all costs of prosecution, together with the value of such sign so destroyed, removed, or defaced, and in default of such payment shall be sentenced to imprisonment of not more than ten days. Fines and moneys so collected shall be paid to the township treasurer.

(2081 amended Mar. 25, 1988, P.L.259, No.28)

(n) Streets Crossing Railroad; Special Uses of Streets

Section 2083. Railroad Crossings.--Every township constructing a street across a railroad shall construct the same above or below the grade thereof, unless permitted by the Public

Utility Commission to construct the same at grade.

Any such crossing of a railroad by a street, or any vacation of any street crossing a railroad, shall be constructed only in the manner prescribed by and under the jurisdiction of the Public Utility Commission. In such cases compensation for damages to the owners of adjacent property, taken, injured or destroyed, shall be ascertained, fixed, and paid in the manner prescribed in the Public Utility Law.

Section 2084. Street Permits.--No railroad or street railway shall hereafter be constructed upon any township street, nor shall any railroad or street railway crossings, nor any 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 be erected upon or in, any portion of a township street, except under such conditions, restrictions and regulations, and subject to the payment of such fees for permits as may be prescribed and required by the board of township commissioners, not exceeding the reasonable cost of issuing the permit and expense of inspecting the work authorized by such permit upon completion thereof. All fees so collected for permits shall be paid into the township treasury.

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

Section 2086. 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 commissioners of the township for said improvement and require them to make application to the county commissioners for such improvement and maintenance in accordance with the provisions of existing law.

In all cases where the township 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 quarter sessions, requesting the court to order such action thereon as the case may require. If after due hearing had before said court it shall appear that the truth of the matters alleged in the petition are sustained, the

court shall make an order directing the township commissioners to forthwith act upon said application or applications, and that the said application or petition for the improvement be forthwith forwarded to the county commissioners.

(p) Penal Provisions

Section 2088. If any person working upon any street in any township, or if any one in company with such person, shall ask money or reward, or by any means whatever shall extort or endeavor to extort any money, intoxicating drink, or other thing, from any person traveling upon or near such street, the person so offending shall for every such offense forfeit and pay a sum not exceeding five dollars.

If any township commissioner shall connive with any person so asking, demanding, or contriving to extort money, intoxicating drink, or any other thing from any person traveling as aforesaid, such commissioner shall, for every such offense, forfeit and pay a sum not exceeding ten dollars.

If any person shall stop or obstruct any street or highway in any township, or shall commit any nuisance thereon by felling trees, making fences, turning the road, or in any other way, and shall not, on notice given by the township commissioners, forthwith remove the obstruction or nuisance and repair the damage done to such street or highway, such person shall, for every such offense, forfeit and pay a sum not more than twenty-five dollars. Nothing in this section shall debar an indictment for any such nuisance, as in case of misdemeanor at common law.

All penalties provided for in this section shall be recovered by summary proceeding for the use of the township.

(2088 amended May 27, 1953, P.L.220, No.30)

(q) Opening, Making, Amending, and Repairing Streets and Bridges by Contracts with Taxpayers

Section 2090. Taxpayers' Rights.--Any taxpayers of any township may acquire the right to furnish all the materials and labor necessary for opening, making and repairing the streets and bridges of such township, in the manner and under the conditions set forth in this subdivision of this act.

Section 2091. Petition to Court.--To acquire such right, any such taxpayer shall, before the beginning of the township fiscal year, present to the court of quarter sessions a petition setting forth that he is the owner of property assessed and taxed in such township, the approximate number of miles of streets in such township, and the ability of the petitioner to lay out, open, make, and repair the streets and bridges of such

township wholly at his own expense, for the ensuing township fiscal year or fiscal period, and to pay the other expenses of such township as hereinafter provided, without any right against or claim upon such township for or by reason of the materials, labor, or money so furnished.

Section 2092. Bond of Petitioner.--The petitioner shall, with the petition, present a bond to the township, in the sum of ten thousand dollars or in a sum equal to five hundred dollars for each mile of public street in the township, whichever shall be greater, with one or more sufficient sureties to be approved by the court, conditioned for the faithful performance by said petitioner of his duty, and to save the township harmless from any loss or claim by reason of failure so to perform said duty.

Section 2093. Notice to Commissioners and Auditors.--Notice of the intention of presenting the petition and bond, and of the time when said petition and bond will be presented to the court, shall be given to the commissioners and auditor or controller of the township at least ten days before the same are presented.

Section 2094. Contracts; Stipulations.--When the petition, bond, and proof of the notice required in the preceding section are presented to the court, the same shall be ordered filed; and the court being satisfied of the good faith of the petitioner, and the sufficiency of the petition, bond, and notice, shall order and direct the commissioners, on behalf of the township, to enter into a contract with the petitioner. In such contract, the petitioner shall bind himself:

First. To open, make, and repair the streets and bridges of the township for the ensuing fiscal year or fiscal period in a lawful and workmanlike manner, wholly at the expense of the petitioner, and without creating thereby any claim upon or right against the township for or by reason of the materials, labor, or money for persons employed.

Second. To indemnify and save harmless the township from all claim, damage, cost, or expense of whatever kind, for or by reason of any act or omission of said petitioner whereby any claim, suit, or other demand may be set up or recovered against the township.

Third. To pay, within sixty days from the beginning of the fiscal year to the following officers of such township, the following sums, to be received by said officers in full for all demands against such township for their respective services as such officers of the township for the fiscal years for which the said contract is made, which shall be in lieu of the compensation otherwise in this act provided for such officers, namely: To each township secretary, the sum of fifty dollars; to the auditor or controller of such township, the sum of twenty-five dollars; to an attorney, to be elected by such

commissioners as counsel for the township, the sum of fifty dollars; to each commissioner, the sum of one hundred dollars.

Section 2095. No Street Tax to Be Levied.--In consideration of the obligations set out in the preceding section to be assumed and performed by the petitioner, the commissioners, on behalf of such township, shall stipulate that the township will not assess, levy, or collect any tax for street purposes during the fiscal year for which such contract is made.

Section 2096. Inspection.--The commissioners shall view and inspect the making and repairing of the streets in such townships, at least once during every month, and satisfy themselves that the petitioner has fully complied with his contract, before final settlement and expiration of contract. If, at any time, the commissioners shall see that any portion of the streets need repair, they shall notify the petitioner to repair the same. In case said petitioner fails to repair said street within five days after notice, the commissioners are empowered to purchase such materials and employ such men as may be necessary to repair such street, and charge the same to the petitioner.

ARTICLE XXI BOUNDARY ROADS AND STREETS

(a) Opening, Repairing and Improving Streets on Division Line of Townships

Section 2101. Roads or streets laid out on a line which divides a township of the first class and another township shall be opened, made, kept clear and in repair at the joint and equal charge of such townships. Any township necessarily incurring more than its due proportion of such charge may recover the excess so incurred from the other township.

When any public road or street is laid out on the line of two townships, if the commissioners or supervisors of either township neglect or refuse to join with the commissioners or supervisors of the other township in opening or repairing such road or street, the commissioners or supervisors of the other township shall open, and repair the road or street, and are authorized to collect a just portion of the cost of the opening and repairing of such road or street from the township so neglecting or refusing to join such opening or repairing. The commissioners or supervisors so neglecting or refusing shall be liable to a penalty of not exceeding fifty dollars, to be recovered in a summary proceeding. All such penalties when recovered shall be paid into the township road fund.

(b) Maintenance of Streets between Township
and Cities or Boroughs

Section 2105. Whenever any street is on the boundary line between any township and any city or borough, such street shall be maintained jointly by the city or borough and the township. For the purpose of maintaining any such street, the authorities of any such township are hereby directed to enter into agreements, with such city or borough, providing the manner in which the same shall be maintained, and providing for the division of the cost of maintenance between the city or borough and township. If any such city or borough and township shall fail or refuse to enter into any such contract, or if the city or borough and township cannot agree, any taxpayer or the township commissioners of the township may present a petition to the court of quarter sessions of the county, setting forth the facts, and the court, after hearing, of which such notice shall be given to all parties interested as the court may direct, shall make an order directing the manner of such maintenance and the division of the cost of maintenance between the city or borough and the township. The action of the court shall be final.

(c) Street, the Centre Line of which is the Dividing
Line between Townships and Boroughs or
Cities in the Same County

Section 2110. Whenever the centre line of any street constitutes the dividing line between a township and any city or borough located in the same county, the commissioners of the township may, jointly with the county, enter into a contract with the city or borough providing for the grading, curbing, and macadamizing or paving of such street.

Such alteration or improvement shall be constructed, and subsequent repairs shall be made, under the supervision of the proper authorities of the city or borough, in compliance with the laws governing the construction of such alterations or improvements in such city or borough, and with plans and specifications to be agreed upon in writing between the commissioners of the township and the city or borough and the commissioners of the county.

The cost of any alteration or improvement shall be borne one-half by the city or borough and one-half by the county and township in equal portions.

The cost of repairs shall be borne one-half by the city or borough and one-half by the township, or by the county and township in equal portions, or such other proportions as are

agreed upon in the joint contract of the township with the county.

(d) Street, the Centre Line of which is the
Dividing Line between Townships and Cities
in an Adjacent County

Section 2115. Whenever the centre line of any street constitutes a dividing line between a township and a city located in an adjacent county, it shall be lawful for the township commissioners to enter into a contract, with the county in which it is located and with the city, providing for the grading, curbing, macadamizing, or paving of the roadway of said street, the cost thereof to be borne one-half by the city, and one-half by the township and the county in which such township shall be situated in equal portions.

The said alteration or improvement shall be constructed, and subsequent repairs shall be made, under the supervision of the proper authorities of the said city, in compliance with existing laws governing such construction or improvement of such city, and in further compliance with plans and specifications to be agreed upon in writing between such city and the commissioners of the county and the township commissioners of the said township. The cost of repairs shall be borne one-half by the city and one-half by the township, or by the county and township in equal portions, or such other proportions as may be agreed upon by the county and township.

In all cases in which it shall be found impossible to enter into such contract or agreement as is provided for in this section, or where either the city or the township or the county in which such township is situated shall refuse to enter into such contract or agreement, it shall be lawful for the township to present its petition to the court of common pleas of either county, setting forth the facts and circumstances, including the condition of the street from which the necessity or desirability for the grading, curbing, macadamizing, or paving of the roadway appears, and the estimated cost thereof, and that the terms of the said contract as provided for in this section cannot be agreed upon by the said city and the county or township, or either or any of them, or that either such city or the county or township, or any or either of them, refuses to enter into such contract. Such petition may pray that such court may, after hearing all the parties concerned, make its order or decree defining the nature and character of the improvement reasonably necessary or desirable to be made to the roadway, and requiring the parties hereinabove specified to enter into a contract or contracts for the making and constructing of the same as herein

provided for. A copy of the said petition, duly certified, shall be served upon the city or the county and township concerned, other than the petitioner, with notice of such day as may be fixed by the court for the hearing. Thereupon either or both of the parties served with such notice shall be entitled, on or before such date, to file in the said court its answer to the said petition, setting forth its version of the facts or such other matters in relation thereto as may be deemed necessary or proper by it. The said court, upon the date so fixed or at such other time as it may appoint, shall hear the evidence of the parties, or it may refer the matter to a master, who shall hear the testimony of the parties and report his findings, in the same manner and under the same procedure as provided by the rules in equity in similar cases, to the said court, which may reject, confirm, or modify the same, and may make its decree or order directing the making of such alterations or improvements to the roadway as may be deemed reasonably necessary or desirable and providing for the sharing of the cost of such improvements, one-half by the city, and one-half by the county and township in equal portions. The said order or decree may further provide that the repairs to such alterations and improvements subsequently required shall be borne one-half by the city and one-half by the county or township in equal portions, or such other proportions as between the county and the township as such court may find to be legal and proper; and thereupon the said grading, curbing, macadamizing, or paving of the roadway of such street shall proceed in accordance with the decree or order of the said court in the same manner as if the contract or agreement provided for in this section had been entered into and duly executed.

(e) Improvement of Street where more than
One-Half of Width is in Township; Assessment of
Property outside Limits

Section 2120. Whenever any street or road, more than one-half the width of which is within the limits of any township, shall divide the said township from any other municipality or township located within the same county, such street or road may be improved by the township within which the greater width is located in the same manner as if the said street or road were entirely located within the limits of said township.

The property abutting on the side of said street or road which is located outside the limits of the township making such improvements shall, for a depth of one hundred and fifty feet, plus one-half the width of said street or road from its centre line, be assessed for any and all municipal improvements to or

on the said street or road in the same manner as such property would be assessed under this act if it were entirely located within the limits of such township.

(f) Assessment of Property outside Limits of
Township for Street Improvements

Section 2125. Whenever any street shall divide such township from any other municipality or township located in the same county, the property on the side of the street outside the line of such township shall, for a depth of one hundred and fifty feet, be assessed for municipal improvements on such street on which property shall abut. Such assessment shall be made in the same manner and in the same proceeding as is used for the assessment of property within such township for such improvement.

(g) Grading, Curbing, Paving, Macadamizing
Boundary Street or Highway, Et Cetera
(g) amended May 27, 1953, P.L.220, No.30)

Section 2130. Townships may enter into agreements with adjoining boroughs for the grading, paving and curbing, or macadamizing of streets or highways which may be boundaries between such townships and boroughs; and may provide in such contract that the damages, costs, and expenses of such improvement shall be divided between such townships and boroughs in proportions agreed upon.

In grading, paving and curbing, or macadamizing any such street or highway, townships shall exercise such power only upon petition of a majority of the property owners in interest and number abutting the line of the proposed improvement within the township limits, to be verified by the affidavit of one of the petitioners; a majority in interest of owners of undivided interest in any piece of property to be treated as one person asking that such improvement be made.

The portion of the damages, costs, and expenses agreed to be paid by any township shall be ascertained, and the benefits incident thereto shall be assessed and collected, in the manner provided in this act for the assessment of damages and benefits by viewers.

(2130 amended May 27, 1953, P.L.220, No.30)

ARTICLE XXII
BRIDGES AND VIADUCTS

(a) As Part of Street

Section 2201. Whenever, in the opening, grading, or improving of any street in any township, it is necessary to erect or construct any bridge and the piers, abutments and approaches therefor, the same may be erected and constructed by the township as part of such street. In any such erection or construction, the township may take, use, and occupy private property. All damages shall be awarded and benefits assessed as part of the proceeding to open, grade, or improve the street of which the bridge is a part.

(b) Over Railroads

Section 2205. Power to Construct.--Townships may build or purchase existing bridges or viaducts over railroads, rivers, creeks, streams and private property, or over railroads and any of them, or over railroads only, whether the bridges or viaducts are wholly or partly within the township limits, for the purpose of uniting two or more streets or a street and a road or a highway or separate portions of the same street. Such bridges and viaducts must in all cases cross railroads. Such bridges and viaducts and the approaches thereto shall be constructed, and the damages in connection therewith paid, as provided by the Pennsylvania Public Utility Law.

Section 2206. Maintenance.--Such viaduct or bridge shall be maintained as a township structure, and the township is authorized to contract with any party interested, except the county, for the maintenance of the same.

(c) Over Marshy or Swamy Grounds, Creeks,
Rivulets, Gullies, Canals and Railroads

Section 2210. Power to Make and Maintain.--The commissioners of townships, in making and repairing the streets, shall make and maintain within their township sufficient bridges over all small creeks, rivulets, deep gullies, canals, and railroads, where the same is necessary for the ease and safety of travelers.

Such bridges over canals or railroads shall not obstruct the railroad or canal over which it is built. Nothing in this section shall release railroad or other companies or the Commonwealth from the requirements of existing laws.

Section 2211. Damages.--In the construction and maintenance of such bridges, all damages shall be awarded and benefits assessed as part of the proceeding to lay out, open, make, or repair the road of which the bridge is a part.

(d) Over Streams, Railroads and Canals

on Township Boundaries

Section 2220. Bridges on Division Line of Townships.--Where a small creek or a railroad or canal, over which a bridge is necessary, is on the boundary line of two townships, the bridge shall be built and maintained at the joint and equal expense of the townships, by their respective commissioners or supervisors, in the manner directed by this act in the case of streets or roads which may be the division line of townships.

Section 2221. Bridges between Townships and Municipalities.--Whenever a creek, railroad, or canal, over which a bridge is necessary, is on the division line of a township and a municipality, the township shall unite with such municipality in the construction and maintenance of such bridge and pay an equal share of the expenses incident thereto.

Section 2222. Bridges over Railroad or Canal.--If a bridge is built over such boundary railroad or canal by virtue of the provisions of the preceding section of this act, such bridge shall not obstruct the railroad or canal over which it is built. Nothing in said section shall release railroad or other companies or the Commonwealth from the requirements of existing laws.

(e) Maintenance, Repair, and Rebuilding
of Bridges Built by County

Section 2225. 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, such bridge shall be maintained, kept in repair, and rebuilt, when necessary, by the township or townships in which, or on the boundary line of which, it is located, without rendering the county liable for the same.

ARTICLE XXIII
SIDEWALKS

Section 2301. Power to Lay Out, Ordain and Establish Grades.--Townships may lay out, ordain and establish sidewalks along any street, including State highways and county roads, and may establish grades for such sidewalks, which grades may be separate and apart from the grade established for the street or highway, and, for this purpose, any township may acquire land by purchase, gift, or by the right of eminent domain.

Section 2302. Width.--The width of any sidewalk shall be fixed by the township commissioners either by ordinance or resolution.

Section 2303. Paving and Curbing Sidewalks.--Townships may, upon such notice as may be provided by ordinance, require owners of property abutting on any street, including State highways and county roads, to construct, pave, curb, repave and recurb the sidewalks along such property with such materials, at such grades and under such regulations as may be prescribed by ordinance, and upon failure of such owners to comply with such notice, or without notice to the property owners as above provided, the townships shall in either case have power to cause the same to be done by the township, and to levy and collect the cost thereof from such owners of property abutting such sidewalk. 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 such reconstruction, repaving and recurbing.

The cost of any such grading, paving, curbing, repaving and recurbing shall be a lien upon the premises from the time of the commencement of the work, which date shall be fixed by the township engineer and shall be filed with the township secretary. Any such 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.

The cost of any such paving, curbing, repaving and recurbing may, in any case, be borne in whole or in part by the township.

No sidewalks shall be established and constructed upon any State highway without the consent of the State Department of Highways, or upon any county road without the consent of the county commissioners.

(2303 amended Nov. 10, 1965, P.L.708, No.338)

Section 2304. Repair of Sidewalks.--The owner of the abutting property shall keep the sidewalk, together with any portion of his property paved and used as a sidewalk or public walk, immediately in front of his property, in good order and repair, and, at all times, free and clear of all obstruction to safe and convenient passage, and free of any merchandise placed there for display, if the removal thereof is ordered by the township commissioners. If the owner of any property neglects to perform the duty so required of him, the township commissioners may serve written notice upon him requiring him to do what is necessary. If such property owner fails to comply with the requirements of such notice within thirty days from the date of its service, the township commissioners may make the necessary repairs or remove any obstruction. The cost of the same, together with a penalty of ten per centum, shall be paid by the delinquent property owner, and may be collected by action of assumpsit, or the township commissioners may file a municipal

lien against the property. The notice provided for in this section may be served on the property owner by leaving the same at his place of residence, or if he has no residence in the township, then by posting the same on the premises and mailing a copy thereof to the owner at his last known address.

ARTICLE XXIV
SEWERS AND DRAINS

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.--Townships may establish and construct a system of sanitary sewers and drainage, locating the same, as far as practicable, in the center of the street or on either side of the cartway or of the curb lines thereof 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 commissioners. The township commissioners may permit, and, where necessary for the public health by ordinance, require any owner of property benefited, improved or accommodated by sanitary sewers, to make connections with such sewer or drainage in such manner as the commissioners may order for the purpose of discharge of such drainage or waste matter as the commissioners may specify. The township commissioners may by penalties enforce any regulation they may ordain with reference to any sanitary sewer or drainage connections. All connections required shall be uniform. All persons so connecting may be required to pay, in addition to the cost of making such connections, a monthly or

annual rate prescribed by ordinance. Such monthly or annual rate shall constitute a lien, until paid, against the property so connecting with such system, and the amount thereof may be recovered by due process of law. All water utilities supplying water to users within the boundaries of any township shall, at the request of the township 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 a monthly or annual rate. The township is authorized and empowered to pay to such utilities, reasonable amounts for necessary clerical and other expenses incurred in the preparation of such lists. 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.

Nothing in this section shall be construed to repeal or modify any of the provisions of the Public Utility Law.

(2401 amended July 31, 1968, P.L.930, No.281)

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. Sewer and Drainage Systems; Constructed by any Municipality Authority; Connection by Owners; Enforcement.--Whenever a sewer or drainage system is established or constructed by any municipality authority within a township, the township commissioners shall be empowered by ordinance to compel all owners of property abutting on, or adjoining any street or highway, in which such sewer or drainage system is located, to make connection with such sewer or drainage system in such manner as they may order for the purpose of discharge of such drainage or waste as they may specify. The township commissioners may by ordinance impose penalties to enforce any regulation or order they may ordain with reference to any sewer or drainage connections.

Section 2402. Location of Sewers on Private Property.--Where it is reasonably impracticable, in the judgment of the commissioners, in any part of such system, to carry such sewers

or drains along the lines of public streets or highways, the commissioners may locate and construct so much of the same as is necessary through private lands and may acquire the necessary land or right of way for such purpose by gift, purchase, or by the exercise of the right of eminent domain.

Section 2403. Treatment Works and Facilities Therefor.--The commissioners shall make the necessary provisions for the disposition of the sewage and drainage within, or for carrying the same beyond, the limits of the township; and, to this end, they are hereby authorized to enter into contracts with other municipalities, and other corporations or persons, to purchase, acquire, enter upon, take, appropriate, occupy, and use such lands, rights, and interests therein, within the corporate limits of other townships or boroughs, as shall be necessary for the proper location, construction, maintenance, use and operation of sewer mains, drains, or treatment works, including such lands, rights, and interests therein as shall be necessary for future additions to and enlargements of such sewage or drainage facilities, and as may be necessary to carry out the plans and specifications upon which a permit has been issued by the Secretary of Health, in accordance with law.

Section 2404. Entry on Lands to Mark Sewer Routes; Damages.--In the event of inability to agree with the owners, either for the land necessary for so much of the line of sewers and drains as are not located upon public roads, streets or highways, or for so much land as is required for the disposition of the sewage or drainage, the commissioners may enter upon said land and mark thereon the route and width necessary for the construction of the line of sewers or drains, or the boundaries of so much land as is necessary for the disposition of such sewage or drainage, and occupy the said land for such purposes. For all damage done or suffered, or which accrues to the owner or owners of such land, by reason of the taking of the same, the funds of the township raised by taxation shall be pledged and deemed as security. Such damages shall be determined by viewers in the manner provided in this act for eminent domain proceedings.

Section 2405. Enforcement of Judgment for Damages.--The damages as awarded when the report of viewers is finally confirmed shall be entered as a judgment, and, if the same is not paid within thirty days after the entry thereof, execution to enforce the collection thereof may be issued, as in other cases of judgment against townships.

Section 2406. Cost of Construction; How Paid.--The cost of construction of any system of sanitary sewers or drains, constructed by the authority of this subdivision of this act, may be charged upon the properties benefited, improved or

accommodated thereby to the extent of such 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 July 31, 1968, P.L.930, No.281)

Section 2407. Sewer Districts.--Whenever a sewer system is constructed by a township for the accommodation of a certain portion only of the township, the commissioners of such township may constitute the territory accommodated into a sewer district or divide it into several sewer districts. In every such case of division into several districts, the commissioners shall make an estimate of the proportion of the cost of the sewer system which should equitably be charged on each of said districts, and declare and establish such apportionment by ordinance. No district shall be charged with more than its due proportion of the cost of the main sewers, pumping stations, treatment works, et cetera, used jointly by more than one district. The aggregate amount charged on property in any such district shall not exceed the amount of such estimate. Where the whole of the township is accommodated by the system, it may also be treated as a single district or divided into districts, and be subject to the foregoing provisions.

Section 2408. Manner of Assessment.--The charge for any such sewer system construction in any township shall be assessed upon the properties benefited, improved or accommodated in either of the following methods:

(a) By an assessment, pursuant to township ordinance, against each lot or piece of land benefited, improved or accommodated by the sewer system according to the foot-front rule, allowing such reduction in the case of corner properties and unusually shaped properties or those properties benefited, improved or accommodated by more than one sanitary sewer as the ordinance may specify; the ordinance may provide for equitable assessments or adjustments when special conditions exist where an assessment for the full frontage would be unjust. The secretary of the township shall cause thirty days' notice of the assessment to be given to each party assessed, either by service on the owner or his agent, or left on the assessed premises. However, when the lot or piece of land is on a corner it shall be assessed for its entire frontage abutting on any sewer except when such property is a vacant lot or contains only a single family dwelling in which case it shall be assessed along the shorter frontage and assessed along the longer frontage abutting on a sewer, commencing at a point no closer to the corner than one hundred twenty-five feet. When a township shall have determined to assess properties in proportion to frontage, any property benefited, improved or accommodated by the sanitary

sewer which shall not be lawfully subject to such manner of assessment or as to which such manner of assessment shall not reasonably measure the benefit to such property, shall be assessed by the township in accordance with the method herein provided in subsection (b) of this section 2408, but each such benefited, improved or accommodated property shall be assessed with not less than the whole amount of the benefit accruing to it and legally assessable.

(b) By an assessment against the several properties benefited, improved or accommodated by the sanitary sewer to the extent of such benefits. The amount of the charge on each property shall be ascertained as provided in this act for the assessment of benefits.

When a township is divided into sewer districts, the assessment in each district may be by different methods.

(2408 amended July 31, 1968, P.L.930, No.281)

Section 2409. Procedure for Assessment of Benefits.--In all cases where the township commissioners shall select the method provided by subdivision (b) of the foregoing section, they shall petition the court of common pleas for appointment of viewers to assess benefits. In all cases where they shall neglect for a period of three months after the completion of the sewer system to either ordain assessments by frontage or present a petition for appointment of viewers, taxpayers of the township, whose property valuation as assessed for taxable purposes within the township shall amount to fifty per centum of the total property valuation as assessed for taxable purposes within the township, may present a petition to the court of common pleas of the proper county for the appointment of viewers to assess benefits; and in all cases where such taxpayers shall, within three months of the adoption of any ordinance levying an assessment under the method provided by subsection (a) of said section, by petition state to said court that such assessment insufficiently represents the benefits accruing to abutting properties, they may include in such petition a prayer for the appointment of viewers to assess benefits. In either case the said court shall thereupon appoint three disinterested persons from the county board of viewers, neither of whom shall be a resident of that portion of the township which is accommodated by the sewer in question, and the viewers so appointed shall proceed as provided in this act for proceedings for the assessment of damages and benefits by viewers. The aggregate of the assessments in any sewer district shall not exceed the amount charged in such district for its share of the cost of the sewer system construction, unless the same shall, by petition of taxpayers, whose property valuation as aforesaid shall amount to fifty per centum of the total property valuation as assessed for taxable

purposes within the township, presented within three months after the adoption of an ordinance providing for an assessment by frontage, be stated to insufficiently represent the amount of benefits to such properties, in which case the proceedings by taxpayers authorized above shall be applicable. Upon the filing of such a petition, by taxpayers as aforesaid, for appointment of viewers, any assessment made by the commissioners and any proceedings thereunder shall be null and void.

Section 2410. Lien for Assessments; Costs of Proceedings.-- After the amount of the assessment charged upon the several properties has been established, either by ordinance making assessments according to frontage or by confirmation of any report of viewers in whole or in part, it shall be the duty of the township commissioners to file municipal liens for the assessments covered by such ordinance or confirmation within the time and in the manner provided by law; the same to be subject in all respects to the general law providing for the filing and recovery of municipal liens. The amounts of all assessments shall be payable to the township treasurer for the use of the township. The commissioners shall also make out bills for the amounts charged against each property, which shall be forthwith sent to all property owners residing in the township, and mailed to all such owners residing elsewhere whose address is known. The costs of publication of notices in proceedings before viewers shall be paid by the township, upon presentation of bills approved by the court.

Section 2411. Assessment of Property Outside Limits of Townships for Sewers.--Whenever any sewer is located in any street or highway dividing such township from any other municipality or township located in the same county, the property on the side of the street or highway outside the line of such township, for a depth of one hundred fifty feet, shall be assessed for sewers on such street or highway on which property shall abut. Such assessment shall be made in the same manner and in the same proceeding as is used for the assessment of property within the township for such sewers.

(2411 amended May 27, 1953, P.L.220, No.30)

(b) Acquisition of Sewer System from Private
Interests; Distribution of Costs

Section 2415. (a) Any township in which any person, firm, or corporation, or other township or municipal corporation is maintaining sewers and culverts with the necessary inlet and appliances for surface and under surface and sewage drainage, or in which any person or persons are maintaining a community sewage collection or disposal system as herein defined, may

become the owner of such sewers, culverts, inlet, and appliances, or the owner of such community sewage collection or disposal system, by paying therefor not more than the actual value of the same at the time of the taking by the township, or by gift from the owner or owners thereof.

(b) In case the commissioners of the township cannot agree with the owners of such sewers or sewage collection or disposal system as to the price to be paid therefor, the commissioners may enter upon and take possession of such sewers, culverts, inlets and appliances or of such sewage collection or disposal system. For all damage done or suffered, or which accrues to the owner or owners of the sewer or sewage collection or disposal system by reason of the taking of the same, the funds of the township, raised by taxation, shall be pledged and deemed as security, such damages to be determined by viewers in the manner provided by this act for eminent domain proceedings. If any sewer, sewer system or sewage collection or disposal system is acquired by purchase under the provisions of this section, the cost of such acquisition may be distributed or assessed in the same manner as provided by this act in cases where a sewer or drainage system is constructed by the township.

(c) For the purposes of this section, a community sewage collection or disposal system is 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 or private or public property.

(d) After a community sewage collection or disposal system has been acquired under the provisions of this section by the township, the commissioners shall have the power to enlarge such system, if they deem it advisable. In such cases, the cost and expenses of such 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.

(e) Whenever a community sewage collection or disposal system is or shall have been established or constructed within a township by a private owner or owners, and the township commissioners are thereafter empowered, by ordinance, to acquire the ownership of the sewage disposal system so established, or when any such system has been enlarged by the township, such acquisition and ownership shall be subject to the following provisions of this subsection:

(1) When the person or persons having established or constructed a community sewage collection or disposal system, or when more than one-half the number of the owners of properties

which are connected with, have a right to use and are using a community collection or disposal system, enter into an agreement with the township for the acquisition of the system by the township, such agreement shall be considered a valid agreement by the owners of the sewage collection or disposal system and a transfer of ownership to the township.

(2) The township shall operate and maintain any sewage collection or disposal system acquired and any enlargement or addition thereto for the use of persons having acquired from the township or from the former owner or owners the right to use the system, and for the use of other owners of property accessible thereto up to the capacity of the sewage collection or disposal system.

(3) All persons whose property connects with the sewage collection or disposal system acquired or constructed by the township shall pay to the township treasurer, a monthly, quarterly, semi-annual or annual charge prescribed by a resolution of the 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 commissioners against properties connected with a community sewage collection or disposal system under the provisions of this section shall constitute liens against the properties and may be collected in the same manner as other sewer charges.

(5) All moneys 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 sewage collection or disposal system and the replacement thereof, if necessary and economically desirable. If at any time after the acquisition or enlargement of the 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 such 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 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 such properties under other sections of this act.

(2415 amended July 21, 1959, P.L.557, No.172)

(c) Contracts with Individuals or Corporations
for Construction and Maintenance of Sewer and

Drainage Systems

Section 2420. In any case where, under the authority of section two thousand four hundred and one of this act, a system of sewage and drainage covering any township in whole or in part shall have been approved and authorized by ordinance, the commissioners may enter into a contract with any responsible individual or individuals or corporation for the construction of such system of sewage or drainage at the expense of such individual or individuals or corporation. He, they, or it shall be entitled, under such contract, to exercise all the powers of the township in the construction, maintenance, and operation of such system of sewage or drainage, with the right to collect such charges in connection therewith as the commissioners prescribe, in as full manner as the same might have been collected by the township or the commissioners. In such contract the commissioners shall reserve to the township the right at any time, after a prescribed time, to itself take possession of such system of sewage and drainage, and its appurtenances, at a price and upon terms to be fixed in the contract.

Nothing in this section shall be construed to repeal or modify any of the provisions of the Pennsylvania Public Utility Law.

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. Townships may construct 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 such sewers or drains may be paid for wholly or partially by general taxation, or may be assessed upon the properties accommodated or benefited in either of the following methods:

- (a) By an assessment, pursuant to township ordinance, of each lot or piece of land in proportion to its frontage abutting on the sewer, allowing such reduction in the case of properties abutting on more than one sewer as the ordinance may specify. No assessment by frontage shall be made on properties of such a character as not to be lawfully subject to such manner of

assessment, and each abutting property shall be assessed with not less than its proportion, aforesaid, of the entire cost and expense of such construction.

(b) By an assessment upon the several properties abutting on the sewer in proportion to benefits. The amount of the charge on which property shall be ascertained and the rights of taxpayers conferred in connection therewith as provided in this act for the assessment of damages and benefits by viewers.

(e) Sewers under State and County Highways

Section 2430. Consent Necessary.--Townships may construct sewers and drains in and under any county or State highway within the township boundaries. In case of the construction of sewers upon county highways, the consent of the county commissioners of the county shall first be obtained; and in case of the construction of sewers upon any State highway, the consent of the State Department of Highways shall first be obtained.

Section 2431. Assessment of Cost.--Whenever sewers have been or shall be laid or constructed by any township in and under such highways, such township may ascertain, levy, and collect the costs and expenses of the construction thereof from the abutting property holders by viewers, in accordance with provisions of this act relating to the assessment of damages and benefits by viewers.

(f) Connecting with Sewer of Adjoining Municipality

Section 2435. Connection by Agreement or Petition; Appointment of Viewers.--Whenever any township shall desire to connect with the existing sewer of any adjacent municipality, the two municipalities so joining may enter into an agreement for such purposes, or if no agreement has been reached between such township and the adjacent municipality, then such township shall proceed in the following manner:

An application shall be made by the board of commissioners to the court of quarter sessions, setting forth the desire of the township to connect with the sewer of the municipality. If the court shall be of the opinion that such connection can be made without impairing the usefulness of the existing sewer, it shall appoint three viewers, who shall view the premises, and investigate the facts of the case, and shall, in the manner provided by this act for such proceedings, assess the proportionate part of the expense of building the original sewer upon the petitioning township, and shall fix the proportion of

the expense for repairs which the municipality and such township shall thereafter bear and determine all other questions which are likely to arise in connection therewith.

Section 2436. Notice of Contemplated Construction; Protests by Property Owners.--No sewer, system of sewers, or drains shall be constructed under the provisions of this subdivision, unless a resolution of the board of commissioners authorizing the same shall be published in a newspaper of general circulation published in the county in which the township is situated once a week for three successive weeks. If within twenty days after the last publication, or at any time during the period of publication sixty per centum of the total property owners within the township, or the affected sewer district, if such district has been constituted, shall sign, and file in the office of the prothonotary of the court of common pleas of the county in which the township is located, a written protest against the construction of such sewer, sewer system, or drain, then the construction authorized by such resolution shall not be undertaken or proceeded with.

(2436 amended Mar. 21, 1968, P.L.67, No.23)

(g) Joint Sewers and Drains

Section 2440. Building Joint Sewers.--(a) Townships may jointly with cities, boroughs or other townships build and construct sewers, including trunk-line sewers or drains and sewage treatment works, and may connect into such system existing sewers, and may assess their respective portions of the cost thereof, or so much thereof as may be legally assessable, upon property benefited by the improvement as is provided in the case of townships by sections two thousand four hundred eight, two thousand four hundred nine, and two thousand four hundred ten of this act. Any portion of the cost of such an improvement not assessed or not assessable shall be paid by the respective townships, cities, and boroughs joining as may be agreed upon.

(b) The townships, cities, and boroughs joining or contemplating joining in any such improvement, in order to facilitate the building of the same and securing preliminary surveys and estimates, may by ordinance provide for the appointment of a joint sewer board composed of one representative from each of the townships, cities, and boroughs joining which shall act generally as the advisory and administrative agency in the construction of such improvement, and its subsequent operation and maintenance. The members of such board shall serve for terms of six years each from the dates of their respective appointments, and until their successors are appointed. The board shall organize by the

election of a chairman, secretary, and treasurer. The several townships, cities, and boroughs, may in the ordinances creating the board, authorize the board to appoint an engineer, a solicitor, and such other assistants as are deemed necessary; and agree to the share of the compensation of such persons each township, city, and borough is to pay. The members of the board shall receive such compensation for attending meetings of the board as shall be fixed in the budget, prepared by the board for submission to, and adoption by, the several townships, cities, and boroughs, as hereinafter provided, and the budget item providing for the compensation to members for attending meetings shall not exceed a total of two hundred and fifty dollars (\$250) per year, and no member shall be paid unless he actually attends, and the fee for each such attendance shall be stipulated, and the members, in addition thereto, shall be entitled to actual expenses to be paid by the respective townships, cities, and boroughs which such members represent.

(c) The board shall have power to adopt rules and regulations 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. It shall have power to prepare a joint agreement or agreements for submission to and adoption by the several townships, cities, and boroughs defining the advisory and administrative powers of the board; setting forth the consents of the several townships, cities, and boroughs to the proposed improvement; the manner in which preliminary and final plans, specifications, and estimates for the proposed improvement shall be prepared and adopted; how proposals for bids shall be advertised, and contracts let; the manner in which the costs of the improvement and other incidental and preliminary expenses in connection therewith, and the future cost of operation and maintenance shall be equitably shared, apportioned, and paid; and all such other matters including the preparation and submission of annual and other budgets, as may be deemed necessary or required by law, to carry the proposed improvement to completion and to assure future maintenance and operation thereof. But nothing herein contained shall authorize the board to make any improvement or expend any public moneys which has not first been authorized by all of the townships, cities, and boroughs proceeding with the improvement.

(d) In any case where it shall be necessary to acquire, appropriate, injure, or destroy private property, lands, property, or material to build any such joint sewer improvement, and the same cannot be acquired by purchase or gift, the right of eminent domain shall vest in the township, city, or borough

where such property is located. In any case where it shall be necessary to acquire, injure, or destroy property in any territory not within the limits of any of the townships, cities, or boroughs joining in the improvement; then the right of eminent domain shall be vested in any township, city, or borough adjacent to such territory where such property is located. Damages for any property taken, injured, or destroyed shall be assessed as provided by the general laws relating to the townships, cities, and boroughs exercising the right of eminent domain; and shall be paid by the several townships, cities, and boroughs joining in the same proportion as other costs of the improvement.

(e) Each of the townships joining in any such improvement shall have power to incur or increase its indebtedness, not exceeding the constitutional limits, for the purpose of paying its share or portion of the cost of such improvement in the manner now provided by law for the incurring of indebtedness.

Section 2441. State Permit.--No such sewer or sewage treatment plant shall be constructed until plans and specifications have been submitted to the Sanitary Water Board and approved in accordance with existing laws.

(h) Non-debt Revenue Sewer Bonds

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

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).

Section 2501. Ordinances for Instalment Payments.--When any township shall authorize the grading, sub-grading, or the permanent paving and improvement of any streets, or parts thereof, or the construction of curbs, sidewalks, or sewers, and the entire cost, or any part thereof, shall be assessed against the properties abutting on such improvement, whether by the foot front rule or according to benefits, the board of commissioners may provide in the ordinance that the assessment or any of them may be paid in semiannual or annual instalments, and it may also provide that sewer assessments may be paid in twelve monthly or in quarterly instalments. Such instalments shall bear interests, at a rate not exceeding six per centum, to be fixed by the board of commissioners in the ordinance, commencing at such time as may be fixed by ordinance.

Section 2502. Issue of Bonds.--In order to provide for the payment of the cost and expenses of such improvement, the board of commissioners may, from time to time, issue bonds, in sums equal to the amount of assessments. The bonds shall bear the name of the street to be improved, or the curbs, sidewalks, or sewer to be constructed.

Section 2503. Sale of Bonds; Interest.--The bonds shall bear interest at a rate not exceeding six per centum per annum, payable semiannually or annually, as the ordinance shall direct; and shall be negotiated at not less than par, and the proceeds thereof applied solely to the payment of such improvement.

Section 2504. Entry of Liens.--Liens to secure the assessments, or any part thereof, remaining due shall be entered in the prothonotary's office of the county, in the same form and collected in the same manner as municipal claims are filed and collected: Provided, however, That when any person has accepted the monthly or quarterly payment plan for any sewer assessment, as herein provided, no lien shall be filed for such assessment, except upon a default in payment, as provided in section two thousand five hundred six, as herein amended.

Section 2505. Assessments, Where Payable.--Such assessments shall be payable at the office of the township treasurer, or such other place as the ordinance shall provide, in semiannual or annual instalments, and in the case of sewer assessments in monthly or quarterly instalments, with interest at the rate provided from the date from which interest is computed on the amount of the assessments. The moneys so received by the township shall be applied to the payment of such bonds and interest thereon exclusively.

Section 2506. Default in Payment of Instalment.--In case of default in the payment of any semiannual or annual instalment

and interest for a period of sixty days after the same shall become due, the entire assessment and accrued interest shall become due, and the township solicitor shall proceed to collect the same under the general laws relating to the collection of municipal claims.

In case of default in the payment of any monthly or quarterly instalment, and interest of a sewer assessment for a period of thirty days after the same shall become due, a lien shall be filed for the balance due on such assessment and interest accrued thereon. In no case shall a township lose its right to file a lien for any sewer assessment by reason of its failure to file the same within the time fixed by general law relating to the filing of municipal liens for any sewer assessment which is being paid under the instalment plan herein provided, and if any lien is filed after the time fixed by said general law for the filing thereof because of default in the payment of any instalment, such delayed filing is hereby validated, and the lien of such assessment claim so filed shall be in full force and effect from the time of such filing.

Section 2507. Payments in Full; Subdivisions of Property.-- Any owner of property against whom any such assessment has been made may pay the same in full, at any time, with interest thereon to the next semiannual or annual payment, and such payment shall discharge the lien. If any owner shall subdivide any property after the lien attaches, he may, in like manner, discharge the same upon any subdivided portion thereof by paying the amount for which such part would be liable.

ARTICLE XXVI
REVOLVING FUND FOR STREET AND
SEWER IMPROVEMENTS

Section 2601. Special Tax; Bond Issue.--The several townships are hereby empowered to levy and collect annually a tax upon all property, taxable for township purposes, not to exceed five mills on the dollar in any one year, for the purpose of creating and maintaining a revolving fund, to be used by such township in making permanent street, sidewalk, water lines, or sewer improvements, and to pay contract prices for permanent street, sidewalk, water lines, or sewer improvements, prior to the collection of the cost and expense, or any part thereof, from the property owners adjoining or abutting thereon by such townships under existing laws. Any such revolving fund may also be begun by funds raised by the issuance of bonds of the township, in the manner provided by law, for the making of permanent street, sidewalk, water lines, and sewer improvements.

(2601 amended Aug. 19, 1953, P.L.1090, No.290)

Section 2602. Repayments into Revolving Fund.--When the cost

and expense, or any part thereof, of the construction of any permanent street, sidewalk, or sewer improvement, which has been made under existing laws, and which has been aided in its construction from the said revolving fund hereby provided for, shall have been assessed and collected from the owners of the property adjoining or abutting upon such improvement, it shall be applied to the credit of the said revolving fund, to the extent of the withdrawal therefrom for such purpose.

ARTICLE XXVII
WATER SUPPLY AND WATERWORKS

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. Contract with Water Companies and Municipality; Development of Own Water Supply.--Townships may contract with any adjoining municipality, owning a waterworks system, or with 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 thereof.

This section does not prohibit a contract between a township and a municipality, or a private company, for the supply of water in territory being supplied by any other private company. A township shall have full power by contract to develop an independent supply of water at any time, and it is not required to purchase such water supply as the township shall need from either an adjoining municipality or private company.

Section 2702. State Permit.--A township making such contract may, by ordinance, provide and regulate and protect a system of distribution of the water, after a certified copy of the plans and surveys for such system, with a description of the sources from which it is proposed to derive the supply, are filed with

the Department of Health and Water Power Resources Board, and written permits for the construction of such system obtained in accordance with existing law.

Section 2703. Occupation of Highways.--In providing for, regulating, and protecting and extending its system of distribution of water, the township may occupy streets, roads or highways, and may take, injure or destroy private property. No highway under the jurisdiction of the State Department of Highways shall be occupied until a permit therefor has been obtained from the State Department of Highways. Property belonging to or used as a cemetery or 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.

Section 2704. Property Damages, Bond by Township.--If the compensation and damages arising from such taking, injury or destruction of private property cannot be agreed upon, the township may tender its bond as security to the party claiming or entitled to any damages, or to the attorney or agent of any absent person, or to the agent or other officer of a corporation, or to the guardian or committee of any person under legal incapacity. The condition of the bond shall be that the township shall pay or cause to be paid such amount of damages as the party shall be entitled to receive after the same shall have been agreed upon or assessed in the manner provided in the following sections of this article.

In case the party or parties claiming damages refuse or do not accept the security so tendered, the township shall give the party, his or their agent, attorney, guardian, or committee, at least ten days' written notice of the time when the same will be presented to the court of common pleas for approval.

Thereafter the township may present its bond to the court, and when approved, the bond shall be filed in court for the benefit of those interested. Recovery may be had thereon for the amount of damages finally determined, if the same is not paid or cannot be collected by execution on the judgment in the issue formed to try the question. Upon the approval of such security, the township may enter into possession.

Section 2705. Appointment of Viewers.--In case the compensation for damages accruing from such taking, injury or destruction has not been agreed upon by parties in interest, the court of common pleas, or any law judge thereof in vacation, on application thereto by the township or any person interested in the property, shall appoint three members of the board of viewers of the county who shall assess the damages, as provided in this act for eminent domain proceedings.

Section 2706. Water Districts; Application of Taxpayers.--

Whenever the taxpayers of any section of a township whose property valuation, as assessed for taxable purposes within such section, shall amount to fifty percent of the total property valuation, as assessed for taxable purposes within such section, shall, by petition, so request, the commissioners of such township shall constitute such section into a water district or divide it into several water districts. In every such case of division into several districts, the commissioners shall determine the proportion of the cost of the water system which should equitably be charged on each of said districts and declare and establish such apportionment by resolution. No district shall be charged with more than its due proportion of the cost of the main pipe lines used jointly by more than one district.

(2706 added Aug. 23, 1967, P.L.268, No.104)

Section 2707. Connection to Water Supply System.--The commissioners may require that abutting property owners of a water supply system connect with and use the same except those industries and farms who have their own supply of water for uses other than human consumption. In case any owner of property except those previously excepted abutting such water system shall neglect or refuse to connect with and use said system for a period of ninety days after notice to do so has been served upon him by the commissioners, either by personal service or registered mail, said commissioners or their agents, may enter upon such property and construct such connection. In such case the commissioners shall forthwith, upon completion of the work, send an itemized bill of the cost of construction of such connection to the owner of the property to which connection has been made, which bill shall be payable forthwith, or the commissioners may authorize the payment of the cost of construction of connections in equal monthly installments; said installments shall bear interest at a rate not to exceed seven per centum per annum.

(2707 added Dec. 10, 1970, P.L.907, No.283)

Section 2708. Connection to Water Supply System of Municipality Authorities.--Whenever a water supply system is or shall have been established or constructed by a municipality authority within a township of the first class, the township commissioners shall be empowered by ordinance, to compel all owners of property abutting thereto to make connection therewith. The commissioners may, by ordinance, impose penalties to enforce any regulation or order they may ordain with reference to any water connections. In case any owner, other than those excepted in section 2707 of this act, of property shall neglect or refuse to connect with said water system for a period of ninety days after notice to do so has been served upon

him by the commissioners, either by personal service or by registered mail, the commissioners or their agents may enter upon such property and construct such connection. In such case, the commissioners shall forthwith, upon completion of the work, send an itemized bill of the cost of the construction of such connection to the owner of the property to which connection has been made, which bill shall be payable forthwith, or the commissioners may authorize the payment of the cost of construction of connections in equal monthly installments, to bear interest at a rate not exceeding seven per centum per annum.

(2708 added Dec. 10, 1970, P.L.907, No.283)

Section 2709. Cost of Connection; Where Payable.--The cost of construction of connections shall be payable at the office designated by the township commissioners, in monthly installments, with interest from the date of completion of the construction of the connection.

(2709 added Dec. 10, 1970, P.L.907, No.283)

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 shall become due, the entire cost of construction of the connection and accrued interest shall become due; and, the township solicitor shall proceed to collect the same under the general laws relating to the collection of municipal claims.

(2709.1 added Dec. 10, 1970, P.L.907, No.283)

Section 2709.2. Entry of Liens.--In case of neglect or refusal by the owner of such property to pay said bill or in case of installment payment, it shall be the duty of the township commissioners to file municipal liens for said construction within six months of the date of completion of the construction of such connection, the same to be subject in all respects to the general law providing for the filing and recovery of municipal liens.

(2709.2 added Dec. 10, 1970, P.L.907, No.283)

(b) Construction, Acquisition and Maintenance of Waterworks
in Connection with Municipalities

Section 2710. Joint Maintenance of Works with Municipality.--Any township may unite with a city, borough or township in the construction or acquisition and maintenance of works for the supply of water.

Section 2711. State Permits.--The construction of such waterworks shall be commenced only after plans for such waterworks have been filed with Department of Health and Water and Power Resources Board and permits issued in accordance with

law.

Section 2712. Commission of Waterworks.--Whenever any township unites with a municipality in the construction or acquisition and maintenance of waterworks, the commissioners of such township, after the passage of an ordinance or resolution to that effect, may join with the councils of such other municipality and apply to the court of common pleas for the appointment of a commission of waterworks. Such commission shall be composed of citizens of each of the municipalities and townships so uniting.

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 such 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 added Feb. 20, 1982, P.L.90, No.33)

Section 2702-A. May Regulate Use and Prices.--Any township furnishing electricity pursuant to this article may regulate the use of said electricity in dwellings, business places and other places in such township and the rate to be charged for the same.

(2702-A added Feb. 20, 1982, P.L.90, No.33)

Section 2703-A. Sale of Hydroelectric Generating Facilities.--By ordinance, a township may sell all or part of its hydroelectric generating facilities to a purchaser for such sale price as the parties may agree upon, and thereafter for all purposes that price shall be deemed to be the purchaser's original cost less accrued depreciation of the plant at the date of purchase.

(2703-A added Feb. 20, 1982, P.L.90, No.33)

Section 2704-A. Construction or Purchase of Hydroelectric Generating Facilities.--Any township may construct or purchase facilities for the purpose of manufacturing electricity by hydroelectric generation. Any township may purchase a hydroelectric generating facility at such price as may be agreed upon by the township and the person, copartnership or a majority of the stockholders of a corporation that owns such facilities.

(2704-A added Feb. 20, 1982, P.L.90, No.33)

Section 2705-A. Submission to Electors.--Before any township shall construct or purchase 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 added Feb. 20, 1982, P.L.90, No.33)

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. Town Hall.--The commissioners of townships may procure a suitable lot of ground, and erect a suitable building thereon for a townhouse in which to hold elections, store road machinery, hold meetings of township officers, and for other township uses. For the purpose of procuring a lot of ground and erecting a town hall, the commissioners may borrow money at a rate of interest not exceeding six per centum and issue bonds therefor.

Section 2802. Unloading and Warehouses.--The commissioners may purchase or lease land adjacent to the tracks or right of way of any railroad or street railway, within or without the limits of such township, and erect thereon suitable unloaders, warehouses, or other buildings as may be necessary for unloading, handling, and storing road materials and supplies.

Section 2803. Appropriation of Property.--Townships may enter upon and appropriate private property and also land heretofore granted or dedicated to public or other use within the limits of such township, and which is no longer used for the purpose for which the same was granted or dedicated, for the erection thereon of a town hall, fire house, lockup, and such other public buildings as are necessary for public purposes.

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 by virtue of any power contained in the preceding paragraph.

Section 2804. Ordinance of Commissioners.--Whenever the commissioners desire to acquire, enter upon, take, use, and appropriate private property or lands for public buildings, they shall declare such intention by an ordinance duly enacted.

Section 2805. Assessment of Damages.--The compensation and damages arising from such taking, using, and appropriating of

private property for such purposes shall be considered, ascertained, determined, awarded, and paid in the manner provided in this act for eminent domain proceedings.

Section 2806. Use of Public Lands Acquired for other Purposes.--Whenever the commissioners desire to take any lands heretofore granted or dedicated to a use or purpose for which they are no longer used, they shall pass an ordinance declaring such intention, and shall thereupon petition the court of common pleas for leave to file the bond of such township for the purpose of securing any person or persons who may be injured by the taking of such lands. The court shall thereupon direct notice to be given by publication in at least two newspapers of the county. 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, and hear and determine all exceptions that are filed against the approval thereof. Upon the approval of such bond, the commissioners may enter upon and take such 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. In case the compensation for damages accruing from any such appropriation has not been agreed upon by the parties in interest, the same may be assessed by viewers in accordance with the provisions of this act for the assessment of damages in eminent domain proceedings.

ARTICLE XXIX LICENSES AND LICENSE FEES

(a) Transient Retail Merchants

Section 2901. Every township shall have power, by ordinance, to regulate and license each and every transient retail business, within such township, for the sale of goods, wares or merchandise, and to prohibit the commencement or doing of any such business until or unless the license required by such ordinance has been procured from the proper authorities by the person, firm, or corporation desiring to commence such transient retail business; and to enforce such ordinances by penalties, not exceeding three hundred dollars or by other appropriate means. The amount of any such license shall not exceed two hundred dollars for each month or fractional part thereof, during which any such sale is continued.

Nothing contained in this section shall be construed to apply to (1) farmers selling their own produce, or (2) to the sale of

goods, wares, and merchandise, donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose, or (3) to any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk and milk products.

(b) Restrictions

Section 2910. Agents for Licensed Dealers not to be Licensed.--It shall be unlawful for any township to levy any license fee or mercantile tax upon any persons taking orders for merchandise, by sample, from dealers or merchants for individuals or companies who pay a license or mercantile tax at their chief places of business. Nothing in this section shall authorize any person to sell by retail to other than dealers or merchants.

Section 2911. Insurance Agents and Brokers not to be Licensed.--It shall be unlawful for any township to impose or collect any license fee upon insurance companies, or their agents, or insurance brokers, authorized to transact business under the Insurance Laws of this Commonwealth.

Section 2912. License Fees on Residents not to Exceed those on Nonresidents.--It shall be unlawful for any township to impose by ordinance, or exact or collect under the provisions of any ordinance heretofore or hereafter enacted, any license tax or fee upon or from any manufacturer, or the agent, representative, or employe of any manufacturer, who is a resident of the Commonwealth, for soliciting orders for or for selling any goods, merchandise, or wares manufactured within this Commonwealth that is not or cannot legally be imposed upon or enacted or collected from any manufacturer or dealer, or the agent, representative, or employe of any manufacturer, who is a nonresident of the Commonwealth, for soliciting orders for or for selling any goods, merchandise, or wares manufactured without the Commonwealth.

ARTICLE XXX

PARKS, RECREATION CENTERS, SHADE TREES
AND FORESTS

(a) Public Parks, Playgrounds, and Recreation Centers

Section 3001. Acquisition of Lands and Buildings.--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.

Townships may construct and equip new facilities upon such lands and may levy and collect such taxes or special taxes as may be necessary to pay for the same and make appropriations for the construction, improvement, maintenance, care, regulation and government of the same. All the costs and expenses relative to any such property required by two or more townships jointly shall be paid by the respective townships in such proportions as may be agreed upon by the commissioners thereof.

Townships may likewise acquire private property within the limits of another township, borough or city for the purpose designated in this section, if the other township, borough or city shall by ordinance signify its consent thereto.

(3001 amended July 2, 1953, P.L.321, No.69)

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.--Townships may improve, maintain, and regulate public parks, recreation areas, and facilities and conduct recreation programs.

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 township commissioners may determine. The township 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 play leaders, recreation directors, supervisors, superintendents, or any other officers or employes as they deem proper.

If the township commissioners shall determine that the power to equip, operate and maintain parks, recreation areas and facilities shall be placed in a recreation board, such board shall possess all the powers and be subject to all the responsibilities of the commissioners under this article. In such case, the recreation board shall exercise its powers and

duties in establishing standards, qualifications and salary schedules, to be approved by the commissioners, for all classifications of recreation employes. Whenever boroughs, cities, counties, townships, school districts, or any of them, wish to develop a cooperative plan of recreation service with a township, the recreation board shall have the power to adjust the personnel, standards, qualifications and salary schedules as established, to be approved by the commissioners, to meet the terms of a joint operation agreed upon.

(3009 amended July 2, 1953, P.L.321, No.69)

Section 3010. Composition of Park or Recreation Boards.-- Park or recreation boards, when established, shall consist of five or seven persons, and when established in a township having a school board, two of the members shall be members or appointees of the school board. The other members of such boards shall be appointed by the commissioners of such township. The members of the board shall serve for terms of five years or until their successors are appointed, except that the members of such board first appointed shall be appointed for such terms that the terms of not more than two members shall expire annually thereafter. Members of such board shall serve without pay. All persons so appointed shall serve their full terms unless they shall voluntarily resign or be removed by the township commissioners for malfeasance or nonfeasance of duty. Vacancies in such board, occurring otherwise than by expiration of term, shall be filled for the unexpired term, in the same manner as original appointments.

(3010 amended July 2, 1953, P.L.321, No.69)

Section 3011. Organization of Park or Recreation Boards; Powers and Duties Delegated to the Board by the Commissioners.-- The members of a park board or recreation board, established pursuant to this article, shall elect their own chairman and secretary and select all other necessary officers, to serve for a period of one year, and may employ such persons as may be needed as authorized by this article. Such board shall have power to adopt rules and regulations for the conduct of all business within their jurisdiction. Its jurisdiction shall include the right to select, employ and discharge all recreation personnel used to carry out the provisions of this article. It shall be the duty of the recreation board and its executive to submit an annual report to the township 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 July 2, 1953, P.L.321, No.69)

Section 3012. Maintenance and Tax Levy.--All expenses

incurred in the maintenance and operation of such parks, recreation areas and facilities, established as herein provided, shall be payable from the treasury of such township or borough, city, county or school district, as may be provided for by the agreement of the corporate authorities. The township commissioners of such township may annually appropriate and cause to be raised by taxation an amount necessary for the purpose of maintaining and operating the parks, recreation areas and facilities and programs. The township commissioners may cause to be raised by special taxation such tax, for the purpose of maintaining and operating the parks, recreation areas and facilities and the programs thereon.

(3012 amended Sept. 2, 1965, P.L.476, No.240)

Section 3013. Joint Ownership and Maintenance.--Townships may, jointly with cities, counties, boroughs, other townships of either class, or any combination or number of such units, acquire property for, 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.

(3013 amended July 2, 1953, P.L.321, No.69)

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.

(3014 amended July 2, 1953, P.L.321, No.69)

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 commission to be known as the Shade Tree Commission but in townships where the township commissioners shall not elect to create by ordinance a Shade Tree Commission, the township commissioners may exercise all the rights and perform the duties and obligations imposed by this article upon the Shade Tree Commission.

(3020 amended Mar. 11, 1959, P.L.9, No.7)

Section 3021. Personnel of Commission; Appointment; Terms; Vacancies.--Except as otherwise provided in this section, the commission shall be composed of three residents of the township who shall be appointed by the township commissioners and shall

serve without compensation.

The township commissioners may, by ordinance, provide that the commission be composed of five members who shall be residents of the township, shall be appointed by the township commissioners and shall serve without compensation.

Whenever a shade tree commission of three members is established by any township, the township 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.

Whenever a shade tree commission of five members is established by any township, the township 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 township commissioners, to serve for a term of five years.

Vacancies in the office of shade tree commissioner shall be filled by the township commissioners for the unexpired term.

(3021 amended Mar. 24, 2004, P.L.156, No.19)

Section 3022. Powers may be Vested in Park Commission.--Whenever, in any township, there exists a commission for the care of public parks, the township 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.

Section 3023. General Powers of Commission.--The 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 May 27, 1953, P.L.220, No.30)

Section 3024. Hiring of Employes; Legislative Power of Commission.--The commission may, with the approval of the township commissioners, employ and pay such superintendents, engineers, foresters, tree wardens, or other assistants, as the proper performance of the duties devolving upon it shall require, and may make, publish and enforce regulations for the care and protection of the shade trees of the township. No such regulation shall be in force until it has been approved by the township commissioners, and until it has been published at least twice in not more than two newspapers of general circulation in the township, and if no newspapers are published in the township, then in such newspapers circulating in the township.

Section 3025. Report of Commission.--The shade tree commission shall annually report in full, to the township commissioners, its transactions and expenses for the last fiscal year of the township. The park commission may incorporate such

transactions and expenses in its regular report to the township commissioners.

Section 3026. Notice of Commission's Activities; Planting or Removal of Shade Trees.--Whenever any shade tree commission or park commission proposes to plant, transplant, or remove shade trees on any street or highway, notice of the time and place of meeting, at which such work is to be considered, shall be given in not more than two newspapers of general circulation in the township, and if no newspapers are published in the township, then in such newspapers circulating in the township, once a week for two weeks, 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 so planted, replanted, or removed.

Section 3027. Landholders Liability for Costs.--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 the protection thereof, and of the replacing of any pavement or sidewalk necessarily disturbed in the execution of such work, shall be paid by the owner of the real estate in front of whose property the work is done.

The amount each owner is to pay shall be ascertained and certified by the commission to the township commissioners and to the township treasurer.

Section 3027.1. Removal of Diseased Trees.--The commission may, upon such notice as may be provided by ordinance, require owners of property to cut and remove trees afflicted with the Dutch elm or other disease which threatens to injure or destroy shade trees in the township, under regulations prescribed by ordinance. Upon failure of any such owner to comply with such notice, the township may cause the work to be done by the township and levy and collect the cost thereof from the owner of the property. The cost of such work shall be a lien upon the premises from the time of the commencement of the work, which date shall be fixed by the township engineer and shall be filed with the township secretary. Any such 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.

(3027.1 added Aug. 17, 1951, P.L.1255, No.296)

Section 3028. Assessments Liens.--Upon the filing of the certificate with the township commissioners, the township secretary shall cause thirty days' written notice to be given to the persons against whose property an assessment has been made. The notice shall state the amount of the assessment and the time and place of payment, and shall be accompanied by a copy of the certificate.

The amount assessed against the real estate shall be a lien from the time of the filing of the certificate with the township commissioners, and, if not paid within the time designated in the notice, a claim may be filed and collected by the township in the same manner as municipal claims are filed and collected.

Section 3029. Maintenance by Township; Funds For.--The cost and expenses of caring for such trees after having been planted, and the expense of publishing the notice hereuntofore provided, shall be paid by the township.

The needed amount shall each year be certified by the shade tree commissioners to the township commissioners, and shall be drawn against as required by the commission, in the same manner as money appropriated for township purposes.

The township commissioners, instead of levying the tax authorized under the general tax levying powers of this act, may provide for the expense of caring for trees already planted and of publishing the notice, by appropriations equal to the amount certified to be required by the shade tree commission.

Section 3030. Penalties.--The commission, to the extent as may be provided by ordinance of the township, may assess penalties for the violation of its regulations, and of this article so far as it relates to shade trees. Any penalty so assessed shall be a lien upon the real estate of the offender, and may be collected as municipal claims are collected.

Section 3031. Disposition of Penalties.--All penalties or assessments imposed under this article shall be paid to the township treasurer, to be placed to the credit of the shade tree commission, subject to be drawn upon by the commission for the purposes of the preceding sections.

(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.--Townships may acquire, by purchase, gift, or lease, and hold tracts of land covered with forest or tree growth, or suitable for the growth of trees, and administer the same under the direction of the Department of Forests and Waters, in accordance with the practices and principles of scientific forestry, for the benefit of the township. Such tracts may be of any size

suitable for the purpose, and may be located within or without the township limits.

Section 3041. Approval of Department of Forests and Waters.--Before the passage of any ordinance for the acquisition of land to be used as township forests, the township commissioners shall submit to the Department of Forests and Waters, and secure its approval of, the area and location of such land.

Section 3042. Ordinance and Notice.--Whenever the township commissioners deem it expedient to acquire any lands for forests, they shall so declare in an ordinance, wherein shall be set forth all facts and conditions relating to the proposed action.

Section 3043. Appropriation for Acquisition.--All money necessary for the purchase of such tracts shall be appropriated in the same manner as appropriations for township purposes, and such funds may be provided from the current revenue or by the proceeds of a sale of general obligation bonds in accordance with existing law.

Section 3044. Rules and Regulations.--Upon the acquisition of any forests or lands suitable for forests, the township commissioners shall notify the Department of Forests and Waters, which shall make such rules for the government and proper administration of the same as may be deemed necessary; and the commissioners shall publish such rules, declare the uses of the forest in accordance with the intent of this subdivision, and make such provision for its administration, maintenance, protection, and development as shall be necessary or expedient. The rules governing the administration of such forests shall have for their main purpose the producing of a continuing township revenue by the sale of forest products.

Section 3045. Appropriation for Maintenance.--All moneys necessary to be expended for the administration, maintenance, protection, and development of such forests shall be appropriated and applied as is now done for township purposes. All revenue and emoluments arising from such forests shall be paid into the township treasury, to be used for general township purposes.

Section 3046. Use of Township Forests.--Township forests may be used by the public as general outing or recreation grounds, subject to the rules of the Department of Forests and Waters governing their administration as municipal forests, and rules adopted by the township commissioners not inconsistent with law or regulations of the department.

Section 3047. Ordinance of Sale.--Whenever the township commissioners deem it expedient to sell or lease any forest, or part thereof, or products therefrom, they shall so declare in an

ordinance, wherein shall be set forth all the facts and conditions relating to the proposed action. No ordinance for the sale or lease of a municipal forest, or part thereof, shall be effective in legalizing such sale or lease until it has been approved by a majority vote of the people at the next ensuing general, municipal or primary election.

Section 3048. Appropriation of Moneys to Forestry Organizations.--The commissioners of any township may appropriate moneys from their respective treasuries to any forest protection association, cooperating in forest work with the State Department of Forests and Waters, or to be expended in direct cooperation with said Department of Forests and Waters in forest work.

ARTICLE XXX-A
LAND SUBDIVISION

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

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 XXXII TOWNSHIP PLANNING COMMISSION

Section 3201. Power to Create Planning Commission; Residence of Commissioners; Employes; 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

Section 3301. Proceedings for Violation of Township Ordinances.--All proceedings for the violation of township ordinances, and for the collection of fines and penalties imposed thereby, may be commenced by warrant or by summons, at the discretion of the justice of the peace before whom the proceeding is begun. No warrant shall be issued except upon complaint, on oath or affirmation, specifying the ordinance for the violation of which the same is issued. All proceedings shall be directed to and be served by any policeman or constable of the township, who shall execute the same anywhere within the State as may be provided by law. Persons arrested for violation of a township ordinance shall be entitled to give bail for their appearance according to the practice in cases of summary proceedings. Warrants shall be returnable forthwith, and, upon such return, like proceedings shall be had in all cases as in summary convictions, with the same right of appeal from any

final judgment entered therein, except where otherwise provided by existing laws.

Section 3302. Arrests on View; Complaints.--When any person is arrested on view, a complaint on oath or affirmation, shall be immediately made, whereupon the like proceedings shall be had as upon a warrant issued.

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.--Any person arrested for the violation of a township ordinance may be committed to the township lockup pending a hearing or trial. In case there is no suitable lockup or place in which to detain prisoners, the person arrested may be committed to the county jail or workhouse. No person shall be committed, pending a hearing, for a longer period than twenty-four hours except where Sunday intervenes. Upon judgment against any person by summary conviction or by proceedings by summons, on default of the payment of the fine or penalty imposed by said judgment and the costs, the defendant may be sentenced and committed to the township lockup for a period not exceeding five days, or to the county jail or workhouse for a period not exceeding thirty days. No fine or penalty shall exceed three hundred dollars for any single violation of any ordinance. In case the defendant has goods or property of any kind whatsoever, out of which said judgment and costs can be collected by execution, *capias*, or other process, the plaintiff in the action may elect to proceed to collect the said judgment by such proceedings.

Section 3305. Township's Liability for Costs of Prisoners to County.--When a prisoner is committed to any county jail or workhouse, either for the nonpayment of a fine or penalty imposed for the violation of any ordinance of a township, or while awaiting a hearing upon any charge for the violation of any ordinance of a township, the costs of proceedings and the expenses of maintaining such prisoner during his confinement, by virtue of any such commitment, shall be paid by the township whose ordinances were alleged to have been violated or to which any such fines or penalties are payable. The county shall not be liable for any maintenance or to any officer or persons for any costs.

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. Recovery of Municipal Claims by Suit.--In addition to the remedies provided by law for the filing of liens for the collection of municipal claims, 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, notwithstanding the fact that there was a failure on the part of any such township, or its agents, to enter any such municipal claim as a lien against the property assessed for the improvement, and for the recovery of which the action of assumpsit was brought. Any such action in assumpsit shall be commenced within three years after the completion of the improvement from which said claim arises.

ARTICLE XXXV

REPEALS

Section 3501. Nothing contained in this amendment, revision and reenactment shall be construed to revive any act or part of an act heretofore repealed. The following additional acts and parts of acts are hereby repealed as respectively indicated: 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.

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.

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.

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.

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.

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.

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.

Section 3502. 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. This act shall not repeal or modify any of the provisions of the Public Utility Law, nor any law, the enforcement of which is vested in the Department of Health or the Sanitary Water Board, or the provisions of any law, the enforcement of which is vested in the Department of Forests and Waters or the Water and Power Resources Board.

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).