

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1877 Session of
2021

INTRODUCED BY FREEMAN, JAMES, MOUL, KNOWLES, SAPPEY AND WEBSTER,
SEPTEMBER 20, 2021

SENATOR DUSH, LOCAL GOVERNMENT, IN SENATE, AS AMENDED,
JANUARY 25, 2022

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, in alteration of territory or
3 corporate entity and dissolution, providing for municipal
4 boundary change; and making related repeals.

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

7 Section 1. Chapter 7 of Title 53 of the Pennsylvania
8 Consolidated Statutes is amended by adding a subchapter to read:

9 SUBCHAPTER B

10 MUNICIPAL BOUNDARY CHANGE

11 Sec.

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15 § 711. Scope of subchapter.

16 This subchapter relates to municipal boundary changes and
17 adjustments to municipal indebtedness and property rights
18 following boundary change.

19 § 712. Definitions.

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

23 "Abutting municipal corporations." Municipal corporations
24 that share contiguous territory.

25 "Boundary ascertainment." Establishment of a municipal
26 boundary between abutting municipal corporations by judicial
27 decree.

28 "Boundary change" or "change of boundary." Any change in the
29 municipal boundary between abutting municipalities, other than
30 as a result of a merger or consolidation under Subchapter C

1 (relating to consolidation and merger), including any transfer
2 of territory, boundary clarification or boundary ascertainment.

3 "Boundary clarification." Establishment of a municipal
4 boundary by agreement under this subchapter between municipal
5 corporations in a territorial area with a previously unclear
6 boundary.

7 "Contiguous territory." Territory of which a portion abuts
8 the boundary of another municipal corporation, including
9 territory separated from the exact boundary of another municipal
10 corporation by a street, road, railroad or highway or by a river
11 or other natural or artificial stream of water.

12 "Governing body." The council in a city, borough or
13 incorporated town, the board of commissioners in a county or
14 township of the first class, the board of supervisors in a
15 township of the second class or the legislative policymaking
16 body in a home rule municipality.

17 "Impacted property." A parcel of real property that is
18 divided by a municipal boundary prior to, or will be divided
19 incident to, a proposed boundary change.

20 "Impacted territory." Territory which is subject to a
21 boundary change.

22 "Municipal corporation." A city, borough, incorporated town,
23 township or home rule municipality that is not a county.

24 "Municipality." A county, city, borough, incorporated town
25 or township.

26 "Unclear boundary." Contiguous territory between two
27 municipal corporations in which the exact boundary between the
28 municipal corporations is in dispute or cannot be readily
29 discerned as a result of conflicting or missing records.

30 § 713. Interpretation.

1 (a) Certain actions unaffected.--Nothing in this act shall
2 preclude, restrict or limit successive changes in boundaries and
3 territorial limits of any municipality.

4 (b) County boundaries unaffected.--When a boundary change is
5 made under the provisions of this act which results in a
6 municipal corporation which lies partly in one county and partly
7 in one or more other counties, the territory within the
8 municipal corporation shall, for county purposes, be and remain
9 a part of the county in which the respective territory is
10 physically located.

11 (c) School districts unaffected.--Nothing in this act, and
12 no action taken under this act, shall affect or apply to any
13 school district or any school district boundary, but nothing
14 shall preclude further action from being taken under the
15 provisions of the act of March 10, 1949 (P.L.30, No.14), known
16 as the Public School Code of 1949, or other applicable
17 provisions of law to change the boundary or location of a school
18 district.

19 (d) Initiative and referendum.--Nothing in this act shall
20 preclude a change of boundary by initiative and referendum as
21 provided in sections 8 and 14 of Article IX of the Constitution
22 of Pennsylvania.

23 § 714. Stream boundaries.

24 (a) General rule.--If a municipal corporation is bounded by
25 the nearest margin of a navigable stream and the opposite
26 municipal corporation is also bounded by the nearest margin of
27 the same stream, the middle of the stream shall be the boundary
28 between the municipal corporations.

29 (b) Prior actions unaffected.--Nothing in this section shall
30 be construed to affect any boundary established prior to the

1 effective date of this section between municipal corporations or
2 repeal any local or special law contrary to this section.

3 § 715. Boundary change agreement by abutting municipalities.

4 (a) General rule.--Two or more abutting municipal
5 corporations, may, by the adoption of an ordinance memorializing
6 an agreement under this subchapter:

7 (1) Transfer or exchange territory between municipal
8 corporations.

9 (2) Establish a territorial boundary between municipal
10 corporations by boundary clarification.

11 (a.1) County boundary agreement by certain abutting
12 counties.--Two or more abutting counties may, by the adoption of
13 an ordinance memorializing an agreement under this subchapter,
14 transfer territory between counties to the extent necessary to
15 align a portion of the county territorial boundary with the
16 territorial boundary of a municipal corporation where the
17 municipal corporation is divided by the existing county
18 territorial boundary.

19 (b) Prohibition on unincorporated territory.--No boundary
20 change may result in territory not incorporated in any municipal
21 corporation or county.

22 (c) Contents of ordinance.--An ordinance under this section
23 shall provide a description of the territory to be transferred
24 by a change of boundary, or territorial boundary to be
25 established within the impacted territory, and shall contain or
26 have attached a plot showing the courses and distances of the
27 boundaries of the municipalities as follows:

28 (1) In the case of a transfer of territory, municipal
29 boundaries before and after the proposed change in the
30 boundaries or territorial limits.

1 (2) In the case of a boundary established to resolve an
2 unclear boundary, the proposed boundary and a description of
3 the area which was in dispute or unclear.

4 (d) Public meeting.--In addition to the procedures that
5 apply to the proposal and adoption of ordinances, each
6 municipality shall accept public comment on the proposed
7 ordinance at a regular or special meeting occurring not less
8 than 10 days after the ordinance is introduced and occurring not
9 less than 10 days prior to the adoption of the ordinance.
10 Nothing shall prevent the municipalities from satisfying this
11 requirement by holding a joint public meeting in one of the
12 municipalities.

13 (e) Notification of ordinance.--Within 15 days after
14 enactment of an ordinance under this subchapter, the governing
15 body of a municipality shall perform all of the following acts:

16 (1) Assign, for reference, a distinctive designation to
17 any impacted territory.

18 (2) File with the clerk of court and board of
19 commissioners of the county, a certified copy of the
20 ordinance by which the change was effected, together with a
21 plot, showing the courses and distances of the boundaries
22 before and after the change and clearly indicating any
23 designation or designations, as provided in paragraph (1). If
24 the impacted territory is located in or impacts the
25 territorial boundary of more than one county, the documents
26 and information shall be filed in each impacted county.

27 (3) Notify the record owner of each impacted property in
28 writing.

29 (f) Petition and suspension of ordinance.--A boundary change
30 under an ordinance enacted under this section shall be suspended

1 following the presentation of a petition, in writing, to the
2 municipal secretary, or the chief clerk of the county, as the
3 case may be, of at least one impacted municipality protesting
4 the proposed boundary change. A valid petition under this
5 section shall be composed of:

- 6 (1) at least 20% of registered electors of the municipal
7 corporation or county. Petitioners must provide their address
8 on the petition along with their respective signatures; or
9 (2) at least one owner of an impacted property.

10 (g) Deadline for filing petition and notice.--A petition
11 under subsection (f) shall be filed with the secretary or clerk
12 of the municipal corporation, or the chief clerk of the county,
13 as the case may be, where the registered electors reside no
14 later than the 20th day after the date on which the municipal
15 corporation files its documents under subsection (e)(2) in the
16 county. If the required number of registered electors have
17 signed the petition, the municipal secretary or clerk shall
18 provide notice of the petition to the governing body of all
19 impacted municipalities.

20 (h) Referendum.--The following shall apply:

21 (1) If the required number of electors or owners have
22 signed the petition as provided in subsection (f) in any
23 impacted municipal corporation or county, the governing body
24 of each impacted municipality shall call for a referendum to
25 be held at the time of the next general, municipal or primary
26 election occurring at least 90 days after the petition has
27 been filed, at which election the question of whether the
28 boundary change as provided in the ordinance of each affected
29 municipality will be submitted to the electors of each
30 affected municipality. Notice of the election and the text of

1 the question to be submitted to the electors shall be
2 published in the same manner as publication is required in
3 section 1201 of the act of June 3, 1937 (P.L.1333, No.320),
4 known as the Pennsylvania Election Code.

5 (2) The question to be submitted to the electors on the
6 ordinance shall be framed to identify the ordinance, followed
7 by the words "yes" and "no." The question shall be placed on
8 the ballot which shall be counted, returned and computed in
9 accordance with the election laws of this Commonwealth.

10 (3) If the majority of the qualified electors of the
11 municipality voting on the ordinance vote for the ordinance
12 in all impacted municipalities, the boundary change shall
13 take effect.

14 § 716. Petition and establishment of disputed boundaries by
15 judicial ascertainment.

16 (a) Judicial ascertainment.--A court of common pleas may,
17 upon presentation of a petition, ascertain and establish
18 disputed boundaries of two or more municipal corporations.

19 (b) Bond required.--If a petition is presented, the court
20 under subsection (a) may require the petitioners to file a bond
21 in a sufficient amount to secure the payment of all costs of the
22 proceeding.

23 (c) Petition requirement.--A petition under this section
24 shall be submitted in writing by:

25 (1) One or more owners of an impacted property.

26 (2) Ten or more residents of any municipal corporation
27 impacted by the disputed boundary.

28 § 717. Judicial ascertainment procedure.

29 (a) Appointment.--Upon application by petition under section
30 716 (relating to petition and establishment of disputed

1 boundaries by judicial ascertainment), the court shall appoint
2 three impartial individuals as commissioners, one of whom must
3 be a surveyor or registered engineer.

4 (b) Hearing.--After providing notice to interested parties
5 and upon publication of the petition, as directed by the court,
6 the commissioners shall hold a hearing and view the disputed
7 lines and boundaries.

8 (c) Stay of proceedings.--In the event that the governing
9 body of a municipal corporation notifies the court that the
10 impacted municipal corporations intend to resolve the disputed
11 boundary by agreement under this act, the court shall stay any
12 proceedings under this section for 90 days. A stay may be
13 extended at the discretion of the court if it appears that the
14 impacted parties are pursuing an agreement in good faith.

15 (d) Report.--A majority of the commissioners shall issue the
16 report and recommendations to the court, accompanied by a plot
17 or draft of the lines and boundaries proposed to be ascertained
18 and established if the lines and boundaries cannot be fully
19 designated by natural lines or boundaries.

20 (e) Exceptions.--Exceptions to the report under subsection
21 (d) may be filed within 30 days after the filing of the report
22 by an interested person or political subdivision. The court
23 shall set and provide notice of a hearing on the exceptions.
24 After a hearing under this subsection, the court may sustain or
25 dismiss the exceptions. If the court has sustained the
26 exceptions, the court may refer the report back to the same or
27 new commissioners with the authority to make another report.

28 (f) Decree.--If no exceptions are filed within 30 days after
29 the filing of the report, or the exceptions have been dismissed,
30 the court shall confirm the report. If a report is confirmed,

1 the court shall:

2 (1) Enter a decree ascertaining and establishing the
3 lines and boundaries as shown in the report.

4 (2) Direct publication of the decree under paragraph
5 (1).

6 (3) Order that the boundary line be marked by
7 appropriate monuments.

8 (g) Compensation, expenses and costs.--The compensation and
9 expenses of commissioners appointed under subsection (a) shall
10 be in a reasonable amount as approved by the court. The court
11 shall, by order, provide how costs and expenses of the
12 proceedings shall be paid and may assess the costs individually
13 or in apportioned amounts against the following:

14 (1) The petitioners.

15 (2) Any interested municipal corporation.

16 § 718. Effective date of boundary change.

17 (a) Change by ordinance.--The change in boundaries under an
18 ordinance shall take effect on January 1 of the year following
19 the date on which all of the documents under section 715(e)(2)
20 (relating to boundary change agreement by abutting
21 municipalities) have been filed, unless:

22 (1) the filing date is within 60 days prior to the end
23 of a calendar year, in which case the change shall take
24 effect as of January 1 of the second year following the
25 filing date; or

26 (2) a timely petition is filed under section 715 in
27 which case the petition shall act as a supersedeas and the
28 change in boundaries in all impacted municipalities shall
29 only take effect if the referendum under section 715 passes,
30 where the boundary change shall take effect on January 1 of

1 the year following the referendum.

2 (b) Change by ascertainment.--A change of boundaries by
3 judicial ascertainment shall take effect on the effective date
4 of the decree.

5 (c) Change by referendum.--In the event of a change of
6 boundary under the provisions of section 8 of Article IX of the
7 Constitution of Pennsylvania by referendum, the change of
8 boundary shall take effect on January 1 of the year following
9 the referendum.

10 § 719. Notification of boundary change.

11 (a) General rule.--Within 15 days after a change in
12 boundaries has taken effect, the governing body of a
13 municipality shall file a final report of the boundary change
14 containing the following information with the County Board of
15 Elections, the Department of Community and Economic Development,
16 the Department of Transportation, the Governor's Office of
17 Policy Development or its successor, the Department of Education
18 and the State Tax Equalization Board:

19 (1) The name of the impacted municipalities.

20 (2) A land survey showing the courses and distances of
21 the boundary in the impacted territory.

22 (3) The location of the monuments along the new boundary
23 line.

24 (4) The total assessed valuation of the impacted
25 territory.

26 (5) The approximate population of the impacted
27 territory.

28 (6) The designation, as provided for in section 715(e)

29 (1) (relating to boundary change agreement by abutting
30 municipalities), by which the impacted territory is to be

1 known.

2 (7) In the case of a boundary change by judicial
3 ascertainment, the decree shall be attached to the report.

4 (b) Combined notifications authorized.--All municipalities
5 impacted by a boundary change may jointly provide for a combined
6 final report under subsection (a).

7 § 720. Monuments.

8 The impacted municipalities shall provide for the placement
9 of monuments, no more than 1,500 feet apart, along the newly
10 established boundary line, other than where a natural line can
11 be described, in a manner adequate that the entire territory in
12 question can be depicted and represented for the future. The
13 coordinates of monuments shall be expressed in terms of the
14 State Plane Coordinate System in effect on the date of the
15 change of boundary.

16 § 721. Wards.

17 (a) Increased municipal territory.--If a municipal
18 corporation gaining territory is divided among wards, the
19 governing body shall, within 30 days after the change in
20 boundaries is effective, provide for the distribution of the
21 gained territory among the wards of the municipal corporation or
22 for the creation of one or more wards out of the gained
23 territory.

24 (b) Decreased municipal territory.--If the municipal
25 corporation decreasing territory is divided among wards, the
26 governing body of the municipal corporation, shall within 30
27 days after the change in boundaries is effective, provide for
28 the alteration of wards among the remaining territory.

29 § 722. Collection of taxes levied prior to change of boundary
30 and authorized expenditures.

1 (a) Taxes.--All taxes assessed and levied against property
2 in an impacted territory prior to the effective date of the
3 boundary change shall be paid to the municipality which levied
4 the tax, and the collection and enforcement of taxes under this
5 subsection shall be as though the change of boundary had not
6 taken place.

7 (b) Expenditures.--A municipality initiating a boundary
8 change by ordinance under this subchapter is authorized to make
9 reasonable expenditures for surveys required to describe the
10 property under consideration, or for any other necessary
11 purpose.

12 § 723. Election districts and officers.

13 All election districts in the impacted territory shall remain
14 as constituted prior to the boundary change and shall become
15 election districts of the municipality gaining territory on the
16 change in designation in accordance with the act of June 3, 1937
17 (P.L.1333, No.320), known as the Pennsylvania Election Code. All
18 election district officers shall continue in office until the
19 expiration of the officer's term, unless the office is vacated.

20 § 724. Governing body agreements.

21 (a) General rule.--Prior to the effective date of a boundary
22 change, an impacted municipality may execute an agreement fully
23 resolving:

24 (1) Transfers of any funds and indebtedness related to
25 property within the impacted territory.

26 (2) The sharing of costs associated with the territorial
27 alteration or clarification.

28 (3) The sharing or division of any tax or fee revenues
29 associated with property within the impacted territory in the
30 year that a territorial alteration occurs.

1 (4) A resolution of any matters, rights or other issues
2 incident to the transfer of territory.

3 (b) Exception.--In the event that an agreement under this
4 section is incorporated in an ordinance, sections 725 (relating
5 to adjustment of indebtedness), 726 (relating to judicial
6 adjustment award proceedings), 727 (relating to compensation,
7 expenses and costs), 728 (relating to territory located in
8 multiple counties) and 729 (relating to bond issues) shall not
9 apply.

10 § 725. Adjustment of indebtedness.

11 (a) Property.--The following shall apply:

12 (1) Following a boundary change under this subchapter or
13 any other provision of law, the governing bodies of the
14 impacted municipalities shall make an equitable adjustment
15 and apportionment of all the public real and personal
16 property impacted by the change of boundary.

17 (2) Except as provided under paragraph (3), the property
18 under paragraph (1) shall include funds and indebtedness.

19 (3) If adjusting property and indebtedness under
20 paragraph (1), streets, sewers and utilities may not be
21 considered except to the extent that current and unpaid
22 indebtedness was incurred for the construction and
23 improvement of the property.

24 (b) Proportion.--In making the adjustment and apportionment
25 under subsection (a), the following shall apply:

26 (1) The municipality gaining territory shall be entitled
27 to a division of the property and indebtedness in the same
28 proportion that the assessed valuation of the taxable real
29 estate included within the territorial limits of the newly
30 gained territory bears to the assessed valuation of the

1 taxable real estate in the ~~municipal corporation~~ MUNICIPALITY <--
2 losing territory immediately prior to the boundary change.
3 The municipality losing territory shall be entitled to the
4 remainder of the property and indebtedness.

5 (2) If indebtedness was incurred by the municipality
6 losing territory for an improvement located wholly within the
7 territorial limits of the newly transferred territory, the
8 indebtedness shall be assumed by the municipality gaining
9 territory.

10 (3) If only part of the improvement is located within
11 the newly transferred territory, the part of the indebtedness
12 representing the part of the improvement located within
13 transferred territory shall be assumed by the municipality
14 gaining territory and the adjustment and apportionment of any
15 remaining debt shall be retained by the municipality losing
16 territory.

17 (c) Form.--The adjustment and apportionment made under this
18 section must meet all of the following:

19 (1) Be in writing and duly executed and acknowledged by
20 the secretary or clerk of each impacted municipal
21 corporation, or the chief clerk of the county, as the case
22 may be.

23 (2) Be filed in the office of the clerk of the court of
24 common pleas of the county.

25 (3) Be filed as a copy with the Department of Community
26 and Economic Development.

27 (d) Petition for judicial adjustment.--If the governing
28 bodies of the impacted municipalities cannot make an amicable
29 adjustment and apportionment of the property and indebtedness
30 within six months after the effective date of the change in

1 boundaries, the governing body of a municipality may present a
2 petition to the court of common pleas, OR THE COMMONWEALTH COURT <--
3 UNDER SECTION 728 (RELATING TO TERRITORY LOCATED IN MULTIPLE
4 COUNTIES), requesting a judicial adjustment.

5 (e) Appointment.--After receiving a petition under
6 subsection (d), the court shall appoint three disinterested
7 commissioners who. IF THE IMPACTED TERRITORY IS LOCATED IN TWO <--
8 OR MORE COUNTIES, SECTION 728 SHALL APPLY. IF ALL OF THE
9 IMPACTED TERRITORY IS LOCATED IN ONE COUNTY, THE COMMISSIONERS
10 SHALL meet all of the following requirements:

11 (1) Are residents and taxpayers of the county.

12 (2) Are not residents of or own real estate in an
13 impacted municipality MUNICIPAL CORPORATION. <--

14 (f) Report.--The individuals appointed under subsection (e)
15 shall hold a hearing and make a report to the court containing
16 an adjustment and apportionment of all the property and the
17 indebtedness between the impacted municipalities. Notice shall
18 be made as provided by the court. The report shall state the
19 amount due to, payable from and the amount of indebtedness that
20 shall be assumed by each impacted municipality.

21 § 726. Judicial adjustment award proceedings.

22 (a) Notice.--The commissioners appointed under section
23 725(e) (relating to adjustment of indebtedness) shall give the
24 impacted municipalities at least five days' notice of the filing
25 of the report under section 725(f).

26 (b) Exceptions.--If exceptions are filed to the report made
27 under section 725(f), the court shall dispose of the exceptions
28 and shall enter its decree confirming or modifying the award.

29 (c) Confirmation.--Unless exceptions are filed to the report
30 within 30 days after the date of the filing, the report shall be

1 confirmed by the court and the court shall issue an appropriate
2 order effectuating the report.

3 § 727. Compensation, expenses and costs.

4 The commissioners appointed under section 725(e) (relating to
5 adjustment of indebtedness) shall receive compensation and
6 expenses for their services as provided by the court. The costs
7 of the proceedings, including the compensation and expenses of
8 the commissioners, shall be apportioned by the court between the
9 impacted municipalities.

10 § 728. Territory located in multiple counties.

11 If the impacted territory is located in two or more counties,
12 Commonwealth Court shall have exclusive jurisdiction over the
13 proceedings to adjust and apportion the PROPERTY AND <--
14 indebtedness between the ~~municipality~~. MUNICIPALITIES. <--

15 NOTWITHSTANDING THE PROVISIONS OF SECTION 725(E) (RELATING TO
16 ADJUSTMENT OF INDEBTEDNESS), THE COURT SHALL APPOINT THREE
17 DISINTERESTED COMMISSIONERS WHO ARE RESIDENTS OF THIS
18 COMMONWEALTH BUT ARE NOT RESIDENTS OF, OR OWNERS OF REAL ESTATE
19 IN, ANY IMPACTED COUNTY.

20 § 729. Bond issues.

21 In a proceeding to adjust and apportion indebtedness, a
22 municipality shall have power to issue and deliver interest-
23 bearing bonds in liquidation of the indebtedness ascertained, to
24 be its proportionate share payable, if the bonds are acceptable
25 to the municipality entitled to receive the bonds. The court may
26 make necessary orders for the collection and payment.

27 Section 2. Repeals are as follows:

28 (1) The General Assembly declares that the repeals under
29 paragraph (2) are necessary to effectuate the addition of 53
30 Pa.C.S. Ch. 7 Subch. B.

1 (2) The following acts and parts of acts are repealed:

2 (i) The act of April 28, 1903 (P.L.332, No.260),
3 entitled "An act for the annexation of any city, borough,
4 township, or part of a township, to a contiguous city,
5 and providing for the indebtedness of the same."

6 (ii) The act of May 31, 1923 (P.L.473, No.258),
7 entitled "An act authorizing the annexation to cities of
8 the second class of portions of townships not exceeding
9 one hundred acres in area and totally surrounded by said
10 cities; and providing for the division of the assets and
11 liabilities of said townships."

12 (iii) The act of May 12, 1925 (P.L.596, No.320),
13 entitled "An act providing for the alteration of the
14 boundaries of counties in certain cases for the
15 adjustment of the indebtedness thereof; providing the
16 effect thereof."

17 (iv) Sections 301, 302, 303, 304, 305, 306 and 307
18 of the Act of June 24, 1931 (P.L.1206, No.331), known as
19 The First Class Township Code.

20 (v) Sections 301, 302, 303, 304, 305, 306 and 307 of
21 the Act of May 1, 1933 (P.L.103, No.69), known as The
22 Second Class Township Code.

23 (vi) The act of June 15, 1939 (P.L.372, No.217),
24 entitled "An act affecting cities of the second class A,
25 authorizing the annexation of boroughs and townships
26 thereto under certain conditions, and, in connection
27 therewith, placing duties upon or affecting courts of
28 quarter sessions, county boards of elections, and
29 officers of boroughs, townships and cities of the second
30 class A, and providing for the payment of the

1 indebtedness of the various territorial units involved."

2 (vii) The act of July 20, 1953 (P.L.550, No.145),
3 entitled "An act providing for and regulating the
4 annexation of parts of a second class township to
5 boroughs, cities and townships."

6 (viii) 8 Pa.C.S. §§ 501, 502, 503, 504, 505 and 506.

7 (ix) 11 Pa.C.S. §§ 10601, 10602, 10603, 10604, 10605
8 and 10606.

9 (3) All other acts and parts of acts are repealed
10 insofar as they are inconsistent with this act.

11 Section 3. This act shall take effect in 60 days.