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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 497 Session of  
2013

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INTRODUCED BY EICHELBERGER, ERICKSON, BLAKE, ROBBINS AND  
WOZNIAK, FEBRUARY 13, 2013

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REFERRED TO LOCAL GOVERNMENT, FEBRUARY 13, 2013

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AN ACT

1 Reenacting and amending the act of June 23, 1931 (P.L.932,  
2 No.317), entitled "An act relating to cities of the third  
3 class; and amending, revising, and consolidating the law  
4 relating thereto."

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7 Section 4204. Operation of Facilities Jointly.

8 Section 4205. Appropriation for Support of Air Navigation  
9 Facilities.

10 ARTICLE XLIII

11 PENSIONS

12 (a) Police

13 Section 4301. Police Pension Fund.

14 Section 4302. Retirement; Final Discharge.

15 Section 4302.1. Limited Vested Benefit.

16 Section 4303. Allowances and Service Increments.

17 Section 4303.1. Increase of Allowances After Retirement.

18 Section 4303.2. Total Disability.

19 Section 4304. Inalienable Rights in Fund.

20 Section 4305. Payments to Police Pension Fund by City.

21 Section 4306. Management of Police Pension Fund.

22 Section 4307. Trusts for Benefit of Police Pension Fund.

23 Section 4308. Repayment Before Retirement.

24 Section 4309. Definitions.

25 (b) Firefighters

26 Section 4320. Firefighters' Pension Fund; Management; Annuity  
27 Contracts.

28 Section 4320.1. Limited Vested Benefit for Firefighters.

29 Section 4321. Retirement; Final Discharge.

30 Section 4322. Pensions and Service Increments.

1 Section 4322.1. Increase of Allowances After Retirement.  
2 Section 4323. Causes for Forfeiture of Rights in Fund; Other  
3           Employments.  
4 Section 4324. Payments to Firefighters' Pension Fund by City.  
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7 Section 4327. Repayment Before Retirement.  
8 Section 4328. Definitions.  
9           (c) Pension Funds for Employes Other Than  
10           Police Officers and City-Paid Firefighters  
11 Section 4340. Pension Funds for Employes other than Police or  
12           City-Paid Firefighters.  
13 Section 4341. Pension Board; Duties.  
14 Section 4342. Retirement Age.  
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16           and Single Coverage Members Defined.  
17 Section 4343.1. Retirement Allowances; Full Coverage; Payments.  
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20           Retirement.  
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22           Social Security.  
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24 Section 4346. Heads of Departments to Certify List of Employes.  
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26 Section 4348. Appropriations and Contributions to Fund.  
27 Section 4349. Application.  
28 Section 4350. Computation of Time of Service.  
29 Section 4351. Funds Payable to be Free of Attachment.  
30 Section 4352. Definitions.

1 Section 4353. Beneficiaries of Fund not to be Employed by City.

2 (d) Beneficiaries Serving in Elective Office

3 Section 4361. Right to a Pension if Salary Refused.

4 ARTICLE XLIV

5 CIVIL SERVICE

6 Section 4401. Examinations Required of All Appointees.

7 Section 4402. Appointment of Examining Board.

8 Section 4402.1. Existing Civil Service Positions.

9 Section 4403. Terms; Filling of Vacancies; Compensation;

10 Quorum.

11 Section 4403.1. Alternate Board Members.

12 Section 4403.2. Investigations and Subpoenas.

13 Section 4404. Rules and Regulations; Examinations.

14 SECTION 4404.1. Physical and Psychological Medical

15 Examinations.

16 Section 4405.1. Veterans' Preference.

17 Section 4406. Selection of Appointee from Certified List of

18 Applicants.

19 Section 4406.1 Promotions.

20 Section 4407. Tenure; Temporary Appointments.

21 Section 4408. Suspension, Discharge and Discipline; Reduction

22 of Employes; Appeals.

23 Section 4409. Secretary; Compensation.

24 Section 4410. Review of Eligibility Lists.

25 ARTICLE XLIV-A

26 VETERANS' AFFAIRS

27 (a) Support of Veterans' Organizations

28 Section 4401-A. Appropriation to post of veterans.

29 Section 4402-A. Rooms for meetings of veterans.

30 (b) Pennsylvania National Guard

1 Section 4411-A. Support of Pennsylvania National Guard units.

2 Section 4412-A. Assistance in erection of armories.

3 Section 4413-A. Eminent domain for National Guard purposes.

4 Section 4414-A. Lands for armory purposes.

5 (c) Burials and Memorials

6 Section 4421-A. Purchase of burial grounds for deceased service  
7 persons.

8 Section 4422-A. Care of memorials.

9 Section 4423-A. Memorial trees.

10 Section 4424-A. Penalty for injury to memorial trees.

11 ARTICLE XLV-A

12 ASSESSMENTS FOR PUBLIC IMPROVEMENTS

13 Section 4501-A. Authority to assess.

14 Section 4502-A. Method of assessment.

15 Section 4503-A. Notice of assessment.

16 Section 4504-A. Appeals to court.

17 Section 4505-A. Benefits and damages.

18 Section 4506-A. Return by city of assessments paid on property  
19 unlawfully assessed.

20 Section 4507-A. Payment of assessments in installments.

21 Section 4508-A. Collection of assessments.

22 ARTICLE XLVI

23 COLLECTION OF MUNICIPAL CLAIMS BY SUIT AND

24 COMPROMISE OF CLAIMS

25 Section 4601. Collection of Municipal Claims by Suit.

26 Section 4602. Compromise of Municipal Claims.

27 ARTICLE XLVII

28 ACTS OF ASSEMBLY REPEALED; SAVING CLAUSE

29 Section 4701. Repeals and Savings Clause.

30 The General Assembly of the Commonwealth of Pennsylvania



1 hereby enacts as follows:

2 Section 1. Article I heading of the act of June 23, 1931  
3 (P.L.932, No.317), known as The Third Class City Code, reenacted  
4 and amended June 28, 1951 (P.L.662, No.164), is reenacted to  
5 read:

6 ARTICLE I

7 PRELIMINARY PROVISIONS

8 Section 2. Sections 101, 102, 103, 104, 105, 106, 107, 108  
9 and 109 of the act are amended to read:

10 Section 101. Short Title.--This act shall be known[,] and  
11 may be cited[,] as "The Third Class City Code."

12 Section 102. Definitions.--The following words and terms, as  
13 used in this act, shall have the meanings herein assigned to  
14 them, unless the context clearly indicates otherwise:

15 ["City," a city of the third class.

16 "Street," any street, avenue, boulevard, parkway, road, lane,  
17 court, alley, or public square within the city, and any highway  
18 within the city, as provided in section two thousand nine  
19 hundred thirty-nine of this act.

20 "Highway," a state highway of the Commonwealth of  
21 Pennsylvania.

22 "Bill," any] "Bill." Any proposed ordinance introduced in  
23 council.

24 "City." A city of the third class.

25 "Highway." A State highway of the Commonwealth.

26 "Home Rule Charter and Optional Plans Law." The provisions  
27 of 53 Pa.C.S. Pt. III Subpt. E (relating to home rule and  
28 optional plan government) and, where applicable, the former act  
29 of April 13, 1972 (P.L.184, No.62), known as the "Home Rule  
30 Charter and Optional Plans Law."

1 "Municipal authority" or "municipality authority." A body  
2 politic and corporate created under 53 Pa.C.S. Ch. 56 (relating  
3 to municipal authorities), under the former act of May 2, 1945  
4 (P.L.382, No.164), known as the "Municipality Authorities Act of  
5 1945," or under the former act of June 28, 1935 (P.L.463,  
6 No.191), known as the "Municipality Authorities Act of one  
7 thousand nine hundred and thirty-five."

8 "Municipal Claim and Tax Lien Law." The act of May 16, 1923  
9 (P.L.207, No.153), referred to as the Municipal Claim and Tax  
10 Lien Law.

11 "Municipal corporation." A city, borough, incorporated town,  
12 or township.

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

16 "Municipality." A county, city, borough, incorporated town,  
17 or township.

18 "Pennsylvania Construction Code Act." The act of November  
19 10, 1999 (P.L.491, No.45), known as the "Pennsylvania  
20 Construction Code Act."

21 "Pennsylvania Election Code." The act of June 3, 1937  
22 (P.L.1333, No.320), known as the "Pennsylvania Election Code."

23 "Street." Any street, avenue, boulevard, parkway, road,  
24 lane, court, alley or public square within the city, and any  
25 highway within the city to the extent that the city is legally  
26 responsible for it, pursuant to agreement or otherwise.

27 Section 103. Excluded Provisions.--This act shall not be  
28 construed to repeal any acts relating to:

29 (a) The collection of municipal and tax claims by liens;

30 (b) The method of incurring and increasing [of] city

1 indebtedness;

2 (c) Conduct of elections;

3 (d) Public schools, except the collection of school taxes by  
4 the city treasurer;

5 (e) [Aldermen] (Reserved);

6 (f) Constables;

7 (g) The giving of municipal consent to public [service  
8 companies] utilities;

9 (h) Weights and measures;

10 (i) Validations of elections, bonds, ordinances, and acts of  
11 corporate officers;

12 (j) Joint city and county buildings;

13 (k) Libraries;

14 (l) State highways;

15 (m) The joint or several authorities or duties pertaining to  
16 cities as well as to other classes of political subdivisions by  
17 virtue of general acts of Assembly.

18 Section 104. Construction of Act Generally to Preserve  
19 Existing Situations.--(a) The provisions of this act, so far as  
20 they are the same as those of existing laws, are intended as a  
21 continuation of such laws and not as new enactments. The repeal  
22 by this act of any act of Assembly, or part thereof, shall not  
23 revive any act, or part thereof, heretofore repealed or  
24 superseded, nor affect the corporate existence of any city  
25 heretofore incorporated. The provisions of this act shall not  
26 affect any act done, liability incurred, or right accrued or  
27 vested, or affect any suit or prosecution pending or to be  
28 instituted to enforce any right or penalty or punish any offense  
29 under the authority of such repealed laws. All ordinances,  
30 resolutions, regulations and rules made pursuant to any act of

1 Assembly repealed by this act[, ] shall continue with the same  
2 force and effect as if such act had not been repealed. Any  
3 person holding office or position under or by virtue of any act  
4 of Assembly repealed by this act shall continue to hold such  
5 office or position until the expiration of the term thereof,  
6 subject to the conditions and tenure attached to such office or  
7 position prior to the passage of this act.

8 (b) A city shall possess, and city council and other city  
9 officials may execute, the corporate powers and duties as  
10 provided in this act and in other laws to the extent that these  
11 powers and duties are not repealed by this act.

12 Section 105. Constitutional Construction.--The provisions of  
13 this act shall be severable[, and, if]. If any of its provisions  
14 shall be held to be unconstitutional, the decision so holding  
15 shall not be construed to affect the validity of any of the  
16 remaining provisions of this act. It is hereby declared as the  
17 legislative intent that this act would have been adopted had  
18 such unconstitutional provisions not been included therein.

19 Section 106. Construction of References.--Whenever in this  
20 act reference is made to any act by title or otherwise, [such]  
21 the reference shall be construed to apply to and include any  
22 codification wherein the provisions of the act referred to are  
23 substantially reenacted.

24 Section 107. Cities to Which Act Applies.--(a) This act  
25 shall apply to [(a) all]:

26 (1) All cities which have been incorporated under or which  
27 have accepted the provisions of the act of [Assembly, approved  
28 the twenty-third day of May, one thousand eight hundred and  
29 seventy-four (Pamphlet Laws 230)] May 23, 1874 (P.L.230,  
30 No.152), entitled "An act dividing cities of this State into

1 three classes; regulating the passage of ordinances; providing  
2 for contracts for supplies and work for said cities; authorizing  
3 the increase of indebtedness, and the creation of a sinking fund  
4 to redeem the same; defining and punishing certain offenses in  
5 all of said cities; and providing for the incorporation and  
6 government of the cities of the third [class," and the  
7 amendments thereto; (b) all] class."

8 (2) All cities which have been incorporated under the  
9 provisions of the act of May [twenty-third, one thousand eight  
10 hundred and eighty-nine (Pamphlet Laws 277)] 23, 1889 (P.L.277,  
11 No.247), entitled "An act providing for the incorporation and  
12 government of cities of the third [class," and the amendments  
13 thereto; (c) all] class."

14 (3) All cities which have been incorporated under the  
15 provisions of the act of [Assembly, approved June twenty-  
16 seventh, one thousand nine hundred and thirteen (Pamphlet Laws  
17 568)] June 27, 1913 (P.L.568, No.367), entitled "An act  
18 providing for the incorporation, regulation, and government of  
19 cities of the third class; regulating nomination and election of  
20 municipal officers therein; and repealing, consolidating, and  
21 extending existing laws in relation [thereto," and the  
22 amendments thereto; (d) all] thereto."

23 (4) All cities formed by the consolidation of boroughs  
24 having voted separately to become cities in accordance with the  
25 provisions of the act[, approved May twenty-fourth, one thousand  
26 nine hundred and seventeen (Pamphlet Laws 262)] of May 24, 1917  
27 (P.L.262, No.143), entitled "An act to enable two or more  
28 boroughs that are contiguous or in close proximity to be united  
29 and to become one city, wherever each of said boroughs shall  
30 have heretofore voted or shall hereafter vote to become a city

1 of the third class, under laws now enacted or which may  
2 hereafter be enacted; and wherever each of said boroughs has  
3 duly received or shall hereafter duly receive letters patent  
4 constituting it a city of the third class, but where sufficient  
5 time shall not have elapsed after the granting of such letters  
6 patent for the holding of a municipal election; providing for  
7 the consequences of such consolidation, the government of such  
8 consolidated city, the payment of the indebtedness of each of  
9 the united territories and the enforcement of debts and claims  
10 due to and from each, and fixing the jurisdiction over the said  
11 consolidated city in the courts of the county in which the  
12 majority of its inhabitants shall [reside"; and (e) all]  
13 reside."

14 (5) All cities incorporated under the provisions of this act  
15 [as therein provided].

16 (b) This act shall not be construed as a limitation on the  
17 ability of a city to do any of the following:

18 (1) To continue operating under the form of government  
19 previously selected and exercising powers previously acquired by  
20 the city in accordance with the act of July 15, 1957 (P.L.901,  
21 No.399), known as the "Optional Third Class City Charter Law."

22 (2) To adopt or continue utilizing a form of government and  
23 to acquire or continue exercising powers pursuant to an optional  
24 plan or a home rule charter which have been or may be adopted in  
25 accordance with the "Home Rule Charter and Optional Plans Law."

26 Section 108. Effective Date.--This act shall go into effect  
27 on the first day of July, one thousand nine hundred and thirty-  
28 one. [This reenactment, revision, amendment and consolidation of  
29 the laws relating to cities of the third class shall become  
30 effective on the first Monday of January, one thousand nine

1 hundred fifty-two.]

2 Section 109. Publication of Notices.--Whenever, under the  
3 provisions of this act, advertisement, notice, or publication is  
4 required to be published in [one] a newspaper, [such] the  
5 publication shall be made one time, unless the provision  
6 requiring publication specifies otherwise, in [a] at least one  
7 newspaper of general circulation, as defined [by the Newspaper  
8 Advertising Act of May sixteen, one thousand nine hundred and  
9 twenty-nine (Pamphlet Laws 1784), printed] in 45 Pa.C.S. § 101  
10 (relating to definitions), published in the city, if there is  
11 such a newspaper, and if not, then in a newspaper of general  
12 circulation circulating generally in [such] the city. If such  
13 notice is required to be published in more than one newspaper,  
14 it shall be published in at least one newspaper of general  
15 circulation, defined as aforesaid, [printed] published, if there  
16 be such a newspaper, or circulating generally as above provided  
17 in the city. When [such] the notice relates to any proceeding or  
18 matter in any court, or the holding of an election for the  
19 increase of indebtedness, or the issue and sale of bonds to be  
20 paid by taxation, [such] the notice shall also be published in  
21 the legal newspaper, if any, designated by the rules of court of  
22 the proper county for the publication of legal notices and  
23 advertisements, unless such publication be dispensed with by  
24 special order of court: Provided, however, That ordinances,  
25 auditor's statements, summaries of auditor's statements,  
26 advertisements inviting proposals for public contracts and for  
27 bids for materials and supplies, or lists of delinquent  
28 taxpayers, shall be published only in newspapers of general  
29 circulation, defined as aforesaid.

30 Section 3. Article II heading of the act is amended to read:

ARTICLE II

PROCEDURES FOR INCORPORATION

Section 4. The act is amended by adding a section to read:

Section 200. Definitions.--The following words and terms, as used in this article, shall have the meanings assigned to them in this section, unless the context clearly indicates otherwise:

"Incorporation resolution." A resolution to submit, at any general or municipal election, a referendum question to the registered voters of a municipal corporation.

"Municipal corporation." A borough, a township of the first class, a township of the second class or an incorporated town.

"Referendum question." The question of whether a municipal corporation shall become incorporated as a city of the third class to be known as the "City of ....."

Section 5. Section 201 of the act is amended to read:

Section 201. Creation of Cities.--Cities of the third class shall be chartered [whenever a majority of the electors of any town, township, or borough, or any two or more contiguous towns, townships, or boroughs, or any combination thereof, situate within the limits of the same county or situate in two or more contiguous counties, and having separately or together, as the case may be, a population of at least ten thousand according to the last preceding United States census, shall each separately vote at any general or municipal election in favor of the same.] as follows:

(1) A single municipal corporation, having a population of at least ten thousand according to the last preceding United States census, may be incorporated as a city in accordance with this article, if a majority of the registered voters in the municipal corporation cast an affirmative vote in favor of the



1 referendum question.

2 (2) Two or more contiguous municipal corporations, having  
3 together a population of at least ten thousand according to the  
4 last preceding United States census, may be incorporated as a  
5 city by utilizing 53 Pa.C.S. Ch. 7 Subch. C (relating to  
6 consolidation and merger) and, in accordance therewith,  
7 determine whether the newly incorporated city shall be governed  
8 by this act and other general laws applicable to and governing  
9 cities.

10 Section 6. Sections 202 and 203 of the act are repealed:

11 [Section 202. Resolution to Submit Question to Electors.--  
12 The corporate authorities of any town, township, or borough, or  
13 of any contiguous towns, townships, or boroughs, as the case may  
14 be, may, on their own motion, or, upon petition of two hundred  
15 or more qualified electors thereof, shall, by resolution duly  
16 passed and recorded among the minutes, submit the question  
17 whether such town, township, or borough, or whether any  
18 contiguous towns, townships, or boroughs, shall become a city of  
19 the third class, to the qualified electors thereof, to be known  
20 as the "City of ....."

21 Section 203. Notice of Election.--The said corporate  
22 authorities shall give notice by the publication of said  
23 resolution, once a week for four successive weeks prior to the  
24 next general or municipal election, in not more than two  
25 newspapers of general circulation published or circulating  
26 generally in said towns, townships, and boroughs, in accord with  
27 the provisions of section 109 of this act.]

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

29 Section 203.1. Incorporating Resolution.--(a) The governing  
30 body of a municipal corporation may adopt an incorporation

1 resolution.

2 (b) If two hundred or more registered voters of the  
3 municipal corporation petition the governing body of the  
4 municipal corporation for the adoption of a petition resolution,  
5 the governing body shall adopt the same.

6 Section 8. Section 204 of the act is amended to read:

7 Section 204. Resolution Certified to County Board of  
8 Election; Form of Question.--The [said corporate authorities  
9 shall certify said] governing body of a municipal corporation  
10 that adopts an incorporation resolution shall certify the  
11 incorporation resolution to the county board of elections of the  
12 proper county or counties[, who shall thereupon cause a proper  
13 question to be submitted to the qualified electors at the said  
14 general or municipal election in the said towns, townships, and  
15 boroughs, in the manner required by the Pennsylvania Election  
16 Code]. The county board of elections shall, at the general or  
17 municipal election, in the manner required by the Pennsylvania  
18 Election Code, submit a referendum question to the registered  
19 voters of the municipal corporation that has certified an  
20 incorporation resolution.

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

22 Section 204.1. Notice of Election.--Notice of the election  
23 at which registered voters of a municipal corporation will be  
24 voting on a referendum question shall be given by the secretary  
25 or other person designated by the municipal corporation. The  
26 notice required by this section shall be published once a week  
27 for four successive weeks in a newspaper of general circulation  
28 in the municipal corporation in which the referendum question  
29 will be submitted to the registered voters.

30 Section 10. Section 205 of the act, amended October 5, 1967

1 (P.L.327, No.143), is amended to read:

2 Section 205. Returns of Election.--[The county board of  
3 elections shall make return of the vote cast on the question  
4 submitted to the clerk of the court of the proper county or  
5 counties, and to the respective corporate authorities of the  
6 towns, townships and boroughs submitting such questions. If a  
7 majority of the votes cast in each such town, township and  
8 borough on the question shall be in favor of creating a city,  
9 then returns thereof shall also be made by the county board of  
10 elections to the Secretary of the Commonwealth and the  
11 Department of Community Affairs.] (a) In each county in which a  
12 referendum question is submitted to the registered voters of a  
13 municipal corporation, the county board of elections shall make  
14 return of the vote cast on the referendum question to the clerk  
15 of the court for that county, and to the governing body of the  
16 municipal corporation in which registered voters voted on a  
17 referendum question.

18 (b) The county board of elections also shall make returns of  
19 the vote cast on the referendum to the Secretary of the  
20 Commonwealth and the Department of Community and Economic  
21 Development, if a majority of the votes cast by the registered  
22 voters of the municipal corporation are in favor of  
23 incorporating as a city.

24 Section 11. Sections 206, 207, 208, 209 and 210 of the act  
25 are amended to read:

26 Section 206. Effect of Vote Against [City Charter.--Whenever  
27 by the returns of the election in any town, township, or  
28 borough, it shall appear that in any one there is a majority  
29 against the city charter] Incorporating as City.--If the returns  
30 show that a majority of registered voters in a municipal

1 corporation voted "no" on the referendum question, no further  
2 proceeding shall be had, and it shall not be lawful to hold  
3 another election upon the referendum question in [such town,  
4 township, or borough] the municipal corporation until the third  
5 general or municipal election thereafter occurring.

6 Section 207. Governor to Issue [Charter Where Vote for City  
7 Charter] Letters Patent; Boundaries.--If [it shall appear by the  
8 said returns that there is a majority of the votes cast on the  
9 question in each town, township, and borough, aforesaid, in  
10 favor of the city charter, the corporate authorities of all such  
11 towns, townships, and boroughs] the returns show that a majority  
12 of registered voters in a municipal corporation voted "yes" on  
13 the referendum question, the governing body of the municipal  
14 corporation shall, within sixty days after [such] the election,  
15 furnish to the Secretary of the Commonwealth the necessary  
16 information with respect to the boundaries of the new city, and  
17 the Governor shall, as soon as may be, issue letters patent,  
18 under the Great Seal of the Commonwealth, reciting the facts,  
19 defining the boundaries of [said] the city, and constituting the  
20 same a body corporate and politic by the name of the City  
21 of.....

22 Section 208. Property of Entities Vested in City.--All of  
23 the property and estates whatsoever, real and personal, of the  
24 [towns, townships, and boroughs,] municipal corporations which  
25 shall have [thus] become a city in accordance with this article  
26 are hereby severally and respectively vested in the corporation  
27 or body politic of [said] the city[, by the name, style, and  
28 title given thereto] for the use and benefit of the citizens  
29 thereof.

30 Section 209. Existing Governments [Preserved Temporarily;

1 Organization of City.--The governments of the said towns,  
2 townships, and boroughs] Temporarily Preserved; City  
3 Organization.--(a) The government of the municipal corporation  
4 shall continue in full force and operation, until the first  
5 Monday of January next succeeding the municipal election  
6 provided for in section 702 [of this act], at which time the  
7 officers of [said] the city chosen at [said] the municipal  
8 election shall enter upon their respective terms of service, and  
9 the city government shall be duly organized under this act.

10 (b) Whenever, in the organization of the city government of  
11 any newly incorporated city, any person is [elected] appointed  
12 by council to any office for which this act provides a definite  
13 term and fixes a definite time for the election of persons  
14 thereto, the person so [elected] appointed shall serve only for  
15 such time as intervenes between [his election] the person's  
16 appointment and the day fixed by this act for the regular  
17 election or appointment of such officer for a full term.

18 Section 210. Existing Liabilities, Debts and Claims  
19 Transferred to New City.--[All suits, prosecutions, debts, and  
20 claims, whatsoever, of the said towns, townships and boroughs,  
21 shall thereupon become transferred to the said city, which in  
22 all suits pending shall be substituted as a party, and be under  
23 the management and control thereof. All valid claims and demands  
24 of whatsoever nature, whether payable presently or in the  
25 future, existing against the said towns, townships, and boroughs  
26 when the said charter shall go into operation, shall be  
27 enforceable against the said city. The bonds and floating  
28 indebtedness, and the interest thereon, of each of said towns,  
29 townships and boroughs, contracted prior to such consolidation,  
30 shall be paid by the said city thus organized and chartered, so

1 that the taxes shall be uniform throughout the territorial  
2 limits of the whole city.] If a municipal corporation is  
3 incorporated as a city in accordance with this article, the  
4 following shall apply:

5 (1) All suits, prosecutions, debts and claims, whatsoever,  
6 shall become transferred to the newly incorporated city.

7 (2) All pending suits involving the municipal corporation  
8 shall be under the management and control of the newly  
9 incorporated city which shall be substituted as a party therein.

10 (3) All valid claims and demands of whatsoever nature,  
11 whether payable presently or in the future, existing against the  
12 municipal corporation shall be enforceable against the city.

13 (4) The bonds and floating indebtedness, and the interest  
14 thereon, existing at the time a municipal corporation became  
15 incorporated as a city in accordance with this article shall be  
16 paid by the newly incorporated city, so that the taxes shall be  
17 uniform throughout the territorial limits of the whole city.

18 Section 12. Article II-A heading and sections 250, 251, 252,  
19 253, 254 and 255 of the act, added September 17, 1959 (P.L.913,  
20 No.363) are repealed:

21 [ARTICLE II-A

22 ALTERNATIVE PROCEDURE FOR INCORPORATION

23 Section 250. Appointment of Charter Commission.--The  
24 corporate authorities of any town, township, or borough or of  
25 any combination of contiguous towns, townships or boroughs may  
26 and, upon petition of two hundred or more qualified electors  
27 thereof, shall petition the court of quarter sessions of the  
28 county in which such towns, townships or boroughs are situate,  
29 for the appointment of a charter commission to study and make  
30 recommendations on the adoption of a form of city government for

1 such towns, townships or boroughs. Whenever any such towns,  
2 townships or boroughs, or combination thereof, are situate in  
3 more than one county, the petition shall be brought to the court  
4 of quarter sessions of the county in which the larger percentage  
5 of the population thereof are resident.

6 The charter commission so appointed shall consist of not less  
7 than nine nor more than fifteen members who shall be qualified  
8 electors of the town, township or borough, and if the petition  
9 is brought on behalf of more than one town, township or borough,  
10 the charter commission shall be appointed from among qualified  
11 electors of each of such towns, townships or boroughs.

12 In every case, at least three members of the charter  
13 commission shall be appointed from among the members of the  
14 governing bodies of the towns, townships or boroughs bringing a  
15 petition, and when two or more towns, townships or boroughs are  
16 party to the petition, the court shall appoint at least one  
17 member of the charter commission from among the members of the  
18 governing bodies of each of such towns, townships or boroughs.

19 Section 251. Powers and Duties of Charter Commission.--The  
20 charter commission shall organize and function in accordance  
21 with the provisions of the Optional Third Class City Charter  
22 Law, and in so far as the same are applicable, shall exercise  
23 the same powers and perform the same duties as are conferred or  
24 imposed upon charter commissions elected under the provisions of  
25 the Third Class City Charter Law.

26 Members of the charter commission shall serve without  
27 compensation, but shall be reimbursed by the towns, townships or  
28 boroughs for their necessary expenses incurred in the  
29 performance of their duties. The corporate authorities of the  
30 towns, townships or boroughs shall appropriate reasonable sums

1 of money necessary for such purpose and for the work of the  
2 charter commission as provided in the Optional Third Class City  
3 Charter Law.

4 The charter commission shall report its recommendations at  
5 the time and in the manner provided in the Optional Third Class  
6 City Charter Law. In its report, the charter commission shall  
7 recommend adoption of either the "commission" form of city  
8 government as provided in this act, or one of the optional forms  
9 of city government provided in the Optional Third Class Charter  
10 Law.

11 Section 252. Election on the Question.--Within five days  
12 after the charter commission reports its recommendations, the  
13 corporate authorities of such towns, townships or boroughs shall  
14 certify a copy of the commission's report to the county board of  
15 elections, which shall cause the question of adoption or  
16 rejection to be placed upon the ballot or voting machines at  
17 such time as the commission shall in its report specify. The  
18 question shall be submitted to the electors in the manner and at  
19 the time provided in the Optional Third Class City Charter Law  
20 and shall be in the following form:

21 Shall the.....be incorporated into a  
22 name of towns, townships or boroughs  
23 city of the third class to be known as the city of.....  
24 with a.....form of government providing for  
25 name of form  
26 .....councilmen to be elected at large?  
27 number of councilmen

28 Section 253. Return of Election; Effect of Vote.--(a) The  
29 county board of elections shall make return of the vote cast on  
30 the question as provided by law. If it appears that a majority



1 of the votes cast in each such town, township or borough on the  
2 question shall be in favor of creating a city, the city shall be  
3 incorporated as provided in this act.

4 (b) If, at such election, the electors have voted in favor  
5 of adopting the commission form of government provided in this  
6 act, the city officers shall be elected and the city shall be  
7 organized and governed under the provisions of this act, the  
8 same as though the election had been held under the provisions  
9 of article II. of this act.

10 (c) If, at such election, the electors have voted in favor  
11 of adopting one of the optional forms of government provided in  
12 the Optional Third Class City Charter Law, the city shall be  
13 governed under the applicable provisions of the Optional Third  
14 Class City Charter Law, but the first city officers shall be  
15 elected in accordance with the provisions of this subsection.

16 At the first municipal election occurring at least ninety  
17 days after the date of the letters patent issued by the Governor  
18 incorporating such city, the qualified electors of such city  
19 shall elect the city officers appropriate to such optional form  
20 of government. Except in the case of the first city council,  
21 such officers shall be elected for the terms provided in the  
22 Optional Third Class City Charter Law. The first councilmen  
23 elected in such city shall be divided into two groups. One group  
24 shall equal one more than one-half of all the councilmen and its  
25 members shall serve for terms of four years. The second group  
26 shall equal one less than one-half of all the councilmen and its  
27 members shall serve for terms of two years. The members of the  
28 first group shall be those councilmen receiving the greatest  
29 number of votes at their election, and the members of the second  
30 group shall be those councilmen receiving the next greatest

1 number of votes at their election. If two or more councilmen  
2 received the same number of votes and one or more but not all of  
3 them will be included in the first group, they shall draw lots  
4 to determine which of them shall be included in the first group.  
5 Thereafter, all councilmen shall be elected for the terms  
6 provided in the Optional Third Class City Charter Law.

7 The governments of the towns, townships and boroughs,  
8 comprising a city which elects its first officers under the  
9 provisions of this subsection, shall continue in full force and  
10 operation until the first Monday of January next succeeding such  
11 election, at which time the officers of such city shall enter  
12 upon their respective terms and the city government shall be  
13 duly organized under the Optional Third Class City Charter Law.

14 (d) Whenever by the returns of the election in any town,  
15 township or borough, it shall appear that in any one there is a  
16 majority against the city charter and the form of city  
17 government recommended by the charter commission, no further  
18 proceedings shall be had and it shall not be unlawful to hold  
19 another election upon the same question in such town, township  
20 or borough during the period of four years following such  
21 election, but the provisions of this subsection shall not affect  
22 any proceedings under article II. of this act nor any subsequent  
23 proceedings under the Optional Third Class City Charter Law.

24 Section 254. Proceedings are Additional.--The proceedings  
25 authorized by this article are in addition to, and not in  
26 substitution of, those proceedings authorized by article II. of  
27 this act, but it shall not be lawful to institute proceedings  
28 under either article while any proceedings under the other  
29 article are unconcluded.

30 Section 255. Abandonment of Optional Form of Government.--

1 Whenever, under the provisions of this article, the electors of  
2 any towns, townships or boroughs elect to incorporate a city  
3 with one of the optional forms of government provided in the  
4 Optional Third Class City Charter Law, and later, at an election  
5 held for that purpose under the Optional Third Class City  
6 Charter Law, elect to abandon such optional form of government,  
7 the city shall cease to be governed by the provisions of such  
8 charter plan and the Optional Third Class City Charter Law on  
9 the first Monday of January following the next succeeding  
10 municipal election, and shall thereafter be governed under the  
11 provisions of this act. The reversion to the form of government  
12 provided by this act shall take effect as provided in article  
13 VI. of the Optional Third Class City Charter Law for transition  
14 to an optional form of government in so far as applicable, and  
15 in addition any city offices which are elective under this act  
16 but are not elective under such optional form of government,  
17 shall be filled at such municipal election.]

18 Section 13. Article III heading of the act is reenacted to  
19 read:

20 ARTICLE III

21 CHANGE OF CORPORATE TITLE

22 Section 14. Sections 301, 302, 303 and 304 of the act are  
23 amended to read:

24 Section 301. Resolution and Petition to Change Corporate  
25 Title.--[Whenever the council of any city shall, by resolution,  
26 decide to change the corporate title of such city, it shall  
27 present its petition to the court of quarter sessions of the  
28 county having jurisdiction over the municipal affairs of the  
29 city, petitioning such court to change the corporate title  
30 thereof in accordance with the resolution, a certified copy of

1 which shall be attached to such petition.] City council may  
2 initiate proceedings to change the corporate title of a city by  
3 doing each of the following:

4 (1) Adopting a resolution proposing to make the change in  
5 the corporate title of a city.

6 (2) Presenting to the court of common pleas of the county in  
7 which the city is located a petition, along with a certified  
8 copy of the resolution, requesting the change in the corporate  
9 title of the city.

10 Section 302. Hearing; Decree.--(a) Upon the presentation to  
11 the court of [such] the petition and resolution in accordance  
12 with section 301, the [said] court shall fix a day for a hearing  
13 [thereof] on the question of the change in the corporate title  
14 of the city and shall direct that notice of [such] the hearing  
15 be published once a week for three weeks in [not more than two  
16 newspapers] a newspaper of general circulation.

17 (b) At [such] the hearing, the court shall [hear the] permit  
18 any resident of the city to give testimony [and argument of  
19 persons both for and against] either in support of or opposition  
20 to the change of the corporate title of [such] the city [and, if  
21 the court is of the opinion that the corporate title of such  
22 city should be changed as prayed for in the petition of the  
23 council of said city, shall enter upon the proceedings its order  
24 and decree changing the corporate title of such city in  
25 accordance with the resolution of the council thereof; otherwise  
26 the petition shall be dismissed].

27 (c) After hearing testimony, the court shall either order  
28 and decree changing the corporate title of the city in  
29 accordance with the petition and resolution of council or  
30 dismiss the petition.

1 Section 303. Recording Decree.--[Upon the filing of a  
2 certified copy of the decree of the court, changing the  
3 corporate name of any city, in the office of the Secretary of  
4 the Commonwealth and the recording thereof in the office of the  
5 recorder of deeds of the county, the courts of which have  
6 jurisdiction over the municipal affairs of the city, the  
7 corporate title of said city shall thereafter be as set forth in  
8 said decree.] A change in the corporate title of a city that is  
9 ordered and decreed in accordance with section 302(c) shall not  
10 become effective until a certified copy of the decree of court  
11 is filed in the office of the Secretary of the Commonwealth and  
12 is recorded in the office of the recorder of deeds of the county  
13 in which the city is located.

14 Section 304. Existing Rights and Liabilities Preserved.--No  
15 change in the corporate title of any city shall in any way  
16 affect any liabilities incurred, rights accrued or vested,  
17 obligations issued or contracted, or any suits or prosecutions  
18 pending or instituted to enforce any right or penalty accrued or  
19 punish any offense committed prior to [such] the change.

20 Section 15. Article IV heading of the act is reenacted to  
21 read:

22 ARTICLE IV

23 CREATION AND DIVISION OF WARDS

24 Section 16. Section 401 of the act is amended to read:

25 Section 401. [Petition for Creation or Division of Wards.--  
26 New wards may be created in cities, or wards therein may be  
27 divided, by the court of quarter sessions, on application  
28 thereto for that purpose, by the petition of at least one  
29 hundred qualified electors of the district seeking to be created  
30 as a new ward, or of the ward to be divided, or by the petition

1 of the council of the city. No new ward shall contain less than  
2 three hundred qualified electors according to the last preceding  
3 enumeration.] General Power of Council in Creation or Division  
4 of Wards.--(a) In addition to reapportionment of wards pursuant  
5 to 53 Pa.C.S. Ch. 9 (relating to municipal reapportionment) and  
6 section 11 of Article IX of the Constitution of Pennsylvania,  
7 council may, with or without a petition as provided in section  
8 401.1 and subject to approval by the registered voters as  
9 provided in section 407, create new wards, divide a ward or  
10 wards or detach part of a ward and attach to another ward, in  
11 accordance with this article.

12 (b) No new ward shall contain less than three hundred  
13 registered voters according to the last general or municipal  
14 election.

15 (c) All wards in the city shall be numbered and composed of  
16 compact and contiguous territory as nearly equal in population  
17 as practicable and as officially and finally reported in the  
18 most recent Federal census, decennial or special.

19 Section 17. The act is amended by adding a section to read:

20 Section 401.1. Petition of Registered Voters.--(a)  
21 Registered voters may petition council to initiate proceedings  
22 under section 401 to create new wards, divide a ward or wards,  
23 or detach part of a ward and attach to another ward as follows:

24 (1) One hundred registered voters may petition council to  
25 create or divide a ward if, in the case of a petition proposing  
26 to create a ward, the petitioners reside in the portion of the  
27 city which the petition proposes to create as a ward, or in the  
28 case of a petition to divide a ward, the petitioners reside in  
29 the ward which the petition proposes to divide.

30 (2) Twenty-five registered voters may petition to detach

1 part of one ward and attach the detached part to another ward if  
2 the petitioners reside in the part of the ward that is proposed  
3 to be detached.

4 (b) Council shall by motion approve by a majority of  
5 council, and within ninety days of presentment of the petition,  
6 determine whether to initiate proceedings under section 401. If  
7 the motion is in favor of initiating proceedings, council shall  
8 appoint a commission in accordance with section 403.

9 (c) In the event that council has not approved a motion  
10 within ninety days after the presentment of a petition under  
11 subsection (a), any ten registered voters may petition the court  
12 of common pleas and contest the existing apportionment as  
13 violating section 401. The proceedings before the court shall be  
14 conducted in accordance with 53 Pa.C.S. §§ 906 (relating to  
15 contest of reapportionment by governing body) and 907 (relating  
16 to costs and expenses of contest).

17 Section 18. Sections 402 and 403 of the act are amended to  
18 read:

19 Section 402. [Petition for Striking Territory from One Ward  
20 and Attaching to Another.--Any part or district of a ward in any  
21 city may be detached therefrom and attached to another ward by  
22 the court of quarter sessions of the proper county, on  
23 application thereto for that purpose, by the petition of at  
24 least twenty-five qualified electors of the district to be  
25 stricken off or attached, or by the petition of the council of  
26 the city] (Reserved).

27 Section 403. Appointment of Commission[; Report; Order of  
28 Court.--Upon the presentation of any such petition praying for  
29 the creation of a new ward out of parts of two or more wards, or  
30 the division of a ward, or for the detaching from a ward of a

1 part or district thereof and attaching the same to another ward,  
2 the said court shall appoint five impartial qualified electors,  
3 residents of the city, but not of the wards to be affected  
4 thereby, as commissioners to inquire into the propriety of  
5 granting the prayer thereof: Provided, however, That in cities  
6 having not more than three wards, said commissioners shall be  
7 selected from the city at large, and may be residents of the  
8 ward or wards to be affected thereby. The commissioners so  
9 appointed, or any four of them, shall examine the premises and  
10 make a draft of the new ward or wards proposed to be created, or  
11 of the ward or wards to be divided, or of the wards affected,  
12 showing the division or change thereof, or showing the lines as  
13 any separation and attachment will affect them, as the case may  
14 be, and showing clearly the number of qualified electors  
15 contained within the proposed new ward. The commissioners shall  
16 make report to the said court at its next term, together with  
17 their recommendation.].(a) If council initiates proceedings  
18 pursuant to section 401, whether on its own volition or pursuant  
19 to the petition of registered voters, it shall appoint five  
20 impartial registered voters who are residents of the city as  
21 commissioners, to make a report and recommendation concerning  
22 the necessity, desirability and feasibility of proposed wards.  
23 (b) Except as provided in subsection (c), commissioners  
24 shall not be residents of the wards to be affected by the  
25 petition.  
26 (c) In cities having not more than three wards,  
27 commissioners appointed under subsection (a) shall be selected  
28 from the city at large, and may be residents of the ward or  
29 wards to be affected thereby.

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



1 Section 403.1. Expenses of Commissioners.--Council shall  
2 make appropriations for the reasonable expenses of the  
3 commissioners incurred for their services pursuant to this  
4 article. Each commissioner shall submit to the city controller  
5 for approval an itemized account of the commissioner's expenses  
6 to be paid under the authority of this section.

7 Section 403.2. Report.--(a) Commissioners appointed by  
8 council in accordance with section 403(a) shall examine the  
9 premises and prepare a report which shall include a draft of all  
10 wards affected by the proposed creation, division or detachment,  
11 showing the division or change thereof, or showing the lines of  
12 wards as any separation and attachment will affect them, as the  
13 case may be, and showing clearly the population contained within  
14 the affected wards using figures officially and finally reported  
15 in the most recent Federal census, decennial or special. The  
16 report, upon completion, shall be submitted to council and shall  
17 include a recommendation reflecting the decision of a majority  
18 of its members concerning the proposed creation, division or  
19 detachment of a ward or wards.

20 (b) Consistent with the standards applied in municipal  
21 reapportionment pursuant to 53 Pa.C.S. § 903(b) (relating to  
22 reapportionment by governing bodies), no report shall recommend  
23 the creation, division or detachment of a ward or wards unless  
24 the result of implementing the report and recommendation would  
25 be that each ward in the city is composed of compact and  
26 contiguous territory as nearly equal in population as  
27 practicable as officially and finally reported in the most  
28 recent Federal census, decennial or special.

29 (c) Upon receipt of the report, council shall, by motion,  
30 determine whether to submit the question of the proposed

1 creation, division or detachment of a ward or wards as provided  
2 in the report to the registered voters of the city in accordance  
3 with section 404.

4 Section 20. Sections 404, 405, 406, 407 and 408 of the act  
5 are amended to read:

6 Section 404. Election[; Form of Ballot.--If a majority of  
7 the commissioners appointed report favorably to such creation or  
8 division, or the detaching from a ward of a part or district  
9 thereof and attaching the same to another ward, the court shall  
10 order].--(a) If based upon the report in section 403.2, council  
11 decides to proceed, it shall certify to the county board of  
12 elections the question of the creation, [or] division or  
13 detachment of [such] the ward[, ] or wards to be submitted to the  
14 [qualified electors] registered voters of the ward or wards  
15 [affected, and in the case of the detachment of territory to the  
16 electors of the ward from which the territory is to be stricken  
17 off] or parts thereof which are the subject of the report, at  
18 the general or municipal election occurring not less than ninety  
19 days [thereafter] after the report was approved by council.

20 (b) The [clerk of said court shall certify such order to  
21 the] county board of elections [which] shall [thereupon] cause  
22 [a proper] the question [to be submitted to the qualified  
23 electors at such] of approving the creation, division or  
24 detachment of a ward or wards to be placed on the ballot in the  
25 ward or wards or parts that will be affected thereby, at the  
26 appropriate election in the manner provided by the Pennsylvania  
27 Election Code.

28 Section 405. Notice of Election; Review of Report.--[It  
29 shall be the duty of the mayor of the said city to give at least  
30 fifteen days' public notice, by advertisement in one or more

1 newspapers, of general circulation, that such an election will  
2 be held, and of the time and place of holding the same.] (a)  
3 The city shall publish a notice of election in a newspaper of  
4 general circulation at least fifteen days prior to the date that  
5 the question of approving the creation, division or detachment  
6 of a ward or wards is to be presented at the specified general  
7 or municipal election.

8 (b) The election notice shall contain a statement of the  
9 issue to be submitted to the registered voters at the election,  
10 including the ward, wards or parts thereof to be affected, and  
11 the date upon which the election is to be held. The notice shall  
12 reference the report and specify that it is available for review  
13 and copying as a public record pursuant to the act of February  
14 14, 2008 (P.L.6, No.3), known as the "Right-to-Know Law."

15 Section 406. Election Laws to Apply.--All [the electors,  
16 judges, inspectors and clerks, voting at and in attendance upon  
17 the election to be held under the provisions of this article,  
18 shall be subject to the penalties imposed by] matters relating  
19 to the election at which the question of approving the creation,  
20 division or detachment of a ward or wards is to be presented to  
21 the voters shall be governed by the applicable provisions of the  
22 Pennsylvania Election Code.

23 Section 407. Computing Vote; Return; [Order of Court;]  
24 Resubmission of Question.--[The officers of such election shall  
25 receive and count the votes in the manner prescribed by law, and  
26 shall forthwith make out a return on forms furnished by the  
27 board of elections, showing the number of votes for and against  
28 such new ward, or for or against such division or detachment of  
29 a ward, as the case may be, and shall deliver the same to the  
30 clerk of the court of quarter sessions within three days. The

1 said clerk shall compute said return, and forthwith certify the  
2 result thereof to the court. If it appears that a majority of  
3 the votes so taken are for a new ward, or for a division or for  
4 the detachment of territory and its attachment to another ward,  
5 said court shall thereupon order and decree the creation of such  
6 new ward or wards, or such division, or such detachment and  
7 attachment agreeably to the lines marked out and returned by the  
8 commissioners.]

9 (a) The county board of elections shall tabulate and publish  
10 the results of the referendum in a newspaper of general  
11 circulation within thirty days of the election. A certified copy  
12 of the results shall be placed on record among the minutes of  
13 council.

14 (b) If a majority voted in favor of creating or dividing a  
15 ward or wards, or the detachment of a part of a ward to be  
16 attached to another, council shall proceed to create or divide a  
17 ward or wards or detach a part of a ward to be attached to  
18 another, in accordance with the report, and shall number the new  
19 wards when necessary[, and order a certified copy of the whole  
20 proceeding to be placed on record among the minutes of council].

21 (c) If a majority [of votes shall be] voted against [the new  
22 ward, or against division or against detachment] creating or  
23 dividing a ward or wards, or the detachment of a part of a ward  
24 to be attached to another, no further action shall be had upon  
25 [such proceeding] the question, nor shall any new [application  
26 for such new ward or such division or detachment and attachment  
27 be heard] petition on the same question be resubmitted until two  
28 years from the date of [such] the election.

29 Section 408. Change of Ward Lines by [Court] Council.--  
30 Whenever it shall appear to [the court of quarter sessions]

1 council in proceedings for the division of any ward, or the  
2 creation of new wards, that any of the boundaries or divisions  
3 thereof are uncertain for any cause, [the said court shall make  
4 such order or decree as to] council shall determine the  
5 relocation of the line [as to it may appear proper, so that the  
6 same shall] to conform as nearly as possible to the boundary  
7 lines which may have been previously determined upon so long as  
8 the result is that each ward in the city is composed of compact  
9 and contiguous territory as nearly equal in population as  
10 practicable as officially and finally reported in the most  
11 recent Federal census, decennial or special.

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

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

19 Section 22. Article V and subdivision (a) heading of the act  
20 are repealed:

21 [ARTICLE V

22 ANNEXATION OF TERRITORY

23 (a) Annexation of Boroughs, Townships and Parts  
24 of Townships]

25 Section 23. Section 501 of the act, amended July 10, 1959  
26 (P.L.519, No.138), is repealed:

27 [Section 501. Petition for Annexation of Boroughs or  
28 Townships and Parts of Townships.--Any borough having a  
29 population of less than ten thousand inhabitants, or any  
30 township or part of a township, contiguous to any city, whether

1 wholly or partially within the same or different counties, may  
2 become annexed to any such city in the following manner:

3 (a) In the case of a borough, the borough council may pass  
4 an ordinance for such annexation, whenever three-fifths of the  
5 taxable inhabitants of such borough shall present a petition,  
6 accompanied with the written consent of a majority in number and  
7 interest of property owners of the borough, asking for such  
8 annexation.

9 (b) In the case of a township, or part thereof, whenever  
10 three-fifths of the taxable inhabitants of such township or part  
11 thereof shall present a petition to the council of said city,  
12 accompanied with the written consent of a majority in number and  
13 interest of property owners of such township or part of a  
14 township, asking for such annexation.

15 (c) In case of part of a township, when there are no taxable  
16 inhabitants residing therein, then whenever three-fifths of the  
17 property owners in number and interest of property situated  
18 therein shall present a petition to the council of said city  
19 asking for such annexation.

20 In construing this section, a majority in interest of owners  
21 of undivided interests in any piece of property shall be deemed  
22 and treated as one person for the purpose of ascertaining the  
23 number of petitioners.]

24 Section 24. Section 502 of the act is repealed:

25 [Section 502. Advertisement; Plots.--Before any such  
26 petition is circulated or signed, notice thereof shall be given  
27 by advertisement once a week for four weeks in two newspapers  
28 published in or circulated throughout the territory to be  
29 annexed. Such notice shall state the purpose of the petition and  
30 the date it will be ready for signing. All such petitions shall

1 be accompanied by a plot or plots of the territory to be  
2 annexed, showing all streets and highways, municipal or township  
3 improvements and public buildings.]

4 Section 25. Section 503 of the act, amended October 5, 1967  
5 (P.L.327, No.143), is repealed:

6 [Section 503. Ordinance of City; Filing Copy Thereof.--Upon  
7 presentation to the council of such city of a certified copy of  
8 the ordinance in case of a borough, or of the petition in the  
9 case of a township or part thereof, together with the required  
10 plots in any case, the council of said city may, by ordinance,  
11 annex such borough, township, or part thereof to the said city.  
12 Certified copies of the borough and city ordinances and the  
13 petition and the plans shall be filed in the office of the clerk  
14 of the court of quarter sessions of the county or counties  
15 involved, and like copies shall be certified to the Department  
16 of Community Affairs of the Commonwealth. Nothing contained in  
17 subdivision (a) of this article shall be deemed to require any  
18 city to annex any borough, township or part of any such  
19 township.]

20 Section 26. Section 504 of the act is repealed:

21 [Section 504. Conclusiveness of Ordinance; Referendum;  
22 Appeal.--Thirty days after the filing of the said annexation  
23 ordinance by the said city council, such ordinance and the  
24 action of the said city council shall be finally conclusive,  
25 unless an appeal therefrom is taken within the said thirty days,  
26 by petition to the court of quarter sessions of the county in  
27 which the city is located, or unless a referendum petition is  
28 filed as provided in this act.]

29 Section 27. Section 505 of the act, repealed in part June 3,  
30 1971 (P.L.118, No.6), is repealed:

1 [Section 505. Hearing an Appeal; Notice; Appeal from Final  
2 Order.--Where an appeal is taken by any person aggrieved by such  
3 annexation ordinance of the city, the court shall fix a day for  
4 hearing the same. Notice shall be given to all parties  
5 interested in such manner as the court shall direct. From any  
6 such final order or decree, any party in interest, aggrieved by  
7 such order or decree, may have an appeal to the Supreme Court as  
8 in other cases. Upon final determination and approval of the  
9 annexation ordinance, the annexation shall take effect  
10 immediately.]

11 Section 28. Section 506 of the act, added July 10, 1959  
12 (P.L.519, No.138), is repealed:

13 [Section 506. Petition for Annexation of Boroughs Having Ten  
14 Thousand or More Inhabitants.--Whenever electors, equal to at  
15 least ten per centum of the highest vote cast for any office in  
16 any borough having a population of ten thousand or more  
17 inhabitants contiguous to a city at the last preceding general  
18 election, or whenever ten per centum of the qualified electors,  
19 residing within any part of a borough having a population of ten  
20 thousand or more inhabitants contiguous to a city, shall  
21 petition the council of such city for the annexation of the  
22 borough, or part thereof, to the contiguous city, and for a  
23 referendum on the question of such annexation, the council shall  
24 cause a question to be submitted at the primary or general  
25 election occurring at least sixty days thereafter, by certifying  
26 a resolution, duly adopted, to the county board of elections of  
27 the county or counties in which any part of the city or borough  
28 is located, for submission of such question on the ballot or on  
29 voting machines at such election, both in such borough and in  
30 the city to which annexation is desired, in the manner provided



1 by the election laws of this Commonwealth.

2 Such question shall be in the following form:

3 Do you favor the annexation of the Yes  
4 borough of .....  
5 (or the part of the borough briefly No  
6 described) to the city of ..... ?

7 If a majority of the persons voting on such question in the  
8 entire borough shall vote "yes," and a majority of the persons  
9 voting on such question in the city shall vote "yes," then the  
10 borough or part thereof, as the case may be, shall on the first  
11 Monday of January next following, be and become a part of the  
12 city.

13 If a majority of the persons voting on the question in the  
14 borough or in the city shall vote "no," no further proceeding  
15 shall be had, and it shall not be lawful to hold another  
16 election upon the question until the second general or municipal  
17 election thereafter occurring.

18 All petitions shall be accompanied by a plot or plots of the  
19 territory to be annexed, showing all streets and highways,  
20 municipal improvements and public buildings, and all petitions  
21 for the annexation of a part of a borough shall include a  
22 description of the part of the borough sought to be annexed.]

23 Section 29. Article V subdivision (b) heading and section  
24 515 of the act are repealed:

25 [(b) Annexation of Outlying Lots in a Township

26 Section 515. Annexation of Outlying Lots; Appointment of  
27 Viewers.--Upon application by petition to the court of quarter  
28 sessions signed by a majority or more of the taxable  
29 inhabitants, accompanied by the written consent of a majority of  
30 the property owners in number and interest of any outlots or

1 sections of land in a township containing not more than one  
2 hundred acres of land contiguous to the city, and being part of  
3 the same county in which the city is situated, stating that they  
4 desire the same to be annexed to said city, the desirability  
5 therefor, and describing the lots or land to be annexed, with a  
6 map or draft of the same, which petition shall be sworn to by  
7 one or more of the petitioners, and accompanied by the petition  
8 of the council of the city praying for the annexation of such  
9 outlots or sections of land and containing a copy of the  
10 resolution of the council of said city approving the annexation,  
11 the said court shall thereupon appoint three viewers, who shall  
12 be nonresidents of the city or of the township whose territory  
13 is to be annexed, to inquire into and investigate the  
14 allegations and facts stated in the said petition.]

15 Section 30. Section 516 of the act, amended October 5, 1967  
16 (P.L.327, No.143), is repealed:

17 [Section 516. Notice of View; Report; Decree.--Notice of the  
18 first hearing of the said viewers shall be given to the city,  
19 and to at least one of the petitioners as the court may direct.  
20 The said viewers, or a majority of them, shall make report to  
21 said court at its next session after their appointment. If they  
22 report that they find the statements and facts of said petition  
23 to be true, and recommend the annexation as prayed for, and if  
24 no appeal is taken within thirty days therefrom, the said court  
25 shall thereupon make an order or decree to carry the annexation  
26 into effect. The city clerk shall forward a certified copy of  
27 said decree to the Department of Community Affairs of the  
28 Commonwealth.]

29 Section 31. Section 517 of the act, amended October 5, 1967  
30 (P.L.327, No.143) and repealed in part June 3, 1971 (P.L.118,

1 No.6), is repealed:

2 [Section 517. Appeal; Hearing; Notice; Decree.--Within  
3 thirty days after filing of such report, any person aggrieved  
4 thereby may take an appeal, by petition to the court of quarter  
5 sessions, setting forth his complaint, and thereupon the court  
6 shall fix a day for hearing the same. Notice of such appeals  
7 shall be given to all parties interested by publication once in  
8 one newspaper, in accord with the provisions of section one  
9 hundred and nine of this act. After such hearing, the court  
10 shall decide whether the proceedings are in conformity with this  
11 act, and make an order or decree either dismissing the appeal  
12 and approving such annexation or sustaining the appeal and  
13 dismissing the annexation. When the court of quarter sessions  
14 makes an order to carry such annexation into effect, where no  
15 appeal is taken, and upon final determination and approval of  
16 the annexation ordinance, where an appeal has been taken, the  
17 said outlots or sections of land shall at once and thereafter be  
18 a part of said city as fully as if the same had been originally  
19 a part thereof. A certified copy of any final decree or order  
20 approving such annexation shall be forwarded by the city clerk  
21 to the Department of Community Affairs.]

22 Section 32. Section 518, Article V subdivision (c) heading  
23 and section 525 of the act are repealed:

24 [Section 518. Compensation of Viewers.--The viewers herein  
25 provided for shall be allowed five dollars per day for each and  
26 every day actually spent by them in the performance of their  
27 duties, together with their actual necessary expenses. The costs  
28 of the proceedings in all cases shall be paid by the city.

29 (c) Annexation of Part of a Borough

30 Section 525. Petition for Annexation of Territory in a

1 Borough; Ordinance of City.--Territory in a borough contiguous  
2 to a city or separated therefrom by a river or stream may be  
3 detached from the borough and annexed to the city in the  
4 following manner:

5 A petition signed by owners of the land in the territory  
6 proposed to be detached and annexed, and described in the  
7 petition, shall be presented to the borough authorities, who, if  
8 they find that the petition is signed by either a majority of  
9 freehold owners or by the owners of two-thirds of the area of  
10 the territory described, and that the assessed valuation of the  
11 territory described is not in excess of five per centum of the  
12 assessed valuation of the borough, may, by ordinance, detach the  
13 described territory, subject to the acceptance of the detached  
14 portion by the city of the third class, and upon notice from the  
15 council of the borough that it has ordained the detachment of  
16 the described territory of the borough for the purpose of having  
17 it annexed to the city, the city may, by ordinance, annex the  
18 portion of the borough so proposed to be detached.]

19 Section 33. Section 526 of the act, amended October 5, 1967  
20 (P.L.327, No.143), is repealed:

21 [Section 526. Filing of Plans.--Upon such annexation by  
22 ordinance, a plan of the territory annexed shall be filed by the  
23 city council in the office of the county commissioners and with  
24 the clerk of the court of quarter sessions and thereupon the  
25 detachment and annexation shall be effective: Provided, however,  
26 That if there be no delay through litigation or causes beyond  
27 the control of the councils, the plan shall be filed, as herein  
28 required, within thirty days after the passage of the annexation  
29 ordinance by the city council, and, if the proceedings are not  
30 thus completed, they shall be void in their entirety and of no

1 effect. A copy of the plan filed shall be likewise forwarded to  
2 the Department of Community Affairs of the Commonwealth.]

3 Section 34. Article V subdivision (d) heading, sections 535  
4 and 536 and subdivision (e) heading of the act are repealed:

5 [(d) Indebtedness and Public Property when Borough or  
6 Township is Annexed

7 Section 535. Apportionment of Indebtedness of Borough or  
8 Township; Taxes to be Uniform.--All the indebtedness of each  
9 borough or township annexed to a contiguous city under the  
10 provisions of this act, as well as the indebtedness of the city  
11 to which the same is annexed, shall be paid by the city as  
12 enlarged by such annexation; and all territory included within  
13 the limits of the same shall be liable for the payment of the  
14 floating and bonded indebtedness, and the interest thereon, of  
15 all the territory included within such enlarged city; and all  
16 taxes thereafter levied therefor shall be uniform throughout the  
17 territorial limits of such enlarged city.

18 Section 536. Property of Annexed Territory to Become  
19 Property of City.--All of the public property owned by any such  
20 borough or township annexed to any city shall become and remain  
21 the public property of the said city.

22 (e) Apportionment of Indebtedness when Part of a Township  
23 or Outlying Lots are Annexed]

24 Section 35. Section 540 of the act, amended October 5, 1967  
25 (P.L.327, No.143), is repealed:

26 [Section 540. Adjustment of Indebtedness when Part of  
27 Township is Annexed.--Where any part of any township or outlying  
28 lots thereof are annexed to any city, the township officers of  
29 that part of the said township not annexed, and the city council  
30 of the said city, shall make a just and proper adjustment and

1 apportionment of all public property owned by the said township  
2 at the time of said annexation, both real and personal,  
3 including funds as well as indebtedness, if any, to and between  
4 the said township and the city. In making such adjustment and  
5 apportionment of the property and indebtedness, the township and  
6 the city shall be entitled respectively to share in a division  
7 of the property and indebtedness in the proportion that the  
8 assessed valuation of the land remaining in the township bears  
9 to the assessed valuation of the land annexed: Provided,  
10 however, That where indebtedness was incurred by the township  
11 for an improvement located wholly within the annexed part of the  
12 township, the whole of such indebtedness shall be assumed by the  
13 city, and where any part of any such improvement is located  
14 within the annexed part of the township, the part of such  
15 indebtedness representing the part of the improvement located  
16 within the territory annexed, shall be assumed by the city, and  
17 the adjustment and apportionment of any remaining debt, and the  
18 public property of the township shall be made as above provided.  
19 The adjustment and apportionment as made shall be reduced to  
20 writing, and duly executed and acknowledged by the proper  
21 officials, and filed in the office of the clerk of the court of  
22 quarter sessions of the county in which said city is located. A  
23 copy of such adjustment and apportionment shall be forwarded by  
24 the city clerk to the Department of Community Affairs of the  
25 Commonwealth.]

26 Section 36. Sections 541, 542 and 543 of the act are  
27 repealed:

28 [Section 541. Appointment of Commission; Contents of  
29 Report.--In case the said council of the said city and the  
30 township's authorities cannot make such amicable apportionment

1 and adjustment of their property and indebtedness within six  
2 months after any such annexation, then, in that case, the said  
3 council or any officer of said township may present a petition  
4 to the court of quarter sessions of the county in which the said  
5 city is located. Whereupon the said court shall appoint three  
6 disinterested commissioners, residents and taxpayers of said  
7 county not residing in the said city nor in the said township,  
8 who, after hearing, due notice of which shall be given to the  
9 city and township interested by publication once in one or more  
10 newspapers, at least twenty days before said hearing, in accord  
11 with the provisions of section one hundred and nine of this act,  
12 shall make report to the court, making an apportionment and  
13 adjustment according to the provisions of this act of all the  
14 property as well as indebtedness, if any, to and between the  
15 said city and the said township, said report to state the  
16 amount, if any, that shall be due and payable from the city to  
17 the township, or from the township to the city, as well as the  
18 amount of indebtedness, if any, that shall be assumed by the  
19 city or township, or both of them.

20 Section 542. Notice of Filing of Report; Exceptions;  
21 Confirmation.--The commissioners shall give the city and the  
22 township at least five days' notice of the filing of their  
23 report. Unless exceptions are filed thereto by the city or by  
24 the township within thirty days after filing thereof, the same  
25 shall be confirmed by the court absolutely. Any sum awarded by  
26 the report to the city or to the township shall be a legal and  
27 valid claim in its favor against the city or township charged  
28 therewith, and the amount of debt, if any, apportioned to any  
29 city or township shall be a legal and valid claim against such  
30 city or township charged therewith. Any property, real or

1 personal, given and adjudged to the city or the township shall  
2 become and be the property of the city or the township to  
3 whichever one the same is given and adjudged. Upon such report  
4 being confirmed, such claim or indebtedness charged against any  
5 city or township may be collected in the same manner as a  
6 judgment is collected against any city or township.

7 Section 543. Compensation of Commissioners; Costs.--The  
8 commissioners shall be allowed five dollars per day for each day  
9 actually spent by them in the performance of their duties,  
10 together with their actual necessary expenses. All costs and  
11 expenses of such proceedings shall be apportioned by the court  
12 to and between the said city and the said township as it shall  
13 deem proper.]

14 Section 37. Section 544 of the act, repealed in part June  
15 1971 (P.L.118, No.6), is repealed:

16 [Section 544. Disposition of Exceptions; Appeal.--In case  
17 exceptions are filed to the report of the commissioners, the  
18 court shall dispose of the same, taking testimony if deemed  
19 advisable, and the decision of the court thereon shall be final  
20 and binding on the several cities and townships, unless an  
21 appeal is taken.]

22 Section 38. Section 545, Article V subdivision (f) heading,  
23 sections 550 and 551 and subdivision (g) heading of the act are  
24 repealed:

25 [Section 545. Jurisdiction when Territory is in Two or More  
26 Counties.--In cases where a city or township is situated in two  
27 or more counties, the court of quarter sessions of the county in  
28 which the city is located shall have exclusive jurisdiction over  
29 the matter, but the same shall be heard by a judge, not a  
30 resident of either of the judicial districts affected, who shall



1 be called to preside specially in the matter, and, in such  
2 cases, the court shall appoint the commissioners hereinbefore  
3 provided for from both or from three of such counties.

4 (f) Apportionment of Indebtedness when Part of a  
5 Borough is Annexed

6 Section 550. Apportionment of Indebtedness; Decree of  
7 Court.--The court of quarter sessions having jurisdiction of the  
8 city, in cases where any part of a borough is annexed to a city,  
9 upon a petition of the borough or city, may hear evidence and  
10 consider the indebtedness and assessed valuation of the borough  
11 and the city and the assessed valuation of the territory  
12 annexed, and may enter a decree making such adjustment of the  
13 indebtedness and the manner and time of the payment thereof as  
14 to the court may seem meet and proper.

15 Section 551. Collection of Taxes Assessed Prior to  
16 Annexation.--Any taxes assessed prior to the going into effect  
17 of the proceedings shall be paid to the borough, and the  
18 collection and enforcement thereof shall be as though the land  
19 had not been detached.

20 (g) Wards]

21 Section 39. Section 560 of the act, amended October 5, 1967  
22 (P.L.327, No.143), is repealed:

23 [Section 560. Distribution of Annexed Territory Among Wards;  
24 New Wards; Ward Officers.--Within thirty days from the effective  
25 date of any annexation, the city council shall cause a petition  
26 to be presented to the court of quarter sessions of the county  
27 in which the said city is located, praying for the distribution  
28 of the annexed territory among the wards of the said city, or  
29 for the creation of a new ward or wards out of the same, and to  
30 make such order or decree as may be necessary to constitute such

1 ward or wards an election district or election districts, or add  
2 to or create new election districts in a ward or wards to which  
3 such territory is attached, and the said court shall, in case of  
4 the creation of a new ward or wards, appoint the election and  
5 other officers of the same, and name the place or places of  
6 holding the first election in the said ward or wards for ward  
7 officers, and, for that purpose, may order a special election,  
8 if said court shall deem the same necessary, to be conducted in  
9 the manner provided by the Pennsylvania Election Code. The  
10 officers elected at such special election shall hold their  
11 respective offices until their successors, elected at the next  
12 succeeding municipal election, shall be duly qualified. Any  
13 decree of court creating a new ward or wards shall be entered in  
14 full upon the records of said court and certified copies  
15 thereof, under the seal of the court, shall be delivered by the  
16 clerk of said court to and be filed by the city clerk of the  
17 city and the secretary of the school district in which said ward  
18 or wards become located. The clerk of the court of quarter  
19 sessions shall likewise certify copies thereof to the Secretary  
20 of the Commonwealth and to the Department of Community Affairs.]

21 Section 40. Article V subdivision (h) heading of the act,  
22 amended August 6, 1963 (P.L.511, No.268), is repealed:

23 [(h) Annexation of Property Owned by a City]

24 Section 41. Section 561 of the act, amended October 5, 1967  
25 (P.L.327, No.143), is repealed:

26 [Section 561. If any city owns land contiguous to said city  
27 on January 1, 1963, the city may annex said territory in the  
28 following manner:

29 A bill may be introduced in council to annex said land,  
30 setting forth a description of the territory to be annexed and

1 the courses and distances of the boundaries of such territory.  
2 If said bill becomes an ordinance by action of council, a copy  
3 thereof shall be certified to the Department of Community  
4 Affairs.]

5 Section 42. Section 562 of the act, added May 27, 1957  
6 (P.L.210, No.104), is repealed:

7 [Section 562. Upon such annexation by ordinance, a plan of  
8 the territory annexed shall be filed by the city council in the  
9 office of the county commissioners and with the clerk of the  
10 court of quarter sessions, and thereupon the annexation shall  
11 become effective.

12 The annexation proceedings authorized by these sections are  
13 in addition to, and not in substitution of, proceedings  
14 otherwise provided by law for annexation of territory, and may  
15 be followed without reference to or compliance with such other  
16 provisions.]

17 Section 43. Article V subdivision (i) heading, section 570,  
18 subdivision (j) heading and section 580 of the act, added July  
19 10, 1959 (P.L.521, No.139), are repealed:

20 [(i) Terms and Salaries of Officials and Employes  
21 of Annexed Territory

22 Section 570. Annexation Officials and Employes.--In case of  
23 annexation, all salaried public officials of territory annexed  
24 who have theretofore been elected for a definite term shall  
25 continue to receive during the term for which they were elected  
26 the same salaries as they would have received except for such  
27 annexation, and it shall be the duty of the mayor of such city  
28 to assign to such public officials the performance of such  
29 suitable services and duties as will be in the public interest  
30 of the city and particularly of the annexed portion thereof. In

1 case of nonelective employes of such annexed borough or  
2 township, they shall, so far as practicable, be employed at  
3 corresponding duties by the city in accordance with rules and  
4 regulations to be established by city ordinance. Tax collectors  
5 holding office at the date of annexation shall continue to  
6 perform the duties and receive the emoluments of office for the  
7 full term for which they were elected, but upon the expiration  
8 of such term, the office shall be abolished within such  
9 territory and the duties thereof shall be merged with that of  
10 the collector of taxes of such city of the third class.

11 (j) Ordinances

12 Section 580. Annexation Ordinances.--In case of annexation,  
13 all ordinances governing the annexed territory shall remain in  
14 full force and effect over the annexed territory until  
15 appropriate ordinances are passed by the Council of the city of  
16 the third class integrating ordinances of the annexed territory  
17 with those of the city of the third class.]

18 Section 44. Article VI heading of the act is reenacted to  
19 read:

20 ARTICLE VI

21 CITY BOUNDARIES

22 Section 45. Sections 601, 602, 603, 604, 605 and 606 of the  
23 act are amended to read:

24 Section 601. Navigable Stream Boundaries.--Whenever any city  
25 is bounded by the nearest margin of a navigable stream, and an  
26 opposite [township, borough, or city] municipal corporation is  
27 also bounded by the nearest margin of the same stream, the  
28 boundaries of [such] the city shall extend to the center line of  
29 the stream. Nothing contained in this section shall be construed  
30 to repeal any local or special law providing otherwise.

1 Section 602. Court to Establish Disputed Boundaries.--[The  
2 court of quarter sessions, upon petition of any interested  
3 political subdivision] (a) In any case in which a city or any  
4 municipal corporation contiguous to the city disputes the  
5 boundary between them, the court of common pleas, upon petition  
6 of the city or the contiguous municipal corporation, may  
7 ascertain and establish the disputed [boundaries between any  
8 such parties. Whenever the] boundary.

9 (b) In any dispute [involves] involving the boundaries of  
10 counties, the provisions of [the County Code shall apply to that  
11 extent.] this article shall not supersede the application of the  
12 relevant provisions of the act of August 9, 1955 (P.L.323,  
13 No.130), known as "The County Code," and the act of July 28,  
14 1953 (P.L.723, No.230), known as the "Second Class County Code,"  
15 or any other law applicable to the fixing of county boundaries.

16 Section 603. Petition to Court; Commissioners; Report.--Upon  
17 [such] petition in accordance with section 602(a), the court  
18 shall appoint [as] three impartial commissioners [three  
19 impartial qualified electors], who shall have authority to  
20 employ a professional engineer or surveyor. After giving notice  
21 to interested parties [affected] by publication once in at least  
22 one newspaper of general circulation, in conformity with section  
23 [one hundred and nine of this act, they shall view the disputed  
24 boundaries] 109, or as directed by the court, the commissioners  
25 shall hold a hearing and view the disputed boundaries. A  
26 majority of the commissioners shall make [a prompt] its report  
27 and recommendations to the court, [which report shall be]  
28 accompanied [with] by a plot or draft of the lines and  
29 boundaries proposed [boundary, if the same cannot be fully  
30 described] to be ascertained and established if they cannot be

1 fully designated by natural lines[. The] or boundaries. Upon the  
2 filing of the report, it shall be confirmed nisi, and the court  
3 [shall] may make [such] further order [thereupon as to] as it  
4 shall [seem] deem just and reasonable.

5 Section 604. [Reviews;] Exceptions and [Issues.--Any person  
6 affected may petition the court for a review, or may except to  
7 the report of the commissioners. When matters of fact are in  
8 dispute, the court may frame an issue and certify the same for  
9 trial to the court of common pleas.] Procedure.--Exceptions to  
10 the report may be filed by any interested person or municipal  
11 corporation within thirty days after the filing of the report,  
12 and the court shall set a day for the hearing of the exception.  
13 Notice of the hearing shall be given as the court may direct.  
14 After hearing, the court may sustain the exceptions or dismiss  
15 them and confirm the report or refer the report back to the same  
16 or new commissioners with authority to make another report. If  
17 no exceptions are filed within thirty days after the filing of  
18 the report, the court shall confirm the report absolutely. When  
19 any report is confirmed absolutely, the court shall enter a  
20 decree establishing the lines and boundaries as shown in the  
21 report.

22 Section 605. Pay and Expenses of Commissioners.--The  
23 commissioners shall each receive [five dollars per day, for each  
24 day necessarily employed in the performance of their duties, as  
25 well as mileage at the rate of ten cents per mile for each mile  
26 necessarily traveled, and reasonable expenses incurred for  
27 surveying] reasonable compensation as established by the court  
28 and reasonable expenses incurred for surveying services, to be  
29 paid equally by the [political subdivisions interested] city and  
30 any interested municipal corporation.

1 Section 606. Boundary Monuments.--[Whenever a boundary is  
2 established pursuant to the preceding sections of] If a  
3 boundary, ascertained and established pursuant to this article,  
4 [the court shall cause such part of the same as] cannot be fully  
5 described by natural lines, the court shall cause it to be  
6 marked with permanent monuments, placed at intervals not  
7 exceeding fifteen hundred feet[, ] and at the end of any course[,  
8 and the]. The expense of placing [the said] these monuments,  
9 [when] as approved by the court, shall be borne equally by the  
10 [political subdivisions interested, and the court shall compel  
11 payment of the same according to law] city and any interested  
12 municipal corporation.

13 Section 46. Article VII heading of the act is reenacted to  
14 read:

15 ARTICLE VII

16 ELECTED OFFICERS AND ELECTIONS

17 Section 47. Sections 701, 702, 703 and 704 of the act are  
18 amended to read:

19 Section 701. Elected Officers; Term; Eligible to Reelection;  
20 Vacancies Where Elected Officer Fails to Qualify.--[The] (a)  
21 (1) Except as provided in subsection (c), the elected officers  
22 of each city shall be a mayor, four [councilmen] council  
23 members, a controller, and a treasurer.

24 (2) Except as provided in section [seven hundred and two of  
25 this act] 702 with respect to the first election of members of  
26 council, each [of such officers] elected officer shall serve for  
27 a term of four years from the first Monday of January next  
28 succeeding [his] the officer's election[, ] until the first  
29 Monday of January in the fourth year thereafter.

30 (3) Any such officer shall be eligible to reelection.

1       (b) Any person elected to a city office who fails to qualify  
2 [within thirty days after the first Monday of January following  
3 his election] in accordance with the provisions of sections 904  
4 and 905 and, as applicable, section 1001, 1201, 1401 or 1701,  
5 shall be ineligible to qualify thereafter. A vacancy shall then  
6 exist in the [said] office and a person shall be appointed to  
7 fill [said] the vacancy in the manner provided by this act.

8       (c) In accordance with this subsection, two additional  
9 council members may be elected to form a seven-member council  
10 comprised of six council members and the mayor, or a city that  
11 has opted for a seven-member council may reestablish a five-  
12 member council comprised of four council members and the mayor,  
13 in accordance with the following:

14       (1) Upon petition of at least five per centum of the  
15 registered voters of the city or pursuant to a resolution of  
16 council, and after approval by a majority of those voting at the  
17 next municipal or general election, there shall be elected two  
18 additional council members, so that the council shall be  
19 comprised of six council members and the mayor.

20       (2) The referendum petition or resolution of the council  
21 certified by the city clerk shall be filed with the county board  
22 of elections not later than the thirteenth Tuesday before the  
23 next municipal or general election. The county board of  
24 elections shall place the question before the electors as  
25 provided by the Pennsylvania Election Code. The form of the  
26 question shall be as follows:

27       Should two additional council members be elected to serve in  
28 this city, so that council shall be comprised of six council  
29 members and the mayor?

30               Yes   No



1 (3) The county board of elections shall tabulate and publish  
2 in a newspaper of general circulation the results of the  
3 referendum within thirty days of the election.

4 (4) In no event shall the question of additional council  
5 members be voted on more than once in any three-year period.

6 (5) Terms of newly elected council members shall be as  
7 follows:

8 (i) At the first municipal election following approval at a  
9 general election of the question providing for the election of  
10 two additional council members, one of the additional council  
11 members shall be elected for a term of four years and one for a  
12 term of two years, each to serve from the first Monday of  
13 January after the election.

14 (ii) At the first general election following approval at a  
15 municipal election of the question providing for the election of  
16 two additional council members, one of the additional council  
17 members shall be elected for a term of three years and one for a  
18 term of one year, each to serve from the first Monday of January  
19 after the election.

20 (iii) After that time, the additional council members shall  
21 be elected for terms of four years each to serve from the first  
22 Monday of January after the election.

23 (5.1) In cities divided into wards, the two new council  
24 members elected in accordance with clause (5) shall represent  
25 the city at large. No sooner than four years after the election  
26 adding two additional council members, the city may change the  
27 representation of either or both of the two additional seats  
28 from at-large to ward representation in accordance with Article  
29 IV or any other law.

30 (6) In cities in which the electorate has opted for a seven-

1 member council, comprised of six council members and the mayor,  
2 the city shall return to a five-member council, including the  
3 mayor, upon petition of at least five per centum of the  
4 registered voters of the city or pursuant to a resolution of the  
5 council, and after approval by a majority of electors voting at  
6 the next municipal or general election. The referendum petition  
7 or resolution shall be filed with the county board of elections  
8 not later than the thirteenth Tuesday before the next municipal  
9 or general election. The county board of elections shall place  
10 the question before the electors as provided under the  
11 Pennsylvania Election Code. The form of the question shall be as  
12 follows:

13 Should this city return to a five-member council, comprised  
14 of four council members and the mayor?

15 Yes No

16 (7) The county board of elections shall tabulate and publish  
17 in a newspaper of general circulation the results of the  
18 referendum within thirty days of the election. In no event shall  
19 the question of reducing the seven-member council be voted on  
20 more than once in any five-year period.

21 (8) At the first municipal election following approval of  
22 the question providing for the return to a five-member council,  
23 to be comprised of four council members and the mayor, four  
24 council members shall be elected to serve from the first Monday  
25 of January after the election, when the terms of the six council  
26 members serving on the seven-member council shall cease. The  
27 four candidates receiving the highest number of votes for the  
28 office of council member shall be elected. The two candidates  
29 receiving the first and second highest number of votes shall  
30 serve for a term of four years. The two candidates receiving the

1 third and fourth highest number of votes shall serve for a term  
2 of two years. After that time, council members shall be elected  
3 as provided in subsection (a).

4 Section 702. First Elections in Newly Created Cities.--(a)  
5 At the first municipal election occurring at least ninety days  
6 after the date of the letters patent issued by the Governor  
7 incorporating [and] the city, the [qualified electors of such]  
8 registered voters of the city shall elect [a mayor, a treasurer,  
9 and a controller] city officials as set forth in section 701(a)  
10 (1). [At such election, the electors of such city shall also  
11 elect four councilmen.]

12 (b) The two candidates for [such office] council receiving  
13 respectively the highest number of votes at [such] the election  
14 shall serve for a term of four years from the first Monday of  
15 January next succeeding their election until the first Monday of  
16 January in the fourth year thereafter[, and the two candidates  
17 at such election].

18 (c) The two candidates for council receiving the next  
19 highest number of votes shall serve for a term of two years from  
20 the first Monday of January next succeeding their election until  
21 the first Monday of January in the second year thereafter.

22 Section 703. Nominations and Elections.--All matters  
23 relating to nominations of candidates and election of city  
24 officers shall be governed by the applicable provisions of the  
25 Pennsylvania Election Code.

26 Section 704. Certificates of Election.--[Whenever an  
27 election shall have been held for city officers, for regular  
28 terms of service] Upon the election of city officers in  
29 accordance with this article, it shall be the duty of the  
30 [officer-elect to procure from the] county board of elections to

1 issue, and of the officer-elect to procure, a certificate of  
2 election [as issued by the board, according to law, and to lay  
3 the same before]. The officer-elect shall present the  
4 certificate of election to council on the date and time fixed by  
5 law for [their] its organization[; and the said]. The  
6 certificate shall be filed among the city archives, and its  
7 presentation shall be noted in the minutes.

8 Section 48. Article VIII heading of the act is reenacted to  
9 read:

10 ARTICLE VIII

11 VACANCIES IN OFFICE

12 Section 49. Section 801 of the act, amended August 21, 1953  
13 (P.L.1292, No.364), is amended to read:

14 Section 801. Vacancies in Council and Office of Mayor.--[If  
15 a vacancy exists in the city council, whether as to the office  
16 of mayor or one or more of the other members of council, the  
17 city council shall, by a majority of its remaining members, fill  
18 such vacancy, within thirty days thereafter, by electing a  
19 qualified person to serve until that first Monday of January  
20 when his successor who shall have been elected by the qualified  
21 electors at the next municipal election, occurring at least  
22 thirty days after such vacancy exists, is duly sworn into office  
23 for the remainder of the term of the person originally elected  
24 to said office.

25 In case vacancies should exist whereby the offices of three  
26 or four of the five members of the city council become vacant,  
27 the remaining one or two members shall fill such vacancies, one  
28 at a time, giving each new appointee such reasonable notice of  
29 his appointment as will enable him to meet and act with the then  
30 qualified member or members of the city council in making

1 further appointments until three members of city council have  
2 been qualified, whereupon the said three members shall fill the  
3 remaining vacancies at a meeting attended by the said three  
4 members of said city council, such appointees to receive a  
5 majority of the votes of the said three members present at any  
6 such meeting. The person or persons selected to fill such  
7 vacancy or vacancies shall hold their offices as herein  
8 provided.

9 If, by reason of a tie vote, or otherwise, such vacancy shall  
10 not have been filled by the remaining members of city council  
11 within the time as limited herein, the court of common pleas,  
12 upon the petition of ten or more qualified electors shall fill  
13 such vacancy by the appointment of a qualified person, for the  
14 portion of the unexpired term as above provided.

15 If at any time vacancies should occur or exist in the  
16 membership of all five members of city council, the court of  
17 common pleas shall appoint a city council, including a mayor, of  
18 persons properly qualified, who shall serve as herein provided.]

19 (a) Within thirty days of a vacancy in the office of mayor or  
20 other member of city council, or if an elected mayor or council  
21 member has failed to qualify pursuant to section 701 prior to  
22 taking office, the council shall, by a majority of its remaining  
23 members, appoint a qualified person to fill the vacant office.

24 (b) If council does not fill a vacancy within thirty days in  
25 accordance with subsection (a), or if vacancies should exist in  
26 the offices of a majority or more of the members of the city  
27 council, including the position of mayor, the president judge of  
28 the court of common pleas having jurisdiction within the city  
29 shall fill the vacancy or vacancies upon either the petition of  
30 ten or more qualified electors of the city or the petition of a

1 majority of the remaining members of council.

2 (c) A person appointed under subsection (a) or (b) shall  
3 serve for the lesser of the following periods:

4 (1) The remainder of the unexpired term of the office to  
5 which the person is appointed.

6 (2) Until the first Monday of January after the next  
7 municipal election occurring at least thirty days after the  
8 vacancy occurred.

9 (d) If necessary to fill the unexpired term of the person  
10 originally elected to an office that has become vacant, a person  
11 shall be elected at the municipal election referred to in  
12 subsection (c) to serve from the first Monday of January after  
13 that election for the remainder of the unexpired term.

14 Section 50. Section 802 of the act, amended May 6, 1957  
15 (P.L.104, No.45), is amended to read:

16 Section 802. Vacancy in Office of Controller or of  
17 Treasurer.--[If a vacancy occurs in the office of city  
18 controller or in the office of city treasurer, the city council  
19 shall fill such vacancy, within thirty days thereafter, by  
20 choosing a city controller or a city treasurer, as the case may  
21 be, to serve until his successor is elected by the qualified  
22 electors at the next municipal election, occurring at least two  
23 hundred days after such vacancy occurs, and is duly sworn into  
24 office. The person so elected shall serve for the remainder of  
25 the term of the person originally elected to such office.

26 If by reason of a tie vote or otherwise, such vacancy shall  
27 not have been filled by the members of city council within the  
28 time as limited herein, the court of common pleas upon the  
29 petition of ten or more qualified electors shall fill such  
30 vacancy by the appointment of a qualified person for the portion

1 of the unexpired term as above provided.] (a) Within thirty  
2 days after a vacancy occurs in the office of city controller or  
3 in the office of city treasurer, or if an elected city  
4 controller or city treasurer has failed to qualify pursuant to  
5 section 701 prior to taking office, the council shall appoint a  
6 qualified person to fill the vacant office.

7 (b) If council does not fill a vacancy within thirty days in  
8 accordance with subsection (a), the president judge of the court  
9 of common pleas having jurisdiction within the city shall fill  
10 the vacancy upon the petition of ten or more registered voters  
11 of the city.

12 (c) A person appointed under subsection (a) or (b) shall  
13 serve for the lesser of the following periods:

14 (1) For the remainder of the unexpired term of the  
15 controller or treasurer whose office has become vacant.

16 (2) Until the first Monday of January after the next  
17 municipal election occurring at least two hundred days after  
18 such vacancy occurs.

19 (d) If necessary to fill the unexpired term of the  
20 controller or treasurer whose office has become vacant, a person  
21 shall be elected at the municipal election referred to in  
22 subsection (c) to serve from the first Monday of January after  
23 that election for the remainder of the unexpired term.

24 (e) In any case in which a person is elected or appointed to  
25 fill an office for which a bond is required and if, within  
26 fourteen days of the date that person is scheduled to take the  
27 oath of office at the organizational meeting of council, the  
28 person fails to post a bond, the office shall be deemed to be  
29 vacant and the resulting vacancy shall be filled in the manner  
30 provided by this act.

1 Section 51. Article IX heading of the act is reenacted to  
2 read:

3 ARTICLE IX

4 GENERAL PROVISIONS RELATING TO CITY

5 OFFICERS AND EMPLOYEES

6 Section 52. Sections 901, 902, 903, 904, 905, 906, 907, 908  
7 and 909 of the act are amended to read:

8 Section 901. Appointment and Removal of Officers and  
9 Employes; Removal from Elective Office; Employes Not to Hold  
10 Elective Office.--(a) Council shall have the power of  
11 appointment and dismissal of all city officers and employes,  
12 other than elected officers, and shall provide for the removal  
13 of officers of the city whose offices are established by  
14 ordinance, except where otherwise provided by this act.

15 (b) In the case of persons holding an elective city office,  
16 whether elected thereto or duly appointed to fill a vacancy in  
17 the elective office, the following shall apply:

18 (1) They shall be removed from office in accordance with the  
19 Constitution of this Commonwealth, as follows:

20 (i) by impeachment;

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

23 (iii) upon conviction of misbehavior in office, or of any  
24 infamous crime.

25 (2) Provisions of this act or other provisions of law  
26 requiring a forfeiture of office upon the conviction of a crime  
27 shall apply only if the court determines that the conviction is  
28 for misbehavior in office or for an infamous crime.

29 (3) Nothing in this section shall prevent title to elected  
30 city offices from being tried by proceedings of quo warranto as



1 provided by law.

2 (c) In the case of persons who are appointees to city  
3 offices or positions, other than to elective offices, the  
4 following shall apply:

5 (1) They may be removed by the appointing power, except as  
6 limited by law or the constitution.

7 (2) They shall be removed on conviction of misbehavior in  
8 office or of any infamous crime.

9 (d) Except as otherwise provided by law, a person may not  
10 concurrently hold elective city office and be an employe of the  
11 same city.

12 Section 902. Officers and Employes; Number; Duties;  
13 Compensation.--[Council shall] (a) Except as otherwise provided  
14 by this act, council may prescribe, by ordinance, the number,  
15 duties, and compensation of the officers and employes of the  
16 city. [No payment of such compensation shall be made from the  
17 city treasury or be in any way authorized, to any person except  
18 an officer or employe elected or appointed in pursuance of law.  
19 No ordinance shall be passed giving any extra compensation to  
20 any officer, servant, employe or contractor, without previous  
21 authority of law.]

22 (b) With regard to compensation paid to any officer or  
23 employe of the city, the following shall apply:

24 (1) No payment shall be authorized from the city treasury to  
25 any officer or employe of the city unless that officer or  
26 employe has been elected or appointed in accordance with law.

27 (2) Unless previously authorized by law, no ordinance shall  
28 give extra compensation to any officer or employe of the city.

29 (c) Any officer drawing or countersigning any [warrant]  
30 document authorizing payment, or passing or paying any voucher

1 contrary to this section, [shall be guilty of] commits a  
2 misdemeanor[,] and shall, upon conviction [thereof, shall  
3 forfeit his office], be subject to forfeiting office in  
4 accordance with section 901(b)(2) and [be] sentenced to pay a  
5 fine not exceeding five thousand dollars, or to undergo  
6 imprisonment not exceeding one year, or both, at the discretion  
7 of the court.

8 Section 903. [Salaries of Officers not to be Increased After  
9 Election] Changes in Salary, Compensation and Emoluments of  
10 Officers.--(a) No city shall increase or diminish the salary,  
11 compensation, or emoluments of any elected officer after [his]  
12 the officer's election. Any change in salary, compensation or  
13 emoluments of the elected office shall become effective at the  
14 beginning of the next term of the member of council or other  
15 elected official.

16 (b) Nothing in subsection (a) shall be construed to limit  
17 retirement benefits applicable to all employes and officers.

18 Section 904. Offices to be Held until Qualification of  
19 Successors.--Any officer of any city, who has been elected or  
20 appointed and has qualified, shall hold [said] office until  
21 [his] the officer's successor is elected or appointed and [duly  
22 qualifies.] takes the oath of office, provides any necessary  
23 bond and takes any other necessary actions required by law to  
24 qualify to assume office. Should any elected official fail to  
25 appear at the organizational meeting of the city council to  
26 demonstrate the official's qualifications for office and to take  
27 the oath of office, the official shall fully qualify for office  
28 and shall take the oath of office within fourteen days of the  
29 date of the organizational meeting of the council or the office  
30 of that elected official shall be deemed to be vacant and the

1 vacancy shall be filled in the manner provided by this act. When  
2 the terms of office of more than one council at-large member  
3 expire, and more than one seated council member are to be  
4 replaced as the result of an election, and only one of the newly  
5 elected council members fails to qualify to assume office, those  
6 members whose terms have expired and who are to be replaced  
7 shall draw lots to determine which of them shall continue to  
8 serve on council until the member's successor duly qualifies for  
9 and takes the oath of office. No person continuing to hold  
10 office pursuant to this section after the first Monday of  
11 January which would have marked the end of the person's term  
12 shall participate in the deliberations concerning or in any vote  
13 appointing the person's successor.

14 Section 905. Oath of Office; Violation of Oath; Penalty.--

15 (a) All officers of the city, whether elected or appointed,  
16 shall, before entering upon their respective duties, take and  
17 subscribe [the oath prescribed by section 1 of article VII of  
18 the Constitution of this Commonwealth. Any person refusing to  
19 take such oath shall forfeit his office. Any person guilty of a  
20 violation of his oath shall be guilty of a misdemeanor, and,  
21 upon conviction, shall forfeit his office, and be sentenced to  
22 pay a fine not exceeding one thousand dollars, or to undergo an  
23 imprisonment not exceeding one year, or both, at the discretion  
24 of the court.] an oath or affirmation of office pursuant to 53  
25 Pa.C.S. § 1141 (relating to form of oaths of office).

26 (b) Any person refusing to take the oath shall be deemed not  
27 to have met the qualifications to hold office. Any person who  
28 violates the person's oath commits a misdemeanor and shall, upon  
29 conviction, be sentenced to pay a fine not exceeding one  
30 thousand dollars or to undergo imprisonment not exceeding one

1 year, or both, at the discretion of the court, and shall be  
2 subject to forfeiting office in accordance with section 901.

3 Section 906. Bond to be Given by Officers and Agents.--

4 [Council] In addition to the requirements for bonding that may  
5 be imposed by this act or any other law, council may require  
6 from all officers and agents of the city, elected or appointed,  
7 lawful bonds with corporate sureties for the faithful  
8 performance of their duties. No officer or agent required by law  
9 or ordinance to give bond, as aforesaid, shall be sworn into  
10 office or enter upon the duties thereof until such bond shall  
11 have been duly approved by the proper authority.

12 Section 907. Surety Bonds; [Premiums.--When any officer or  
13 employe of any city is required to give a bond for the faithful  
14 performance of this duties, such bond shall be endorsed by a  
15 surety company, and the city shall pay the premium on such bond.  
16 The bonds of city officers and employes hereafter given shall be  
17 with corporate sureties and not with individual or personal  
18 sureties.] Insurance; Premiums.--(a) Unless otherwise provided  
19 by this act or any other provision of law, the following shall  
20 apply when any elected or appointed officer or employe of any  
21 city is required to give a bond:

22 (1) The bond shall be for the faithful performance of the  
23 duties of the elected or appointed officer or employe.

24 (2) The bond shall be endorsed by a surety or other company  
25 authorized by law to act as a surety and that is qualified to do  
26 business in this Commonwealth.

27 (3) The bonds of elected or appointed officers and employes  
28 shall be with corporate sureties and not with individual or  
29 personal sureties.

30 (4) The city shall pay the premium on the bond, unless all

1 or a portion of the premium on the bond is to be paid by the  
2 Commonwealth or political subdivisions other than the city, or  
3 unless provisions are otherwise made in law for payment of the  
4 premium on the bond, in which case the city shall pay the unpaid  
5 portion of the premium.

6 (5) The bond shall be approved by the city solicitor.

7 (6) In addition to any other conditions required by law, the  
8 bond shall be in such sum and with such conditions as council  
9 may direct.

10 (b) Except as may be otherwise provided in section 1402,  
11 when any elected or appointed officer or employe of any city is  
12 required to give a bond for the faithful performance of the  
13 officer's or employe's duties, council may, in lieu of the bond,  
14 purchase one or more blanket bonds for elected or appointed  
15 officers or employes or it may purchase insurance provided that  
16 the insurance covers the same events of loss and insures the  
17 city against the same misconduct as the bond in compliance with  
18 this act.

19 (c) In addition to any bond required by this act for the  
20 faithful performance of official duties by any elected or  
21 appointed officer or employe of any city or any insurance in  
22 lieu of the bond, council may require city officers or employes  
23 who as part of their official duties handle money or have money  
24 in their possession at any time to be covered by adequate  
25 insurance which provides the types of protection against loss as  
26 may be designated by council, which may include, but need not be  
27 limited to, protection against loss through robbery, burglary or  
28 larceny. The cost of the insurance shall be paid by the city and  
29 the amount of the insurance shall be fixed by council.

30 Section 908. Officers not to Become Surety on Bonds Given to

1 City; Penalty.--No member of the council, or any other city  
2 officer, shall become surety [in] on any bond or obligation  
3 given to the city by any agent or contractor[,] for the faithful  
4 performance of any trust, agency, or contract. Any person  
5 violating any of the provisions of this section [shall be guilty  
6 of] commits a misdemeanor[,] and shall, upon conviction, [shall  
7 forfeit his] be subject to forfeiting office in accordance with  
8 section 901 and [be] sentenced to pay a fine not exceeding one  
9 hundred dollars.

10 Section 909. Moneys and Accounts to be Delivered by Officer  
11 to Successor.--Every officer of the city receiving or having in  
12 [his] the officer's possession any money, accounts, property,  
13 documents or effects belonging to the city shall, upon  
14 termination of [his] office, deliver the same to the city or to  
15 [his] the officer's qualified successor. Any person violating  
16 the provisions of this section shall[, upon summary conviction  
17 thereof before an alderman or justice of the peace, be sentenced  
18 to pay a fine of not less than one hundred dollars or more than  
19 three hundred dollars, and, in default of payment, undergo  
20 imprisonment not exceeding ninety days. Such failure to deliver  
21 shall, for each day thereof, be a separate and distinct  
22 offense.] be subject to prosecution in accordance with the  
23 applicable provisions of 18 Pa.C.S. (relating to crimes and  
24 offenses). Nothing set forth in this section may limit any other  
25 remedies at law or at equity available to the city.

26 Section 53. Sections 910, 911, 912, 913, 914 and 915 of the  
27 act are repealed:

28 [Section 910. Receipt of Bribe by Officer or Employee of  
29 City; Penalty.--Any member of council, or other city officer or  
30 employe, who shall solicit, demand, or receive, or consent to

1 receive, directly or indirectly, for himself or for another,  
2 from any company, corporation, or persons, any moneys, office,  
3 appointment, employment, testimonial, reward, thing of value or  
4 enjoyment or of personal advantage, or promise thereof, for his  
5 vote or official influence, or for withholding the same, or with  
6 an understanding, expressed or implied, that his vote or  
7 official action shall be in any way influenced thereby, or who  
8 shall solicit or demand such money or other advantage, matter,  
9 or thing, aforesaid, for another, as the consideration of his  
10 vote or official influence, or for withholding the same, or who  
11 shall give or withhold his vote or influence in consideration of  
12 the payment or promise of such money, advantage, or thing to  
13 another, shall be guilty of bribery, a felony, and, upon  
14 conviction thereof, shall be sentenced to pay a fine not  
15 exceeding ten thousand dollars, and to undergo imprisonment for  
16 a period not exceeding five years, and shall be forever  
17 incapable of holding any place of profit or trust in this  
18 Commonwealth.

19 Section 911. Bribery of Officers or Employes; Penalty.--Any  
20 person who shall, directly or indirectly, offer, give, or  
21 promise any money or anything of value, testimonial, privilege,  
22 or personal advantage to any member of council or other city  
23 officer or employe, to influence him in the performance or  
24 nonperformance of any of his public or official duties, shall be  
25 guilty of bribery, and, upon conviction thereof, shall be  
26 sentenced to pay a fine not exceeding ten thousand dollars, and  
27 to undergo imprisonment for a period not exceeding five years,  
28 and shall be forever incapable of holding any place of profit or  
29 trust in this Commonwealth.

30 Section 912. City Property not to be Used by Officers for

1 Gain; Penalty.--No portion of the property of the city shall be  
2 used for private gain by any officer of the city, councilman,  
3 agent or employe of said city, or any department thereof; nor  
4 shall the same be wilfully used or injured, or be sold or  
5 disposed of in any manner by any officer, councilman, agent or  
6 employe, without the consent of the council. Any person  
7 violating any of the provisions of this section shall be guilty  
8 of a misdemeanor, and, upon conviction, shall be sentenced to  
9 pay a fine not exceeding five hundred dollars, or to undergo  
10 imprisonment not exceeding one year, or both, at the discretion  
11 of the court. Upon such conviction, the party offending shall be  
12 forthwith removed from his office or employment, and shall not  
13 thereafter be eligible to election or appointment to any place  
14 of profit or trust under said city, or any department thereof.

15 Section 913. City not to Engage in Private Construction.--No  
16 official, officer, agent or employe of any city or of any  
17 department, office, institution or agency thereof, shall dispose  
18 of, or authorize or permit the disposal of, any services,  
19 materials, supplies or labor belonging to, or paid or contracted  
20 for by, the city or any of its departments, offices,  
21 institutions or agencies, in any building, installing, laying or  
22 other work of construction of any manner of thing, whether  
23 gratuitously or for a consideration, for private rather than  
24 public benefit, within or without the city's boundaries, unless  
25 such disposal is expressly or by necessary implication  
26 authorized or required by law. This section is intended to  
27 prohibit encroachment of officials, officers, agents or employes  
28 of a city upon the markets of legitimate private enterprise  
29 engaged in all types of construction work. Any official,  
30 officer, agent or employe of a city or any department, office,



1 institution or agency thereof, violating the provisions of this  
2 section, shall, upon summary conviction thereof, forfeit and pay  
3 to the city a fine of not less than one hundred nor more than  
4 three hundred dollars for each such offense, or in default  
5 thereof undergo imprisonment for not more than ninety days; and  
6 each day's violation shall constitute a separate and distinct  
7 offense.

8 Section 914. Warrants or Claims not to be Purchased by  
9 Officers; Penalty.--No member of the council or other officer of  
10 such city, shall purchase any warrant, order, or claim for labor  
11 or supplies furnished to said city, nor be interested, directly  
12 or indirectly, in the purchase of the same for any sum less than  
13 the amount specified therein. Any such person violating any of  
14 the provisions of this section shall be guilty of a misdemeanor,  
15 and, upon conviction thereof, shall forfeit his office and be  
16 sentenced to pay a fine not exceeding one hundred dollars.

17 Section 915. Imposition of Penalties.--Whenever any offense  
18 punishable under this article IX shall also be punishable under  
19 the Penal Code of 1939, the penalties imposed, other than  
20 forfeiture of office or right to hold office, shall be only  
21 those prescribed by said Penal Code.]

22 Section 54. Section 916 of the act, amended September 26,  
23 1951 (P.L.1515, No.379), is amended to read:

24 Section 916. [City Leagues] Pennsylvania Municipal League  
25 and Other Municipal Affairs Organizations.--Any city may unite  
26 with other cities, or with the cities of two or more classes, or  
27 with any other municipalities, and may form and organize  
28 [leagues] a league of said cities[, ] and municipalities and hold  
29 annual conventions for the study and consideration of such  
30 municipal affairs as concern and pertain to the cities and

1 municipalities comprising the league. [Each] A city that is a  
2 member of [a] the league may send delegates thereto and pay the  
3 necessary expenses incident to their attending [said] the annual  
4 convention, [and] pay dues to the league, appropriate moneys to  
5 join and participate in any of the various business and training  
6 programs of the league designed to address municipal needs in a  
7 cost-efficient manner and provide a fund for the necessary costs  
8 and expenses of the league and league conventions and the work  
9 carried on by [said] the league. Each delegate shall submit to  
10 the city controller for approval an itemized account of [his]  
11 the delegate's expenses to be paid [him] under the authority of  
12 this section. Council is hereby authorized to appropriate  
13 [monies] moneys for like support of and participation in other  
14 organizations at the national and State level concerned with  
15 municipal affairs.

16 Section 55. Section 917 of the act is amended to read:

17 Section 917. Powers of Subpoena; Compelling Testimony.--[In  
18 any case where an official or officer of the city or any agency  
19 thereof created or authorized by this act is specifically  
20 empowered to conduct hearings and investigations, such officer,  
21 official or agency] (a) This section applies to any of the  
22 following that are specifically empowered to conduct hearings  
23 and investigations:

24 (1) an officer or official of the city; or

25 (2) a city agency created or authorized to be created by  
26 this act.

27 (b) The officer, official or city agency referred to in  
28 subsection (a) shall have authority, for the purposes of [such]  
29 hearings or investigations, to issue subpoenas for the  
30 attendance and giving of testimony of [such] witnesses as are

1 subject to the subpoenas of the courts of record of this  
2 Commonwealth, and to issue subpoenas duces tecum as to [such]  
3 the witnesses.

4 (c) In the case of [any] a city agency, [such] the subpoenas  
5 shall [issue] be issued in the name of the city and of the  
6 agency upon the signature of the presiding officer [thereof] of  
7 the city and the official seal, if any, of the agency. [Any  
8 person refusing to obey the orders of any such subpoena shall,  
9 upon summary conviction thereof before an alderman of the city,  
10 be fined not less than ten nor more than three hundred dollars,  
11 and in default of payment thereof shall be imprisoned for a  
12 period not in excess of thirty days. All such fines shall be  
13 paid to the city treasurer for the use of the city.]

14 (d) Subpoenas shall be served by any adult person as  
15 directed by the city or city agency, in accordance with the  
16 rules of civil procedure, and return of service shall be filed  
17 in accordance with law and applicable rules of court.

18 (e) Subpoenas issued by any officer or official of the city  
19 or any city agency shall be enforced in the same manner, and  
20 violations of a subpoena shall be subject to the same penalties  
21 as provided by general law for subpoenas of the courts of common  
22 pleas of the Commonwealth.

23 Section 56. Section 918 of the act, added August 1, 1963  
24 (P.L.459, No.244), is amended to read:

25 Section 918. Consolidation or Integration of Fire and Police  
26 Personnel Prohibited.--No city shall consolidate, integrate or  
27 in any manner reorganize the paid members of the fire [bureau]  
28 force and the paid members of the police [bureau] force into one  
29 bureau or organization.

30 Section 57. Article X and subdivision (a) headings of the

1 act are reenacted to read:

2 ARTICLE X

3 THE COUNCIL

4 (a) General Provisions

5 Section 58. Section 1001 of the act, amended July 27, 1973  
6 (P.L.230, No.60), is amended to read:

7 Section 1001. Qualifications of [Councilmen.--The  
8 councilmen] Council Members.--(a) The council members shall be  
9 at least [twenty-one] eighteen years of age[, ] and shall be  
10 elected by the electors at large[. They shall have been  
11 residents of the city wherein they shall be elected throughout  
12 one year next before their election, and shall reside therein  
13 throughout their terms of service.], subject to the creation of  
14 wards pursuant to Article IV.

15 (b) Council members shall reside in the city from which  
16 elected and shall have resided in the city continuously for at  
17 least one year before their election. Prior to being sworn in to  
18 office and as a condition to qualifying for office, each elected  
19 council member shall present a signed affidavit to the city  
20 clerk that states the person resides in the city from which  
21 elected and has resided in the city continuously for at least  
22 one year preceding the person's election.

23 (c) No officer of the United States or of the Commonwealth  
24 of Pennsylvania (except notaries public or officers of the  
25 militia), nor any county officer, nor any officer of any school  
26 district embraced in the territory of [said] the city, nor any  
27 officer or employe of [said] the city, or of any department  
28 [thereof, nor any member or employe of a municipality authority  
29 of which the city is a member] of the city, shall serve as a  
30 [councilman during his continuance or] council member while

1 continuing to hold the incompatible office or employment, except  
2 as hereinafter provided.

3 Section 59. Section 1002 of the act is amended to read:

4 Section 1002. Vesting of Legislative Power.--The legislative  
5 power of every city shall be vested in a council composed of the  
6 mayor and [four councilmen] council members.

7 Section 60. Section 1003 of the act, amended April 9, 1957  
8 (P.L.53, No.27), is amended to read:

9 Section 1003. Organization of Council.--[The] On the first  
10 Monday of January following the regular municipal election, the  
11 members of council shall assemble [in their] at the usual place  
12 of meeting[, ] for the purpose of organizing[, at ten o'clock in  
13 the forenoon of the first Monday of January next succeeding the  
14 regular municipal election]. If the first Monday is a legal  
15 holiday, the meeting shall be held the first day following [at  
16 the time herein prescribed]. The mayor shall be the president of  
17 the council, and a member [thereof] of the council, and shall  
18 have the same rights and duties, including the introduction of  
19 bills and the making of motions, as pertain to [councilmen.]  
20 other council members. Unless otherwise provided by ordinance in  
21 accordance with section 1101, the vice president of city council  
22 shall be the member of city council designated as the director  
23 of the department of accounts and finance or, if a member of  
24 city council is not the director of that department, the member  
25 of council appointed by the council as its vice president.

26 Section 61. Sections 1004 and 1005 of the act are amended to  
27 read:

28 Section 1004. Oath of [Councilmen] Council Members; Quorum;  
29 Rules.--(a) The members of council shall take the oath of  
30 office provided for [by this act, which oath may be administered

1 by the city clerk or any other person authorized to administer  
2 oaths. Three] in section 905.

3 (b) A majority of the whole number of members of council  
4 shall constitute a quorum, but a smaller number may compel the  
5 attendance of absent members, under penalties to be prescribed  
6 by ordinance. Only members physically present at a meeting place  
7 within the city shall be counted in establishing a quorum.

8 (c) The council may, consistent with law, determine [its own  
9 rules] and adopt rules for its procedure and conduct of  
10 business.

11 Section 1005. Meetings of Council; Notice; Participation by  
12 Telecommunication Device.--(a) The council shall hold stated  
13 meetings at least once in each month, and at such other times as  
14 may be fixed by ordinance, and continue them so long as the  
15 transaction of the public business demands. The mayor [may, and  
16 upon request of two councilmen must, call special meetings of  
17 council upon], as president of council, may call special  
18 meetings of council. A special meeting of council shall be  
19 called by the mayor upon the request of two council members in  
20 the case of a five-member council, or upon the request of three  
21 council members in the case of a seven-member council. In  
22 addition to any notice required by 65 Pa.C.S. Ch. 7 (relating to  
23 open meetings), twenty-four hours' notice of a special meeting  
24 shall be given to each member[, which notice shall state whether  
25 such meeting is to be convened for special or general business.  
26 If called for special business, only such business shall be  
27 considered as is stated in the notice. Such notice may be waived  
28 by unanimous consent of council]. A special meeting can be a  
29 special purpose meeting or a general purpose meeting, as  
30 advertised. Notice of a special meeting shall state the nature

1 of the business to be conducted at the meeting.

2 (b) Council may provide for the participation of council  
3 members in meetings of council by means of telecommunication  
4 devices, such as telephones or computer terminals, which permit,  
5 at a minimum, audio communication between locations, provided  
6 that:

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

15 (2) The telecommunication device used permits the member or  
16 members of council not physically present at the meeting to:

17 (i) speak to and hear the comments and votes, if any, of the  
18 members of council who are physically present as well as other  
19 members of council who may not be physically present and who are  
20 also using a telecommunication device to participate in the  
21 meeting; and

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

24 (3) The telecommunication device used permits members of  
25 council and the members of the public who are physically present  
26 at the meeting to speak to and hear the comments and vote, if  
27 any, of the member or members of council who are not physically  
28 present at the meeting.

29 (4) Council may only authorize participation by  
30 telecommunication device for one or more of the following

1 reasons for physical absence:

2 (i) illness or disability of the member of council;

3 (ii) care for the ill or newborn in the member's immediate  
4 family;

5 (iii) emergency;

6 (iv) family or business travel.

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

10 (c) All meetings of council, whether regular or special,  
11 shall be open to the public. The council shall be a continuous  
12 body, and it shall be lawful for any council to complete any  
13 unfinished business or legislation begun by the preceding  
14 council.

15 Section 62. Sections 1006, 1007, 1008, 1009, 1010 and 1011  
16 of the act are repealed:

17 [Section 1006. Ordinances; Resolutions; Rules and  
18 Regulations; Imposition of Fines.--The council of every city  
19 shall pass ordinances, resolutions, rules and regulations in  
20 accordance with the provisions of this act, and not inconsistent  
21 therewith, as may be necessary to carry into effect the  
22 requirements thereof, and may impose fines and penalties for the  
23 violation of such ordinances, rules and regulations, recoverable  
24 in the manner hereinafter provided for the recovery of fines and  
25 penalties for the violation of city ordinances and subject to  
26 like limitations as to the amount thereof.

27 Section 1007. Voting; No Veto; Vote Necessary to Pass  
28 Ordinance.--Each of the five members of council, shall vote on  
29 all questions coming before the council, except as hereafter  
30 provided. The mayor shall have no right of veto. Except as



1 otherwise provided in this act, an affirmative vote of three  
2 members shall be necessary in order to pass any ordinance,  
3 resolution, rule or regulation.

4 Section 1008. Journal of Proceedings; Recording and  
5 Withholding of Vote.--The council shall keep a journal of its  
6 proceedings, which shall be in the possession of the city clerk,  
7 and which shall at all times be open to public inspection. Upon  
8 every vote, the yeas and nays shall be called and recorded by  
9 the city clerk. Every motion, resolution, or ordinance shall be  
10 reduced to writing before the vote is taken thereon. No member  
11 in attendance shall withhold his vote on any measure, bill or  
12 question unless the council excuse him and enter the reason upon  
13 the journal.

14 Section 1009. Disclosures of Interest by Councilman.--A  
15 member who has a personal or private interest in any question,  
16 measure or bill proposed or pending before the council shall  
17 disclose the fact to council, and shall not vote thereon, nor  
18 take any part in the discussion of the same. If such interested  
19 person shall vote without disclosing his interest in such  
20 question, measure or bill, he shall forfeit his office, and  
21 council may avoid the enactment or transaction or not, as it  
22 deems best.

23 Section 1010. Ordinances and Resolutions; Signing by Mayor  
24 and City Clerk.--Every legislative act of the council shall be  
25 by resolution or ordinance, and every ordinance which shall have  
26 passed said council shall be signed by the mayor and attested by  
27 the city clerk.

28 Section 1011. Bills; Titles.--All proposed ordinances shall  
29 be presented to council in written form as bills and shall be  
30 numbered serially for the calendar year. They shall not be so

1 altered or amended on their passage through council as to change  
2 their original purpose. No ordinances, except general  
3 appropriation ordinances, shall be passed containing more than  
4 one subject, which shall be expressed in its title.]

5 Section 63. Section 1012 of the act, amended July 30, 1975  
6 (P.L.130, No.64), is repealed:

7 [Section 1012. Reading of Bills; Final Passage.--The title  
8 of every bill shall be read when introduced and on final  
9 passage, except as to amendments or other changes which shall be  
10 read at length. A complete copy of every bill introduced shall  
11 be available for public inspection at the clerk's office during  
12 regular office hours. No bill shall be passed finally on the  
13 same day on which it was introduced. At least three days shall  
14 intervene between its introduction and its final passage. Upon  
15 final passage, ordinances shall be numbered serially.]

16 Section 64. Section 1013 of the act is repealed:

17 [Section 1013. Payments not Authorized by Law.--No ordinance  
18 shall be passed providing for the payment of any money by the  
19 city without previous authority of law. Any officer drawing or  
20 countersigning any warrant or passing any voucher for a payment  
21 not authorized by law, or making such payment, shall be guilty  
22 of a misdemeanor, and, upon conviction thereof, shall be  
23 sentenced to pay a fine not exceeding five thousand dollars, and  
24 undergo imprisonment not exceeding one year.]

25 Section 65. Section 1014 of the act, amended December 1,  
26 1977 (P.L.242, No.78), is repealed:

27 [Section 1014. Time of Taking Effect of Ordinances;  
28 Publication; Recording; Proof and Evidence; Notice of Building,  
29 Housing, Fire Prevention, Electrical, Plumbing and Zoning  
30 Ordinances and Other Standard or Nationally Recognized Codes,

1 Maps and Plans.--All ordinances shall, unless otherwise provided  
2 therein or by law, take effect in ten days after their passage,  
3 upon their being signed by the mayor and attested by the city  
4 clerk. Every proposed ordinance, except as otherwise herein  
5 provided, prescribing a penalty for the violation thereof shall  
6 be forthwith published not more than sixty days nor less than  
7 seven days prior to passage in at least one and not more than  
8 two newspapers printed or circulated within the city, in the  
9 manner provided by section one hundred and nine of this act.  
10 Publication of any proposed ordinance shall include either the  
11 full text thereof or the title and a brief summary prepared by  
12 the city solicitor setting forth all the provisions in  
13 reasonable detail and a reference to a place within the city  
14 where copies of the proposed ordinance may be examined. If the  
15 full text is not included a copy thereof shall be supplied to  
16 the same newspaper of general circulation in the city at the  
17 time the public notice is published. If the full text is not  
18 included an attested copy thereof shall be filed in the county  
19 law library or other county office designated by the county  
20 commissioners who may impose a fee no greater than that  
21 necessary to cover the actual costs of storing said ordinances.  
22 In the event substantial amendments are made in the proposed  
23 ordinance or resolution, before voting upon enactment, council  
24 shall within ten days readvertise in one newspaper of general  
25 circulation in the city, a brief summary setting forth all the  
26 provisions in reasonable detail together with a summary of the  
27 amendments. All ordinances shall, within one month after their  
28 passage, be certified and recorded by the city clerk, in a book  
29 provided by the city for that purpose, which shall be at all  
30 times open to the inspection of citizens. Any and all city

1 ordinances, or portions thereof, the text of which, prior to the  
2 effective date of this amending act, shall have been attached to  
3 the city ordinance book, shall be considered in force just as if  
4 such ordinances, or portions thereof, had been recorded directly  
5 upon the pages of such ordinance book: Provided, That all other  
6 requirements of this act applicable to the enactment, approval,  
7 advertising and recording of such ordinance, or portions  
8 thereof, were complied with within the time prescribed by this  
9 act. All ordinances, resolutions, motions or other proceedings  
10 of council may be proved by the certificate of the city clerk  
11 under the corporate seal, and when printed or published in book  
12 or pamphlet form by authority of the city, shall be read and  
13 received as evidence in all courts and elsewhere without further  
14 proof. At least one week and not more than three weeks prior to  
15 the first reading of any proposed building code, ordinance,  
16 housing code, ordinance, fire prevention code, ordinance,  
17 electrical code, ordinance, plumbing code, ordinance, or zoning  
18 ordinance, or any standard or nationally recognized code,  
19 ordinance, or any changes or variations of any standard or  
20 nationally recognized code, or parts thereof, by council, an  
21 informative notice of intention to consider such ordinance and a  
22 brief summary setting forth the principal provisions of the  
23 proposed ordinance in such reasonable detail as will give  
24 adequate notice of its contents, and a reference to the place or  
25 places within the city where copies of the proposed building  
26 code, housing code, fire prevention code, electrical code,  
27 plumbing code, or zoning ordinance or any standard or nationally  
28 recognized code may be examined or obtained, shall be published  
29 in the manner herein provided for the publication of ordinances.  
30 Such building code, ordinance, housing code, ordinance, fire

1 prevention code, ordinance, electrical code, ordinance, plumbing  
2 code, ordinance, or zoning ordinance or any standard or  
3 nationally recognized code, ordinance, shall not be published  
4 after adoption, but not less than three copies thereof shall be  
5 made available for public inspection, and use during business  
6 hours for at least three months after adoption, and printed  
7 copies thereof shall be supplied upon demand, at cost. In any  
8 case in which maps, plans or drawings of any kind are to be  
9 adopted as part of an ordinance, council may, instead of  
10 publishing the same as part of the ordinance, refer, in  
11 publishing the ordinance or a summary thereof, to the place  
12 where such maps, plans or drawings are on file and may be  
13 examined.]

14 Section 66. Section 1014.1 of the act, added July 10, 1957  
15 (P.L.631, No.340), is repealed:

16 [Section 1014.1. Codification of Ordinances.--(a) When a  
17 city of the third class shall have caused to be prepared a  
18 consolidation, codification or revision, containing minor  
19 nonsubstantive changes of the general body of its ordinances,  
20 the city council may adopt the consolidation, codification or  
21 revision, containing minor nonsubstantive changes, as an  
22 ordinance, in the same manner that is now prescribed by law for  
23 the adoption of its ordinances except as hereinafter provided.

24 (b) A consolidation, codification or revision, containing  
25 minor nonsubstantive changes of city ordinances, to be enacted  
26 as a single ordinance, shall be introduced in the city council  
27 at least thirty days before its final enactment and, at least  
28 fifteen days before its final enactment, notice of the  
29 introduction thereof specifying its general nature and content  
30 shall be given by advertisement in a newspaper of general

1 circulation in the city.

2 (c) When the consolidation, codification or revision,  
3 containing minor nonsubstantive changes, is enacted as an  
4 ordinance, it shall not be necessary to advertise the entire  
5 text thereof, but it shall be sufficient to publish or advertise  
6 the table of contents thereof in the manner provided by law for  
7 the advertising of ordinances, and to state in the advertisement  
8 if it be the case that the consolidation, codification or  
9 revision, containing minor nonsubstantive changes, contains a  
10 penalty or penalties. The advertisement shall indicate a place  
11 within the city where a copy thereof may be examined.

12 (d) The procedure set forth in this section for the  
13 consolidation, codification or revision, containing minor  
14 nonsubstantive changes of city ordinances as a single ordinance,  
15 may also be followed in enacting a complete group or body of  
16 ordinances repealing or amending existing ordinances as may be  
17 necessary in the course of preparing a consolidation,  
18 codification or revision containing minor nonsubstantive changes  
19 of the city ordinances.

20 (e) The consolidation, codification or revision, containing  
21 minor nonsubstantive changes, may contain matter which, when it  
22 becomes effective as an ordinance, will operate to adopt by  
23 reference any building, fire prevention or other standard or  
24 model code or zoning ordinance and zoning map.]

25 Section 67. Section 1015 of the act is amended to read:

26 Section 1015. Attendance of Witnesses and Production of  
27 Books Before Council or Committee [Thereof] of Council.--(a)  
28 The council of any city may compel the attendance of  
29 witnesses[, ] and the production of books, papers, and other  
30 evidence[, ] at any meeting of the body or any committee

1 [thereof] of the council. For that purpose, subpoenas may  
2 [issue] be issued, signed by the mayor or the [chairman]  
3 chairperson of the committee, in any pending case of inquiry[,]  
4 or investigation, [or impeachment,] and the [same] subpoenas may  
5 be served and executed in any part of this Commonwealth. Any  
6 member of council and the city clerk shall have power to  
7 administer oaths to [such] the witnesses. If any witness shall  
8 refuse to testify as to any fact within [his] the witness's  
9 knowledge, or to produce any books or papers within [his] the  
10 witness's possession or under [his] the witness's control[,]  
11 required to be used as evidence in [any such] the case, the city  
12 clerk shall [forthwith] report the facts relating to [such] the  
13 refusal to the court of common pleas. All questions arising upon  
14 [such] the refusal, and also upon any new evidence[, ] not  
15 included in [said] the clerk's report (which new evidence may be  
16 offered in behalf of or against such witness), shall at once be  
17 heard by [said] the court. If the court determines that the  
18 testimony or evidence required by [such] the witness is legal  
19 and properly competent[, ] and ought to be given or produced by  
20 [him] the witness, then [said] the court shall make an order  
21 commanding [such] the witness to testify or produce books or  
22 papers, or both, as the case may be. If [such] the witness shall  
23 thereafter, in disobedience of [such] the order of the court,  
24 refuse to testify or to produce the books or papers[, as  
25 aforesaid], then the [said] court shall have power to order the  
26 commitment of [such] the witness for contempt.

27 (b) Any person[, ] so called as a witness[, ] and examined  
28 under oath[, ] shall be liable to indictment, conviction[, ] and  
29 punishment for perjury[, ] in the same manner and to the same  
30 extent as if the witness had been called and examined before any

1 committee of the Legislature, or in any judicial proceeding  
2 before any of the courts of record, in accordance with existing  
3 laws. [No] A person outside of [such] the city, subpoenaed [as  
4 aforsaid] under this section, shall be [required to respond to  
5 the same until he has been furnished with] entitled to be  
6 reimbursed for mileage to and from [said] the city[,] at the  
7 [rate of ten cents per mile] maximum mileage rate periodically  
8 established by the United States Internal Revenue Service, and a  
9 per diem allowance [of three dollars] as established by council  
10 for the person's time [his presence is desired] in [said] the  
11 city.

12 Section 68. Section 1016 of the act, amended May 11, 1959  
13 (P.L.307, No.54), is amended to read:

14 Section 1016. Salaries.--[Councilmen] (a) Council members  
15 shall receive for their services during their term of service  
16 annual salaries, to be fixed by ordinance, payable in [monthly  
17 or semi-monthly instalments] regular installments. Councils may,  
18 by the ordinance fixing [said] the salaries, provide for the  
19 assessment and retention [therefrom] from the salaries of  
20 reasonable fines for absence from regular or special meetings of  
21 council or [councilmanic] committees of the council.

22 (b) As an alternative to the annual salary method for  
23 establishing the compensation payable to members of the city  
24 council, the council may provide that the members of council  
25 will receive compensation on a per-meeting-attended basis,  
26 provided that the compensation shall only be payable for duly  
27 advertised public meetings in which a council member  
28 participated. If council has provided that members of council  
29 will receive compensation on a per-meeting basis, council may  
30 provide for the forfeiture of up to one-twelfth of the annual



1 compensation of any council member or impose another appropriate  
2 penalty for each unexcused absence from regularly scheduled  
3 legislative council sessions.

4 (c) The salary paid to any [councilman] council member shall  
5 [not be less than two hundred and fifty dollars per year.] be in  
6 accordance with this subsection:

7 (1) For the term of city [councilmen] council members in  
8 newly created cities, and until [thereafter] changed by  
9 ordinance, [the salary of] each [councilman shall be] council  
10 member may receive a salary as follows:

11 [In cities of fifteen thousand inhabitants or under by the  
12 last United States census, each councilman shall receive a  
13 salary of nine hundred dollars per annum; where said population  
14 is between fifteen thousand and thirty thousand, one thousand  
15 eight hundred dollars per annum; in cities having a population  
16 above thirty thousand, three thousand six hundred dollars per  
17 annum.]

18 (i) not more than one thousand eight hundred seventy-five  
19 dollars per year in cities having a population of less than five  
20 thousand;

21 (ii) not more than two thousand five hundred dollars per  
22 year in cities having a population of five thousand or more, but  
23 less than ten thousand;

24 (iii) not more than three thousand two hundred fifty dollars  
25 per year in cities having a population of ten thousand or more,  
26 but less than fifteen thousand;

27 (iv) not more than four thousand one hundred twenty-five  
28 dollars per year in cities having a population of fifteen  
29 thousand or more, but less than twenty-five thousand;

30 (v) not more than four thousand three hundred seventy-five

1 dollars per year in cities having a population of twenty-five  
2 thousand or more, but less than thirty-five thousand; and  
3 (vi) not more than five thousand dollars per year in cities  
4 having a population of thirty-five thousand or more.

5 (2) The compensation to be received by [councilmen shall not  
6 be increased or diminished after their election; but succeeding  
7 councils may change all compensation, said change to take effect  
8 as to councilmen taking office at least six months after the  
9 passage of the ordinance providing for such change.] council  
10 members and elected officials in cities other than newly created  
11 cities shall be fixed by ordinance of council finally enacted at  
12 least two days prior to the last day fixed by law for candidates  
13 to withdraw their names from nominating petitions previous to  
14 the day of the municipal election.

15 Section 69. The act is amended by adding a section to read:

16 Section 1016.1. Appointment of City Clerk.--(a) The council  
17 of each city shall appoint a city clerk who shall be an at-will  
18 employe with no property interest in the city clerk's position  
19 and whose compensation shall be fixed by ordinance.

20 (b) Council may by ordinance or resolution prescribe duties  
21 of the city clerk in addition to those established by law. The  
22 city clerk shall have the power of a notary public to administer  
23 oaths in any matter pertaining to the business of the city or in  
24 any legal proceeding in which it is interested.

25 (c) The records of council shall be in the actual or  
26 constructive custody of the city clerk and shall be subject to  
27 inspection and copying in accordance with the act of February  
28 14, 2008 (P.L.6, No.3), known as the "Right-to-Know Law."

29 Section 70. Section 1017 of the act, repealed in part April  
30 28, 1978 (P.L.202, No.53), is repealed:

1 [Section 1017. Enforcement of Ordinances; Recovery and  
2 Payment Over of Fines and Penalties.--All actions, prosecutions,  
3 complaints, and proceedings for the violation of the ordinances  
4 of the city, and for fines, penalties, and forfeitures imposed  
5 thereby, shall be instituted in the corporate name of the city,  
6 and be conducted in the manner prescribed by law.

7 No warrant shall be issued except upon complaint, upon oath  
8 or affirmation, specifying the ordinance for the violation of  
9 which the same is issued. All process shall be directed to and  
10 be served by any policeman or constable of the city, who shall  
11 execute the same as may be provided by law.

12 Warrants shall be returnable forthwith. Every summons shall  
13 be returnable in not less than five nor more than eight days  
14 from the date thereof. Upon such return, like proceedings shall  
15 be had in all cases as are directed by law for summary  
16 convictions, or proceedings for the recovery of penalties,  
17 before justices of the peace, with the same right of appeal from  
18 any final judgment entered.]

19 Section 71. Section 1018 of the act is repealed:

20 [Section 1018. Cost of Maintenance of Prisoners in County  
21 Jails.--When a prisoner shall be committed to any county jail or  
22 prison in this Commonwealth, either for the nonpayment of a fine  
23 or penalty imposed for the violation of any city ordinance, or  
24 while awaiting a hearing upon any charge for the violation of  
25 any city ordinance, the cost of proceedings and the expenses of  
26 maintaining such prisoner during his confinement by virtue of  
27 any such commitment, shall be paid by the city, whose ordinances  
28 were alleged to have been violated, or to which any such fines  
29 or penalties are payable. The county in which such city is  
30 located shall not be liable for any such maintenance, or to any

1 officer, magistrate, alderman, or person for any costs of such  
2 proceedings.]

3 Section 72. Article X of the act is amended by adding a  
4 subdivision to read:

5 (a.1) Ordinances

6 Section 1018.1. Ordinances and resolutions.

7 (a) Ordinances.--With regard to ordinances, the following  
8 shall apply:

9 (1) The council of every city shall enact ordinances, in  
10 accordance with the provisions of this act, as may be  
11 necessary to carry out the requirements of this act, and may  
12 impose fines and penalties for the violation of the  
13 ordinances, recoverable in the manner provided in this act  
14 for the recovery of fines and penalties for the violation of  
15 city ordinances and subject to limitations as to the amount  
16 of the fines and penalties.

17 (2) Every legislative act of the council shall be by  
18 ordinance, and the legislative acts shall include, but not be  
19 limited to, tax ordinances, general appropriation ordinances  
20 and all ordinances that exercise the police power of the  
21 city; regulate land use, development and subdivision; impose  
22 building, plumbing, electrical, property maintenance, housing  
23 and similar standards; and otherwise regulate the conduct of  
24 persons or entities within the city; and impose penalties for  
25 the violation of the ordinances.

26 (3) A proposed ordinance may be introduced by any  
27 council member, and council may require that the introduction  
28 of a proposed ordinance by a council member be by motion.

29 (b) Resolutions.--With regard to resolutions, the following  
30 shall apply:

1       (1) The council of every city shall adopt resolutions in  
2 accordance with the provisions of this act.

3       (2) The purposes for which resolutions may be adopted  
4 shall include, but not be limited to, ceremonial or  
5 congratulatory expressions of the good will of the council,  
6 statements of public policy of the council, approval of  
7 formal agreements of the city, except when the agreements  
8 arise under a previously approved purchasing system of the  
9 city, approval of the acquisition, disposition and leasing of  
10 real property and the approval, when required, of  
11 administrative rules and regulations arising under State  
12 statutes or city ordinances.

13       (3) When eminent domain proceedings are instituted by  
14 resolution, notice of the resolution, including a description  
15 of the subject properties, shall be published once in one  
16 newspaper of general circulation not more than 60 days nor  
17 fewer than seven days prior to adoption.

18 Section 1018.2. Voting; no veto; vote necessary to enact  
19 ordinances or adopt resolutions.

20       (a) Voting generally.--Members of council present or  
21 participating via a telecommunication device shall vote on all  
22 questions coming before the council, except as may be required  
23 by the provisions of any public official ethics law which may  
24 from time to time be applicable to members of city council and  
25 except as may be excused by a simple majority vote of the  
26 members of council present at any meeting of the council for  
27 such cause as they may determine to be appropriate and which  
28 cause shall be entered upon the journal.

29       (b) Veto.--The mayor shall have no right of veto.

30       (c) Majority vote.--Except as otherwise provided in this

1 act, no ordinance may be enacted or resolution adopted by the  
2 council without an affirmative vote of a majority of the whole  
3 number of the members of council.

4 Section 1018.3. Journal of proceedings; recording and  
5 withholding of vote.

6 The council shall keep a journal of its proceedings, which  
7 shall be in the possession of the city clerk and which shall at  
8 all times be open to public inspection. Upon every vote, the  
9 yeas and nays shall be called and recorded by the city clerk. An  
10 ordinance shall and a resolution may be reduced to writing  
11 before the vote is taken on the ordinance or resolution. A  
12 member of council shall not withhold the member's vote on any  
13 question coming before the council, unless permitted to do so in  
14 accordance with section 1018.2(a).

15 Section 1018.4. Signing and attesting ordinances.

16 Every legislative act of the council shall be by ordinance,  
17 and every ordinance enacted by council shall be signed by the  
18 mayor and attested by the city clerk.

19 Section 1018.5. Proposed ordinances; titles.

20 All proposed ordinances shall be presented to council in  
21 written form as bills and shall be numbered serially for the  
22 calendar year. No ordinances, except general appropriation  
23 ordinances, may be enacted containing more than one subject,  
24 which shall be reasonably identified in its title. No ordinance  
25 shall be so altered or amended upon enactment by council as to  
26 change the original purpose. The title of an ordinance shall not  
27 be considered in the construction or interpretation of the  
28 ordinance by a court of competent jurisdiction.

29 Section 1018.6. Reading of proposed ordinances; final  
30 enactment.

1 (a) Reading.--The title of every proposed ordinance shall be  
2 read at least twice, once when introduced and again before final  
3 enactment by council. Amendments or other changes to the  
4 proposed ordinance shall be read at length.

5 (b) Public availability.--A complete copy of every ordinance  
6 introduced shall be available for public inspection at the  
7 clerk's office during regular office hours.

8 (c) Time frame.--No ordinance shall be finally enacted by  
9 council on the same day on which it was introduced, and at least  
10 three days shall intervene between its introduction and its  
11 final enactment by council.

12 (d) Numbering.--Upon enactment, ordinances shall be numbered  
13 serially.

14 Section 1018.7. Payments not authorized by law.

15 No ordinance may be enacted or resolution be adopted  
16 providing for the payment of any money by the city without  
17 previous authority of law. Any officer executing a document  
18 authorizing payment or passing a voucher for a payment not  
19 authorized by law, or making the payment, commits a misdemeanor  
20 and shall, upon conviction, be sentenced to pay a fine of not  
21 more than \$5,000 and to imprisonment for not more than one year.

22 Section 1018.8. Time of taking effect of ordinances.

23 All ordinances, except those pertaining to the subjects set  
24 forth in section 1050(b), and unless otherwise provided by law,  
25 shall take effect on the tenth day after enactment, upon being  
26 signed by the mayor and attested by the city clerk.

27 Section 1018.9. Publication of proposed ordinances.

28 (a) Publication required.--Every proposed ordinance, except  
29 as otherwise provided in this act, shall be published in a  
30 newspaper of general circulation not more than 60 days nor fewer

1 than seven days prior to enactment.

2 (b) Contents.--Except as otherwise provided in law, the  
3 publication of a proposed ordinance shall include either the  
4 full text or the title and a summary of the ordinance setting  
5 forth the provisions in reasonable detail and a reference to a  
6 place within the city where copies of the proposed ordinance may  
7 be examined. If the full text is not published, the newspaper in  
8 which the proposed ordinance is published shall, upon request,  
9 be furnished a copy of the ordinance.

10 (c) Readvertisement.--In the event substantial amendments  
11 are made in the proposed ordinance, before voting upon  
12 enactment, council shall within ten days readvertise in one  
13 newspaper of general circulation a brief summary setting forth  
14 all the provisions in reasonable detail together with a summary  
15 of the amendments.

16 Section 1018.10. Filing of proposed ordinances.

17 (a) Place of filing.--If the full text is not published, an  
18 attested copy of the proposed ordinance shall be filed when the  
19 summary of the ordinance is published in the county law library  
20 or other county office designated by the county commissioners  
21 who may impose a fee no greater than that necessary to cover the  
22 actual costs of storing the proposed ordinances.

23 (b) Date of filing.--The date of filing the proposed  
24 ordinance with the county shall not affect the effective date of  
25 the ordinance or the validity of the process of enactment of the  
26 ordinance, nor shall a failure to file within the time provided  
27 be deemed a defect in the process of the enactment or adoption  
28 of the ordinance.

29 Section 1018.11. Records of ordinances maintained by city  
30 clerk.



1     (a) Records.--All ordinances shall, within one month after  
2 their enactment, be certified and recorded by the city clerk in  
3 a book provided by the city for that purpose which shall be at  
4 all times open to the inspection of citizens. A standard or  
5 nationally recognized code or any portion of the standard or  
6 nationally recognized code enacted by reference need not be  
7 recorded in or attached to the ordinance book, but shall be  
8 deemed to have been legally recorded if the ordinance by which  
9 the code was enacted by reference is recorded, with an  
10 accompanying notation stating where the full text of the code is  
11 filed.

12     (b) Compilation or codification.--At the close of each year,  
13 with the advice and assistance of the city solicitor, the city  
14 clerk shall bind, compile or codify all the ordinances of the  
15 city, or true copies of the ordinances, which then remain in  
16 force and effect.

17     (c) Indexing.--The city clerk shall also properly index the  
18 record books, compilation or codification of ordinances.

19     (d) Retention.--The retention of ordinances shall be in  
20 accordance with 53 Pa.C.S. Ch. 13 Subch. F (relating to  
21 records).

22     (e) Attachment.--A city ordinance or portions of a city  
23 ordinance, the text of which prior to the effective date of this  
24 act is attached to the city ordinance book, shall be considered  
25 in force as if the ordinance or portions of the ordinance were  
26 recorded directly upon the pages of the ordinance book.

27 Section 1018.12. Proof and evidence.

28     All ordinances, resolutions, motions or other proceedings of  
29 council may be proved by the certificate of the city clerk under  
30 the corporate seal and, when printed or published in book or

1 pamphlet form by authority of the city, shall be read and  
2 received as evidence in all courts and elsewhere without further  
3 proof.

4 Section 1018.13. Standard or nationally recognized codes.

5 (a) Authority to enact.--In the same manner as other  
6 ordinances, and except as otherwise provided in this act or the  
7 Pennsylvania Construction Code Act, council may enact, by  
8 reference to a standard or nationally recognized code, all or  
9 any portion of the standard or nationally recognized code as an  
10 ordinance of the city. Three copies of the proposed standard or  
11 nationally recognized code, portion of the code or amendment to  
12 the code shall be filed in the office of the city clerk at least  
13 ten days before the city council considers the proposed  
14 ordinance and upon enactment shall be kept with the ordinance  
15 book and available for public use, inspection and examination.

16 (b) Time frame.--

17 (1) Except as otherwise provided by the Pennsylvania  
18 Construction Code Act, and regulations adopted pursuant to  
19 the act, an ordinance adopting by reference any standard or  
20 nationally recognized code shall be enacted within 60 days  
21 after its introduction and shall encompass subsequent changes  
22 in the code unless otherwise specified in the ordinance.

23 (2) An ordinance which incorporates standard or  
24 nationally recognized code amendments by reference shall  
25 become effective after the same procedure and in the same  
26 manner as is specified in this section for original adoption  
27 of the code.

28 (c) Technical regulations or code.--An ordinance that  
29 incorporates by reference standard technical regulations or code  
30 shall be subject to the provisions of the Pennsylvania

1 Construction Code Act, if applicable.

2 Section 1018.14. Maps, plans or drawings.

3 Except as may be otherwise provided under the Pennsylvania  
4 Municipalities Planning Code, if maps, plans or drawings of any  
5 kind are to be adopted as part of an ordinance, the council may,  
6 instead of publishing the maps, plans or drawings as part of the  
7 ordinance, make reference in publishing the ordinance or a  
8 summary of the ordinance to the place where the maps, plans or  
9 drawings are on file and may be examined. Once enacted as part  
10 of an ordinance, a map, plan or drawing shall be amended by  
11 ordinance.

12 Section 1018.15. Codification of ordinances.

13 (a) Preparation authorized.--City council may prepare a  
14 consolidation or codification of the general body of city  
15 ordinances or the ordinances on a particular subject. City  
16 council may adopt the consolidation or codification as an  
17 ordinance of the city in the same manner prescribed for the  
18 adoption of its ordinances, except as follows:

19 (1) A consolidation or codification to be enacted as a  
20 single ordinance shall be introduced in the city council at  
21 least 30 days before its final enactment; and at least 15  
22 days before final enactment, notice of introduction of the  
23 consolidation or codification specifying its general nature  
24 and content shall be given by advertisement in a newspaper of  
25 general circulation.

26 (2) The required advertised notice of the proposed  
27 adoption of the consolidation or codification shall include a  
28 listing of its table of contents, and the advertisement shall  
29 indicate a place within the city where a copy of the proposed  
30 consolidation or codification may be examined.

1 (b) Additional procedure.--The procedure for the  
2 consolidation or codification of city ordinances as a single  
3 ordinance may also be followed in enacting a complete group or  
4 body of ordinances repealing or amending existing ordinances as  
5 may be necessary in the course of preparing a consolidation or  
6 codification of the city ordinances, except that the  
7 advertisement giving notice of the proposed adoption shall list,  
8 in lieu of a table of contents, the titles only of each of the  
9 ordinances in the complete group or body of ordinances.

10 (c) Adoption by reference.--The consolidation or  
11 codification may contain matter, which, when it becomes  
12 effective as an ordinance, will operate to adopt by reference  
13 any building, fire prevention or other standard or model code or  
14 zoning ordinance and zoning map in accordance with section  
15 1018.13 and, if applicable, section 1018.14.

16 Section 1018.16. Enforcement of ordinances; recovery and  
17 payment of fines and penalties.

18 (a) Enforcement.--Actions, prosecutions, complaints and  
19 proceedings for the violation of the ordinances of the city and  
20 for fines, penalties and forfeitures imposed shall be instituted  
21 in the corporate name of the city and be conducted in the manner  
22 prescribed by law.

23 (b) Proceedings.--Unless otherwise provided by law,  
24 proceedings for the violation of the ordinances of the city  
25 shall be conducted as summary conviction proceedings, or  
26 proceedings for the recovery of penalties, before magisterial  
27 district judges with the same right of appeal from any final  
28 judgment entered.

29 Section 1018.17. Penalty.

30 A person who violates any ordinance enacted under the

1 authority of this act for which no penalty is otherwise  
2 specified commits a summary offense and, upon conviction, shall  
3 be sentenced to pay a fine of not more than \$1,000 or to  
4 imprisonment for not more than 90 days, or both, at the  
5 discretion of the court.

6 Section 73. Article X subdivision (b) heading of the act is  
7 amended to read:

8 (b) [Initiative] Initiating Ordinances  
9 by Electors

10 Section 74. Sections 1030, 1031, 1032, 1033, 1034, 1035,  
11 1036, 1037, 1038, 1039, 1040 and 1041 of the act are amended to  
12 read:

13 Section 1030. Initiation of Proposed Ordinances by Petition;  
14 Exceptions.--[Any] (a) Except as provided in subsection (b), a  
15 proposed ordinance may be submitted to the council by a petition  
16 signed by the electors of any city[, as hereinafter provided,  
17 except:

18 (a) Proposed ordinances relating to any matter, subject or  
19 thing, which is not the subject of a referendum vote as provided  
20 in subdivision (c) of this article; or

21 (b) Proposed ordinances to repeal, amend, or modify any  
22 ordinance which has been subject to the provisions of the  
23 referendum as provided in subdivision (c) of this article.] in  
24 accordance with this subdivision.

25 (b) The following proposed ordinances may not be submitted  
26 to council by petition in accordance with this subdivision:

27 (1) Proposed ordinances dealing with the subjects set forth  
28 in section 1050(b).

29 (2) Proposed ordinances to repeal, amend or modify an  
30 ordinance which took effect after having been subject to the

1 provisions of the referendum for reconsideration of the  
2 ordinance.

3 Section 1031. Petition; Notice.--[The city clerk, upon the  
4 written request of one hundred qualified electors of the city,  
5 directed to him, asking for the preparation of a petition for  
6 the submission of any proposed ordinance to the council of such  
7 city, and accompanied by a copy of the proposed ordinance, shall  
8 prepare such petition within ten days, and in the meantime  
9 notice shall be published, at least one time, in one newspaper,  
10 in the manner provided by section one hundred and nine of this  
11 act, that such petition will be ready for signing at the  
12 expiration of ten days from the presentation of said request.  
13 This notice shall state the purpose for which the petition is  
14 made, the place where and when it may be signed. Fifteen days  
15 shall be allowed for signatures.] If the city clerk receives a  
16 written request for the preparation of a petition for the  
17 submission of a proposed ordinance to the city council by at  
18 least one hundred qualified electors of the city and the request  
19 is accompanied by a copy of the proposed ordinance, the city  
20 clerk shall, within ten days after receiving the request, do  
21 each of the following:

22 (1) Prepare the requested petition.

23 (2) Publish notice at least one time in a newspaper of  
24 general circulation that provides, at a minimum, the following  
25 information:

26 (i) The date on which the request for the petition was  
27 received and that the petition will be ready for signing at the  
28 expiration of ten days from that date.

29 (ii) The purpose for which the petition is made.

30 (iii) The place at which and the dates and times during

1 which the petition may be signed, with fifteen days, exclusive  
2 of Saturdays, Sundays and holidays, being allowed for  
3 signatures.

4 Section 1032. Signing; Oath.--[The signing] A petition for  
5 the submission of a proposed ordinance shall be [done] signed in  
6 the city clerk's office only. The petition shall be retained  
7 [there] in the city clerk's office at all times [during the] for  
8 a period of fifteen days. Each signer shall add to [his] the  
9 signer's signature [his] the signer's place of residence by  
10 street and number[, ] and shall make oath before the city clerk  
11 that [he] the signer is a qualified elector of the city and  
12 resides at the address given. The city clerk shall keep [his]  
13 the city clerk's office open for the purpose of permitting  
14 voters to sign [such] the petition [from eight o'clock ante  
15 meridian to ten o'clock post meridian of each day except Sundays  
16 and holidays] at least from nine o'clock ante meridian through  
17 seven o'clock post meridian, prevailing time, Monday through  
18 Friday, except holidays. [He] The city clerk shall not permit  
19 any person to sign [such] petitions after [ten o'clock post  
20 meridian] seven o'clock post meridian, prevailing time, on the  
21 last day for signing the same.

22 Section 1033. Number of Signatures; Examination and  
23 Certificate by City Clerk.--[At the expiration of the fifteen  
24 days aforesaid, and within ten days thereafter,] Within ten days  
25 after the period of time for signing the petition has elapsed,  
26 the city clerk shall examine [such] the petition[, ] and, from  
27 the record of registered voters of the city, ascertain whether  
28 or not [said] the petition is signed by voters equal to twenty  
29 per centum of all votes cast for all candidates for mayor at the  
30 last preceding municipal election at which a mayor was elected.

1 If necessary, the council [shall] may allow the city clerk extra  
2 help for [that] the purpose of complying with this section. The  
3 city clerk shall attach to [said] the petition [his] the clerk's  
4 certificate showing the result of [said] the examination. If  
5 less than the required twenty per centum is certified, the  
6 petition shall fail and shall be filed in the office of the city  
7 clerk.

8 Section 1034. Submission to Council.--If the petition [shall  
9 be] is certified to contain signatures equalling the required  
10 twenty per centum of said votes cast as aforesaid, the clerk  
11 shall submit the same to the council without delay.

12 Section 1035. Actions by Council; Notices.--If the petition  
13 accompanying the proposed ordinance [be] is signed by electors  
14 equal in number to twenty per centum of the votes cast for all  
15 candidates for mayor at the last preceding municipal election at  
16 which a mayor was elected, the council shall either:

17 (a) [Pass said] enact the proposed ordinance without  
18 alteration[, ] within twenty days (except as otherwise provided  
19 herein)[, ] after attachment of the clerk's certificate to the  
20 accompanying petition; or

21 (b) [Forthwith, after the clerk shall attach to the petition  
22 accompanying such ordinance his certificate of sufficiency, the  
23 council shall call a special election] call for a referendum to  
24 be held at the time of the next general, municipal or primary  
25 election occurring at least ninety days thereafter[; ], and at  
26 [such] which election[, such] the proposed ordinance shall be  
27 submitted without alteration to the vote of the electors of the  
28 [said] city, after attachment of the clerk's certificate to the  
29 accompanying petition. Notice of [such] the election [shall be  
30 given as provided by the Pennsylvania Election Code.] and the



1 text of 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 Pennsylvania Election Code.

4 Section 1036. Form of Ballot [or Ballot Label] on Submission  
5 to Vote.--[The ballots or ballot labels used when voting upon  
6 said ordinance shall be supplied by the county board of  
7 elections, and shall contain a question, stating the nature of  
8 the proposed ordinance, followed by the words "yes" and "no" and  
9 shall be as provided in the Pennsylvania Election Code. The  
10 votes shall be counted and returns thereof made and computed as  
11 provided in section ten hundred and sixty-two of this act.] The  
12 question to be submitted to the electors on the proposed  
13 ordinance shall be framed to state the nature of the proposed  
14 ordinance, followed by the words "yes" and "no," and the  
15 question shall be placed on the ballots which shall be counted,  
16 returned and computed in accordance with section 1062 and the  
17 election laws of the Commonwealth.

18 Section 1037. Effect of Majority Vote.--If the majority of  
19 the qualified electors voting on the proposed ordinance shall  
20 vote in favor [thereof, such] of the ordinance, the ordinance  
21 shall [thereupon] become a valid and binding ordinance of [said]  
22 the city.

23 Section 1038. No Repeal Within Two Years.--[Any] An  
24 ordinance so proposed by petition, whether [passed] enacted by  
25 council or adopted by a vote of the electors, [cannot] shall not  
26 be repealed or amended within two years of its effective date  
27 except by a vote of the electors.

28 Section 1039. Number of Proposed Ordinances to be Submitted;  
29 [Special] Elections Limited.--Any number of proposed ordinances  
30 may be voted upon at the same election, in accordance with the

1 provisions of this subdivision[: Provided, That]. Proposed  
2 ordinances on the same subject matter shall not be submitted by  
3 petition [oftener] more frequently than once [in] every three  
4 years.

5 Section 1040. Submission for Repeal by Council.--The council  
6 may submit a proposition for the repeal or amendment of [any  
7 such] an ordinance to be voted upon at any succeeding municipal,  
8 general or primary election[, ] occurring at least ninety days  
9 [thereafter] after council's submission of the proposition.  
10 Should [such] the submitted proposition[, so submitted,] receive  
11 a majority of the votes cast [thereon] on the proposition at  
12 [such] the election, [such] the ordinance shall [thereby] be  
13 repealed or amended accordingly.

14 Section 1041. Publication of Proposed Ordinance; Repeal or  
15 Amendment.--Whenever any proposed ordinance is to be submitted  
16 to the voters of the city at any election, or any ordinance is  
17 submitted by council for repeal or amendment, notice [thereof]  
18 of the election and text of the question to be submitted to the  
19 electors shall be published [as required by] in the same manner  
20 as publication is required in section 1201 of the Pennsylvania  
21 Election Code.

22 Section 75. Article X subdivision (c) heading of the act is  
23 amended to read:

24 (c) [Referendum] Reconsidering Ordinances by Electors

25 Section 76. Sections 1050, 1051, 1052, 1053, 1054, 1055 and  
26 1056 of the act are amended to read:

27 Section 1050. [Referendum; Exceptions.--No] Time Ordinances  
28 Go Into Effect.--(a) Except as provided in subsection (b), no  
29 ordinance [passed] enacted by council shall go into effect  
30 before ten (10) days from the time of its final [passage,

1 except] enactment by council.

2 (b) Ordinances dealing with the following subjects may be  
3 made effective upon final enactment:

4 [(a)] (1) Ordinances expressly required to be [passed]  
5 enacted by the general laws of the State or by the provisions of  
6 any act of Assembly, or the provisions of which and the matters  
7 to be carried out [thereunder] under the ordinance are subject  
8 to the approval of an officer or tribunal of the [State  
9 Government;] Commonwealth.

10 [(b)] (2) Ordinances providing for tax levies or fees,  
11 annual and other appropriations[, ] and for the exercise of the  
12 right of eminent domain[;]\_.

13 [(c)] (3) Ordinances for the preservation of the public  
14 peace, health, morals, safety[, ] and in the exercise of the  
15 police powers of the city government, and for the prevention and  
16 abatement of nuisances[;]\_.

17 [(d)] (4) Any ordinance providing for an election to  
18 increase indebtedness, and any other ordinance which by law must  
19 be submitted to an election before it shall take effect[;]\_.

20 [(e)] (5) Ordinances for the opening, paving, grading[, ] or  
21 other improvement of streets or highways, when the improvement  
22 is petitioned for by a majority in number or interest of the  
23 abutting property owners[;]\_.

24 [(f)] (6) Ordinances for the construction of sewers[, ] and  
25 for the purpose of keeping the streets, highways[, ] and  
26 sidewalks in good order and repair and in a safe and passable  
27 condition[;]\_.

28 Section 1051. Petition; Reconsideration of Ordinance.--[If,  
29 during such period of ten days from the time of its final  
30 passage, a petition signed by electors of the city equal in

1 number to at least twenty per centum of the entire vote cast for  
2 all candidates for mayor at the last preceding municipal  
3 election at which a mayor was elected, protesting against the  
4 passage of any ordinance other than those excepted from the  
5 provisions of this subdivision by the foregoing section, is  
6 presented to the council, said ordinance shall be suspended from  
7 going into operation, and council shall reconsider such  
8 ordinance.] With the exception of ordinances dealing with the  
9 subjects set forth in section 1050(b), an ordinance shall be  
10 suspended from going into operation and shall be reconsidered by  
11 council if, within ten days after its final enactment, there is  
12 presented to council, in accordance with this subdivision, a  
13 petition protesting against enactment of the ordinance which  
14 shall be signed by electors of the city equal in number to at  
15 least twenty per centum of the entire vote cast for all  
16 candidates for mayor at the last preceding municipal election at  
17 which a mayor was elected.

18 Section 1052. Preparation of Petition by City Clerk;  
19 Notice.--[Such] A petition under section 1051 shall be prepared  
20 by the city clerk immediately upon receipt by [him] the clerk of  
21 the written request of one hundred qualified electors of the  
22 city asking that the [same] petition be prepared. Upon its  
23 preparation, [he] the clerk shall give notice by [one insertion  
24 in one of the daily newspapers, if one be published in the city,  
25 and, if not, then in a weekly or daily newspaper published in  
26 the county, that such] publication in a newspaper of general  
27 circulation that the petition is ready for signing and the  
28 purpose of the petition, giving the place where and time when it  
29 may be signed. The [said] signing shall be done only in the city  
30 clerk's office, where the petition shall be retained during the

1 period of ten days after the [passage] enactment of the [said]  
2 ordinance.

3 Section 1053. Additional Petitions.--In order to facilitate  
4 the signing of [such] the petition, the city clerk shall cause  
5 to be made at least two additional similar petitions for signing  
6 by the qualified electors, and the signing of [such] the  
7 additional similar petitions shall have the same force and  
8 effect as the signing of the original petition. The city clerk  
9 is hereby authorized to employ at least two persons to take  
10 charge of [said] the additional petitions[; the]. The city clerk  
11 and [said] the persons hired are hereby empowered to administer  
12 the oath [hereinafter] required to be taken by the electors.  
13 This section also shall apply [as well] to petitions initiating  
14 ordinances under subdivision (b).

15 Section 1054. Signatures; Oath; Time of Signing.--Each  
16 signer of a petition under section 1051 shall add to [his] the  
17 signer's signature [his] the signer's place of residence by  
18 street and number[, ] and shall make an oath before the city  
19 clerk, or other person authorized [as aforesaid] under section  
20 1053, that [he] the signer is a qualified elector of the city  
21 and resides at the address given. The city clerk shall keep  
22 [his] the city clerk's office open for the purpose of receiving  
23 signatures to the petitions [from eight o'clock ante meridian to  
24 ten o'clock post meridian of each day except Sundays and  
25 holidays. He] at least from nine o'clock ante meridian through  
26 seven o'clock post meridian, prevailing time, Monday through  
27 Friday. The city clerk shall not permit [any] a person to sign  
28 [any of the said petitions] a petition after [ten] seven o'clock  
29 post meridian, prevailing time, of the tenth day following the  
30 [passage] enactment of the ordinance on which the referendum

1 vote is [prayed for] requested.

2 Section 1055. Presentation of Petition to Council.--At the  
3 expiration of [said] ten days, the [said] petition shall be  
4 [deemed and taken to be] filed with and presented to the  
5 council, and [it shall be the duty of] the city clerk [to lay  
6 the same before] shall present the petition to the council at  
7 its first meeting [thereafter] after expiration of the ten-day  
8 period.

9 Section 1056. Ascertainment of Number of Signers; Report.--  
10 After [its] presentation of the petition to council, the city  
11 clerk shall ascertain from the record of registered voters of  
12 the city whether or not [said] the referendum petition is signed  
13 by voters equal to twenty per centum of all the votes cast for  
14 mayor at the last preceding municipal election at which a mayor  
15 was elected. If necessary, the council [shall allow him] may  
16 allow the clerk extra help for that purpose, and, after [he] the  
17 clerk has made [said] the examination, [he] the clerk shall  
18 report the result [thereof] to council.

19 Section 77. Sections 1057 and 1058 of the act are repealed:  
20 [Section 1057. Ordinances Granting Franchises.--No franchise  
21 or consent to occupy the public streets, highways, or other  
22 places in any city of the third class shall be given or granted  
23 to any person or persons, railroad, railway, gas, water, light,  
24 telephone or telegraph company, or to any public utility  
25 corporation, except by ordinance, and no ordinance for such  
26 purpose shall go into effect before thirty days after it has  
27 been filed with the Public Utility Commission.

28 Section 1058. Petition against Ordinances; Suspension.--If,  
29 within said thirty days, a petition prepared, advertised, and  
30 perfected in all respects complying with the provisions of this

1 subdivision (except that the petitioners shall have thirty days  
2 in which to prepare said petition), is addressed to the council,  
3 signed by registered electors of the city equal in number to at  
4 least twenty per centum of all the votes cast for mayor at the  
5 last preceding municipal election at which a mayor was elected,  
6 protesting against the passage of said ordinance, the latter  
7 shall be suspended, and it shall be the duty of the city clerk  
8 to examine said petition and ascertain, from the registry of  
9 voters, whether or not said petition is signed by the required  
10 number of electors. If necessary, the council shall allow the  
11 city clerk extra help for said purpose. Upon such examination he  
12 shall report the result to council.]

13 Section 78. Sections 1059, 1060, 1061, 1062, 1063 and 1064  
14 of the act are amended to read:

15 Section 1059. Effect of Petition; Submission to Voters.--  
16 If[, ] in any case[, ] it shall appear that the [petitions]  
17 petition provided for in this subdivision [have] has not been  
18 signed by the requisite number of voters, no action shall be  
19 taken, but the [ordinances] ordinance shall be [deemed and]  
20 taken to be in full force from the time or times [they each] it  
21 would have gone into effect had there been no petition against  
22 the [same. But in case such petitions are] ordinance. If the  
23 petition is signed by electors equal to twenty per centum of all  
24 the votes cast for mayor as aforesaid, the council shall  
25 reconsider [such] the ordinance, and if the [same] ordinance is  
26 not entirely repealed by council on reconsideration, the council  
27 shall call a [special election,] referendum to be held at the  
28 time of the next general [or], municipal or primary election  
29 occurring not less than sixty days [therefrom] after the  
30 reconsideration. At [such] the election, the [said] ordinance

1 shall be submitted without alteration in accordance with the  
2 Pennsylvania Election Code.

3 Section 1060. Certification [of] to County Board of  
4 Elections; Ballots or Ballot Labels; Expense of Elections.--The  
5 city clerk, after consultation with the city solicitor, shall  
6 certify to the county board of elections a copy of the ordinance  
7 and the proceedings of council directing the referendum vote,  
8 and the county board of elections shall cause the question to be  
9 printed for use in the election districts of the city. The  
10 preparation of ballots or ballot labels for and the holding of  
11 [special elections] a referendum shall be as provided in the  
12 Pennsylvania Election Code. Any number of ordinances may be  
13 referred and voted on at the same election.

14 Section 1061. Form of Ballot or Ballot Label.--The ballot  
15 used when voting upon [such] the ordinance shall contain a  
16 question stating the nature of the referred ordinance followed  
17 by the words "yes" and "no" and shall be as provided in the  
18 Pennsylvania Election Code.

19 Section 1062. Computing and Filing Returns.--The officers  
20 holding [said elections] an election shall keep tally sheets and  
21 make returns of votes on the referendum question in the same  
22 manner as tally sheets are kept and returns made in elections of  
23 officers and the submission of other questions as provided by  
24 the Pennsylvania Election Code. The returns shall be filed with  
25 the county board of elections which shall compute the returns  
26 and certify the results [thereof] to the city council. The  
27 returns and certifications of [all special elections] a  
28 referendum question shall be made as provided in the  
29 Pennsylvania Election Code.

30 Section 1063. Effect of the Vote.--If it shall appear that



1 more persons have voted for [said] the ordinance than against  
2 it, the ordinance shall take immediate and full effect [without  
3 more] from the date the results are certified to the city  
4 council. If the vote is against [said] the ordinance, [it] the  
5 ordinance shall be [lost] nullified and of no effect.

6 Section 1064. Publication of Ordinance Before Election.--  
7 Before any referendum [election] is held on any ordinance[, a  
8 copy] in accordance with this subdivision, the city shall  
9 provide notice of the ordinance which is to be submitted to the  
10 vote of the people [shall be published as required] by  
11 publishing a copy of the ordinance in a newspaper of general  
12 circulation. Publication in accordance with this section shall  
13 be in addition to publication requirements of the Pennsylvania  
14 Election Code.

15 Section 79. Article XI heading of the act is reenacted to  
16 read:

17 ARTICLE XI

18 THE EXECUTIVE DEPARTMENT

19 Section 80. Sections 1101, 1102, 1103 and 1104 of the act  
20 are amended to read:

21 Section 1101. Executive Departments.--[The executive and  
22 administrative powers, authority, and duties in each city shall  
23 be distributed into and among five departments, as follows:

- 24 1. Department of Public Affairs.
- 25 2. Department of Accounts and Finance.
- 26 3. Department of Public Safety.
- 27 4. Department of Streets and Public Improvements.
- 28 5. Department of Parks and Public Property.] The city may  
29 have a department of administration and other departments as  
30 council shall establish by ordinance. All of the administrative

1 functions, powers and duties of the city shall be allocated and  
2 assigned within the departments established by council by  
3 ordinance or, in the absence of an ordinance making this  
4 allocation, among five departments, as follows:

5 (1) Department of Public Affairs.

6 (2) Department of Accounts and Finance.

7 (3) Department of Public Safety.

8 (4) Department of Streets and Public Improvements.

9 (5) Department of Parks and Public Property.

10 Section 1102. Determination of Powers and Duties of  
11 Departments.--[The council shall determine] Subject to the  
12 restrictions and limitations of this act and other laws, the  
13 council may, by ordinance, do all of the following:

14 (1) Determine the powers and duties to be performed by[, and  
15 assign them to, the appropriate] each department[; shall  
16 prescribe].

17 (2) Prescribe the powers and duties of officers and  
18 employes[; may assign].

19 (3) Assign particular officers and employes, including  
20 directors of departments, to one or more of the departments[;  
21 may require].

22 (4) Require an officer or employe to perform duties in two  
23 or more departments[; and may make].

24 (5) Make such other rules and regulations as may be deemed  
25 necessary or proper for the efficient and economical conduct of  
26 the business of the city.

27 Section 1103. Designation of [Departments] Department  
28 Directors; Changes.--(a) The mayor shall be director of the  
29 department of public affairs and as such shall have supervision  
30 over the city police. In the event that council does not create

1 a department of public affairs, the mayor shall retain the  
2 powers of supervision over city police.

3 [The] (b) Unless otherwise provided by ordinance in  
4 accordance with sections 1101 and 1102, the council shall, at  
5 [the biennial] its organization meeting, designate[, by majority  
6 vote, one councilman] by resolution one council member to be  
7 director of the department of accounts and finance, one to be  
8 director of the department of public safety, one to be director  
9 of the department of streets and public improvements, and one to  
10 be director of the department of parks and public property.

11 [Such] The designation may be changed at council's discretion.

12 Section 1104. Department Directors Responsible for City  
13 Property and Supplies; Perpetual Inventory Reports.--The  
14 director of each department shall be responsible for the  
15 personal property and supplies of the city within [his] the  
16 director's department[, and]. Each department director shall  
17 prepare and maintain a perpetual inventory of [such] the  
18 personal property and supplies[. He shall] for which the  
19 director is responsible and, from time to time during the fiscal  
20 year, file the inventory with the city clerk [a copy of such  
21 inventory from time to time during the fiscal year, and shall  
22 make available to the director of accounts and finance a copy of  
23 such inventory to assist him in the preparation of the proposed  
24 budget ordinance. He shall furnish a copy of such inventory to  
25 the council upon request.] or other official designated by  
26 council. The city clerk or other designated official with whom  
27 the inventory is filed shall, upon request, furnish a copy of  
28 the inventory to the chief fiscal officer and to council.

29 Section 81. The act is amended by adding a section to read:

30 Section 1105. Quarterly Reports from Directors of

1 Departments.--At the close of each quarter of the fiscal year,  
2 each department director shall prepare and submit to the  
3 director of the department of accounts and finance, if one  
4 exists, or to the business administrator or other official  
5 designated by council, a comprehensive and detailed report of  
6 all expenditures and operations of the director's department  
7 during the quarter. The person to whom the quarterly reports are  
8 submitted shall review and consolidate the quarterly reports and  
9 shall prepare and submit to council a consolidated report on the  
10 expenditures and operations of the entire city government,  
11 together with recommendations, not later than the second meeting  
12 of council after the close of each quarter.

13 Section 82. Article XII heading of the act is reenacted to  
14 read:

15 ARTICLE XII

16 THE MAYOR

17 Section 83. Section 1201 of the act, amended July 27, 1973  
18 (P.L.230, No.60), is amended to read:

19 Section 1201. Qualifications.--The mayor shall be at least  
20 [twenty-one] eighteen years of age[, ] and shall be elected at  
21 large by the qualified electors of the city. [He] The person  
22 shall have been a resident of the city wherein [he shall be]  
23 elected for at least one year[, next before his election,]  
24 before the person's election and shall reside in the city  
25 throughout [his] the person's term of service. Prior to being  
26 sworn in to office, and as a condition to qualifying for office,  
27 the elected mayor shall present a signed affidavit to the city  
28 clerk that states the person resides in the city from which  
29 elected and has resided in the city continuously for at least  
30 one year preceding the person's election.

1 Section 84. Section 1202 of the act is amended to read:

2 Section 1202. Chief Executive; Inauguration.--The mayor  
3 shall be the chief executive of the city. [He shall be  
4 inaugurated and take the oath of office provided for by this act  
5 at ten o'clock in the forenoon of the first Monday of January  
6 next succeeding his election, or as soon thereafter as possible]  
7 The mayor shall be inaugurated and take the oath of office in  
8 accordance with sections 904 and 905 on the first Monday of  
9 January following the regular municipal election. If the first  
10 Monday is a legal holiday, the mayor shall be inaugurated and  
11 take the oath the first day following or as soon after that day  
12 as possible.

13 Section 85. Section 1203 of the act, amended July 11, 1996  
14 (P.L.647, No.109), is amended to read:

15 Section 1203. Execution of Laws; Powers of Sheriff  
16 Conferred; Emergency Powers.--[(a) It shall be the duty of the  
17 mayor and the chief executive of cities adopting the city  
18 manager form of government to be vigilant and active in causing  
19 the ordinances of the city, and the laws of the Commonwealth  
20 relating to the government of the city, to be executed and  
21 enforced.

22 (b)] (a) In accordance with the powers granted in this act,  
23 the mayor shall have the authority to cause the ordinances of  
24 the city, and all general laws applicable to the ordinances, to  
25 be executed and enforced.

26 (b) The mayor shall annually report to the council and the  
27 public on the work of the previous year and on the condition and  
28 requirements of the city government and shall, from time to  
29 time, make such recommendations for action by the council as the  
30 mayor may deem in the public interest.

1       (c) In order to enable [him] the mayor effectually to  
2 preserve the public peace within the city, all the powers which  
3 are devolved by the laws of this Commonwealth upon sheriffs, to  
4 prevent and suppress mobs, riots, and unlawful and tumultuous  
5 assemblies, are hereby conferred upon [him] the mayor.

6       (d) When the mayor [or chief executive] considers that a  
7 state of emergency exists, [he] the mayor may issue [his] a  
8 proclamation, which shall be in writing and copies of which  
9 shall be made available to all news media[,] and to each member  
10 of city council, declaring a state of emergency [for a period  
11 not to].

12       (e) Upon the issuance of a proclamation declaring a state of  
13 emergency under subsection (d), the following shall apply:

14       (1) The state of emergency shall not exceed five days,  
15 unless extended by action of council.

16       (2) In the case of a declaration of a state of emergency by  
17 the mayor [or chief executive] for either a citywide or site-  
18 specific emergency, city agencies may temporarily implement  
19 their emergency assignments without regard to procedures  
20 required by other laws pertaining to the incurring of  
21 obligations and the employment of temporary workers. [In his]

22       (3) The proclamation [he] may prohibit, for all or any part  
23 of the city in which there is a clear and present danger to life  
24 or property through civil disorder[;]:

25       [(1) Any] (i) a person being on the public streets[,] or in  
26 the public parks or at any other public place during the hours  
27 declared by [him] the mayor to be a period of curfew;

28       [(2) The] (ii) the assembling or gathering of a group of  
29 people, in such numbers to be designated by [him] the mayor,  
30 upon the public streets, parks or other public places;

1 [(3) The] (iii) the entry or departure of persons into or  
2 from any restricted area;

3 [(4) The] (iv) the sale, purchase, or dispensing of any  
4 commodities or goods[, as] designated by [him] the mayor;

5 [(5) The] (v) the transportation, possession or use of  
6 gasoline, kerosene, or other combustible, flammable or explosive  
7 liquids or materials, except in connection with the normal  
8 operation of motor vehicles, normal home use[, ] or legitimate  
9 commercial use; or

10 [(6) Any] (vi) any other [such] activities as [he] the  
11 mayor reasonably believes [should be prohibited to help  
12 preserve] would cause a clear and present danger to the  
13 preservation of life, health, property or the public peace.

14 [(c)] (f) The proclamation of an emergency shall describe  
15 any restricted area with particularity and shall specify the  
16 hours during which such restrictions are to be in effect.

17 [(d)] (g) Any person violating [such] a proclamation of  
18 emergency [shall be guilty of] commits a summary offense and  
19 shall, upon conviction, be sentenced [to pay a fine not to  
20 exceed three hundred dollars (\$300) or to undergo imprisonment  
21 not to exceed thirty days, or both] as provided by law.

22 Section 86. Sections 1204 and 1205 of the act are amended to  
23 read:

24 Section 1204. Official Seal of Mayor.--Council shall provide  
25 an official seal for the mayor [and prescribe the form thereof]  
26 in such form as the mayor may reasonably request, which shall  
27 not be changed during the mayor's term of office.

28 Section 1205. Supervision of Conduct of City Officers.--The  
29 mayor shall supervise the conduct of all city officers, examine  
30 the grounds of all reasonable complaints against any of them,

1 and cause all of their violations or neglect of duty to be  
2 promptly punished or reported [to the council] for correction in  
3 the manner council may direct. For the purposes [aforesaid, he]  
4 of this section, the mayor is hereby empowered to issue  
5 subpoenas and compulsory processes, under [his] the mayor's  
6 official seal, for the attendance of [such] persons and the  
7 production of [such] books and papers as [he] the mayor may deem  
8 necessary[, and shall have like enforcement of such subpoenas as  
9 is]. A subpoena shall be enforced in the manner provided for  
10 council in section [one thousand fifteen of this act] 1015.

11 Section 87. Section 1206 of the act, amended September 29,  
12 1955 (P.L.653, No.177), is amended to read:

13 Section 1206. [Quarterly Reports from Directors of  
14 Department;] Report of Mayor to Council; Information from  
15 Directors of Departments.--[The director of each department of  
16 the city shall prepare and submit to the Director of the  
17 Department of Accounts and Finance, at the close of each quarter  
18 of the fiscal year, a comprehensive and detailed report of all  
19 expenditures and operation of his department during the quarter.  
20 The Director of the Department of Accounts and Finance shall  
21 review and consolidate such quarterly reports and shall prepare  
22 and submit to council a consolidated report on the expenditures  
23 and operations of the entire city government, together with his  
24 recommendations, not later than the second meeting of council  
25 after the close of each quarter.] The mayor shall have the  
26 authority, at all times, to call upon any official of the city  
27 or heads of departments for any information as to the affairs  
28 under their control and management as [he] the mayor may  
29 require. [He] The mayor may likewise report upon any and all  
30 matters of city government as frequently to council as [he] the



1 mayor deems conducive to the interest and welfare of the city.

2 Section 88. Section 1207 of the act, amended August 21, 1953  
3 (P.L.1292, No.364) and repealed in part April 28, 1978 (P.L.202,  
4 No.53), is amended to read:

5 Section 1207. [Criminal and Civil Jurisdiction; Docket;  
6 Fees.--He] Power to Take Acknowledgments and Oaths and to  
7 Formalize Marriages.--The mayor shall be empowered to take  
8 acknowledgments of any instruments in writing[, ] pertaining to  
9 the business of the city, solemnize marriages[, ] and to  
10 administer oaths and affirmations[, ] as to city business[, ] and  
11 shall attest all [his acts with his official seal] the mayor's  
12 acts with the mayor's official seal, if any.

13 Section 89. Section 1208 of the act, amended May 11, 1959  
14 (P.L.307, No.54), is amended to read:

15 Section 1208. Salary.--(a) (1) The mayor of each city  
16 shall receive for [his] the mayor's services during the term of  
17 service an annual salary to be fixed by ordinance, payable in  
18 [such] equal [installments] installments as council shall  
19 provide.

20 (2) The council shall, by ordinance, fix the amount of  
21 salary to be paid to the mayor for [his] the mayor's services[, ]  
22 and may provide for the assessment and retention [therefrom]  
23 from the salary of reasonable fines for absence from regular or  
24 special meetings of council or [councilmanic] committees of  
25 council.

26 (3) The amount of the mayor's salary [in cities] shall not  
27 be less than two thousand five hundred dollars.

28 (b) Until changed by ordinance, the salary of mayors in  
29 newly created cities [shall] may be as follows: [In cities  
30 having a population of fifteen thousand or under, by the last

1 United States census, one thousand two hundred dollars per  
2 annum; in cities having a population of over fifteen thousand,  
3 and less than thirty thousand inhabitants, two thousand four  
4 hundred dollars per annum; in cities having a population  
5 exceeding thirty thousand, four thousand eight hundred dollars  
6 per annum.

7 The amount of compensation for the mayor in any of the said  
8 cities shall not be increased or diminished after his election.  
9 Succeeding councils may change the amount of the mayor's  
10 compensation, but such change shall not affect the compensation  
11 of the mayor then in office or of any person taking office as  
12 mayor within six months of final passage of the ordinance  
13 providing for such change.]

14 (1) in cities with a population of less than five thousand,  
15 a maximum of two thousand five hundred dollars a year;

16 (2) in cities with a population of five thousand or more but  
17 less than ten thousand, a maximum of five thousand dollars a  
18 year;

19 (3) in cities with a population of ten thousand or more but  
20 less than fifteen thousand, a maximum of seven thousand five  
21 hundred dollars a year; and

22 (4) in any city with a population in excess of fifteen  
23 thousand, the salary of the mayor shall not exceed five hundred  
24 dollars a year per thousand population or fraction of a  
25 thousand, the population to be determined by the latest official  
26 census figures.

27 (c) The compensation to be received by a mayor in cities  
28 other than newly created cities shall be fixed by ordinance of  
29 council enacted at least two days prior to the last day fixed by  
30 law for candidates to withdraw their names from nominating

1 petitions previous to the day of the municipal election. The  
2 compensation to be received by the mayor shall not be increased  
3 or diminished after the mayor's election unless the increase or  
4 decrease was included in an ordinance enacted at least two days  
5 prior to the last day fixed by law for candidates to withdraw  
6 their names from nominating petitions previous to the day of the  
7 municipal election.

8 (d) (1) Subject to clause (2) and notwithstanding any other  
9 provisions of law, a mayor may receive an honorarium, fee or  
10 reimbursement of expenses related to the performance of a  
11 marriage ceremony in this Commonwealth, if the mayor first  
12 notifies council in writing of the mayor's intention to perform  
13 marriage ceremonies. A notification pursuant to this clause  
14 shall remain in effect for the term of the mayor or until such  
15 time as the notification is rescinded by the mayor.

16 (2) The honorarium or fee shall not exceed one hundred fifty  
17 dollars for each ceremony performed. The mayor shall keep  
18 accurate accounts of the fees received relating to the  
19 performance of marriage ceremonies and provide council each  
20 quarter with a report of moneys received for that period. The  
21 quarterly report shall include the amount of money received, the  
22 names of persons from whom money was received along with the  
23 date and the location of the performed ceremony and shall be  
24 considered a public record.

25 (3) The receipt of a fee under this subsection shall not be  
26 considered a violation of 65 Pa.C.S. Ch. 11 (relating to ethics  
27 standards and financial disclosure) and shall not be considered  
28 compensation under this act.

29 Section 90. Section 1209 of the act is amended to read:

30 Section 1209. Acting Mayor; Powers and Duties.--[The member

1 of city council who shall be designated as the director of the  
2 department of accounts and finance shall be vice president of  
3 the city council, and acting mayor of the city during the  
4 absence or inability of the mayor to act; and, during such  
5 absence or inability, he] During the absence of the mayor or the  
6 inability of the mayor to act, the vice president of city  
7 council shall be the acting mayor who shall exercise all the  
8 rights and powers of the mayor. In the event of a vacancy in the  
9 office of the mayor by reason of death, resignation, or  
10 otherwise, the vice president of council shall, in like manner,  
11 act as the mayor and shall, while acting as mayor, receive the  
12 compensation of mayor but not [of director of accounts and  
13 finance or councilman during such incumbency] any compensation  
14 as a council member, until the successor of the mayor is duly  
15 [elected] appointed and qualified [as hereinbefore provided] in  
16 accordance with section 901. In case of the absence or inability  
17 of the [director of accounts and finance to act] vice president  
18 of council to act as mayor, the council shall designate another  
19 one of its members to act as mayor.

20 Section 91. Article XII-A heading of the act, added July 7,  
21 2011 (P.L.307, No.75), is reenacted to read:

22 ARTICLE XII-A

23 CITY ADMINISTRATOR OR MANAGER

24 Section 92. Sections 1201-A and 1202-A of the act, added  
25 July 7, 2011 (P.L.307, No.75), are reenacted to read:

26 Section 1201-A. Office of city administrator or manager.

27 City council may, at its discretion at any time, by  
28 ordinance, enacted by a majority vote of all members elected to  
29 council, create the office of city administrator or manager and  
30 may in like manner abolish the same. The appointed office of

1 city administrator when referenced in this article may also be  
2 referred to as city manager, and a reference to a city  
3 administrator shall be deemed a reference to a city manager.

4 Section 1202-A. Appointment; selection; removal.

5 In a city in which the office of city administrator has been  
6 created, council shall appoint a person to fill that office  
7 initially, and thereafter, whenever a vacancy exists in the  
8 office. The appointment of a person to fill the office of city  
9 administrator shall be by an affirmative vote of a majority of  
10 all the members of council. Council shall select a city  
11 administrator on the basis of executive and administrative  
12 qualifications, education and experience and may give special  
13 consideration to applicants with training and experience in  
14 municipal government operation. The city administrator shall  
15 serve at the pleasure of council, subject to contractual rights  
16 that may arise under an employment agreement that may be entered  
17 in accordance with section 1203-A.

18 Section 93. Section 1203-A of the act, added July 7, 2011  
19 (P.L.307, No.75), is amended to read:

20 Section 1203-A. Employment agreement.

21 Council may enter into an employment agreement with the city  
22 administrator. The employment agreement may set forth the terms  
23 and conditions of employment, and the agreement may provide that  
24 it shall remain in effect for a specified period terminating no  
25 later than two years after the effective date of the agreement  
26 or the date of the [organization] organizational meeting of  
27 council following the next municipal election, whichever shall  
28 first occur. An employment agreement entered into pursuant to  
29 this section may specify conditions under which a city  
30 administrator would be entitled to severance compensation, but

1 in no event shall an employment agreement guarantee employment  
2 through the term of the agreement or confer upon the city  
3 administrator any legal remedy based on specific performance.

4 Any employment agreement with a city administrator executed on  
5 or after a municipal election but before the first meeting in  
6 January the year after the municipal election shall be void.

7 Section 94. Sections 1204-A and 1205-A of the act, added  
8 July 7, 2011 (P.L.307, No.75), are reenacted to read:

9 Section 1204-A. Residency and elective city office.

10 At the time a person is appointed to fill the office of city  
11 administrator, the appointee need not be a resident of the city.  
12 After appointment, the city administrator may reside outside the  
13 city only with the approval of council. The city administrator  
14 shall not hold any elective city office.

15 Section 1205-A. Powers and duties.

16 (a) Powers and duties generally.--Council may, by ordinance,  
17 vest in the city administrator powers and duties relating to the  
18 general management of city business and to the enforcement of  
19 city ordinances and regulations. The powers and duties conferred  
20 upon a city administrator in accordance with this section shall  
21 not be construed as diminishing powers granted to other city  
22 officers by statute or ordinance.

23 (b) Specific powers.--The powers and duties that may be  
24 conferred upon a city administrator by council may include, but  
25 shall not be limited to, any or all of the following:

26 (1) To be the chief administrative officer of the city  
27 responsible to the city council as a whole for the proper and  
28 efficient administration of the affairs of the city.

29 (2) To direct and supervise the administration of all  
30 departments and functions of the city, except as otherwise

1 provided by ordinance or law.

2 (3) Except as otherwise provided by this act, to appoint  
3 city employees on the basis of merit system principles and  
4 suspend, remove or otherwise discipline employees, subject to  
5 the following:

6 (i) The city administrator may make recommendations  
7 to council concerning appointments or removals at the  
8 department head level.

9 (ii) Prior to any action being taken with regard to  
10 appointments or removals at the department head level,  
11 the city administrator shall confer with council.

12 (iii) Council must confirm appointments or removals  
13 at the department head level.

14 (4) To designate a qualified administrative officer of  
15 the city to perform the city administrator's duties during  
16 the city administrator's temporary absence or disability. In  
17 the event the city administrator fails or is unable to make  
18 such designation, or, if the absence or disability continues  
19 more than 30 days, the council may, by resolution, appoint an  
20 officer of the city to perform the duties of the city  
21 administrator during the city administrator's absence or  
22 disability until the city administrator is able to return to  
23 work.

24 (5) To negotiate contracts for the city, subject to the  
25 approval of city council, make recommendations concerning the  
26 nature and location of municipal improvements and execute  
27 municipal improvements as determined by the city council.

28 (6) To see that all terms and conditions imposed in  
29 favor of the city or its inhabitants in any statute,  
30 franchise or contract are faithfully kept and performed, and

1 upon knowledge of any violation, call the same to the  
2 attention of the city council.

3 (7) To attend all meetings of the city council with the  
4 right to take part in the discussions, but without the right  
5 to vote.

6 (8) To recommend to the city council for adoption such  
7 measures as the administrator may deem necessary or  
8 expedient, keep the council advised of the financial  
9 condition of the city and make reports to the council as  
10 requested by it.

11 (9) To investigate at any time the affairs of any  
12 officer or department of the city that is under the  
13 administrator's jurisdiction.

14 (10) To prepare and submit the annual city budget for  
15 review and approval by the city council. The recommended  
16 budget shall be submitted to city council for its review no  
17 later than the last stated meeting in November. The budget so  
18 submitted shall be accompanied by an enabling ordinance,  
19 together with such explanatory comment or statement as the  
20 administrator may deem desirable. The budget document shall  
21 be in such form as is required by law for city budgets and  
22 shall contain such additional documentation or explanation of  
23 the various items of expenditure and revenue as may be  
24 required by council.

25 (11) To perform such other duties as may be designated  
26 by the city council in the enabling ordinance.

27 Section 95. Article XIII heading of the act is repealed:

28 [ARTICLE XIII

29 CITY CLERK]

30 Section 96. Sections 1301, 1302 and 1303 of the act are



1 repealed:

2 [Section 1301. Appointment; Compensation; Removal.--The  
3 council of each city shall appoint a city clerk on the first  
4 Monday of May, one thousand nine hundred and fifty-two, and on  
5 the first Monday of May every fourth year thereafter, and fix  
6 his compensation by ordinance. He shall serve for a term of four  
7 years and until his successor is duly appointed and qualified.

8 Section 1302. Power to Administer Oaths; Duties.--The city  
9 clerk shall have the power of a notary public to administer  
10 oaths in any matter pertaining to the business of said city, or  
11 in any legal proceeding in which it is interested. He shall also  
12 perform such other duties as shall be prescribed for his office  
13 by law, ordinance or resolution of council.

14 Section 1303. Records Open to Inspection.--The records and  
15 documents of city council of every city shall be kept in the  
16 office of the city clerk and shall be open to the inspection of  
17 any taxpayer thereof, his, her, or its agent, upon demand  
18 therefor during office hours.]

19 Section 97. Article XIV heading of the act is reenacted to  
20 read:

21 ARTICLE XIV

22 THE CITY TREASURER

23 Section 98. Section 1401 of the act, amended July 27, 1973  
24 (P.L.229, No.59), is amended to read:

25 Section 1401. Qualifications.--The city treasurer shall be  
26 [a competent] an accountant, at least twenty-one years of age,  
27 and shall have been a resident of the city for at least one year  
28 [next prior to his] before the person's election. [He] The  
29 elected treasurer shall reside in the city throughout [his] the  
30 treasurer's term of office. Prior to being sworn in to office,

1 and as a condition to qualifying for office, the elected  
2 treasurer shall present a signed affidavit to the city clerk  
3 that states the person resides in the city from which elected  
4 and has resided in the city continuously for at least one year  
5 preceding the person's election.

6 Section 99. Section 1402 of the act, amended July 2, 1953  
7 (P.L.318, No.67), is amended to read:

8 Section 1402. Bond; Insurance; Salary.--[The city treasurer  
9 shall give lawful fidelity bond to the Commonwealth, with a  
10 surety company authorized by law to act as surety, to be  
11 approved by the city council, in such sum as it may by ordinance  
12 direct, conditioned for the accounting for and paying over all  
13 moneys received by him in his capacity as city treasurer and the  
14 safekeeping and payment over of all public moneys entrusted to  
15 his care, and that as tax collector of city, county, institution  
16 district, and school taxes he shall account for and pay over all  
17 moneys received by him as taxes, penalties and interest. The  
18 city treasurer shall in addition furnish adequate insurance  
19 protection against any and all losses of said funds through  
20 fire, burglary, larceny, theft, robbery or forgery. Such  
21 insurance shall be approved by the city council in such sum as  
22 it may by ordinance direct. The city treasurer and his surety  
23 shall be discharged from further liability on any bond as tax  
24 collector, as soon as all tax items contained in the duplicates  
25 delivered to him are either: (1) collected and paid over, or (2)  
26 certified to the city council for entry as liens in the office  
27 of the prothonotary, or as claims in the tax claim bureau, as  
28 the case may be, or (3) returned to the county treasurer or city  
29 treasurer for sale, or (4) in the case of taxes, not levied upon  
30 real estate, a record of those which remain uncollected is filed

1 with the tax authority. The city treasurer shall be required to  
2 give, in addition to insurance as aforesaid, but one bond which  
3 shall include his duties as city treasurer and collector of  
4 city, county, institution district, and school taxes, and shall  
5 cover the full term of his office. Should any of the taxing  
6 districts be of the opinion at any time that the bond and  
7 insurance as aforesaid provided by the city treasurer is not  
8 sufficient in amount as to the surety and insurance thereon, the  
9 said taxing district may petition the court of quarter sessions  
10 having jurisdiction in the city to have the city treasurer  
11 furnish additional bond and insurance as aforesaid. Thereupon,  
12 the city treasurer shall furnish such additional bond and  
13 insurance, if any, as the said court may prescribe. The premium  
14 of the bond or bonds and insurance shall be paid by the city or  
15 shared pro rata by the taxing districts interested, as the case  
16 may be, according to their respective tax interests. The  
17 treasurer shall not in any event be required to provide bond or  
18 bonds and insurance in an amount in excess of the taxes to be  
19 collected by him. The bond or bonds and insurance provided by  
20 the city treasurer shall or be for the use of the city and the  
21 taxing districts involved. He shall, as city treasurer, receive  
22 a fixed annual salary, to be provided by ordinance. His  
23 compensation as tax collector for the city, county, institution  
24 district and school district shall be as provided for in the  
25 Local Tax Collection Law.] (a) The city treasurer shall give  
26 lawful fidelity bond, covering the full term of office, for the  
27 faithful performance of official duties, including duties as tax  
28 collector of city, county, institution district and school  
29 taxes. In addition to being subject to such other conditions as  
30 council may direct, the bond of the city treasurer shall be

1 conditioned upon the following:

2 (1) The accounting for and paying over of all moneys  
3 received as city treasurer.

4 (2) The accounting for and paying over of all moneys  
5 received, including taxes, penalties and interest, as tax  
6 collector of city, county, institution district and school  
7 taxes.

8 (3) The safekeeping and payment over of all public moneys  
9 entrusted to the treasurer's care.

10 (b) Council may require two bonds from the city treasurer:

11 (1) A bond for the faithful performance by the city  
12 treasurer of official duties other than those of tax collector.

13 (2) A bond covering the duties of the city treasurer as  
14 collector of city, county, institution district and school  
15 taxes.

16 In lieu of the bond required for the faithful performance by the  
17 city treasurer of official duties other than those of tax  
18 collector, council may purchase insurance, provided that the  
19 insurance covers the same events of loss and insures the county  
20 against the same misconduct as the bond in compliance with this  
21 act.

22 (c) The city treasurer and the treasurer's surety shall be  
23 discharged from further liability on any bond as tax collector,  
24 as soon as each of the tax items contained in the duplicates  
25 delivered to the city treasurer has been:

26 (1) collected and paid over;

27 (2) assigned to third party assignees;

28 (3) certified to the city council for entry as liens in the  
29 office of the prothonotary or as claims in the tax claim bureau,  
30 as the case may be;

1 (4) returned to the county treasurer or city treasurer for  
2 sale; or

3 (5) in the case of taxes not levied upon real estate, a  
4 record of those which remain uncollected is filed with the tax  
5 authority.

6 (d) Council may require the city treasurer to be covered by  
7 insurance protection in accordance with section 907(c).

8 (e) Should any of the taxing districts be of the opinion at  
9 any time that the bond or insurance provided by the city  
10 treasurer is not sufficient in amount, the taxing district may  
11 petition the court of common pleas having jurisdiction in the  
12 city to have the city treasurer furnish additional bond and  
13 insurance. Thereupon, the city treasurer shall furnish  
14 additional bond and insurance, if any, as the court may  
15 prescribe. The premium on the bond or on the bonds and insurance  
16 shall be shared pro rata by the taxing districts interested, as  
17 the case may be, according to their respective tax interests  
18 pursuant to the act of May 25, 1945 (P.L.1050, No.394), known as  
19 the "Local Tax Collection Law." The treasurer shall not in any  
20 event be required to provide bond or bonds and insurance in an  
21 amount in excess of the taxes to be collected by the treasurer.  
22 The bond or bonds and insurance provided by the city treasurer  
23 shall be for the use of the city and the taxing districts  
24 involved.

25 (f) The city treasurer shall receive a fixed annual salary  
26 to be provided by ordinance. Compensation as tax collector for  
27 the city, county, institution district and school district shall  
28 be as provided for in the "Local Tax Collection Law."

29 Section 100. The act is amended by adding sections to read:

30 Section 1402.1. City Treasurer to be Tax Collector.--Except

1 as otherwise provided by the act of December 31, 1965 (P.L.1257,  
2 No.511), known as "The Local Tax Enabling Act," the city  
3 treasurer, by virtue of the treasurer's office, shall be the  
4 collector of the city, county, school and institution district  
5 taxes assessed or levied in the city by the proper authorities  
6 therein. As tax collector, the city treasurer shall maintain and  
7 keep an office which may be the same as that of the city  
8 treasurer for the purpose of receiving taxes during regular  
9 business hours.

10 Section 1402.2. Date of Delivery of Duplicate; Collection.--  
11 The council of each city and the county and county institution  
12 district authorities, now empowered or which may be hereafter  
13 empowered to levy taxes upon persons and property within the  
14 city, shall, within thirty days after the adoption of the budget  
15 or within thirty days after receipt of the assessment roll from  
16 the county, whichever is later, make out and deliver their  
17 respective duplicates of taxes assessed to the city treasurer to  
18 be collected. The proper school authorities shall make out and  
19 deliver the school duplicates of their respective taxes in such  
20 city at the time and in the manner provided by the school laws  
21 of this Commonwealth. All duplicates of taxes provided to or  
22 received by the treasurer shall at all times be open to proper  
23 inspection of the public and of the proper auditing and  
24 examining officers of the city, county or school district, as  
25 the case may be, and shall be delivered by the treasurer at the  
26 expiration of the treasurer's term to the treasurer's successor.

27 Section 1402.3. Tax Liens; Schedule of Uncollected Taxes;  
28 Liability for False Return.--Upon the settlement of the  
29 duplicates of city, county, institution district and school  
30 taxes which by law are made a lien on real estate, the city

1 treasurer as collector of taxes shall make out schedules of the  
2 city, county, school or institution district taxes uncollected  
3 upon the duplicates with a brief description of the properties  
4 against which the same are assessed, for the purpose of having  
5 the same entered for lien or sold according to law. The failure  
6 of the city treasurer to collect the taxes from personal  
7 property, when the same could have been collected, shall not  
8 impair the lien thereof or affect any sale made for the  
9 collection thereof. In case the city treasurer shall make any  
10 wilfully false return, the city treasurer shall be liable to any  
11 person or persons injured thereby.

12 Section 101. Sections 1403, 1404, 1405, 1406, 1407 and 1408  
13 of the act are amended to read:

14 Section 1403. Receipt and Payment of Moneys; Daily  
15 Transmittal of Receipts; Duplicates.--The city treasurer shall  
16 demand and receive all moneys payable to the city from [whatever  
17 source, and shall issue a receipt in every case to the person  
18 making such payment, and shall pay all warrants duly  
19 countersigned by the director of accounts and finance and the  
20 city controller] such sources as the city council may from time  
21 to time entrust to the city treasurer and shall issue a receipt  
22 when requested in every case to the person making such payment  
23 and shall pay all documents authorizing payment duly  
24 countersigned. All receipts for money received on behalf of the  
25 city by the treasurer shall be numbered serially and made in  
26 duplicate at least, and all such duplicates shall daily, not  
27 later than the next succeeding business day, be transmitted by  
28 the city treasurer to the city controller.

29 Section 1404. Method of Keeping Accounts.--The accounts of  
30 the city treasurer shall be kept in such manner as to clearly

1 exhibit all the items of receipts and expenditures of the city,  
2 [and] the sources from which the moneys are received and the  
3 objects for which the same are disbursed. [He] The city  
4 treasurer shall keep separate and distinct accounts of the  
5 receipts and expenditures of the city, including, but not  
6 limited to, the sinking fund, and [the water and lighting] each  
7 department[, respectively] providing a utility service, and also  
8 of every special fund [which may come into his hands].

9 Section 1405. Moneys Appropriated Only to be Paid Out.--No  
10 money shall be paid out of the city treasury unless the same  
11 shall have been previously approved, duly authorized and  
12 appropriated by council to the purpose for which it is to be  
13 drawn, which shall be explicitly mentioned in the [warrant  
14 therefor] document authorizing payment.

15 Section 1406. Depositories of City Funds Entrusted to the  
16 Treasurer by City Council.--The treasurer shall keep the public  
17 funds in [such] banks or financial depositories as council may  
18 direct, under [such] restrictions and safeguards as council may  
19 provide, and shall verify [his] the treasurer's accounts  
20 whenever required, to the satisfaction of council.

21 No treasurer complying with the provisions of this section  
22 and any ordinance of the city, nor [his] the treasurer's surety  
23 or sureties, shall be chargeable with losses of city funds  
24 caused by the insolvency or negligence of any [such] city  
25 depositories.

26 Section 1407. Delivery of City Property in [His] Treasurer's  
27 Possession to Successor.--The city treasurer shall, upon [the  
28 termination of his] leaving office, deliver to the city or to  
29 [his] the treasurer's duly qualified successor all moneys,  
30 accounts, property or effects in [his] the treasurer's



1 possession belonging to the city.

2 Section 1408. [Assistants and Employes.--] Appointment of  
3 Deputy Treasurer and Employes; Powers; Responsibility.--(a) The  
4 city treasurer [shall] may appoint [all] the following:

5 (1) A deputy treasurer who, in the case of the sickness,  
6 absence or inability of the city treasurer to act, shall have  
7 the same powers and shall perform the same duties as are imposed  
8 by law upon the city treasurer and such appointment shall be in  
9 compliance with the requirements of the act of May 25, 1945  
10 (P.L.1050, No.394), known as the "Local Tax Collection Law."

11 (2) All the assistants and employes of [his] the city  
12 treasurer's office, whose number and compensation shall be fixed  
13 by council[, ] and who, in all other respects, shall be  
14 considered as employes of the city.

15 (b) All persons appointed pursuant to this section shall be  
16 covered by a bond, blanket bond or insurance in accordance with  
17 section 907.

18 Section 102. Article XV heading of the act is reenacted to  
19 read:

20 ARTICLE XV

21 THE CITY ENGINEER

22 Section 103. Article XV subdivision (a) heading of the act  
23 is repealed:

24 [(a) General Provisions]

25 Section 104. Sections 1501, 1502, 1503, 1504 and 1505 of the  
26 act are amended to read:

27 Section 1501. [Election of the City Engineer; Term; Bond;  
28 Filling of Vacancies.--The council of each city shall, on the  
29 first Monday of May, one thousand nine hundred and fifty-two,  
30 and on the first Monday of May every fourth year thereafter, or

1 as soon thereafter as practicable in each of said years, appoint  
2 a city engineer, who shall be a registered engineer in civil  
3 engineering. He shall serve for a term of four years from the  
4 said first Monday of May and until his successor is qualified.  
5 He shall receive a fixed annual salary to be provided by  
6 ordinance. He shall give lawful bond to the city, with a surety  
7 or other company authorized by law to act as surety, to be  
8 approved by council, in such sum as it shall by ordinance  
9 direct, conditioned for the faithful performance of his official  
10 duties. Vacancies in said office shall be filled by council for  
11 the unexpired term.] Appointment of City Engineer.--Council  
12 shall provide for the manner of appointment and compensation of  
13 the city engineer, who shall be a registered professional  
14 engineer in this Commonwealth and shall serve at the pleasure of  
15 council. Nothing contained herein shall prohibit council from  
16 designating an engineering firm of registered professional  
17 engineers from performing the duties and functions of the city  
18 engineer.

19 Section 1502. Control of Engineering Matters.--The city  
20 engineer shall have the [superintendence, direction and control  
21 of the engineering matters of the city, and no department of the  
22 city shall employ or retain any additional engineer, except with  
23 the previous assent of council. Assistants and employes in the  
24 office of the city engineer shall be appointed in accordance  
25 with the civil service provisions of this act. The provisions of  
26 this article shall not apply to any board of commissioners of  
27 water-works of any city wherein the title to the water-works  
28 therein located is in the name of the commissioners of water-  
29 works.] supervision, direction and control of the engineering  
30 matters of the city, and no department of the city shall employ

1 or retain any additional engineer, except with the previous  
2 assent of council.

3 Section 1503. Duties[; Preparation of Plans.--The city  
4 engineer shall perform such duties as the council shall  
5 prescribe with reference to the construction, reconstruction,  
6 maintenance and repair of all streets, pavements, sewers,  
7 bridges, culverts and other engineering work. He shall prepare  
8 plans, specifications, and estimates for all such work  
9 undertaken by such city, and shall, whenever required, furnish  
10 council, the committees thereof, the mayor, public boards, or  
11 heads of departments, with reports, information or estimates on  
12 any city engineering work, or on questions submitted by any of  
13 them in their official capacity.]--As authorized by council,  
14 engineering work undertaken by the city shall be performed or  
15 supervised by the city engineer or by another registered  
16 professional engineer employed by the city for a particular  
17 purpose. The duties of the city engineer may include, but need  
18 not be limited to, the following:

19 (1) Preparing plans, specifications and estimates, and  
20 undertaking other engineering work related to constructing,  
21 reconstructing, maintaining and repairing streets, pavements,  
22 sewers, bridges, culverts and other municipal improvements.

23 (2) Making reports, giving estimates, supplying information  
24 and responding to questions concerning city engineering work to  
25 city officials and employes, provided that council may regulate  
26 the manner, number and method of making these requests.

27 (3) Conducting, supervising or directing surveys relating to  
28 city property and improvements authorized by law or as directed  
29 by council.

30 (4) Preparing a topographical survey of the city or a

1 general plan of city streets, marking the lines of streets, both  
2 those already opened and those intended to be opened for public  
3 use, as council may deem necessary.

4 (5) Surveying, making a draft or plan of and laying out new  
5 or proposed streets, as council may deem necessary.

6 (6) Reporting a grade for any proposed or new streets, as  
7 council may deem necessary.

8 (7) Making reports, from time to time, as deemed expedient  
9 by the city engineer or as council shall direct, of the surveys  
10 and plans of city streets in convenient sections without  
11 awaiting the completion of the entire survey.

12 (8) Keeping and maintaining books and records, and providing  
13 for certified copies of the same, as may be directed or  
14 authorized by council or required by law.

15 Section 1504. [Certificate of Commencement and of Completion  
16 of Municipal Improvements.--The city engineer shall immediately  
17 after the completion of any municipal improvement, the cost and  
18 expense of which, in whole or in part, is to be paid by the  
19 abutting property, make certificate in which he shall state the  
20 day or time on which the particular improvement was completed,  
21 and shall file the same with the city clerk, who shall enter the  
22 said day or time of completion in a book to be kept by him for  
23 said purposes; and the said day or time mentioned in said  
24 certificate shall be conclusive on all parties as to the time  
25 the said work was completed. The time of completion of the work,  
26 referred to in this section and in other parts of this act,  
27 shall be taken to mean the time of the completion of the whole  
28 contract for the improvement. He shall also furnish to the city  
29 clerk a certificate showing the time on which any such  
30 particular improvement was commenced, and such certificate shall

1 be conclusive evidence of the time when the said improvement was  
2 begun. An entry of such date shall be made by said clerk in the  
3 books aforesaid.] Certifying Commencement and Completion of  
4 Municipal Improvements.--Within a reasonable time after the  
5 completion of any municipal improvement, the cost and expense of  
6 which, in whole or in part, is to be paid by the abutting  
7 property owner or owners, the city engineer, or employes  
8 designated by the city engineer, shall certify the day or time  
9 on which the particular improvement was commenced and the day or  
10 time on which the particular improvement was completed, shall  
11 file the same with the city clerk who shall maintain a  
12 centralized book or listing of certificates of commencement and  
13 completion, and shall provide notice of the filing to the city  
14 solicitor. The day or time of completion of the work, referred  
15 to in this section and in other parts of this act, shall mean  
16 the time of the completion of the whole contract for the  
17 improvement. Information filed with the clerk certifying the day  
18 or time of the commencement and completion of the work shall be  
19 conclusive evidence of the day or time when the improvement was  
20 begun and completed.

21 Section 1505. [Surveys.--The city engineer shall have the  
22 charge and direction of all surveys and regulations authorized  
23 by any act of Assembly, or ordinance of such city, and shall  
24 perform such other duties as council shall direct.] Surveys;  
25 Entering Upon the Lands of Others.--For the purposes of carrying  
26 out authorized surveys, laying out streets or of other  
27 engineering work of the city, the city engineer or other persons  
28 engaged in city engineering work shall have full power and  
29 authority to enter upon the lands and premises of any person or  
30 persons within the city.

1 Section 105. Article XV subdivision (b) heading, sections  
2 1515, 1516, 1517, 1518, 1519, 1520 and 1521, subdivision (c)  
3 heading and sections 1530, 1531, 1532, 1533, 1534, 1535, 1536,  
4 1537 and 1538 are repealed:

5 [(b) Real Estate Registry

6 Section 1515. Council to Provide for Registry of Real  
7 Estate.--For the purpose of procuring accurate information in  
8 reference to the ownership of all real estate, the council of  
9 each city shall provide, by ordinance, for a registry thereof in  
10 accordance with this subdivision.

11 Section 1516. Preparation of Books, Plans and Maps.--The  
12 city engineer of any city in which such registry shall be  
13 established shall cause to be made all such necessary books,  
14 maps and plans as will show the situation and dimensions of each  
15 property therein, which books, maps or plans shall be so  
16 prepared as to show the city number, and name of the owner or  
17 owners thereof, with blank spaces for the owner of each lot,  
18 with provision for the names of future owners, and dates of  
19 future transfer of title. For such purpose, the city engineer  
20 shall have free access, without charge, to any of the public  
21 records wherein the necessary information may be obtainable  
22 therefor. He may also cause search to be made in any other place  
23 for any muniments or evidence of title, not reported to him as  
24 hereinafter provided, and requisite for the completion of said  
25 books, maps or plans.

26 Section 1517. Preservation of Records.--The said books, maps  
27 and plans shall be carefully preserved in the office of the  
28 engineer, and shall be so kept, by additions from time to time,  
29 or otherwise, as to show the ownership of every lot or piece of  
30 real estate, or subdivision thereof, within the city limits,

1 with the successive transmissions of title, from the date of the  
2 commencement of such plans; but nothing herein or in this  
3 article shall invalidate any municipal or tax claim by reason of  
4 the fact that the same is not assessed or levied against the  
5 registered owner.

6 Section 1518. Certified Copies of Entries Admissible as  
7 Evidence.--Certified copies, signed by the city engineer, of any  
8 of the entries in said books, or upon said maps or plans, shall  
9 be received in evidence in the same manner as the books, maps  
10 and plans themselves might be admissible for such purposes; and  
11 may be also furnished to any person desiring the same, for such  
12 fee or compensation for the use of the city as may be fixed by  
13 ordinance.

14 Section 1519. Duties Imposed on Owners of Real Estate when  
15 Registry Established; Penalty.--All owners of unregistered real  
16 estate within the city limits, within thirty days from the date  
17 of the approval of the ordinance establishing such registry, and  
18 every subsequent purchaser, devisee, or person acquiring title  
19 by partition or otherwise, to any real estate therein, within  
20 thirty days after acquiring such title, shall furnish to the  
21 said engineer, at his office, descriptions of their respective  
22 properties, upon blanks to be furnished by the city, and, at the  
23 same time, present their conveyance to be stamped by said  
24 engineer, without charge, as evidence of the registration  
25 thereof. Any person or persons neglecting or refusing to comply  
26 with the provisions of this section, for a period of thirty days  
27 after public notice of the requirements thereof, shall be liable  
28 to a penalty of five dollars, to be recovered, with costs of  
29 suit, in the name and for the use of the city, as penalties for  
30 the violation of city ordinances are recoverable: Provided,

1 however, That such registration may within said thirty day  
2 period be also effected by the recorder of deeds of the county,  
3 in accordance with existing law.

4 Section 1520. Registry of Properties Sold at Judicial  
5 Sales.--The sheriffs of the respective counties in which such  
6 cities are situated shall present for registry the deeds of all  
7 properties within the city limits sold by them at judicial  
8 sales, whether by execution, in partition, or otherwise.

9 Section 1521. Filing of Municipal Claims.--Each city's  
10 registry may be used as the lawful and proper source of property  
11 owners' or reputed owners' names for the purpose of filing  
12 municipal claims as liens or of reviving municipal liens.

13 (c) Topographical Survey

14 Section 1530. Council May Authorize Topographical Survey.--  
15 Any city may, by ordinance, cause a topographical survey  
16 thereof, to be made by its city engineer, or by such other civil  
17 engineer and assistants as they may employ for that purpose.

18 Section 1531. Plan of Streets and Highways; Surveys;  
19 Grades.--The city engineer, upon being duly authorized, shall  
20 procure and keep in his office such necessary plot or other  
21 books as shall be necessary for the purpose of entering or  
22 recording thereon all the streets and highways of the city,  
23 already opened or to be hereafter opened. He shall survey and  
24 mark the lines of all the streets and highways of the city,  
25 already opened or intended to be opened for public use, and  
26 survey and lay out new streets and highways, as council may deem  
27 necessary, for a regular and convenient city plan, and, if  
28 specially directed, he shall report a grade for any proposed new  
29 streets. For the said purposes, the city engineer and his  
30 assistants or any other person engaged in such engineering work



1 for the city shall have full power and authority to enter upon  
2 the lands and premises of any person or persons within the said  
3 city.

4 Section 1532. Return of Draft of Completed Survey to  
5 Council; Inspection.--When the survey shall be completed, the  
6 said engineer shall make or cause to be made a draft or plan  
7 thereof, with every provision and explanation necessary for a  
8 full understanding of the same, distinctly designated where new  
9 streets and highways are thereafter to be opened, and shall  
10 return the same to the council. It shall remain in the office of  
11 the city clerk, and open to inspection by those interested,  
12 until finally approved as hereinafter provided.

13 Section 1533. Notice of Return; Objections; Alterations;  
14 Approval; Recording.--Council shall give at least thirty days'  
15 previous notice by publication once in at least two newspapers  
16 of general circulation, if there be that many, as required by  
17 section one hundred and nine of this act, and by posting at  
18 least ten handbills upon lands or territory contained in the map  
19 or plan returned for approval, that on a certain day or days, to  
20 be fixed by the said council, the said council will hear any  
21 objection that may be made to said draft or plans by any  
22 freeholder or citizen of said city, or interested person. The  
23 council at the time appointed, or at any subsequent time within  
24 three months, shall determine whether any and what alterations  
25 shall be made in the said plan or draft. When the same is  
26 finally approved, whether as returned or as altered and changed,  
27 said council may direct that the same be entered and recorded in  
28 the plot-book of street plans, in the office of the city  
29 engineer.

30 Section 1534. Notation of Grades on Plans.--In case the city

1 engineer is directed to report grades for said streets or  
2 highways, the same shall be noted on said draft or plan, and be  
3 returned with his surveys; and said grades shall be subject to  
4 alterations and changes by council, in the manner aforesaid; and  
5 when approved by the said council shall become part of the  
6 plans, and be entered and recorded as aforesaid.

7 Section 1535. Effect of Recording.--Upon the recording of  
8 such plan or draft in the street plan book, and the passage of  
9 an ordinance approving said street drafts or plans and grades,  
10 or of either, as the case may be, therein designating the book  
11 and page, or pages, at or in which the said plan or plans are  
12 recorded, thereafter all the streets and highways, as designated  
13 upon said approved plan and recorded as aforesaid, shall be  
14 adjudged and taken to be laid out and located streets and  
15 highways.

16 Section 1536. Deviation from Established Plans; Liability of  
17 City.--In case the council shall thereafter change or alter, or  
18 should they by themselves or their officers deviate from the  
19 regulations of the streets or highways, so as aforesaid  
20 established, and damages thereby accrue to the property of any  
21 person or persons in consequence thereof, the said city shall be  
22 liable for the payment of such damages.

23 Section 1537. Sectional Surveys.--Sectional surveys or  
24 drafts may be returned to the council by said engineer at any  
25 time, and be confirmed as aforesaid, and with like force and  
26 effect.

27 Section 1538. Reports of Partial Surveys; Confirmation.--The  
28 said engineer may, from time to time as he shall deem expedient  
29 and the said council shall direct, make report of the surveys,  
30 plans and regulations by him made, in convenient sections,

1 without awaiting the completion of the entire survey, and shall  
2 make duplicate drafts and plans of said section in the manner  
3 hereinbefore prescribed. The same proceedings shall be had for  
4 the final confirmation of such partial or sectional drafts and  
5 plans as is herein directed in relation to the confirmation of  
6 the entire survey, and with like effect and force.]

7 Section 106. Article XVI heading of the act is reenacted to  
8 read:

9 ARTICLE XVI

10 THE CITY SOLICITOR

11 Section 107. Sections 1601, 1602, 1603 and 1604 of the act  
12 are amended to read:

13 Section 1601. Appointment of City Solicitor[; Term;  
14 Compensation; Bond; Filling of Vacancies.--The council of each  
15 city shall, on the first Monday of May, one thousand nine  
16 hundred and fifty-two, and on the first Monday of May every  
17 fourth year thereafter, or as soon thereafter as practicable in  
18 each of said years, appoint a city solicitor, who shall be  
19 learned in the law and admitted to practice in the Supreme Court  
20 of the Commonwealth, and shall maintain an office in the city.  
21 He shall serve for a term of four years from the said first  
22 Monday of May and until his successor is qualified. He shall  
23 receive a fixed annual salary to be provided by ordinance. He  
24 shall give lawful bond to the city, with a surety or other  
25 company authorized by law to act as surety, to be approved by  
26 council, in such sum as they shall by ordinance direct,  
27 conditioned for the faithful performance of his official duties.  
28 Vacancies in said office shall be filled by council for the  
29 unexpired term.].--Council shall provide for the manner of  
30 appointment and compensation of the city solicitor, which may be

1 a law firm.

2 Section 1602. Direction of [Law] Legal Matters.--The city  
3 solicitor shall have the [superintendence,] direction[, ] and  
4 control of the [law] legal matters of the city. No department of  
5 the city shall employ or retain any additional counsel in any  
6 matter or cause, except with the [previous] prior assent of  
7 council.

8 Section 1603. Duties.--The city solicitor shall [prepare]  
9 oversee the preparation of all bonds, obligations, contracts,  
10 leases, conveyances, and assurances to which the city or any  
11 department thereof may be party, as may be directed by  
12 resolution or ordinance, and shall [commence and prosecute]  
13 oversee the commencement and prosecution of all and every suit  
14 or suits, action or actions, brought by the city, and the filing  
15 of municipal claims and liens, for or on account of any of the  
16 estates, rights, trusts, privileges, claims, or demands[, ] of  
17 the same, as well as [defend] oversee the defense of all actions  
18 or suits against the [said] city or any officer thereof, wherein  
19 or whereby any of the estates, rights, privileges, trusts,  
20 ordinances, or acts of the city or any department thereof, may  
21 be brought in question before any court. [He] The city solicitor  
22 shall have like duties before any administrative agency or other  
23 judicial or quasi-judicial body. [He] The city solicitor shall  
24 do all and every professional act incident to the office which  
25 [he] the city solicitor may be lawfully authorized and required  
26 to do by the mayor, or by any ordinance or resolution of the  
27 council, and shall perform such other duties as council may  
28 direct.

29 Section 1604. Written Opinions to be Furnished.--[The city  
30 solicitor shall, whenever required, furnish the council, the

1 mayor, or any elected city official, with his opinion, in  
2 writing, upon any question of law which may be submitted by any  
3 of them in their official capacities.] (a) Subject to  
4 regulation by council in accordance with subsection (b), the  
5 city solicitor shall furnish a written opinion on questions of  
6 law submitted, in their official capacities, by any of the  
7 following:

8 (1) The council.

9 (2) The mayor.

10 (3) Any other elected city official.

11 (4) Any appointed city official designated by council as  
12 authorized to request a written legal opinion.

13 (b) The city council may provide for the regulation of the  
14 manner in which questions are presented to the city solicitor by  
15 any elected or appointed city official and may limit the  
16 questions submitted in such manner as the city council may  
17 direct.

18 Section 108. Sections 1605 and 1606 of the act are repealed:

19 [Section 1605. City Lien Docket.--The city solicitor shall  
20 keep in his office a city lien docket, which shall be open to  
21 public inspection, and in which he shall cause to be entered all  
22 claims for curbing, paving, or repaving sidewalks, assessments  
23 of damages, contributions for opening streets, or parts thereof,  
24 for grading, paving, and macadamizing the same, for water and  
25 lighting frontage tax and water and lighting rates, sewerage,  
26 city taxes, and other matters that may be the subject of claim  
27 on the part of the city, which have or shall be returned to the  
28 solicitor as remaining due and unpaid after the period  
29 prescribed by law or ordinance for the payment of such claims.

30 Nothing contained herein shall be deemed to alter or replace the

1 administration and effect of the Real Estate Tax Sale Law in any  
2 city wherein said law is in operation.

3 Section 1606. Department Heads to Furnish Statements of  
4 Claim.--It shall be the duty of the head of each department,  
5 wherein any such claim shall originate, to furnish to the city  
6 solicitor, within the period prescribed by law or ordinance, a  
7 statement of all claims for curbing, paving, et cetera, which  
8 remain due or unpaid, a certified copy of which the said heads  
9 of departments shall at the same time furnish to the director of  
10 accounts and finance.]

11 Section 109. Section 1607 of the act is amended to read:

12 Section 1607. Satisfaction of Liens Due City.--Upon the  
13 payment of any lien or other debt of record due the city, to any  
14 city employe or city official or other person authorized to  
15 receive the [same] payment, that person shall [forthwith forward  
16 to the city solicitor a satisfaction piece therein], as soon as  
17 practicable, notify the city solicitor; and it shall be the duty  
18 of the city solicitor or [his assistant forthwith] the  
19 solicitor's designee, as soon as practicable, to cause  
20 satisfaction to be entered upon the proper record [thereof] of  
21 the lien or debt of record.

22 Section 110. Section 1608 of the act is repealed:

23 [Section 1608. Return and Payment of Money and Fees  
24 Received.--The city solicitor shall, at least once in every  
25 month, make a return to the director of accounts and finance,  
26 under oath or affirmation, of each item of moneys received by or  
27 through him, or his assistants, by virtue of his office, or on  
28 account of any matter connected therewith. Immediately upon  
29 making such return, he shall pay over the amount in his hands to  
30 the city treasurer. He shall, in like manner, pay into the city

1 treasury all fees received by him in his official capacity, but  
2 this provision shall not be taken to include the judgment fee or  
3 commission allowed him in his capacity of attorney.]

4 Section 111. Sections 1609 and 1610 of the act are amended  
5 to read:

6 Section 1609. Assistant Solicitor.--[The council of each  
7 city may] Council may, at its discretion, appoint one or more  
8 assistant city solicitors[, whose term of office shall be  
9 concurrent with that of the city solicitor, and whose] to assist  
10 the solicitor in the performance of all duties and shall provide  
11 for the compensation [shall be fixed by resolution, and who  
12 shall assist the solicitor in the performance of all duties  
13 prescribed for him] of assistant solicitors by resolution.

14 Section 1610. Special Counsel.--Council may, at its  
15 discretion, retain special counsel for particular proceedings or  
16 matters of the city and [fix his] shall provide for the  
17 compensation of special counsel by resolution.

18 Section 112. Article XVII heading of the act is amended to  
19 read:

20 ARTICLE XVII

21 THE CITY CONTROLLER AND INDEPENDENT AUDITOR

22 Section 113. Article XVII of the act is amended by adding a  
23 subdivision heading to read:

24 (a) City Controller

25 Section 114. Section 1701 of the act, amended July 27, 1973  
26 (P.L.234, No.62), is amended to read:

27 Section 1701. Qualifications; Bond; Compensation.--(a) The  
28 city controller shall be [a competent] an accountant, at least  
29 twenty-one years of age, shall have been a resident of the city  
30 for at least one year [next before his election] before the

1 person's election, and shall reside in the city throughout [his]  
2 the person's term of office. Prior to being sworn in to office,  
3 and as a condition to qualifying for office, the elected city  
4 controller shall present a signed affidavit to the city clerk  
5 that states the person resides in the city from which elected  
6 and has resided in the city continuously for at least one year  
7 immediately before the person's election.

8 (b) The city controller shall give bond in accordance with  
9 section 907 for the faithful performance of official duties as  
10 the city controller. The bond shall cover the full term of  
11 office and shall be conditioned upon the following:

12 (1) The accounting for and paying over of all moneys  
13 received as city controller.

14 (2) The safekeeping and payment over of all public moneys  
15 entrusted to the controller's care.

16 (c) The city controller shall receive a fixed annual salary,  
17 to be set by ordinance, in an amount not less than the  
18 compensation paid to members of council.

19 Section 115. Sections 1702 and 1703 of the act are repealed:

20 [Section 1702. Bond.--He shall give lawful bond to the city,  
21 with a surety or other company authorized by law to act as  
22 surety, to be approved by the council, in such sum as it may by  
23 ordinance direct, conditioned for the honest and faithful  
24 discharge of his official duties.

25 Section 1703. Compensation.--He shall receive a fixed annual  
26 salary, to be provided by ordinance, which shall not be less  
27 than the compensation paid to members of council.]

28 Section 116. Section 1704 of the act, amended May 6, 1957  
29 (P.L.100, No.42) and December 14, 1967 (P.L.828, No.355), is  
30 amended to read:



1 Section 1704. [Examination and Audit of Accounts].--(a)  
2 Powers and Duties.--(a) The city controller shall countersign  
3 all documents authorizing the payment of moneys out of the city  
4 treasury when satisfied of the legality of the payment.

5 (b) The city controller shall have the power to administer  
6 oaths or affirmations in relation to any matter touching the  
7 authentication of any account, claim or demand of or against the  
8 city, but shall not receive any fee therefor.

9 (c) The city controller shall have the power to examine[,   
10 audit and settle all] the following accounts:

11 (1) All accounts whatsoever in which the city is concerned,  
12 either as debtor or creditor[, and shall also, annually or as  
13 often as he desires or is directed to do so by council, examine  
14 and audit the].

15 (2) The accounts of all city bureaus, officers, and  
16 departments which collect, receive, and disburse public  
17 moneys[, or who are charged with the management, control, or  
18 custody thereof[, and in every case he shall make report of such  
19 examination, audit and settlement to the council. He shall  
20 likewise audit and report upon the].

21 (3) The accounts of [any such] a city officer upon the  
22 death, resignation, removal or expiration of the term of the  
23 [said officers] officer. [He shall likewise audit and report  
24 upon the]

25 (4) The accounts of any library to which the city makes  
26 appropriations, [those of] any institution owned by the city,  
27 and [those of] Pennsylvania National Guard units to which the  
28 city makes appropriations.

29 [(b) He shall likewise audit, or with the consent of council  
30 cause to be made by an accountant an annual audit of, all the

1 accounts of any municipal officer in any department of the city  
2 government who may be charged with the duty, or who may perform  
3 the services, of receiving and disbursing the funds of any  
4 association, society, or organization of municipal employes or  
5 persons, directly or indirectly connected with the municipal  
6 government, for the benefit, relief, or pensioning of firemen,  
7 policemen, or other municipal employes or persons as aforesaid.

8 (c) All such audits shall be made within as short a time as  
9 possible after the close of the fiscal year, and be annually  
10 reported to council at its first meeting in March, as other  
11 reports of the controller are made, and shall be filed with the  
12 court of quarter sessions within ninety days of the close of the  
13 fiscal year.

14 (d) Council may provide for an audit of any or all accounts  
15 by an independent certified public accountant.

16 (e) Brief abstracts or summaries of the reports of such  
17 accounts and financial statements or such other reports thereof  
18 as council may require shall be published at least once a week  
19 for two weeks in one newspaper, in accordance with the  
20 provisions of section one hundred and nine of this act. The  
21 expense and cost of such publication shall be paid out of the  
22 funds of the various associations, organizations, or societies,  
23 as their other expenses are paid.]

24 (f) In the same manner in which subpoenas may be issued and  
25 enforced, in accordance with section 917, the city controller  
26 shall have power to issue and pursue enforcement of subpoenas to  
27 obtain the attendance both of officers whose accounts the  
28 controller is authorized to examine and of any person or persons  
29 whom it may be necessary to examine as witnesses.

30 (g) The city controller may present council with annual or

1 periodic statements concerning the results of the controller's  
2 examination of accounts, which shall be public records pursuant  
3 to the act of February 14, 2008 (P.L.6, No.3), known as the  
4 "Right-to-Know Law".

5 Section 117. The act is amended by adding sections to read:

6 Section 1704.1. Deputy Controller; Employees.--The controller  
7 may appoint a deputy controller and may select individuals to  
8 serve as assistants and employes in the controller's office. The  
9 number of the assistants and employes permitted, if any, shall  
10 be fixed by council. Assistants and employes in the controller's  
11 office shall, in all other respects, be considered employes of  
12 the city. A deputy controller, assistants and employes appointed  
13 under this section shall be bonded, and their compensation shall  
14 be fixed by council.

15 Section 1704.2. Temporary Deputy Controller.--In case of the  
16 sickness, absence or inability of a city controller, and when no  
17 deputy shall have been appointed by the controller, the council  
18 may appoint a temporary deputy controller to serve during the  
19 sickness, absence or inability of the controller, or until the  
20 controller shall appoint a deputy. A temporary deputy controller  
21 shall be bonded and receive the compensation fixed by council.

22 Section 1704.3. Continuation of Office.--The appointment of  
23 an independent auditor in accordance with subdivision (b) shall  
24 not abolish the office of controller. The elected controller  
25 shall continue to exercise those powers retained for the  
26 controller in this subdivision.

27 Section 118. Article XVII of the act is amended by adding a  
28 subdivision heading to read:

29 (b) Independent Auditor

30 Section 119. The act is amended by adding sections to read:

1 Section 1704.11. Appointment of Independent Auditor.--The  
2 council shall provide, by resolution, for the appointment of an  
3 independent auditor. The independent auditor may be a certified  
4 public accountant or a firm of certified public accountants.

5 Section 1704.12. Powers and Duties of Independent Auditor.--

6 (a) The independent auditor shall conduct an annual audit of  
7 all accounts of city officers, departments and offices which  
8 collect, receive and disburse public moneys and other funds or  
9 are charged with the management, control or custody thereof on  
10 which the independent auditor is required to report pursuant to  
11 this subdivision. The annual audit, as directed by council,  
12 shall also include any accounts subject to examination by the  
13 controller pursuant to subdivision (a).

14 (b) The independent auditor shall have and possess the  
15 powers expressly provided in this subdivision and, in relation  
16 to accounts which the independent auditor is authorized to  
17 audit, shall have the same power as the city controller to issue  
18 subpoenas to obtain the attendance of officers and witnesses.

19 Section 120. Section 1705 of the act, amended March 2, 1970  
20 (P.L.71, No.31), is amended to read:

21 Section 1705. Annual Report to Council; Filing Copy in Court  
22 and Appeal [Therefrom].--(a) The [city controller] independent  
23 auditor appointed in accordance with this subdivision shall make  
24 a report to council, at [its] council's first meeting in March  
25 in each year, of the audits [which he shall have] made of the  
26 accounts of the officers having charge, custody, control or  
27 disbursement of such public moneys and other funds, showing the  
28 balance in their hands respectively, and, within ninety days of  
29 the close of the fiscal year, the [city controller] independent  
30 auditor shall file a copy of the [said] annual report to council

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

3 (b) The independent auditor shall also prepare, annually, an  
4 intelligible summary of the report or reports made pursuant to  
5 this section, showing the fiscal condition of the affairs of the  
6 city. Council may require advisory interim reports from the  
7 independent auditor. Reports prepared under this section and all  
8 summaries thereof shall be public pursuant to the act of  
9 February 14, 2008 (P.L.6, No.3), known as the "Right-to-Know  
10 Law."

11 (c) It shall be lawful for the city or any taxpayer thereof  
12 on its behalf or any officer whose account is settled or audited  
13 to appeal from the settlement or audit to the court of common  
14 pleas of the county within forty-five days after the [said]  
15 annual report to council has been filed. If the appellant is a  
16 taxpayer or any officer charged as aforesaid, he shall file a  
17 bond, with one or more sufficient sureties, conditioned to pay  
18 all costs thereafter accruing in case a decision shall not be  
19 obtained more favorable to the party on whose behalf the appeal  
20 shall be taken than that contained in the [said] report. [The  
21 city controller shall also prepare an intelligible summary of  
22 said reports, showing the fiscal condition of the affairs of the  
23 city, and post one copy of said summary in a conspicuous place  
24 in the city hall. Council may require advisory interim reports  
25 from the city controller.]

26 Section 121. Sections 1706, 1707, 1708 and 1709 of the act  
27 are repealed:

28 [Section 1706. Power to Administer Oaths; Countersigning of  
29 Warrants.--The city controller shall have the power to  
30 administer oaths or affirmations in relation to any matter

1 touching the authentication of any account, claim, or demand of  
2 or against the city, but shall not receive any fee therefor, and  
3 shall countersign all warrants for the payment of moneys out of  
4 the city treasury when satisfied of the legality of such  
5 payment.

6 Section 1707. Power to Subpoena City Officers.--The city  
7 controller shall have power to issue subpoenas to obtain the  
8 attendance of officers whose accounts he is authorized to  
9 adjust, audit, and settle, and also to subpoena any person or  
10 persons whom it may be necessary to examine as witnesses, and in  
11 case any city officer or any witness refuses to appear upon  
12 being subpoenaed, he shall report such refusal to council, and  
13 the council is hereby empowered to enact ordinances to compel  
14 the attendance of city officers and witnesses before the said  
15 city controller and to impose penalties in case of refusal.

16 Section 1708. Appointment of Deputy Controller; Powers;  
17 Responsibility.--The city controller may appoint a deputy  
18 controller, who in case of the sickness, absence, or inability  
19 of such controller to act, shall have the same powers and shall  
20 perform the same duties as are imposed by law upon the city  
21 controller. In the case of such appointment, the said controller  
22 shall be responsible and liable for the acts of such deputy.

23 Section 1709. Appointment of Temporary Deputy by Council;  
24 Bond; Compensation.--In case of the sickness, absence, or  
25 inability of a city controller, and when no deputy shall have  
26 been appointed by him, the council of such city may appoint a  
27 deputy controller to serve during the sickness, absence, or  
28 inability of such controller, or until such controller shall  
29 appoint a deputy, as aforesaid, who shall furnish such bond, and  
30 receive such compensation, as shall be fixed by council.]

1 Section 122. Article XVIII heading of the act is reenacted  
2 to read:

3 ARTICLE XVIII

4 ACCOUNTS AND FINANCES

5 Section 123. Section 1801 of the act, amended April 27, 1965  
6 (P.L.21, No.18), is amended to read:

7 Section 1801. Fiscal Year.--The fiscal year of each city  
8 shall begin on the first day of January and end on the last day  
9 of December.

10 Section 124. Sections 1802, 1803 and 1804 of the act are  
11 amended to read:

12 Section 1802. [Director of Accounts and Finance] Chief  
13 Fiscal Officer; Bond; Administering Oaths.--[The director of  
14 accounts and finance shall be the head of the Department of  
15 Accounts and Finance. He shall furnish bond in such amount as  
16 shall be fixed by ordinance. He] (a) Council shall provide for  
17 a chief fiscal officer for the city. In filling the position of  
18 chief fiscal officer, council may appoint, but shall not be  
19 limited to appointing, the director of the department of  
20 accounts and finance, if one is appointed pursuant to Article XI  
21 or the city administrator, if one is appointed pursuant to  
22 Article XII-A.

23 (b) Council shall require that the chief fiscal officer  
24 furnish a bond subject to section 907.

25 (c) The chief fiscal officer shall have authority to  
26 administer oaths and affirmations in relation to any matter  
27 touching the authentication of every account with or claim or  
28 demand of or against the city, but shall not be entitled to  
29 receive any fee therefor.

30 Section 1803. Deputy.--[The director of accounts and finance

1 may appoint a deputy, subject to the approval of council, which  
2 shall fix the salary of such deputy.] Council may authorize the  
3 chief fiscal officer to appoint, subject to the approval of  
4 council, a deputy chief fiscal officer whose compensation shall  
5 be fixed by council. The deputy shall have power to administer  
6 oaths and affirmations in all matters relating to the affairs of  
7 [said] the office and shall furnish a bond subject to section  
8 907. If no deputy has been appointed, council may appoint a  
9 temporary deputy chief fiscal officer to serve during the chief  
10 fiscal officer's illness, absence or inability to serve. The  
11 temporary deputy chief fiscal officer may be required to furnish  
12 bond as required by council. [The director of accounts and  
13 finance shall in all cases be responsible and liable for the  
14 actions and conduct of the said deputy.]

15 Section 1804. Regulations Concerning Appropriation.--(a) No  
16 debt shall be created by any department of the city[, ] except in  
17 [pursuance of previous authority of law, ordinance, or  
18 resolution] accordance with law.

19 (b) No money shall be paid out of the city treasury except  
20 upon appropriation made according to law[, ] and [on warrant]  
21 pursuant to a document authorizing payment drawn by the proper  
22 officer or officers in pursuance thereof.

23 (c) No work shall be hired to be done, no materials  
24 purchased, no contracts made, and no order issued for the  
25 payment of any moneys [in any amount which will cause the sums  
26 appropriated to specific purposes to be exceeded], if doing so  
27 would result in the total expenditure of money for a specific  
28 purpose to exceed the amount appropriated for that purpose.

29 (d) In every case in which an appropriation shall be  
30 [exhausted] entirely expended, and the object of [which] the



1 appropriation is not completed, the [director of accounts and  
2 finance] chief fiscal officer shall [immediately] on or before  
3 the next regularly scheduled council meeting report the fact to  
4 the city council and accompany [such] the report with a  
5 statement of the moneys which have been drawn on [such] the  
6 appropriation[, ] and the particular purpose for which they were  
7 drawn.

8 (e) The council may at any time by ordinance make  
9 supplemental appropriations for any lawful purpose from any  
10 funds on hand or estimated to be received within the fiscal year  
11 and not appropriated to any other purpose, including the  
12 proceeds of any borrowing now or hereafter authorized by law.

13 (f) The council shall have the power to authorize the  
14 transfer of any unexpended balance, of any appropriation item,  
15 or any portion thereof, but [such action shall be taken only on  
16 the recommendation of a director of one of the departments]  
17 council shall first seek comments from the director of the  
18 department negatively affected by the proposed transfer pursuant  
19 to this section.

20 [When a transfer of over five per cent of an appropriation  
21 item is made within a department or when a transfer of over five  
22 per cent of the total appropriation is made from one department  
23 to another department, an affirmative vote of four members of  
24 the council shall be required.]

25 (g) Consistent with this section, council shall determine  
26 the manner and method of all intradepartmental and  
27 interdepartmental financial transfers.

28 Section 125. Section 1804.1 of the act, amended July 10,  
29 1980 (P.L.478, No.103) and December 13, 1982 (P.L.1149, No.263),  
30 is amended to read:

1 Section 1804.1. Investment of City Funds.--(a) The council  
2 shall have power to provide the following:

3 (1) [make] The investment of city sinking funds as  
4 authorized by [the act of July 12, 1972 (P.L.781, No.185), known  
5 as the "Local Government Unit Debt Act";] 53 Pa.C.S. Pt. VII  
6 Subpt. B (relating to indebtedness and borrowing).

7 (2) [make] The investment of moneys in the general fund and  
8 in special funds of the city other than the sinking funds as  
9 authorized by this article[; and].

10 (3) [liquidate] The liquidation of any [such] investment, in  
11 whole or in part, by disposing of securities or withdrawing  
12 funds on deposit. Any action taken to make or to liquidate any  
13 investment shall be made by the officers designated by action of  
14 the council.

15 (b) The council shall invest city funds consistent with  
16 sound business practice.

17 (c) The council shall provide for an investment program  
18 subject to restrictions contained in this act and in any other  
19 applicable statute and any rules and regulations adopted by the  
20 council.

21 (d) Authorized types of investments for city funds shall be  
22 any of the following:

23 (1) United States Treasury bills.

24 (2) Short-term obligations of the United States Government  
25 or its agencies or instrumentalities.

26 (3) Deposits in savings accounts or time deposits, other  
27 than certificates of deposit, or share accounts of institutions  
28 insured by the Federal Deposit Insurance Corporation [or the  
29 Federal Savings and Loan Insurance Corporation] or the National  
30 Credit Union Share Insurance Fund [or the Pennsylvania Deposit

1 Insurance Corporation or the Pennsylvania Savings Association  
2 Insurance Corporation] to the extent that such accounts are so  
3 insured[, ] and, for any amounts above the insured maximum,  
4 provided that approved collateral as provided by law therefore  
5 shall be pledged by the depository.

6 (4) Obligations of the United States of America or any of  
7 its agencies or instrumentalities backed by the full faith and  
8 credit of the United States of America, the Commonwealth of  
9 Pennsylvania or any of its agencies or instrumentalities backed  
10 by the full faith and credit of the Commonwealth, or of any  
11 political subdivision of the Commonwealth of Pennsylvania or any  
12 of its agencies or instrumentalities backed by the full faith  
13 and credit of the political subdivision.

14 (5) Shares of an investment company registered under the  
15 Investment Company Act of 1940 (54 Stat. 789, 15 U.S.C. § 80a-1  
16 et seq.), whose shares are registered under the Securities Act  
17 of 1933 (48 Stat. 74, 15 U.S.C. § 77a et seq.), provided that  
18 the only investments of that company are in the authorized  
19 investments for city funds listed in clauses (1) through (4).

20 (6) Certificates of deposit purchased from institutions  
21 insured by the Federal Deposit Insurance Corporation [or the  
22 Federal Savings and Loan Insurance Corporation] or the National  
23 Credit Union Share Insurance Fund [or the Pennsylvania Deposit  
24 Insurance Corporation or the Pennsylvania Savings Association  
25 Insurance Corporation] to the extent that such accounts are so  
26 insured. However, for any amounts above the insured maximum,  
27 such certificates of deposit shall be collateralized by a pledge  
28 or assignment of assets of the institution, and such collateral  
29 may include loans (including interest in pools of loans) secured  
30 by first mortgage liens on real property. Certificates of

1 deposit purchased from commercial banks shall be limited to an  
2 amount equal to twenty per centum of a bank's total capital and  
3 surplus. Certificates of deposit purchased from savings and loan  
4 associations or savings banks shall be limited to an amount  
5 equal to twenty per centum of an institution's assets minus  
6 liabilities.

7 (7) Any investment authorized by 20 Pa.C.S. Ch. 73 (relating  
8 to [fiduciaries] municipalities investments) shall be an  
9 authorized investment for any pension or retirement fund.

10 (8) Repurchase agreements which are fully collateralized by  
11 obligations of the United States Government or its agencies or  
12 instrumentalities, which are free from other liens and backed by  
13 the full faith and credit of the United States or are rated in  
14 the highest category by a nationally recognized statistical  
15 rating organization.

16 (9) Deposits in investment pools established by the State  
17 Treasurer or established by local governments pursuant to 53  
18 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental  
19 cooperation) and related statutes, provided that the investment  
20 pools are rated in the highest category by a nationally  
21 recognized statistical rating organization.

22 (e) In making investments of city funds, the council shall  
23 have authority to do any of the following:

24 (1) [To permit] Permit assets pledged as collateral under  
25 subsection (d) (3), to be pooled in accordance with the act of  
26 August 6, 1971 (P.L.281, No.72), relating to pledges of assets  
27 to secure deposits of public funds.

28 (2) [To combine] Combine moneys from more than one fund  
29 under city control for the purchase of a single investment,  
30 provided that each of the funds combined for the purpose shall

1 be accounted for separately in all respects and that the  
2 earnings from the investment are separately and individually  
3 computed and recorded, and credited to the accounts from which  
4 the investment was purchased.

5 (3) [To join] Join with one or more other political  
6 subdivisions and municipal authorities in accordance with [the  
7 act of July 12, 1972 (P.L.762, No.180), referred to as the  
8 Intergovernmental Cooperation Law] 53 Pa.C.S. Ch. 23, Subch. A,  
9 in the purchase of a single investment, provided that the  
10 requirements of clause (2) on separate accounting of individual  
11 funds and separate computation, recording and crediting of the  
12 earnings therefrom are adhered to.

13 Section 126. Sections 1805, 1806, 1807 and 1808 of the act  
14 are amended to read:

15 Section 1805. Countersigning [~~Warrants;~~] Documents; Money  
16 Available; Evidence Required.--(a) The [director of the  
17 Department of Accounts and Finance] chief fiscal officer shall  
18 countersign all [warrants upon the city treasury, the form  
19 whereof shall be prescribed by council, and] documents, in the  
20 form approved by council, authorizing payment from the city  
21 treasury.

22 (b) In countersigning documents authorizing payment from the  
23 city treasury, the chief fiscal officer shall not [suffer]  
24 permit any appropriation made by the council to be overdrawn[.  
25 No warrant shall be countersigned] and shall not countersign  
26 unless there is money in the treasury to pay the same.

27 (c) Except in the case of [warrants for the payment of  
28 moneys] documents authorizing payment to volunteer fire  
29 companies, whenever a [warrant on the treasurer] document  
30 authorizing payment from the city treasury shall be presented to

1 the [director of accounts and finance] chief fiscal officer to  
2 be countersigned, the person presenting the same shall be[, by  
3 the said director,] required to produce evidence of each of the  
4 following:

5 (1) [That the] The amount expressed in the [warrant]  
6 document authorizing payment is due [to] the person in whose  
7 favor it is drawn.

8 (2) [That the] The supplies, services or other consideration  
9 for payment of which the [warrant] document authorizing payment  
10 is drawn have been furnished, performed or given according to  
11 law and the terms of the contract, if any.

12 Section 1806. Record of Assets, Property, Trusts, Debts Due,  
13 Receipts and Expenditures.--The [director of accounts and  
14 finance] chief fiscal officer or other official or employe of  
15 the city designated by council shall have charge and keep a  
16 record of accounts, under appropriate titles, to show separately  
17 and distinctly all of the assets and property whatsoever vested  
18 in the city, and all trusts in care of the same, debts owing by  
19 the city, and all of the receipts and expenditures of the  
20 various departments.

21 Section 1807. Supervision of Accounts of Departments.--The  
22 [director of accounts and finance] chief fiscal officer shall  
23 have the supervision and control of the accounts of all of the  
24 departments, and may require from them at any time a statement  
25 in writing of all money or property of the city in their hands.

26 Section 1808. Suggestions [by Director] for Improvement of  
27 City Finances.--The [director of accounts and finance] chief  
28 fiscal officer may, from time to time, and shall, when the  
29 council shall direct, suggest plans to the council for the  
30 management and improvement of the city finances.

1 Section 127. Sections 1809 and 1810 of the act, amended June  
2 22, 2000 (P.L.321, No.33), are amended to read:

3 Section 1809. Annual Budget; Presentation to Council;  
4 Notice; Revision; Adoption.--[The director of accounts and  
5 finance] (a) Each year, the chief fiscal officer shall, on  
6 behalf of council, at the last stated meeting in November [in  
7 each year] present to council for [first reading] introduction a  
8 proposed budget ordinance for all funds showing the estimated  
9 receipts, expenditures, and liabilities of every kind[,] for the  
10 ensuing year, with the balance of unexpended appropriations[,]  
11 and all other information of value as a basis for fixing the  
12 levy and tax rate for the next fiscal year. Council shall[,]  
13 upon [passing] introducing the [said] proposed budget ordinance  
14 [on first reading,] fix a date for adoption thereof, which shall  
15 be not later than the thirty-first day of December of [such]  
16 that year.

17 (b) The several departments of the city government shall,  
18 before the proposed budget ordinance is [presented] introduced,  
19 as [above] provided in subsection (a), furnish to the council an  
20 estimate of the probable receipts and expenditures and an  
21 estimate of the amount required by each of [said] the  
22 departments for the public service during the ensuing fiscal  
23 year as a basis for making the annual appropriations thereto.

24 (c) When the proposed budget ordinance is submitted to  
25 council and has [passed first reading] been introduced, the city  
26 clerk shall forthwith make the same available for public  
27 inspection at [his] the city clerk's office in the city hall[,]  
28 and shall thereupon publish a notice to that effect once in [at  
29 least one] a newspaper of general circulation in accordance with  
30 the provisions of section [one hundred nine of this act. Such]

1 109. The notice shall state the date fixed by council for  
2 [adoption] enactment of the proposed budget ordinance, and  
3 [such] notice shall be published at least twenty days prior to  
4 the time fixed by council for [adoption] enactment of the  
5 proposed budget ordinance. The proposed budget ordinance shall  
6 be available for public inspection at the city clerk's office  
7 for at least ten days after the aforesaid newspaper notice  
8 [thereof] is published.

9 (d) The council shall, after making such changes and  
10 modifications therein as appear proper, [adopt] enact the budget  
11 and any appropriation measures required to put it into effect  
12 upon the date fixed for [adoption] enactment thereof[: Provided,  
13 That said], provided, however, that the budget shall reflect as  
14 nearly as possible the estimated revenues and expenditures of  
15 the city for the year for which the budget is prepared. [That  
16 should] Should it appear upon any revision of the budget that  
17 the estimated expenditures in the [adopted] enacted budget would  
18 be increased more than ten per cent in the aggregate or more  
19 than twenty-five per cent in any individual item over the  
20 proposed budget, [such] the budget shall not be [adopted]  
21 enacted with any [such] of the increases therein unless the same  
22 be again made available for public inspection [and for protest  
23 of such increases] for a period of at least ten days after  
24 notice to that effect is published as hereinbefore provided.

25 Section 1810. Amending Budget; Notice.--(a) During the  
26 month of January [next following any municipal election]  
27 following the expiration of a past fiscal year, in furthering  
28 its fiduciary responsibility, the council of any city may amend  
29 the budget and the levy and tax rate to conform [with] to its  
30 amended budget ordinance. A period of ten days' public



1 inspection at the office of the city clerk of the proposed  
2 amended budget ordinance, after notice by the city clerk to that  
3 effect is published [once] in a newspaper of general circulation  
4 as provided in section [one hundred nine of this act] 109 shall  
5 intervene between council's [first reading] introduction of the  
6 proposed amended budget ordinance and the [adoption] enactment  
7 thereof. Any amended budget ordinance must be [adopted] enacted  
8 by council on or before the fifteenth day of February.

9 [No such] (b) After introduction, no proposed amended budget  
10 ordinance shall [after first reading] be revised upward in  
11 excess of ten [percent] per centum in the aggregate thereof or  
12 as to an individual item in excess of twenty-five per [cent]  
13 centum of the amount of such individual item in the proposed  
14 amended budget ordinance.

15 Section 128. Section 1811 of the act is amended to read:

16 Section 1811. Appropriations; Tax Rate; Limitations.--(a)  
17 When all estimates for the receipts, liabilities, and  
18 expenditures for the ensuing year shall be made, council shall  
19 proceed to make the annual appropriations[, ] and shall fix the  
20 tax rate at such figure as will, in combination with all other  
21 estimated receipts of the city, fully meet and cover the  
22 aggregate amount of such estimates of liabilities and  
23 expenditures for the ensuing year.

24 (b) No appropriation, however, shall be made for any purpose  
25 until the interest accruing on the funded debt of the city and  
26 the principal of [such] that part of [said] the debt as may be  
27 coming due in that fiscal year, the salaries of officers, and  
28 the ordinary and necessary expenses of the city shall first be  
29 provided for, and no appropriation shall be made for any purpose  
30 in excess of the estimated receipts and revenues for the fiscal

1 year for which such appropriations are made.

2 Section 129. Section 1811.2 of the act, amended October 5,  
3 1967 (P.L.327, No.143) and repealed in part July 12, 1972  
4 (P.L.781, No.185), is amended to read:

5 Section 1811.2. Borrowing in Anticipation of Current  
6 Revenue.--[Cities] In accordance with 53 Pa.C.S. Pt. VII Subpt.  
7 B (relating to indebtedness and borrowing), cities may borrow  
8 money in anticipation of current revenues to an amount not  
9 exceeding [such] the anticipated current revenues, which shall  
10 be pledged for the payment of [such] the loan or loans, and may  
11 issue notes or other [form] forms of obligation[, executed by  
12 the director of the Department of Accounts and Finance and  
13 attested by the mayor under the seal of the city, securing such  
14 loans. Such notes or other form of obligation shall mature and  
15 be payable during the current fiscal year in which such money is  
16 borrowed. No such borrowing shall constitute an increase of  
17 indebtedness within the meaning of Article nine, section eight  
18 of the Constitution of Pennsylvania, or of the "Municipal  
19 Borrowing Law" of June twenty-fifth, one thousand nine hundred  
20 forty-one (Pamphlet Laws 159), or of any of the provisions of  
21 this act, and shall not require the approval of the Department  
22 of Community Affairs. Such notes shall bear interest at a rate  
23 not exceeding six (6) per centum per annum, payable at maturity  
24 or in advance, and may be sold at either public or private sale  
25 for not less than par. If such loans are not repaid in whole or  
26 in part during the fiscal year in which they are made, they, or  
27 such amounts as remain unpaid, shall become an obligation upon  
28 the following year's budget and shall be included therein and  
29 paid not later than the thirty-first day of December of such  
30 following year. The incurring of such obligations shall receive

1 the affirmative vote of not less than two-thirds of the members  
2 of the city council] in evidence of the debt.

3 Section 130. Sections 1812 and 1813 of the act, amended June  
4 22, 2000 (P.L.321, No.33), are amended to read:

5 Section 1812. Annual Reports; Publication; Filing Report  
6 with Department of Community and Economic Development;  
7 Penalty.--(a) The [director of accounts and finance] chief  
8 fiscal officer shall make a report, verified by oath or  
9 affirmation, to the council at a stated meeting in April in each  
10 year of the public accounts of the city and of the trusts in its  
11 care for the preceding fiscal year, exhibiting all of the  
12 expenditures thereof, respectively, and the sources from which  
13 the revenue and funds are derived and in what measures the same  
14 have been disbursed. Each account shall be accompanied by a  
15 statement in detail of the several appropriations made by  
16 council, the amount drawn and encumbered on each appropriation,  
17 and the unencumbered balance outstanding to the debit or credit  
18 of such appropriation at the close of the fiscal year.

19 (b) [Such] The report, accompanied by a concise financial  
20 statement setting forth the balance in the treasury at the  
21 beginning of the fiscal year, all revenues received during the  
22 fiscal year, by major classifications, all expenditures made  
23 during the fiscal year, by major functions, and the current  
24 resources and liabilities of the city at the end of the fiscal  
25 year, the gross liability and the net debt of the city, the  
26 amount of the assessed valuation of the taxable property in the  
27 city, the assets of the city and the character and value  
28 thereof, the date of the last maturity of the respective forms  
29 of funded debt, and the assets in each sinking fund, shall be  
30 published [once in not more than two newspapers printed or

1 circulated in such city, as required by section one hundred and  
2 nine of this act] in a newspaper of general circulation as  
3 required by section 109 at least ten days prior to the April  
4 meeting scheduled pursuant to subsection (a). Before [such] the  
5 report or statement is made or published, [the same] it shall be  
6 approved by the [controller] independent auditor, who may  
7 approve it subject to such exceptions as [he] the independent  
8 auditor may have thereto[: Provided, Council]; provided,  
9 however, that council may cause [such] the statement to be  
10 printed in pamphlet form in addition to the publications made as  
11 aforesaid.

12 (c) The [director of accounts and finance] chief fiscal  
13 officer shall also, annually, make report of the financial  
14 condition of the city in the form above provided to the  
15 Department of Community and Economic Development, within ninety  
16 days after the close of the fiscal year, signed and duly  
17 verified by the oath of the [director] chief fiscal officer and  
18 approved by the [city controller] independent auditor, as above  
19 provided. Any [director of accounts and finance] chief fiscal  
20 officer appointed by the city refusing or wilfully neglecting to  
21 file such report shall, upon conviction thereof[, ] in a summary  
22 proceeding brought [at the instance of] by the Department of  
23 Community and Economic Development, be sentenced to pay a fine  
24 of five dollars for each day's delay beyond [said] ninety days,  
25 and costs. All fines recovered shall be for the use of the  
26 Commonwealth.

27 (d) The report to the Department of Community and Economic  
28 Development shall be presented in a form as provided for in  
29 section [one thousand eight hundred and thirteen of this act]  
30 1813.

1 Section 1813. Committee to Prepare Uniform Forms.--(a) The  
2 uniform financial report forms, specified in the foregoing  
3 sections of this act, shall be prepared by a committee  
4 consisting of four representatives of the Pennsylvania Municipal  
5 League [of Cities and Municipalities] and the Secretary of  
6 Community and Economic Development, or [his] the secretary's  
7 agent or designee who shall be a person trained in the field of  
8 municipal finance.

9 [Such] (b) The representatives shall be appointed by the  
10 president of [said] the organization within sixty days after the  
11 effective date of this act. Such representatives shall be chosen  
12 from among finance officers of third class cities or other  
13 officers of such cities who have knowledge of their fiscal  
14 procedures[. As], and as far as possible, they shall be chosen  
15 to represent cities in the various population groups within the  
16 range of cities of the third class. The president of the  
17 Pennsylvania Municipal League [of Cities and Municipalities] and  
18 other designated participants shall supply to the Secretary of  
19 Community and Economic Development the names and addresses of  
20 [such] the representatives immediately upon their appointment.  
21 [Said]

22 (c) The representatives shall serve without compensation,  
23 but they shall be reimbursed by the Commonwealth for all  
24 necessary expenses incurred in attending meetings of the  
25 committee. The committee shall meet at the call of the Secretary  
26 of Community and Economic Development, or [his] the secretary's  
27 agent or designee, who shall serve as [chairman] chairperson of  
28 the committee.

29 (d) It shall be the duty of the Secretary of Community and  
30 Economic Development, or [his] the secretary's agent or

1 designee, to see to it that the forms required by this act are  
2 prepared in cooperation with [said] the committee. In the event  
3 that [said] the committee should for any reason fail to furnish  
4 such cooperation, the Secretary of Community and Economic  
5 Development, or [his] the secretary's agent or designee, shall  
6 complete the preparation of the forms. After their preparation,  
7 [he] the Secretary of Community and Economic Development, or the  
8 secretary's agent or designee, shall issue [said] the forms and  
9 distribute them annually, as needed, to the designated officers  
10 of each city of the third class.

11 (e) No change or alteration in the forms prescribed shall be  
12 made by the Secretary of Community and Economic Development or  
13 [his] the secretary's agent or designee, except by a majority  
14 approval of the committee, unless upon reasonable notice two or  
15 more representatives thereof fail to attend the committee  
16 meetings. In voting upon any change or alteration, each  
17 representative and the [chairman] chairperson of the committee  
18 shall have one vote.

19 Section 131. Section 1814 of the act is amended to read:

20 Section 1814. Annual Reports to Council on Insurance and  
21 Bonds.--The [director of accounts and finance] chief fiscal  
22 officer shall prepare or cause to be prepared and submit to  
23 council [at the first stated meeting in October of each year],  
24 as council shall direct, a complete and itemized report of all  
25 policies of insurance contracted for by the city[, ] for the  
26 information and consideration of council. The [director of  
27 accounts and finance] chief fiscal officer shall make a like  
28 report [at the same time each year], as council shall direct, of  
29 all bonds given for the protection of the city in whole or in  
30 part.

1 Section 132. Article XIX heading of the act is reenacted to  
2 read:

3 ARTICLE XIX

4 CONTRACTS

5 Section 133. Section 1901 of the act, amended or added  
6 September 17, 1959 (P.L.906, No.359), October 4, 1978 (P.L.1045,  
7 No.239), July 1, 1981 (P.L.196, No.59), April 3, 1992 (P.L.53,  
8 No.17) and November 3, 2011 (P.L.377, No.91), is amended to  
9 read:

10 Section 1901. [Power to Make Contracts; Regulations  
11 Concerning Contracts.--(a) Each city may make contracts for  
12 carrying into execution the provisions of this act and the laws  
13 of the Commonwealth. The council shall, by ordinance, provide  
14 for and regulate the award of all contracts. All contracts or  
15 purchases not in excess of the base amount of eighteen thousand  
16 five hundred dollars, subject to adjustment under section one  
17 thousand nine hundred and three point one of this act, shall be  
18 by note or memorandum in writing, signed by the officer or  
19 employe making the purchase or contract.

20 (b) All services and personal properties required by any  
21 city, or any department thereof, where the base amount exceeds  
22 the sum of eighteen thousand five hundred dollars, subject to  
23 adjustment under section one thousand nine hundred and three  
24 point one of this act, shall be furnished and performed under  
25 written contract, and the contract shall be awarded and given to  
26 the lowest responsible bidder, after advertising two times, each  
27 publication on a different day, in not more than two newspapers,  
28 in accord with the provisions of section one hundred and nine of  
29 this act, and the bids shall not be opened until at least ten  
30 days have elapsed after the first advertisement. A notice of the

1 advertisement for contracts or purchases shall also be posted at  
2 the city hall.

3 (c) The amount of the contract shall in all cases, whether  
4 of straight sale price, conditional sale, bailment lease, or  
5 otherwise, be the entire amount which the city pays to the  
6 successful bidder or his assigns in order to obtain the services  
7 or property or both, and shall not be construed to mean only the  
8 amount which is paid to acquire title or to receive any other  
9 particular benefit or benefits of the whole bargain.

10 (d) The contracts or purchases made by council involving an  
11 expenditure in excess of the base amount of eighteen thousand  
12 five hundred dollars, subject to adjustment under section one  
13 thousand nine hundred and three point one of this act, which  
14 shall not require advertising or bidding, as hereinbefore  
15 provided are as follows:

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

21 (2) Those made for improvements, repairs and maintenance of  
22 any kind made or provided by any city through its own employes:  
23 Provided, however, That this shall not apply to construction  
24 materials used in a street improvement.

25 (3) Those where particular types, models or pieces of new  
26 equipment, articles, apparatus, appliances, vehicles, or parts  
27 thereof, are desired by council, which are patented and  
28 manufactured or copyrighted products.

29 (4) Those involving any policies of insurance or surety  
30 company bonds; those made for public utility service under



1 tariffs on file with the Pennsylvania Public Utility Commission;  
2 those made with another political subdivision or a county, the  
3 Commonwealth of Pennsylvania, the Federal government, any agency  
4 of the Commonwealth or the Federal government, or any municipal  
5 authority, including the sale, leasing or loan of any supplies  
6 or materials by the Commonwealth or the Federal government, or  
7 their agencies, but the price thereof shall not be in excess of  
8 that fixed by the Commonwealth, the Federal government, or their  
9 agencies.

10 (5) Those involving personal or professional services.

11 (6) Those made during a state of emergency declared by the  
12 mayor or chief executive in accord with section one thousand two  
13 hundred and three of this act.

14 (e) The acceptance of bids by advertising required herein  
15 shall be made by public announcement at the meeting at which  
16 bids are received by council or at a subsequent meeting, the  
17 time and place of which shall be publicly announced when bids  
18 are so received. If, for any reason, the award is not made at  
19 either of the above meetings, the same business may be  
20 transacted at a subsequent meeting, the time and place of which  
21 shall be announced at the previous meeting held for such award.  
22 At such third meeting, the council shall either award the  
23 contract or shall reject all bids.

24 (f) Council may require that any bids so advertised be  
25 accompanied by cash, by a certified or cashier's good faith  
26 check or other irrevocable letter of credit in a reasonable  
27 amount, or by a bond with corporate surety in a reasonable  
28 amount. Whenever it is required that a bid be accompanied by  
29 cash, certified check, cashier's good faith check or other  
30 irrevocable letter of credit, no bid shall be considered unless

1 so accompanied. In the event any bidder shall, upon award of the  
2 contract to him, fail to comply with the requirements  
3 hereinafter stated as to a bond guaranteeing the performance of  
4 the contract the good faith deposit by cash, certified check, or  
5 bond, shall be forfeited to the city as liquidated damages.

6 (g) Where advertising is required herein, the successful  
7 bidder shall be required to furnish a bond or irrevocable letter  
8 of credit in an amount sufficient to council with suitable  
9 reasonable requirements guaranteeing the performance of the  
10 contract within twenty days after the contract has been awarded,  
11 unless council prescribes a shorter period of not less than ten  
12 days, and failure to furnish such security within such time  
13 shall void the award. The provisions of this subsection  
14 requiring successful bidders to furnish security shall not be  
15 mandatory as to contracts for the purchase of motor vehicles or  
16 other pieces of equipment but only as to those contracts which  
17 involve furnishing of labor and materials. Council may in all  
18 cases of contracts or purchases require security for  
19 performance, delivery, or other terms.

20 (h) Where the roadway of a street is to be paved originally  
21 and for the first time, or reconstructed by putting down a new  
22 base, or a sewer is to be constructed, or grading done, such  
23 work shall be done under written contract, after advertising as  
24 provided in section one hundred and nine of this act, and such  
25 contract shall be given to the lowest responsible bidder.

26 (i) The council may, by ordinance, provide for and regulate  
27 the purchase of supplies and materials and the sale of personal  
28 property.

29 (j) The council may also, by ordinance, provide a contingent  
30 fund or funds for necessary repairs and incidental expenses, not

1 otherwise provided in the general appropriations, and such funds  
2 may be expended without advertising for bids.

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

7 (l) No person, consultant, firm or corporation contracting  
8 with a city for purposes of rendering personal or professional  
9 services to the city shall share with any city officer or  
10 employe, and no city officer or employe shall accept, any  
11 portion of the compensation or fees paid by the city for the  
12 contracted services provided to the city except under the  
13 following terms or conditions:

14 (1) Full disclosure of all relevant information regarding  
15 the sharing of the compensation or fees shall be made to the  
16 council of the city.

17 (2) The council of the city must approve the sharing of any  
18 fee or compensation for personal or professional services prior  
19 to the performance of said services.

20 (3) No fee or compensation for personal or professional  
21 services may be shared except for work actually performed.

22 (4) No shared fee or compensation for personal or  
23 professional services may be paid at a rate in excess of that  
24 commensurate for similar personal or professional services.]

25 Power to Make and Regulate Awarding of Contracts.--(a) Each  
26 city may make contracts for carrying into execution the  
27 provisions of this act and the laws of this Commonwealth. In  
28 addition to and consistent with the requirements of this  
29 article, council shall, by ordinance, provide for and regulate  
30 the procedures for the award of all contracts, including the

1 purchase of supplies and materials.

2 (b) Contracts for the sale of real and personal property  
3 shall be conducted in conformance with section 2402.1.

4 Section 134. The act is amended by adding sections to read:

5 Section 1901.1. Contracts or Purchases in Excess of Base  
6 Amount of Eighteen Thousand Five Hundred Dollars.--(a) Except  
7 as provided in section 1901.4(b), all contracts or purchases in  
8 excess of the base amount of eighteen thousand five hundred  
9 dollars, subject to adjustment under section 1903.1, shall be  
10 subject to advertising and competitive bidding as provided in  
11 this article.

12 (b) All services and personal properties required by any  
13 city, or any department thereof, where the amount exceeds the  
14 base amount of eighteen thousand five hundred dollars, subject  
15 to adjustment under section 1903.1, shall be furnished and  
16 performed under written contract, and the contract shall be  
17 awarded and given to the lowest responsible bidder after  
18 advertising two times, each publication on a different day, in  
19 not more than two newspapers of general circulation, in  
20 accordance with the provisions of section 109, and the bids  
21 shall not be opened until at least ten days have elapsed after  
22 the advertisement. A copy of the advertisement for contracts or  
23 purchases shall be posted in the city office designated by  
24 council.

25 Section 1901.2. Contracts or Purchases Not in Excess of Base  
26 Amount of Eighteen Thousand Five Hundred Dollars.--With regard  
27 to all contracts or purchases not in excess of the base amount  
28 of eighteen thousand five hundred dollars, subject to adjustment  
29 under section 1903.1, the following shall apply:

30 (1) The purchases or contracts shall be evidenced by note or

1 memorandum in writing, signed by the officer or employe making  
2 the purchase or contract.

3 (2) Council, or the officer designated by council, shall  
4 approve all purchases or contracts, except council need not  
5 approve those purchases or contracts within the category of  
6 small or routine purchases or incidental expenses, as defined by  
7 ordinance.

8 Section 1901.3. Determining Amount of Contract.--The amount  
9 of the contract shall in all cases, whether of straight sale  
10 price, conditional sale, bailment lease or otherwise, be the  
11 entire amount which the city pays to the successful bidder or  
12 the successful bidder's assigns in order to obtain the services  
13 or property, or both, and shall not be construed to mean only  
14 the amount which is paid to acquire title or to receive any  
15 other particular benefit or benefits of the whole bargain.

16 Section 1901.4. Contracts or Purchases Not Requiring  
17 Advertising or Bidding.--(a) City contracts or purchases, if  
18 not in excess of the base amount of eighteen thousand five  
19 hundred dollars, subject to adjustment under section 1903.1,  
20 shall not require advertising or bidding.

21 (b) City contracts or purchases involving an expenditure of  
22 over the base amount of eighteen thousand five hundred dollars,  
23 subject to adjustment under section 1903.1, which shall not  
24 require advertising or bidding are as follows:

25 (1) Those for maintenance, repairs or replacements for  
26 water, electric light or other public works of the city,  
27 provided they do not constitute new additions, extensions or  
28 enlargements of existing facilities and equipment, but security  
29 may be required by council as in other cases of work done.

30 (2) Those made for improvements, repairs and maintenance of

1 any kind made or provided by any city through its own employes,  
2 except that this exception shall not apply to construction  
3 materials used in a street improvement.

4 (3) Those where particular types, models or pieces of new  
5 equipment, articles, apparatus, appliances, vehicles or parts  
6 thereof desired by council are patented or copyrighted products.

7 (4) Those involving any policies of insurance or surety  
8 company bonds.

9 (5) Those made for public utility service and electricity,  
10 natural gas or telecommunication services, provided that, in the  
11 case of utilities not under tariff with the Pennsylvania Public  
12 Utility Commission, contracts made without advertising and  
13 bidding shall be made only after receiving written or telephonic  
14 price quotations from at least three qualified and responsible  
15 providers. In lieu of price quotations, a memorandum shall be  
16 kept on file showing that fewer than three qualified providers  
17 exist in the market area within which it is practicable to  
18 obtain quotations. A written record of telephonic price  
19 quotations shall be made and shall contain at least the date of  
20 the quotation, the name of the provider and the provider's  
21 representative, the type of service that was the subject of the  
22 quotation and the price. Written price quotations, written  
23 records of telephonic price quotations and memoranda shall be  
24 retained for a period of three years.

25 (6) Those made with another political subdivision or a  
26 county, the Commonwealth of Pennsylvania, the Federal  
27 Government, any agency of the Commonwealth or the Federal  
28 Government or any municipal authority, including the sale,  
29 leasing or loan of any supplies or materials by the Commonwealth  
30 or the Federal Government, or their agencies, but the price

1 thereof shall not be in excess of that fixed by the  
2 Commonwealth, the Federal Government or their agencies.

3 (7) Those involving personal or professional services.

4 (8) Those made during a state of emergency declared by the  
5 mayor in accordance with section 1203 or those made during a  
6 disaster emergency declared by the Governor or during a local  
7 emergency in accordance with 35 Pa.C.S. Pt. V (relating to  
8 emergency management services).

9 Section 1901.5. Receipt, Opening, Award or Rejection of  
10 Bids.--(a) In any case in which advertisement and bidding are  
11 required, the advertisement shall specify the time by which and  
12 place at which bids will be received and the time and place for  
13 the opening of bids.

14 (b) Bids received pursuant to advertisement shall be opened  
15 publicly by council or its designated agent. The amount of each  
16 bid and any other relevant information as may be specified by  
17 council, together with the name of each bidder, shall be  
18 disclosed and recorded; and the record shall be open to public  
19 inspection.

20 (c) At a public meeting of council, not more than sixty days  
21 after the receipt of bids, council shall either award the  
22 contract or shall reject all bids.

23 Section 1901.6. Bid, Performance and Payment Security.--(a)  
24 The following shall apply to bid security:

25 (1) Council may require that bids received pursuant to  
26 advertisement be accompanied by bid security, in a reasonable  
27 amount, which shall be in the form of a certified or bank check  
28 or a bond provided by a surety company authorized to do business  
29 in this Commonwealth or another form of security as specified in  
30 the advertisement for bids.

1 (2) In the event the successful bidder shall, upon award of  
2 the contract, fail to comply with the requirements of subsection  
3 (b) as to performance security, the bid security shall be  
4 forfeited to the city as liquidated damages.

5 (b) The following shall apply to performance security:

6 (1) In the case of a contract that had been subject to  
7 advertising and bidding, the successful bidder shall be required  
8 to furnish performance security in the form of a bond or  
9 irrevocable letter of credit in an amount equal to one hundred  
10 per centum of the contract price with suitable reasonable  
11 requirements guaranteeing the performance of the contract.  
12 Performance security shall be provided within twenty days after  
13 the contract has been awarded, unless council prescribes a  
14 shorter period of not less than ten days. Failure to furnish  
15 such security within the required time period shall void the  
16 award.

17 (2) The provisions of this subsection requiring successful  
18 bidders to furnish security shall not be mandatory as to  
19 contracts for the purchase of motor vehicles or other pieces of  
20 equipment but only as to those contracts which involve  
21 furnishing of labor and materials. Council may in all cases of  
22 contracts or purchases require security for performance,  
23 delivery or other terms.

24 (c) In conformity with the act of December 20, 1967  
25 (P.L.869, No.385), known as the "Public Works Contractors' Bond  
26 Law of 1967," it shall be the duty of every city to require any  
27 person, partnership, association or corporation entering into a  
28 contract with such city for the construction, erection,  
29 installation, completion, alteration, repair of or addition to  
30 any public work or improvement of any kind whatsoever, where the



1 amount of the contract is in excess of ten thousand dollars,  
2 before commencing work under the contract, to provide payment  
3 security in a form acceptable to and approved by the city, which  
4 may include, but need not be limited to, a bond, Federal or  
5 Commonwealth-chartered lending institution irrevocable letters  
6 of credit and restrictive or escrow accounts in the lending  
7 institutions, equal to one hundred per centum of the contract  
8 amount. The payment security shall be solely for the protection  
9 of claimants supplying labor or materials to the prime  
10 contractor to whom the contract was awarded, or to any of the  
11 prime contractor's subcontractors, in the prosecution of the  
12 work provided for in the contract. The payment security shall be  
13 conditioned for the prompt payment of all material furnished or  
14 labor supplied or performed in the prosecution of the work under  
15 the contract.

16 Section 1901.7. Compliance With Other Laws.--Every contract  
17 subject to this article shall comply, as applicable, with the  
18 provisions of the act of August 15, 1961 (P.L.987, No.442),  
19 known as the "Pennsylvania Prevailing Wage Act," the act of  
20 December 20, 1967 (P.L.869, No.385), known as the "Public Works  
21 Contractors' Bond Law of 1967," the act of January 23, 1974  
22 (P.L.9, No.4), referred to as the Public Contract Bid Withdrawal  
23 Law, the act of March 3, 1978 (P.L.6, No.3), known as the "Steel  
24 Products Procurement Act," the act of February 17, 1994 (P.L.73,  
25 No.7), known as the "Contractor and Subcontractor Payment Act,"  
26 62 Pa.C.S. Chs. 37 Subch. B (relating to motor vehicles), 39  
27 (relating to contracts for public works) and 45 (relating to  
28 antibid-rigging).

29 Section 1901.8. Prohibitions.--No person, consultant, firm  
30 or corporation contracting with a city for purposes of rendering

1 personal or professional services to the city shall share with  
2 any city officer or employe, and no city officer or employe  
3 shall accept, any portion of the compensation or fees paid by  
4 the city for the contracted services provided to the city.

5 Section 1901.9. Lowest Responsible Bidder.--For purposes of  
6 this article, the lowest responsible bidder need not be the  
7 bidder submitting the lowest dollar amount bid. The city may  
8 also consider the quality of goods or services supplied, ease of  
9 repair, compatibility with other city equipment or services,  
10 responsiveness, past performance of the bidder and any other  
11 reasonable factors specified in the advertisement for bids.

12 Section 135. Section 1902 of the act, amended November 3,  
13 2011 (P.L.377, No.91), is amended to read:

14 Section 1902. Evasion of Advertising Requirements.--No  
15 [member or members of council] elected or appointed official or  
16 officials of any city shall evade the provisions of [the  
17 preceding section as to] this article requiring advertising for  
18 bids by purchasing or contracting for services and personal  
19 properties piecemeal for the purpose of obtaining prices under  
20 the base amount of eighteen thousand five hundred dollars,  
21 subject to adjustment under section [one thousand nine hundred  
22 and three point one of this act] 1903.1, upon transactions which  
23 should, in the exercise of reasonable discretion and prudence,  
24 be conducted as one transaction amounting to more than the base  
25 amount of eighteen thousand five hundred dollars, subject to  
26 adjustment under section [one thousand nine hundred and three  
27 point one of this act] 1903.1. This provision is intended to  
28 make unlawful the practice of evading advertising requirements  
29 by making a series of purchases or contracts, each for less than  
30 the advertising requirement price, or by making several

1 simultaneous purchases or contracts, each below said price,  
2 when, in either case, the transactions involved should have been  
3 made as one transaction for one price. Any [members of council  
4 who so vote] elected or appointed official who acts in violation  
5 of this provision [and who know], knowing that the transaction  
6 upon which [they so vote] the elected or appointed official acts  
7 is or ought to be a part of a larger transaction and that it is  
8 being divided in order to evade the requirements as to  
9 advertising for bids, shall be jointly and severally subject to  
10 surcharge for ten per centum of the full amount of the contract  
11 or purchase. Wherever it shall appear that [a member of council  
12 may have voted] an elected or appointed official may have acted  
13 in violation of this section but the purchase or contract on  
14 which [he so voted was not approved by council] the elected or  
15 appointed official acted was not executed, this section shall be  
16 inapplicable.

17 Section 136. Section 1903.1 of the act, added November 3,  
18 2011 (P.L.377, No.91), is reenacted and amended to read:

19 Section 1903.1. Adjustments to Base Amount Based on Consumer  
20 Price Index for All Urban Consumers.--

21 (a) Adjustments to the base amounts specified under sections  
22 [1901] 1901.1, 1902 and 1909 shall be made as follows:

23 (1) The Department of Labor and Industry shall determine the  
24 percentage change in the Consumer Price Index for All Urban  
25 Consumers: All Items (CPI-U) for the United States City Average  
26 as published by the United States Department of Labor, Bureau of  
27 Labor Statistics, for the twelve-month period ending September  
28 30, 2012, and for each successive twelve-month period  
29 thereafter.

30 (2) If the department determines that there is no positive

1 percentage change, then no adjustment to the base amounts shall  
2 occur for the relevant time period provided for in this section.

3 (3) (i) If the department determines that there is a  
4 positive percentage change in the first year that the  
5 determination is made under paragraph (1), the positive  
6 percentage change shall be multiplied by each base amount, and  
7 the products shall be added to the base amounts, respectively,  
8 and the sums shall be preliminary adjusted amounts.

9 (ii) The preliminary adjusted amounts shall be rounded to  
10 the nearest one hundred dollars (\$100) to determine the final  
11 adjusted base amounts for purposes of sections [1901] 1901.1 and  
12 1902.

13 (4) In each successive year in which there is a positive  
14 percentage change in the CPI-U for the United States City  
15 Average, the positive percentage change shall be multiplied by  
16 the most recent preliminary adjusted amounts, and the products  
17 shall be added to the preliminary adjusted amount of the prior  
18 year to calculate the preliminary adjusted amounts for the  
19 current year. The sums thereof shall be rounded to the nearest  
20 one hundred dollars (\$100) to determine the new final adjusted  
21 base amounts for purposes of sections [1901] 1901.1 and 1902.

22 (5) The determinations and adjustments required under this  
23 section shall be made in the period between October 1 and  
24 November 15 of the year following the effective date of this  
25 subsection and annually between October 1 and November 15 of  
26 each year thereafter.

27 (6) The final adjusted base amounts and new final adjusted  
28 base amounts obtained under paragraphs (3) and (4) shall become  
29 effective January 1 for the calendar year following the year in  
30 which the determination required under paragraph (1) is made.

1 (7) The department shall publish notice in the Pennsylvania  
2 Bulletin prior to January 1 of each calendar year of the annual  
3 percentage change determined under paragraph (1) and the  
4 unadjusted or final adjusted base amounts determined under  
5 paragraphs (3) and (4) at which competitive bidding is required  
6 under section [1901] 1901.1 and advertising is required under  
7 section 1902 or separate bids are required under section 1909  
8 for the calendar year beginning the first day of January after  
9 publication of the notice. The notice shall include a written  
10 and illustrative explanation of the calculations performed by  
11 the department in establishing the unadjusted or final adjusted  
12 base amounts under this section for the ensuing calendar year.

13 (8) The annual increase in the preliminary adjusted base  
14 amounts obtained under paragraphs (3) and (4) shall not exceed  
15 three percent.

16 Sections 137. Sections 1904 and 1905 of the act are  
17 repealed:

18 [Section 1904. Reference of Expenditures for Approval by  
19 Council.--Any expenditures or transactions, exclusive of  
20 compensation paid to city employes, in any department, office or  
21 bureau of the city, which may reasonably seem likely to exceed  
22 the sum of five hundred dollars over a period of sixty days,  
23 shall not be undertaken or proceeded upon except after reference  
24 thereof to council and approval by council by ordinance or  
25 resolution. Council may approve, revise, or refuse to approve  
26 any such referred expenditure or transaction. No official, agent  
27 or employe of the city shall knowingly violate the provisions of  
28 this section, and any person so violating shall forfeit and pay  
29 to the use of the city a penalty of one hundred dollars for each  
30 offense.

1 Section 1905. Personal Interest in Contracts.--In any case  
2 where a city officer or official elected or appointed knows or  
3 by the exercise of reasonable diligence could know that he is  
4 interested to any appreciable degree, either directly or  
5 indirectly, in any contract for the sale or furnishing of any  
6 personal property for the use of the city, or for any services  
7 to be rendered for such city, involving the expenditure by the  
8 city of more than three hundred dollars in any year, he shall  
9 notify council thereof; and any such contract shall not be  
10 passed and approved by council except by an affirmative vote of  
11 at least four members thereof. In case the interested officer is  
12 a member of council, he shall refrain from voting upon said  
13 contract. The provisions of this section shall not apply to  
14 cases where such officer or official is an employe of the  
15 person, firm or corporation to which money is to be paid in a  
16 capacity with no possible influence on the transaction and in  
17 which he cannot possibly be benefited thereby, either  
18 financially or in any other material manner. Any officer or  
19 official who shall knowingly violate the provisions of this  
20 section shall be liable to the city upon his bond, if any, or  
21 personally, to the extent of the damage shown to be sustained  
22 thereby by the city, to ouster from office, and shall be guilty  
23 of a misdemeanor; and upon conviction thereof, shall be  
24 sentenced to pay a fine not exceeding five hundred dollars, or  
25 imprisonment not exceeding one year, or both.]

26 Section 138. Section 1906 of the act, amended August 21,  
27 1953 (P.L.1292, No.364), is amended to read:

28 Section 1906. Designation of Appropriations; Certification  
29 in Excess of Appropriation; Contracts for Governmental Services  
30 for More than One Year.--[Every contract involving an

1 appropriation of money shall designate the item of appropriation  
2 on which it is founded, and the estimated amount of the  
3 expenditure thereunder shall be charged against such item, and  
4 so certified by the director of accounts and finance on the  
5 contract before it shall take effect as a contract. The payments  
6 required by such contract shall be made from the fund  
7 appropriated therefor. In any case where the lowest responsible  
8 bid is in excess of the item of appropriation on which the  
9 contract is to be founded, the item of appropriation may be  
10 increased by council in the amount necessary to cover the bid,  
11 and the contract may be awarded and certified without any  
12 additional advertising. If the director of accounts and finance  
13 shall certify any contract in excess of the appropriation made  
14 therefor, the city shall not be liable for such excess, but the  
15 director of accounts and finance shall be liable for the same,  
16 which may be recovered in an action at law by the contracting  
17 party aggrieved. But nothing] With regard to any contract,  
18 council may direct the city administrator, chief fiscal officer,  
19 or other designated official or employe to furnish information  
20 concerning the availability of appropriated funds to satisfy  
21 required payments under the contract. Nothing herein contained  
22 shall prevent the making of contracts for governmental services  
23 for a period exceeding one year, but any contract so made shall  
24 be executory only for the amounts agreed to be paid for such  
25 services to be rendered in succeeding fiscal years.

26 [It shall be the duty of the director of accounts and finance  
27 to certify contracts for the payment of which sufficient  
28 appropriations have been made.]

29 Section 139. Section 1907 of the act, amended April 3, 1992  
30 (P.L.53, No.17), is repealed:

1 [Section 1907. Security for the Protection of Labor and  
2 Materialmen.--It shall be the duty of every city to require any  
3 person, copartnership, association, or corporation, entering  
4 into a contract with such city for the construction, erection,  
5 installation, completion, alteration, repair of, or addition to,  
6 any public work or improvement of any kind whatsoever, where the  
7 amount of such contract is in excess of one thousand five  
8 hundred dollars, before commencing work under such contract, to  
9 execute and deliver to such city, in addition to any other  
10 security which may now or hereafter be required by law to be  
11 given in connection with such contract, an additional bond or  
12 irrevocable letter of credit for the use of any and every  
13 person, copartnership, association, or corporation interested,  
14 in a sum not less than fifty per centum and not more than one  
15 hundred per centum of the contract price, as such city may  
16 prescribe, conditioned for the prompt payment of all material  
17 furnished and labor supplied or performed in the prosecution of  
18 the work, whether or not the said material or labor enter into  
19 and become component parts of the work or improvement  
20 contemplated. Such additional security shall be deposited with  
21 and held by the city for the use of any party interested  
22 therein. Every such additional security shall provide that every  
23 person, copartnership, association, or corporation who, whether  
24 as subcontractor or otherwise, has furnished material or  
25 supplied or performed labor in the prosecution of the work as  
26 above provided, and who has not been paid therefor, may sue in  
27 assumpsit on said additional security, in the name of the city,  
28 for his, their, or its use and prosecute the same to final  
29 judgment for such sum or sums as may be justly due him, them, or  
30 it, and have execution thereof: Provided, however, That the city



1 shall not be liable for the payment of any costs or expense of  
2 any suit. The surety or sureties on a bond under this section  
3 must be authorized to do business in this Commonwealth.]

4 Section 140. Section 1908 of the act is repealed:

5 [Section 1908. Purchasing Department.--Each city may, by  
6 ordinance, provide for the establishment of a purchasing  
7 department, which shall have supervision over the purchase and  
8 distribution of all supplies purchased. The said department  
9 shall be attached to the department of accounts and finance or  
10 such other department as council may determine, and shall be  
11 operated in accordance with rules and regulations to be adopted  
12 by council, the rules to include the manner in which quotations  
13 shall be secured on the supplies purchased. The said department  
14 shall assist council at all times in eliminating waste and  
15 extravagance in the purchase and distribution of the supplies of  
16 the city.]

17 Section 141. Section 1908.1 of the act, added December 10,  
18 1974 (P.L.815, No.270), is amended to read:

19 Section 1908.1. Purchase Contracts for Petroleum Products;  
20 Fire Company, Etc., Participation.--The council of each city  
21 shall have power to permit, subject to [such] any terms and  
22 conditions as [it] the city may impose, [and as hereinafter  
23 specifically provided, shall, prescribe] any fire company,  
24 rescue company and ambulance company in the city to participate  
25 in purchase contracts for petroleum products entered into by the  
26 city. [Any such company desiring to participate in such purchase  
27 contracts shall file] Fire company, rescue company and ambulance  
28 company participation in purchase contracts for petroleum  
29 products shall be subject to the condition that all prices shall  
30 be F.O.B. destination. If permitted by council, a fire company,

1 rescue company or ambulance company may participate in  
2 designated petroleum product contracts entered into by the city,  
3 subject to the fire company, rescue company or ambulance  
4 company:

5 (1) Having filed with the city clerk a request that it be  
6 authorized to participate in contracts for the purchase of  
7 petroleum products of the city [and agreeing].

8 (2) Having agreed that it will be bound by [such] any terms  
9 and conditions [as] imposed by the city [may, and as hereinafter  
10 specifically provided, shall, prescribe and].

11 (3) Having agreed that it will be responsible for payment  
12 directly to the vendor under each purchase contract. [Among such  
13 terms and conditions, the city shall prescribe that all prices  
14 shall be F.O.B. destination.]

15 Section 142. Section 1909 of the act, amended November 3,  
16 2011 (P.L.377, No.91), is amended to read:

17 Section 1909. Separate Bids for Plumbing, Heating,  
18 Ventilating and Electrical Work, Elevators and [Moving Stairs]  
19 Escalators.--In the preparation of specifications for the  
20 erection, construction, and alteration of any public building,  
21 when the entire cost of such work shall exceed the base amount  
22 of eighteen thousand five hundred dollars, subject to adjustment  
23 under section [one thousand nine hundred and three point one of  
24 this act] 1903.1, the architect, engineer, or other person  
25 preparing such specifications[, ] shall prepare only the  
26 following separate specifications[;]: (1) plumbing, (2) heating,  
27 (3) ventilating, (4) electrical work, (5) elevators and [moving  
28 stairs] escalators, and (6) one complete set of specifications  
29 for all the other work to be done in such erection, construction  
30 and alteration. The project manager, construction manager or

1 other person or persons authorized by council to enter into  
2 contracts for the erection, construction, or alteration of such  
3 public buildings shall receive separate bids upon each of the  
4 [said] branches of work, and the city council or the appropriate  
5 city officer shall award the contract for the same to the lowest  
6 responsible bidder for each of [said] the branches, including  
7 the balance of the work, in addition to the plumbing, heating,  
8 ventilating and electrical work and elevators and [moving  
9 stairs] escalators. Where it is desired to install an air  
10 conditioning unit, the heating and ventilating so involved may  
11 be regarded as one branch of work having only one set of  
12 specifications, and bids may be received and a contract awarded  
13 thereon as hereinbefore provided.

14 Section 143. Sections 1910, 1911 and 1912 of the act are  
15 amended to read:

16 Section 1910. Acceptance by Contractor of [Workmen's]  
17 Workers' Compensation Act.--[All contracts executed by any city,  
18 or any officer or bureau or board thereof, which involve the  
19 construction or doing of any work involving the employment of  
20 labor, shall contain a provision that the contractor shall  
21 accept, in so far as the work covered by any such contract is  
22 concerned, the provisions of the Workmen's Compensation Act and  
23 any reenactments, supplements or amendments thereto, and that  
24 the said contractor will insure his liability thereunder, or  
25 file with the city with whom the contract is made a certificate  
26 of exemption from insurance from the Department of Labor and  
27 Industry of this Commonwealth.

28 Every officer of any city, or bureau or department thereof,  
29 who shall sign, on behalf of the said city, any contract  
30 requiring in its performance the employment of labor, shall

1 require, before the said contract shall be signed, proof that  
2 the said contractor with whom the contract is made shall have  
3 accepted the Workmen's Compensation Act and any reenactments,  
4 supplements or amendments thereto, and proof that the said  
5 contractor has insured his liability thereunder in accordance  
6 with the terms of the said act, or that the said contractor has  
7 had issued to him a certificate of exemption from insurance from  
8 the Department of Labor and Industry of this Commonwealth.

9 Any contract executed in violation of the provisions of this  
10 section shall be null and void.]

11 (a) All contracts executed by any city which involve the  
12 construction or performance of any work involving the employment  
13 of labor shall contain a provision that the contractor shall  
14 accept, and file with the city proof of compliance with or  
15 exemption from, insofar as the work covered by the contract is  
16 concerned, the act of June 2, 1915 (P.L.736, No.338), known as  
17 the "Workers' Compensation Act."

18 (b) A certificate of exemption from issuance may be issued  
19 on the basis of either individual self-insurance or group self-  
20 insurance.

21 (c) A contractor shall file with the city any proof that the  
22 Department of Labor and Industry, with respect to certain  
23 employees, has accepted the application to be excepted from the  
24 provisions of the "Workers' Compensation Act" on religious  
25 grounds.

26 (d) Any contract executed in violation of this section is  
27 void.

28 Section 1911. Contracts for Improvements; Assignment of  
29 Assessments.--Where the whole or any part of the cost of an  
30 improvement is to be paid by assessments upon the property

1 abutting or benefited, the city may enter into an agreement with  
2 the contractor [that he], pursuant to which the contractor shall  
3 take an assignment of [such] the assessments in payment of the  
4 amount due [him] under the terms of [his] the contract, and, in  
5 such case, the city shall not be otherwise liable under such  
6 contract[, whether said assessments are collectible or not].

7 Section 1912. Architects and Engineers in Employ of City;  
8 Prohibitions from Bidding on Public Works; Penalty.--(a) It  
9 shall be unlawful for any architect or engineer[, ] in the employ  
10 of any city[, ] to bid on any public work of the city.

11 (b) It shall be unlawful for the officers of any city,  
12 charged with the duty of letting any public work, to award a  
13 contract to any [such] architect or engineer[, ] in the employ of  
14 the city.

15 (c) Any person or persons violating these provisions, or any  
16 of them, [shall be guilty of] commits a misdemeanor[, ] and[, on]  
17 shall, upon conviction [thereof, shall forfeit his], be subject  
18 to forfeiting office, in accordance with section 901, and [be]  
19 sentenced to pay a fine not exceeding five hundred dollars, or  
20 to undergo imprisonment for not less than six months, or both,  
21 in the discretion of the court. Any contract made in violation  
22 of the provisions of this section shall be null and void.

23 (d) The provisions of this section shall be in addition to  
24 any prohibition in 65 Pa.C.S. Ch. 11 (relating to ethics  
25 standards and financial disclosure).

26 Section 144. Sections 1913, 1914 and 1915 of the act are  
27 repealed:

28 [Section 1913. Contracts With Transportation Companies.--  
29 Subject to the provisions of the Public Utility Law, any city,  
30 of the one part, and any person operating a public

1 transportation service within the limits of such city, of the  
2 other part, may enter into contracts with each other affecting,  
3 fixing, and regulating the franchises, powers, duties, and  
4 liabilities of such companies, and the regulations and  
5 respective rights of the contracting parties. Such contracts  
6 may, inter alia, provide for payments by the companies to the  
7 city in lieu of the performance of certain duties or the payment  
8 of license fees or charges imposed in favor of such city, by the  
9 charters of the respective companies, or by any general law or  
10 ordinance, for the appointment by the city of a certain number  
11 of persons to act as directors of such company, in conjunction  
12 with the directors elected by the stockholders of such company,  
13 and, further, may provide for the ultimate acquisition by the  
14 city, upon terms mutually satisfactory, of the leaseholds,  
15 property, and franchises of the contracting companies.

16 Section 1914. Contracts for Relocation of Railroads.--  
17 Subject to the provisions of the Public Utility Law, any city  
18 may enter into contracts with any of the railroad companies,  
19 whose roads enter its limits, whereby the said railroad  
20 companies may relocate, change or elevate their railroads within  
21 said limits, in such manner as, in the judgment of the proper  
22 authorities of such city, may be best adapted to secure the  
23 safety of lives and property, and promote the interest of said  
24 city; and, for that purpose, may do all such acts as may be  
25 necessary and proper to effectually carry out such contracts.  
26 Any such contracts, made by any railroad company or companies as  
27 aforesaid with any city, are hereby fully ratified and  
28 confirmed. Nothing herein contained shall affect any contract  
29 made, or hereafter to be made, with any railroad company, from  
30 apportioning the expenses of altering and adjusting the grades

1 of existing railroads and intersecting streets in any city so as  
2 to dispense with grade crossings.

3 Section 1915. Contracts with Street Railways for Exclusive  
4 Right to Lay Tracks.--In case any city shall deem it necessary  
5 for the public benefit and convenience to secure the removal of  
6 any street railway tracks already laid, or prevent the laying of  
7 such tracks already authorized to be laid, or to change the  
8 route of any street railway on any street or streets, or portion  
9 of a street or streets, within its corporate limits, and such  
10 purpose or purposes can be accomplished by agreement with the  
11 street railway company or motor power company owning, leasing or  
12 operating such tracks, the said parties may, subject to the  
13 provisions of the Public Utility Law, enter into a contract, for  
14 a period not exceeding fifty years, for such considerations and  
15 upon such terms and conditions, and containing such  
16 stipulations, reservations and covenants as may be agreed upon  
17 between the respective parties thereto; and such contract may  
18 include a covenant providing that, during the continuance  
19 thereof, municipal consent shall not be granted to any other  
20 company to use or occupy the street, streets, or portions of a  
21 street or streets, covered by such contract, for street railway  
22 or passenger transportation purposes; which covenants shall be  
23 enforceable by bill in equity against such city, in case of  
24 attempted breach thereof; and such contract may also provide for  
25 the laying or relaying of such tracks upon such terms and under  
26 such contingencies and conditions as may be agreed upon. When  
27 such contract shall have been made, it shall form a part of the  
28 charter of the company, with like force and effect as to all its  
29 terms, conditions, stipulations, restrictions, covenants, and  
30 provisions as to change of routes as if the same formed a part

1 of the original charter of such company; and no removal of  
2 tracks already laid, or postponement of or delay in the time of  
3 beginning or completing the work of laying tracks already  
4 authorized to be laid, and no change of route therein provided  
5 for, shall operate or be construed to deprive or divest any such  
6 company, entering into such contract, of any of the rights,  
7 franchises, or privileges possessed by it at the time of  
8 entering into such contract, so as to operate in favor of any  
9 company subsequently formed and seeking to occupy, for street  
10 railway purposes, the street, streets, or portions of a street  
11 or streets, covered by such contract. Nothing in this section  
12 contained, nor any contract made in pursuance thereof, shall be  
13 construed to limit or affect in any way, or impose any  
14 additional liability for the exercise of, the right of a  
15 railroad company to lay its tracks, over, upon, under, and  
16 across such street or streets, or portions thereof.]

17 Section 145. The act is amended by adding a section to read:

18 Section 1916. Contracts with Passenger or Transportation  
19 Companies.--Except as may be prohibited by 66 Pa.C.S. Pt. I  
20 (relating to public utility code) or Federal or other state  
21 regulation of transportation or commerce, a city may, as it  
22 deems necessary for the public benefit and convenience, contract  
23 with a person or persons owning a public transportation service,  
24 railroad company, street railway, motor power company, or  
25 passenger or transportation company.

26 Section 146. Section 1917 of the act, amended June 28, 2011  
27 (P.L.75, No.15), is repealed:

28 [Section 1917. Sales of Personal Property.--No city personal  
29 property shall be disposed of by sale or otherwise except upon  
30 approval of council by ordinance or resolution. In cases where



1 council shall approve a sale of city personal property, it shall  
2 estimate the sale value of the entire lot to be disposed of. If  
3 council shall estimate such sale value to be less than one  
4 thousand dollars, it shall require a notice of the proposed sale  
5 to be posted for at least ten days on the bulletin board in the  
6 city hall, describing and itemizing the property to be sold and  
7 directing that bids may be made thereon at the office of the  
8 city clerk. Thereafter, council may sell such property, in whole  
9 or in part, for the best price or prices obtainable. If council  
10 shall estimate the sale value to be one thousand dollars or  
11 more, the entire lot shall be advertised for sale once in at  
12 least one newspaper, in accordance with the provisions of  
13 section one hundred nine of this act, and sale of the property  
14 so advertised shall be made to the best responsible bidder; and  
15 the bids shall not be opened until at least ten days after the  
16 said advertisement. Council may sell any such property at  
17 auction, but the provisions as to notice contained in this  
18 section shall be likewise observed as to the holding of such  
19 auction sales. An auction may be conducted by means of an online  
20 or electronic auction sale. During an electronic auction sale,  
21 bids shall be accepted electronically at the time and in the  
22 manner designated in the advertisement. During the electronic  
23 auction, each bidder shall have the capability to view the  
24 bidder's bid rank or the high bid price. Bidders may increase  
25 their bid prices during the electronic auction. The record of  
26 the electronic auction shall be accessible for public  
27 inspection. The purchase price shall be paid by the high bidder  
28 immediately or at a reasonable time after the conclusion of the  
29 electronic auction as determined by council. In the event that  
30 shipping costs are incurred, they shall be paid by the high

1 bidder. A city that has complied with the advertising  
2 requirements of this section may provide additional public  
3 notice of the sale by bids or auction in any manner deemed  
4 appropriate by council. The advertisement for electronic auction  
5 sales authorized in this section shall include the Internet  
6 address or means of accessing the electronic auction and the  
7 date, time and duration of the electronic auction. The  
8 provisions of this section shall not be mandatory where city  
9 personal property is to be traded-in or exchanged for new city  
10 personal property.]

11 Section 147. Section 1918 of the act, amended October 17,  
12 1974 (P.L.775, No.254), is repealed:

13 [Section 1918. Street Construction and Improvement by City  
14 Employes.--Whenever a city uses the work or services of its  
15 employes in the construction or improvement, of any public  
16 street within the territorial limits, it shall be subject to the  
17 limitations and duties imposed by this article in the purchase  
18 of any materials for such construction or improvement. The  
19 provisions of this section shall not be construed to affect or  
20 limit the provisions of Article XXIX of this act.]

21 Section 148. Section 1919 of the act, amended July 1, 1994  
22 (P.L.373, No.55), is repealed:

23 [Section 1919. Sales of Real and Personal Property to  
24 Certain Entities.--Any provision of this act requiring  
25 advertising for bids and sale to the highest bidder shall not  
26 apply where city real or personal property is to be sold to a  
27 county, city, borough, town, township, home rule municipality,  
28 institution district, school district, volunteer fire company,  
29 volunteer ambulance service or volunteer rescue squad located  
30 within the city, or municipal authority pursuant to the act of

1 May 2, 1945 (P.L.382, No.164), known as the "Municipality  
2 Authorities Act of 1945," a housing authority pursuant to the  
3 act of May 28, 1937 (P.L.955, No.265), known as the "Housing  
4 Authorities Law," an urban redevelopment authority pursuant to  
5 the act of May 24, 1945 (P.L.991, No.385), known as the "Urban  
6 Redevelopment Law," a parking authority pursuant to the act of  
7 June 5, 1947 (P.L.458, No.208), known as the "Parking Authority  
8 Law," a port authority pursuant to the act of December 6, 1972  
9 (P.L.1392, No.298), known as the "Third Class City Port  
10 Authority Act," or a corporation not for profit engaged in  
11 community industrial development. Any provision of this act  
12 requiring advertising for bids and sale to the highest bidder  
13 shall not apply where real property is to be sold to a  
14 corporation not for profit organized as a public library for its  
15 exclusive use as a library, to a medical service corporation not  
16 for profit, to a housing corporation not for profit, to the  
17 Commonwealth or to the Federal Government. When real property is  
18 to be sold to a corporation not for profit organized as a public  
19 library for its exclusive use as a library or to a medical  
20 service corporation not for profit or to a housing corporation  
21 not for profit, council may elect to accept a nominal  
22 consideration for the sale as it shall deem appropriate. Real  
23 property sold pursuant to this section shall be subject to the  
24 condition that when the property is not used for the purposes of  
25 the conveyance, the property shall revert to the city.]

26 Section 149. Article XX heading of the act is amended to  
27 read:

28 ARTICLE XX

29 POLICE [BUREAU] FORCE

30 Section 150. Sections 2001 and 2002 of the act, amended

1 December 27, 1967 (P.L.893, No.403), are amended to read:

2 Section 2001. Appointment, Number, Rank, Compensation and  
3 Qualifications of [Policemen] Police Officers.--(a) The council  
4 shall fix, by ordinance, the number, grades and compensation of  
5 the members of the city police force, who shall, except as  
6 provided in section 2002, be appointed in accordance with the  
7 civil service provisions of this act[, and no].

8 (b) No member of the city police force having been promoted  
9 in conformity with the civil service provisions of this act  
10 shall be demoted in rank or discharged from the police force  
11 except upon proper cause shown as set forth under the civil  
12 service provisions of this act.

13 (c) No [policeman shall] police officer, after [his] the  
14 police officer's appointment and qualification, shall hold at  
15 the same time the office of constable.

16 (d) Council shall [prescribe all necessary] promulgate rules  
17 and regulations for the organization and government of the  
18 police force. [The minimum annual starting salary or  
19 compensation to be paid the members of the police force by any  
20 city shall be four thousand five hundred dollars (\$4,500), with  
21 minimum annual increments of three hundred dollars (\$300) for  
22 the first three years of such employment. If the annual salary  
23 or compensation of any policeman employed by the city on the  
24 effective date of this amending act is less than four thousand  
25 five hundred dollars (\$4,500), such salary or compensation shall  
26 be increased to four thousand five hundred dollars (\$4,500), and  
27 such policeman shall receive minimum annual increments of three  
28 hundred dollars (\$300) for the next three years of such  
29 employment.]

30 Section 2002. Designation of Chief [and Other Officers].--

1 The [mayor shall designate, from the force, the chief and other  
2 officers who shall serve as such officers until their successors  
3 are appointed and qualified. The chief of police shall be  
4 designated by the mayor and may be demoted without cause in the  
5 same manner, but not to any rank lower than the rank which he  
6 held at the time of his designation as chief of police.] chief  
7 of police shall be designated by the mayor from within the ranks  
8 and may be demoted without cause in the same manner, but not to  
9 any rank lower than the rank which was held at the time of  
10 designation as chief of police. In the event that no qualified  
11 officer from within the ranks has applied for such designation,  
12 the chief of police shall be designated by the mayor from  
13 without the ranks. The officers, other than the chief of police,  
14 shall be designated in accordance with Article XLIV.

15 Section 151. Sections 2003, 2005, 2006, 2007, 2008 and 2009  
16 of the act are amended to read:

17 Section 2003. Extra [Policemen] Police Officers;  
18 Compensation.--[The mayor, whenever, in his judgment] Whenever  
19 in the judgment of the mayor it is necessary for the public  
20 safety or to preserve order, the mayor may appoint extra  
21 [policemen] police officers to serve for such period as the  
22 council may designate, not exceeding thirty days, whose  
23 compensation shall be fixed by council.

24 Section 2005. Powers of [Policemen] Police Officers to  
25 Arrest.--[Policemen] Police officers shall be ex-officio  
26 constables of the city, and shall and may[, within the city or]  
27 enforce the laws of this Commonwealth or otherwise perform the  
28 functions of their office in accordance with 42 Pa.C.S. §§ 8952  
29 (relating to primary municipal police jurisdiction) and 8953  
30 (relating to Statewide municipal police jurisdiction) and upon

1 property owned or controlled by the city or by a [municipality]  
2 municipal authority [of] created by the city [within the  
3 Commonwealth], without warrant and upon view, arrest and commit  
4 for hearing any and all persons guilty of breach of the peace,  
5 vagrancy, riotous or disorderly conduct or drunkenness, or who  
6 may be engaged in the commission of any unlawful act tending to  
7 imperil the personal security or endanger the property of the  
8 citizens, or violating any of the ordinances of [said] the city  
9 for the violation of which a fine or penalty is imposed.

10 Section 2006. Service of Process; Fees; Payment into  
11 Treasury.--[Policemen] Police officers shall have authority to  
12 serve and to execute [within the city or upon property owned or  
13 controlled by the city or by a municipality authority of the  
14 city within the Commonwealth all] criminal process or processes  
15 issued for the violation of city ordinances [which may be issued  
16 by the mayor or any alderman,] and shall charge the same fees  
17 and costs as pertain by law to the constables of the city for  
18 similar services, but the [said] fees and costs shall be  
19 [received and collected by the mayor or alderman, and by him]  
20 paid into the city treasury monthly as herein provided.

21 Section 2007. Supervision by Mayor.--[Policemen] The chief  
22 of police shall obey the orders of the mayor and make report to  
23 [him] the mayor, which report shall be [laid by him before  
24 council monthly] presented monthly by the mayor to council. [The  
25 mayor shall exercise a constant supervision and control over  
26 their conduct.]

27 Section 2008. Extra Compensation Prohibited; Exception;  
28 Penalty.--No [policeman] police officer shall ask, demand or  
29 receive any compensation or reward whatsoever for [his] the  
30 police officer's services other than that provided by ordinance,

1 except rewards offered for the arrest of persons accused of  
2 crime committed outside of the city in which [they hold office,  
3 and witness fees and mileage as provided by law for their  
4 appearance in any court of record] such officer is employed. Any  
5 [policeman] police officer violating any of the provisions of  
6 this section [shall be guilty of] commits a misdemeanor [in  
7 office, and, upon conviction, shall be sentenced to pay a fine  
8 not exceeding fifty dollars, or undergo imprisonment not  
9 exceeding thirty days, or both, at the discretion of the court,]  
10 of the third degree and shall, upon conviction, be sentenced to  
11 pay a fine or undergo imprisonment, or both, at the discretion  
12 of the court to be followed by dismissal from office.

13 Section 2009. Compensation or Insurance for Volunteer  
14 [Policemen] Police Officer.--Each city may make necessary  
15 appropriations to provide compensation or insurance for  
16 volunteer [policemen] police officers injured or killed while  
17 engaged in the performance of such duties as may be assigned to  
18 them in the city.

19 Section 152. Section 2010 of the act, amended April 6, 1998  
20 (P.L.236, No.44), is amended to read:

21 Section 2010. School Crossing Guards.--(a) Upon request of  
22 the board of school directors of the school district in which a  
23 city is located, the city council may appoint school crossing  
24 guards who shall have the duty of controlling and directing  
25 traffic at or near schools [and who shall be in suitable and  
26 distinctive uniform. School crossing guards shall be authorized  
27 only in the management of traffic and pedestrians in and around  
28 areas identified by the city police department and the school  
29 district superintendent]. They shall serve at the pleasure of  
30 the city council, except as noted in subsection (b) [, and shall

1 not come within the civil service provisions of this act and  
2 shall not be entitled to participate in any city pension plan or  
3 plans now in effect or hereafter effective]. The compensation of  
4 the school crossing guards, if any, shall be fixed by the city  
5 council and shall be jointly paid by the city council and the  
6 board of school directors, in a ratio to be determined by the  
7 city council and board of school directors. If the city council  
8 and board of school directors are unable to determine the ratio  
9 of compensation of the school crossing guards to be paid by the  
10 council and the board, each shall pay one-half of the  
11 compensation of [such police. Auxiliary policemen, appointed as  
12 prescribed by general law, may be designated to serve as school  
13 crossing guards] the school crossing guards.

14 (b) A city council may [approve] enact an ordinance allowing  
15 a board of school directors to assume the hiring and oversight  
16 of the school crossing guards. Before city council may [approve]  
17 enact such an ordinance, the board of directors of the school  
18 district shall [approve] adopt a resolution requesting the  
19 authority to assume the hiring and oversight of the school  
20 crossing guards. The ordinance enacted by council shall outline  
21 how the city police department will provide any necessary  
22 training and assistance of the school crossing guards while on  
23 duty. [Such school crossing guards will be authorized only in  
24 the management of traffic and pedestrians in and around areas  
25 identified by the city police department and the school district  
26 superintendent or his or her designee. The school crossing  
27 guards shall not come within the civil service provision of this  
28 act, nor shall they] School crossing guards shall not fall under  
29 the bargaining unit of the school district nor be classified as  
30 an employe as defined under section 1101-A of the act of March



1 10, 1949 (P.L.30, No.14), known as the "Public School Code of  
2 1949," or under any benefits as provided under the "Public  
3 School Code of 1949[,,]" [or under any plans hereafter  
4 effective. Once] After the ordinance [receives] is enacted by  
5 city council [approval], the school district shall assume the  
6 cost of compensation, including fixing such compensation, if  
7 any, of the school crossing guards. [Auxiliary policemen,  
8 appointed as prescribed by general law, may be hired by the  
9 school district to serve as school crossing guards.] The board  
10 of school directors shall notify the city council, mayor and  
11 police chief or commissioner of those hired to serve as school  
12 crossing guards and request the necessary training or assistance  
13 be provided as outlined by the ordinance.

14 (c) Whether the city council appoints school crossing guards  
15 upon the request of the board of school directors or whether the  
16 city council enacts an ordinance allowing a board of school  
17 directors to assume the hiring and oversight of the school  
18 crossing guards, the following shall apply to school crossing  
19 guards:

20 (1) Their duties and authority shall be restricted to the  
21 management of traffic and pedestrians in and around areas  
22 identified by the city police force and the school district  
23 superintendent or a designee.

24 (2) They shall be in suitable and distinctive uniform while  
25 performing their duties as school crossing guards.

26 (3) They shall not come within the civil service provisions  
27 of this act.

28 (4) They shall not be entitled to participate in any city or  
29 school district pension or benefit plan or plans now in effect  
30 or hereafter effective.

1 (5) Auxiliary police officers, appointed as prescribed by  
2 general law, may be designated by city council or hired by the  
3 school district, as applicable, to serve as school crossing  
4 guards.

5 Section 153. Article XXI heading of the act is reenacted to  
6 read:

7 ARTICLE XXI

8 FIRE BUREAU

9 Section 154. Section 2101 of the act is amended to read:

10 Section 2101. Organization of Fire Bureau; Maintenance;  
11 Apparatus.--[Each city may organize a fire bureau, with or  
12 without pay, make] With regard to a city fire bureau, council  
13 shall have the authority to:

14 (1) by ordinance, establish and organize a fire bureau;

15 (2) make appropriations for the maintenance of the same[,,  
16 prescribe];

17 (3) promulgate rules and regulations for the government of  
18 the officers and companies belonging thereto[,]; and

19 (4) purchase equipment and apparatus for the extinguishment,  
20 prevention and investigation of fires and for the public safety.

21 Section 155. Section 2101.1 of the act, added July 1, 1994  
22 (P.L.373, No.55), is amended to read:

23 Section 2101.1. Appointment and Demotion of Fire Chief [and  
24 Deputy Fire Chief].--The mayor, by and with approval and consent  
25 of council, shall appoint the fire chief [and deputy fire chief]  
26 who may be demoted without cause but not to any rank lower than  
27 the rank which [he] the fire chief held within the department at  
28 the time of [his] designation as fire chief [or deputy fire  
29 chief.]. In the event that no qualified employe of the fire  
30 bureau has applied for such appointment, the fire chief shall be

1 appointed by the mayor, by and with approval and consent of  
2 council, from without the ranks.

3 Section 156. Section 2102 of the act, amended November 9,  
4 1965 (P.L.670, No.328), is amended to read:

5 Section 2102. Paid Bureau; Election of Officers and  
6 Companies.--When a paid fire bureau is organized by any city,  
7 the council, except as provided by section 2101.1, may provide,  
8 by ordinance, for the election or appointment of the officers  
9 and companies belonging thereto, in accordance with civil  
10 service provisions where applicable. The minimum annual starting  
11 salary or compensation to be paid the officers and [firemen]  
12 firefighters by any city shall be [four thousand five hundred  
13 dollars (\$4,500), with minimum annual increments of three  
14 hundred dollars (\$300) for the first three years of such  
15 employment. If the annual salary or compensation of any fireman  
16 employed by the city on the effective date of this amending act  
17 is less than four thousand five hundred dollars (\$4,500), such  
18 salary or compensation shall be increased to four thousand five  
19 hundred dollars (\$4,500), and such fireman shall receive minimum  
20 annual increments of three hundred dollars (\$300) for the next  
21 three years of such employment] established by the city council.

22 Section 157. Section 2103 of the act, amended July 19, 1957  
23 (P.L.1012, No.448), is amended to read:

24 Section 2103. Platoon System; Hours of Service[; Vacation;  
25 Sick Leave].--(a) The director of the department having charge  
26 of the fire bureau in [each city shall] a city may divide the  
27 officers and members of companies of the uniformed fire force in  
28 the employ of [such cities] the city, and any other [firemen]  
29 firefighters and drivers regularly employed and paid by the  
30 city, excepting the chief engineer and assistant chiefs, and

1 those employed subject to call, into [two] shifts, bodies or  
2 platoons to perform service during such hours as the director  
3 shall fix[, except as herein otherwise provided. The hours of  
4 day service shall not exceed ten, commencing at eight o'clock in  
5 the morning; the hours of night service shall not exceed  
6 fourteen, commencing at six o'clock in the afternoon; and the  
7 hours of day service shall not exceed fifty hours in any one  
8 calendar week, and the hours of night service shall not exceed  
9 seventy hours in any one calendar week, unless the hours of day  
10 and night service shall be equalized, in which case neither the  
11 hours of day or night service shall exceed fifty-six in any one  
12 calendar week: Provided, That for the duration of any war in  
13 which the United States is engaged, and six months thereafter,  
14 the hours of service may exceed the number hereinbefore provided  
15 as the maximum number of hours of service, and in such cases,  
16 council shall provide for the payment of extra compensation for  
17 any hours of service, at the same rate as paid for regular  
18 service in excess of such maximum hours of service. The employes  
19 of such fire forces shall be allowed to have at least twenty-  
20 four consecutive hours of rest in every calendar week, to have  
21 an annual vacation of not less than fourteen working days, and  
22 shall be entitled to twenty-one days sick leave annually without  
23 diminution of the salary or compensation fixed by ordinance. In  
24 those instances in which sick leave exceeds four days at any one  
25 time, it shall be necessary for the employe to present evidence  
26 satisfactory to the director of the department showing either  
27 injury, hospitalization, or illness attended to by a physician].  
28 In cases of riot, serious conflagration, times of war, public  
29 celebrations, or other such emergency, the [chief engineer of  
30 the bureau of fire, or the assistant chief deputy, or chief]

1 fire chief or officer in charge at any fire shall have the power  
2 to assign all the members of the fire force to continuous  
3 duty[, ] or to continue any member thereof on duty, if necessary.  
4 [No member of any of said shifts, bodies or platoons shall be  
5 required to perform continuous day service or continuous night  
6 service for a longer consecutive period than two weeks, nor be  
7 kept on duty continuously longer than ten hours in the day  
8 shifts, bodies or platoons or fourteen hours in the night  
9 shifts, bodies or platoons, excepting as may be necessary to  
10 equalize the hours of duty and service, and also excepting in  
11 cases of emergency, as above provided.]

12 (b) No schedule shall require a member of any shift, body or  
13 platoon to perform continuous service for a consecutive period  
14 of twenty-four hours, excepting in cases of emergency or as  
15 otherwise agreed through collective bargaining or an award  
16 pursuant to the act of June 24, 1968 (P.L.237, No.111), referred  
17 to as the Policemen and Firemen Collective Bargaining Act.

18 (c) The provisions of subsection (b) shall not be deemed to  
19 alter or affect any work schedules in existence prior to the  
20 effective date of this subsection.

21 Section 158. Sections 2104, 2105, 2106, 2107 and 2108 of the  
22 act are amended to read:

23 Section 2104. Fire Marshal; Powers.--Every city may, by  
24 ordinance, provide for the creation of the office of fire  
25 marshal who shall be appointed by the mayor, by and with the  
26 approval and consent of council, biennially. The fire marshal  
27 and [his] any authorized assistants[, if council shall provide  
28 for such assistants,] shall inspect all constructions or  
29 buildings within the city or upon property owned or controlled  
30 by the city or a [municipality] municipal authority of the city

1 within the Commonwealth[, whether public, private, or business,]  
2 and shall enforce all laws of the Commonwealth and ordinances of  
3 the city relating to such constructions or buildings, for the  
4 prevention, containment, or investigation of fire and  
5 firehazards, both as to the constructions or buildings and as to  
6 the contents or occupancies thereof. The fire marshal or [his]  
7 the fire marshal's assistants shall report to the director of  
8 public safety or to council or other designated official, as  
9 council shall by ordinance provide, any faulty or dangerous  
10 construction or building or like condition in any building[,]  
11 that may constitute a fire hazard[, ] or any proposed use or  
12 occupation of any construction, building or premises[, ] which  
13 would create or increase a hazard of fire. [He] The fire marshal  
14 shall investigate and keep a permanent record of the cause,  
15 origin and circumstances of every fire and the damage resulting  
16 therefrom occurring within [his] the fire marshal's jurisdiction  
17 immediately after the occurrence of [such] the fire. The [said]  
18 records of the fire marshal shall be open to public  
19 inspection[.] except as exempted in accordance with the act of  
20 February 14, 2008 (P.L.6, No.3), known as the "Right-to-Know  
21 Law." The fire marshal shall submit to council an annual report  
22 consolidating the information contained in [said records at the  
23 first stated meeting in March of each year] the records as  
24 directed by council. [He shall request the mayor or any alderman  
25 of the city to investigate, under the act, approved the  
26 seventeenth day of April, one thousand eight hundred sixty-nine  
27 (Pamphlet Laws 74), the origin of any fire he deems suspicious;  
28 and shall be equally subject to appointment and removal and to  
29 all the powers and duties under the act, approved the twenty-  
30 seventh day of April, one thousand nine hundred twenty-seven

1 (Pamphlet Laws 450, Number 291), as amended, as is the chief of  
2 the fire department] If a fire is deemed suspicious, the fire  
3 marshal shall have the authority to investigate the same.

4 Section 2105. Obstructing Fire Marshal; Fine.--It shall be  
5 unlawful for any person to obstruct or prevent or attempt to  
6 obstruct or prevent the fire marshal in the discharge of [his]  
7 the fire marshal's duties. Council may, by ordinance, establish  
8 the types or grades of such criminal conduct[, ] and may  
9 establish fines[, ] or imprisonment [in default of payment  
10 thereof,] or both for such violations. No fine so ordained shall  
11 exceed [three hundred] one thousand dollars for any single  
12 violation, and no imprisonment [in default of payment of such a  
13 fine] shall exceed ninety days.

14 Section 2106. Investigation of Cause of Fire; Power of  
15 Mayor.--The mayor of any city may, whenever in [his] the mayor's  
16 judgment the occasion demands it, issue a subpoena, in the name  
17 of the Commonwealth of Pennsylvania, to any person or persons  
18 requiring [them to attend] the attendance of the person or  
19 persons before [him] the mayor or the fire marshal at [such] the  
20 time and place as may be named in [said] the subpoena, then and  
21 there to testify, under oath or affirmation, which the fire  
22 marshal in the absence of the mayor is hereby empowered to  
23 administer, as to the origin of any fire occurring within the  
24 bounds of such city[, ] and also as to any facts or circumstances  
25 that may be deemed important to secure the detection and  
26 conviction of any party or parties guilty of the offense of  
27 arson or attempted arson.

28 Section 2107. Fire Chief Ex-officio Fire Marshal.--The fire  
29 chief of any city shall be ex-officio fire marshal thereof in  
30 any city wherein the office is not separately filled [by

1 council] pursuant to ordinance, and in [such] that case all the  
2 powers and duties herein given to or imposed upon [such] the  
3 fire marshal shall be enjoyed and exercised by [such] the fire  
4 chief [of the fire department].

5 Section 2108. Compensation Insurance for Injured Volunteer  
6 [Firemen] Firefighters or Special Fire Police.--Each city may  
7 make [such] appropriations as may be necessary to secure  
8 insurance or compensation for volunteer [firemen] firefighters  
9 killed or injured while engaged in the performance of their  
10 duties or as special fire police.

11 Section 159. Section 2109 of the act, added June 16, 1993  
12 (P.L.97, No.21), is amended to read:

13 Section 2109. Salary of Nonunion City Fire Officers.--[Any]  
14 A fire chief or head of a fire department of a city who has been  
15 removed from bargaining units under the act of June 24, 1968  
16 (P.L.237, No.111), referred to as the Policemen and Firemen  
17 Collective Bargaining Act, by rulings of the Pennsylvania Labor  
18 Relations Board shall receive not less than the same dollar  
19 increase, including fringe benefits but excluding overtime and  
20 festive holiday pay, as received by the highest-ranking fire  
21 officer participating in the bargaining unit.

22 Section 160. Article XXII heading of the act is amended to  
23 read:

24 ARTICLE XXII

25 [BUREAU OF MINE INSPECTION AND]

26 SURVEYS AND SURFACE SUPPORT

27 IN COAL MINING AREAS

28 Section 161. Sections 2201 and 2202 of the act are repealed:

29 [Section 2201. Ordinance Creating.--Any city within the  
30 limits of the anthracite or of the bituminous coal regions of



1 the Commonwealth may, by ordinance, create a bureau of mine  
2 inspection and surface support.

3 Section 2202. Bureau, How Constituted.--The bureau shall  
4 consist of one practical mining engineer, to be appointed by the  
5 mayor, with consent of the council, and such assistants, clerks,  
6 and employes as the council may provide. The officers and  
7 employes of the bureau shall receive such compensation as may be  
8 prescribed by council.]

9 Section 162. Sections 2203, 2204, 2205, 2206 and 2207 of the  
10 act are amended to read:

11 Section 2203. [Inspection of Mines] Survey of Mines.--  
12 [Members of the bureau may enter, inspect, examine] For the  
13 purpose of conducting a survey as may be required by council,  
14 the city engineer or other registered professional engineer  
15 employed by the city, may enter and survey any mine or colliery,  
16 within the limits of the city, in whole or in part, at all  
17 reasonable times, either by day or night, but not so as to  
18 impede nor obstruct the workings of the mine or colliery; and  
19 may take with them [such] other persons [as may be] necessary  
20 for the purpose of making [an examination or] a survey. The  
21 owner, operator, or superintendent of such mine or colliery  
22 shall furnish the means necessary for [such] the entry,  
23 [inspection, examination,] survey and exit.

24 Section 2204. Operators to Furnish Maps; Contents.--The  
25 owner, operator, or superintendent of every coal mine or  
26 colliery within the limits of the city, in whole or in part,  
27 [within three months after the passage of an ordinance by any  
28 city creating such bureau,] shall, at the request of council,  
29 make or cause to be made and furnished to [such bureau] the city  
30 engineer an accurate map or plan of the workings or excavations

1 of [such] each coal mine or colliery, or parts thereof, within  
2 the limits of [said] the city[, on a scale of one hundred feet  
3 to the inch. The map or plan shall exhibit the workings or  
4 excavations in every seam of coal on a separate sheet, and the  
5 tunnels and passages connecting with such workings or  
6 excavations. It shall show in degrees the general inclination of  
7 the strata, with any material deflection therein in the workings  
8 or excavations, and shall also show the tidal elevations of the  
9 bottom of every shaft, slope, tunnel, and gangway, and of any  
10 other point in the mine or on the surface where such elevation  
11 shall be deemed necessary by the bureau. The map or plan shall  
12 show the number of the last survey station and date of each  
13 survey on the gangways or the most advanced workings].

14 Section 2205. Extensions to be Placed on Maps.--[Every mine  
15 owner, operator, or superintendent shall place or cause to be  
16 placed upon the map of the bureau, at least] Not less than once  
17 in every three months, a map that has been provided to a city,  
18 at the request of council, pursuant to section 2204, shall be  
19 updated at the direction of the mine owner, operator or  
20 superintendent. The updated map shall show all the extensions  
21 made in any mine, wholly or partially within the limits of  
22 [such] the city, and not already so placed upon the map, except  
23 those made within thirty days immediately preceding the time of  
24 placing [such] the extensions upon the [said] map.

25 Section 2206. Certain Surface Supports Not to be Removed.--  
26 It shall be unlawful for any person, [copartnership]  
27 partnership, association, or corporation to dig, mine, remove,  
28 or carry away the coal, rock, earth, or other minerals or  
29 materials forming the natural support of the surface beneath the  
30 streets and places of any city[, in the anthracite region or in

1 the bituminous region,] to such an extent and in such a manner  
2 as to thereby remove the necessary support of the surface,  
3 without having first placed or constructed an artificial  
4 permanent support sufficient to uphold and preserve the  
5 stability of the surfaces of such streets and places.

6 Section 2207. Penalty for Surface Support Violations.--Any  
7 person, corporation or association[, being the owner, lessee or  
8 operator of any coal mine, and] violating the provisions of this  
9 article concerning surface support of streets and places within  
10 the city [shall be guilty of] commits a misdemeanor[, ] and  
11 shall, upon conviction [thereof shall], be sentenced for such  
12 offense to pay a fine not exceeding one thousand dollars, or [to  
13 undergo] imprisonment [in the county jail] for a period not  
14 exceeding ninety days, or both, and each [five day continuance  
15 in any] day in which such violation continues shall constitute  
16 an additional and separate offense [and be likewise punishable  
17 upon conviction thereof].

18 Section 163. Section 2208 of the act is repealed:

19 [Section 2208. General Penalties.--Any owner, operator or  
20 superintendent of any coal mine or colliery who shall violate  
21 any of the provisions of this article, except those requiring  
22 surface support of streets and places within the city, shall,  
23 upon summary conviction thereof before a justice of the peace or  
24 an alderman of the city, be fined not less than fifty dollars  
25 nor more than three hundred dollars, and in default of payment  
26 thereof, shall be imprisoned for not more than ninety days for  
27 each such violation. Each five day continuance in any such  
28 violation shall constitute an additional and separate offense  
29 and be likewise punishable upon summary conviction thereof. All  
30 fines imposed under this section shall be paid into the treasury

1 of the city.]

2 Section 164. Section 2209 of the act is reenacted to read:

3 Section 2209. Enactment of Ordinances.--Council may enact  
4 such ordinances as may be necessary for the enforcement of the  
5 provisions of this article and provide penalties for the  
6 violation thereof.

7 Section 165. Article XXIII and subdivision (a) headings of  
8 the act are reenacted to read:

9 ARTICLE XXIII

10 PUBLIC HEALTH

11 (a) Board of Health

12 Section 166. Section 2301 of the act is amended to read:

13 Section 2301. Board of Health[; Incompatibility].--Each city  
14 shall have a board of health. Council may, by ordinance, create  
15 a board of health [as herein provided], or, in lieu thereof,  
16 council shall be the board of health. [The board of health shall  
17 have five members appointed by council, who shall serve without  
18 compensation. Except as otherwise herein provided, membership on  
19 the board of health shall be incompatible with every other city  
20 office.] If council is the board of health, members of council  
21 shall receive no additional compensation for serving on the  
22 board.

23 Section 167. Section 2302 of the act, amended June 16, 1993  
24 (P.L.97, No.21), is amended to read:

25 Section 2302. [~~Qualifications; Term; Removal.--The~~] Members  
26 of Appointed Boards of Health.--(a) Council shall appoint five  
27 members to a board of health created by ordinance. Appointed  
28 members shall serve without compensation. Except, in the case of  
29 an appointed member who is a licensed or certified health care  
30 professional that has a principal office in the city, members of

1 the appointed board of health shall be residents of the city.

2 [At least one, and whenever possible two,]

3 (b) Two members of the board shall be [currently] licensed  
4 or certified health care professionals unless council cannot  
5 identify two such professionals who are willing to serve, in  
6 which case, one member shall be a licensed or certified health  
7 care professional. If no licensed or certified health care  
8 professional can be identified to serve on the board, council  
9 may, in lieu thereof, appoint any individual who has experience  
10 or is knowledgeable of public health issues.

11 (c) Health care professionals pursuant to this section must  
12 be licensed or certified by the State Board of Medicine, the  
13 State Board of Examiners of Nursing Home Administrators, the  
14 State Board of Podiatry, the State Board of Veterinary Medicine,  
15 the State Board of Occupational Therapy Education and Licensure,  
16 the State Board of Osteopathic Medicine, the State Board of  
17 Pharmacy, the State Board of Physical Therapy [or], the State  
18 Board of Nursing [to be engaged in a medical, medically related  
19 or health care profession or business and shall be a resident or  
20 have an office in the city. If a licensed or certified medical  
21 or health care professional cannot be identified to serve on the  
22 board, council may appoint any individual who has experience or  
23 is knowledgeable of public health issues], the State Board of  
24 Social Workers, Marriage and Family Therapists and Professional  
25 Counselors, the State Board of Chiropractic, the State Board of  
26 Dentistry, the State Board of Optometry, the State Board of  
27 Psychology or the State Board of Examiners in Speech-Language  
28 and Hearing.

29 [Upon] (d) After the creation of the board, by ordinance,  
30 council shall designate [for] one appointee for a term of one

1 year, [for] another for a term of two years, and so on up to  
2 five; thereafter, one member of the board shall be appointed  
3 annually to serve for a term of five years from the first Monday  
4 of [April] January succeeding [his] the member's appointment.

5 (e) Council may remove appointed members of the board for  
6 official misconduct or neglect of duty.

7 (f) All vacancies on appointed boards shall be filled by  
8 council appointing a qualified person to membership on the board  
9 for the unexpired term of the person whose membership had been  
10 vacated.

11 Section 168. Sections 2303, 2304, 2305, 2306, 2307, 2308,  
12 2309, 2310 and 2311 of the act are amended to read:

13 Section 2303. Oath of Office; Organization; Secretary.--(a)  
14 Each member of the board of health shall take the oath of office  
15 prescribed in section [nine hundred and five of this act] 905.

16 (b) The board of health shall organize annually on the first  
17 Monday of January[. The board] and shall elect a president  
18 annually from among [the] its members. [and]

19 (c) Council shall appoint a secretary of the board of health  
20 who is not a member of the board of health. [board member. The  
21 secretary shall take the aforesaid oath and shall give a  
22 fidelity bond with corporate surety to the city in such amount  
23 as council requires.] The secretary shall receive [such] a  
24 salary as approved by council [shall approve].

25 Section 2304. Duties of Secretary.--The secretary of the  
26 board shall have the power and the secretary's duty shall be as  
27 follows:

28 (1) To keep the minutes of the proceedings of the board[,  
29 shall keep] and accurate accounts of the expenditures of the  
30 board.

1       (2) To [, shall] draw all requisitions for the payment of  
2 moneys on account of the board of health from appropriations  
3 made by the council to the board and shall present the same to  
4 the president of the board for [his] the president's approval.

5       (3) To [, shall] render statements of the expenditures to  
6 the board at each stated meeting or as frequently as the board  
7 may require.

8       (4) To [, shall] prepare, under the directions of the board,  
9 the annual report to council, together with the estimate of  
10 appropriations needed for the ensuing year.

11       (5) To [He shall] make such reports to the State Department  
12 of Health as are required by law or by rule or regulation of the  
13 [Department] department.

14       (6) To [, and shall] make such other reports and perform  
15 such other duties as are required [of him] by law or by the  
16 board of health.

17       Section 2305. Health Officer; Qualifications; Oath [and  
18 Bond.--The board shall appoint as].--(a) Council shall, by  
19 ordinance, determine the manner and method of selection of a  
20 health officer who shall be a person with [some] experience or  
21 training in public health work [in accordance with rules and  
22 regulations of the Advisory Health Board of] and who shall be  
23 or, within six months of taking the oath of office, shall become  
24 certified for the office of health officer by the State  
25 Department of Health[, and who shall not enter upon his duties  
26 until he has been certified for the office of health officer by  
27 the State Department of Health]. The health officer shall take  
28 the oath required of members of the board. [, and shall give  
29 bond with corporate surety approved by council to the city for  
30 the faithful performance of his duties. The amount of the bond

1 shall be fixed by council.] The health officer shall be the  
2 agent of the board of health but shall not serve as a member of  
3 the board of health.

4 (b) City council may appoint, as the principal health  
5 officer of the city, the manager or chief administrator employed  
6 and compensated by a nonprofit corporation which may be  
7 appointed as a board of health in accordance with subdivision  
8 (c). The manager or chief administrator, to be eligible for  
9 appointment, must be a reputable physician of at least five  
10 years' experience in the practice of the physician's profession  
11 or in public health work. The principal health officer,  
12 appointed pursuant to this subsection, shall have all the powers  
13 and authority and duties now or hereafter to be conferred or  
14 prescribed by law upon principal health officers.

15 Section 2306. Duties of Health Officer.--(a) The duties of  
16 the health officer shall include the following:

17 (1) [It shall be the duty of the health officer to] To  
18 attend all [stated] regular and special meetings of the board of  
19 health [and to].

20 (2) To be available for the prompt performance of [his] the  
21 health officer's official duties [at all times. He shall].

22 (3) To quarantine places of communicable diseases in  
23 accordance with law and with the rules and regulations of the  
24 State Department of Health or of the city board of health.

25 (4) [He shall] To execute all laws and rules or regulations  
26 for the disinfection of quarantined places.

27 (5) [He shall] To serve written notice on teachers and  
28 persons in charge of public, parochial, Sunday and other  
29 schools[, ] requiring the exclusion from school of children who  
30 are suffering from, or who reside with persons who are suffering



1 from, communicable diseases[, and shall].

2 (6) To make sanitary inspections[, and shall] subject to  
3 constitutional standards in a similar manner as provided in  
4 section 2308.

5 (7) To execute the orders of the board of health and all  
6 other laws, rules and regulations and orders pertaining to [his]  
7 the health officer's office.

8 (b) The health officer [He] shall[, in the performance of  
9 his duties, have the power and authority of a policeman of the  
10 city] to the extent the health officer's duties have the power  
11 to issue citations for the violation of applicable laws or  
12 ordinances.

13 Section 2307. Duties of Board of Health.--[The board of  
14 health shall enforce the laws of the Commonwealth and the rules,  
15 regulations and orders of the State Department of Health.] (a)  
16 The board of health shall undertake to prevent or diminish the  
17 introduction or further spread of infectious or contagious  
18 diseases[, ] and otherwise to protect and increase the public  
19 health by regulating communication with places of infection or  
20 contagion, by isolating carriers of infection or contagion or  
21 persons who have been exposed to any infectious or contagious  
22 disease, by abating or removing all nuisances which the board  
23 shall deem prejudicial to the public health, and by enforcing  
24 the vaccination laws; and the board shall make all such rules  
25 and regulations as to it appear proper for the preservation or  
26 improvement of the public health, consistent with this article  
27 and the laws of the Commonwealth.

28 (b) In carrying out its duties under this act, the board of  
29 health shall, if authorized, enforce the laws of the  
30 Commonwealth that are relevant to and relate to its duties.

1        (c) The board of health shall transmit to the State  
2 Department of Health all of its reports and publications and  
3 such other information regarding public health in the city as  
4 may be requested or required by the [Department] department.

5        Section 2308. Powers of Board of Health.--The board of  
6 health shall have authority:

7        (1) [To employ] If authorized by council, to employ agents  
8 and employes at rates of compensation approved by council. [at  
9 such rates or salaries as council shall approve.

10        (2) To establish and staff emergency hospitals, with the  
11 consent of council, in case of the [prevalence] prevalence or  
12 threat of any contagious or infectious disease or other serious  
13 peril to public health, and to provide for and regulate the  
14 management of such hospitals.

15        (3)] (2) To enter upon any premises whatsoever within the  
16 city as a body or by committee or by its agents or employes,  
17 which premises are suspected of infectious or contagious disease  
18 or of any other nuisance prejudicial to the public health, or of  
19 the danger of them, for the purpose of examining the premises or  
20 of preventing, confining or abating public nuisances. The  
21 following apply:

22        (i) In the event that entry upon any premises is refused by  
23 an owner, an agent of an owner, or tenant, the board of health  
24 shall obtain an administrative search warrant from any  
25 magisterial district judge within the judicial district wherein  
26 lies the premises to be inspected.

27        (ii) It shall be sufficient to support the issuance of a  
28 warrant for the board of health to provide to the magisterial  
29 district judge evidence of any of the following:

30        (A) Reasonable standards and an administrative plan for

1 conducting inspections.

2 (B) The condition of the premises or general area and the  
3 passage of time since the last inspection.

4 (C) Facts, supported by an oath or affirmation, alleging  
5 that probable cause exists that a law, regulation or ordinance  
6 subject to enforcement by the board of health has been violated.

7 [(4)] (3) To conduct investigations and to hold public  
8 hearings in the performance of its duties and powers, wherein  
9 the president and secretary of the board shall have full power  
10 to administer oaths and affirmations but shall receive no fee  
11 therefor. For such purposes, the board of health may require the  
12 attendance of witnesses and their books and papers in accordance  
13 with section 917.

14 [(5)] To establish a force of sanitary police for the  
15 enforcement of its rules and regulations, whenever in the  
16 opinion of the board the public health of the city requires. To  
17 fix the number of such police and the duration of their service  
18 and to have the exclusive control and direction of them. The  
19 mayor shall detail police from the regular police force or make  
20 new appointments in order to provide a sanitary police force,  
21 and upon the expiration of the need for such a force the members  
22 thereof shall be returned to duty as regular policemen, or, if  
23 newly appointed, be dismissed as the mayor may direct, but no  
24 permanent increase of the police force shall be made thereby  
25 unless council so ordains.

26 [(6)] (4) To publish and enforce its rules and regulations as  
27 approved by council.

28 [(7)] To] (5) If approved by council, to provide for or  
29 cooperate in providing for general and gratuitous vaccination,  
30 disinfection and other public health control programs, and

1 likewise to make available medical relief in such ways as in its  
2 opinion will benefit the public health.

3 [(8) To certify to council expenditures in excess of  
4 council's appropriations therefor, necessarily incurred by the  
5 board by reason of an epidemic, or upon approval of council, for  
6 any other immediate and serious peril to public health. Council  
7 shall thereupon appropriate sufficient money to meet such  
8 additional expenditures.

9 (9)] (6) To [prevent, abate or remove] provide, in  
10 accordance with subdivision (b), for the prevention, abatement  
11 and removal of conditions found by it to be detrimental to the  
12 public health as public, not private, nuisances[, ] or to declare  
13 and certify to council [such] the conditions and the premises or  
14 ways or places harboring [them] the condition to be public, not  
15 private, nuisances.

16 [(10) To prescribe regulations for the erection or operation  
17 of bone boiling establishments or of repositories of dead  
18 animals in the city, and in accordance therewith, to permit or  
19 refuse to permit such erections or operations within the city.  
20 Any person who shall erect or operate any such establishment or  
21 repository in the city without the permission of the board of  
22 health, or in violation of its regulations pertaining thereto,  
23 shall forfeit and pay to the city the sum of three hundred  
24 dollars for every such offense, and the like amount for each  
25 month's continuance thereof, to be collected by an action before  
26 an alderman of the city, and shall also be subject to indictment  
27 for the common law offense of creating and maintaining a  
28 nuisance. Nothing herein shall limit the remedies of injunction  
29 or abatement as to any such establishment.

30 (11) To determine whether or not the keeping or slaughtering

1 of stock animals or fowls in or about any dwelling or part  
2 thereof, or in the yard, lot or adjoining property of any such  
3 building within the city or parts thereof, is or may become  
4 detrimental to the public health. Council may prohibit any such  
5 keeping or slaughtering which the board certifies to it as  
6 detrimental, or the board may issue permits in accordance with  
7 regulations adopted by it for the keeping of such animals or  
8 fowls within the city or parts thereof. No such permit shall  
9 extend beyond the calendar year within which it was issued, and  
10 the fee for each permit shall be one dollar.]

11 Section 2309. Effect of Rules and Regulations.--[The rules  
12 and regulations of the board of health may be approved by  
13 council, and when printed and advertised by council as required  
14 by this act in the case of ordinances, shall have the force of  
15 ordinances of the city; and all penalties, fines or imprisonment  
16 prescribed therein for violations thereof, together with the  
17 expenses necessarily incurred in carrying the rules and  
18 regulations into effect and the costs of proceedings incident  
19 thereto, shall be recoverable for the use of the city, as  
20 provided for in the case of other city ordinances.] Rules and  
21 regulations adopted by the board of health shall be presented to  
22 city council for its approval. City council shall have the  
23 authority to approve, by ordinance, the rules and regulations  
24 submitted by the board of health. Upon approval by council, the  
25 rules and regulations of the board of health shall have the  
26 force and effect of ordinances of the city. The ordinance  
27 approving the rules and regulations may incorporate them by  
28 reference. Council shall provide a place for the public to view  
29 the rules and regulations. The ordinance approving the rules and  
30 regulations shall prescribe the penalties, fines or imprisonment

1 for violations thereof.

2 Section 2310. Fees and Penalties.--All fees and penalties  
3 collected or received by the board or any officer thereof [in  
4 his] acting in an official capacity shall be paid [monthly] as  
5 received to the city treasurer for the use of the city.

6 Section 2311. Proceedings of Board to be Public.--The  
7 proceedings of the board shall be public and its journal of  
8 proceedings shall be open to [the] public inspection [of any  
9 taxpayer].

10 Section 169. Article XXIII subdivision (b) heading of the  
11 act is amended to read:

12 (b) [Abatement of] Public Nuisances Detrimental  
13 to Public Health

14 Section 170. Sections 2320 and 2321 of the act are amended  
15 to read:

16 Section 2320. [Definition.--] Determination of Public  
17 Nuisances.--(a) Any condition or usage whatsoever in or about  
18 the buildings, structures or land, or the streets or private  
19 ways and places, or elsewhere, within the city, whether public  
20 or private, [which] if determined by the board of health [shall  
21 find] to be detrimental to the public health [is hereby declared  
22 to be] shall constitute a public nuisance. Whenever in this  
23 subdivision the words "public nuisance" or "nuisance" are used  
24 they shall be deemed to mean a nuisance detrimental to the  
25 public health, unless a different meaning is specified.

26 (b) The powers of investigation and entering upon premises  
27 vested in the board of health and its agents and employes  
28 pursuant to its orders shall be available for the determination  
29 of public nuisances.

30 Section 2321. [Procedure for the] Abatement of Public

1 Nuisances by Designated Department.--[Whenever the board of  
2 health shall determine, after such examination, investigation or  
3 hearing as shall suffice to inform its judgment, that a public  
4 nuisance exists or is about to exist, it may order the nuisance  
5 to be removed, abated, suspended, altered, or otherwise  
6 prevented or avoided. Notice of such order, bearing the official  
7 title of the board and the number of days for compliance  
8 therewith and the alternative remedy of the board in case of  
9 non-compliance, shall be served upon the person, if any, whom  
10 the board deems responsible therefor or concerned therein, and  
11 upon the owner or abutting owner of the land, premises or other  
12 places whereon such a nuisance is or is about to be, if any. In  
13 case no such party or parties can be discovered by the board,  
14 the order shall be served by posting a copy or copies thereof  
15 conspicuously upon the premises for a period of at least ten  
16 days.] (a) If, in accordance with this subdivision, the board  
17 of health determines that a public nuisance exists, it shall  
18 report its determination, along with any request for summary  
19 abatement, to the department designated by council in section  
20 2702-A, relating to the report and investigation of a public  
21 nuisance.

22 (b) Notwithstanding any other provision of Article XXVII-A,  
23 the department designated to abate public nuisances shall  
24 proceed as follows:

25 (1) The report to the designated department that the board  
26 of health has determined that public nuisance exists shall be  
27 deemed a determination by the designated department that a  
28 public nuisance exists as required by section 2702-A(d)(1).

29 (2) Summary abatement, if requested by the board of health,  
30 shall be pursued if the designated department finds that the

1 criteria set forth in section 2702-A(d)(2) exists.

2 (3) If summary abatement is not pursued, the designated  
3 department shall proceed with abatement with prior notice in  
4 accordance with Article XXVII-A.

5 Section 171. Sections 2322, 2323 and 2324 of the act are  
6 repealed:

7 [Section 2322. Contents of Notice.--The notice of the  
8 board's order shall clearly specify:

- 9 1. The place and manner of the nuisance or anticipated  
10 nuisance as determined by the board;
- 11 2. The nature or condition thereof;
- 12 3. The board's order with respect to the nuisance or  
13 anticipated nuisance;
- 14 4. The names of the persons found by the board to be  
15 responsible therefor or concerned therewith and the name of the  
16 owner, if any, of the land or premises involved;
- 17 5. The date of the board's order and the number of days  
18 therefrom allowed for compliance with it;
- 19 6. The alternative remedy of the board in case of non-  
20 compliance;
- 21 7. Notice that the persons affected thereby may apply,  
22 within the time set for compliance with the order, to the board  
23 for a hearing, and may request such stay of execution or  
24 modification or rescission of the said order as they shall  
25 believe just and proper;
- 26 8. The signature of the president of the board, attested by  
27 the secretary.

28 Section 2323. Hearing; Disposition.--If any person affected  
29 thereby shall apply for a hearing within the time provided, the  
30 board shall promptly notify all interested parties of the time



1 and place of the hearing. The board shall enter upon its minutes  
2 such facts and proofs as it may receive, and its proceedings on  
3 such hearing and thereafter may rescind, modify or reaffirm its  
4 order and require execution of the original or of a new or  
5 modified order, as it shall determine and direct. The persons  
6 affected shall be notified of the board's final order, and  
7 within ten days from the mailing of such notice may appeal  
8 therefrom to the court of quarter sessions, which appeal may  
9 operate as a supersedeas if the court, upon proper cause shown,  
10 so orders, and provided the appellants post bond, approved by  
11 the court, for the use of the city, with sufficient surety to  
12 cover all the expense and costs of executing the board's order.

13 Section 2324. Abatement of Public Nuisances by Board of  
14 Health or City.--In any case where the persons ordered by the  
15 board of health to abate or prevent a public nuisance or  
16 anticipated public nuisance refuse or neglect to do so within  
17 the time specified in the original or any subsequent order of  
18 the board, then, unless the said order shall have been suspended  
19 by appeal to the court and proper bond posted, the board may  
20 direct its health officer and employes to execute the said  
21 order; or if the execution of the said order requires the  
22 grading, paving or repaving of private alleys or any similar  
23 work upon any property whatsoever within the city or any other  
24 work or service that may best be performed or contracted for by  
25 the agencies and employes of the city itself, then the board  
26 shall certify its order to the city council and council shall  
27 thereupon proceed to cause the execution of the order. In any  
28 case where the board of health or the council thus abates or  
29 prevents or causes the abatement or prevention of a public  
30 nuisance, the cost and expense of such work, services and

1 materials shall be charged to the persons affected in their  
2 proper proportions; and upon non-payment of such charges, the  
3 city may file a lien therefor upon the affected premises in the  
4 name of and for the use of the city, as provided by law for  
5 municipal claims, in addition to the other remedies available  
6 for the collection of debts due the city. The lien shall attach  
7 as of the time the work was commenced, which shall be fixed by  
8 the certificate of the health officer or of the city engineer  
9 filed with the city clerk.]

10 Section 172. Article XXIII subdivision (c) heading of the  
11 act is reenacted to read:

12 (c) Corporations Acting as Boards of Health

13 Section 173. Section 2330 of the act is amended to read:

14 Section 2330. Board of Directors of Corporation to be  
15 Appointed Members of Board of Health.--[Whenever any corporation  
16 not for profit has been or shall hereafter be chartered, whose  
17 principal corporate purpose is or shall be substantially to  
18 preserve and promote the health of the public of any city, and  
19 the control and elimination of disease, and such corporation, in  
20 the opinion of the council of such city and the State Department  
21 of Health, shall have at its disposal sufficient means to render  
22 its assistance of value to the city in the administration of its  
23 public health affairs, and is properly organized and managed,  
24 said council may, by ordinance, appoint the members of the board  
25 of directors for such corporation as the board of health of such  
26 city for a term of five years. The said board of directors shall  
27 not be more than nine or less than five in number, and at least  
28 two of the members shall be reputable physicians with not less  
29 than five years' experience in the practice of their profession.  
30 When, by limitation in the charter or by-laws of such

1 corporation, the office of any member of the board of directors  
2 shall terminate, such person's membership in the board of health  
3 shall also terminate and a vacancy in such membership exist, to  
4 be filled as hereinafter provided. Whenever the number of  
5 directors of such corporation shall be increased, subject,  
6 however, to the aforesaid maximum limitation of nine, the  
7 council of said city may appoint any person added to the  
8 corporation's board of directors as an additional member of the  
9 board of health for a term equal in the unexpired term of the  
10 other members, subject, also, to termination resulting from  
11 limitations in the corporation's charter or by-laws as

12 aforesaid.] (a) City council may, by ordinance, appoint the  
13 members of a board of directors of a nonprofit corporation as  
14 the board of health for the city for a term of five years  
15 provided that the nonprofit corporation:

16 (1) Has as its principal purpose to substantially preserve  
17 and promote the health of the public of the city and to control  
18 and eliminate disease.

19 (2) Has sufficient means to render valuable assistance to  
20 the city's public health affairs in the opinion of city council  
21 and the State Department of Health.

22 (3) Is properly organized and managed.

23 (4) Has no fewer than five and no more than nine members on  
24 the board of directors.

25 (5) Has at least two reputable physicians on the board with  
26 each having no less than five years' experience in the practice  
27 of the physician's profession.

28 (b) When the office of any member of the board of directors  
29 terminates pursuant to the nonprofit corporation's charter or  
30 bylaws, the office of the member of the board of health shall

1 also terminate with the resulting vacancy to be filled as  
2 hereinafter provided.

3 (c) If the number of the board of directors of the nonprofit  
4 corporation increases, subject to the limitation of a maximum of  
5 nine members, city council may appoint any person added to the  
6 corporation's board of directors as an additional member of the  
7 board of health for a term equal to the unexpired term of the  
8 other members. This additional appointment shall be subject to  
9 any subsequent termination resulting from a limitation in the  
10 corporation's charter and bylaws.

11 Section 174. Section 2331 of the act is repealed:

12 [Section 2331. Councilmen and School Directors Eligible for  
13 Appointment.--Members of council of such city, not more than two  
14 in number, and one member of the board of directors of the  
15 school district of such city, if they are also members of the  
16 board of directors of said corporation, shall be eligible to  
17 appointment as members of the board of health of said city.]

18 Section 175. Sections 2332, 2333, 2334 and 2335 of the act  
19 are amended to read:

20 Section 2332. Power of Board.--The board of health [so  
21 appointed] under this subdivision shall have all the power and  
22 authority and perform the duties now or hereafter conferred and  
23 prescribed by law upon boards of health of cities.

24 Section 2333. Health Officer.--[If the board of directors of  
25 such corporation shall employ as manager or chief administrator  
26 of the activities and operations of the corporation a reputable  
27 physician of five years' experience in the practice of his  
28 profession, or in public health work, for a compensation to be  
29 paid out of the corporation's funds, it shall be lawful for such  
30 council to appoint such manager or chief administrator as the

1 principal health officer of such city, with all the powers and  
2 authority and duties now or hereafter to be conferred or  
3 prescribed by law upon principal health officers.] Pursuant to  
4 section 2305(b), city council may appoint the manager or chief  
5 administrator of a nonprofit corporation as the principal health  
6 officer of the city.

7 Section 2334. Secretary.--The secretary of the board of  
8 directors of [such] the nonprofit corporation under this  
9 subdivision may serve as secretary of [such] the board of  
10 health.

11 Section 2335. Filling of Vacancies.--[As the five year terms  
12 of members of such board of health expire, and as vacancies  
13 therein occur, the council of such city may appoint successors  
14 to those whose terms shall have so expired for further terms of  
15 five years, and appoint persons to fill vacancies in both cases  
16 by selection of the then members of such board of directors,  
17 including, in the case of vacancies, the persons in the said  
18 board of directors who may be selected to fill the vacancies  
19 therein. Such appointment in the case of a vacancy shall be for  
20 the unexpired portion of the five year term.] City council may  
21 appoint successors for vacancies on the board of health that  
22 occur as five-year terms of board members expire. The successors  
23 shall serve for five-year terms. City council may also appoint  
24 successors to vacancies on the board of health that occur for  
25 any other reason, but in such case the appointment shall be for  
26 the unexpired portion of the five-year term. Successors, whether  
27 appointed for a five-year term or the unexpired portion of a  
28 five-year term, shall be selected from the members of the  
29 nonprofit corporation's board of directors.

30 Section 176. Section 2336 of the act is repealed:

1 [Section 2336. Appointment and Removal of Health Employees.--  
2 The council of such city shall, in all cases where possible,  
3 follow the recommendations of said board of health as to  
4 appointment and removal of all persons having to do with the  
5 administration of the public health affairs of the city. Such  
6 appointees shall be required to pass any civil service  
7 examination required by any civil service commission lawfully  
8 established in such city.]

9 Section 177. Section 2337 of the act is amended to read:

10 Section 2337. No Compensation for Members.--The members of  
11 [such] the board of health under this subdivision shall serve  
12 without compensation from the city. [This subdivision (c) shall  
13 be effective only under the circumstances set forth in section  
14 two thousand three hundred and thirty.]

15 Section 178. The act is amended by adding a section to read:

16 Section 2338. Applicability of Subdivision.--This  
17 subdivision (c) shall be effective only under the circumstances  
18 set forth in section 2330.

19 Section 179. Article XXIII subdivision (d) heading of the  
20 act is amended to read:

21 (d) [Penalties] Penalty

22 Section 180. Section 2340 of the act is amended to read:

23 Section 2340. Penalty.--Any person violating any provision  
24 of this article or any order or regulation of the board of  
25 health made under the authority of this article, or of any law,  
26 or regulation or ordinance therein referred to or authorized, or  
27 who shall obstruct or interfere with any person in the execution  
28 of any order or regulation of [said] the board, or wilfully and  
29 illegally omit to obey any [such] order[, shall be guilty of] or  
30 regulation of the board commits a [misdemeanor, and, upon

1 conviction, shall be sentenced to pay a fine not exceeding one  
2 hundred dollars, or undergo imprisonment not exceeding ninety  
3 days, or both, at the discretion of the court] summary offense  
4 punishable in accordance with sections 1018.16 and 1018.17.

5 Section 181. Article XXIV heading of the act is reenacted to  
6 read:

7 ARTICLE XXIV

8 CORPORATE POWERS

9 Section 182. Section 2401 of the act is repealed:

10 [Section 2401. Existing Powers Saved.--The corporate powers  
11 and the duties of the officers of cities, now in existence by  
12 virtue of the laws of the Commonwealth, and not repealed by this  
13 act, shall be and remain as now provided by law.]

14 Section 183. Section 2402 of the act is amended to read:

15 Section 2402. Powers of [City] Cities.--(a) Each city is  
16 hereby declared to be a body corporate and politic, and shall  
17 have perpetual succession, and may:

18 1. Sue and be sued;

19 [2. Purchase and hold real and personal property for the use  
20 of the city;

21 3. Lease, sell and convey any real or personal property  
22 owned by the city, and make such order respecting the same as  
23 may be conducive to the interests of the city;

24 4. Make all contracts, and do all other acts in relation to  
25 the property and affairs of the city necessary to the exercise  
26 of its corporate or administrative powers;

27 5] 2. Have and use a corporate seal, and alter the same at  
28 pleasure. Every such seal shall have upon it the word  
29 "Pennsylvania," the name of the city, and the year of its  
30 original incorporation;

1 [6] 3. Display the flag of the United States, the  
2 Commonwealth or of any county, city, borough or other  
3 municipality in the Commonwealth on the public buildings of the  
4 city.

5 [7. To appropriate] 4. Appropriate money for the exercise  
6 of powers expressed or implied in this act or any other  
7 applicable law, and for like uses to accept gifts or grants of  
8 money, other property or services from public or private  
9 sources.

10 (b) The powers [hereby] granted in this act shall be  
11 exercised [by the mayor and councilmen] in the manner herein  
12 provided.

13 Section 184. Section 2402.1 of the act, added September 21,  
14 1959 (P.L.922, No.370), is amended to read:

15 Section 2402.1. [Sale of Real Estate.--The title to real  
16 estate sold by any city after June 28, 1947, if the sale was  
17 authorized by an ordinance or resolution of the city council of  
18 said city, and not attacked in any proceeding instituted within  
19 six years of the effective date of this amendment and the title  
20 to real estate sold after the effective date of this amendment,  
21 if the sale was authorized by an ordinance or resolution of the  
22 city council of said city and is not attached in any proceeding  
23 instituted within six years after date of such sale, is hereby  
24 declared to be good and valid and free and clear of any defects  
25 and any such person who is grantee thereunder, and his heirs,  
26 successors and assigns, shall hold and may convey such real  
27 estate and all conveyances made after June 28, 1947, are hereby  
28 ratified and confirmed. Nothing in this section shall be  
29 construed to apply to property which the city acquired other  
30 than by purchase.] City Property and Affairs.--(a) In



1 exercising its discretion to make decisions that further the  
2 public interest under terms it deems most beneficial to the  
3 city, council shall have the power and authority, subject to any  
4 restrictions, limitations or exceptions as set forth in this  
5 act, to do any of the following:

6 (1) Purchase, hold, use and manage real and personal  
7 property.

8 (2) Exchange personal property.

9 (3) Lease, sell and convey real and personal property owned  
10 by the city.

11 (4) Make contracts and do all other acts respecting city  
12 property and affairs as council may deem conducive to the public  
13 interest and necessary to the exercise of the city's corporate  
14 and administrative powers.

15 (b) No real estate owned by the city may be sold except upon  
16 approval of council by resolution. Additionally, no real estate  
17 owned by the city shall be sold for a consideration in excess of  
18 one thousand five hundred dollars, except to the highest bidder  
19 after due notice by advertisement for bids or advertisement of a  
20 public auction in one newspaper of general circulation in the  
21 city. The advertisement shall be published once not less than  
22 ten days prior to the date fixed for the opening of bids or  
23 public auction, and the date for opening bids or public auction  
24 shall be announced in the advertisement. The award of contracts  
25 shall be made only by public announcement at a regular or  
26 special meeting of council or at the public auction. All bids  
27 shall be accepted on the condition that payment of the purchase  
28 price in full shall be made within sixty days of the acceptance  
29 of bids. The city council shall have the authority to reject all  
30 bids which it deems to be less than the fair market value of the

1 real property. In the case of a public auction, the city council  
2 may establish a minimum bid based on the fair market value of  
3 the real property. If no compliant bids are received after  
4 advertisement, the applicable procedures in the act of October  
5 27, 1979 (P.L.241, No.78), entitled, as amended, "An act  
6 authorizing political subdivisions, municipality authorities and  
7 transportation authorities to enter into contracts for the  
8 purchase of goods and the sale of real and personal property  
9 where no bids are received," shall be followed. Real estate  
10 owned by a city may be sold at a consideration of one thousand  
11 five hundred dollars or less without advertisement or  
12 competitive bidding only after council estimates the value  
13 thereof upon receipt of an appraisal by a qualified real estate  
14 appraiser. This section shall not apply if council is exercising  
15 its authority to exchange city real property for real property  
16 of equal or greater value, provided that the property being  
17 acquired by the city is to be used for municipal purposes. If  
18 council chooses to exercise its power of real property exchange  
19 pursuant to this section, it shall be by resolution adopted by  
20 council. Notice of the resolution, including a description of  
21 the properties to be exchanged, shall be published once in one  
22 newspaper of general circulation not more than sixty days nor  
23 fewer than seven days prior to adoption.

24 (c) No city personal property shall be disposed of, by sale  
25 or otherwise, except upon approval of council by resolution.  
26 Council shall estimate the sale value of the entire lot to be  
27 disposed of. If council shall estimate the sale value to be less  
28 than one thousand dollars, council may sell the property, in  
29 whole or in part, for the best price or prices obtainable. If  
30 council shall estimate the sale value to be one thousand dollars

1 or more, the entire lot shall be advertised for sale in  
2 accordance with the provisions of section 109, and sale of the  
3 property advertised shall be made to the best responsible  
4 bidder. The bids shall not be opened until at least ten days  
5 after the newspaper advertisement. The provisions of this  
6 subsection shall not be mandatory where city personal property  
7 is to be traded in or exchanged for other personal property.  
8 Council may sell any personal property at auction pursuant to  
9 subsection (d), but shall observe the same notice requirements  
10 as contained in this subsection.

11 (d) In regards to the sale of personal property of the city,  
12 an auction may be conducted by means of an online or electronic  
13 auction sale. During an electronic auction sale, bids shall be  
14 accepted electronically at the time and in the manner designated  
15 in the advertisement pursuant to the notice requirements in  
16 subsection (c). During the electronic auction, each bidder shall  
17 have the capability to view the bidder's bid rank or the high  
18 bid price. Bidders may increase their bid prices during the  
19 electronic auction. The record of the electronic auction shall  
20 be accessible for public inspection. The purchase price shall be  
21 paid by the high bidder immediately or at a reasonable time  
22 after the conclusion of the electronic auction as determined by  
23 council. In the event that shipping costs are incurred, they  
24 shall be paid by the high bidder. A city that has complied with  
25 the advertising requirements of subsection (c) may provide  
26 additional public notice of the sale by bids or auction in any  
27 manner deemed appropriate by council. The newspaper  
28 advertisement for electronic auction sales authorized in this  
29 section shall include the Internet address or means of accessing  
30 the electronic auction and the date, time and duration of the

1 electronic auction.

2 (e) Any requirement for advertising for bids and sale to the  
3 highest bidder imposed by this act or by a city pursuant to this  
4 section shall not apply where city real or personal property is  
5 sold to the following, provided that when any real property is  
6 no longer used for the purpose of the conveyance, the real  
7 property shall revert to the city:

8 (1) The Federal Government, the Commonwealth, a  
9 municipality, home rule municipality, institution district or  
10 school district.

11 (2) A volunteer fire company, volunteer ambulance service or  
12 volunteer rescue squad located within the city or providing  
13 emergency services in the city.

14 (3) A municipal authority, a housing authority created  
15 pursuant to the act of May 28, 1937 (P.L.955, No.265), known as  
16 the "Housing Authorities Law," an urban redevelopment authority  
17 created pursuant to the act of May 24, 1945 (P.L.991, No.385),  
18 known as the "Urban Redevelopment Law," a parking authority  
19 created under 53 Pa.C.S. Ch. 55 (relating to parking  
20 authorities) or under the former act of June 5, 1947 (P.L.458,  
21 No.208), known as the "Parking Authority Law," or a port  
22 authority pursuant to the act of December 6, 1972 (P.L.1392,  
23 No.298), known as the "Third Class City Port Authority Act."

24 (4) A nonprofit corporation engaged in community industrial  
25 development.

26 (5) A nonprofit corporation organized as a public library.

27 (6) A nonprofit medical service corporation.

28 (7) A nonprofit housing corporation.

29 (8) A nonprofit museum or historical organization.

30 (f) When real or personal property is sold pursuant to

1 subsection (e) (5), (6) or (7), the city may accept such nominal  
2 consideration as it shall deem appropriate.

3 Section 185. Section 2402.2 of the act, amended July 31,  
4 1968 (P.L.943, No.290), is repealed:

5 [Section 2402.2. Typewritten, Printed, Photostated and  
6 Microfilmed Records Valid; Recording or Transcribing Records.--  
7 All city records, required to be recorded or transcribed, shall  
8 be deemed valid if typewritten, printed, photostated or  
9 microfilmed, and where recording in a specified book of record  
10 is required, except minutes of the proceedings of the council,  
11 such records may be recorded or transcribed in a mechanical or  
12 key-operated post binder book, or bound book with pages being  
13 consecutively numbered by transcribing directly upon the pages  
14 of such book of record or may be attached to such book of record  
15 by stapling or by glue or any other adhesive substance or  
16 material, and all records heretofore recorded or transcribed in  
17 any manner authorized by this section are validated. The minutes  
18 of proceedings of the council shall, in the manner prescribed by  
19 this section for other records, be recorded in a bound book.  
20 When any record shall be recorded or transcribed after the  
21 effective date of this amendment by attaching such record or a  
22 copy thereof to the book of record as hereinabove provided, the  
23 city seal shall be impressed upon each page to which such record  
24 is attached, each impression thereof covering both a portion of  
25 the attached record and a portion of the page of the book of  
26 record to which such record is attached.]

27 Section 186. Section 2403 of the act, amended August 24,  
28 1953 (P.L.1337, No.380), May 20, 1957 (P.L.178, No.86), June 20,  
29 1957 (P.L.346, No.188), June 24, 1959 (P.L.482, No.108), June  
30 30, 1959 (P.L.496, No.121), May 23, 1961 (P.L.216, No.116), June

1 14, 1961 (P.L.370, No.204), June 8, 1965 (P.L.104, No.72),  
2 December 16, 1965 (P.L.1120, No.434), November 24, 1967  
3 (P.L.618, No.280), February 24, 1970 (P.L.63, No.27), March 25,  
4 1970 (P.L.225, No.92), July 29, 1971 (P.L.250, No.61), October  
5 4, 1978 (P.L.950, No.188), October 5, 1979 (P.L.195, No.64),  
6 November 1, 1979 (P.L.455, No.92), December 21, 1998 (P.L.1013,  
7 No.135) and June 27, 2008 (P.L.196, No.31) and repealed in part  
8 November 26, 1978 (P.L.1399, No.330), is amended to read:

9 Section 2403. [Specific Powers.--In addition to other powers  
10 granted by this act, the council of each city shall have power,  
11 by ordinance:

12 1.] Payment of Debts and Expenses.--[To] Council may provide  
13 for the payment of the debts and expenses of the city, and to  
14 appropriate money therefor.

15 [1.1. Creation of Capital Reserve Fund for Anticipated  
16 Capital Expenditures.--To create and maintain a separate capital  
17 reserve fund for any anticipated legal capital expenditures,  
18 which fund shall be designated for a specific purpose or  
19 purposes at the time of its creation. The money in the fund  
20 shall be used, from time to time, for the construction, purchase  
21 or replacement of or addition to municipal buildings, equipment,  
22 machinery, motor vehicles or other capital assets of the city as  
23 specified at the time of the creation of the fund and for no  
24 other purpose: Provided, That it may be used for capital  
25 expenditure other than the purpose or purposes specified at the  
26 time it was created, if city council by a four-fifths vote shall  
27 declare that the original purpose or purposes have become  
28 impracticable, inadvisable or impossible, or that conditions  
29 have arisen in the city which make other capital expenditures  
30 more urgent than those for which the fund was created.

1       The council may appropriate moneys from the general city  
2 funds to be paid into the capital reserve fund, or place in the  
3 fund any moneys received from the sale, lease or other  
4 disposition of any city property or from any other source unless  
5 received or acquired for a particular purpose. The fund shall be  
6 controlled, invested, reinvested and administered and the moneys  
7 therein and income from such moneys expended for the specific  
8 purpose or purposes for which the fund is created in such manner  
9 as may be determined by the council. The money in the fund, when  
10 invested, shall be invested in securities designated by law as  
11 legal investments for sinking funds of municipalities.

12       2. Hiring of Employes; Salaries.--To provide for and  
13 regulate the manner of hiring and discharging employes and  
14 laborers, and the fixing of their salaries or compensation.

15       3. Creation of Necessary Offices, Boards or Departments.--To  
16 create any office, public board, or department which it may deem  
17 necessary for the good government and interests of the city,  
18 and, unless otherwise provided by this act, appoint the members  
19 of any board, bureau or commission; to prescribe the powers  
20 thereof, and to regulate and prescribe the terms, duties and  
21 compensation of all such officers, and of all officers who are  
22 members of any public board or any department so created, but no  
23 ordinance shall be passed increasing or diminishing the salary  
24 or compensation of any officer, or of any member of any board,  
25 bureau or commission, after his or their appointment. The  
26 provisions of this clause as to the creation of any public  
27 board, bureau or commission, and prescribing the duties thereof,  
28 shall not apply to the creation of any board of commissioners of  
29 water-works of any city wherein the title to the water-works  
30 therein located is in the name of the commissioners of water-

1 works.

2 4. Lock-ups and Police Stations.--To provide for the  
3 erection, lease or purchase of lock-ups and police stations for  
4 the detention and confinement of persons arrested for any cause,  
5 or of persons convicted under city ordinances and sentenced for  
6 periods not in excess of ten days.

7 5. Market Houses and Milk Depots.--To purchase, lease and  
8 own ground for, and to erect, maintain, and establish, market  
9 houses, milk depots, and market places, for which latter purpose  
10 parts of any streets, sidewalks or city property may be  
11 temporarily used; to provide and enforce suitable general market  
12 regulations; to contract with any person or persons or  
13 association of persons, companies, or corporations, for the  
14 erection and regulation of market houses, milk depots, and  
15 market places, on such terms and conditions and in such manner  
16 as the council may prescribe; to raise all necessary revenue  
17 therefor as herein provided; and to levy and collect a license  
18 tax from every person or persons who may be authorized by  
19 council to occupy any portion of the streets, sidewalks or city  
20 property for temporary market purposes.

21 6. Collection and Removal of Garbage.--To provide for and  
22 regulate the collection, removal and disposal of garbage, ashes  
23 and other waste or refuse material, either by contract or by  
24 municipal conduct of such services, and to impose and collect,  
25 by lien or otherwise, reasonable fees and charges therefor, and  
26 to prescribe fines and penalties for the violation of ordinances  
27 regulating such matters.

28 7. Comfort and Waiting Stations and Drinking Fountains;  
29 Waiting Rooms in Court Houses.--To take, purchase or acquire,  
30 property for the purpose of erecting, providing, maintaining,



1 and operating thereon comfort stations, waiting stations and  
2 drinking fountains; and to construct and maintain such stations  
3 and fountains on such property or in any of the streets or  
4 public places within its corporate limits; to provide and equip  
5 and maintain in the court house, in cooperation with the county  
6 commissioners of the county wherein the city is situated,  
7 whenever such city is the county seat, rest or waiting rooms and  
8 provide attendants therefor. The cost of providing such waiting  
9 and rest rooms, and of maintaining the same, including salaries  
10 and all incidental expenses, shall be paid by the county, and by  
11 the city, in such proportion as may be agreed upon.

12 8. Running at Large of Animals, Et Cetera.--To provide for  
13 the erection of all needful pens, pounds, and other means of  
14 confinement, within or without the city limits; to appoint  
15 keepers thereof; and to regulate or prohibit the running or  
16 being at large of stock and domestic animals, and fowls; and to  
17 cause such as may be at large to be impounded and sold to  
18 discharge the costs and penalties provided for the violations of  
19 such prohibitions and the expenses of impounding and of keeping  
20 the same and of such sale. To regulate the maintaining and care  
21 of dogs within the city. To regulate or prohibit the keeping of  
22 bee hives within the city.

23 9. Destruction of Dogs.--To destroy dogs found at large  
24 contrary to the laws of the Commonwealth, or to prohibit or  
25 regulate, by its own ordinance, the running at large of dogs,  
26 cats or other animals, and, in the enforcement of such  
27 regulations, to direct the killing of dogs, cats or other  
28 animals, or their seizure and detention, including reasonable  
29 charges therefor, or to provide for their sale for the benefit  
30 of the city. The powers herein expressed shall be exercised in

1 conformity with the Dog Law of 1921.

2 10. Inspection and Regulation of Fireplaces, Chimneys, Et  
3 Cetera; Smoke Regulations.--To regulate the construction and  
4 inspection of fireplaces, chimneys, stoves, stovepipes, ovens,  
5 boilers, kettles, forges, or any apparatus used in any building,  
6 manufactory, or business, and to order the suppression or  
7 cleaning thereof when deemed necessary; to regulate and control  
8 the production and emission of unnecessary smoke or fly-ash from  
9 any chimney or other source, except railroad locomotives.

10 11. Manufacture, Sale, Storage and Transportation of  
11 Explosives; Offensive Business.--To regulate or prohibit the  
12 manufacture, sale, storage, or transportation of inflammable or  
13 explosive substances within the city, and to regulate or  
14 prohibit dangerous, obnoxious, or offensive business with the  
15 city.

16 12. Regulation of Division Fences, Party Walls,  
17 Foundations.--To provide regulations for party walls and  
18 division fences and for the foundations of buildings, to enter  
19 upon the land or lands, lot or lots, of any person or persons,  
20 within the city, at all reasonable hours, by its duly appointed  
21 city engineer, or building inspectors, in order to enforce such  
22 regulations and set out foundations; and to prescribe reasonable  
23 fees for the service of city officers in the inspection and  
24 regulation of party walls, division fences and foundations, and  
25 to enforce the payment of the same. To provide fines or  
26 penalties for violations of such regulations. In setting out  
27 foundations and regulating party walls as to breadth and  
28 thickness, the city shall cause the foundations to be laid  
29 equally upon the lands of the persons between whom the party  
30 wall is to be made, and the builder thereof or his successor in

1 interest shall be reimbursed one moiety of the charge of said  
2 wall or for so much thereof as the next builder shall have  
3 occasion to make use of before such next builder shall or may  
4 use or break into said wall.

5 13. Public Wells, Cisterns, Aqueducts, and Reservoirs.--To  
6 establish, make, and regulate public wells, cisterns, aqueducts,  
7 and reservoirs, and to provide for filling the same.

8 14. Construction of Levees and Ferries; Deepening of  
9 Channels.--Subject to the provisions of State law, to provide  
10 for the construction and maintenance of levees and ferries  
11 within the jurisdiction of the city and within the limits  
12 thereof; to erect wharves on navigable waters adjacent to the  
13 city, regulate the use thereof, collect wharfage, and establish  
14 wharf and dock lines; to provide for protection against floods;  
15 to construct and maintain docks, retaining walls, dams, or  
16 embankments; and to remove obstructions from, deepen and widen  
17 the channels of rivers and streams flowing through or adjacent  
18 to the city.

19 15. Railroad Crossing; Flagmen; Speed of Locomotives.--  
20 Subject to the provisions of the Public Utility Law, to provide  
21 for and require the construction and maintenance of bridges or  
22 other crossings over or under railroad tracks; and to enter into  
23 contracts with railroad companies for the construction and  
24 maintenance of the same; to require the erection of safety-gates  
25 and the placing of flagmen or warning devices at the  
26 intersection of railroads with streets; to forbid the  
27 obstruction of the said crossings by locomotives or railroad  
28 cars; and to regulate the rate of speed at which locomotives,  
29 cars or trains shall pass upon or across the streets within the  
30 built-up portions of the city.

1       15.1. Railroad Companies; Conveyances and Grants of Rights  
2 of Way.--Subject to the provisions of the Public Utility Law, to  
3 lease, license or grant rights of way to railroad companies  
4 through tunnels or over bridges and viaducts, to enter into  
5 agreements with railroad companies for the maintenance of any  
6 such tunnels, bridges or viaducts, and to convey such tunnels,  
7 bridges or viaducts to railroad companies that have paid in part  
8 for their construction, where legal title to said tunnels,  
9 bridges or viaducts is not vested in the city but will vest in  
10 the city by operation of law or under the terms of any contract.

11       16. Nuisances and Obstructions.--To prohibit nuisances,  
12 including, but not limited to, accumulations of garbage and  
13 rubbish and the storage of abandoned or junked automobiles or  
14 other vehicles on private or public property, and the carrying  
15 on of any offensive manufacture or business, and to require the  
16 removal of any nuisance or dangerous structure from public or  
17 private places upon notice to the owner, and, upon his default,  
18 to cause such removal and collect the cost thereof, together  
19 with a penalty of ten per centum of such cost, from the owner,  
20 by an action in assumpsit. The cost of removal and the penalty  
21 may be entered as a lien against such property in accordance  
22 with existing provisions of law. In the exercise of the powers  
23 herein conferred, the city may institute proceedings in courts  
24 of equity.

25       17. Regulation of Signs, Porches, Et Cetera.--To regulate,  
26 by uniform rules and regulations, porches, porticoes, benches,  
27 doorsteps, railings, bulk, bay or jut windows, areas, cellar  
28 doors and cellar windows, signs and sign posts, boards, poles or  
29 frames, awnings, awning posts, or other devices or things,  
30 projecting over, under, into or otherwise occupying the

1 sidewalks or other portion of any of the streets, the building  
2 of cellars and basement ways and other excavations through or  
3 under the sidewalks, and boxes, bales, barrels, hogsheads,  
4 crates, or articles of merchandise, lumber, coal, wood, ashes,  
5 building materials, or any other article or thing whatsoever,  
6 placed in or upon any of the said sidewalks or other portion of  
7 said streets; and also to prevent and require or cause the  
8 removal of, upon notice, all encroachments thereon. In the  
9 exercise of the powers herein conferred, the city shall have the  
10 same remedies, penalties and procedures as are expressed in  
11 clause 16 of this article.

12 18. Trees.--To regulate the planting, trimming, care and  
13 protection of shade trees in or extending over the streets.

14 19. Numbering of Buildings.--To require and regulate the  
15 numbering of buildings and lots.

16 20. Cab-stands.--To establish stands for coaches, cabs,  
17 omnibuses, carriages, wagons, automobiles, and other vehicles  
18 for hire, and to enforce the observance and use thereof.

19 21. Police Force.--To establish and maintain a police force,  
20 and define the duties of the same.

21 22. Police Protection, Et Cetera, Parks, Et Cetera;  
22 Commitment of Professional Thieves.--To establish and enforce  
23 suitable police regulations for the protection of persons and  
24 property at public squares, parks, depots, depot grounds, and  
25 other places of public resort, owned, controlled or managed by  
26 the city or an agency or bureau thereof, whether within or  
27 without the city, in whole or in part, and for the arrest and  
28 commitment of professional thieves, and suspicious persons found  
29 in any part of the city who can give no reasonable account of  
30 themselves. The mayor or any alderman of the city shall have

1 jurisdiction to hear and determine violations of such ordinances  
2 and to impose any judgment or penalty therefor as provided in  
3 such ordinances.

4 23. Rewards for Apprehension of Certain Criminals.--To offer  
5 rewards for the arrest and conviction of persons guilty of  
6 capital or other crimes within the city.

7 24. Gaming, Prostitution, Et Cetera.--To restrain, prohibit,  
8 and suppress houses of prostitution, gambling houses, gaming,  
9 cock or dog fighting, and other disorderly or unlawful  
10 establishments or practices, desecration of the Sabbath day,  
11 commonly called Sunday, and all kinds of public indecencies.

12 25. Prevent Riots.--To prevent and restrain riots, noises,  
13 disturbances, or disorderly assemblies in any street, house, or  
14 place in the city.

15 26. Regulate Guns, Et Cetera.--To regulate, prohibit, and  
16 prevent the discharge of guns, rockets, powder, or any other  
17 dangerous instrument or combustible material within the city,  
18 and to prevent the carrying of concealed deadly weapons.

19 27. Sale and Use of Fireworks.--To regulate or prohibit and  
20 prevent the sale, use and discharge of fireworks, firecrackers,  
21 sparklers, and other pyrotechnics.

22 28. Arrest of Vagrants.--To arrest, fine, or set at work on  
23 the streets, or elsewhere, all vagrants found in said city.

24 29. Racing; Dangerous Practices; Et Cetera.--To prevent the  
25 racing of horses, cars and other vehicles, fast driving or  
26 riding in the streets or public places in the city, and all  
27 games, practices, or amusements, therein likely to result in  
28 danger or damages to any person or property.

29 30. Riding or Driving on Sidewalks.--To prevent or regulate  
30 the riding or driving of animals, or the passage of any vehicle

1 over, along and across sidewalks, and to regulate the passing of  
2 the same through the streets.

3 31. Regulations of Skating-Rinks, Theatres, Et Cetera.--  
4 Subject to the provisions of general laws of the Commonwealth  
5 regarding the same, to regulate all skating-rinks, operas,  
6 theatres, concerts, shows, circuses, menageries, and all kinds  
7 of public exhibitions for pay (except those for religious,  
8 educational or charitable purposes); and to restrain and  
9 prohibit, under fines or penalties, all exhibitions of indecent  
10 or immoral character.

11 32. Bathing; Boat Houses and Bath Houses.--To regulate the  
12 time and place of bathing in rivers and other public water in  
13 and adjoining the said city, and to construct, maintain and  
14 manage municipal boat houses and bath houses.

15 33. Prohibition of Fire Producing Devices in Certain Retail  
16 Stores.--To prohibit the smoking or carrying of lighted  
17 cigarettes, cigars, pipes or matches, and the use of matches or  
18 fire producing devices, in retail stores arranged to accommodate  
19 one hundred persons or more, or which employ ten or more  
20 employes: Provided, That any such ordinance passed under this  
21 provision shall not prohibit smoking in any restaurant room,  
22 rest room, beauty parlor, executive office, or any room  
23 designated for smoking in such store. To provide penalties for  
24 the violation of such ordinances.

25 34. Appropriations to Post of Veterans.--To appropriate  
26 annually to each camp of the United States War Veterans in the  
27 city, and to each post of the American Legion, and to each post  
28 of the Veterans of Foreign Wars, and to each post of the  
29 Veterans of World War I of the U. S. A., Inc., and to each post  
30 of the American Veterans of World War II (AMVETS), to each post

1 of the Catholic War Veterans, Inc., and to each detachment of  
2 the Marine Corps League, and to each Naval Association, and to  
3 each post of the Grand Army of the Republic, and to each post of  
4 the Disabled American Veterans of the World War, and to each  
5 chapter of the Military Order of the Purple Heart, and to each  
6 post of the Jewish War Veterans, and to each organization of  
7 American Gold Star Mothers, and to each post of the Italian  
8 American War Veterans of the United States, Incorporated, and to  
9 any other such organization of ex-service persons in the city,  
10 incorporated under the laws of the Commonwealth, a sum not to  
11 exceed three hundred dollars, to aid in defraying the expenses  
12 of Memorial Day and Armistice Day. Where the Grand Army of the  
13 Republic has ceased to exist or to function, such appropriation  
14 may be made to the Sons of Union Veterans of the Civil War, or,  
15 in the absence of such order, to a duly constituted organization  
16 which conducts the decorating of the graves of Union veterans of  
17 the Civil War. Such payments shall be made to defray actual  
18 expenses only. Before any payment is made, the organization  
19 receiving the same shall submit verified accounts of their  
20 expenditures.

21 35. Support of National Guard Units.--To appropriate  
22 annually a sum not exceeding seven hundred and fifty dollars for  
23 the support and maintenance, discipline and training of any  
24 dismounted company or similar unit of the National Guard, and a  
25 sum not to exceed fifteen hundred dollars for the support and  
26 maintenance of any mounted or motorized troop or similar unit of  
27 the National Guard. Where such units are organized as a  
28 battalion, regiment or similar organization, the total amount  
29 due may be paid to the commanding officer of the battalion,  
30 regiment or similar organization. Any moneys so appropriated



1 shall be paid by warrant drawn to the order of the commanding  
2 officer of such company, battalion, regiment or similar  
3 organization, only when it shall be certified to the city, by  
4 the Adjutant General of the Commonwealth, that the said company  
5 or companies have satisfactorily passed the annual inspection  
6 provided by law. The moneys so appropriated shall be used and  
7 expended solely and exclusively for the support and maintenance,  
8 discipline and training of the said company, battalion,  
9 regiment, or similar organization; and the commanding officer  
10 shall account, by proper vouchers to the said city each year,  
11 for the expenditure of the money so appropriated, and no  
12 appropriation shall be made for any subsequent year until the  
13 expenditure of the previous year is duly and satisfactorily  
14 accounted for.

15 The accounts of such expenditures shall be subject to the  
16 inspection of the Department of Military Affairs, and shall be  
17 audited by the city controller in the manner provided by this  
18 act for the audit of accounts of city moneys.

19 36. Appropriation of Money, Et Cetera, to Assist in Erection  
20 of Armories.--To appropriate money or convey land, either  
21 independently or in conjunction with any other political  
22 subdivision, to the Commonwealth, for the purpose of assisting  
23 the Armory Board of the State of Pennsylvania in the erection of  
24 armories for the use of the National Guard, and to furnish  
25 water, sewer services, light, or fuel free of cost to the  
26 Commonwealth for use in any armory of the National Guard; and to  
27 do all things necessary to accomplish the purpose of this  
28 clause.

29 37. Eminent Domain for National Guard Purposes.--To take, by  
30 right of eminent domain, for the purpose of appropriating to

1 itself for the use of the National Guard of Pennsylvania, such  
2 public lands, easments, and public property as may be in its  
3 possession or control and used or held by it for any other  
4 purpose. Such right, however, shall not be exercised as to any  
5 street or wharf.

6 38. Lands for Armory Purposes.--To acquire, by purchase or  
7 by gift, or by the right of eminent domain, any land for the use  
8 of the National Guard of Pennsylvania; and to convey such lands  
9 so acquired to the Commonwealth in order to assist the Armory  
10 Board in the erection of armories. The power conferred by this  
11 clause shall not be exercised to take any church property,  
12 grave-yard, or cemetery. Lands within three miles outside the  
13 limits of the city may be acquired in like manner for the use of  
14 the National Guard.

15 39. Purchase of Burial Grounds for Deceased Service  
16 Persons.--To appropriate money for and purchase plots of ground  
17 in any cemetery or burial ground, within their respective  
18 limits, for the interment of such deceased service persons as  
19 shall hereafter die within such city, or shall die beyond such  
20 city and shall have a legal residence within such city at the  
21 time of their death, and whose bodies are entitled to be buried  
22 by the county under the provisions of existing laws.

23 40. Payment of Rent for Veterans' Organizations.--By a two-  
24 third vote of the council, to appropriate money to any  
25 incorporated organization of veterans of any war in which the  
26 United States was engaged, to be used in the payment of the rent  
27 of any building or rooms in which such organization has its  
28 regular meetings.

29 41. Rooms for Meetings of Veterans.--To furnish, upon  
30 application, to each organization composed of veterans of the

1 Civil War, veterans of the Spanish American War, veterans of the  
2 World War or World War II, veterans of any foreign war, and  
3 children of veterans, a room or rooms in any public building of  
4 such city, sufficient for the meeting of each of such  
5 organizations at least once each month.

6 42. Care of Memorials.--To take charge of, care for,  
7 maintain, and keep in good order and repair, at the expense of  
8 the city, any soldiers' monument, gun or carriage, or similar  
9 memorial, situate in the city, and not in the charge or care of  
10 any person, body, or organization, and not put up or placed by  
11 the Government of the United States, the Commonwealth of  
12 Pennsylvania, the commissioners of the county, or by the  
13 direction or authority of any other state of the Union, and to  
14 receive from any person or organization any moneys or funds  
15 which can be used for the benefit of such memorials, and to  
16 expend the same.

17 43. Manufacture and Sale of Ice.--To manufacture ice, and to  
18 sell the same to the inhabitants of the city at such rates as  
19 shall be fixed by ordinance, and to erect, equip, and maintain  
20 such buildings and other structures, and purchase or hire and  
21 maintain such vehicles, as may be deemed necessary for such  
22 purpose.

23 44. Inspection of Milk.--To provide for the inspection of  
24 milk sold or consumed within the city and milk depots, and  
25 dairies which offer milk or milk products for retail sale within  
26 the city, under such rules and regulations as will protect the  
27 people from adulteration and dilution of the same.

28 45. Municipal Music.--To appropriate money to defray the  
29 expenses of musical entertainments held under the auspices of  
30 the city, and for the purpose of having music in any public park

1 or place.

2 46. Regulation and Licensing of Auction Sales.--To regulate  
3 and license sales of merchandise at public auction, other than  
4 judicial sales, sales by executors or administrators, or sales  
5 by or in behalf of licensed pawnbrokers of unredeemed pledges in  
6 the manner provided by law.

7 47. Aid to Historical Societies.--To make annual  
8 appropriations not exceeding one thousand dollars for the  
9 support and maintenance of the principal historical society  
10 located therein, which shall be incorporated under the laws of  
11 the Commonwealth, shall maintain permanent quarters and shall  
12 keep the same open to the public, shall have a membership of at  
13 least one hundred persons who have paid into the treasury of the  
14 society a membership fee of at least two dollars for the support  
15 of the society, shall hold, annually, at least two regular  
16 meetings that shall be open to the public, and shall at all  
17 times maintain facilities for the free storage, deposit, and  
18 inspection of official documents and records of the city, and  
19 other proper public or historical archives and records.

20 48. Establishment of Institutions to Collect Educational  
21 Collections.--To establish institutions authorized to collect  
22 and hold certain scientific, educational and economic  
23 collections, the object of each being the instruction of the  
24 public concerning commerce, manufacturing, mining, and  
25 agriculture; said institutions to have power to purchase or  
26 accept by gift any real estate, money, or personal property  
27 necessary for their use and promotion, and power to use, convey,  
28 or transfer the same, as if they were bodies corporate, to be  
29 governed by boards of trustees, nominated, appointed, and  
30 confirmed in such manner as council may determine.

1       49. Sprinkling of Streets.--To cause any street, or part  
2 thereof, not less than one block, to be sprinkled with water or,  
3 if such street is paved, to be cleaned during such time as it  
4 may be necessary, at the expense of the owners of property  
5 abutting upon the same. Upon the petition of the owners of such  
6 property, who shall represent a majority of the feet front on  
7 the street or part thereof, it shall be the duty of council to  
8 cause such sprinkling or cleaning to be done at the expense of  
9 the owners of property abutting thereon. Council may cause such  
10 sprinkling to be done with the water of the city, when water  
11 works are owned or operated by the city, and the sprinkling  
12 carts and apparatus owned by the city, or may contract for the  
13 use of said carts and apparatus with the lowest responsible  
14 bidder.

15       50. Electric Wires may be Placed Underground in Certain  
16 Districts.--To define a reasonable district within which all  
17 electric light wires, telephone and telegraph wires shall be  
18 placed under ground in conduits owned and constructed either by  
19 the municipality or by corporations owning such wires, or by  
20 corporations organized for the purpose of laying such conduits  
21 and renting space therein. In all cases in which such conduits  
22 are owned by any private corporation, partnership, or  
23 individual, there shall be reserved to the city, whether  
24 expressed in the ordinance or not, the right to regulate, by  
25 ordinance, the manner in which such conduit shall be used, and  
26 the terms and conditions of such use, and also the right to take  
27 such conduits, either by purchase, upon agreement of the owners  
28 thereof and the city, or by condemnation proceedings; in which  
29 latter case the proceedings for the assessment of damages shall  
30 be the same as provided in this act for property taken, injured

1 or destroyed.

2 The court of quarter sessions upon the appeal of any person  
3 may review any ordinance passed in pursuance of this clause, and  
4 may annul such ordinance if deemed unreasonable, capricious or  
5 arbitrary, such appeal to be taken within thirty days from the  
6 approval of such ordinance.

7 51. Ambulances and Service; Maintenance.--To acquire, by  
8 purchase, gift or bequest, or to operate and maintain ambulances  
9 or ambulance service for the purposes of conveying sick and  
10 injured persons in the city and the vicinity to and from  
11 hospitals, or in lieu thereof, to hire a private ambulance  
12 service, and, for such purposes, to appropriate and expend  
13 moneys of the city; or to appropriate money annually toward a  
14 nonprofit community ambulance service. All appropriations of  
15 money heretofore made and contracts for hire of private  
16 ambulance service heretofore entered into by any city are hereby  
17 validated and confirmed.

18 52. Weighing and Measuring of Commodities.--To regulate the  
19 weighing and measuring of every commodity sold in the city, in  
20 all cases not otherwise provided for by law, including the  
21 measuring of gas, water, and electric currents; to provide for  
22 and regulate the inspection and weighing of hay, grain, and  
23 coal, and the measuring of wood, bark, and fuel, to be used in  
24 the city, and to designate the place or places of inspecting and  
25 weighing the same; to regulate and prescribe the place or places  
26 for exposing for sale hay, coal, bark and wood; to demand and  
27 receive reasonable fees for such inspection, weighing and  
28 measuring; for the regulation and stamping of weights and  
29 measures; and the regulation and inspection of meters, except as  
30 otherwise provided by law.

1       53. Insurance.--To make contracts of insurance with any  
2 mutual or other fire insurance company, association or exchange,  
3 duly authorized by law to transact insurance business in the  
4 Commonwealth of Pennsylvania, on any building or property owned  
5 by the city.

6       To make contracts of insurance with any insurance company, or  
7 nonprofit hospitalization corporation, or nonprofit medical  
8 service corporation, authorized to transact insurance business  
9 within the Commonwealth, insuring its elected or appointed  
10 officers, officials and employes, or any class or classes  
11 thereof, or their dependents, under a policy or policies of  
12 group insurance covering life, health, hospitalization, medical  
13 service, or accident insurance, and to contract with any such  
14 company granting annuities or pensions for the pensioning of  
15 such persons; and, for such purposes, to agree to pay part or  
16 all of the premiums or charges for carrying such contracts, and  
17 to appropriate out of its treasury any money necessary to pay  
18 such premiums or charges, or portions thereof. All contracts  
19 procured hereunder shall conform and be subject to all the  
20 provisions of any existing or future laws concerning group  
21 insurance and group annuity contracts. The proper officer,  
22 agency, board or commission of the city having authority to  
23 enter into such contracts of insurance is hereby authorized,  
24 enabled and permitted to deduct from the officer's or employe's  
25 pay, salary or compensation, such part of the premium as is  
26 payable by the officer or employe and as may be so authorized by  
27 the officer or employe in writing.

28       54. Parking Lots.--To acquire by lease, purchase, or  
29 condemnation proceedings, any land which in the judgment of city  
30 council may be necessary and desirable for the purpose of

1 establishing and maintaining lots for the parking of motor  
2 vehicles, and for no other use or purpose, and to regulate the  
3 use thereof and to establish or designate, at the discretion of  
4 council, areas exclusively reserved for parking by handicapped  
5 individuals and to post signs regulating such areas.

6 55. Disorderly Conduct.--To define disorderly conduct within  
7 the limits of the city and to provide for the imposition of  
8 penalties for such conduct in such amounts, without limitation  
9 except as in this act provided, as council shall establish, and  
10 notwithstanding any statutes of the Commonwealth upon disorderly  
11 conduct and the penalties therefor.

12 56. Official Expenses on City Business.--To make  
13 appropriations for the reasonable expenses of city officials  
14 actually incurred in the conduct of city business.

15 57. Insurance Against Burglary, Etc.--To insure against  
16 burglary or theft of city property, or against fire and other  
17 calamities, and against public liability.

18 58. To Provide Against Hazards of War.--To build or  
19 establish bomb shelters or assist in so doing to provide against  
20 all hazards of war and their consequences; and for all such  
21 purposes, to have the power of eminent domain, to cooperate with  
22 any other unit and agency of government, Federal, State, or  
23 local, in every lawful way, for purposes of defense and against  
24 the hazards of war.

25 59. Municipality Authorities; Cooperation with Other  
26 Political Subdivisions.--To form municipality authorities as  
27 authorized by law. To cooperate with other political  
28 subdivisions in the conduct of city affairs as authorized by  
29 law.

30 60. Local Self-Government.--In addition to the powers and



1 authority vested in each city by the provisions of this act, to  
2 make and adopt all such ordinances, by-laws, rules and  
3 regulations, not inconsistent with or restrained by the  
4 Constitution and laws of this Commonwealth, as may be expedient  
5 or necessary for the proper management, care and control of the  
6 city and its finances, and the maintenance of the peace, good  
7 government, safety and welfare of the city, and its trade,  
8 commerce and manufactures; and also all such ordinances, by-  
9 laws, rules and regulations as may be necessary in and to the  
10 exercise of the powers and authority of local self-government in  
11 all municipal affairs; and the said ordinances, by-laws, rules  
12 and regulations to alter, modify, and repeal at pleasure; and to  
13 enforce all ordinances inflicting penalties upon inhabitants or  
14 other persons for violations thereof, and impose penalties in  
15 accordance with section 4131.1: Provided, however, That no  
16 ordinance, by-law, rule or regulation shall be made or passed  
17 which contravenes or violates any of the provisions of the  
18 Constitution of the United States or of this Commonwealth, or of  
19 any act of Assembly heretofore or that may be hereafter passed  
20 and in force in said city.

21 61. Historical Property.--To acquire by purchase or by gift,  
22 and to repair, supervise, operate and maintain ancient landmarks  
23 and other property of historical or antiquarian interest, which  
24 is either listed in the Catalogue of Historical Sites and  
25 Buildings in Pennsylvania issued by the Joint State Government  
26 Commission, or approved for acquisition by the Pennsylvania  
27 Historical and Museum Commission as having historical  
28 significance.

29 62. Appropriations for Handling, Storage and Distribution of  
30 Surplus Foods.--The council of any city to which this act

1 applies may appropriate from city funds moneys for the handling,  
2 storage and distribution of surplus foods obtained either  
3 through a local, State or Federal agency.

4 All appropriations of moneys heretofore made by the council  
5 of any city for the handling, storage and distribution of  
6 surplus foods obtained, either through a local, State or Federal  
7 agency, are hereby validated.

8 63. Junk Dealers and Junk Yards.--To regulate and license  
9 junk dealers and the establishment and maintenance of junk yards  
10 and scrap yards including, but not limited to, automobile junk  
11 or grave yards.

12 64. Appropriations for Industrial Promotions.--To make  
13 appropriations to an industrial development agency as defined in  
14 section 3, act of May 31, 1956 (P.L.1911), known as the  
15 "Industrial Development Assistance Law," when the city is  
16 located within the area for which the agency has been authorized  
17 to make application to and receive grants from the Department of  
18 Commerce for the purposes specified in the "Industrial  
19 Development Assistance Law."

20 65. Non-debt Revenue Bonds.--To issue non-debt revenue bonds  
21 pursuant to provisions of the act of June 25, 1941 (P.L.159),  
22 known as the "Municipal Borrowing Law," and its amendments, to  
23 provide sufficient moneys for and toward the acquisition,  
24 construction, reconstruction, extension or improvement of  
25 municipal facilities, including water systems or facilities,  
26 sewers, sewer systems and sewage disposal systems or facilities,  
27 systems for the treatment or disposal of garbage and refuse,  
28 buildings, machinery and apparatus for manufacturing and  
29 distributing electric, gas or light, aeronautical facilities  
30 including but not limited to airports, terminals and hangars,

1 park and recreational facilities, parking lots and public  
2 auditoriums to be secured solely by the pledge of the whole or  
3 part of the rent, toll or charge for the use or services of such  
4 facilities. Included in the cost of the issue may be any costs  
5 and expenses incident to constructing and financing the  
6 facilities and selling and distributing the bonds.

7       66. Appropriations for Urban Common Carrier Mass  
8 Transportation.--To appropriate funds for urban common carrier  
9 mass transportation purposes from current revenues and to make  
10 annual contributions to county departments of transportation or  
11 to urban common carrier mass transportation authorities to  
12 assist the departments or the authorities to meet costs of  
13 operation, maintenance, capital improvements, and debt service,  
14 and to enter into long-term agreements providing for the payment  
15 of the said contributions.

16       67. Adoption and Amendment of Codes by Reference.--To  
17 incorporate by reference the provisions of any code or portions  
18 of any code, or any amendment thereof, properly identified as to  
19 date and source, without setting forth in full the provisions to  
20 be adopted: Provided, however, That no portion of any code which  
21 limits the work to be performed to any type of construction  
22 contractor, or labor or mechanic classification shall be  
23 adopted. Not less than three copies of such code, portion, or  
24 amendment which is incorporated or adopted by reference, shall  
25 be filed with the clerk of the city and kept with the city  
26 ordinance book, and available for public use, inspection and  
27 examination. The filing requirements herein prescribed shall not  
28 be deemed to be complied with unless the required copies of such  
29 codes, portion, or amendment or public record are filed with the  
30 clerk of such city at least ten days before council considers

1 the proposed ordinance.

2 Any ordinance adopted by reference to any code shall be  
3 enacted within sixty days after it is filed with the clerk of  
4 the city, and shall only encompass the provisions of the code  
5 effective as of the code date stated in the ordinance. Any  
6 subsequent changes in the code shall be adopted by the city  
7 before they may become effective as an ordinance of the city.

8 Any city that has adopted any code by reference may adopt  
9 subsequent ordinances which incorporate by reference any  
10 subsequent changes thereof, properly identified as to date and  
11 source, as may be adopted by the agency or association which  
12 promulgated the code.

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

17 68. Appropriation for Nonprofit Art Corporation.--To  
18 appropriate moneys annually, not exceeding an amount equal to  
19 one mill of the real estate tax to any nonprofit art corporation  
20 for the conduct of its artistic and cultural activities. For the  
21 purposes of this section nonprofit art corporation shall mean a  
22 local arts council, commission or coordinating agency, or any  
23 other nonprofit corporation engaged in the production or display  
24 of works of art, including the visual, written or performing  
25 arts. Artistic and cultural activities shall include the display  
26 or production of theater, music, dance, painting, architecture,  
27 sculpture, arts and crafts, photography, film, graphic arts and  
28 design and creative writing.

29 69. Emergency Services.--(a) The city shall be responsible  
30 for ensuring that fire and emergency medical services are

1 provided within the city by the means and to the extent  
2 determined by the city, including the appropriate financial and  
3 administrative assistance for these services.

4 (b) The city shall consult with fire and emergency medical  
5 services providers to discuss the emergency services needs of  
6 the city.

7 (c) The city shall require any emergency services  
8 organizations receiving city funds to provide to the city an  
9 annual itemized listing of all expenditures of these funds  
10 before the city may consider budgeting additional funding to the  
11 organization.]

12 Section 187. The act is amended by adding sections to read:

13 Section 2404. Creation of Capital and Operating Reserve  
14 Funds.--(a) Council may create and maintain a separate capital  
15 reserve fund for any anticipated capital expenses, which fund  
16 shall be designated for a specific purpose or purposes when  
17 created. The moneys in the fund shall be used for no other  
18 purpose unless the council declares that conditions in the city  
19 make other expenses more urgent than those for which the fund  
20 was created. Council may appropriate moneys from the general  
21 city funds to be paid into the capital reserve fund or place in  
22 the fund any moneys received from the sale, lease or other  
23 disposition of any city property or from any other source.

24 (b) With regard to an operating reserve fund the following  
25 shall apply:

26 (1) Council shall have the power to create and maintain a  
27 separate operating reserve fund in order to:

28 (i) minimize future revenue shortfalls and deficits;

29 (ii) provide greater continuity and predictability in the  
30 funding of vital government services;

1 (iii) minimize the need to increase taxes to balance the  
2 budget in times of fiscal distress; and

3 (iv) provide the capacity to undertake long-range financial  
4 planning and to develop fiscal resources to meet long-term  
5 needs.

6 (2) Council may annually make appropriations from the  
7 general city fund to the operating reserve fund, but no  
8 appropriation shall be made to the operating reserve fund if the  
9 effect of the appropriation would cause the fund to exceed five  
10 per centum of the estimated revenues of the city's general fund  
11 in the current fiscal year.

12 (3) Council may at any time by resolution make  
13 appropriations from the operating reserve fund for the following  
14 purposes only:

15 (i) to meet emergencies involving the health, safety or  
16 welfare of the residents of the city;

17 (ii) to counterbalance potential budget deficits resulting  
18 from shortfalls in anticipated revenues or program receipts from  
19 whatever source; or

20 (iii) to provide for anticipated operating expenditures  
21 related either to the planned growth of existing projects or  
22 programs or to the establishment of new projects or programs if,  
23 for each such project or program, appropriations have been made  
24 and allocated to a separate restricted account established  
25 within the operating reserve fund.

26 (c) The operating reserve fund shall be invested, reinvested  
27 and administered in a manner consistent with the provisions of  
28 this act relating to the investment of city funds generally.

29 Section 2405. Hiring of Employes; Salaries.--Council may  
30 provide for and regulate the manner of hiring and discharging

1 employees and the fixing of their salaries or compensation,  
2 consistent with applicable Federal and State law.

3 Section 2406. Creation of Necessary Offices or Boards.--In  
4 addition to the city departments established in accordance with  
5 Article XI, council may create any city office, or public board,  
6 bureau or commission, which it may deem necessary for the good  
7 government and interests of the city, and, with regard to an  
8 office or membership on a board, bureau or commission, unless  
9 otherwise provided by this act, council may make appointments  
10 thereto and regulate and prescribe the terms, duties and  
11 compensation thereof.

12 Section 2407. Lockups.--(a) Council may provide for lockup  
13 facilities as deemed necessary for the detention and confinement  
14 of persons.

15 (b) No city shall erect or construct a city jail or lockup,  
16 or use any existing building or lockup for the first time that  
17 will be or is located within five hundred feet of any public  
18 school building.

19 Section 2408. Market Places.--Council may:

20 (1) Purchase, lease and own ground for market places.

21 (2) Erect, maintain, and establish market places.

22 (3) Provide for and enforce suitable general market  
23 regulations.

24 (4) Contract with any person or persons or association of  
25 persons, companies or corporations for the erection and  
26 regulation of market places, on such terms and conditions and in  
27 such manner as council may prescribe.

28 (5) Levy and collect a license fee from every person or  
29 persons who may be authorized by council to occupy any portion  
30 of the streets, sidewalks or city property for temporary market

1 purposes.

2 Section 2409. Accumulation of Ashes, Garbage, Solid Waste  
3 and Refuse Materials.--(a) Council in the manner authorized by  
4 the act of July 7, 1980 (P.L.380, No.97), known as the "Solid  
5 Waste Management Act," and the act of July 28, 1988 (P.L.556,  
6 No.101), known as the "Municipal Waste Planning, Recycling and  
7 Waste Reduction Act," may prohibit accumulations of ashes,  
8 garbage, solid waste and other refuse materials upon private  
9 property, including the imposition and collection of reasonable  
10 fees and charges for the collection, removal and disposal  
11 thereof.

12 (b) Council may collect and remove, by contract or  
13 otherwise, ashes, garbage, solid waste and other refuse  
14 materials and recyclables and prescribe penalties for the  
15 enforcement thereof. Any contract with refuse haulers may be  
16 made for an initial period not exceeding five years with  
17 optional renewal periods of up to five years. This limitation  
18 does not apply to contracts with any other county or municipal  
19 corporation.

20 (c) Council may dispose of, by contract or otherwise, ashes,  
21 garbage, solid waste or other refuse materials. Any contract  
22 with the owner of a private facility for the disposal or  
23 incineration of ashes, garbage, solid waste or other refuse  
24 materials may be made for a period not exceeding twenty years.  
25 This limitation does not apply to contracts with any county or  
26 municipal corporation.

27 (d) Council may acquire any real property and erect,  
28 maintain, improve, operate and lease, either as lessor or  
29 lessee, facilities for incineration, landfill or other methods  
30 of disposal, either inside or outside the limits of the city,



1 including equipment, either separately or jointly, with any  
2 county or municipal corporation in order to provide for the  
3 destruction, collection, removal and disposal of ashes, garbage,  
4 solid waste or other refuse materials, for the collection and  
5 storage of recyclable materials or for the composting of leaf  
6 and yard waste. Council may provide for the payment of the cost  
7 thereof out of the funds of the city. Council may acquire land  
8 for landfill purposes, either amicably or by exercising the  
9 power of eminent domain, and maintain lands and places for the  
10 dumping of ashes, garbage, solid waste or other refuse  
11 materials. If council acquires land outside the limits of the  
12 city by exercising the power of eminent domain, the taking shall  
13 be subject to the limitations in 26 Pa.C.S. § 206 (relating to  
14 extraterritorial takings).

15 (e) Council may establish, alter, charge and collect rates  
16 and other charges for the collection, removal and disposal of  
17 ashes, garbage, solid waste, other refuse materials and  
18 recyclable materials, and the cost of including the payment of  
19 any indebtedness incurred for the construction, purchase,  
20 improvement, repair, maintenance and operation of any facilities  
21 therefore, and the amount due under any contract with any county  
22 or municipal corporation furnishing the services or facilities.  
23 The rates and other charges shall be collected pursuant to the  
24 Municipal Claim and Tax Lien Law, or by an action in assumpsit.

25 (f) Council may make appropriations to any county or  
26 municipal corporation for the construction, purchase,  
27 improvement, repair, maintenance and operation of any facilities  
28 for the collection, removal, disposal or marketing of ashes,  
29 garbage, solid waste, other refuse materials, recyclable  
30 materials or composted leaf and yard waste.

1 (g) A city shall not be subject to requirements otherwise  
2 imposed by law for the sale of personal property owned by the  
3 city when selling recyclable materials or materials separated,  
4 collected, recovered or created by recycling, as provided in the  
5 act of April 9, 1992 (P.L.70, No.21), entitled "An act excluding  
6 the sale of recyclable material from political subdivision  
7 personal property sale restrictions relating to advertising and  
8 bidding."

9 Section 2410. Regulation of Pets and Feral Animals.--Council  
10 may, by ordinance, prohibit and regulate the running at large of  
11 dogs, cats, other pets and feral animals.

12 Section 2411. Inspection and Regulation of Fireplaces,  
13 Chimneys, Et Cetera; Smoke Regulations.--In conformity with  
14 Federal and State laws and regulations, council may regulate and  
15 inspect fireplaces, chimneys and other sources of smoke and fly-  
16 ash to control the production and emission of unnecessary smoke  
17 and fly-ash.

18 Section 2412. Fireworks and Inflammable Articles.--In  
19 conformity with Federal and State laws and regulations, council  
20 may:

21 (1) Regulate and prohibit the manufacture of fireworks or  
22 inflammable or dangerous articles.

23 (2) Grant permits for supervised public displays of  
24 fireworks and adopt rules and regulations governing the  
25 displays.

26 (3) Adopt rules and regulations not inconsistent with State  
27 regulations relating to the storage of inflammable articles.

28 (4) Impose other safeguards concerning inflammable articles  
29 as may be necessary.

30 Section 2413. Regulation of Division Fences, Party Walls,

1 Foundations.--(a) Subject to the provisions of and regulations  
2 adopted pursuant to the "Pennsylvania Construction Code Act" and  
3 other applicable law, council may provide regulations for party  
4 walls and division fences and for the foundations of buildings,  
5 and for entering upon the land or lands, lot or lots, of any  
6 person or persons, within the city, at all reasonable hours, by  
7 its duly appointed city engineer, or building inspectors, in  
8 order to enforce the regulations and set out foundations.  
9 Council may also prescribe reasonable fees for the service of  
10 city officers in the inspection and regulation of party walls,  
11 division fences and foundations, and may enforce the payment of  
12 the same. Council may provide fines or penalties for violations  
13 of an ordinance enacted pursuant to this section.

14 (b) In setting out foundations and regulating party walls as  
15 to breadth and thickness, the city shall cause the foundations  
16 to be laid equally upon the lands of the persons between whom  
17 the party wall is to be made. The cost of the foundation and  
18 party wall shall be divided proportionately among the property  
19 owners sharing the same. The property owners shall either share  
20 the expense when the foundation is laid and the party wall is  
21 erected, or when the subsequent building is erected if all  
22 buildings are not erected at the same time.

23 Section 2414. Nuisances.--Council may prohibit and abate  
24 public nuisances in accordance with Article XXVII-A.

25 Section 2415. Regulation of Encroachments.--In compliance  
26 with applicable State laws and city ordinances, council may  
27 provide for the regulation of all encroachments in, under or  
28 upon any of the sidewalks or other portion of the streets of the  
29 city.

30 Section 2416. Shade Trees.--(a) Council may, by ordinance,

1 regulate the manner and method, if any, for the planting,  
2 trimming, removing, maintaining and protection of shade trees  
3 in, on and along or extending over the public streets, sidewalks  
4 and rights-of-way of the city, and provide for penalties for  
5 violations thereof. The cost of such activities may, at  
6 council's discretion, be assessed against the owners of the  
7 properties abutting the street, sidewalk or right-of-way upon  
8 which any tree is located pursuant to Article XLV-A, except that  
9 the cost and expense of caring for trees after they have been  
10 planted shall be paid by the city.

11 (b) Council may, by ordinance, provide for the creation of a  
12 shade tree commission, its composition, powers and duties and  
13 delegate council's authority for regulating shade trees to the  
14 commission. Alternatively, council may delegate its regulatory  
15 powers for shade trees to an existing department. If a shade  
16 tree commission is established, its meeting shall be subject to  
17 the provisions of 65 Pa.C.S. Ch. 7 (relating to open meetings).

18 Section 2417. Numbering of Buildings.--Council may require  
19 and regulate the numbering of buildings and lots.

20 Section 2418. Transportation Stands.--Council may establish  
21 stands for taxis, buses, automobiles, and other vehicles for  
22 hire, and enforce the observance and use thereof.

23 Section 2419. Police Force.--(a) Council shall have the  
24 power to establish and maintain a police force, and define the  
25 duties of the same in accordance with Article XX.

26 (b) Subject to the requirements of 53 Pa.C.S. Ch. 23 Subch.  
27 A (relating to intergovernmental cooperation), council shall  
28 have the power to provide for police services to be performed by  
29 municipal police officers by contract or by purchase of the  
30 police services or by joining or developing a consolidated

1 regional police service.

2 Section 2420. Police Regulations.--Council may establish and  
3 enforce suitable police regulations for the protection of  
4 persons and property.

5 Section 2421. Rewards.--Council may offer rewards for the  
6 arrest and conviction of persons guilty of capital or other  
7 crimes within the city.

8 Section 2422. Prevent Riots.--Council may prevent and  
9 restrain riots, noises, disturbances or disorderly assemblies in  
10 any street, house or place in the city.

11 Section 2423. Regulate Discharge of Guns and Deadly  
12 Weapons.--To the extent permitted by Federal and other State  
13 law, council may regulate, prohibit, prevent the discharge of  
14 guns and prevent the carrying of concealed deadly weapons.

15 Section 2424. Racing; Dangerous Practices; Et Cetera.--With  
16 regard to streets and public places in the city, council may  
17 regulate or prohibit racing or fast driving of vehicles, and all  
18 games, practices or amusements likely to result in danger or  
19 damages to any person or property.

20 Section 2425. Bathing; Recreational Swimming Establishments;  
21 Boat Houses and Bath Houses.--To the extent permitted by the act  
22 of June 23, 1931 (P.L.899, No.299), known as the "Public Bathing  
23 Law," council may regulate the time and place of bathing in  
24 rivers and other public water in and adjoining the city, and may  
25 construct, maintain and manage municipal boat houses, bath  
26 houses and recreational swimming establishments.

27 Section 2426. Musical Entertainment.--Council may  
28 appropriate money to defray the expenses of musical  
29 entertainments held under the auspices of the city, and for the  
30 purpose of having music in any public park or place.

1 Section 2427. Aid to Historical Societies.--Council may make  
2 annual appropriations for the support and maintenance of the  
3 principal historical society located in the city, which shall be  
4 incorporated under the laws of the Commonwealth, shall maintain  
5 permanent quarters and shall keep the same open to the public.

6 Section 2428. Establishment of Institutions to Collect  
7 Educational Collections.--Council may establish institutions  
8 authorized to collect and hold certain scientific, educational  
9 and economic collections, the object of each being the  
10 instruction of the public concerning commerce, manufacturing,  
11 mining and agriculture. The institutions may purchase or accept  
12 by gift any real estate, money or personal property necessary  
13 for their use and promotion. The institutions may use, convey,  
14 or transfer the same as if they were bodies corporate, and these  
15 institutions shall be governed by boards of trustees, nominated,  
16 appointed and confirmed in the manner council may determine.

17 Section 2429. Ambulances and Rescue and Life Saving  
18 Services.--Council may acquire, operate and maintain motor  
19 vehicles for the purposes of conveying sick and injured persons  
20 to and from hospitals, and it may appropriate moneys toward  
21 ambulance and rescue and life saving services and make contracts  
22 relating thereto.

23 Section 2430. Insurance.--(a) Council, in its discretion,  
24 or as required by law or a collective bargaining agreement, may  
25 make contracts of insurance and contracts for annuities or  
26 pensions, including, but not limited to, the following:

27 (1) Contracts of insurance with any mutual or other fire  
28 insurance company, association or exchange, duly authorized by  
29 law to transact insurance business in the Commonwealth of  
30 Pennsylvania, on any building or property owned by the city and

1 contracts to insure against burglary or theft of city property,  
2 or against fire and other calamities, and against public  
3 liability.

4 (2) Contracts of insurance with any insurance company, or  
5 nonprofit hospitalization corporation, or nonprofit medical  
6 service corporation, authorized to transact insurance business  
7 within this Commonwealth, insuring elected or appointed  
8 officers, officials and employes of the city, or any class or  
9 classes thereof, or their dependents, under a policy or policies  
10 of group insurance covering life, health, hospitalization,  
11 medical service or accident insurance.

12 (3) Contracts to purchase annuities or pensions for elected  
13 or appointed officers, officials and employes, or any class or  
14 classes thereof.

15 (b) In the case of contracts for the benefit of elected or  
16 appointed officers, officials and employes of the city, or any  
17 class or classes thereof, or their dependents, the city may, as  
18 determined by council, or as required by law or a collective  
19 bargaining agreement, pay part or all of the premiums or charges  
20 for the contracts.

21 Section 2431. Parking Lots.--Council may acquire by lease,  
22 purchase, or condemnation proceedings, land which in its  
23 judgment may be necessary and desirable for the purpose of  
24 establishing and maintaining lots for the sole purpose of  
25 parking motor vehicles. Council may regulate the use of the land  
26 including the posting of signs and may establish or designate  
27 areas exclusively reserved for parking by persons with  
28 disabilities. Such regulation of parking lots shall be  
29 consistent with 75 Pa.C.S. (relating to vehicles) and the act of  
30 October 27, 1955 (P.L.744, No.222), known as the "Pennsylvania

1 Human Relations Act."

2 Section 2432. Disorderly Conduct.--Council may, by  
3 ordinance, prohibit disorderly conduct within the limits of the  
4 city and provide for the imposition of penalties in accordance  
5 with this act. If an ordinance is enacted, it shall define  
6 disorderly conduct in a manner substantially similar to the  
7 provisions of 18 Pa.C.S. § 5503 (relating to disorderly  
8 conduct).

9 Section 2433. Official Expenses on City Business.--Council  
10 may make appropriations for the reasonable expenses of city  
11 officials actually incurred in the conduct of city business.

12 Section 2434. Municipality Authorities; Cooperation with  
13 Other Political Subdivisions.--(a) The council may by  
14 ordinance, individually or in cooperation with other  
15 municipalities or school districts, form municipal authorities  
16 as authorized by 53 Pa.C.S. Ch. 56 (relating to municipal  
17 authorities).

18 (b) The council may by ordinance make cooperative agreements  
19 with regard to the performance of a city's powers, duties and  
20 functions in accordance with the provisions of 53 Pa.C.S. Ch. 23  
21 Subch. A (relating to intergovernmental cooperation).

22 Section 2435. Local Self-Government.--The council of each  
23 city shall have power to enact, make, adopt, alter, modify,  
24 repeal and enforce in accordance with this act ordinances,  
25 resolutions, rules and regulations, not inconsistent with or  
26 restrained by the Constitution of Pennsylvania and laws of this  
27 Commonwealth, that are either of the following:

28 (1) Expedient or necessary for the proper management, care  
29 and control of the city and its finances, and the maintenance of  
30 the peace, good government, safety and welfare of the city and



1 its trade, commerce and manufactures.

2 (2) Necessary to the exercise of the powers and authority of  
3 local self-government in all municipal affairs.

4 Section 2436. Historical Property.--Council may acquire by  
5 purchase or by gift, and may repair, supervise, operate and  
6 maintain landmarks and other historical properties which are  
7 either eligible for listing or listed in the National Register  
8 of Historic Places, or certified by the Pennsylvania Historical  
9 and Museum Commission as having historical significance.

10 Section 2437. Appropriations for Handling, Storage and  
11 Distribution of Surplus Foods.--(a) Council may appropriate  
12 from city funds moneys for the handling, storage and  
13 distribution of surplus foods obtained through a Federal, State  
14 or local agency.

15 (b) All appropriations of moneys previously made by the  
16 council of any city for the handling, storage and distribution  
17 of surplus foods obtained, through a local, Federal, State or  
18 local agency, are hereby validated.

19 Section 2438. Junk Dealers and Junk Yards.--Council may  
20 regulate and license junk dealers and the establishment and  
21 maintenance of junk yards and scrap yards, including, but not  
22 limited to, automobile junk or grave yards.

23 Section 2439. Appropriations for Industrial Promotions.--  
24 Council may make appropriations to an industrial development  
25 organization as defined in section 2301 of the act of June 29,  
26 1996 (P.L.434, No.67), known as the "Job Enhancement Act," when  
27 the city is located within the area for which the industrial  
28 development organization has been authorized to make application  
29 to and receive grants from the Department of Community and  
30 Economic Development for the purposes specified in Chapter 23 of

1 the "Job Enhancement Act."

2 Section 2440. Non-debt Revenue Bonds.--Consistent with and  
3 without limitation of any power conferred or duty imposed by 53  
4 Pa.C.S. Pt. VII Subpt. B, (relating to indebtedness and  
5 borrowing), council may issue non-debt revenue bonds pursuant to  
6 provisions of 53 Pa.C.S. Pt. VII Subpt. B.

7 Section 2441. Appropriations for Urban Common Carrier Mass  
8 Transportation.--Council may appropriate funds for urban common  
9 carrier mass transportation purposes from current revenues and  
10 make annual contributions to county departments of  
11 transportation or to urban common carrier mass transportation  
12 authorities to assist the departments or the authorities to meet  
13 costs of operation, maintenance, capital improvements and debt  
14 service, and to enter into long-term agreements providing for  
15 the payment of the contributions.

16 Section 2442. Appropriation for Nonprofit Art Corporation.--  
17 Council may appropriate moneys annually, not exceeding an amount  
18 equal to one mill of the real estate tax to any nonprofit art  
19 corporation for the conduct of its artistic and cultural  
20 activities. For the purposes of this section, "nonprofit art  
21 corporation" shall mean a local arts council, commission or  
22 coordinating agency, or any other nonprofit corporation engaged  
23 in the production or display of works of art, including the  
24 visual, written or performing arts. Artistic and cultural  
25 activities shall include the display or production of theater,  
26 music, dance, painting, architecture, sculpture, arts and  
27 crafts, photography, film, graphic arts and design and creative  
28 writing.

29 Section 2443. Ratification and Validation of Real Estate  
30 Sales.--All deeds conveying title to real estate or interests

1 therein from any city to any other party which are executed and  
2 delivered pursuant to an ordinance or resolution of the city  
3 council and which are not contested by an action filed in the  
4 court of common pleas of the county in which the city is located  
5 within six years of the date such deeds are recorded are hereby  
6 declared to be valid and to have fully and effectively conveyed  
7 the property and interests described therein in accordance with  
8 the terms thereof. No such deed shall thereafter be subject to  
9 attack in any court, agency or proceeding.

10 Section 2444. Maintenance and Validation of Certain  
11 Records.--Except as otherwise may be required by any law  
12 governing the recording of documents with the recorder of deeds,  
13 all city records that are required to be recorded or copied  
14 shall be deemed valid if recorded or transcribed by any digital,  
15 photostatic, photographic, microphotographic, microfilm,  
16 microcard, miniature photographic, optical, electronic or other  
17 process which accurately reproduces the original and forms a  
18 durable medium for recording, storing and reproducing the  
19 original in accordance with standards, policies and procedures  
20 for the creation, maintenance, transmission or reproduction of  
21 images of records approved by the county or local government  
22 records committees, as applicable, and as otherwise provided by  
23 law. No city shall be required to retain original or paper  
24 copies of any documents after the documents are archived by any  
25 of the methods stated in this section or as otherwise provided  
26 by law. Where recording in a specific book is required, except  
27 for minutes or the proceedings of council, such records may be  
28 recorded, transcribed or otherwise assembled in an appropriate  
29 book, disk or other medium approved by resolution of council,  
30 and all records heretofore recorded and assembled in any manner

1 are hereby validated.

2 Section 2445. Rights Within Streets and Rights-of-Way.--(a)  
3 The power granted to a city in subsection (b) shall be exercised  
4 in compliance with Federal and State law and shall be subject to  
5 the power of the Pennsylvania Public Utility Commission, under  
6 66 Pa.C.S. Pt. I (relating to public utility code) to regulate  
7 the business, facilities and service of public utilities,  
8 including determining the location and installation of utility  
9 facilities.

10 (b) Council may consent to a public or private corporation  
11 or any other person using city streets and other properties,  
12 whether such use is within, on or over the streets or public  
13 property in question, for transportation purposes or for the  
14 purpose of installing and maintaining pipes, wires, fibers,  
15 cables or any other utility or service medium. Council may  
16 define a reasonable district or reasonable districts within  
17 which all electric or telephone wires, cables or any other  
18 utility or service medium are to be placed underground. A city  
19 shall pay just compensation to any property owner whose land has  
20 been acquired by the city for use as a right-of-way for purposes  
21 of this section. Just compensation shall be determined pursuant  
22 to 26 Pa.C.S. (relating to eminent domain).

23 Section 2446. Emergency Services.--(a) The city shall be  
24 responsible for ensuring that fire and emergency medical  
25 services are provided within the city by the means and to the  
26 extent determined by the city, including the appropriate  
27 financial and administrative assistance for these services.

28 (b) The city shall consult with fire and emergency medical  
29 services providers to discuss the emergency services needs of  
30 the city.



1 Qualifications.--The council of each city on the first Monday of  
2 January, one thousand nine hundred and fifty-two, and on the  
3 first Monday of January in every fourth year thereafter, or as  
4 soon thereafter as may be conveniently done, shall elect one  
5 person, resident of the city for at least five years previous to  
6 his election, a qualified elector thereof, and owner of real  
7 estate therein, at the time of his election and during the  
8 entire term of service, of the assessed value of at least five  
9 hundred dollars, as city assessor, to serve for the term of four  
10 years from the first Monday of January in the year in which he  
11 is elected. Any assessor may be removed from office by council  
12 and the vacancy thus occasioned may be filled in the manner  
13 hereinafter provided. Council shall not permit any person  
14 elected assessor to enter upon the duties of said office, nor  
15 continue in office, when he does not have and possess all of the  
16 qualifications aforesaid. For this purpose council shall have  
17 power, by a majority vote of all the members elected thereto, to  
18 declare the said office of assessor vacant at any time any  
19 person has not or ceases to have the qualifications aforesaid  
20 for the said office. They may thereupon fill the vacancy thus  
21 occasioned, in the manner hereinafter provided for the filling  
22 of vacancies.

23 Section 2502. Oath of Assessor; Filling of Vacancies.--The  
24 said assessor shall, before entering upon his duties, take and  
25 subscribe the oath prescribed for municipal officers, and file  
26 the same with the city clerk. Any vacancy happening in said  
27 office shall be filled by appointment by council, for the  
28 unexpired term.

29 Section 2503. Assistant Assessors; Compensation of Assessors  
30 and Assistants.--The council may, during each triennial year and

1 in the intervening years, appoint such assistant assessors, to  
2 serve for such length of time as council may authorize, direct,  
3 or appoint by ordinance. Such assistant assessors shall be  
4 removable at the pleasure of council. The compensation or salary  
5 of the city assessor, and of the assistant assessors, if any,  
6 shall be fixed by ordinance.]

7 Section 191. Sections 2503.1 and 2504 of the act, amended or  
8 added December 13, 1982 (P.L.1192, No.273), are repealed:

9 [Section 2503.1. Definitions.--The following words and  
10 phrases when used in this act shall have, unless the context  
11 clearly indicates otherwise, the meanings given to them in this  
12 section:

13 "Base year," the year upon which real property market values  
14 are based for the most recently citywide revision of assessment  
15 of real property or other prior year upon which the market value  
16 of all real property of the city is based. Real property market  
17 values shall be equalized within the city and any changes by the  
18 board of revision of taxes and appeals shall be expressed in  
19 terms of such base year values.

20 "Board," the board of revision of taxes and appeals in cities  
21 of the third class.

22 "Common level ratio," the ratio of assessed value to current  
23 market value used generally in the county as last determined by  
24 the State Tax Equalization Board pursuant to the act of June 27,  
25 1947 (P.L.1046, No.447), referred to as the State Tax  
26 Equalization Board Law.

27 "Established predetermined ratio," the ratio of assessed  
28 value to market value established by the city council and  
29 uniformly applied in determining assessed value in any year.

30 Section 2504. Assessment of Property; Duties of Assessor.--

1 (a) The assessor shall make, or cause to be made, during the  
2 year one thousand nine hundred fifty-four, and every third year  
3 thereafter, a full, just, equal, and impartial assessment of all  
4 property, taxable according to the laws of this Commonwealth for  
5 county purposes, and all matters and things within the city  
6 subject by law to taxation for city purposes, and a just and  
7 perfect list of all property exempt by law from taxation, with a  
8 just valuation of the same. But nothing hereinbefore contained  
9 shall be construed as making taxable for city purposes the  
10 classes of personal property which by law are made taxable  
11 exclusively for county purposes at the rate of four mills. With  
12 his assessment he shall return such dimension, description, or  
13 quality of each lot or parcel of land as will be sufficient to  
14 identify the same, together with the number and kind of  
15 improvements. At the triennial assessment, the assessor shall,  
16 if council so directs by ordinance, classify all real estate in  
17 the city, in such manner and upon such testimony as may be  
18 adduced before him, so as to distinguish between the buildings  
19 on land and the land exclusive of the buildings, and he shall  
20 certify to the council the aggregate valuation of all real  
21 estate subject to taxation for city purposes within each such  
22 classification. At the next triennial assessment following the  
23 effective date of this amending act, the assessor shall, if  
24 council by ordinance so directs, classify all real estate in  
25 such city in such manner and upon such testimony as may be  
26 adduced before him so as to distinguish between the buildings on  
27 land and the land exclusive of the buildings, and he shall  
28 certify to the council the aggregate valuations of all real  
29 estate subject to taxation for city purposes within each such  
30 classification.



1 (b) In all cases he shall value, or cause to be valued, the  
2 property at the actual value thereof. In arriving at actual  
3 value the city may utilize the current market value or it may  
4 adopt a base year market value. In arriving at such value the  
5 price for which any property would separately bona fide sell, or  
6 the price at which any property may bona fide actually have been  
7 sold, either in the base year or the current taxable year, shall  
8 be considered, but shall not be controlling. Instead such  
9 selling price, estimated or actual, shall be subject to revision  
10 by increase or decrease to accomplish equalization with other  
11 similar property within the taxing district. It shall be the  
12 further duty of the assessor to return annually a list of all  
13 the inhabitants over eighteen years of age.

14 (c) The board shall assess real property at a value based  
15 upon an established predetermined ratio which may not exceed one  
16 hundred per centum of actual value. Such ratio shall be  
17 established and determined by the city council after proper  
18 notice has been given.

19 (d) In arriving at the actual value, all three methods,  
20 namely, cost (reproduction or replacement, as applicable, less  
21 depreciation and all forms of obsolescence) comparable sales and  
22 income approaches, must be considered in conjunction with one  
23 another.

24 (e) The board shall apply the established predetermined  
25 ratio to the actual value of all real property to formulate  
26 assessment roll.]

27 Section 192. Section 2504.1 of the act, added July 29, 1970  
28 (P.L.640, No.215), is repealed:

29 [Section 2504.1. Temporary Tax Exemption for Residential  
30 Construction.--(a) As used in this section, the word

1 "dwellings" means buildings or portions thereof intended for  
2 permanent use as homes or residences.

3 (b) New single and multiple dwellings constructed for  
4 residential purposes and improvements to existing unoccupied  
5 dwellings or improvements to existing structures for purposes of  
6 conversion to dwellings, shall not be valued or assessed for  
7 purposes of real property taxes until (1) occupied, (2) conveyed  
8 to a bona fide purchaser, or (3) one year from the first day of  
9 the month in which falls the sixtieth day after which the  
10 building permit was issued or, if no building permit or other  
11 notification of improvement was required, then from the date  
12 construction commenced. The assessment of any multiple dwelling  
13 because of occupancy shall be upon such proportion which the  
14 value of the occupied portion bears to the value of the entire  
15 multiple dwelling.]

16 Section 193. Section 2505 of the act, amended October 4,  
17 1978 (P.L.950, No.188), is repealed:

18 [Section 2505. Manner of Assessments.--The assessor may  
19 assess real estate in the name or names of the registered owner,  
20 actual owner (legal or equitable), reputed owner, owner of the  
21 life estate, occupier, vendor, vendees, or any person who has or  
22 has had any connection with the legal title thereof, or an  
23 interest in the premises, or has charge or control thereof;  
24 partnership property, in the name of the partnership or in the  
25 name of the partners, or any of them; trust property, in the  
26 name of the trustee or trustees, or any of them, or in the name  
27 of the cestui que trust; property of a minor, in the name of the  
28 minor or his guardian; property of a lunatic, in the name of the  
29 lunatic or his guardian or committee; and property formerly  
30 belonging to a person, since deceased, may be assessed in the

1 name of the decedent, or in the name of the estate of said  
2 decedent, or of his administrator or administrators, executor or  
3 executors, or his heirs generally, or in the name of any  
4 administrator, executor, or heir; and in assessing the same in  
5 the names of the executors, administrators or heirs, it shall  
6 not be necessary to designate them by their christian or  
7 surnames; and other property not herein provided for may be  
8 assessed in the manner the same is assessed for county taxation.  
9 This provision shall not prevent the collection, under existing  
10 laws, of any tax assessed against property by a sufficient  
11 designation or description, where the same has been assessed in  
12 the name of any person or persons who are not the owners  
13 thereof. Where lands of owners are part within and part without  
14 the city limits, they shall be assessed in the same manner and  
15 within the same jurisdiction as if the same were being assessed  
16 for county purposes.]

17 Section 194. Sections 2506, 2508, 2509, 2510, 2511, 2512,  
18 2513, 2514, 2515 and 2516 of the act are repealed:

19 [Section 2506. Duties of Assessors in Other Than Triennial  
20 Years.--In the years between triennial assessments, the said  
21 assessor shall perform the following duties with reference to  
22 the assessment of property and other matters and subjects of  
23 taxation, namely: He shall,

24 (a) Assess any property which has been omitted, and correct  
25 any errors of law, fact or judgment which may have been made in  
26 making the triennial assessment;

27 (b) Add to the assessment any property which has ceased to  
28 be exempt and any property acquired since the triennial  
29 assessment;

30 (c) Add to the value of any real estate the value of any new

1 building or other new improvements;

2 (d) Deduct from the value of any property any loss caused by  
3 destruction, injury, or otherwise, howsoever;

4 (e) Where tracts as assessed at the triennial assessment  
5 have been subdivided, equalize and apportion the assessment of  
6 the lands thus subdivided upon the basis of the value as fixed  
7 at the triennial assessments upon the whole lot or tracts;

8 (f) Where any borough, township, part of a borough or  
9 township, or any tract or tracts of land, have been added to the  
10 city, since the last triennial assessment, make a full and  
11 impartial assessment of the property in the annexed district,  
12 and return the same in a like manner as if it were a triennial  
13 assessment;

14 (g) When any property has been transferred or disposed of,  
15 make the proper changes, deductions or transfers upon the proper  
16 assessment books and duplicates;

17 (h) Perform such other duties, as may be prescribed by  
18 ordinance, necessary to the making of proper assessments or  
19 valuations.

20 Section 2508. Omitted Property to be Assessed; Liability of  
21 Owner for Back Taxes.--When the said assessor ascertains that  
22 any property is omitted, he shall assess the same for the  
23 omitted years, but not back further than and including the last  
24 year of the preceding triennial assessment. The person or party  
25 owning said omitted property shall be liable for the tax against  
26 the property for the omitted year or years, at the tax rate  
27 levied during the omitted year or years, and the proper  
28 authorities shall make out the proper tax and place the amount  
29 thereof in the hands of the city treasurer for collection.

30 Section 2509. Clerks; Power to Administer Oaths;

1 Inventories.--The assessor shall have the right to procure such  
2 books, maps, et cetera, as may be necessary to the performance  
3 of his duties, and, when authorized by council, may employ  
4 clerks for the purpose of transcribing and making duplicate and  
5 assessment books. He, and each of them, shall have power to  
6 administer oaths, and to require, under oath, of every taxable  
7 or person in charge or control of any property, an inventory of  
8 his taxable property, with his estimate of the just, full, fair,  
9 and impartial value thereof, and which, in his judgment, the  
10 same would bring at a fair public sale thereof. Such estimate  
11 shall not be conclusive, but shall be subject to revision by  
12 increase, decrease or equalization with other property.

13 Section 2510. Information from Real Estate Registry Office;  
14 Sufficiency of Descriptions.--Where any city has established a  
15 registry of real estate by law, the assessor shall have the  
16 right to obtain from the official in charge of said registry  
17 such information as to the registered owners of real estate as  
18 said department is able to furnish, and under such rules and  
19 regulations as shall be established by ordinance of council. It  
20 shall be a sufficient description of any real estate in any  
21 assessment books or duplicates to designate the same by such  
22 city lot number, other number or designation, as is used on the  
23 registry.

24 Section 2511. Time of Completion of Assessments.--The  
25 assessor shall complete his triennial assessment, and the annual  
26 assessments in intervening years, on or before the first day of  
27 September in each year, or as soon thereafter as practicable. He  
28 may, with the approval of the board of revision and appeals, add  
29 to the duplicates in the hands of the city treasurer any subject  
30 of taxation omitted therefrom, and rectify any and all errors

1 and mistakes made therein.

2 Section 2512. Liability for Neglect.--Any assessor or  
3 assessors who shall wilfully omit, neglect, or refuse to assess  
4 any property liable to taxation shall be held responsible to the  
5 city for any loss or damage caused thereby.

6 Section 2513. Ordinances to Regulate Assessments, Transfers,  
7 Appeals, Et Cetera.--The council of each city may pass such  
8 ordinances as it may deem proper and necessary, providing for  
9 and regulating the manner of making the assessments, valuations,  
10 and transfers, and the taking of appeals to the board of  
11 revision and appeal, and regulating proceedings before said  
12 board on any and all matters not specifically provided for in  
13 this act.

14 Section 2514. Board of Revision of Taxes and Appeals.--The  
15 council of each city shall constitute the board of revision of  
16 taxes and appeals, and the city clerk shall serve as clerk  
17 thereof.

18 Section 2515. New Assessments.--The council, in any years  
19 other than a triennial year, if it shall deem a new assessment  
20 necessary, may, on or before the first day of May, issue its  
21 precept to the city assessor and by ordinance or resolution  
22 require him to make out and return a full, just, and equal  
23 assessment of property within the city, or such parts thereof as  
24 may be deemed advisable.

25 Section 2516. Revision of Assessments.--The said board of  
26 revision of taxes and appeals shall take and receive the  
27 triennial and yearly assessment as returned by the city  
28 assessor, and may revise, equalize, and alter such assessments,  
29 in any and every year, by increasing or reducing the valuation  
30 either in individual cases or by wards, or parts of wards;

1 rectify all errors, and add to the assessment book, and to the  
2 duplicate thereof in the hands of the city treasurer, any  
3 property or person subject to taxation omitted therefrom, and  
4 any real estate in such city which has been exempt from  
5 taxation, and has ceased to be occupied and used for the purpose  
6 or purposes which entitled it to such exemption, as taxable for  
7 the portion of the year commencing at the time when the right to  
8 exemption ceases. Such property shall thereupon become subject  
9 to taxation, at the rate fixed for the year, for the  
10 proportionate part of the year during which it is not entitled  
11 to exemption.]

12 Section 195. Section 2516.1 of the act, amended July 29,  
13 1970 (P.L.640, No.215), is repealed:

14 [Section 2516.1. Additions and Revisions to Duplicates.--  
15 Whenever in any city there is any construction of a building or  
16 buildings not otherwise exempt as a dwelling after the city  
17 council has prepared a duplicate of the assessment of city taxes  
18 and the building is not included in the tax duplicate of the  
19 city, the authority responsible for assessments in the city  
20 shall, upon the request of the city council, direct the assessor  
21 in the city to inspect and reassess, subject to the right of  
22 appeal and adjustment provided by the act of Assembly under  
23 which assessments are made, all taxable property in the city to  
24 which major improvements have been made after the original  
25 duplicates were prepared and to give notice of such  
26 reassessments within ten days to the authority responsible for  
27 assessments, the city and the property owner. The property shall  
28 then be added to the duplicate and shall be taxable for city  
29 purposes at the reassessed valuation for that proportionate part  
30 of the fiscal year of the city remaining after the property was

1 improved. Any improvement made during the month shall be  
2 computed as having been made on the first of the month. A  
3 certified copy of the additions or revisions to the duplicate  
4 shall be furnished by the city council to the city treasurer,  
5 together with their warrant for collection of the same, and  
6 within ten days thereafter the city treasurer shall notify the  
7 owner of the property of the taxes due the city.]

8 Section 196. Section 2517 of the act is repealed:

9 [Section 2517. Hearing of Appeals.--The board of revision of  
10 taxes and appeals may require the attendance of the assessor and  
11 assistant assessors, or any of them, or other citizens, before  
12 them for examination on oath or affirmation. It shall hear and  
13 determine all appeals by taxpayers from the assessments made by  
14 the city assessor, at such time and place as it may prescribe,  
15 conformably with law as to notice to the taxable and his filing  
16 of notice of intention to appeal.]

17 Section 197. Section 2518 of the act, amended December 13,  
18 1982 (P.L.1192, No.273), is repealed:

19 [Section 2518. Notice to Taxables of Assessments; Appeals.--

20 (a) The assessor shall give, or cause to be given, printed or  
21 written notice to each taxable of the city, whose property is  
22 newly assessed, or whose last previous assessment has been  
23 changed, of the amount of the present assessment, valuation and  
24 ratio and the new assessment, valuation and ratio. The said  
25 notice shall not be required to be given to any taxable whose  
26 property assessment was not changed as a result of any triennial  
27 assessment. The said notice shall also inform the taxable of the  
28 requirements of this section as to appealing from any  
29 assessment. Such notice may be served personally or by posting  
30 on the premises or by mailing the same to the last known address



1 of the taxable.

2 (b) Notice similar to that provided for in subsection (a)  
3 shall be given when the city changes the established  
4 predetermined ratio.

5 (c) Any person dissatisfied or aggrieved by any assessment,  
6 or any change thereof, made by the assessor, may appeal to the  
7 said board of revision of taxes and appeals, by filing with the  
8 board a statement in writing of intention to appeal, setting  
9 forth:

10 (1) The assessment or assessments by which such person feels  
11 aggrieved;

12 (2) The address to which the board shall mail notice of when  
13 and where to appear for hearing.

14 (d) The statement of intention to appeal shall be filed with  
15 the said board not later than thirty days after the notice of  
16 assessment has been mailed to the taxable at his last known  
17 address, or has been served upon him personally, or has been  
18 posted upon the premises. No appeal shall be permitted except  
19 upon such a statement of intention as herein required, nor may  
20 any taxable appeal as to an assessment not designated in his  
21 statement of intention to appeal. The board shall fix the time  
22 and place of hearing appeals and shall give at least five days  
23 notice to the taxable.

24 (e) Any triennial assessment made prior to the effective  
25 date of this amending act, which did not change a property  
26 assessment, is hereby validated irrespective of whether or not  
27 written or printed notice of such assessment was given to the  
28 taxable.]

29 Section 198. Section 2519 of the act is repealed:

30 [Section 2519. Power of Assessor to Administer Oaths.--For

1 the purposes of all hearings, and for all other purposes  
2 necessary to the discharge of his duties, the assessor shall  
3 have authority to administer oaths and affirmations touching any  
4 matter relating thereto.]

5 Section 199. Sections 2520 and 2521 of the act, amended  
6 December 13, 1982 (P.L.1192, No.273), are repealed:

7 [Section 2520. Custody of Assessment Books; Completion of  
8 Work of Board.--(a) The board of revision of taxes and appeals  
9 shall procure and have the custody and control of all books  
10 relating to assessment of city taxes, and keep them arranged  
11 according to wards and dates, and shall furnish the city  
12 assessor the necessary books for making the assessment, which,  
13 on the completion of such assessment, shall be returned to such  
14 board of revision of taxes and appeals. The board shall complete  
15 its labors, and the hearing and determination of all appeals, on  
16 or before the first day of December of each year, or as soon  
17 thereafter as practicable, after which the assessment shall be  
18 copied, by wards, into a tax duplicate or duplicates for the use  
19 of the city. The assessment, so corrected and copied, shall be  
20 and remain a lawful assessment for the purpose of city taxation  
21 until altered as provided in this article. The board shall give  
22 notice in writing within five days after its disposition of each  
23 appeal, advising the taxable of its decision.

24 (b) In any appeal of an assessment the board shall make the  
25 following determinations:

26 (1) The current market value for the tax year in question.

27 (2) The common level ratio.

28 (c) The board, after determining the current market value of  
29 the property for the tax year in question, shall then apply the  
30 established predetermined ratio to such value unless the common

1 level ratio varies by more than fifteen per centum from the  
2 established predetermined ratio, in which case the board shall  
3 apply the common level ratio to the current market value of the  
4 property for the tax year in question.

5 (d) Nothing herein shall prevent any appellant from  
6 appealing any base year valuation without reference to ratio.

7 Section 2521. Appeals from Decisions of Board; Costs.--(a)  
8 Any owner of taxable property who may feel aggrieved by the  
9 decision of the board of revision of taxes and appeals as to the  
10 assessment or valuation of his taxable property may appeal from  
11 the decision of the board of revision of taxes and appeals to  
12 the court of common pleas of the county within which such  
13 property is situated, and, for that purpose, may present to said  
14 court, or file in the prothonotary's office, within sixty days  
15 after mailing notice to him that the board of revision of taxes  
16 and appeals have held the appeals provided for by law and acted  
17 on the said assessments and valuations, a petition signed by  
18 him, his agent, or attorney, setting forth the facts of the  
19 case. The court shall thereupon, after notice to the said board  
20 of revision of taxes and appeals, hear the said appeal and the  
21 proofs in the case, and make such orders and decrees touching  
22 the matter complained of as to the judges of said court may seem  
23 just and equitable, having due regard to the valuation and  
24 assessment made of other property in such city. The costs of the  
25 appeal and hearing shall be apportioned or paid as the court may  
26 direct. The said appeals shall not, however, prevent the  
27 collection of the taxes complained of, but in case the same  
28 shall be reduced, then the excess shall be returned to the  
29 person or persons who shall have paid the same.

30 (b) In any appeal of an assessment the court shall make the

1 following determinations:

2 (1) The current market value for the tax year in question.

3 (2) The common level ratio.

4 (c) The court, after determining the current market value of  
5 the property for the tax year in question, shall then apply the  
6 established predetermined ratio to such value unless the common  
7 level ratio varies by more than fifteen per centum from the  
8 established predetermined ratio, in which case the court shall  
9 apply the common level ratio to the current market value of the  
10 property for the tax year in question.

11 (d) Nothing herein shall prevent any appellant from  
12 appealing any base year valuation without reference to ratio.]

13 Section 200. The act is amended by adding a section to read:

14 Section 2522. Assessment Powers.--(a) With regard to the  
15 valuing and assessing of property for taxation within a city,  
16 the following shall apply:

17 (1) If, on the effective date of this section, a city is  
18 utilizing the county assessment office for the valuation and  
19 assessment of property, the city shall continue to utilize the  
20 county assessment office for this purpose.

21 (2) If clause (1) does not apply, council may appoint and  
22 employ persons to value and assess property for taxation within  
23 a city, following the procedures and methodologies set forth in  
24 the assessment law or laws applicable in the county in which the  
25 city is located, provided that the act of April 16, 1992  
26 (P.L.155, No.28), known as the "Assessors Certification Act,"  
27 shall apply to persons hired pursuant to this clause.

28 (3) If clause (2) applies, a city may subsequently elect to  
29 utilize the county assessment office to value and assess  
30 property.

1     (4) (i) A city, conducting its own assessments as  
2 authorized by clause (2), or utilizing the county assessment  
3 office pursuant to clause (1) or (3), may, by ordinance, adopt  
4 an established predetermined ratio different from that used by  
5 the county. The city shall apply the ratio selected to the  
6 actual valuation supplied by the county to determine assessed  
7 value for tax purposes. The established predetermined ratio  
8 selected by the city may not exceed one hundred per centum of  
9 actual value.

10     (ii) As used in this clause, "established predetermined  
11 ratio" shall mean the ratio of assessed value to market value  
12 established by the city council and uniformly applied in  
13 determining assessed value in any year.

14     (5) A city that is utilizing the county assessment office in  
15 accordance with clause (1) or which elects to utilize the county  
16 assessment office in accordance with clause (3) may not  
17 thereafter appoint and employ persons to value and assess  
18 property in accordance with clause (2).

19     (b) In any case in which a city appoints persons to value  
20 and assess property, the following shall apply:

21     (1) If the property being assessed is not wholly within the  
22 city limits, it shall be assessed in the same manner and within  
23 the same jurisdiction as if the same were being assessed for  
24 county purposes.

25     (2) If a city has established a registry of real estate, it  
26 may obtain for purposes of assessment, from the official in  
27 charge of the registry, available information as to the  
28 registered owners of real estate, under rules and regulations as  
29 may be established by ordinance. It shall be a sufficient  
30 description of any real estate in any assessment books or

1 duplicates to designate the same by such city lot number, other  
2 number or designation, as is used on the registry.

3 (3) For purposes of assessment appeals, council shall  
4 constitute the board of revision of taxes and appeals and the  
5 city clerk shall serve as clerk thereof.

6 (4) Except as authorized in this section, the city shall not  
7 exercise powers contrary to or in limitation or enlargement of  
8 powers granted by statutes that provide the substantive rules  
9 governing the making of assessments and valuations of property  
10 which are applicable to the assessment of property for taxation  
11 purposes under the county assessment law or laws applicable in  
12 the county in which the city is located.

13 (5) A city conducting its own assessments pursuant to  
14 subsection (a)(2) shall establish and follow procedures that are  
15 consistent with similar procedures provided in the assessment  
16 law or laws applicable in the county in which the city is  
17 located, including, but not limited to, providing notice of an  
18 opportunity to appeal assessments, for taking appeals to and  
19 from the board of appeals and for the conduct of proceedings  
20 before the board.

21 (c) A temporary tax exemption for residential construction  
22 shall be subject to the following:

23 (1) New single and multiple dwellings constructed for  
24 residential purposes and improvements to existing unoccupied  
25 dwellings or improvements to existing structures for purposes of  
26 conversion to dwellings shall not be valued or assessed for  
27 purposes of real property taxes until:

28 (i) occupied;

29 (ii) conveyed to a bona fide purchaser; or

30 (iii) one year from the first day of the month in which

1 falls the sixtieth day after which the building permit was  
2 issued or, if no building permit or other notification of  
3 improvement was required, then from the date construction  
4 commenced.

5 (2) The assessment of any multiple dwelling because of  
6 occupancy shall be upon such proportion which the value of the  
7 occupied portion bears to the value of the entire multiple  
8 dwelling.

9 (3) As used in this subsection, the word "dwelling" means a  
10 building or portion thereof intended for permanent use as a home  
11 or residence.

12 Section 201. The heading of subdivision (b) of Article XXV  
13 of the act is reenacted to read:

14 (b) Levy and Collection

15 Section 202. Section 2531 of the act, amended November 19,  
16 1959 (P.L.1519, No.534), August 3, 1967 (P.L.199, No.63), June  
17 16, 1972 (P.L.443, No.135) and May 22, 1981 (P.L.71, No.20), is  
18 amended to read:

19 Section 2531. Tax Levies.--(a) Council may, by ordinance,  
20 levy and, in accordance with this act, provide for the  
21 collection of [the following taxes:

22 1. A tax for general revenue purposes on all persons and  
23 property taxable according to the laws of the Commonwealth for  
24 county purposes: the valuation of such property to be assessed  
25 as hereinbefore provided.

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

1 3. A residence tax for general revenue purposes, not  
2 exceeding five dollars annually, on all inhabitants above the  
3 age of eighteen years. Any ordinance of council fixing the rate  
4 of taxation for any year at a mill rate shall also include a  
5 statement expressing the rate of taxation in dollars and cents  
6 on each one hundred dollars of assessed valuation of taxable  
7 property.

8 4. The council of any city may, by ordinance, in any year  
9 levy separate and different rates of taxation for city purposes  
10 on all real estate classified as land, exclusive of the  
11 buildings thereon, and on all real estate classified as  
12 buildings on land. When real estate tax rates are so levied, (i)  
13 the rates shall be determined by the requirements of the city  
14 budget as approved by council, (ii) higher rates may be levied  
15 on land if the respective rates on lands and buildings are so  
16 fixed so as not to constitute a greater levy in the aggregate  
17 than a rate of twenty-five mills on both land and buildings, and  
18 (iii) they shall be uniform as to all real estate within such  
19 classification.

20 5. Where the city council by a majority action shall, upon  
21 due cause shown, petition the court of quarter sessions for the  
22 right to levy additional millage, the court, after such public  
23 notice as it may direct and after hearing, may order a greater  
24 rate than twenty-five mills but not exceeding five additional  
25 mills to be levied.] taxes on all property within the city that  
26 is made taxable for city purposes and subject to valuation and  
27 assessment by the county assessment office or the city, as  
28 provided in subdivision (a), as follows:

29 (1) A tax for general revenue purposes not exceeding thirty  
30 mills.



1 (2) An annual tax sufficient to pay interest and principal  
2 on any indebtedness incurred pursuant to 53 Pa.C.S. Pt. VII  
3 Subpt. B (relating to indebtedness and borrowing) or any prior  
4 or subsequent act governing the incurrence of indebtedness of  
5 the city.

6 (3) An annual tax, not to exceed five mills, to light the  
7 highways, roads and other public places in the city.

8 (4) An annual tax for the purpose of maintaining and  
9 operating recreation places and programs.

10 (5) An annual tax, not to exceed the sum of one-tenth of one  
11 mill, for the purpose of defraying the cost and expense of  
12 caring for shade trees and the administrative expenses connected  
13 therewith, or council may provide for such expenses by  
14 appropriation from the General Fund.

15 (b) Council may, by ordinance, levy and, in accordance with  
16 this act, provide for the collection of a residence tax for  
17 general revenue purposes, not exceeding five dollars annually,  
18 on all inhabitants who are eighteen years of age or older.

19 (c) With regard to the taxes authorized in subsection (a),  
20 the following shall apply:

21 (1) Special purpose levies authorized in this section shall  
22 not be included in calculating the thirty-mill limit imposed by  
23 subsection (a).

24 (2) Any ordinance fixing the rate of taxation for any year  
25 at a millage rate shall also include a statement expressing the  
26 rate of taxation in dollars and cents on each hundred dollars of  
27 assessed valuation of taxable property.

28 (3) The council of any city may, by ordinance, in any year  
29 levy separate and different rates of taxation for city purposes  
30 on all real estate classified as land, exclusive of the

1 buildings thereon, and on all real estate classified as  
2 buildings on land. When real estate tax rates are so levied:

3 (i) The rates shall be determined by the requirements of the  
4 city budget as approved by council.

5 (ii) The respective rates levied on land and buildings do  
6 not have to be equal but must be so fixed so as not to  
7 constitute a greater levy in the aggregate than a rate of thirty  
8 mills on both land and buildings.

9 (iii) The rates shall be uniform as to all real estate  
10 within such classification.

11 (4) Where the city council by a majority action shall, upon  
12 due cause shown, petition the court of common pleas for the  
13 right to levy additional millage for general revenue purposes,  
14 the court, after such public notice as it may direct and after  
15 hearing, may order a greater rate than thirty mills but not  
16 exceeding five additional mills to be levied.

17 (5) (i) Notwithstanding council's power to authorize the  
18 transfer of an unexpended balance of an appropriation item  
19 pursuant to section 1804, when any moneys are collected for any  
20 special purpose, no city treasurer or council member may apply  
21 those moneys to any purpose other than that for which they were  
22 collected.

23 (ii) Any city treasurer or council member who violates  
24 subclause (i) commits a misdemeanor of the third degree, and, in  
25 addition to the fine or penalty which may be imposed upon  
26 conviction, shall be required to pay restitution in the amount  
27 of moneys improperly spent.

28 Section 203. Section 2531.1 of the act, amended November 26,  
29 1982 (P.L.759, No.214), is amended to read:

30 Section 2531.1. Exemptions from Taxation.--The council of

1 any city may, by ordinance or resolution, exempt any person  
2 whose total income from all sources is less than [five] twelve  
3 thousand dollars [(\$5,000)] (\$12,000) per annum from any per  
4 capita or [resident's] residence tax levied under this act. This  
5 exemption shall not apply to real property taxes.

6 Section 204. The act is amended by adding a section to read:

7 Section 2531.2. Certification of Schedule.--For the purpose  
8 of delinquent tax collection and the filing of liens on property  
9 upon which the taxes, assessed and levied, have not been paid  
10 and have become delinquent, the treasurer shall certify  
11 schedules of unpaid taxes. The certification shall be made to  
12 the person designated by each taxing district for which the  
13 treasurer collects taxes.

14 Section 205. Sections 2532, 2533 and 2534 of the act are  
15 repealed:

16 [Section 2532. City Treasurer to Be Tax Collector.--The city  
17 treasurer, by virtue of his office, shall be the collector of  
18 the city, county, school, and institution district taxes,  
19 assessed or levied in the city by the proper authorities  
20 therein.

21 Section 2533. Oath of City Treasurer as Collector of  
22 Taxes.--At the time the city treasurer enters upon his duties,  
23 he shall take and subscribe his oath of office as collector of  
24 city, county, school, and institution district taxes, which oath  
25 shall be filed with the city clerk.

26 Section 2534. Office for Receipt of Taxes; Supplies.--The  
27 city treasurer, as collector of taxes, shall keep his office in  
28 the same place occupied by him as city treasurer, which shall be  
29 kept open for the receipt of taxes at all times during business  
30 hours. All printing and stationery supplies shall be furnished

1 by the proper authorities, respectively.]

2 Section 206. Section 2535 of the act, amended December 14,  
3 1967 (P.L.828, No.355), is repealed:

4 [Section 2535. Date of Delivery of Duplicate; Collection.--  
5 The council of each city and the county and county institution  
6 district authorities, now empowered or which may be hereafter  
7 empowered to levy taxes upon persons and property within the  
8 city, shall, within thirty days after the adoption of the budget  
9 or within thirty days after receipt of the assessment roll from  
10 the county whichever is later, make out and deliver their  
11 respective duplicates of taxes assessed to the city treasurer,  
12 as the collector of the said taxes, which shall be collected by  
13 the city treasurer, by virtue of his office as aforesaid. The  
14 proper school authorities shall make out and deliver the school  
15 duplicates of their respective taxes in such city at the time  
16 and in the manner provided by the school laws of the  
17 Commonwealth. All duplicates of taxes placed in the hands of  
18 said treasurer shall at all times be open to proper inspection  
19 of the taxpayers and of the proper auditing and examining  
20 officers of said city, county or school district, as the case  
21 may be, and shall be delivered by said treasurer at the  
22 expiration of his term to his successor in office.]

23 Section 207. Sections 2536, 2537 and 2538 of the act are  
24 repealed:

25 [Section 2536. Deposits.--The city treasurer as collector of  
26 taxes shall pay over to himself as city treasurer, in accordance  
27 with the provisions of the Local Tax Collection Law, all the  
28 city taxes collected by him. He shall at the same time deposit  
29 all the city taxes so paid over to him into a bank or financial  
30 institution, which shall be a city depository named by the city

1 council. All such deposits shall be made in the name of the city  
2 treasurer as such, or in the name of the city, as council may  
3 provide.

4 Section 2537. Tax Liens; Schedule of Uncollected Taxes;  
5 Liability for False Return.--Upon the settlement of the  
6 duplicates of city, county, institution district, and school  
7 taxes which by law are made a lien on real estate, the city  
8 treasurer, as collector of said taxes, shall make out schedules  
9 of said city, county, school, or institution district taxes  
10 uncollected upon his duplicates, or those delivered to him by  
11 his predecessor, with a brief description of the properties  
12 against which the same are assessed, for the purpose of having  
13 the same entered for lien or sold, according to law. The failure  
14 of the said collector to collect the said taxes from personal  
15 property, when the same could have been collected shall not  
16 impair the lien thereof or affect any sale made for the  
17 collection thereof. In case any such collector shall make any  
18 wilfully false return, he shall be liable therefor to any person  
19 or persons injured thereby.

20 Section 2538. Certification of Schedule.--The schedule of  
21 unpaid city taxes shall be certified by the city treasurer, as  
22 collector of taxes, to the city solicitor for filing in court,  
23 with the like force and effect as if certified by the city  
24 treasurer under existing laws. The schedule of unpaid school and  
25 institution district taxes shall be certified to such officer or  
26 person as is now, or shall hereafter be, designated to receive  
27 the same for filing as a lien in court; and where no such person  
28 is designated, the said schedule may be certified to the  
29 solicitor of the authority levying the tax, who may cause the  
30 said taxes to be registered as a lien in court, under existing

1 laws, and the certifying of the said schedules by the city  
2 treasurer, as a collector, shall in all cases have the like  
3 effect as if the same had been certified by the city treasurer,  
4 as aforesaid.]

5 Section 208. Article XXV subdivision (c) heading of the act  
6 is reenacted to read:

7 (c) Sales of Real Estate for Delinquent Taxes

8 Section 209. Section 2541 of the act, amended April 29, 1998  
9 (P.L.294, No.47), is repealed:

10 [Section 2541. Public Sale of Property to Satisfy Tax  
11 Claims.--(a) In addition to other remedies provided for the  
12 collection of delinquent city taxes, the city treasurer may sell  
13 at public sale, in the manner hereinafter provided, any property  
14 upon which the taxes, assessed and levied, have not been paid  
15 and have become delinquent, unless such property has already  
16 been purchased and is held for the benefit of all the tax  
17 levying authorities concerned.

18 (b) For purposes of this section, taxes shall be considered  
19 delinquent thirty days after the final deadline for payment of  
20 such taxes for the current tax year.]

21 Section 210. Section 2542 of the act is repealed:

22 [Section 2542. Time of Holding Sales.--Such sales shall be  
23 made on the first Monday in June, in the year succeeding the  
24 year in which the respective taxes are assessed and levied, or  
25 on any day to which such sale may be adjourned, or on any first  
26 Monday of June in any succeeding year.]

27 Section 211. The act is amended by adding a section to read:

28 Section 2542.1. Public Sale of Property to Satisfy Tax  
29 Claims.--(a) Property upon which city real estate taxes have  
30 not been paid and have become delinquent may become subject to

1 public sale in accordance with one of the following:

2 (1) The act of July 7, 1947 (P.L.1368, No.542), known as the  
3 "Real Estate Tax Sale Law."

4 (2) The Municipal Claim and Tax Lien Law.

5 (b) The remedies authorized in this section shall be in  
6 addition to other remedies provided for the collection of  
7 delinquent city taxes, including an action in assumpsit.

8 (c) Unless otherwise provided in the statutes referred to in  
9 subsection (a), taxes shall become delinquent thirty days after  
10 the final deadline for payment of such taxes for the current tax  
11 year.

12 Section 212. Section 2543 of the act is amended to read:

13 Section 2543. Certification of Schedules [of Taxes.--Where  
14 the treasurer has not already in his hands the duplicates of  
15 said taxes, or certificates or schedules thereof, any receiver  
16 or collector of taxes, or other person having such delinquent  
17 taxes in his hands, shall certify to the city treasurer  
18 schedules of all unpaid taxes, with descriptions of the property  
19 assessed.] to Treasurer.--At the request of the treasurer, any  
20 person acting on behalf of the city who possesses a schedule of  
21 unpaid city taxes shall certify the schedule to the treasurer  
22 along with the description of property against which the unpaid  
23 taxes were assessed.

24 Section 213. Section 2544 of the act is repealed:

25 [Section 2544. Advertisement of Sales.--The city treasurer  
26 shall advertise for sale any of the property upon which it  
27 appears the taxes have not been paid, as shown by the duplicates  
28 in his hands, or by the returns or schedules certified to him,  
29 as aforesaid. Said advertisement shall be made, once a week for  
30 three successive weeks prior to the day of sale, in at least two

1 newspapers of general circulation, printed and published in the  
2 city, and, in case two newspapers are not published in said  
3 city, then publication shall be made in two newspapers printed  
4 and published in the county in which the city is situate. The  
5 city treasurer shall also cause to be posted or tacked, in a  
6 conspicuous place on each parcel or lot of land advertised for  
7 sale, at least ten days prior to the day of sale, a notice  
8 stating that said property will be sold by said treasurer, for  
9 delinquent taxes, on a certain day and time, and at a certain  
10 place within the city, for which posting of notice he shall  
11 receive and tax as costs twenty-five cents for each notice. No  
12 sale shall be valid where the taxes have been paid prior to said  
13 advertisement, or where the taxes and costs have been paid after  
14 advertisement and before sale.]

15 Section 214. Section 2546 of the act is amended to read:

16 Section 2546. Record of Sales [to be Kept; City May];;  
17 Purchase [Lands at Sale.--] and Resale.--(a) The treasurer  
18 shall keep in [his] the treasurer's office, or in such other  
19 place as council may direct, a [book, in which he shall enter]  
20 record of all the sales made [by him, giving a description of  
21 each property sold, the name of the person as the owner thereof  
22 as the same appears upon the duplicate, or has been returned to  
23 him, the time of sale and the price at which sold, together with  
24 the cost. The] pursuant to section 2542.1.

25 (b) Notwithstanding any other provision of law, the city  
26 shall have the right to bid[, at any such sale, the amount of  
27 taxes and costs, and, if necessary, purchase such lands] on and  
28 purchase properties sold pursuant to section 2542.1.

29 (c) Properties purchased by the city under subsection (b)  
30 may be sold in accordance with section 2402.1(b).



1 Section 215. Sections 2547 and 2548 of the act are repealed:

2 [Section 2547. Payment of Purchase Price by Purchaser;

3 Resale for Default.--Any purchaser or purchasers at said

4 treasurer's sale, except the city, as soon as the property is

5 struck down, shall pay the amount of the purchase money, or such

6 part thereof as may be necessary to pay all the taxes and costs,

7 as also one dollar and fifty cents for the use of the

8 prothonotary, for entering the report of the treasurer, filing

9 surplus bond, and acknowledgment of the treasurer's deed, as

10 hereinafter mentioned. In case said amount is not forthwith

11 paid, after the property is struck down, the sale may be avoided

12 and the property put up again by the city treasurer, at said

13 sale or at any subsequent sale.

14 Section 2548. Return of Sale.--The city treasurer shall

15 promptly make a report and return to the court of common pleas,

16 wherein he shall set forth, (a) a brief description of each

17 parcel of real estate sold; (b) the name of the person (where

18 known), in which the same is assessed; (c) the amount of tax,

19 and the year for which the same was assessed; (d) the time when

20 and the names of the newspapers in which the advertisement for

21 sale was made, with a copy of said advertisement; (e) the time

22 of sale; (f) the name of the purchaser; and (g) the price for

23 which each respective property was sold.]

24 Section 216. Section 2549 of the act, repealed in part June

25 3, 1971 (P.L.118, No.6), is repealed:

26 [Section 2549. Confirmation of Sale; Disposition of

27 Objections.--Upon the presentation of said report or return, if

28 it shall appear to said court that such sale has been regularly

29 conducted, under the provisions of this subdivision (c) of this

30 article, the said report and sales so made shall be confirmed

1 nisi; in case no objections or exceptions are filed to any such  
2 sale in the office of the prothonotary within ninety days from  
3 the date of such confirmation, a decree of absolute confirmation  
4 shall be entered, as of course, by the prothonotary. Any  
5 objections or exceptions to such a sale may raise the legality  
6 of the taxes for nonpayment of which the real estate was sold or  
7 the return thereof, or the validity of the sale for the reason  
8 that the tax was actually paid, or question the regularity or  
9 legality of the proceedings of the treasurer in any respect. In  
10 case any objections or exceptions are filed, they shall be  
11 disposed of according to the practice of the court, and, when  
12 the same are overruled or set aside, a decree of absolute  
13 confirmation shall be entered by the court. If such objections  
14 or exceptions are sustained and the court deems the defect not  
15 amendable, it shall, by its order or decree, invalidate the  
16 sale. If no objections or exceptions are filed as herein  
17 provided, or if such objections or exceptions are finally  
18 overruled and the sale confirmed absolutely, the validity of the  
19 assessment of the tax and the validity of the proceedings of the  
20 treasurer, with respect to such sale, shall not thereafter be  
21 inquired into judicially in equity or by civil proceedings by  
22 the person or persons in whose name such property was sold, his,  
23 her or their heirs, or his, her or their grantees or assigns,  
24 subsequent to the date of the assessment of the taxes for which  
25 such sale was made, and such sale, after the period of  
26 redemption shall be terminated, shall be deemed to pass a good  
27 and valid title to the purchaser as against the person or  
28 persons in whose name such property was sold, provided the  
29 purchaser has filed the bond for surplus moneys as hereinafter  
30 provided.]

1 Section 217. Section 2550 of the act is repealed:

2 [Section 2550. Filing of Surplus Bond.--After any sale of  
3 property or lands for delinquent taxes has been confirmed by the  
4 court, as aforesaid, the purchaser or purchasers, where the bid  
5 exceeds the taxes and costs as aforesaid, shall make and execute  
6 to the said treasurer for the use of the persons entitled, a  
7 bond for the surplus money that may remain after satisfying and  
8 paying all the taxes and costs, as aforesaid, with warrant of  
9 attorney to confess judgment annexed thereto. The treasurer  
10 shall forthwith file said bond in the office of the prothonotary  
11 of the proper county, at the number and term where said report  
12 and return is filed. The surplus bond, filed as aforesaid, from  
13 the time of the date of the deed for property thus sold, shall  
14 bind as effectually, and in like manner as judgments, the land  
15 by said treasurer sold, into whose hands or possession they may  
16 come. The owners of said lands at the time of sale, their heirs  
17 or assigns or other legal representatives, may, at any time  
18 within five years after such sale, cause judgment to be entered  
19 in said court upon said bond, in the name of said treasurer, for  
20 the use of said owners, their heirs, assigns or legal  
21 representatives, as the case may be. In case the moneys  
22 mentioned in said bonds, with legal interest thereon from the  
23 time it is demanded, be not paid within three months after such  
24 entry, execution may forthwith issue for the recovery thereof.]

25 Section 218. Section 2551 of the act, amended August 17,  
26 1951 (P.L.1262, No.299), is repealed:

27 [Section 2551. Acknowledgment and Delivery of Deeds.--When  
28 the purchaser has paid the amount of his bid, or such portion  
29 thereof as he is required to pay under this subdivision, and has  
30 given the surplus bond as above required, the city treasurer

1 shall make the said purchasers, his or their heirs or assigns, a  
2 deed in fee simple for the lands sold, as aforesaid, and the  
3 said deed or deeds duly acknowledge in the court of common  
4 pleas. Such acknowledgment shall be duly entered and recorded by  
5 the prothonotary of said court in the treasurer's deed book. For  
6 such service and the entry of the report of the city treasurer,  
7 and filing surplus bond, the prothonotary shall receive the sum  
8 of one dollar and fifty cents for each property sold.]

9 Section 2194. Section 2552 of the act is repealed:

10 [Section 2552. Acknowledgment of Receipt of Redemption  
11 Money.--Where the owner or other person interested in the land  
12 thus sold shall redeem the same, and pay the satisfaction fee,  
13 the city treasurer shall acknowledge the receipt of the  
14 redemption moneys upon the margin of the acknowledgment of the  
15 treasurer's deed, as the same is entered and recorded in the  
16 prothonotary's office. Thereafter said deed shall be void and of  
17 no effect. Thereupon such owner or persons interested shall be  
18 entitled to have the treasurer's deed delivered up to him, her  
19 or them by the purchaser for cancellation. The city treasurer  
20 shall pay to said purchaser all the moneys he had paid at the  
21 time of sale, together with the twenty-five per centum penalty  
22 thereon; and shall enter upon the book of sales kept by him, as  
23 hereinbefore provided, an acknowledgment or receipt showing that  
24 the owner or party interested redeemed the same, giving date of  
25 redemption and amount of money received.]

26 Section 220. Article XXV subdivision (d) heading and section  
27 2560 of the act are repealed:

28 [(d) City Sales of Real Estate Purchased from Tax Claim Bureau

29 Section 2560. Real Estate Purchased from Tax Claim Bureau.--

30 Any city may, by ordinance, sell in the manner hereinafter

1 provided, any real estate owned by the city which has been  
2 acquired by the city by purchase from a tax claim bureau at  
3 public sales held by said bureau pursuant to the provisions of  
4 the Real Estate Tax Sale Law, its amendments and supplements,  
5 upon which real estate the city held at the time of such sale a  
6 lien or liens for municipal improvements.]

7 Section 221. Section 2561 of the act, amended April 6, 1998  
8 (P.L.236, No.44), is repealed:

9 [Section 2561. Sale Procedure.--(a) After an ordinance has  
10 been passed authorizing and directing the sale of real estate as  
11 provided for in section two thousand five hundred sixty, the  
12 city treasurer shall advertise such proposed sale once a week  
13 for three successive weeks in at least one newspaper of general  
14 circulation in the city. The advertisement shall give a brief  
15 description of the property to be sold sufficient to identify it  
16 as to location and character, and the terms and conditions of  
17 sale shall ask for sealed bids for the purchase thereof, direct  
18 all bids to be sent to the city clerk on or before a certain  
19 date, and give any other information relating to such bids as  
20 may be necessary; shall announce that the bids shall be opened  
21 and read at a public meeting of council to be held at a time  
22 fixed, and that council shall have the right to reject any and  
23 all bids. In lieu of the above contents of the advertisement,  
24 the advertisement may give a brief description of the property  
25 to be sold, sufficient to identify it as to location and  
26 character, and provide for a public sale of the property to the  
27 highest responsible bidder, at such time and place as shall be  
28 designated by council, with the right reserved to council to  
29 reject any and all bids.

30 (b) A city that elects to sell property to a nonprofit

1 corporation for community development or reuse may waive the  
2 advertising and bidding requirements of subsection (a) only upon  
3 entering into a written agreement with the nonprofit corporation  
4 that requires the property to be used for industrial, commercial  
5 or affordable housing purposes. This exemption shall not apply  
6 to property on which existing governmental functions are  
7 conducted.]

8 Section 222. Section 2562 of the act is repealed:

9 [Section 2562. Delivery of Deed.--If council accepts the  
10 highest responsible bid for such property, the city treasurer  
11 shall, within twenty days after such acceptance and upon the  
12 receipt of the purchase money, deliver to the successful bidder,  
13 his heirs or assigns, a deed in fee-simple for the property sold  
14 as aforesaid, which shall be acknowledged by the mayor and  
15 attested by the city clerk.]

16 Section 223. The act is amended by adding a section to read:

17 Section 2562.1. Conduct of Tax Sales.--The procedures and  
18 requirements relating to the sale of property for delinquent  
19 taxes, including, but not limited to, the advertisement for and  
20 the time and conduct of the sale, the payment of the purchase  
21 price and the distribution of proceeds, making the return and  
22 confirmation of sale and the delivery of deed shall be governed  
23 by the act of July 7, 1947 (P.L.1368, No.542), known as the  
24 "Real Estate Tax Sale Law," or the Municipal Claim and Tax Lien  
25 Law as utilized by the city in accordance with section 2542.1,  
26 and by any applicable rules of court governing procedures for  
27 tax sales.

28 Section 224. Article XXVI heading of the act is reenacted to  
29 read:

30 ARTICLE XXVI

LICENSES AND LICENSE FEES

Section 225. Article XXVI subdivision (a) heading of the act is repealed:

[(a) General Powers to License]

Section 226. Section 2601 of the act, amended October 4, 1978 (P.L.950, No.188), is amended to read:

Section 2601. [License Taxes for Revenue Purposes.--Council may, by ordinance, levy and collect a license tax for general revenue purposes, not exceeding one hundred dollars each, annually, on all photographers, auctioneers, contractors, druggists, hawkers, peddlers, produce or merchandise vendors, bankers, brokers, other than real estate brokers, undertakers, pawnbrokers, trading stamp or premium companies or dealers, warehouses or storage houses or places, parking lot operators, merchants of all kinds, persons selling or leasing goods upon installments, grocers, confectioners, butchers, wholesale meat dealers, restaurants, billiard parlors, bowling alleys, billiard tables, pool tables, and other gaming tables and devices; all motor buses and motor omnibuses, trackless trolley omnibuses and street railway cars transporting passengers for pay or hire within the limits of the city, or from such city only to points within a radius of ten miles of the city's boundaries; all skating rinks, operas, theatres, shows, circuses, menageries, and all kinds of public exhibitions for pay, except those for religious, educational or charitable purposes; all lumber dealers, persons who work on commission and all persons who make a business of buying lumber for sale at wholesale or retail; all furniture dealers, saddle or harness dealers, stationers, jewelers, livery or automobile or boarding-stable keepers; all market-house companies and owners of market-houses, garage

1 companies, and owners of other than private garages, express  
2 companies or agencies; and all persons operating vehicles upon  
3 the streets of the city as carriers for hire or compensation,  
4 which persons regularly pick up or deliver or otherwise  
5 transport wholly within or to or from the city property at an  
6 annual rate not in excess of ten dollars per vehicle so used,  
7 but not to exceed one hundred dollars per annum from any person  
8 so operating: Provided, however, That in lieu thereof, the city  
9 may levy an annual license tax not in excess of one hundred  
10 dollars upon any such person having a place of business located  
11 within the city; and, where no other license tax is imposed, on  
12 telegraph, telephone, steam-heating, gas, natural gas, water,  
13 electric light or power companies, or agencies or individuals  
14 furnishing communication, light, heat or power, by any of the  
15 means enumerated, and to regulate the collection of the same. If  
16 any person, firm or corporation conducts a business at more than  
17 one location in a city, the business conducted at each location  
18 shall be considered and assessed as a separate and independent  
19 business, and shall be subject to a license tax: Provided, That  
20 the word "business," as used in this sentence, shall not be  
21 construed to mean or include any place of business at which the  
22 principal business conducted is that of selling, storing or  
23 distributing products manufactured by the firm, person or  
24 corporation operating the business. The taxes assessed under  
25 this section shall be in addition to all other taxes levied and  
26 collected by the city, county, or Commonwealth.] Licensing and  
27 Regulatory Powers.--In addition to all other powers granted by  
28 this act and other laws, each city shall have the specific  
29 licensing and regulatory authority provided by this article.

30 Section 227. The act is amended by adding a section to read:



1 Section 2601.1. Registration of Businesses or Occupations.--

2 (a) Council may, by ordinance, designate the types or kinds of  
3 businesses or occupations located or carried out within the city  
4 that are subject to annual registration with the city.

5 (b) Unless otherwise provided in this article, an ordinance  
6 requiring registration in accordance with this section may  
7 provide for an annual fee on businesses and occupations in an  
8 amount reasonably related to the administration of the  
9 registration program, not to exceed one hundred dollars.

10 Section 228. Sections 2602 and 2603 of the act are amended  
11 to read:

12 Section 2602. Regulation of Motor Vehicles.--[Each city may  
13 regulate the transportation by motor vehicles not operated on  
14 tracks of passengers or property, for pay, within the limits of  
15 the city, or from points in the city to points beyond the limits  
16 of the city. In such regulation, the city may impose reasonable  
17 license fees, make regulations for the operation of vehicles,  
18 and may designate certain streets upon which such vehicles may  
19 only be operated.] (a) Subject to subsection (b), a city may  
20 regulate transportation by motor vehicle.

21 (b) A city shall have no authority to, and shall not,  
22 regulate transportation by motor vehicle in a manner that is  
23 preempted by or is inconsistent with applicable Federal and  
24 State laws and regulations, policies or orders of Federal and  
25 State regulatory agencies.

26 (c) The following words and phrases when used in this  
27 section shall have the meanings given to them in this subsection  
28 unless the context clearly indicates otherwise:

29 "Regulate." Licensing and making regulations for  
30 transportation by motor vehicle, including the designation of

1 streets for transportation by motor vehicle.

2 "Transportation by motor vehicle." The transportation, for  
3 pay, of passengers and property, within the limits of the city  
4 or from points in the city to points beyond the limits of the  
5 city, by a motor vehicle which is not operated on tracks.

6 Section 2603. Licensing of Plumbers.--Council may license  
7 and provide for the collection of a license fee from all  
8 persons, [copartnerships] partnerships, associations, or  
9 corporations engaged or engaging in the business or work of  
10 plumbing or house drainage, who shall have been certified as  
11 being qualified to engage in such business, in such manner as  
12 may be provided by ordinance or the laws of the Commonwealth.

13 Section 229. The act is amended by adding sections to read:

14 Section 2604. Power to Regulate and License Transient  
15 Merchants.--(a) With regard to transient merchants, a city  
16 shall have power, by ordinance, to regulate and license the  
17 transient merchant, including, but not limited to, requiring  
18 that a license be procured prior to commencement of transient  
19 merchant activity.

20 (b) An ordinance adopted pursuant to subsection (a) may  
21 impose a penalty not exceeding five hundred dollars for a  
22 violation of its provisions and may provide for other means of  
23 enforcement.

24 (c) The amount of a transient merchant license shall not  
25 exceed two hundred fifty dollars for each month, or fractional  
26 part thereof, during which any sale or solicitation is  
27 continued.

28 (d) (1) The term "transient merchant" as used in this  
29 section shall include all of the following:

30 (i) Transient wholesale and transient retail businesses for

1 the sale of goods, wares or merchandise within the city.

2 (ii) Transient charitable solicitors for the solicitation of  
3 charitable contributions within the city.

4 (2) The term shall not include any of the following:

5 (i) Farmers selling their own produce.

6 (ii) Persons selling donated goods, wares and merchandise if  
7 the proceeds of the sale are to be applied to any charitable or  
8 philanthropic purpose.

9 (iii) A person selling bakery products, meat and meat  
10 products or milk and milk products, if that person is the  
11 manufacturer or producer of the products sold.

12 Section 2605. Regulation of Special Events.--(a) In  
13 addition to other licensing and regulatory powers authorized in  
14 this article, council shall have the authority, by ordinance, to  
15 require a permit for and to reasonably regulate the conduct of a  
16 special event, which may include, but is not limited to, a music  
17 festival, concert, dance, circus, carnival, arts and craft show,  
18 parade, public assembly, demonstration, performance, exhibition,  
19 community event or block party.

20 (b) Regulation of a special event pursuant to this section  
21 shall be for the purpose of protecting and preserving city and  
22 public property or for the purpose of promoting or protecting  
23 the public health, safety or welfare.

24 (c) Pursuant to this section a city may reasonably regulate  
25 and require a permit for any of the following:

26 (1) A special event that will result in the obstruction of a  
27 city street or sidewalk or that would compromise the ability of  
28 the city to respond to a public safety emergency.

29 (2) A special event on any property wholly or partially  
30 owned or maintained by the city.



1 every transient wholesale and retail business within such city  
2 for the sale of goods, wares, or merchandise, and to prohibit  
3 the commencement or doing of any such business until or unless  
4 the license required by such ordinance has been procured from  
5 the proper authorities by the person, firm or corporation  
6 desiring to commence such transient wholesale and retail  
7 business, and to enforce such ordinances by penalties not  
8 exceeding three hundred dollars and by other appropriate means.  
9 The amount of such license shall not exceed two hundred dollars  
10 for each month, or fractional part thereof, during which any  
11 such sale is continued.

12 Section 2621. Exceptions.--Nothing contained in this  
13 subdivision (c) shall be construed to apply (1) to farmers  
14 selling their own produce, (2) to the sale of goods, wares, and  
15 merchandise, donated by the owners thereof, the proceeds whereof  
16 are to be applied to any charitable or philanthropic purpose, or  
17 (3) to any manufacturer or producer in the sale of bread and  
18 bakery products, meat and meat products, or milk and milk  
19 products.

20 Section 2622. Commonwealth License Saved.--Nothing contained  
21 in this subdivision (c) shall be construed to relieve any  
22 person, partnership, or corporation from the duty of taking out  
23 a license, or from the payment of any license tax imposed or  
24 authorized by any other statute of this Commonwealth.

25 (d) Public Dances and Dance Halls

26 Section 2630. Definitions.--The term "public dance" or  
27 "public ball," as used in this subdivision (d), shall be taken  
28 to include any dance or ball conducted in connection with  
29 instruction in dancing for hire, and any dance or ball to which  
30 admission may be had by the payment of a fee or by the purchase,

1 possession, or presentation of a ticket or token, or in  
2 connection with which a charge is made for caring for clothing  
3 or other property, and any dance or ball to which the public  
4 generally may gain admission with or without the payment of a  
5 fee.

6 The term "dance hall" or "ball room," as used in this  
7 subdivision, shall be taken to include any room, place, or space  
8 in which a public dance or public ball, as herein defined, shall  
9 be held, and any room, hall, or academy in which classes in  
10 dancing are held and instruction in dancing is given for hire.

11 Section 2631. Permits for Dances; Fees.--No person, persons,  
12 society, club, or corporation shall hold a public dance or  
13 public ball, within the limits of any city, without having first  
14 obtained a permit therefor from the mayor thereof, except for  
15 dances held and conducted by regularly established instructors  
16 in dancing in connection with such instruction.

17 The fee for such permit, which shall be paid at the time of  
18 the issuing thereof, shall be one dollar for each public dance  
19 or ball.

20 Section 2632. Dance Halls, Ball Rooms, and Academies to be  
21 Licensed; Fees.--It shall be unlawful to hold or conduct any  
22 public dance or public ball, or to hold or conduct classes in  
23 dancing, or to give instructions in dancing for hire, in any  
24 hall, ball room, or academy, within the limits of any city,  
25 unless the dance hall or ball room or academy, in which the same  
26 may be held, shall have been duly licensed for such purpose.

27 Application for such license shall be made by the proprietor  
28 of such dance hall or ball room or academy to the mayor, who is  
29 hereby authorized to issue the same.

30 The fee payable for each such license granted hereunder shall

1 be as follows:

2 In the case of dance halls maintained and conducted in  
3 connection with regularly established instruction in dancing,  
4 and exclusively used in such connection, the annual license fee  
5 shall be ten dollars.

6 In the case of all other dance halls and ball rooms, the  
7 annual license fee shall be fifteen dollars.

8 Each license granted hereunder shall expire on the first day  
9 of June of each year.

10 The fee payable for each license granted hereunder shall be  
11 for the whole or any portion of a calendar year, and all moneys  
12 received by way of license fees hereunder shall be paid into the  
13 general fund of the city.

14 Every licensed public dance hall or ball room or academy  
15 shall post its license in a conspicuous place within the hall  
16 where the dance is held.

17 Section 2633. Mayor to Investigate Applications.--It shall  
18 be the duty of the mayor to cause an investigation of all  
19 applications for public dance hall or ball room licenses to  
20 determine whether or not the dance hall, ball room, or academy,  
21 sought to be licensed, complies with the rules, regulations,  
22 ordinances, and laws applicable thereto, and, in making such  
23 investigation he shall, when desired, have the assistance of any  
24 department of the government of the city.

25 Section 2634. Safe and Proper Places only to be Licensed.--  
26 No license for a public dance hall or ball room or academy shall  
27 be issued until it shall be ascertained that the place for which  
28 it is issued complies with and conforms to all laws, ordinances,  
29 health and fire regulations, applicable thereto, and is a safe  
30 and proper place for the purpose for which it shall be used,

1 properly ventilated, and supplied with sufficient toilet  
2 conveniences.

3 Section 2635. Revocation of Licenses.--The license of any  
4 public dance hall or ball room or academy may be forfeited or  
5 revoked by the mayor for disorderly or immoral conduct on the  
6 premises, or upon proof that the dance hall, ball room, or  
7 academy was frequented by disorderly or immoral persons, or for  
8 the violation of any of the rules, regulations, ordinances, and  
9 laws governing or applying to public dance halls, ball rooms, or  
10 academies, or public dances. If at any time the license of a  
11 public dance hall, ball room, or academy shall be forfeited or  
12 revoked, at least three months shall elapse before another  
13 license or permit shall be granted for dancing on the same  
14 premises.

15 Section 2636. Licensed Places to be Kept Clean.--All public  
16 dance halls or ball rooms or academies shall be kept at all  
17 times in a clean, healthful, and sanitary condition, and all  
18 stairways and other passages and all rooms connected with public  
19 dance hall, ball room, or academy shall be kept open and well  
20 lighted.

21 Section 2637. Inspection of Licensed Places; Power of Police  
22 to Vacate.--All public dance halls, ball rooms, and academies  
23 shall be subject to inspection by the police department of the  
24 city at all reasonable times and whenever they are open for  
25 dancing, instruction in dancing, or for any other purpose.

26 Any police officer shall have the power to cause the place,  
27 hall, or room where any public dance or ball is given to be  
28 vacated whenever any provision of any law or ordinance with  
29 regard to public dances and public balls is being violated, or  
30 whenever any indecent act shall be committed, or when any



1 disorder of a gross, violent or vulgar character shall take  
2 place therein.

3 Section 2638. Persons Under Sixteen to be Excluded after  
4 Nine O'clock Post Meridian.--It shall be unlawful, after nine  
5 o'clock post meridian, to permit any person to attend or take  
6 part in any public dance who has not reached the age of sixteen  
7 years.

8 Section 2639. Halls to be Closed at One O'clock Ante  
9 Meridian.--All public dances shall be discontinued, and all  
10 public dance halls shall be closed, on or before the hour of one  
11 o'clock ante meridian: Provided, however, That upon the  
12 application of a bona fide organization or society, and upon an  
13 investigation by the proper authority, the mayor may grant such  
14 organization or society a permit to continue a dance until two  
15 o'clock ante meridian.

16 Section 2640. Penalties.--Any person, persons, society,  
17 club, or corporation who shall violate any of the provisions of  
18 this subdivision (d), shall be subject to a penalty of twenty-  
19 five dollars, to be recovered with costs in a summary  
20 proceeding.

21 (e) Parking Lots for Profit]

22 Section 231. Section 2650 of the act, amended October 5,  
23 1979 (P.L.195, No.64), is amended to read:

24 Section 2650. Regulation[; Revenue; Bonding] of Parking Lot  
25 and Parking Garage Operators.--(a) For the purposes of  
26 protecting the public [and of raising revenue], each city may  
27 enact suitable ordinances regulating the business of operating  
28 [for profit] for-profit parking lots and for-profit parking  
29 garages within the city [and may require such lots to reserve  
30 areas exclusively for parking by handicapped individuals.

1 License or permit fees may be charged and collected from the  
2 operators of such parking lots]. Ordinances shall be consistent  
3 with 75 Pa.C.S. (relating to vehicles). Each city may require  
4 for-profit parking lots and for-profit parking garages to  
5 reserve areas exclusively for parking by handicapped  
6 individuals. Nothing in this section shall be construed to limit  
7 the protections and prohibitions contained in section 202 of the  
8 Americans with Disabilities Act of 1990 (Public Law 101-336, 104  
9 Stat. 327), the act of October 27, 1955 (P.L.744, No.222), known  
10 as the "Pennsylvania Human Relations Act," and the Federal and  
11 State rules and regulations adopted in implementation of those  
12 acts. License and permit requirements may be imposed on for-  
13 profit parking lots and for-profit parking garages and license  
14 or permit fees may be charged and collected from the operators  
15 thereof.

16 (b) Any city adopting [such] a regulatory plan [shall  
17 require from each operator a bond to be approved by council for  
18 the protection of the public from loss of or damage to the  
19 vehicles parked, stored or placed under the jurisdiction of such  
20 parking lot operator.] applicable to for-profit parking lots and  
21 for-profit parking garages shall have the authority to require  
22 that each operator maintain insurance, from an insurer legally  
23 authorized to conduct business in this Commonwealth, in amounts  
24 not less than that which is prescribed by council for the  
25 protection of the public from loss of or damage to the vehicles  
26 parked, stored or placed under the jurisdiction of the operator  
27 and against liability arising out of the ownership or use of the  
28 parking lot or parking garage.

29 Section 232. The act is amended by adding sections to read:

30 Section 2651. Farmers.--No city shall levy or collect any

1 license fee from any farmer upon sales of the farmer's own  
2 produce in or about the streets of the city. This section shall  
3 not restrict in any other way a city's power to regulate the  
4 conduct of a farmer's business.

5 Section 2652. Insurance Business.--No city shall levy or  
6 collect any license fee upon insurance companies or their  
7 agents, or insurance brokers, authorized to transact business  
8 under the laws of this Commonwealth.

9 Section 2653. Persons Taking Orders By Samples.--No city  
10 shall levy or collect any license fee or mercantile tax upon  
11 persons taking orders for merchandise by sample, from dealers or  
12 merchants for individuals or companies who pay a license or  
13 mercantile tax at their chief places of business. Nothing in  
14 this section shall authorize a person to sell by retail to  
15 persons other than dealers or merchants without payment of a  
16 license or permit fee.

17 Section 2654. Commonwealth License Saved.--Nothing contained  
18 in this article shall be construed to relieve any person,  
19 partnership or corporation from the duty of taking out a license  
20 or from the payment of any license tax or fee imposed or  
21 authorized by any other statute, nor shall any Commonwealth  
22 license tax or fee preempt the registration, license or  
23 regulatory powers of a city in accordance with this article,  
24 unless the preemption is expressly authorized.

25 Section 233. Article XXVII heading of the act is amended to  
26 read:

27 ARTICLE XXVII

28 [INDEBTEDNESS] REAL ESTATE REGISTRY

29 Section 234. Sections 2701 and 2703 of the act are repealed:

30 [Section 2701. No Unauthorized Debt to be Created.--No city

1 and no municipal department thereof shall create any debt,  
2 except in pursuance of previous authority of law or ordinance.

3 Section 2703. Liability in Bond Transfers.--All certificates  
4 of loans, issued by a city, shall be transferable by the legal  
5 owners thereof without any liability on the part of the transfer  
6 agents of the city to recognize or see to the execution of any  
7 trust, whether expressed or implied, or constructive, to which  
8 such loans may be subject, unless such transfer agents of the  
9 city shall have previously received notice, in writing, signed  
10 by or on behalf of the person for whom such loans appear by the  
11 certificate thereof to be held in trust, that the proposed  
12 transfer would be a violation of such trust.]

13 Section 235. The act is amended by adding a section to read:

14 Section 2704. Real Estate Registry.--(a) For the purpose of  
15 procuring accurate information in reference to the ownership of  
16 all real estate, the council of each city may provide, by  
17 ordinance, for a real estate registry in accordance with the act  
18 of October 9, 2008 (P.L.1400, No.110), known as the "Uniform  
19 Municipal Deed Registration Act." If required by the ordinance,  
20 every owner, subsequent purchaser, devisee or person acquiring  
21 title by partition or otherwise to any real estate in the city  
22 shall furnish, at the designated city office, descriptions of  
23 their respective properties upon blanks to be furnished by the  
24 city and, at the same time, present their conveyance to be  
25 stamped by the designated city official or employe, without  
26 charge, as evidence of its registration. A person who fails to  
27 register real estate as required by this article shall be liable  
28 for a penalty established by ordinance to be recovered, with  
29 costs of suit, in the name and for the use of the city, as  
30 penalties for the violation of city ordinances are recoverable.

1 (b) A registry established in accordance with this article  
2 shall be in the form provided by council and may include books,  
3 maps and plans. The registry shall show the location and  
4 dimensions of each property in the city, as well as the street  
5 number of and the name of the owner or owners of the properties,  
6 and shall allow for the inclusion of the names of future owners  
7 and dates of future transfer of title.

8 (c) A city official or employe charged with acquiring  
9 information necessary to establish and maintain the registry  
10 shall have free access, without charge, to any of the public  
11 records wherein the information may be obtained. The official or  
12 employe may also cause search to be made in any other place for  
13 any documentary or other evidence of title, not reported to the  
14 city official or employe pursuant to this article, if it is  
15 necessary for the completion of the registry.

16 (d) The registry shall be preserved in the manner council  
17 shall designate, in accordance with 53 Pa.C.S. Ch. 13 Subch. F  
18 (relating to records).

19 (e) The official or employe charged with the duty of  
20 maintaining the registry shall provide certified copies of any  
21 of the entries thereto, and the copies shall be received in  
22 evidence in the same manner as the original registry would be  
23 admissible. Certified copies also shall be furnished to any  
24 person for a reasonable fee.

25 (f) The sheriff of the county in which the city is situated  
26 shall present for registry the deeds of all properties within  
27 the city limits sold by the sheriff at judicial sales, whether  
28 by execution, in partition or otherwise.

29 (g) Each city's registry may be used as the lawful and  
30 proper source of property owners' or reputed owners' names for

1 all lawful purposes including the filing of municipal claims.

2 (h) Nothing in this section shall invalidate any municipal  
3 or tax claim by reason of the fact that the same is not assessed  
4 or levied against the registered owner.

5 Section 236. The act is amended by adding an article to  
6 read:

7 ARTICLE XXVII-A

8 NUISANCE ABATEMENT

9 Section 2701-A. Definitions.

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

13 "Abatement." The removal, stoppage or destruction by any  
14 reasonable means of that which causes or constitutes a public  
15 nuisance.

16 "Department." The department designated by the city council  
17 to determine the existence of and to abate a public nuisance in  
18 accordance with this article.

19 "Owner." With regard to the property on which the alleged  
20 public nuisance exists, the owner of record based upon the  
21 city's real estate registry, if the city maintains a registry,  
22 or if the city does not maintain a real estate registry, on the  
23 tax assessment records of the city, if any, or of the county in  
24 which the city is located. The term may include any person in  
25 whom is vested all or any part of the legal or equitable title  
26 to the property or who has charge, care or control of the  
27 property as agent, executor, administrator, assignee, receiver,  
28 trustee, guardian, lessee or mortgagee in possession.

29 "Property." Any personal property or any real property and  
30 any improvements thereto.

1 "Public nuisance."

2 (1) Any conduct or any property, or condition or use of  
3 property, defined or declared to be a public nuisance under  
4 any provision of this act or other law.

5 (2) Conduct or property, or the condition or use of  
6 property if the department determines that it endangers the  
7 health or safety of, or causes any hurt, harm, inconvenience,  
8 discomfort, damage or injury to, any person or property in  
9 the city, by reason of the conduct or property, or the  
10 condition or use of the property, being any of the following:

11 (i) A menace, threat or hazard to the general health  
12 and safety of the community.

13 (ii) A fire hazard.

14 (iii) A building or structure that is unsafe for  
15 occupancy or use.

16 (iv) Property that is so inadequately or  
17 insufficiently maintained that it diminishes or  
18 depreciates the enjoyment and use of other property in  
19 its immediate vicinity to such an extent that it is  
20 harmful to the community in which the property is  
21 situated.

22 (3) Unauthorized accumulations of garbage and rubbish  
23 and the unauthorized storage of abandoned or junked  
24 automobiles or other vehicles on private or public property,  
25 and the carrying on of any offensive manufacture or business.

26 "Summary abatement." Abatement of a public nuisance by the  
27 city without prior notice to the owner of the property in  
28 accordance with this article.

29 Section 2702-A. Report and investigation of public nuisance.

30 (a) Designation of department.--Council shall designate the

1 department to which reports of the existence of a possible  
2 public nuisance shall be made.

3 (b) Criteria for investigating reports.--The designated  
4 department shall establish criteria for investigating reports  
5 made to it to determine the existence of a public nuisance. The  
6 reports may be submitted by any member of the public, any city  
7 employee or elected or appointed city official or result from  
8 inspections made by the department.

9 (c) Notification.--If the department, either as a result of  
10 a report made to it or an investigation made by it, reasonably  
11 believes the reported property involves a building which appears  
12 to be structurally unsafe, it shall notify the city's building  
13 inspector or other appropriate official who shall cause the  
14 property to be inspected, subject to constitutional standards in  
15 a similar manner as provided in section 2308, and submit a  
16 written report to the department.

17 (d) Determination.--Upon completing its investigation and  
18 receiving any written reports required by subsection (c), the  
19 department shall determine all of the following:

20 (1) If a public nuisance exists.

21 (2) If the public nuisance is of such a severe and  
22 substantial nature that it presents a clear, immediate and  
23 substantial danger to public health or safety or to the  
24 health or safety of any occupant of a property on which a  
25 public nuisance exists or of any property in the vicinity of  
26 the public nuisance, that it is sufficient to justify  
27 extraordinary and immediate action without prior notice to  
28 the owner of the property to avoid personal injury, death or  
29 substantial loss of property.

30 (e) Retention of records.--Following an investigation, the



1 department shall retain a copy of its findings including any  
2 reports made to it and any photographs of the property or  
3 condition investigated, pursuant to 53 Pa.C.S. Ch. 13 Subch. F  
4 (relating to records).

5 Section 2703-A. Summary abatement.

6 (a) General rule.--A city shall have the power to utilize  
7 summary abatement in accordance with this section.

8 (b) Conditions.--In the case of a reported public nuisance,  
9 the department shall have authority to utilize summary abatement  
10 if all of the following occur:

11 (1) The department determines the existence of the  
12 criteria in section 2702-A(d)(1) and (2).

13 (2) The mayor, or the mayor's designee, provides express  
14 authorization to utilize summary abatement.

15 (c) Notice not required.--If summary abatement is  
16 implemented pursuant to subsection (b), the department shall  
17 have the authority to enter upon the property for the purpose of  
18 abatement without prior notice to the owner of the property or  
19 to the holders of liens thereon.

20 (d) Procedure.--The following shall apply:

21 (1) Within ten days following a summary abatement, the  
22 department shall post on the property upon which the  
23 abatement has occurred a notice describing the action taken  
24 to abate the nuisance.

25 (2) Within 20 days following a summary abatement, the  
26 department shall determine the identity of the owner of the  
27 property by reference to the city's real estate registry, if  
28 the city maintains a registry, or in the absence of a  
29 registry, by reference to county assessment records and the  
30 identity of the holders of all liens upon the property which

1 are properly indexed among the records of the county and  
2 provide to the owner and to all lienholders written notice,  
3 by first class mail or hand delivery, of the action taken to  
4 abate the nuisance.

5 (3) Within 30 days following a summary abatement, the  
6 department shall file with the city treasurer or other  
7 financial officer of the city designated by council a  
8 statement of costs of the abatement, which shall include the  
9 administrative fee and civil penalty provided by this  
10 article. After filing with the city treasurer, notice of the  
11 statement of costs shall be provided to the owner and  
12 lienholders in accordance with section 2704-A(b).

13 Section 2704-A. Prior notice of abatement.

14 (a) Abatement authority.--The department shall have the  
15 authority to abate a public nuisance with prior notice as  
16 provided by this section if, after inspecting the property or  
17 condition reported to be a public nuisance, subject to  
18 constitutional standards in a similar manner as provided in  
19 section 2308, the department determines, as provided for in  
20 section 2702-A(d) (1), that the public nuisance exists.

21 (b) Method of notice.--

22 (1) If the department proceeds with abatement pursuant  
23 to this section, it shall identify the owner of the property  
24 by reference to the city's real estate registry, if the city  
25 maintains a registry, or in the absence of a registry, by  
26 reference to county assessment records, and shall immediately  
27 serve a written notice on the owner by any of the following  
28 methods:

29 (i) Personal service.

30 (ii) Leaving a copy of the notice at the usual place

1 of residence or business of the owner or the address of  
2 the owner shown in the city's real estate registry or in  
3 the records in the office of the recorder of deeds.

4 (iii) Mailing a copy by United States certified  
5 mail, return receipt requested, to the owner at the  
6 owner's current address shown in the city's real estate  
7 registry or in the records in the office of the recorder  
8 of deeds.

9 (2) If service of the written notice is unable to be  
10 perfected by any of the methods under paragraph (1), the  
11 department shall publish a copy of the notice in a newspaper  
12 of general circulation once a week for two consecutive weeks  
13 and shall provide a copy of the notice to the individual in  
14 possession of the property on which the department has  
15 determined that the public nuisance exists, or if there is no  
16 individual in possession of the property, the department  
17 shall post a copy of the notice at the structure, location or  
18 premises.

19 (3) The department shall determine from the records in  
20 the offices of the recorder of deeds the identities of all  
21 lienholders of the property and serve a written notice on all  
22 lienholders by United States certified mail, return receipt  
23 requested.

24 (c) Contents of notice.--The notice to the owner and  
25 lienholders shall state clearly and concisely the findings and  
26 determination of the department with respect to the existence of  
27 a public nuisance. The notice shall further state that the  
28 public nuisance shall be abated by the city at the expense of  
29 the owner unless it is otherwise abated within 30 days of the  
30 notice or within any extension of that period granted by the

1 department.

2 (d) Liability.--A person who is the owner of the premises,  
3 location or structure at the time a notice to abate a public  
4 nuisance is issued and served upon the person shall be  
5 responsible for complying with the notice and shall be liable  
6 for any costs incurred by the city in connection with the  
7 notice, notwithstanding if the person conveyed the person's  
8 interest in the property to another after the notice was issued  
9 and served.

10 (e) Defense.--It shall not be a defense to the determination  
11 that a public nuisance exists that the property is boarded up or  
12 otherwise enclosed.

13 Section 2705-A. Abatement by owner.

14 (a) Duty of owner.--Within 30 days after written notice has  
15 been provided pursuant to section 2704-A(b)(1) or (2), the owner  
16 shall remove and abate the nuisance.

17 (b) Extension.--The department, upon written application by  
18 the owner within the 30-day period referred to in subsection  
19 (a), may grant additional time for the owner to effect the  
20 abatement of the public nuisance, if the extension is limited to  
21 a specific time period.

22 Section 2706-A. Appeal after notice; hearing.

23 (a) Hearing.--A city shall, by ordinance, provide a  
24 procedure pursuant to which an owner of the property who has  
25 been served with a notice pursuant to section 2704-A(b)(1) or  
26 (2) may request and have a timely hearing on the question of  
27 whether a public nuisance in fact exists.

28 (b) Appeal board.--Council, or a committee of three council  
29 members appointed by council, shall constitute the public  
30 nuisance appeals board which, if an appeal is taken, shall

1 conduct the hearing on the question of whether a public nuisance  
2 in fact exists. The appeals board may uphold, amend or modify  
3 the determination of the department or extend the time for  
4 compliance with the department's order if the extension is  
5 limited to a specific time period.

6 (c) Time limitations.--An appeal under this section shall  
7 toll the running of the period of time within which the nuisance  
8 is to be abated until a decision is rendered by the appeals  
9 board.

10 Section 2707-A. Abatement by city after notice; statement of  
11 costs.

12 If a public nuisance has not been abated at the expiration of  
13 30 days after notice has been provided or within the additional  
14 time as the department or appeals board may grant, taking into  
15 consideration the provisions of section 2706-A(c), the  
16 department shall have the authority to enter upon the property  
17 for the purpose of abatement. Upon abatement in accordance with  
18 this section, the department shall file with the city treasurer  
19 or other financial officer of the city designated by council a  
20 statement of costs of the abatement which shall include the  
21 administrative fee and civil penalty provided by this article.

22 Section 2708-A. Assistance in abatement.

23 In abating a public nuisance, the department may call upon  
24 any of the city departments or divisions for whatever assistance  
25 shall be deemed necessary or may abate the public nuisance by  
26 private contract.

27 Section 2709-A. Salvage of material.

28 If deemed practicable by the department, the department may  
29 salvage and sell at private or public sale any material derived  
30 from an abatement of a public nuisance. Pursuant to ordinance,

1 all of the following shall apply to the proceeds obtained from  
2 the sale of any material salvaged as a result of an abatement:

3 (1) The proceeds shall be deposited as directed by  
4 ordinance.

5 (2) The proceeds may be applied against the amount of  
6 the costs, fees and penalties relating to the abatement.

7 (3) If the amount of the proceeds exceeds the amount of  
8 the costs, fees and penalties, any excess shall be paid to  
9 the owner.

10 Section 2710-A. Notice of assessment; appeal of charges.

11 (a) Notice of assessment.--Upon receipt of the statement of  
12 costs from the department, either for a summary abatement  
13 pursuant to section 2703-A or for an abatement with notice  
14 pursuant to section 2704-A, the treasurer or other financial  
15 officer of the city designated by council shall, in accordance  
16 with section 2704-A(b), give notice of the amount set forth in  
17 the statement of costs to the owner and lienholders of the  
18 property upon which the public nuisance has been abated. The  
19 notice shall state that the city proposes to assess against the  
20 property the amount set forth in the notice and that objections  
21 to the proposed assessment must be made in writing and received  
22 by the designated officer within 20 days from the date of  
23 mailing the notice.

24 (b) Lien.--Upon the expiration of the 20-day period, if no  
25 written objections have been received by the officer, the total  
26 amount of costs, fees and penalties specified in the statement  
27 of costs may be entered as a lien against the property on which  
28 the nuisance was abated and shall be collected in the manner  
29 provided for the collection of municipal claims and liens,  
30 subject to rights of appeal provided in this section.

1 (c) Administrative review.--If objections of the owner or a  
2 lienholder are received by the designated officer prior to the  
3 expiration of the 20-day period, the officer shall refer the  
4 matter to the department for administrative review.

5 (d) Procedure.--The city shall, by ordinance, provide a  
6 procedure by which the department shall make a determination  
7 regarding any timely filed objection and by which an appeal of  
8 the department's determination may be made to the appeals board  
9 referred to in section 2706-A(b).

10 (e) Final administrative decision.--The determination of the  
11 appeals board shall be a final administrative decision within  
12 the city.

13 (f) Reduction or cancellation of assessment.--The  
14 department, in administrative review, or the appeals board, on  
15 appeal, may reduce or cancel a proposed assessment if it is  
16 determined that any of the following did not conform to the  
17 provisions of this article:

18 (1) The notice to remove the nuisance.

19 (2) The work performed in abating the nuisance.

20 (3) The computation of charges.

21 (g) Elimination of civil penalty.--The department, in  
22 administrative review, or the appeals board, on appeal, may  
23 reduce a proposed assessment by eliminating the civil penalty  
24 portion of the statement of costs if any of the following  
25 applies:

26 (1) The current owner did not own the property at the  
27 time the notice required in section 2703-A was posted.

28 (2) The owner did not receive the notice to remove the  
29 nuisance, did not have knowledge of the nuisance and could  
30 not, with the exercise of reasonable diligence, have had

1 knowledge of the nuisance.

2 Section 2711-A. Personal liability of owner.

3 Notwithstanding the right of the city to utilize in rem  
4 proceedings to pursue collection of the costs, fees and  
5 penalties in the statement of costs as a municipal claim, the  
6 person who is the owner of the property at the time of a summary  
7 abatement at which the notice required is given or, in the case  
8 of an abatement pursuant to section 2704-A, the person who was  
9 the owner of the property at the time notice of the existence of  
10 the public nuisance was given, shall be personally liable for  
11 the amount of the assessment, including all interest, other  
12 charges and, except as provided in section 2710-A(g), civil  
13 penalties.

14 Section 2712-A. Administrative fee and civil penalties.

15 Whenever a public nuisance is abated by the city, the  
16 statement of the costs of the public nuisance shall include the  
17 city's actual cost of abatement, plus an administrative fee, not  
18 to exceed 10%, and a civil penalty. For the first abatement of a  
19 nuisance upon any owner's property within the city in any two-  
20 year period, the civil penalty shall be \$250. For second and  
21 subsequent abatements, upon any properties of any owner within  
22 the city during any two-year period, the civil penalty shall be  
23 \$500. The increased civil penalty shall be imposed and collected  
24 regardless of whether the second and subsequent nuisances upon  
25 property or properties of an owner involve the same property or  
26 are of the same or different characters.

27 Section 237. Article XXVIII heading of the act is amended to  
28 read:

29 ARTICLE XXVIII

30 [PROCEDURE FOR THE EXERCISE OF EMINENT DOMAIN AND THE



1 ASSESSMENT OF DAMAGES AND BENEFITS BY VIEWERS]

2 EMINENT DOMAIN

3 Section 238. Sections 2801 and 2802 of the act are amended  
4 to read:

5 Section 2801. Exercise of Eminent Domain.--[In the] (a) In  
6 addition to all other purposes for which a city may exercise the  
7 power of eminent domain as authorized by this act or by other  
8 laws of the Commonwealth, and subject to the duty to provide  
9 just compensation, a city may acquire property by eminent  
10 domain, including entering upon, appropriating, taking, using  
11 and occupying private lands and property for any of the  
12 following public purposes:

13 (1) The laying out, opening, widening, extending, vacating,  
14 grading, or changing the grades or lines[, ] of streets[, the].

15 (2) The construction of bridges, and the piers, abutments  
16 and approaches therefor[, the].

17 (3) The construction of slopes, embankments and storm water  
18 sewers, including storm water drains[, the].

19 (4) The erection and extension of [water-works] waterworks,  
20 wharves and docks, public buildings, public works, filtration  
21 plants, sewage systems, sewage treatment works, [garbage] waste  
22 disposal plants, [lands and places for the disposal of ashes and  
23 other refuse materials] including disposal of garbage, ashes and  
24 other refuse materials and transfer facilities, gas plants,  
25 electric power and light plants, [houses of detention,  
26 workhouses, poor farms, poor houses,] fire [engine] houses,  
27 hospitals, public auditoriums, memorial buildings, public  
28 transportation facilities, comfort stations, homeless shelters,  
29 waiting stations, communications facilities, drinking fountains,  
30 [and] libraries[, the] and other public buildings and public

1 works.

2 (5) The establishing of recreation places[, and].

3 (6) The changing of watercourses[, the].

4 (7) The acquisition of lands, easements and property for use  
5 of the Pennsylvania National Guard[, and for all other purposes  
6 authorized by this act and the laws of the Commonwealth, a city  
7 may enter upon, appropriate, take, use, occupy, injure, or  
8 destroy, private lands, property, toll bridges, or material. All  
9 such action by the city shall be provided for by ordinance. A  
10 copy of each such ordinance shall be recorded within thirty days  
11 after its enactment in the office of the recorder of deeds in  
12 and for the county or counties wherein such property is situate,  
13 and shall be indexed in the name of the property owner affected  
14 thereby. A copy of the ordinance shall be sent by registered  
15 mail to each such property owner at his last known address.] in  
16 accordance with sections 4413-A and 4414-A.

17 (b) Eminent domain proceedings shall be subject to and  
18 conform with the provisions of 26 Pa.C.S. (relating to eminent  
19 domain).

20 Section 2802. Restrictions as to Certain Property.--In  
21 addition to the restrictions made by other provisions of this  
22 act in particular cases or by any other provision of law, no  
23 city shall exercise the right of eminent domain as against land  
24 now occupied by any building which was used during the Colonial  
25 or Revolutionary period as a place of Assembly by the Council of  
26 the Colony of Pennsylvania, the Supreme Executive Council of the  
27 Commonwealth of Pennsylvania, or the Congress of the United  
28 States; or as against the land occupied by any fort, redoubt, or  
29 blockhouse[, ] erected during the Colonial or Revolutionary  
30 period[, ] or any building used as headquarters by the Commander-

1 in-Chief of the Continental Army, or as against the site of any  
2 building, fort, redoubt, blockhouse, or headquarters[, ] which  
3 are preserved for their historic associations and not for  
4 private profit. The Colonial and Revolutionary period shall be  
5 [taken as] deemed to have ended on the third day of September,  
6 one thousand seven hundred and eighty-three.

7 Section 239. The act is amended by adding a section to read:

8 Section 2803. Title Acquired.--Except as otherwise provided  
9 in law, if land or other real or personal property is acquired  
10 by a city in eminent domain proceedings or is acquired by gift,  
11 purchase or otherwise, the title obtained by the city shall be  
12 in fee simple absolute or like absolute ownership unless the  
13 parties agree otherwise in writing and the agreement expressly  
14 appears in a recorded deed affecting any real property acquired  
15 by the city or in the notice of condemnation.

16 Section 240. Sections 2809 and 2823 of the act are repealed:

17 [Section 2809. Value of Land or Property not to be Assessed  
18 as Benefits; Exception.--In all cases of the appropriation of  
19 land or property for public use, other than for streets, it  
20 shall not be lawful to assess any portion of the damage done to  
21 or value of the land or property so appropriated, against the  
22 other property adjoining or in the vicinity of the land or  
23 property so appropriated.

24 Section 2823. Assessment of Damages and Benefits.--The  
25 damages may be paid, in whole or in part, by the city, or may be  
26 assessed, in whole or in part, upon the land or property  
27 benefited. In the latter case, the viewers having first  
28 determined the damages apart from the benefits shall assess the  
29 total cost of the improvement, or so much thereof as may be just  
30 and reasonable, upon the lands or properties peculiarly

1 benefited, including in the assessment all parties for which  
2 damages have been allowed, and shall report the same to the  
3 court. The total assessments for benefits shall not exceed the  
4 total damages awarded or agreed upon.]

5 Section 241. Section 2824 of the act is reenacted to read:

6 Section 2824. Assessment Awards.--In proceedings to assess  
7 damages and benefits, if the land or property is both benefited  
8 and damaged by such improvements, the excess of damages over  
9 benefits, or the excess of benefits over damages, or nothing in  
10 case the benefits and damages are equal, shall be awarded to or  
11 assessed against the owner of land and property affected  
12 thereby.

13 Section 242. Section 2850 of the act is repealed:

14 [Section 2850. Title Acquired.--In all cases where land or  
15 property is acquired by the city in eminent domain proceedings  
16 other than for street purposes, or is acquired by gift, purchase  
17 or otherwise, the title obtained by the city shall be in fee  
18 simple or like absolute ownership: Provided, That in particular  
19 instances a different title may by agreement or consent be  
20 acquired.]

21 Section 243. Article XXIX heading of the act is reenacted to  
22 read:

23 ARTICLE XXIX

24 STREETS

25 Section 244. The heading of subdivision (a) of Article XXIX  
26 of the act is repealed:

27 [(a) Plans and Location]

28 Section 245. The act is amended by adding sections to read:

29 Section 2901. Map of Streets.--Council may authorize and  
30 approve a comprehensive map of city streets which may, but need

1 not, be a part of an official map adopted in accordance with the  
2 Municipalities Planning Code. If a comprehensive map of city  
3 streets is adopted, any street subsequently laid out in  
4 accordance with this act shall be deemed an amendment to the  
5 comprehensive map.

6 Section 2902. Laying Out Streets.--(a) A city shall have  
7 the power to and may lay out streets by any of the following  
8 means:

9 (1) By identifying the street on a comprehensive map of city  
10 streets, in an amendment to the comprehensive map or in a  
11 recorded subdivision or land development plan.

12 (2) By an ordinance laying out any area for future opening  
13 as a public street.

14 (b) If, at the time of the enactment of an ordinance in  
15 accordance with subsection (a) (2), the lines of the laid-out  
16 street include property not subject to use as a public  
17 passageway, the ordinance shall be filed with the recorder of  
18 deeds of the county where the city is located. The recorder of  
19 deeds shall index the ordinance by name of city, the name of the  
20 property owner and, if applicable, the parcel number of the  
21 property through which the proposed street is laid out.

22 Section 2903. Effect of Laying Out of Street.--With regard  
23 to land not previously used by the city as a passageway for  
24 public travel, the laying out and locating of a street in  
25 accordance with this article shall not, in and of itself, do any  
26 of the following:

27 (1) Authorize the entry upon or the appropriation of any  
28 property.

29 (2) Constitute the opening of any street or the taking or  
30 acceptance of any land.

1     (3) Obligate the city to improve or maintain the street or  
2 land.

3     Section 2904. Improvements Within Laid-out Streets.--No  
4 permit shall be issued for any building within the lines of any  
5 street laid out pursuant to this article. No person shall  
6 recover any damages for the taking for public use of any  
7 building or improvements constructed within the lines of any  
8 street after the same shall have been included in the general  
9 plan or official map, and any building or improvement shall be  
10 removed at the expense of the owner.

11     Section 246. Article XXIX subdivision (b) heading of the act  
12 is repealed:

13     [(b) Opening, Widening, Extending, Straightening and Vacating]

14     Section 247. Section 2915 of the act is amended to read:

15     Section 2915. Power to Open, Etc.--[Cities] (a) With regard  
16 to any street or any part of a street within city limits, a city  
17 may, with or without any petition of property owners, [may] do  
18 any of the following:

19     (1) [open] Open, widen, straighten, alter, extend and  
20 improve[, and may].

21     (2) [establish] Establish or reestablish the grades [of,  
22 and].

23     (3) [keep] Keep in order and repair and in safe passable  
24 condition[, any street, or any part thereof, within the city  
25 limits, or may].

26     (4) [vacate] Vacate and discontinue [the same] whenever  
27 deemed expedient for the public good[,.].

28     (5) With the approval of the Department of Transportation,  
29 vacate highways laid out by the Commonwealth within the city  
30 limits which have remained unopened for thirty years.

1       (b) [and] A city may provide for the payment of the cost  
2 [thereof,] for any of the actions authorized in subsection (a),  
3 either in whole or in part, from the general revenues of the  
4 city. [Cities may vacate highways laid out by the Commonwealth  
5 within their limits, which highways have remained unopened for  
6 thirty years.]

7       Section 248. Section 2916 of the act, amended June 14, 1961  
8 (P.L.362, No.197), is amended to read:

9       Section 2916. Ordinances [when no] When No Petition is  
10 Presented.--[Any ordinance for] (a) An ordinance shall be  
11 enacted for the opening, widening, straightening, extending or  
12 vacating of any street, without petition of property owners,  
13 [shall be adopted] by the affirmative vote of [at least four  
14 members of any five member council, and under the mayor-council  
15 plan A of government adopted pursuant to the Optional Third  
16 Class City Charter Law, by the affirmative vote of at least five  
17 members of a seven member council and by the affirmative vote of  
18 at least seven members of a nine member council] a majority of  
19 the whole number of members of the council plus one.

20       (b) [No such ordinance shall be finally adopted] An  
21 ordinance pursuant to subsection (a) shall not be finally  
22 enacted until the expiration of twenty-eight days from the date  
23 of its introduction and, in the meantime, copies thereof shall  
24 be published in [one or more of the newspapers of the city,] a  
25 newspaper of general circulation in the city once a week for  
26 three consecutive weeks, immediately following the introduction  
27 thereof, and in case no newspaper is published in the city, then  
28 in the same manner in one newspaper published in the county as  
29 required by section 109.

30       Section 249. Sections 2917, 2918 and 2919 of the act are

1 amended to read:

2 Section 2917. Erection of Improvements Restricted.--Any  
3 ordinance widening or straightening any street, or part thereof,  
4 shall fix the new line or lines and may require that thereafter  
5 no owner or builder shall erect any new building or rebuild or  
6 alter the front of any building already erected without making  
7 it conform to the new lines[. In], in which case the land  
8 owner's right of action shall accrue only when the city actually  
9 enters on and occupies the land within the [said lines, or the  
10 said] lines or the building is located or relocated to conform  
11 to [said] the lines.

12 Section 2918. Petition for Opening, Etc.--(a) A petition  
13 may be presented to council for the opening, widening,  
14 straightening, altering, extending, vacating, or [for the]  
15 establishing or reestablishing of the grade of any street[,].

16 (b) A petition made pursuant to this section shall be signed  
17 by a majority, in number and interest, of the owners of property  
18 abutting on the line of the proposed improvement or vacation as  
19 fixed at the time of presentation of the petition, and shall be  
20 verified by the affidavit of one or more of the petitioners. The  
21 majority in interest of owners of undivided interests in any  
22 piece of property shall be deemed as one person for the purposes  
23 of the petition.

24 Section 2919. Notice of [Ordinance and] Petition[;  
25 Appeal].--[Upon the approval of] After the presentation of the  
26 petition presented in accordance with section 2918, and  
27 council's determination of the adequacy of the petition, but  
28 before final enactment of any ordinance [passed] enacted  
29 pursuant to [said] the petition, notice shall be [given, once a  
30 week in one] published in a newspaper of general circulation



1 once a week for three consecutive weeks as required by section  
2 109, [as required by section one hundred and nine of this act,]  
3 and [by] handbills shall be posted in conspicuous places along  
4 the line of the proposed improvement. The notice and handbills  
5 shall state the fact [of the passage of the ordinance, and the  
6 date thereof,] that the petition for the improvement was signed  
7 by a majority in interest and number of the owners of property  
8 abutting the line of the proposed improvement, and that any  
9 person interested may [appeal to the court of common pleas of  
10 the county within thirty days after the passage of the said  
11 ordinance.] provide comments at a public hearing to be held at a  
12 date, time and place as stated in the published notice and  
13 handbills. If, after the hearing, council determines to proceed  
14 with the consideration of an ordinance pursuant to the petition,  
15 it shall publish notice of the ordinance and incorporate  
16 reference to any maps or drawing, in accordance with subdivision  
17 (a.1) of Article X.

18 Section 250. Section 2920 of the act is repealed:

19 [Section 2920. Appeal from Ordinance.--Any person interested  
20 may, within thirty days from the passage of the ordinance,  
21 appeal from the validity of the ordinance to the court of common  
22 pleas questioning the legality of the petition for improvement  
23 or of the said ordinance or of both. If said court shall find  
24 the petition or ordinance materially defective under the law, it  
25 shall declare the ordinance void, otherwise it shall approve the  
26 same.]

27 Section 251. Section 2921 of the act, repealed in part June  
28 3, 1971 (P.L.118, No.6), is repealed:

29 [Section 2921. Effect of Failure to Appeal.--The parties  
30 interested shall not question the legality of the petition and

1 ordinance in any manner or matter or at any time whatever,  
2 except as provided in section two thousand nine hundred and  
3 twenty of this act.]

4 Section 252. Section 2922 of the act is amended to read:

5 Section 2922. Assessment of Damages and Benefits.--[In any  
6 proceedings under this subdivision of this article,] If  
7 necessary, in any proceedings to exercise one of the powers  
8 given in section 2915, viewers shall be appointed, damages  
9 awarded, and benefits assessed as provided in 26 Pa.C.S.  
10 (relating to eminent domain) or as provided in this act for  
11 [such proceedings] the assessment of benefits.

12 Section 253. Article XXIX subdivision (c) heading of the act  
13 is repealed:

14 [(c) Grading, Paving, Macadamizing, Et Cetera]

15 Section 254. Sections 2930 and 2931 of the act are amended  
16 to read:

17 Section 2930. Power to Grade, Pave, Macadamize, Et Cetera.--

18 (a) Every city may grade, pave, macadamize or otherwise[,]  
19 improve any street, or part thereof, and the sidewalks thereof  
20 when included as a part of the improvement, have the same set  
21 with curbstone, and provide for the drainage thereof.

22 (b) Every city may also provide for the improvement of any  
23 [highway, or] street, or any sections or parts thereof, in  
24 length, in the space between the curb, gutter, or [actual  
25 carriage-way line] cartway and the property line, either by an  
26 original work or improvement thereon, or by a change, repair,  
27 renewal, or alteration in the [said] street or curb, or in  
28 parking spaces, or shade trees, or by changing, altering,  
29 renewing, replanting, pruning, or otherwise [improving the same,  
30 in any or all of said particulars] making improvements therein.

1 Section 2931. Payment of Cost of Improvement.--The costs and  
2 expenses of [things] the improvements done under [section two  
3 thousand nine hundred and thirty of this act] section 2930 shall  
4 be paid, in whole or in part, by the city, or by the owners of  
5 real estate bounding and abutting thereon, which cost and  
6 expense upon the abutting real estate shall be assessed  
7 [according to the foot-front rule, or according to the benefits,  
8 as council shall, by ordinance, determine, except that in case  
9 of grading only, the said costs and expense shall be assessed  
10 according to benefits] in accordance with Article XLV-A.

11 Section 255. Sections 2932, 2933 and 2934 of the act are  
12 repealed:

13 [Section 2932. Assessment of Cost by Foot-Front Rule.--When  
14 the costs and expenses, or any part thereof, are to be paid for  
15 by the foot-front rule, the council shall assess or cause to be  
16 assessed the said cost and expenses upon the real estate  
17 bounding or abutting on the line of the improvement, by an equal  
18 assessment on said property in proportion to the number of feet  
19 the same fronts on the respective street, or part thereof, to be  
20 improved. The council may provide for an equitable reduction  
21 from the frontage of lots at all street, railroad, or like  
22 intersections, or where, from the peculiar or pointed shape of  
23 the lots, an assessment for the full frontage would be  
24 inequitable.

25 Section 2933. Assessment of Costs According to Benefits.--  
26 When the cost and expenses, or any part thereof, of any grading,  
27 paving, macadamizing, or other improvement of any street, or  
28 part thereof, is to be paid for by the owners of real estate  
29 abutting or bounding thereon as aforesaid, according to  
30 benefits, the same shall be assessed by viewers appointed by the

1 court of common pleas, as provided in this act for the  
2 assessment of benefits by viewers.

3 Section 2934. Ordinance for Improvement at Expense of  
4 Property Owners upon Petition.--Council may, by ordinance,  
5 provide for the paving, macadamizing, grading, or other  
6 improvement of any street, or part thereof, at the cost and  
7 expense of the abutting property owners in whole or in part,  
8 upon the petition therefor of a majority in number or interest  
9 of the owners of property abutting or bounding on the line of  
10 the proposed improvement, to be verified by the affidavit of one  
11 or more of the petitioners. A majority in interest of owners of  
12 undivided interests in any piece of property shall be deemed and  
13 treated as one person for the purpose of said petition.]

14 Section 256. Section 2935 of the act, amended June 14, 1961  
15 (P.L.362, No.197), is repealed:

16 [Section 2935. Ordinance for Improvement at Expense of  
17 Property Owners without Petition.--Council may, by ordinance,  
18 provide for the paving, macadamizing, grading or other  
19 improvement of any street, or part thereof, at the cost and  
20 expense of the abutting property owners, in whole or in part,  
21 without petition therefor of abutting property owners if the  
22 ordinance for such improvement has been passed by the  
23 affirmative vote of four members of any five member council, and  
24 under the mayor-council plan A of government adopted pursuant to  
25 the Optional Third Class City Charter Law, by the affirmative  
26 vote of at least five members of a seven member council and by  
27 the affirmative vote of at least seven members of a nine member  
28 council. Such ordinance shall not be passed in a less period  
29 than twenty-eight days from the date of its introduction; and,  
30 in the meantime, copies of such ordinance shall be published, in

1 one or more newspapers, once a week for three weeks, in the  
2 manner required by section one hundred and nine of this act. The  
3 requirements for such publication shall not, however, preclude  
4 the amendment of any paving ordinance as to the kind of pavement  
5 with which any street, or part thereof, or sidewalk, is proposed  
6 to be paved.]

7 Section 257. Sections 2936 and 2937 of the act are repealed:

8 [Section 2936. Appeal from Ordinance.--Any person affected  
9 may appeal from said ordinance in the manner and time and with  
10 the effect provided for in sections two thousand nine hundred  
11 twenty and twenty-one of this act.

12 Section 2937. Assessment of Damages and Benefits.--In any  
13 proceedings under this subdivision of this article where the  
14 cost and expense of the improvement is not assessed by the foot-  
15 front rule, viewers shall be appointed, damages awarded, and  
16 benefits assessed as provided in this act, for such  
17 proceedings.]

18 Section 258. Section 2938 of the act is amended to read:

19 Section 2938. Preparation of Streets for Paving or  
20 Repairing.--(a) Council may provide, by ordinance, for the  
21 laying, renewing, and repairing of all gas, water, steam, or  
22 other pipes, or conduits[, ] in any street, before the paving,  
23 repaving, or repairing of the same, and for making the necessary  
24 [house] connections with [said] the pipes[, and also for].

25 (b) With regard to main or lateral sewers, council may  
26 provide for the necessary [house] connections and branches [with  
27 and] leading into main or lateral sewers[: Provided, That in no  
28 case, except as a sanitary measure, of which council shall be  
29 the judge, shall council require such house connections to be  
30 extended further from such sewers, or from such gas, water,

1 steam, or other pipes, or conduits, than to the inner line of  
2 the curbstone of such street Council may,].

3 (c) With regard to connections requiring extensions from  
4 sewers or from gas, water, steam or other pipes or conduits,  
5 council may not require private utility companies to make  
6 extensions beyond the inner line of the curbstone of the street  
7 unless it determines that it is necessary to do so as a sanitary  
8 measure.

9 (d) If, after notice to all companies, corporations,  
10 persons, and owners affected[, and in default of compliance  
11 therewith, cause said pipes to be laid, renewed, or repaired,  
12 and said connection made,] of the necessity for the laying,  
13 renewing and repairing of gas, water, steam or other pipes or  
14 conduits in a street and the necessity of making necessary  
15 connections, prior to the proposed paving, repaving or repairing  
16 of the street, there is a failure to comply, council may perform  
17 work and may collect the cost of paving[, and repairing all  
18 pipes and pipe connections, from the companies, corporations, or  
19 persons owning or operating the said gas, water, steam, and  
20 other pipes or conduits,] or repaving, or repairing of the pipes  
21 or conduits, with interest[; and the], from the companies,  
22 corporations, persons and owners affected. The cost of the sewer  
23 connections shall be a first lien against the land for whose  
24 benefit [such] the connections are made. A separate lien may be  
25 filed therefor, or [such] the sewer connection cost may be  
26 included in any lien filed for the cost of [such] the street  
27 improvement, and the lien and the proceedings thereon shall be  
28 as in the case of other municipal liens.

29 Section 259. Section 2939 of the act, amended September 26,  
30 1951 (P.L.1515, No.379), is amended to read:

1 Section 2939. Highways in Cities.--Wherever in this act a  
2 city is given powers, rights and duties as to its streets or  
3 sections thereof, the same shall extend as well to highways or  
4 sections thereof which are also streets of the city, to the  
5 extent that the city is legally responsible for them, pursuant  
6 to agreement or otherwise, excepting damages to abutting  
7 property owners for acts of the Commonwealth unless the city  
8 shall assume them, under this act or the [State Highway Law.]  
9 act of June 1, 1945 (P.L.1242, No.428), known as the "State  
10 Highway Law." The use of the word "street" in this act shall to  
11 that extent include highways.

12 Section 260. Article XXIX subdivision (d) heading of the act  
13 is repealed:

14 [(d) Grade Crossings]

15 Section 261. Section 2950 of the act is amended to read:

16 Section 2950. [Consent of Public Utility Commission] Grade  
17 Crossing; Pennsylvania Public Utility Commission; Jurisdiction;  
18 Damages.--(a) Every city constructing a street across a  
19 railroad shall construct the same above or below the grade  
20 thereof, unless permitted by the Pennsylvania Public Utility  
21 Commission to construct the same at grade.

22 (b) Any new construction of a street crossing a railroad, or  
23 any vacation of any street crossing a railroad, shall be  
24 constructed or vacated only in a manner consistent with the  
25 rules and regulations and under the jurisdiction of the  
26 Pennsylvania Public Utility Commission. The compensation for  
27 damages to the owners of adjacent property taken, injured or  
28 destroyed by the construction of a street crossing a railroad or  
29 any vacation of any street crossing a railroad shall be  
30 ascertained, fixed and paid in a manner consistent with 66

1 Pa.C.S. Pt. I (relating to public utility code).

2 Section 262. Section 2951 and Article XXIX subdivision (e)  
3 heading of the act are repealed:

4 [Section 2951. Public Utility Commission; Jurisdiction;  
5 Damages.--Any such crossings of a railroad by a street, or any  
6 vacation of any street crossing a railroad, shall be constructed  
7 or vacated only in the manner prescribed by, and under the  
8 jurisdiction of, the Public Utility Commission. The compensation  
9 for damages to the owners of adjacent property taken, injured or  
10 destroyed shall be ascertained, fixed, and paid in the manner  
11 prescribed in the Public Utility Law.

12 (e) Acquisition of Unobstructed View Across Lands]

13 Section 263. Section 2955 of the act is amended to read:

14 Section 2955. Acquisition of Unobstructed Views.--Any city  
15 may acquire, by purchase or by the right of eminent domain, a  
16 free and unobstructed view down and across lands located at or  
17 near intersections or curves of streets, railroads or railways,  
18 [or curves of any of them, as may be necessary,] to assure a  
19 free and unobstructed view in all directions at [such places,]  
20 the intersections or curves and to prevent the use of [such] the  
21 lands over and across which the view was acquired for any  
22 purpose or in any manner which may interfere with or obstruct  
23 the vision of any person or persons traveling upon any [such]  
24 street within the city. [Upon any such condemnation, the city  
25 having instituted the condemnation proceedings shall file with  
26 the recorder of deeds a plan, showing the property condemned and  
27 such other detailed information as may be deemed necessary and,  
28 after the same is filed, said city may, from time to time, abate  
29 or remove, or cause to be abated or removed, any obstruction to  
30 such view over and across such lands.



1 The proceedings for the condemnation of such view over and  
2 across such lands, and for the assessment of damages for  
3 property taken, injured or destroyed, shall be in the manner  
4 provided in this act for property taken, injured or destroyed.

5 Upon the condemnation of a view over and across any lands for  
6 the purposes aforesaid, the owner of such lands may make every  
7 such use thereof as will not interfere with a free and  
8 unobstructed view at such intersection or curve. Unless  
9 specially provided for in such condemnation proceedings, such  
10 condemnation shall not be construed to prevent the owner thereof  
11 from using such land for pasture or the growing of grass, oats,  
12 wheat, or other crops which will not obstruct the vision more  
13 than wheat.]

14 Section 264. Article XXIX subdivision (f) heading of the act  
15 is repealed:

16 [(f) Use of Abutting Lands]

17 Section 265. Section 2960 of the act is amended to read:

18 Section 2960. Use of Abutting Lands for Embankments, Slopes,  
19 Fills, and Culverts.--In the grading of any street, or any part  
20 thereof, cities are hereby authorized and empowered to use so  
21 much of the lots and lands abutting on the [same] street for the  
22 construction of embankments, slopes, fills and culverts, as may  
23 be necessary [and proper] for the completion of the improvement.  
24 [The assessment of] Compensation for damages, costs, and  
25 expenses, resulting [thereby, shall be regarded as other  
26 assessments of damages, costs, and expenses, caused by the  
27 grading of streets, in cities and shall be assessed and paid as  
28 is provided by this act in such cases] from the use of lots and  
29 lands abutting on the street for the construction of  
30 embankments, slopes, fills and culverts shall be made in the

1 same manner as compensation for using and occupying private  
2 lands for the grading of streets in accordance with section  
3 2801.

4 Section 266. Article XXIX subdivision (g) heading, section  
5 2963, subdivision (h) heading, section 2965 and subdivision (i)  
6 heading of the act are repealed:

7 [(g) Abandoned Turnpikes

8 Section 2963. Maintenance and Improvement of Condemned and  
9 Abandoned Turnpikes.--When any turnpike, or part thereof,  
10 situate in the same or more than one county, shall be condemned  
11 for public use, free of tolls, and the assessment of damages  
12 therefor shall have been paid by the county, or when any  
13 turnpike company or association has abandoned its turnpike, or  
14 any part thereof, or when any turnpike company or association  
15 has been dissolved, such turnpike, or part thereof, located  
16 within the limits of any city shall be maintained and improved  
17 in the same manner as other streets of the city.

18 (h) Unlawful Assessments

19 Section 2965. Repayment of Assessments Paid to City by  
20 Owners of Property Unlawfully Assessed.--Any city receiving  
21 money in payment of an assessment levied under any provision of  
22 this article shall repay the same or so much thereof as shall be  
23 ordered to any parties bringing the action, within two years of  
24 such payment or payments, upon the final determination of a  
25 proper court in a proper issue that the assessment levied was  
26 not such as the owner of the property so assessed was liable to  
27 pay at the time council ordered the work to be done for which  
28 the assessment was made, or within the said period of two years,  
29 the city may repay such money voluntarily upon a showing that  
30 the same was paid inadvertently, or such assessment or part

1 thereof was made erroneously.

2 (i) Streets or Roads Connecting City with Highways]

3 Section 267. Section 2970 of the act is amended to read:

4 Section 2970. Appropriation for Connections with Highways.--

5 Cities may, singly or jointly, with other political

6 subdivisions, appropriate and expend moneys for the improvement

7 of streets or roads beyond the limits of [such] the cities[,]

8 for the purpose of connecting improved streets in [such] the

9 cities with a highway [whenever that part of the connecting

10 street or road to be improved outside the city limits shall be

11 less than one mile in length].

12 Section 268. Article XXIX subdivision (j) heading of the act

13 is repealed:

14 [(j) Detours]

15 Section 269. Section 2975 of the act is amended to read:

16 Section 2975. [Streets not to be Closed to Vehicular

17 Traffic; Exceptions.--]Street Closings; Detours.--(a) The

18 following shall apply to the closing of a street to vehicular

19 traffic:

20 (1) No street shall be closed to vehicular traffic, except

21 upon order of the Department of Streets and Public Improvements,

22 [or, by order of the mayor] or other department of the city

23 having jurisdiction over public streets or, in cases of

24 emergency where immediate action is necessary to protect public

25 safety, by order of the mayor, the police or the fire marshal[,]

26 in cases of emergency, wherein the safety of the public would be

27 endangered, nor shall any such]\_.

28 (2) A street [be] may not remain closed for a longer period

29 than is necessary for the purpose for which [such] the order

30 [is] to close was issued.

1     (3) Except in cases of emergency, where immediate action is  
2 necessary to protect public safety, no street shall be closed to  
3 vehicular traffic when the same has been designated as a detour  
4 by the Department of Transportation, unless the written consent  
5 of the Secretary of Transportation has first been obtained or  
6 unless council shall, by resolution duly recorded on its  
7 minutes, declare the closing necessary for the safety of the  
8 public.

9     (4) When any street which forms a part or section of a State  
10 highway, or has been designated as a detour by the Department of  
11 Transportation, is closed to vehicular traffic, the city shall  
12 at once notify the Department of Transportation of the creation  
13 of a detour, as hereinafter provided. When the detour is  
14 removed, the Department of Transportation shall also be notified  
15 at once of the removal.

16     (5) When any street is to be closed, it shall be the duty of  
17 the official or department that authorized the closing to  
18 designate a detour.

19     (6) While the detour is in use, legible signs shall be  
20 erected and maintained at reasonable intervals, indicating the  
21 proper direction, and the detour shall be maintained in safe and  
22 passable condition.

23     (7) When the street that had been closed is opened for  
24 traffic, all detour signs shall be removed.

25     (b) A city may enter into agreement with the owners of  
26 private lands covering the acquisition of right of way  
27 privileges for a detour over private property for the period  
28 when a street shall be closed to traffic. In case no agreement  
29 satisfactory to the parties can be reached, the city may proceed  
30 with the construction of the detour, with the owner of the

1 property taken for the detour entitled to seek damages, if any,  
2 in the same manner as damages are now ascertained for the  
3 opening of streets in the city.

4 (c) In the exercise of the rights conferred by this section  
5 relating to detours, council is hereby empowered to pay for the  
6 necessary maintenance, subsequent repair and land rental out of  
7 funds available for the construction and maintenance of city  
8 streets.

9 (d) Any person who shall wilfully remove, deface, destroy or  
10 disregard any barricade, light, danger sign, detour sign, signal  
11 or warning of any other character whatsoever so legally erected  
12 or placed or who shall drive on, over or across any street which  
13 has been closed by proper authority commits a summary offense  
14 punishable upon conviction thereof in accordance with section  
15 1018.16, but with a mandatory fine of not less than five hundred  
16 dollars (\$500) or more than the maximum fine authorized in  
17 section 1018.17 for the second or any subsequent offense, and  
18 shall pay the costs of prosecution together with the value of  
19 the property so removed, defaced or destroyed, except that  
20 persons who have no outlet due to the closing of a street may  
21 drive on, over or across the street, subject to reasonable  
22 conditions as may be prescribed by the city without being  
23 subject to the penalties imposed by this section.

24 (e) All fines collected under the provisions of this section  
25 shall be paid over to the treasurer of the city.

26 (f) In addition to the penalties provided in subsection (d),  
27 the city, its agents or contractors may, in an action at law,  
28 recover damages from any person or persons who have damaged a  
29 street when it is closed to vehicular traffic.

30 Section 270. Sections 2976, 2977 and 2978 of the act are

1 repealed:

2 [Section 2976. Closing of Streets Designated as Detours by  
3 State.--No street shall be closed to vehicular traffic when the  
4 same has been designated as a detour by the Department of  
5 Highways of the Commonwealth, unless the written consent of the  
6 Secretary of Highways has first been obtained, or unless council  
7 shall, by resolution duly recorded on its minutes, declare such  
8 closing necessary for the safety of the public.

9 Section 2977. Notice of Detour on Streets Forming Part of  
10 Highway.--When any street which forms a part or section of a  
11 highway, is closed to vehicular traffic, the city shall at once  
12 notify the Department of Highways of the Commonwealth of the  
13 creation of a detour, as hereinafter provided. When such detour  
14 is removed, the Department of Highways shall also be notified at  
15 once of the removal.

16 Section 2978. Detours to be Provided when Streets Closed.--  
17 When any street shall be closed, as hereinbefore provided, it  
18 shall be the duty of the city authorities authorizing the  
19 closing to immediately designate or lay out a detour, on which  
20 they shall erect, or cause to be erected and maintained while  
21 such detour is in use, legible signs at each intersection  
22 throughout its entire length, indicating the proper direction.  
23 During the period when such detour is in use, it shall be the  
24 duty of such authorities closing the street to maintain such  
25 detour in safe and passable condition. It shall also be the duty  
26 of the authorities closing the street and maintaining the detour  
27 to immediately remove all detour signs when the street  
28 originally closed is opened for traffic. Whenever necessary in  
29 the creation of a detour, as aforesaid, the city authorities  
30 responsible for laying out the detour may enter into agreement

1 with the owners of private lands, covering the acquisition of  
2 right of way privileges over private property for the period  
3 when the street shall be closed to traffic. In case no agreement  
4 satisfactory to the parties can be reached, the authorities  
5 responsible for the laying out of the detour may proceed with  
6 the construction of the same, and either such authorities or the  
7 owner of the property occupied may petition the court for the  
8 appointment of viewers to ascertain the damages, if any, in the  
9 same manner as damages are now ascertained for the opening of  
10 streets in such city. In the exercise of the rights conferred by  
11 this section, council is hereby empowered to pay for the  
12 necessary maintenance, subsequent repair, and land rental out of  
13 such funds as are available for the construction and maintenance  
14 of the streets in their charge.]

15 Section 271. Section 2979 of the act, amended March 25, 1988  
16 (P.L.260, No.29), is repealed:

17 [Section 2979. Penalties.--Any person who shall wilfully  
18 remove, deface, destroy or disregard any barricade, light,  
19 danger sign, detour sign, or signal, or warning of any other  
20 character whatsoever so legally erected or placed, or who shall  
21 drive on, over or across any street which has been closed by  
22 proper authority, shall, upon conviction thereof in a summary  
23 proceeding before a magistrate, alderman, or justice of the  
24 peace, be sentenced to pay a fine of not less than two hundred  
25 dollars nor more than five hundred dollars for the first  
26 offense, and a mandatory fine of five hundred dollars for the  
27 second or any subsequent offense, and the costs of prosecution  
28 together with the value of the sign so removed, defaced or  
29 destroyed, and, in default of the payment thereof, shall be  
30 sentenced to imprisonment of not more than ten days: Provided,

1 however, That persons who have no outlet due to the closing of a  
2 street may drive on, over or across such street, with the  
3 consent in writing of, and subject to such conditions as may be  
4 prescribed by, the authorities responsible for the closing or  
5 their agents or contractors, without being subject to the  
6 penalties imposed by this section.

7 In addition to the penalties herein provided, the authorities  
8 responsible for the maintenance of a street which has been  
9 closed to vehicular traffic, or their agents or contractors,  
10 may, in an action at law, recover damages from any person or  
11 persons who have damaged a street when it is closed to vehicular  
12 traffic. All fines collected under the provisions of this  
13 section shall be paid by the officer receiving the same to the  
14 treasurer of the city.]

15 Section 272. Article XXIX subdivision (k) heading of the act  
16 is repealed:

17 [(k) Boundary Streets]

18 Section 273. Sections 2985 and 2986 of the act are amended  
19 to read:

20 Section 2985. Maintenance of Streets Forming Boundaries.--

21 Whenever any street is on the boundary line between any city and

22 [a township, such] any other municipal corporation, the street

23 shall be maintained jointly by the city and the [township] other

24 municipal corporation. For the purpose of maintaining any such

25 street, the [authorities] officers of any city are hereby

26 directed to enter into agreements with the [authorities of any

27 township] other municipal corporation providing the manner in

28 which the same shall be maintained[, ] and providing for the

29 division of the cost of maintenance between the city and

30 [township] other municipal corporation. If any [such city or



1 township] other municipal corporation shall fail or refuse to  
2 enter into any such contract, [any taxpayer thereof or the  
3 corporate authorities of the city or township] the city or any  
4 taxpayer of the other municipal corporation may present a  
5 petition to the court of [quarter sessions] common pleas of the  
6 county, setting forth the facts. The court, after hearing, of  
7 which [such] notice shall be given to all parties interested as  
8 the court may direct, shall make an order directing the manner  
9 of such maintenance and the division of the cost of maintenance  
10 between the city and the [township] other municipal corporation.

11 Section 2986. Streets, the Center Line of Which Is the  
12 Boundary [between Municipalities in the Same County] Between  
13 City and Another Municipal Corporation.--Whenever [the center  
14 line of] any street constitutes the dividing line between [any  
15 city and a township located in the same county, the city may  
16 enter into a contract with the commissioners of the county and  
17 the commissioners or road supervisors of the township, as the  
18 case may be, providing for the grading, curbing, and  
19 macadamizing or paving, of the street; the cost of such  
20 improvement, to be borne one-half by the city, and one-half by  
21 the county and township, in equal portions.

22 The alteration or improvement shall be constructed, and  
23 subsequent repairs shall be made, under the supervision of the  
24 proper authorities of the city, in compliance with existing laws  
25 governing the construction of such alterations or improvements  
26 in said city, and in further compliance with plans and  
27 specifications to be agreed upon, in writing, between said city  
28 and the commissioners of the county and commissioners or road  
29 supervisors of the said township. The cost of repairs shall be  
30 borne one-half by the city, and one-half by the township, or by

1 the county and township, in equal portions, or such other  
2 proportions as may be agreed upon by the county and township] a  
3 city and another municipal corporation, the city may enter into  
4 a contract with the other municipal corporation to provide for  
5 the grading, curbing, draining, paving and macadamizing of the  
6 street. The alterations and improvements shall be made under the  
7 supervision of the city or other municipal corporation, or by  
8 contract let by the city or the other municipal corporation, as  
9 may be provided for in the contract between the city and the  
10 other municipal corporation.

11 Section 274. Section 2987 of the act is repealed:

12 [Section 2987. Street, the Center Line of Which is the  
13 Boundary between Municipalities in Different Counties.--Whenever  
14 the center line of any street constitutes a dividing line  
15 between a city and a township located in an adjacent county, the  
16 city may enter into a contract with the commissioners of the  
17 county and the commissioners or township supervisors of such  
18 township, as the case may be, providing for the grading,  
19 curbing, macadamizing, or paving of the street, the cost thereof  
20 to be borne one-half by the city, and one-half by the township  
21 and the county in which such township shall be situated, in  
22 equal portions.

23 Such alteration or improvement shall be constructed, and  
24 subsequent repairs shall be made, under the supervision of the  
25 proper authorities of the city, in compliance with the  
26 provisions of this act governing such construction or  
27 improvement by the city, and in further compliance with plans  
28 and specifications to be agreed upon in writing between such  
29 city and the commissioners of the county and the commissioners  
30 or township supervisors of the township. The cost of repairs

1 shall be borne one-half by the city, and one-half by the  
2 township or by the county and township in equal portions or such  
3 other proportion as may be agreed upon by the county and  
4 township.

5 In all cases in which it shall be found impossible to enter  
6 into such contract or agreement, either the city or the county  
7 or township or any taxpayer thereof may present a petition to  
8 the court of common pleas of either county, setting forth the  
9 facts and circumstances, including the condition of the street  
10 from which the necessity or desirability for the grading,  
11 curbing, macadamizing, or paving appears, and the estimated cost  
12 thereof, and that the said city or county or the township have  
13 failed to agree upon terms of the said contract. Such court may,  
14 after hearing all the parties concerned, make its order or  
15 decree, defining the nature and character of the improvement  
16 reasonably necessary or desirable to be made to the street, and  
17 requiring the parties hereinabove specified to enter into a  
18 contract or contracts for the making and constructing of the  
19 same as herein provided for.

20 A copy of the said petition, duly certified, shall be served  
21 upon the city, the county and the township concerned, other than  
22 the petitioner, with notice of such day as may be fixed by the  
23 court for the hearing. Thereupon, any or all of the parties  
24 served with such notice shall be entitled, on or before such  
25 date, to file in the said court its answers to the said  
26 petition, setting forth its version of the facts or such other  
27 matters in relation thereto as may be deemed necessary or proper  
28 by it. The court, upon the date so fixed or at such other time  
29 as it may appoint, shall hear the evidence of the parties, or it  
30 may refer the matter to a master, who shall hear the testimony

1 of the parties and report his findings, in the same manner and  
2 under the same procedure as provided by the rules in equity in  
3 similar cases.

4 The court may reject, confirm, or modify the report of the  
5 master and may make its decree or order directing the making of  
6 such alterations or improvements to the street as may be deemed  
7 reasonably necessary or desirable and providing for the sharing  
8 of the cost of such improvements, one-half by the city, and one-  
9 half by the county and township in equal portions. The said  
10 order or decree may further provide that the repairs to such  
11 alterations and improvements subsequently required shall be  
12 borne one-half by the city, and one-half by the county or  
13 township in equal portions, or such other proportions as between  
14 the county and the township as such court may find to be legal  
15 and proper. Thereupon the said grading, curbing, macadamizing,  
16 or paving of the street shall proceed in accordance with the  
17 decree or order of the said court in the same manner as if the  
18 contract or agreement provided for in this section had been  
19 entered into and duly executed.]

20 Section 275. Sections 2988 and 2989 of the act are amended  
21 to read:

22 Section 2988. Streets More Than Half of Whose Width is  
23 Within City.--(a) Whenever any street, more than one-half the  
24 width of which is within the limits of any city shall divide the  
25 [said] city from any other [municipality or township located  
26 within the same county, such] municipal corporation, the street  
27 may be improved by the city in the same manner as if the said  
28 street were entirely located within the limits of [said] the  
29 city.

30 (b) The property [abutting on the side of said street which

1 is located outside the limits of the city making such], within  
2 and without the city, that abuts the street and benefits from  
3 the improvements [shall] may, for a depth of one hundred and  
4 fifty feet plus one-half the width of [said] the street, the  
5 total measured from its center line, be assessed for any and all  
6 municipal improvements to or on the [said] street in the same  
7 manner as [such] the property would be assessed under the  
8 provisions of this act if it were entirely located within the  
9 limits of [such] the city.

10 Section 2989. Assessment for Improvements on Property  
11 Outside Limits Where Street Entirely Within City.--Whenever any  
12 street, entirely within the limits of any city, shall divide the  
13 [said] city from any other [municipality or township located in  
14 the same county] municipal corporation, the property on the side  
15 of [said] the street, [opposite the present line of said city,  
16 shall] within and without the city, that abuts the street and  
17 benefits from the improvement may, for a depth of one hundred  
18 and fifty feet from said line, be assessed for any and all  
19 municipal improvements to or on the streets on which the [said]  
20 property [shall abut] abuts, in the [manner provided by this act  
21 for such proceedings, as if the said property] same manner as  
22 the property would be assessed under the provisions of this act  
23 if it were entirely located within the limits of [said] the  
24 city.

25 Section 276. Section 2990 of the act is repealed:

26 [Section 2990. Street the Center Line of Which is the  
27 Dividing Line Between a City and Borough or Township of the  
28 First Class; Assessments.--Whenever the center line of any  
29 street constitutes the dividing line between a city and a  
30 borough, or a city and a township of the first class, located in

1 the same county, the council of such city may, where such  
2 improvement is through built up property or properties duly  
3 plotted and laid out in lots for building purposes, and where  
4 two-thirds of the combined frontage of the two sides petition  
5 for the improvement, enter into a contract with the borough or  
6 township providing for the grading, curbing, draining, paving  
7 and macadamizing of such street. Such alterations and  
8 improvements shall be made under the supervision of the proper  
9 authorities of such city, borough, or township, or by contract  
10 let by such city, borough, or township, as may be provided for  
11 in the contract between the city and borough or township.

12 No ordinance or ordinances authorizing any such improvement,  
13 where the whole or any part of the cost of the improvement is to  
14 be assessed against abutting property, shall be finally adopted  
15 until the expiration of thirty days from the date of its  
16 introduction, and, in the meantime, copies thereof shall be  
17 published, once a week for two weeks, in one newspaper  
18 circulating in such city, borough, and township immediately  
19 following the introduction thereof, and at least five copies  
20 thereof shall be posted along the line of the proposed  
21 improvement.

22 The whole cost of such alterations and improvements, or any  
23 part thereof, as may be agreed upon in the contract between the  
24 city, borough, and township, may be collected from the owners of  
25 property within the city, borough, and within the township,  
26 abutting along the line of the improvement, by an equal  
27 assessment on the foot front. Any portion of such cost not  
28 assessed against abutting property shall be paid one-half by  
29 each of the municipal divisions joining in the improvement.

30 Thirty days' notice of assessments of the whole cost or part

1 of the cost of any such improvement shall be given to each party  
2 assessed, either by service on the owner or his agent, or posted  
3 on the premises by the clerk or secretary of the city, borough,  
4 or township making the improvement. If any assessment made by  
5 the city shall remain unpaid at the expiration of the notice, it  
6 shall be the duty of the city solicitor to collect the same,  
7 with interest from the time of the completion of the  
8 improvement, by action of assumpsit, or by a lien to be filed  
9 and collected in the same manner as municipal claims. When an  
10 owner has two or more lots against which there is an assessment  
11 for the same improvement, all of such lots shall be embraced in  
12 one claim.]

13 Section 277. Article XXX heading of the act is reenacted to  
14 read:

15 ARTICLE XXX

16 SIDEWALKS

17 Section 278. Sections 3001 and 3002 of the act are amended  
18 to read:

19 Section 3001. Power to Lay Out and Grade Sidewalks; Compel  
20 Construction of Sidewalks.--Any city may lay out, ordain and  
21 establish sidewalks, curbs, gutters and drains along any street,  
22 and may, with or without petition, require owners of property  
23 abutting on any street to construct, pave, curb, repave and  
24 recurb the sidewalks, and keep the same in good repair along  
25 [such] their property, at such grades, and under such  
26 regulations and specifications as council may provide. The  
27 written consent of the Department of Transportation shall first  
28 be obtained if the highway is a State highway.

29 Section 3002. Construction by Cities Upon Failure of Owner  
30 So to Do; Collection of Cost.--(a) Upon failure of any owner of

1 property abutting on any street to construct, pave, curb,  
2 repave, recurb or maintain any sidewalk [after notice so to do,  
3 the same may be done or caused to be done by the city, and the  
4 cost thereof], in accordance with the notice required in  
5 subsection (d), the city, itself or by contract, may complete  
6 the construction, paving, curbing, repaving, recurbing or  
7 maintenance.

8 (b) Costs incurred by the city pursuant to subsection (a)  
9 may be levied against and collected from [such] the owner who  
10 failed to complete the construction, paving, curbing, repaving,  
11 recurbing or maintenance of the sidewalk pursuant to notice to  
12 do so, together with a penalty of ten per centum of [such] the  
13 costs and all charges and expenses[, which amount].

14 (c) The costs, penalties, charges and expenses provided for  
15 in subsection (b) shall be a lien upon [such premises] the  
16 property for which the notice to construct, pave, curb, repave,  
17 recurb or maintain the sidewalk was given. The lien shall exist  
18 from the time of the completion of the work, which [date shall  
19 be fixed by certificate of the city engineer, filed with the  
20 clerk, and may be collected by action in assumpsit, or such]  
21 shall be certified in accordance with section 1504. The lien may  
22 be filed and proceeded in as provided by law in the case of  
23 municipal liens[, or the] or may be collected from the owner by  
24 action in assumpsit. Alternatively, the cost may be borne by the  
25 city in whole or in part[;] and if in part, the rest to be  
26 collected [from the owner] as provided herein.

27 (d) The notice required [herein] by this section shall be  
28 served upon the owner of property to construct, pave, curb,  
29 repave, recurb or maintain a sidewalk, if that can be done  
30 within the county; [when it cannot be done so] if this cannot be



1 done, then the notice may be served upon the owner's agent or  
2 the party in possession; and if this cannot be done, then the  
3 notice may be served by posting conspicuously upon the premises.  
4 Council may, by ordinance, [establish the period of such notice  
5 after service after which the owner shall be deemed to have  
6 failed to comply therewith. Such period shall not be less than  
7 ten days] provide that, upon service or posting of notice in  
8 accordance with this section, an owner shall be deemed to have  
9 failed to comply if the work is not completed within a specified  
10 period, which may be more but shall not be less than forty-five  
11 days after the service or posting.

12 Section 279. Section 3002.1 of the act, added August 11,  
13 1967 (P.L.206, No.70), is amended to read:

14 Section 3002.1. Ordinances.--All reconstruction, repaving,  
15 and recurbing of sidewalks may be provided for in the ordinance  
16 providing for the original construction, paving and curbing of  
17 sidewalks without the necessity for adopting a new ordinance  
18 providing for [such] the reconstruction, repaving and recurbing.

19 Section 280. Section 3003 of the act is amended to read:

20 Section 3003. Emergency Repairs; Notice; Cost.--(a) Any  
21 city may make emergency repairs to sidewalks, within its  
22 corporate limits[, when, in the opinion of the officer or head  
23 of the department lawfully having charge of sidewalk repairs, a  
24 dangerous condition exists that can be repaired by an  
25 expenditure of not more than fifty dollars, upon failure of the  
26 owner of the property to make such repair within forty-eight  
27 hours after the service of notice upon such owner so to do. The  
28 notice shall be served as provided in this article for  
29 constructing and maintaining sidewalks and curbs. It shall  
30 expressly state that emergency repairs are required.] if the

1 officer or designated individual representing the department in  
2 charge of repairs to sidewalks, upon inspection, determines that  
3 a substantial and immediate danger exists to the public health,  
4 safety and welfare, in which case the officer or individual  
5 shall prepare a written report of those conditions which shall  
6 be conclusive evidence of the existence of the emergency  
7 justifying the repair.

8 (a.1) This section is intended to provide an additional  
9 remedy for cities in connection with emergency repairs [where  
10 the actual cost of doing the work does not exceed fifty dollars.  
11 The certificate of the officer or head of the department in  
12 charge of repairs to sidewalks shall be conclusive evidence of  
13 the existence of the emergency justifying such repair] of  
14 sidewalks.

15 (b) A copy of the written report shall be served upon the  
16 abutting property owner, along with a notice to make emergency  
17 repairs to the sidewalk within forty-eight hours of service of  
18 the notice and report. The notice and copy of the report shall  
19 be served as provided in this article for constructing and  
20 maintaining sidewalks and curbs. It shall expressly state that  
21 emergency repairs are required. If the owner fails to make the  
22 emergency repairs within the prescribed time, the city may make  
23 the emergency repairs to the sidewalk.

24 (c) Upon the completion of any emergency repairs, the cost  
25 thereof shall be a charge against the owner of the abutting  
26 property, and shall be a lien, until paid, upon the abutting  
27 property, provided a claim is filed therefor in accordance with  
28 the law providing for the filing and collection of municipal  
29 claims. The amount of the claim against the owner of the  
30 abutting property may also be collected from the owner by an

1 action in assumpsit.

2 Section 281. Section 3004 of the act is repealed:

3 [Section 3004. Cost of Emergency Repairs to be a Lien.--Upon  
4 the completion of any emergency repairs, the cost thereof shall  
5 be a charge against the owner of the property, and shall be a  
6 lien, until paid, upon the abutting property, provided a claim  
7 is filed therefor in accordance with the law providing for the  
8 filing and collection of municipal claims. Any such charge may  
9 also be collected from the owner by an action in assumpsit.]

10 Section 282. Article XXXI heading of the act is amended to  
11 read:

12 ARTICLE XXXI

13 BRIDGES [AND VIADUCTS]

14 Section 283. Article XXXI subdivision (a) heading of the act  
15 is repealed:

16 [(a) Construction and Maintenance]

17 Section 284. Sections 3101, 3102 and 3103 of the act are  
18 amended to read:

19 Section 3101. Construction and Maintenance of Bridges [and  
20 Viaducts].--(a) Cities may locate, build and maintain bridges  
21 [or viaducts, and], wholly or partially within the city limits,  
22 along with the piers, abutments and approaches [therefor]  
23 appurtenant to the bridges, to be used as public streets[, over  
24 rivers, creeks, streams, railroads and private property, or over  
25 and across any of them, whether the said viaducts or bridges be  
26 wholly within, or partly without and partly within, the city  
27 limits].

28 (b) As used in this article, a bridge shall mean a structure  
29 built to span and provide passage over a valley, road, railroad  
30 track, private property, river, creek, stream or any other body

1 of water or physical obstacle, and shall include viaducts  
2 constructed from a series of spans or arches.

3 Section 3102. Ordinance for Location of Bridges;  
4 Procedure.--Cities may enact ordinances fixing the location and  
5 providing for the laying-out and opening of the routes or  
6 locations for [said] bridges [and viaducts], which shall be  
7 public streets; and the proceedings for the laying-out and  
8 opening thereof, shall be the same as is provided by this act  
9 for the laying-out and opening of streets.

10 Section 3103. Right to Appropriate Property; Assessment of  
11 Damages.--In case the city has not agreed with the owner or  
12 owners for the damages done, or likely to be done, by the  
13 erection of [said] the bridge [or viaduct], the city may take  
14 and appropriate the lands and property necessary, over and  
15 across which to erect [said] the bridge [or viaduct], and the  
16 measure of damages [and benefits caused by such] for the taking  
17 and appropriation shall be assessed in the same manner and with  
18 like proceedings as provided [by this act for property taken,  
19 injured or destroyed] for property taken, injured or destroyed  
20 under 26 Pa.C.S. (relating to eminent domain).

21 Section 285. Article XXXI subdivision (b) heading of the act  
22 is repealed:

23 [(b) Joint Construction and Maintenance]

24 Section 286. Section 3110 of the act is amended to read:

25 Section 3110. [Contract] Agreement for Joint Construction  
26 and Maintenance.--(a) The city may [contract] enter into an  
27 agreement with any political subdivision or other public agency  
28 whatsoever or public utility or any other person interested and  
29 by law authorized thereto, or with any or all of them, for the  
30 laying out, construction, improvement and maintenance of any

1 bridge [or viaduct], or for certain parts thereof, and for the  
2 payment of any damages caused thereby.

3 (b) An agreement as authorized in subsection (a) shall  
4 provide for the respective duties, obligations and  
5 responsibilities of the parties thereto, including, but not  
6 limited to, construction and maintenance of the bridge, or for  
7 certain parts thereof, and for payments relating thereto and  
8 damages caused thereby.

9 (c) After an agreement, as authorized in subsection (a), has  
10 been entered into, the city in conjunction with the other  
11 parties thereto, shall have the authority to have prepared plans  
12 or specifications of the entire work, and thereafter advertise  
13 for bids in the manner required by law, and award the contract  
14 to the lowest responsible bidder. The city shall be liable to  
15 the contractor for only such part of the contract price as it  
16 has agreed to pay by the agreement, as authorized in subsection  
17 (a), but it shall, in addition, be liable to the contractor for  
18 any moneys actually paid into the city treasury by the other  
19 parties pursuant to the terms of the agreement.

20 Section 287. Sections 3111, 3112 and 3113 of the act are  
21 repealed:

22 [Section 3111. Stipulations of Joint Contract;  
23 Maintenance.--The contracts provided for in the preceding  
24 section may stipulate that the city shall pay a certain part of  
25 the whole contract price or cost of the work, including damages;  
26 or may stipulate that the city shall construct, or pay for the  
27 construction of, a certain part of the work, and may otherwise  
28 provide for the payment of the damages. When any railroad  
29 company, street railway, or other persons interested, agrees to  
30 pay a certain part of the cost of the entire work, it shall pay

1 such part into the proper city treasury. Upon said payment, the  
2 city treasurer shall be liable therefor, and he shall pay the  
3 same over to the contractor, as may be provided in the contract.  
4 The said agreements may also provide for the maintenance of the  
5 said bridges and viaducts after their erection.

6 Section 3112. Plans; Bids; Awarding of Contract.--After any  
7 joint contract has been entered into, the city in conjunction  
8 with the other parties thereto may have prepared plans or  
9 specifications of the entire work, and thereafter advertise for  
10 bids, and award the contract to the lowest responsible bidder.  
11 The city shall be liable to the contractor for only such part of  
12 the contract price as it has agreed to pay by the joint  
13 contract, but it shall, in addition, be liable to the contractor  
14 for any moneys actually paid into the city treasury by the other  
15 parties to the joint agreement.

16 Section 3113. Subsequent Contract With Railroad Which has  
17 not Contributed toward Cost.--No railroad, which has not  
18 contributed to the payment of the cost of construction of said  
19 viaduct or bridge, shall be permitted to run its line or lines  
20 of tracks under said bridge or viaduct, unless it shall enter  
21 into a contract with the city to thereafter pay a reasonable  
22 amount, part or portion toward the keeping-up and maintaining of  
23 the said structure, which amount shall be at the same rate, on  
24 the same basis, as is paid by the other railroad companies.]

25 Section 288. Section 3114 of the act is reenacted to read:

26 Section 3114. Recording of Contract.--Any of the contracts  
27 hereinabove provided for may be recorded in the office of the  
28 recorder of deeds in the proper county. Such record shall be  
29 notice to all persons who might be affected thereby.

30 Section 289. Section 3115 of the act is amended to read:

1 Section 3115. Power to Construct Boundary Bridges.--Whenever  
2 a creek, over which a bridge may be necessary, shall be on the  
3 division line of a city and another municipality [or township],  
4 the city [shall unite] may enter into an intergovernmental  
5 agreement pursuant to 53 Pa.C.S. Ch. 23, Subch. A (relating to  
6 intergovernmental cooperation) with [such] the municipality [or  
7 township in] for the construction and maintenance of a bridge[,]  
8 and [pay an equal share of the expenses incident thereto] for  
9 apportionment of the costs.

10 Section 290. Article XXXI subdivision (c) heading, section  
11 3120, subdivision (d) heading and sections 3130, 3133 and 3134  
12 of the act are repealed:

13 [(c) Acquisition of Existing Bridges

14 Section 3120. Power to Acquire Existing Bridge.--Any city  
15 which is divided or separated in any of its territorial sections  
16 or parts by intervening rivers or streams of water may purchase,  
17 enter upon, take, use, hold and appropriate such bridge or  
18 bridges, together with the approaches and appurtenances thereto,  
19 lying within its corporate limits as shall have been erected and  
20 are now in use over such rivers or streams of water so dividing  
21 and separating the sections or parts aforesaid.

22 (d) Acquisition of Toll-Bridges

23 Section 3130. Power to Acquire Toll-Bridges.--Any city may  
24 purchase, condemn, maintain, and use any public toll-bridge  
25 crossing any river or stream within the limits of such  
26 municipality, together with the approaches and appurtenances  
27 thereto; and may enter into contracts, as hereinafter provided,  
28 with the county commissioners of the proper county, whereby said  
29 county shall pay a portion of the cost thereof.

30 Section 3133. Contract with County for Purchase.--The city

1 may enter into and unite in a contract with the county  
2 commissioners of the county in which said bridge is located upon  
3 such terms and conditions as may be agreed upon for the  
4 purchase, appropriation, or condemnation of said bridge. The  
5 contract may stipulate that the city and county shall pay a  
6 certain part or portion of the whole purchase price or damages  
7 allowed by condemnation proceedings. The amounts to be paid by  
8 the county shall be paid into the city treasury, and, upon said  
9 payment, the city treasurer shall be liable therefor, and it  
10 shall be held and applied solely for the said purpose or  
11 purposes. The said contracts may also provide for and include  
12 provisions for the maintenance, repair, and rebuilding of the  
13 said bridge, after its purchase or condemnation by the said  
14 city.

15 Section 3134. To Become a Public Bridge; Rentals for Other  
16 than Foot and Vehicle Travel.--Whenever any toll-bridge shall be  
17 so purchased or condemned, the city shall control, maintain, and  
18 use the said bridge as a public bridge, but may charge tolls or  
19 rentals for the use thereof, from railway, telephone, and  
20 telegraph companies, and other persons making a use thereof for  
21 other than ordinary public foot and vehicle travel. Where  
22 contracts existed between such companies and persons and the  
23 owners of the bridge at the time of such purchase or  
24 condemnation, such contracts shall be preserved for the benefit  
25 of the city and shall be assigned thereto.]

26 Section 291. The act is amended by adding a section to read:

27 Section 3135. Acquisition of Existing Bridges.--Any city may  
28 purchase, condemn, maintain and use any public toll-bridge  
29 crossing any river or stream within the limits of the  
30 municipality, together with the approaches and appurtenances



1 thereto, and may enter into contracts with the county  
2 commissioners or the legislative body in a county that has  
3 adopted a home rule charter of the proper county whereby the  
4 county shall pay a portion of the cost thereof.

5 Section 292. Article XXXII heading of the act is amended to  
6 read:

7 ARTICLE XXXII

8 SANITARY SEWERS

9 Section 293. Article XXXII subdivision (a) heading of the  
10 act is repealed:

11 [(a) Construction]

12 Section 294. Section 3201 of the act, amended August 6, 1963  
13 (P.L.525, No.280), is amended to read:

14 Section 3201. Construction of Sanitary Sewers; Cost; Eminent  
15 Domain.--(a) Any city [may] shall have the power to construct  
16 and reconstruct, or cause to be constructed or reconstructed, in  
17 its streets, and over and across public and private lands or  
18 property, sanitary sewers of all kinds, main or local, with  
19 extensions thereof, and with lateral and branch sewers  
20 therefrom, including house connections to the curb[, in its  
21 streets, and over and across public and private lands or  
22 property, and pay the].

23 (b) The cost and expense [thereof] of construction and  
24 reconstruction in accordance with subsection (a) may be paid out  
25 of the general revenues or special funds raised for said  
26 purpose, or assess the same, in whole or in part, upon property  
27 benefited, improved or accommodated, as [hereinafter] provided  
28 for in Article XLV-A.

29 [For such purposes, the] (c) The city shall have the right  
30 of eminent domain to effectuate the purposes of this section.

1 The damages for property taken, injured or destroyed shall be  
2 ascertained and paid as provided in [this act for such  
3 proceedings] 26 Pa.C.S. (relating to eminent domain).

4 Section 295. The act is amended by adding a section to read:

5 Section 3201.1. Required Connection; Fees.--In addition to  
6 paying for the cost and expense of construction or  
7 reconstruction in accordance with section 3201(b), a city may,  
8 by ordinance, require connection to a sanitary sewer system  
9 provided by the city or a municipal authority serving the city,  
10 and impose and charge to property owners who desire to or are  
11 required to connect to the sanitary sewer system a connection  
12 fee, a customer facilities fee, a tapping fee and other similar  
13 fees, as enumerated and defined by 53 Pa.C.S. § 5607(d)(24)  
14 (relating to purposes and powers of municipal authorities) as a  
15 condition of connection to a city-owned sewer collection,  
16 treatment or disposal facility.

17 Section 296. Section 3202 of the act is repealed:

18 [Section 3202. Fee for Tapping Where Sewer is Paid For by  
19 City.--Where the cost of constructing any sewer is paid for  
20 wholly or partially from city funds, the city may charge a  
21 reasonable fee for tapping or connecting with said sewer.]

22 Section 297. Section 3203 of the act, amended August 6, 1963  
23 (P.L.525, No.280), is repealed:

24 [Section 3203. Assessment of Cost of Local Part of Main  
25 Sewers.--In the case of the construction of main sanitary  
26 sewers, or of any sanitary sewer which can be used in part for  
27 main sanitary sewerage purposes, and in part as a local sanitary  
28 sewer, the city may provide for assessing the property  
29 benefited, improved or accommodated with the local sanitary  
30 sewerage part thereof, according to the foot-front, or the

1 assessed valuation of the said property for city purposes, or  
2 according to benefits.]

3 Section 298. Section 3204 of the act is repealed:

4 [Section 3204. Costs of Main Sewers.--The cost of all main  
5 sewers, or of any sewers used in part for main sewerage  
6 purposes, over and above the amount thereof assessed for local  
7 sewerage, shall be paid for from the city funds.]

8 Section 299. Section 3205 of the act, amended August 6, 1963  
9 (P.L.525, No.280), is repealed:

10 [Section 3205. Assessment of Cost of Local Sewers.--Council  
11 may also provide that the cost and expenses of local, lateral,  
12 branch, including house connections to the curbs, and other  
13 sanitary sewers may be assessed against the property benefited,  
14 improved or accommodated according to the foot-front, or  
15 according to the assessed valuation thereof for city purposes,  
16 or according to benefits.]

17 Section 300. Section 3206 of the act is amended to read:

18 Section 3206. Construction of [Sewerage System and] Sanitary  
19 Sewage Treatment Works; Assessment of Cost.--[Any city may  
20 construct, or cause to be constructed, a sewerage system of  
21 sewers in streets, with extensions thereof, and with lateral and  
22 branch sewers therefrom to and in other streets, and in public  
23 or private lands, at the same time as part of the same  
24 improvement and under the same contract, and the cost and  
25 expense thereof may be assessed as provided in this article.]

26 (a) Any city may construct or cause to be constructed sanitary  
27 sewage treatment works, and the same may likewise be a part of  
28 the same improvement and under the same contract as sanitary  
29 sewers.

30 (b) Sewage treatment works may be erected within or without

1 the limits of the city. The city shall have authority to  
2 acquire, by eminent domain or otherwise, property within or,  
3 subject to the limitations in 26 Pa.C.S. § 206 (relating to  
4 extraterritorial takings), without the limits of the city deemed  
5 necessary for such treatment works and the sewers leading  
6 thereto.

7 Section 301. Sections 3207 and 3208 of the act, amended  
8 August 6, 1963 (P.L.525, No.280), are repealed:

9 [Section 3207. Reductions in Assessments for Corner or  
10 Irregular Shaped Lots.--Where council determines to construct  
11 local, lateral, and other sanitary sewers, and to assess the  
12 cost and expenses thereof according to the foot-front rule, they  
13 shall provide for a reduction of an equitable part from the  
14 frontage of the longest side of all corner lots, and at other  
15 places, where, from the peculiar or pointed shape of the lots,  
16 an assessment for the full frontage would be inequitable. If the  
17 owner of the property benefited, improved or accommodated by the  
18 sanitary sewers is not satisfied with the allowance or  
19 reduction, or refuses to accept the same, he shall have the  
20 right to appeal to the court of common pleas; and the  
21 proceedings shall be as provided in this act for the assessment  
22 of damages and benefits by viewers or by such other lawful  
23 procedure as the court may determine.

24 Section 3208. Assessment of Cost by Viewers Appointed by  
25 Council.--Where the council determines to construct main, local,  
26 lateral, or branch sanitary sewers, and to assess the cost and  
27 expense thereof according to benefits, in addition to the  
28 remedies which now or may hereafter exist for the assessment of  
29 the said cost and expense by viewers appointed by court, council  
30 may appoint three disinterested freeholders as viewers, who, or

1 a majority of whom, shall assess the costs and expenses of said  
2 sanitary sewers upon the lands benefited, improved or  
3 accommodated thereby in proportion, as nearly as may be, to the  
4 benefits which may result to each lot or parcel of land. Said  
5 viewers, or a majority thereof, shall report their assessment to  
6 the council, in the manner hereinafter set forth, and council  
7 shall act thereon as hereinafter provided.]

8 Section 302. Sections 3209, 3210, 3211 and 3212 of the act  
9 are repealed:

10 [Section 3209. Report of Council's Viewers; Notice;  
11 Objections; Hearing.--Said viewers, or a majority of them, shall  
12 make report in writing, specifying the amount assessed by them  
13 upon each lot or parcel of land for main or local sewerage  
14 separately, and file the same with the city clerk within such  
15 time as the council shall direct. After the report is filed,  
16 council shall cause not less than ten days' public notice to be  
17 given, by publication once in two newspapers of the city, as  
18 required by section one hundred and nine of this act, of the  
19 object of such assessments, and that the same will come for  
20 confirmation at a time to be specified in said notice.

21 Objections to the assessment shall be in writing and be filed  
22 with the city clerk, and may be heard before the city council at  
23 the time specified in the notice. Council may, after hearing  
24 objections, modify, set aside, or confirm said assessments. If  
25 council sets aside the first or any other assessment, they may  
26 appoint other viewers, of the same qualifications as  
27 hereinbefore provided, and cause new assessments to be made, and  
28 the proceedings shall be the same as provided for the first  
29 assessment.

30 Section 3210. Certification of Assessments for Collection;

1 Liens.--After making assessments for sewers, council may direct  
2 that they be certified to the city treasurer, or to such party  
3 as said assessments may be assigned to for collection. If such  
4 assessments are not paid within such time as council may by  
5 ordinance prescribe, it shall be lawful to file liens therefor  
6 in the prothonotary's office of the proper county, as provided  
7 by law. Said liens shall bear interest from the time the  
8 assessments were payable, at the rate of six per centum, per  
9 annum, until paid.

10 Section 3211. Rental Charge for Use of Sewers.--Cities may  
11 provide by ordinance for the imposition and the collection of an  
12 annual rental, rate or charge for the use of sewers, sewer  
13 systems, or sewage treatment works as authorized by law.

14 Section 3212. Limitation of Amount of Sewer Rental Charge.--  
15 Such annual rental, rate or charge shall not exceed the amount  
16 authorized by law.]

17 Section 303. Section 3213 of the act, amended December 18,  
18 1992 (P.L.1424, No.175), is repealed:

19 [Section 3213. Collection of Sewer Rentals.--(a) Council  
20 shall provide for the collection of such annual rentals, rates  
21 or charges.

22 (b) In the case of a city which has agreed to provide sewer  
23 service to a residential dwelling unit in which the owner does  
24 not reside, the city shall notify the owner and the tenant  
25 within thirty days after the tenant's bill for that service  
26 first becomes overdue. Such notification shall be provided by  
27 first class mail to the address of the owner provided to the  
28 city by the owner and to the billing address of the tenant,  
29 respectively. Nothing herein shall be construed to relieve the  
30 owner of liability for such service unless the city fails to

1 provide the notice required herein.]

2 Section 304. The act is amended by adding a section to read:

3 Section 3213.1. Rental Fees or Charges.--(a) All persons

4 whose property is connected to a sanitary sewer system shall pay

5 to the city, in addition to the cost of making the connection, a

6 monthly, quarterly, semiannual or annual charge. The charges

7 shall be imposed by the city in accordance with procedures

8 approved by council. Until paid, a charge shall constitute a

9 lien against the property connected to the sanitary sewer system

10 and the amount thereof may be recovered by due process of law

11 through an action in assumpsit in the name of the city against

12 the owner of the property charged or by a lien filed in the

13 nature of a municipal lien. All water utilities supplying water

14 to users within the boundaries of any city shall at the request

15 of the council furnish to the city, at reasonable times agreed

16 to by the city and water utilities, a list of all water meter

17 readings and flat-rate water bills, and the basis for each flat-

18 rate water charge, so that the data may be used in calculating

19 sewer rental fees. The city may pay to the utilities clerical

20 and other expenses incurred in the preparation of the lists.

21 (b) Nothing in this section shall be construed to repeal or

22 modify any of the provisions of 66 Pa.C.S. (relating to public

23 utilities).

24 (c) Subject to subsection (d), all sanitary sewer rentals

25 received shall be deposited in a special fund to be used only

26 for the payment of the cost of administration, construction,

27 reconstruction, repair, operation and maintenance of the

28 sanitary sewer system.

29 (d) City council may transfer part of the sanitary sewer

30 rentals in the special fund to the general fund to meet

1 immediate general financial obligations or to ensure adequate  
2 cash flow for city operations, provided, however, that money  
3 transferred from the special fund to the general fund shall be  
4 repaid to the special fund at such time as council may  
5 determine.

6 (e) In the case of a city which has agreed to provide  
7 sanitary sewer service to a residential dwelling unit in which  
8 the owner does not reside, the city shall notify the owner and  
9 the tenant within thirty days after the tenant's bill for that  
10 service first becomes overdue. The notification shall be  
11 provided by first class mail to the address of the owner  
12 provided to the city by the owner and to the billing address of  
13 the tenant, respectively. Nothing in this subsection shall be  
14 construed to relieve the owner of liability for such service  
15 unless the city fails to provide the notice required herein.

16 Section 305. Section 3214 of the act is repealed:

17 [Section 3214. Collection of Sewer Rentals.--Such annual  
18 sewer rentals or charges shall be a lien on the properties  
19 charged with the payment thereof from the date set in the  
20 ordinance, and, if not paid after thirty days' notice, may be  
21 collected by an action in assumpsit in the name of the city  
22 against the owner of the property charged or by distress of  
23 personal property on the premises or by a lien filed in the  
24 nature of a municipal lien.]

25 Section 306. Section 3215 of the act, added August 6, 1963  
26 (P.L.525, No.280), is repealed:

27 [Section 3215. Tapping Fees.--Each city may provide by  
28 ordinance for charging a tapping fee whenever the owner of any  
29 property connects such property with a sewer system constructed  
30 or acquired by the city, which fee shall be in addition to any



1 charges assessed and collected against such property in the  
2 construction or acquisition of such sanitary sewer by the city,  
3 or any rental charges assessed by the city. In any case where  
4 the property connected or to be connected with the sanitary  
5 sewer system of the city is not equipped with a water meter, the  
6 city may install such a meter at its own cost and expense. If  
7 the property is supplied with water from the facilities of a  
8 public water supply agency, the city shall not install such  
9 meter without the consent and approval of the public water  
10 supply agency.]

11 Section 307. Article XXXII subdivision (b) heading and  
12 sections 3220, 3221 and 3222 of the act are repealed:

13 [(b) Acquisition of Existing Sewers

14 Section 3220. Purchase of Existing Sewers.--Any city, in  
15 which any corporation created and existing under and by virtue  
16 of the laws of this Commonwealth, or any person or persons or  
17 unincorporated associations, have constructed and are  
18 maintaining or may hereafter construct and maintain sewers,  
19 culverts, conduits, and pipes, with the necessary inlets and  
20 appliances, for surface, under-surface and sewage drainage, may  
21 become the owner of such sewers, culverts, conduits, and pipes,  
22 with the necessary inlets and appliances, for surface, under-  
23 surface, and sewage drainage, and the property of such company,  
24 person or persons, or unincorporated associations, by paying  
25 therefor the actual value of the same at the time of taking by  
26 the city.

27 Section 3221. Ascertainment of Price in Case of  
28 Disagreement.--In case of disagreement as to the amount to be  
29 paid, the same shall be ascertained in the manner provided by  
30 this act in case of property taken, injured or destroyed.

1 Section 3222. Appointment of Viewers.--Whenever the amount  
2 to be paid by any city to any corporation, person or persons, or  
3 unincorporated association, for the acquisition of such sewers,  
4 culverts, conduits, and pipes, with the necessary inlets and  
5 appliances, shall have been ascertained in the manner provided  
6 in the preceding section, the court of common pleas of the  
7 proper county, or any law judge thereof in vacation, on  
8 application thereto by petition by said city or any person  
9 interested, shall appoint viewers who shall assess the costs and  
10 expenses of the sewers, culverts, conduits, and pipes, with the  
11 necessary inlets and appliances, acquired by said city, upon the  
12 property benefited according to benefits, if sufficient can be  
13 found, but if not, then the deficiency, when finally  
14 ascertained, shall be paid by the city; and the proceedings of  
15 said viewers, and the proceedings on their report, shall be as  
16 provided in this act for the assessment of damages and  
17 benefits.]

18 Section 308. The act is amended by adding a section to read:

19 Section 3222.1. Acquisition of Existing Sanitary Sewer  
20 Systems.--(a) A city may, by ordinance, acquire all or part of  
21 an existing sanitary sewer system or community subsurface  
22 sanitary sewage collection and treatment system.

23 (b) Acquisition may be by any of the following means:

24 (1) By purchase, when the city and the owner can agree on a  
25 price not exceeding the actual value of the sanitary sewer  
26 system or part thereof to be transferred.

27 (2) By deed of dedication to the city by the owner of the  
28 sanitary sewer system or part thereof.

29 (3) If the facilities are within the city, by the exercise  
30 of eminent domain.

1 (c) If any sanitary sewer system or community subsurface  
2 sanitary disposal collection and treatment system is acquired by  
3 purchase or eminent domain under this section, the cost of  
4 acquisition may be distributed or assessed under this act as  
5 when a sanitary sewer system is constructed by the city.

6 (d) The rights, powers and duties of the city with respect  
7 to acquired sanitary sewer systems are the same as exist with  
8 respect to sanitary sewer systems constructed by the city.

9 Section 309. Article XXXII subdivision (c) heading of the  
10 act is repealed:

11 [(c) Construction of Sewers Outside Cartway and Curb Lines]

12 Section 310. Section 3230 of the act, amended August 6, 1963  
13 (P.L.525, No.280), is amended to read:

14 Section 3230. [Power to Construct] Sewers Outside Cartway  
15 and Curb Lines.--(a) Cities may require and permit sanitary  
16 sewers and sewer pipes to be laid and constructed outside the  
17 cartway and the curb lines thereof in any street or highway.

18 The [said] sanitary sewers shall be for the service and use  
19 of the property on the side of the street or highway in which  
20 they are laid.

21 (b) The costs and expenses of any sanitary sewer laid and  
22 constructed in accordance with subsection (a) may be assessed  
23 against the property benefited, improved and accommodated by the  
24 sanitary sewer.

25 Section 311. Section 3231 of the act, amended August 6, 1963  
26 (P.L.525, No.280), is repealed:

27 [Section 3231. Collection of Costs and Expenses.--The costs  
28 and expenses of any sanitary sewer laid and constructed as  
29 aforesaid may be assessed against the property benefited,  
30 improved and accommodated by the sanitary sewer and such costs

1 and expenses, when so assessed, shall be assessed and collected  
2 in the same way and manner as the cost and expenses of other  
3 sanitary sewers are assessed and collected in the respective  
4 city in which the same are laid.]

5 Section 312. Article XXXII subdivision (d) heading of the  
6 act is repealed:

7 [(d) Joint Sewers]

8 Section 313. Section 3240 of the act, amended August 6, 1963  
9 (P.L.525, No.280), is amended to read:

10 Section 3240. Building Joint Sewers.--(a) Cities may  
11 jointly with other municipalities or [townships or both]  
12 municipal authorities build and construct sanitary sewers,  
13 including trunk-line sewers or drains and sewage treatment  
14 works, and may connect into such system existing sanitary  
15 sewers, and may assess their respective portions of the cost  
16 thereof, or so much thereof as may be legally assessable, upon  
17 property benefited, improved and accommodated by the improvement  
18 [either by viewers as is provided in the case of cities by  
19 sections three thousand two hundred and eight, three thousand  
20 two hundred and nine, and three thousand two hundred and ten of  
21 this act or by the foot-front rule or assessed valuation, as  
22 provided in section three thousand two hundred and three of this  
23 act] pursuant to Article XLV-A. Any portion of the cost of  
24 [such] an improvement not assessed or not assessable shall be  
25 paid [by the respective cities, boroughs, and townships joining  
26 as may be agreed upon] as agreed upon by the respective cities  
27 and other municipalities or municipal authorities.

28 (b) The cities[, boroughs, and townships] and other  
29 municipalities or municipal authorities joining or contemplating  
30 joining in any such improvement, in order to facilitate the

1 securing of preliminary surveys and estimates and the building  
2 of [such] the improvement, may by ordinance or resolution  
3 provide for the appointment of a joint sewer board composed of  
4 one representative from each of the cities[, boroughs, and  
5 townships] and other municipalities or municipal authorities  
6 joining which shall act generally as the advisory and  
7 administrative agency in securing [such] surveys and estimates  
8 and in the construction of [such] the improvement, and its  
9 subsequent operation and maintenance. The members of [such] the  
10 board shall serve for terms of six years each from the dates of  
11 their respective appointments, and until their successors are  
12 appointed. The joint sewer board shall organize by the election  
13 of [chairman, vice-chairman] a chair, vice-chair, secretary, and  
14 treasurer. The several cities[, boroughs, and townships] and  
15 other municipalities or municipal authorities may, in the  
16 ordinances and resolutions creating the joint sewer board,  
17 authorize the board to appoint an engineer, a solicitor, and  
18 [such] other assistants as are deemed necessary; and agree to  
19 the share of the compensation of [such] the persons each city[,  
20 borough, and township] and other municipalities or municipal  
21 authorities is to pay. The members of the joint sewer board  
22 shall receive [such] compensation for attending meetings of the  
23 board, as shall be fixed in the budget prepared by the board for  
24 submission to and adoption by the several cities[, boroughs, and  
25 townships] and other municipalities or municipal authorities as  
26 hereinafter provided[, and the]. The budget item providing for  
27 the compensation to members for attending meetings shall not  
28 exceed a total of two hundred and fifty dollars per year, and no  
29 member shall be paid unless [he] the member actually attends,  
30 and the fee for each [such] attendance shall be stipulated, and

1 the members, in addition thereto, shall be entitled to actual  
2 expenses to be paid by the respective cities[, boroughs, and  
3 townships] and other municipalities or municipal authorities  
4 which [such] the members represent.

5 (c) The joint sewer board shall have power to adopt rules  
6 and regulations to govern its proceedings, and shall prepare and  
7 suggest any practical measures and plans by means of which the  
8 joint improvement may be carried to successful completion; and  
9 the future development of the system, so as to conform to a  
10 general plan, assured and safeguarded. [It] The joint sewer  
11 board shall have power to prepare a joint agreement or  
12 agreements for submission to and adoption by the several  
13 cities[, boroughs, and townships] and other municipalities or  
14 municipal authorities defining the advisory and administrative  
15 powers of the board; setting forth the consents of the several  
16 cities[, boroughs, and townships] and other municipalities or  
17 municipal authorities to the proposed improvement; the manner in  
18 which preliminary and final plans, specifications, and estimates  
19 for the proposed improvement shall be prepared and adopted; how  
20 proposals for bids shall be advertised, and contracts let; the  
21 manner in which the costs of the improvement and other  
22 incidental and preliminary expenses in connection therewith, and  
23 the future cost of operation and maintenance shall be equitably  
24 shared, apportioned, and paid; and all such other matters  
25 including the preparation and submission of annual and other  
26 budgets as may be deemed necessary or required by law to carry  
27 the proposed improvement to completion and to assure future  
28 maintenance and operation thereof. [But nothing herein] Nothing  
29 contained herein shall authorize the board to make any  
30 improvement or expend any public moneys which has not first been

1 authorized by all of the cities[, boroughs, and townships] and  
2 other municipalities or municipal authorities proceeding with  
3 the improvement.

4 (d) In any case where it shall be necessary to acquire,  
5 appropriate, injure, or destroy private property of any kind to  
6 build any [such] joint sewer improvement, and the same cannot be  
7 acquired by purchase or gift, the right of eminent domain shall  
8 vest in the city[, borough, or township] or other municipalities  
9 or municipal authorities where [such] the property is located.  
10 In any case where it shall be necessary to acquire, injure, or  
11 destroy property of any kind in any territory not within the  
12 limits of any of the cities[, boroughs, or townships] and other  
13 municipalities or municipal authorities joining in the  
14 improvement[;] then, subject to the limitations in 26 Pa.C.S. §  
15 206 (relating to extraterritorial takings), the right of eminent  
16 domain shall be vested in any city[, borough, or township  
17 adjacent to such territory where such property is located] and  
18 other municipalities or municipal authorities joining in the  
19 sewer improvement. Damages for any property taken, injured, or  
20 destroyed shall be assessed as provided by the general laws  
21 relating to the cities[, boroughs, and townships] and other  
22 municipalities or municipal authorities exercising the right of  
23 eminent domain[;] and pursuant to the procedures of 26 Pa.C.S.  
24 (relating to eminent domain) if applicable, and shall be paid by  
25 the several cities[, boroughs, and townships] and other  
26 municipalities or municipal authorities joining in the same  
27 proportion as other costs of the improvement.

28 (e) Each of the cities joining in [any such improvement] an  
29 improvement authorized by this section shall have power to incur  
30 or increase its indebtedness[, not exceeding the constitutional

1 limits, for the purpose of paying its share or portion of the  
2 costs of such improvement in the manner provided by law for the  
3 incurring of indebtedness] in accordance with 53 Pa.C.S. Pt.  
4 VII, Subpt. B (relating to indebtedness and borrowing), for the  
5 purpose of paying its share or portion of the costs of the  
6 improvement.

7 Section 314. Section 3241 of the act is amended to read:

8 Section 3241. Approval of [Sanitary Water Board] Department  
9 of Environmental Protection.--No [such] sewer or plant shall be  
10 constructed until plans and specifications have been submitted  
11 to the [Sanitary Water Board] Department of Environmental  
12 Protection, and approved in accordance with provisions of [the  
13 act of assembly providing for such approval] applicable law.

14 Section 315. Sections 3242, 3243 and 3244 of the act are  
15 repealed:

16 [Section 3242. Connections with Sewers of Adjacent  
17 Municipalities.--Any city may connect with an existing sewer,  
18 owned by any adjacent municipality, for sewage purposes, in the  
19 manner prescribed in the following sections of this subdivision  
20 of this article.

21 Section 3243. Applications to Court.--Whenever any city  
22 desires to connect with the existing sewer of any adjacent  
23 municipality, and no agreement has been reached between such  
24 city and the adjacent municipality, an application shall be made  
25 by council to the court of quarter sessions of the county,  
26 setting forth that fact.

27 Section 3244. Appointment of Viewers.--If the court shall be  
28 of the opinion that such connection can be made without  
29 impairing the usefulness of the existing sewer, it shall appoint  
30 three viewers, who shall view the premises and investigate the



1 facts of the case, and shall assess the proportionate part of  
2 the expense of building the original sewer upon such city, and  
3 shall fix the proportion of the expense for repairs which each  
4 municipality shall thereafter bear, and determine all other  
5 questions liable to arise in connection therewith.]

6 Section 316. Section 3245 of the act, repealed in part June  
7 3, 1971 (P.L.118, No.6), is repealed:

8 [Section 3245. Report of Viewers; Appeals to Court.--The  
9 viewers shall report to the court the result of their  
10 investigation, which report shall be confirmed within thirty  
11 days, unless exceptions thereto be filed. After confirmation of  
12 such report, or the disposal of any exceptions, any party  
13 interested may appeal from the decision of the court of quarter  
14 sessions.]

15 Section 317. The act is amended by adding a section to read:

16 Section 3245.1. Municipal Corporation; Municipal Authority;  
17 Agreements for Connections; Appointment of Viewers.--(a) Any  
18 city may by agreement connect with an existing sanitary sewer  
19 owned by any municipal corporation or municipal authority for  
20 either sanitary sewage collection or treatment purposes.

21 (b) When any city desires to connect with the existing sewer  
22 of any municipal corporation or municipal authority and no  
23 agreement has been reached between the city and the municipal  
24 corporation or municipal authority, city council shall present a  
25 petition to the court of common pleas setting forth those facts.  
26 The court shall fix a day for a hearing and notify all  
27 interested parties thereof. If, after the hearing, the court  
28 determines that the connection can be made without impairing the  
29 usefulness of the existing sanitary sewer system, the court  
30 shall appoint three viewers to view the premises, investigate

1 the facts of the case, assess the necessary costs and expenses  
2 of making the connection and assess the proportionate part of  
3 the expense of building the original sanitary sewer system upon  
4 the city. The court shall determine the proportion of the  
5 expense for repairs which each municipal corporation, municipal  
6 authority and the city shall bear and shall determine all other  
7 questions liable to arise in connection therewith.

8 (c) The viewers shall report to the court the result of  
9 their investigation, which report shall be confirmed within  
10 thirty days, unless exceptions thereto are filed. After  
11 confirmation of the report, or the disposal of any exceptions,  
12 any party interested may appeal from the decision of the court  
13 of common pleas.

14 Section 318. Article XXXII subdivision (e) heading of the  
15 act is repealed:

16 [(e) Power to Furnish Sewerage Facilities Outside of City]

17 Section 319. Section 3250 of the act is amended to read:

18 Section 3250. Sewers Extended Outside of City.--[All cities,  
19 wherein the title to the sewerage system therein located, is, or  
20 shall hereafter be in the name of the city,] A city with a  
21 sanitary sewer system may extend [such] the system and construct  
22 sewers beyond the [bounds of the cities wherein they are located  
23 into the county and municipalities of the county in the vicinity  
24 of such cities,] city's boundaries into adjoining municipalities  
25 in the county where the city is located and furnish sewer  
26 facilities to, and permit the tapping and the connection  
27 therewith by any and all corporations, institutions, persons and  
28 municipalities in the [counties in which said cities are] county  
29 where the city is located in accordance with law and the rules  
30 and regulations of the Pennsylvania Public Utility Commission.

1 This section does not authorize a city to extend a sewerage  
2 system or construct sewers in territory outside the boundaries  
3 of such cities in which sewerage facilities are furnished by a  
4 private company or by a municipality authority.

5 Section 320. Article XXXIII and subdivision (a) headings,  
6 sections 3301 and 3302, subdivision (b) heading and sections  
7 3310, 3311, 3312, 3313, 3314 and 3315 of the act are repealed:

8 [ARTICLE XXXIII

9 COLLECTION BY INSTALMENT OF THE COST OF STREET

10 AND SEWER IMPROVEMENTS

11 (a) Street and Sewer Improvements

12 Section 3301. Payment of Assessments in Instalments.--  
13 Whenever any ordinance is passed providing for the grading,  
14 paving or other improvement of any street, or part thereof, or  
15 for the construction of any sewer, the expense whereof is to be  
16 defrayed by local assessments, it may be prescribed in such  
17 ordinance that the assessments may be paid in not more than ten  
18 equal instalments, payable at such times as may be fixed by  
19 ordinance, the last thereof not to be more than ten years after  
20 the completion of the work on the improvement for which it is  
21 assessed. The instalments shall bear interest at the rate of not  
22 more than six per centum per annum, commencing at such time as  
23 may be fixed by ordinance. If any of said instalments shall  
24 remain unpaid for two months after the same shall become due and  
25 payable, the whole of the assessment remaining unpaid shall be  
26 due and payable. Any person upon whom such assessment has been  
27 made may pay all or as many as he chooses of such instalments  
28 before the same are due.

29 Section 3302. Collection of Assessments.--All assessments  
30 made in pursuance hereof shall be collected in the same manner

1 and with the same penalties as provided by law for the  
2 collection of municipal claims.

3 (b) Street Improvements

4 Section 3310. Issue of Bonds for Payment of Cost of  
5 Improvement.--In order to provide for the payment of the cost  
6 and expense of the permanent paving and improvement of any  
7 street, or part thereof, cities may in addition to other methods  
8 provided, from time to time, issue their bonds in such sums as  
9 may be required, in all to an amount not exceeding the cost and  
10 expense of such improvement and interest thereon.

11 Said bonds shall bear the name of the street to be improved.  
12 They shall bear interest at a rate not exceeding six per centum  
13 per annum, payable semi-annually, on the first day of July and  
14 January, and their maturity shall be fixed in accordance with  
15 the Municipal Borrowing Law.

16 Section 3311. Disposition of Proceeds of Sale of Bonds;  
17 Assessment on Properties.--Said bonds shall be negotiated at not  
18 less than par as other bonds of said cities are negotiated, and  
19 the proceeds thereof applied solely to the payment of the cost  
20 of said improvement. The contract price of the same, and  
21 interest thereon to the first day, when interest thereon is  
22 payable, shall be taken as the cost of said improvement, to be  
23 assessed on the property benefited, according to the provisions  
24 of this act.

25 Section 3312. Entering of Assessments as Liens.--Such  
26 assessments shall be entered in the proper municipal lien and  
27 judgment docket in the prothonotary's office, and shall, if  
28 filed within six months from the completion of the improvements,  
29 without the issuing of a scire facias to revive, remain a first  
30 lien upon the property assessed until fully paid, having

1 precedence of all other liens, except taxes, and shall not be  
2 diverted by any judicial sale, unless the payment of the same is  
3 provided for from the proceeds of such sale.

4 The assessment shall state the name of the city claimant, the  
5 name of the owner or reputed owner, a reasonable description of  
6 the property, the amount claimed to be due, for what improvement  
7 the claim is made, and the time when the assessment was finally  
8 confirmed or made.

9 Section 3313. Instalment Payment of Assessments.--Such  
10 assessment shall be payable at the city treasurer's office in  
11 equal semi-annual instalments, with interest, at the rate  
12 provided in said bonds, from the date to which interest was  
13 computed on the amount of the assessments, or so much as remains  
14 unpaid from time to time, until all said assessments and  
15 interest are fully paid. The money so received by the city  
16 treasurer shall be applied to the sinking fund.

17 Section 3314. Collection of Unpaid Instalments.--In case of  
18 default in the payment of any semi-annual instalment of said  
19 assessment and interest for a period of sixty days after the  
20 same shall become due and payable, the entire assessment and  
21 accrued interest shall become due and payable, and the city  
22 solicitor shall proceed to collect the same under the provisions  
23 of laws creating and regulating municipal liens and proceedings  
24 thereon.

25 Section 3315. Payment in Advance; Discharge of Lien as Part  
26 of Property.--Any owner of property against whom an assessment  
27 shall have been made for such improvement shall have the right  
28 to pay the same, or any part remaining unpaid, in full with  
29 interest thereon to the next semiannual payment due on said  
30 assessment, and such payment shall discharge the lien. If any

1 owner shall subdivide any property after such lien attaches, he,  
2 in like manner, may discharge the same upon any subdivided  
3 portion thereof by paying the amount for which said part would  
4 be liable.]

5 Section 321. Article XXXIV heading of the act is amended to  
6 read:

7 ARTICLE XXXIV

8 [WATER-COURSES]

9 WATERCOURSES, FLOOD PROTECTION PROJECTS

10 AND STORM WATER SYSTEMS

11 Section 322. Section 3401 of the act is amended to read:

12 Section 3401. [Changing of Water-Courses] Establishing and  
13 Changing Watercourses, Flood Protection Projects and Storm Water  
14 Systems; Removing Obstructions [Therefrom.--Cities].--(a)  
15 Subject to obtaining, if required, the authorization of the  
16 Department of Environmental Protection and of the Federal  
17 Government, a city may, by ordinance, [after the consent of the  
18 Water and Power Resources Board and of the Federal government,  
19 where required, has first been obtained, establish the lines,  
20 change and] do any of the following:

21 (1) Realign, change or vacate the channels, beds, and mouths  
22 of [water-courses] watercourses through lands, marshes or waters  
23 in or adjacent to the city[; crib, wall, confine], subject to  
24 the limitations in the act of August 7, 1936 (1st Sp.Sess.,  
25 P.L.106, No.46), referred to as the Flood Control Law, the act  
26 of June 22, 1937 (P.L.1987, No.394), known as "The Clean Streams  
27 Law," the act of November 26, 1978 (P.L.1375, No.325), known as  
28 the "Dam Safety and Encroachments Act," and 26 Pa.C.S. § 206  
29 (relating to extraterritorial takings).

30 (2) Confine, pave or completely [inclose, and prevent]

1 enclose watercourses within the city.

2 (3) Prevent and remove obstructions [therefrom at the  
3 expense of those causing the same; and, for such purposes, may  
4 enter upon and condemn such property and materials as may be  
5 necessary. Cities may construct] and encroachments from  
6 watercourses and the banks of streams that threaten or do injure  
7 the city or property therein, at the expense of those that  
8 caused the obstruction or encroachment through proceedings at  
9 law or equity.

10 (4) Construct and maintain dams [as hereinafter provided.  
11 Cities may also, by ordinance, establish the lines of banks of  
12 streams of water which pass through or along the boundary of  
13 such cities, and by proceedings at law or equity prevent and  
14 remove all such encroachments on the banks of streams and water-  
15 courses as threaten to or do injure the city or the property  
16 therein.] in a watercourse flowing through the city, or partly  
17 within and partly outside its corporate limits, for the purpose  
18 of improving the public health, safety and welfare in the city.

19 (5) Plan and provide for projects, infrastructure and  
20 improvements as a means of managing and controlling storm water,  
21 which may include, but need not be limited to, the transport,  
22 storage and the infiltration of storm water and other innovative  
23 techniques identified in the county-prepared watershed plans  
24 pursuant to the act of October 4, 1978 (P.L.864, No.167), known  
25 as the "Storm Water Management Act."

26 (6) Plan and provide for projects, infrastructure, and  
27 improvements as a means of providing flood protection pursuant  
28 to the Flood Control Law.

29 (b) A city may, for any of the purposes in this section,  
30 purchase, acquire, enter upon, take, use and appropriate private

1 property and materials as necessary. Condemnation proceedings  
2 shall be pursuant to the procedures in 26 Pa.C.S. (relating to  
3 eminent domain), and any takings of property outside the limits  
4 of the city shall be subject to the limitations in 26 Pa.C.S. §  
5 206.

6 Section 323. Sections 3402, 3403, 3404, 3405 and 3406 of the  
7 act are repealed:

8 [Section 3402. Notice.--No ordinance for the establishment  
9 of lines or the vacation or alteration of the course or channel  
10 of any water-course shall be passed, until notice thereof has  
11 been given, by publication of the proposed ordinance, at least  
12 once a week for three consecutive weeks, in one newspaper in  
13 accordance with the provisions of section one hundred nine of  
14 this act.

15 Section 3403. Viewers to Assess Damages.--The city may, at  
16 any time after the passage of the ordinance, present a petition  
17 to the court of common pleas, setting forth the lines  
18 established and the nature of the vacation or alteration  
19 proposed in the course or channel of such water-course, together  
20 with a description of the proposed improvements, and praying the  
21 court to appoint three viewers to ascertain the damages, costs,  
22 and expenses resulting therefrom, and to assess the damages,  
23 costs, and expenses, for so much thereof as the viewers may deem  
24 reasonable, upon the property benefited.

25 Section 3404. Appointment of Viewers.--The court, or any law  
26 judge thereof in vacation, shall appoint three viewers from the  
27 county board of viewers, and appoint a time, not less than  
28 twenty nor more than thirty days thereafter, when the viewers  
29 shall meet upon the line of the improvement and view the same  
30 and the premises affected.



1 Section 3405. Proceedings to Assess Damages.--The  
2 proceedings before such viewers for the allowances of damages  
3 for property taken, injured or destroyed, and for the assessment  
4 of benefits upon property benefited, shall be as provided in  
5 this act for the assessment of damages and benefits in eminent  
6 domain proceedings.

7 Section 3406. Discontinuance of Proceedings.--If any city  
8 shall repeal any ordinance passed, or discontinue any proceeding  
9 taken, providing for any such improvements, prior to the entry  
10 upon, appropriation, or injury to any property or materials, the  
11 city shall not be liable to pay any damages, but all costs upon  
12 any such proceeding, together with any actual damage or injury  
13 sustained by reason of such proceeding, shall be paid by the  
14 city.]

15 Section 324. Sections 3407 and 3408 of the act are amended  
16 to read:

17 Section 3407. [Liens.--When the court has entered its final  
18 decree confirming the report or fixing the assessments, the]  
19 Assessment of Benefits; Liens.--With regard to improvements made  
20 pursuant to section 3401(a), a city may, if feasible, assess the  
21 benefits upon property benefited by the improvements pursuant to  
22 Article XLV-A. The assessments of benefits shall become liens  
23 upon the property assessed. Claims therefor may be collected in  
24 the same manner as municipal claims are collected, or they may  
25 be collected by action of assumpsit, the lien of the judgment,  
26 however, to be limited to the property assessed.

27 Section 3408. Waters Excepted.--Nothing contained in the  
28 preceding sections of this article shall apply to any [water-  
29 course] watercourse used by any municipality or water company as  
30 a source of supply, unless [such] the municipality or water

1 company shall consent to [such] the vacation or alteration.

2 Section 325. Section 3409 of the act is repealed:

3 [Section 3409. Construction of Dams.--Whenever the consent  
4 of the Water and Power Resources Board and of the Federal  
5 government, whenever necessary, has been granted to any city to  
6 construct and maintain a dam, in a public navigable river or  
7 stream flowing through, or partly within and partly without its  
8 corporate limits, for the purpose of improving the sanitary  
9 conditions thereof, such city may purchase, acquire, enter upon,  
10 take, use and appropriate private property, either within or  
11 without its territorial limits, for that purpose. If the city  
12 cannot agree with the owner or lessee of such private property  
13 upon the compensation for the property appropriated or the  
14 damages done, or when, by reason of the absence or legal  
15 incapacity of any such owner or lessee, no such compensation can  
16 be agreed upon, the court of common pleas of the county in which  
17 such property may be situate, or any judge thereof in vacation,  
18 on application thereto by petition by said city or such owner,  
19 lessee, or any person affected, shall appoint viewers to view  
20 and ascertain the damages done by reason thereof, and the  
21 proceedings thereupon shall be as provided in this act in the  
22 case of property taken, injured or destroyed.]

23 Section 326. Article XXXV heading of the act is amended to  
24 read:

25 ARTICLE XXXV

26 [PUBLIC] UTILITY SERVICE

27 Section 327. Article XXXV subdivision (a) and subheading (1)  
28 headings and section 3501 of the act are repealed:

29 [(a) Water Supply

30 (1) General Provisions

1 Section 3501. Exclusive Right to Furnish Water to City;  
2 Frontage Tax.--Each city shall have the exclusive right, at all  
3 times, to supply the city with water, and such persons,  
4 partnerships, and corporations therein as may desire the same,  
5 at such prices, as may be agreed upon; and for that purpose to  
6 have, at all times, the unrestricted right, by ordinance,  
7 subject to the provisions of existing laws, to make, erect, and  
8 maintain all proper works, machinery, buildings, cisterns,  
9 reservoirs, pipes, conduits, for the raising, reception,  
10 conveyances, and distribution of water; or, in territory not  
11 supplied with water, to make contracts with and authorize any  
12 person, company, or association so to do and to give such  
13 person, company, or association the privilege of furnishing  
14 water, as aforesaid, for any length of time not exceeding ten  
15 years. Whenever an extension of a supply of water to portions of  
16 the city not previously supplied shall be made, it shall be  
17 lawful to charge all owners of houses, lots, and buildings on  
18 each side of the street a frontage tax for the local water  
19 supply part thereof according to the foot front or the assessed  
20 valuation of the property for city purposes or according to  
21 benefits. This tax shall be collected and recovered in the  
22 manner provided by law for the recovery of municipal claims. The  
23 legal title to all waterworks heretofore vested in any city by  
24 equitable title shall, after the effective date of this act, be  
25 vested in such city. Said waterworks shall be operated,  
26 maintained, and managed in the same manner and subject to the  
27 same provisions as any waterworks, owned or acquired by cities.]

28 Section 328. The act is amended by adding a section to read:

29 Section 3501.1. Right to Furnish Water, Lighting, Electric,  
30 Gas or Other Similar Utility Service.--(a) A city may supply

1 water, lighting, electric, gas or other similar utility service  
2 for public and private uses within the city. For these purposes,  
3 a city shall have the power to install, maintain, and operate  
4 all necessary facilities and to acquire property and make  
5 improvements as needed. In carrying out the authority granted by  
6 this section, a city may exercise all powers granted to it under  
7 this act or any other law deemed necessary to carry out the  
8 purposes of this section, including the power to acquire, by  
9 eminent domain or otherwise, and the power to temporarily use or  
10 lease, property.

11 (b) A city supplying water, lighting, electric, gas or other  
12 similar utility service shall have the authority to fix the  
13 rates and charges applicable thereto in accordance with section  
14 3587.

15 (c) For the purposes of this section, a city shall have the  
16 authority to incur debt in accordance with 53 Pa.C.S. Pt. VII,  
17 Subpt. B (relating to indebtedness and borrowing).

18 Section 329. Article XXXV subheading (2) heading, sections  
19 3505, 3506 and 3507, subheading (3) heading, sections 3515,  
20 3516, 3517, 3518, 3519, 3520 and 3521, subheading (4) heading,  
21 sections 3530, 3531 and 3532, subheading (5) heading and section  
22 3540 of the act are repealed:

23 [(2) Acquisition by Eminent Domain

24 Section 3505. Appropriation of Lands and Waters.--Any city  
25 desiring to erect water-works, or to improve its water supply,  
26 may appropriate springs, streams, rivers, or creeks, and lands,  
27 easements, and rights of way, within or without its limits; and,  
28 for the purpose of conducting water obtained outside the limits  
29 of the city, may lay pipes under and over any lands, rivers,  
30 streams, bridges, highways, and under railroads. No water

1 appropriated under the provisions of this section shall be used  
2 in such manner as to deprive riparian owners thereon of the free  
3 use and enjoyment of the same for domestic or farm purposes.

4 Section 3506. Agreements as to Damages; Bonds.--Prior to any  
5 such appropriation, the city shall attempt to agree with the  
6 owner as to the damage done, or likely to be done. If the  
7 parties cannot agree, or the owner cannot be found, or is under  
8 legal incapacity, the city shall petition the court of common  
9 pleas to fix the amount of its bond, with or without surety, as  
10 the court may direct, conditioned for the payment to the owner  
11 of the property of the damages for the taking thereof, when the  
12 same shall have been ascertained, and shall file said bond, as  
13 approved, in the said court.

14 Section 3507. Appointment of Viewers; Proceedings.--Upon  
15 petition of either the property owner or city, the court shall  
16 appoint three viewers from the county board of viewers, who  
17 shall assess the damages for the property or rights  
18 appropriated, and shall fix a time for their meeting, of which  
19 notice shall be given to all parties interested by newspaper  
20 publication, at least once in at least one newspaper, ten days  
21 prior to such meeting, as required by section one hundred and  
22 nine of this act, and the posting of hand bills along the line  
23 of said improvement. The proceedings for the assessment of  
24 damages shall be as provided in this act in case of property  
25 taken, injured or destroyed.

26 (3) Acquisition by Purchase after Appraisalment

27 Section 3515. Petition to Court Expressing Desire to Acquire  
28 Water-Works.--Whenever any person, firm, or corporation shall  
29 own any water-works or system which furnishes water within the  
30 city, such city may present its petition to the court of common

1 pleas of the county, setting forth that the city is desirous of  
2 owning and operating such water-works or system, and that it  
3 will be necessary to issue bonds, to be secured by such water-  
4 works or system, and that a value should be placed upon such  
5 water-works or system, including all property, real and  
6 personal, used in connection therewith. A city may acquire, by  
7 agreement with the owner thereof, any water-works or system  
8 which furnishes water within the city, or a part thereof, and  
9 within nearby municipal subdivisions, or parts thereof.

10 Section 3516. Appointment of Engineers as Appraisers to Make  
11 Valuation.--The court shall thereupon appoint three registered  
12 engineers, in civil engineering, as appraisers, to value and  
13 appraise such water-works or system, and the property used in  
14 connection therewith, and the contracts or agreements with  
15 municipalities or townships, who shall file their report in the  
16 court within three months after their appointment, unless such  
17 time be extended by the court.

18 Section 3517. Powers of Appraisers.--The appraisers shall  
19 have access to the books and records of the person, firm, or  
20 corporation, owning such water-works or system, to inform  
21 themselves as to the income and value thereof. They shall have  
22 power to administer oaths and are authorized to take the  
23 testimony of witnesses. Their report shall be final if not  
24 appealed from.

25 Section 3518. Appeal from Appraisalment.--Within ten days  
26 after notice of the filing of any report, either party may  
27 appeal from such appraisalment, alleging an undervaluation or  
28 overvaluation of the property, and praying for a hearing before  
29 the court. The court shall thereupon fix a time when such appeal  
30 may be heard, of which time at least ten days' notice shall be

1 given to the parties, and, upon such hearing, the court shall  
2 have power to modify such report, and either party may appeal  
3 from the final confirmation of such report to the Superior or  
4 Supreme Court.

5 Section 3519. Effect of Failure of Owner of Works to Accept  
6 Price Fixed.--After the value is finally determined, the city  
7 may buy such water-works or system at the valuation so fixed;  
8 and the person, firm, or corporation owning the same shall,  
9 within ten days after notice, file in court its consent to sell  
10 and convey its water-works or system and property to the city at  
11 the valuation fixed. And, in default thereof, such person, firm,  
12 or corporation shall cease to have any exclusive privilege of  
13 supplying the city, or the citizens thereof, with water, and the  
14 city may install such water-works or system as may be necessary  
15 for the accommodation of the public.

16 Section 3520. Issue of Bonds.--For the purpose of any  
17 purchase authorized by this article, the city may issue general  
18 obligation bonds or utility bonds or non-debt revenue bonds  
19 issued as provided by the Municipal Borrowing Law.

20 Section 3521. Limit of Bond Issue.--Such bonds shall not  
21 exceed in amount the value fixed by the appraisers or the court.  
22 The proceeds of the sale of such bonds shall be used exclusively  
23 for the purpose of paying for the property acquired.

24 (4) Acquisition of Competing Water Companies by Cities

25 Section 3530. Power to Acquire Companies Operating in Same  
26 Territory.--Any city owning, operating, or controlling a system  
27 of water-works for the supplying of water to persons,  
28 partnerships, and corporations residing therein, and for  
29 municipal purposes, whether the title to the said water-works be  
30 in the name of commissioners of water-works or in the city

1 itself or otherwise, may acquire all the water-works, including  
2 water pipes, mains, service attachments, fire hydrants, and  
3 improvements of any water corporation or private individual  
4 operating partly within and partly without the limits of the  
5 said city, both so much as is included within the limits of the  
6 said city, and so much as is without the limits of the said  
7 city, serving the territory adjacent thereto, and acquire and  
8 exercise all of the franchises and powers of said prior owner  
9 both within and without the city limits.

10 No such municipal acquisition shall be valid until, upon  
11 application filed by the city and formally joined in by the  
12 proposed vendor water company, the Public Utility Commission  
13 shall have found and determined, after public hearing, that the  
14 granting of such application and the service contemplated by the  
15 city is necessary or proper for the service, accommodation, and  
16 convenience of the public. In any such proceeding, the entire  
17 matter shall be before the commission, and no further specific  
18 approvals of the said commission, which might otherwise be  
19 required, shall be necessary.

20 Section 3531. Service Outside Limits Subject to Control of  
21 Public Utility Commission.--The service of water by any such  
22 city in the territory outside of the limits of the city shall be  
23 subject to regulation and control by the Public Utility  
24 Commission as to character of service, extensions, and rates,  
25 with the same force and in like manner as though the city  
26 serving in such territory were in fact a water corporation and  
27 with respect to such territory outside of the limits of the  
28 city, and shall have all the powers and be subject to all the  
29 duties of a water corporation.

30 Section 3532. Different Rates Within and Without City.--



1 Inasmuch as the city may be serving its inhabitants at less than  
2 the actual cost of service, including capital charges and  
3 depreciation, because the plant may have been or may be built  
4 and operated in part out of the funds raised by municipal  
5 taxation, no rate, classification, rule, regulation, or  
6 practice, put in operation by the city in the portion of its  
7 territory supplied, located beyond the city limits shall be  
8 considered as unjustly discriminatory solely by reason of the  
9 fact that a different rate, classification, rule, regulation, or  
10 practice is in operation within the boundaries of the  
11 municipalities with respect to a similar service rendered.

12 (5) Power to Furnish Water to Consumers outside City  
13 Section 3540. All cities wherein the title to the water-  
14 works therein located is or shall hereafter be in the name of  
15 the city may extend the water-pipes and improvements of any such  
16 water-works, beyond the bounds of the cities wherein they are  
17 located, into the county and municipalities of the county in the  
18 vicinity of such cities; and furnish water to any and all  
19 corporations, institutions, persons, and municipal subdivisions  
20 in the counties in which said cities are located, in accordance  
21 with law and the rules and regulations of the Public Utility  
22 Commission. This section does not authorize a city to extend  
23 water-pipes or supply water in territory, outside the boundaries  
24 of such cities, which territory is being supplied with water by  
25 a private company.]

26 Section 330. The act is amended by adding a section to read:  
27 Section 3540.1. Power to Furnish Utilities to Consumers  
28 Outside City.--A city that provides utility service in  
29 accordance with section 3501.1 may provide utility service in  
30 surrounding municipalities, or portions thereof, which are not

1 provided with such services by those surrounding municipalities,  
2 local or regional public authorities or private companies,  
3 subject to and in accordance with applicable law and the rules  
4 and regulations of the Pennsylvania Public Utility Commission  
5 with regard to the character of service, extensions and rates.

6 Section 331. Article XXXV subheading (6) heading, sections  
7 3550, 3551, 3552 and 3553, subheading (7) heading, sections  
8 3560, 3561, 3562, 3563 and 3564, subheading (8) heading and  
9 sections 3570 and 3571 of the act are repealed:

10 [(6) Power to Lease Water-Works

11 Section 3550. Lease of Water-Works.--The council of any city  
12 may, on behalf of such city, enter into a contract with any  
13 private individual, copartnership, association, or corporation,  
14 for the leasing of any water supply, works, systems, and  
15 property, or both, of such private individual, copartnership,  
16 association, or corporation.

17 Section 3551. Terms of Lease; Rental.--The said leasing may  
18 be for such term of years and at such rental, as shall be agreed  
19 upon by the city and the private individual, copartnership,  
20 association, or corporation.

21 Section 3552. Operation of Property.--The property, so  
22 acquired, shall be operated in the same manner as if the same  
23 had been acquired by such city by purchase or condemnation  
24 proceedings.

25 Section 3553. Rates.--The council of the city, subject to  
26 the Public Utility Law, shall fix the rates to be charged for  
27 the water furnished without the limits of such city to  
28 individuals, copartnerships, associations, or corporations.

29 (7) Condemnation of Lands for Road Purposes and to  
30 Prevent Contamination

1 Section 3560. Overflowing Roads; Acquisition of Lands to  
2 Reconstruct Roads.--Whenever any city, in supplying water to the  
3 public, shall find it necessary, in storing water, to occupy and  
4 overflow with water portions of any turnpike or public road, or  
5 whenever any public road leads into or crosses over any  
6 reservoir used for the storage of water, the city shall cause  
7 such turnpike or road to be reconstructed, at its own expense,  
8 on a favorable location and in as perfect manner as the original  
9 road, and, for such purposes, is authorized to condemn land  
10 whenever an agreement as to the price cannot be had with the  
11 owners.

12 Section 3561. Filing Maps and Plans.--After such change is  
13 made, the city shall file in the court of quarter sessions of  
14 the county a map or plan showing such change of road, and shall  
15 furnish to the supervisors or other authorities of the township,  
16 or municipal corporation, a copy of such map.

17 Section 3562. Condemnation of Lands to Prevent  
18 Contamination.--Cities may acquire, by purchase or condemnation,  
19 such lands along and contiguous to the streams of water or  
20 reservoirs from which water is taken for public use, as may be  
21 necessary to preserve the same from contamination.

22 Section 3563. Security for Payment of Damages.--No land  
23 shall be taken, injured or destroyed for the uses mentioned in  
24 this subdivision of this article until compensation therefor  
25 shall have been paid, or secured, before such taking, injury or  
26 destruction.

27 Section 3564. Condemnation Proceedings.--The damages  
28 incurred in changing the location of any such turnpike or public  
29 road, and in condemning land to preserve water from  
30 contamination, shall be ascertained in the manner provided in

1 this act in case of property taken, injured or destroyed.

2 (8) Miscellaneous Provisions

3 Section 3570. Power of City to Patrol Through Private  
4 Lands.--Any city owning and operating a water-works system is  
5 hereby authorized and empowered to enter, by any of its  
6 employes, upon private lands through which may pass any stream  
7 or streams of water supplying such city, for the purpose of  
8 patrolling the drainage area of such stream or streams, and  
9 making investigations or inquiries pertaining to the condition  
10 of the stream or streams, sanitary or otherwise. Any injury or  
11 damage done to the property, so entered upon, shall be paid by  
12 such city.

13 Section 3571. Leasing of Part of Water-Works for Yacht  
14 Harbor.--The council, or the commission of water-works, or other  
15 body of any city having charge and control of the water-works  
16 property of any such city, may, subject to the approval of the  
17 State Department of Health, and subject to proper restrictions,  
18 lease, for a period of years, any portion of the real property,  
19 not exceeding three acres, and any water area, under its  
20 control, and not necessary or essential for the operation and  
21 maintenance of such water-works, for the purpose of establishing  
22 and maintaining a harbor for yachts and for the erection of  
23 proper and suitable buildings in connection therewith, whenever  
24 the occupation of the grounds and water areas so leased shall  
25 not interfere with the operation of such water-works or in any  
26 manner affect the sanitary conditions of any public water  
27 supply.

28 Any such lease, before the same is executed, shall be  
29 submitted to and be approved by the Department of Health.]

30 Section 332. Section 3572 of the act, added August 19, 1953

1 (P.L.1100, No.297), is repealed:

2 [Section 3572. Accumulation of Funds; Repair and Replacement  
3 of Water Supply Systems.--Any city, which now has or may  
4 hereafter acquire title to any water-works, shall create a  
5 special fund and accumulate therein money to be expended  
6 exclusively for the repairing and replacing of its water supply  
7 system. The city shall annually place into the fund the  
8 difference between ten (10) per cent of the net receipts  
9 collected by it incidental to the supplying of water and water  
10 service and the amount, if any, expended in repairing or  
11 replacing its water supply system. The total amount in the  
12 special fund shall not exceed in the aggregate ten (10) per cent  
13 of the net receipts for any three years.

14 The provisions of this section shall not be construed to  
15 limit the powers of the city to use receipts from water or water  
16 services for purposes of repairing or replacing its water supply  
17 system.]

18 Section 333. Article XXXV subdivision (b) heading, sections  
19 3575 and 3576, subdivision (c) heading and sections 3580, 3581,  
20 3582, 3583 and 3584 of the act are repealed:

21 [(b) Power and Light

22 Section 3575. Power to Furnish Light.--Cities shall have the  
23 exclusive right, at all times, to supply the city with electric,  
24 gas or other light, and such persons, partnerships, and  
25 corporations therein as may desire the same, at such prices as  
26 may be agreed upon; and shall have at all times, the  
27 unrestricted right to make, erect, and maintain the necessary  
28 buildings, machinery, and apparatus for manufacturing and  
29 distributing the same, or, in territory not supplied with light,  
30 to make contracts with and to authorize any person, company, or

1 association so to do, and to give such person, company, or  
2 association the privilege of supplying gas or other light, as  
3 aforesaid, for any length of time not exceeding ten years.

4 Section 3576. Street Lighting; Ornamental Lighting

5 Systems.--Cities may, by ordinance, provide for and regulate the  
6 lighting of streets with gas or electric light, or light by  
7 other means, and, upon petition of the majority of the property  
8 owners in number or interest abutting on any street or section  
9 thereof, may install ornamental lighting systems and assess the  
10 costs of installation, maintenance, or operation entirely upon  
11 the city, or entirely upon the abutting property owners, or  
12 partly upon the abutting property owners and partly on the city.

13 (c) Water and Lighting Commission

14 Section 3580. Creation of Water and Lighting Department.--

15 Any city which now has or which may hereafter have the title to  
16 any water, gas, or electric light works, by conveyance to the  
17 same or by operation of law in its corporate name, or which may  
18 hereafter erect or purchase water, gas, or electric light works,  
19 under the provisions of this act, may create a department to be  
20 called the water and lighting department, and, for the  
21 organization and government of the same, the council may divide  
22 the city into three districts for the election of a board of  
23 commissioners, which districts shall be numbered one, two, and  
24 three; one commissioner to be chosen from each respective  
25 district, of which he shall be a resident at the time of his  
26 election, and no member of council or person holding any city  
27 office shall be eligible as a member of said board.

28 Section 3581. Election of Members of Commission.--The

29 council of such city creating such department, as aforesaid,  
30 may, on the second Monday of April, or within thirty days

1 thereafter, elect one person from each of said districts as a  
2 member of the board of commissioners of the water and lighting  
3 department; and at the first election each member of council  
4 shall vote for but two commissioners, and the three persons,  
5 being one from each of said districts, having the highest number  
6 of votes shall be declared elected. The commissioners so elected  
7 shall serve for the term of one, two, and three years,  
8 respectively, to be computed from the date of election, and  
9 until their successors are duly elected and qualified. The term  
10 of each shall be determined by lot at the first meeting of the  
11 board, and thereafter on the second Monday of April of each  
12 year, or within thirty days thereafter, the council shall elect  
13 one commissioner to serve for the term of three years.

14 Section 3582. Compensation of Commissioners; Oath; Removal;  
15 Filling of Vacancies.--The members of the board of  
16 commissioners, created as aforesaid, shall receive such  
17 compensation for their services as may be provided by ordinance.  
18 Before entering upon their respective duties, they shall take  
19 and subscribe the oath prescribed by this act for city officers,  
20 and they shall be removable by council for misdemeanor in office  
21 or neglect of duty. All vacancies occurring in the board shall  
22 be filled by council for the unexpired term.

23 Section 3583. Duties of Board.--The board shall take charge  
24 of the water and lighting department so created, and shall  
25 employ and dismiss at pleasure a superintendent and a clerk, who  
26 shall be secretary of the board, whose compensation shall be  
27 fixed by council. The board shall employ such laborers,  
28 mechanics and workmen as they may deem necessary for the  
29 economical and efficient administration of said department. They  
30 shall purchase such materials and supplies as may be required

1 for keeping the works in good repair, and have charge and  
2 control of all constructions, repairs, enlargements and  
3 extensions of the works, and shall conduct and manage the  
4 affairs and business of the department in accordance with law  
5 and the directions of council.

6 Section 3584. Estimates of New Work to be Furnished  
7 Council.--The said board of commissioners shall, whenever called  
8 upon by council, make and submit to them full estimates of the  
9 cost, charges and expenses of any new work, enlargement,  
10 extension of water or lighting supply, or alteration which  
11 council may contemplate making relative to said works; and may,  
12 at any time, submit to council any suggestions and estimates  
13 they may see proper to make touching the improvement, extension,  
14 or enlargement of said works, but no new construction,  
15 reconstruction, extension, supply of water or light, or  
16 enlargement of said works shall be undertaken by said  
17 commissioner so created, or materials or supplies be purchased  
18 therefor, without the previous consent and direction of  
19 council.]

20 Section 334. Section 3585 of the act is amended to read:

21 Section 3585. Payment of Cost of [Extensions by Property  
22 Owners; Frontage Tax] Extensions.--Whenever an extension of [a  
23 supply of] pipes, wires or conduits is made to permit a city to  
24 supply water or light, electric, gas or other similar utility  
25 service to portions of the city not previously supplied [shall  
26 be made by the said commissioners, they shall make out a full  
27 statement of the number of feet of main pipes laid or extended  
28 through any of the streets of the city in which main pipes were  
29 not laid before the said extension, and shall file the same in  
30 the department; and it shall be the duty of the clerk of said



1 department, forthwith, on receipt of said statement to make out  
2 a list of all owners of houses, lots and buildings on each side  
3 of the street through which said pipes are extended, and to  
4 charge said owners, and each of them, for each and every house,  
5 lot or building so situated in said streets, at such rate per  
6 foot as council may by ordinance fix, for said mains extending  
7 along the front of their respective houses, lots and buildings.  
8 Nothing herein contained shall be construed to prevent council  
9 from providing for the payment of water and gas pipes by the  
10 city] with such service, an assessment of the costs thereof may  
11 be made in accordance with Article XLV-A.

12 Section 335. Section 3586 of the act is repealed:

13 [Section 3586. Collection of Frontage Tax; Assessment of  
14 Cost.--Said charge shall be called the frontage water tax, or  
15 lighting tax, as the case may be, and shall be collected and  
16 recovered in the manner provided by law for the recovery of  
17 municipal claims. Whenever any pipes for the conveyance of water  
18 or light shall be laid in any of the streets or highways within  
19 such city, the owners of the ground in front of which the same  
20 shall be laid shall pay for the expense thereof such sum for  
21 each foot of the front of their ground upon such street as  
22 council may, by ordinance, direct: Provided, That in all corner  
23 lots an allowance shall be made of one-third the length of their  
24 front, but such allowance shall be always and only on the street  
25 having the longest front and in case both fronts are of equal  
26 dimensions, the allowance shall be made in the street in which  
27 the pipes shall be last laid, but in no case shall the allowance  
28 exceed sixty feet on any corner lot: And provided further, That  
29 when a corner lot shall have erected upon it two or more  
30 separate tenements, there shall only be an allowance made equal

1 to one-third of the depth of the corner tenement and the yard  
2 adjoining. The provisions of this and the foregoing section  
3 shall not apply to any lot or piece of ground in such city upon  
4 which there may be a supply of water or gas obtained from any  
5 other source whatever, but if at any time the owner of such lot  
6 or piece of ground shall desire to obtain a supply of water or  
7 gas from the works of such city, then and in that case the  
8 provisions of this section shall first be complied with.]

9 Section 336. Section 3587 of the act is amended to read:

10 Section 3587. Fixing Rates.--[The board of commissioners  
11 may] Council shall fix, or may delegate to a city department the  
12 power to fix, with the approval of council, [fix the water and  
13 lighting rates, and the quantity to be used, and for that  
14 purpose they shall, on the first Monday of March in each year,  
15 establish the rates for the succeeding year, which rates shall  
16 be submitted by them to council for its approval, and, when  
17 approved, such rates shall not be changed for and during the  
18 year, but if not approved, the existing rates shall continue  
19 until modified by the commissioners, with the approval of  
20 council] rates for the use of water or light, electric, gas or  
21 other similar utility service and, in the case of consumers  
22 outside the city, the fixing of rates shall be subject to and in  
23 accordance with applicable law and the rules and regulations of  
24 the Pennsylvania Public Utility Commission.

25 Section 337. Section 3588 of the act, amended December 18,  
26 1992 (P.L.1424, No.175), is amended to read:

27 Section 3588. Collection of [Lighting and Water] Utility  
28 Charges.--(a) Council shall provide, by ordinance, for the  
29 collection of [all the lighting and water] charges for the use  
30 of water or light, electric, gas or other similar utility

1 service that may accrue, from time to time, to the city [for the  
2 use of the water or light], fixing the time when [such] the  
3 charges shall be payable, and the penalties for nonpayment  
4 thereof[; and such] .The charges shall be assessed to the  
5 respective owners of the real estate on which [such water or  
6 light] the utility service is used, and if the same shall not be  
7 paid in accordance with the provisions of [such] the ordinance,  
8 claims for the amounts due [shall be registered in the city lien  
9 docket in the same manner as provided by law in the case of  
10 unpaid city taxes on real estate, with the like force and effect  
11 as to the lien thereof.] may be filed as a lien and collected in  
12 accordance with the Municipal Claim and Tax Lien Law.

13 (b) In the case of a city which has agreed to provide water  
14 service through a separate meter and separate service line to a  
15 residential dwelling unit in which the owner does not reside,  
16 the owner shall be liable to pay the tenant's bill for service  
17 rendered to the tenant by the city only if the city notifies the  
18 owner and the tenant within thirty days after the bill first  
19 becomes overdue. Such notification shall be provided by first  
20 class mail to the address of the owner provided to the city by  
21 the owner and to the billing address of the tenant,  
22 respectively. Nothing herein shall be construed to require a  
23 city to terminate service to a tenant, provided that the owner  
24 shall not be liable for any service which the city provides to  
25 the tenant ninety or more days after the tenant's bill first  
26 becomes due unless the city has been prevented by court order  
27 from terminating service to that tenant.

28 Section 338. Section 3589 of the act is repealed:

29 [Section 3589. Report to Council; Accounts of City  
30 Treasurer; Disposition of Surplus.--The board of commissioners

1 shall, annually at a stated meeting of council in the month of  
2 January, report to said council a full statement of all the  
3 repairs, alterations, reconstructions, new constructions,  
4 expenditures, and everything relating to the management and cost  
5 to the city of maintaining each of the said works. The city  
6 treasurer shall keep his accounts in such manner as to show in  
7 his monthly report, distinctly and separately, the entire amount  
8 of revenue realized during each month from the water and  
9 lighting departments of said city, respectively; and the  
10 revenues derived from the said water and lighting departments  
11 shall be applied exclusively to the purposes of said  
12 departments, respectively; and the surplus, if any, to the  
13 reduction of the debt thereof. Any surplus revenues from said  
14 water and lighting departments, after the payment of all the  
15 debts of said respective departments, shall be applied as  
16 follows: The surplus from the water revenues, to the reduction  
17 of the bonded indebtedness which has been created by the city  
18 for the erection and construction of its water-works; and the  
19 surplus from the lighting revenues, to the reduction of any  
20 bonded indebtedness which has been created by the city for the  
21 erection and construction of its lighting plant.]

22 Section 339. The act is amended by adding a section to read:

23 Section 3590. Disposition of Revenues.--The revenues derived  
24 from the city's furnishing of water, light, electric, gas or  
25 other similar utility service shall be applied as follows:

26 (1) to the purposes of the respective departments under the  
27 direction of which the utility service is provided;

28 (2) for the reduction of debt related to the provision of  
29 that service; and

30 (3) to any other city department that provides labor or

1 materials for the maintenance and repair of property or  
2 facilities relating to the city's provision of a utility  
3 service.

4 Section 340. Article XXXVI heading is reenacted to read:

5 ARTICLE XXXVI

6 PUBLIC BUILDINGS AND WORKS

7 Section 341. Section 3601 of the act is amended to read:

8 Section 3601. [Hospitals, Jails, Poor Farms, Et Cetera.--

9 Each city may, by ordinance, erect] Public Buildings

10 Generally.--(a) With regard to public buildings, each city may,  
11 by ordinance, do any of the following:

12 (1) Erect, purchase, establish or maintain [hospitals,  
13 jails, workhouses, or houses of correction for juvenile or other  
14 offenders and prescribe regulations for the government thereof;  
15 and erect] all public buildings. [necessary for the use of the  
16 city, or of any department thereof; purchase, take, use, or  
17 occupy, private lands upon which to erect any of the said  
18 buildings; purchase, take, use, or occupy, within or without the  
19 limits of the respective city, whether within the county wherein  
20 is located the city, or within a county adjacent thereto, or  
21 within both, private lands and buildings; establish and maintain  
22 a general hospital, or hospitals, for the cure and treatment of  
23 the sick and injured, or a hospital or hospitals for the  
24 treatment and separation of persons suffering with contagious or  
25 infectious diseases, and prescribe rules and regulations for the  
26 government, management, and maintenance thereof; purchase, take,  
27 use, or occupy, within the limits of the county of such city or  
28 within a county adjacent thereto, or within both, private lands  
29 upon which to establish and maintain a poor farm, with all  
30 necessary and convenient buildings and appliances, where the

1 city may support and maintain such poor persons as such city is  
2 by law required to support and maintain; acquire, by purchase,  
3 or in other lawful manners, within or without the city, but  
4 within the county or counties in which the city is located,  
5 sufficient real estate for present and future use upon which to  
6 erect workhouses or houses of detention, poor houses, garbage  
7 and incinerating furnaces. The proceedings for the assessment of  
8 damages for any property taken, occupied or used for any such  
9 purpose shall be the same as provided in this act for property  
10 taken, injured or destroyed.]

11 (2) Purchase, take, use, occupy, or acquire, by any lawful  
12 means, including eminent domain, private lands, buildings and  
13 property in order to erect, establish or maintain public  
14 buildings.

15 (b) For purposes of this article, public buildings shall  
16 include not only those buildings or structures which council  
17 deems necessary for the use of the city, but also other  
18 buildings and structures which are to be used for a public  
19 purpose, including public auditoriums, public libraries, public  
20 memorial buildings and monuments.

21 Section 342. Section 3602 of the act is repealed:

22 [Section 3602. Public Auditoriums, Libraries, Memorials and  
23 Monuments.--Cities may take, purchase, or acquire, by any lawful  
24 means, or through condemnation proceedings, property for the  
25 purpose of erecting thereon public auditoriums, public  
26 libraries, public memorial buildings, and monuments.]

27 Section 343. Section 3603 of the act is amended to read:

28 Section 3603. Payment of Cost of Erection and Maintenance.--  
29 Cities may appropriate money [or issue bonds for the erection,  
30 on said property purchased or acquired through condemnation

1 proceedings, public auditoriums, public libraries, public  
2 memorial buildings, and monuments] and incur debt in accordance  
3 with 53 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and  
4 borrowing) for the purchase or acquisition through eminent  
5 domain of private lands, buildings and property in order to  
6 erect or establish public buildings. Cities may also appropriate  
7 moneys for the operation and maintenance of [such public  
8 auditoriums, public libraries, memorial buildings, and  
9 monuments] public buildings.

10 Section 344. Section 3604 of the act is repealed:

11 [Section 3604. Proceedings for Assessment of Damages.--All  
12 proceedings for the assessment of damages for property taken for  
13 auditoriums, libraries, memorials and monuments shall be had in  
14 the manner provided by this act for property taken, injured or  
15 destroyed.]

16 Section 345. Sections 3605, 3606 and 3607 of the act are  
17 amended to read:

18 Section 3605. Donation of Land by City for Library Purposes;  
19 Contributions [toward Maintenance.--Cities may donate ground  
20 thus acquired for a public library to any library association  
21 provided said association will furnish the funds for the  
22 erection of the library building, the plans of which are  
23 approved by the city, but only in such cases where the said  
24 library association is by its by-laws and charter compelled to  
25 put back into the property and surplus earnings from the  
26 operation of said library. Cities may make appropriations  
27 towards the operating expense of such library.] toward  
28 Maintenance.--In addition to the power to make appropriations,  
29 donations and gifts for library purposes in accordance with 24  
30 Pa.C.S. Ch. 93 (relating to library code) a city may acquire and

1 donate land for library purposes to a local library as defined  
2 in 23 Pa.C.S. § 9302 (relating to definitions).

3 Section 3606. Rental of Public Auditoriums; Disposition of  
4 Proceeds.--Cities, in the case of public auditoriums, may, by  
5 order of council, charge a rental for the use of [said] the  
6 public auditorium. All moneys derived from rental of [said] the  
7 public auditoriums shall be paid into the general fund of the  
8 city.

9 Section 3607. [Leasing of City Property as Memorials.--Each  
10 city may lease real estate, the property of said city,] Long-  
11 Term Improvement Leases.--(a) A city may lease city real estate  
12 on [long term] long-term improvement leases, at a nominal rental  
13 or otherwise, to a [corporation of the first class] nonprofit  
14 corporation, for the purpose of providing an auditorium for  
15 dramatic, musical, artistic, literary, scientific or patriotic  
16 societies or events, or for such other purposes as may be  
17 approved, from time to time, by council.

18 (b) A long-term improvement lease shall be for a term of not  
19 more than ninety-nine years, and may provide for a right of  
20 renewal for a like term, and shall contain provision for the  
21 improvement of the real estate by the lessee by the erection of  
22 a suitable building or buildings of dignified and appropriate  
23 architecture, absolute ownership of which building or buildings  
24 shall revert to the city, free of any claim or charge, at the  
25 end of the term of the lease or any renewal thereof.

26 (c) The building or buildings erected pursuant to a long-  
27 term improvement lease may be used for any one or more of the  
28 following purposes, which are hereby declared, in respect of  
29 this subject matter, to be used for public purposes: As an  
30 auditorium for dramatic, musical, artistic, literary, or



1 scientific events, including provision for the accommodation of  
2 patriotic societies or groups, or such other accommodations and  
3 features as may be approved, from time to time, by the city.

4 (d) The title to property subject to a long-term improvement  
5 lease shall remain in the city, and for purposes of local  
6 taxation, the property which is subject to a long-term  
7 improvement lease and the leasehold estate created thereby shall  
8 be deemed to be devoted to a public purpose and public use.

9 (e) The lessees under a long-term improvement lease shall be  
10 exclusively liable for the maintenance and upkeep of the demised  
11 premises, and shall be solely responsible for the maintenance  
12 and operation thereof.

13 (f) Any long-term improvement lease may provide that the  
14 lessor shall be entitled to receive a sum equal to the net  
15 income of the demised premises after reasonable reserves and  
16 proper amortization charges.

17 Section 346. Sections 3608, 3609, 3610, 3611 and 3612 of the  
18 act are repealed:

19 [Section 3608. Term of Lease; Renewals; Improvements to be  
20 Erected.--Every such lease shall be for a term of not more than  
21 ninety-nine years, and may provide for a right of renewal for a  
22 like term, and shall contain provision for the improvement of  
23 the real estate by the erection of a suitable building or  
24 buildings of dignified and appropriate architecture, absolute  
25 ownership of which building or buildings shall revert to the  
26 city, free of any claim or charge, at the end of the term of the  
27 said lease or any renewal thereof.

28 Section 3609. Use of Buildings.--The building or buildings,  
29 so erected, may be used for any one or more of the following  
30 purposes, which are hereby declared, in respect of this subject

1 matter, to be used for public purposes: As an auditorium for  
2 dramatic, musical, artistic, literary, or scientific events,  
3 including provision for the accommodation of patriotic societies  
4 or groups, or such other accommodations and features as may be  
5 approved, from time to time, by the city.

6 Section 3610. Title in City; Exemption from Taxation;  
7 Maintenance.--The title to the said property, as so improved,  
8 shall remain in the city, and neither the said real estate, nor  
9 the leasehold estate created by such lease, shall be subject to  
10 local or other taxation.

11 The lessees shall be exclusively liable for the maintenance  
12 and upkeep of the demised premises, and shall be solely  
13 responsible for the maintenance and operation thereof.

14 Section 3611. Rental.--Any such lease may provide that the  
15 lessor shall be entitled to receive a sum equal to the net  
16 income of said demised premises after reasonable reserves and  
17 proper amortization charges.

18 Section 3612. Location of City Jails Restricted.--No city  
19 shall erect or construct a city jail or lock-up, or use any  
20 existing building or lock-up for the first time, which will be  
21 or is located within five hundred feet of any public school  
22 building.]

23 Section 347. Article XXXVII heading of the act is reenacted  
24 to read:

25 ARTICLE XXXVII

26 PARKS, PLAYGROUNDS, AND RECREATION CENTERS

27 Section 348. Section 3703 of the act, amended September 26,  
28 1951 (P.L.1515, No.379), is amended to read:

29 Section 3703. Acquisition of Lands and Buildings.--Cities  
30 may enter upon, take, use, purchase and acquire, by gift or by

1 the right of eminent domain, lands, property and buildings, for  
2 the purpose of making, extending, enlarging, and maintaining  
3 recreation places which shall consist of public parks, parkways,  
4 playgrounds, playfields, gymnasiums, public baths, swimming  
5 pools, or indoor recreation centers, may levy and collect such  
6 special taxes as may be necessary to pay for the same, and make  
7 appropriations for the improvement, maintenance, care,  
8 regulation, and government of the same. Cities may designate and  
9 set apart for use for any of the purposes specified in this  
10 section lands and buildings owned by such cities and not  
11 dedicated or devoted to other public use. Cities may also lease  
12 lands and buildings in such cities for temporary use for [such]  
13 these purposes. Lands, property and buildings outside the limits  
14 of the city may be [acquired in like manner] purchased or  
15 acquired for the recreation places[, and such lands may be  
16 annexed to the city, in the manner provided by this act for the  
17 annexation of territory to a city.] with the consent of the  
18 governing body of the municipal corporation in which the lands,  
19 property or buildings are situated.

20 Section 349. The act is amended by adding a section to read:

21 Section 3703.1. Powers of Council; Delegation.--(a) Council  
22 shall have the power to equip, operate, supervise, and maintain  
23 recreation places and to employ recreation directors or any  
24 other officers or employes deemed necessary in order to carry  
25 out the provisions of this article.

26 (b) In any case in which more than one-half the full costs  
27 of the supervision and maintenance of the recreation places,  
28 including the compensation of all the officers and employes  
29 hired to carryout the provisions of this article, are borne by  
30 the city, council shall have the authority to fix the

1 compensation of these officers and employes.

2 (c) Council may delegate all or part of its power under  
3 subsection (a) to an existing body or board or to a recreation  
4 board, as council shall determine.

5 Section 350. Section 3704 of the act, amended January 14,  
6 1952 (1951 P.L.2032, No.570), is repealed:

7 [Section 3704. Creation of Recreation Board.--The authority  
8 to supervise and maintain recreation places may be vested in any  
9 existing body or board, or in a recreation board, as council  
10 shall determine. Council may equip, operate, and maintain the  
11 recreation places, as authorized by this act. Such authorities  
12 may, for the purpose of carrying out the provisions of this  
13 article, employ play leaders, recreation directors, supervisors,  
14 superintendents, or any other officers or employes, as they deem  
15 proper. Where more than one-half the full costs of the  
16 supervision and maintenance of the recreation places, including  
17 the compensation of all the officers and employes, are borne by  
18 the city, the compensation of such officers and employes shall  
19 be fixed by council: Provided, however, That in such cases,  
20 council may delegate this power to the recreation commission.]

21 Section 351. Section 3705 of the act, amended October 4,  
22 1978 (P.L.950, No.188), is amended to read:

23 Section 3705. [Composition of Board.--(a) If council shall  
24 determine that the power to equip, operate, and maintain  
25 recreation places, shall be exercised by a recreation board,  
26 they may establish in said city such recreation board, which  
27 shall possess all the powers, and be subject to all the  
28 responsibilities of council under this article. Such] Creation  
29 and Composition of Recreation Board.--Council may establish in  
30 the city a recreation board, which shall possess the powers and

1 the responsibilities delegated to it by council in accordance  
2 with section 3703.1(c). The recreation board, when established,  
3 shall consist of [a minimum of five and a maximum of nine  
4 persons, two of whom shall be members of and appointed by the  
5 school board. The city] five or seven persons. The members of  
6 the board shall be appointed by the mayor with the approval of  
7 council and shall serve for terms no longer than five years and  
8 the terms of the members shall be staggered in such a manner  
9 that at least one expires annually. Members of [such] the  
10 recreation board shall serve without pay. Vacancies in [such]  
11 the board, occurring otherwise than by expiration of term, shall  
12 be for the unexpired term and shall be filled in the same manner  
13 as original appointments.

14 [(b) In addition to the establishment of a city recreation  
15 board, the council may appoint persons to serve as members of a  
16 school district recreation board established by the school  
17 district wherein the city is located.]

18 Section 352. Sections 3706, 3707 and 3708 of the act are  
19 amended to read:

20 Section 3706. [Organization of Board; Employees] Organization  
21 of Board.--The members of a recreation board, established  
22 pursuant to this article, shall elect their own [chairman] chair  
23 and secretary and select all other necessary officers, to serve  
24 for a period of one year[, and may employ such persons as may be  
25 needed, as authorized by this article. Such]. The board shall  
26 have power to adopt rules and regulations for the conduct of all  
27 business within its jurisdiction. Meetings of the board shall be  
28 subject to the provisions of 65 Pa.C.S. Ch.7 (relating to open  
29 meetings).

30 Section 3707. Joint Ownership and Maintenance.--[Any] A city

1 may, jointly with any [other cities, boroughs, or townships, or  
2 any of them] one or more other municipalities, acquire property  
3 for, and operate and maintain, any recreation [places] place.  
4 Any city may join with any school district, in equipping,  
5 operating, and maintaining recreation places, and may  
6 appropriate money therefor.

7 Section 3708. [Issue of Bonds.--The city council may issue  
8 general obligation bonds] Borrowing.--The city council may  
9 borrow money and incur debt in accordance with 53 Pa.C.S. Pt.  
10 VII Subpt. B (relating to indebtedness and borrowing) for the  
11 purpose of acquiring lands or buildings for recreation places,  
12 and for the equipment therefor.

13 Section 353. Section 3709 of the act, amended August 10,  
14 1965 (P.L.318, No.168), is amended to read:

15 Section 3709. Maintenance and Tax Levy.--[All expenses  
16 incurred in the operation of such] Expenses incurred in the  
17 maintenance and operation of recreation places, established as  
18 herein provided, [shall be payable] including the operation of  
19 recreation programs therein, may be paid from the treasury of  
20 the city. Council may annually appropriate, and cause to be  
21 raised by taxation[, such tax for the purpose of maintaining and  
22 operating recreation places. In lieu thereof, council may  
23 annually appropriate moneys to any existing body or board, or to  
24 a recreation board or commission, for the maintenance and  
25 operation of recreation places.] in accordance with section  
26 2531(a)(4), a tax for this purpose. The funds may be  
27 appropriated, for the purposes of this section, to any existing  
28 body or board, or to a recreation board or commission.

29 Section 354. The act is amended by adding a section to read:

30 Section 3709.1. City Trusts.--(a) In addition to all other

1 powers conferred by law, a city may receive in trust, and city  
2 council may control for the purposes of the trust, all estate,  
3 moneys, assets and property, real and personal, which may have  
4 been or shall be bestowed upon it by donation, gift, legacy,  
5 endowment, bequest, devise, conveyance or other means, for the  
6 purpose of establishing or maintaining a public park or other  
7 public purpose for the use and benefit of the citizens of the  
8 city.

9 (b) In the event that a city trust has been or is created as  
10 a result of any property or estate, whatsoever, having been  
11 conveyed, bequeathed or devised or otherwise given or donated to  
12 any city, in trust, for the purpose of establishing or  
13 maintaining a public park or other public purpose for the use  
14 and benefit of citizens of the city, control of the trust shall  
15 be transferred to city council and, if necessary to carry out  
16 the intention of this section, the court of common pleas in the  
17 county in which a city is located may, upon petition of council,  
18 transfer control of the trust to city council. City council may  
19 delegate the supervision and operation of recreation places  
20 subject to the trust to a recreation board in accordance with  
21 section 3703.1. Nothing in this section shall limit any power of  
22 the court to terminate or reform a trust under existing law.

23 Section 355. Sections 3710, 3711, 3712, 3713, 3714, 3715,  
24 3716 and 3717 of the act are repealed:

25 [Section 3710. Leasing by City of its Parks or  
26 Playgrounds.--Cities may enter into contracts and agreements  
27 with any incorporated association, acting within its corporate  
28 powers, for the use by the latter of any park or playground,  
29 owned, leased, or occupied by said cities, for such period and  
30 upon such terms as to maintenance, upkeep and improvement of

1 such ground as may be mutually agreed upon. No such contract or  
2 agreement, however, shall permanently exclude the public of said  
3 cities from the use and enjoyment of said parks and playgrounds.  
4 The said cities shall at all times be invested with the power  
5 and authority to adopt suitable rules and regulations concerning  
6 the use and occupation of said parks and playgrounds by the  
7 public generally, and by such incorporated associations  
8 specially.

9 Section 3711. Sale of Coal Under Parks or Commons.--Council  
10 may sell and lease, at the best price obtainable, and subject to  
11 such conditions as it may deem necessary to impose for the  
12 protection of the surface, the coal under any park or common  
13 owned by and situate within the corporate limits of the city.  
14 When any park, or common shall front on a river or other public  
15 stream, such portion of the amount realized from the sale or  
16 lease of such coal may be used for the erection of retaining  
17 walls, as council shall deem necessary for the purpose. Before  
18 any such coal shall be sold or leased, the proposed sale shall  
19 be advertised, in accord with the provisions of section one  
20 hundred and nine of this act, at least once a week in three  
21 daily papers published in the city in which said coal is  
22 situate, if there be so many, and in any other publication, as  
23 council may determine; and sealed bids shall be received, and  
24 the person, copartnership, association or corporation offering  
25 the highest and best price shall be the purchaser, but council  
26 shall have the right to reject all bids.

27 Section 3712. Use of Proceeds of Sale or Lease of Coal Under  
28 Parks.--Whenever any city shall have sold or leased the coal  
29 underlying any public park or common within the limits of said  
30 city, the proceeds of said sale or lease, except as hereinbefore



1 otherwise provided, shall be applied only as follows: First. To  
2 the improvement, policing, and lighting of the said park or  
3 common, or the redemption of bonds issued for the improvement of  
4 said park or common; Second. Any surplus of the said proceeds  
5 may then be applied and used for the purchase and improvement of  
6 other lands, within the limits of the city or immediately  
7 adjacent thereto, for use as recreation places, or for the  
8 building of bridges and construction of drains and sewers, or  
9 for such other purposes as council may determine: Provided, That  
10 no land shall be purchased for such use with said funds unless  
11 the ordinance authorizing the purchase shall have been passed by  
12 the affirmative vote of four members of council.

13 Section 3713. Application of Coal Rentals to Payment of  
14 Costs of Improvements; Issue of Bonds.--Whenever hereafter any  
15 such city shall have leased the coal under any public park or  
16 common for a rental or royalty payable in periodical  
17 instalments, in order to provide for the payment of the cost of  
18 any such improvements authorized in the preceding sections, the  
19 said city may, from time to time, issue general obligation  
20 bonds. The issuance of any such bonds shall be in accordance  
21 with the Municipal Borrowing Law.

22 Section 3714. Appointment of Directors of City Trusts.--  
23 Whenever any property or estate, whatsoever, has been conveyed,  
24 bequeathed or devised to any city, in trust, for the purpose of  
25 establishing or maintaining a public park or other public  
26 purpose for the use and benefit of citizens of such city, the  
27 court of common pleas of the county in which such city is  
28 located, on petition of council of said city, shall appoint five  
29 persons as directors of city trusts, all of whom shall be  
30 citizens of such city, and none of whom shall hold any office or

1 employment thereunder, who shall exercise and discharge all the  
2 duties and powers of said city, however acquired, concerning  
3 such property, conveyed, bequeathed or devised to such  
4 charitable use, to the extent that the same has been or  
5 hereafter may be, by statute or otherwise, vested in or  
6 delegated to the said city or the officers thereof. The  
7 directors of city trusts may delegate the supervision and  
8 operation of such city trusts as are recreation places to the  
9 authority determined by council for recreation places of the  
10 city in accordance with section three thousand seven hundred  
11 four of this act.

12 Section 3715. Term of Service; Removal; Vacancies.--The  
13 persons so appointed shall serve as members of the board of  
14 directors of city trusts during good behavior, subject, however,  
15 to removal by the court of common pleas for dereliction or  
16 neglect of duty, or for any other cause deemed by the said court  
17 to be important for the conservation or administration of the  
18 said trust thus imposed upon them.

19 All vacancies shall be, from time to time, filled by the said  
20 court, on petition of the council, of said city, or any of its  
21 citizens.

22 Section 3716. Duties of Directors.--The said directors of  
23 trust shall carefully invest and preserve the trust funds; make  
24 such rules and by-laws for the proper regulation of their  
25 business not inconsistent with the terms annexed to any  
26 conveyance, bequest or devise in any deed or last will and  
27 testament of any decedent; appoint and employ as many agents and  
28 employes as, in their judgment, shall be necessary for the  
29 proper discharge of the said trust or trusts; and, in the name  
30 and in accordance with the conditions of said trusts, do any and

1 all things requisite for the proper administration and  
2 management of the property under their control.

3 Section 3717. Directors to be Agents of City; to Have no  
4 Interest in Contracts.--The said directors, in the discharge of  
5 their duties and within the scope of their powers, shall be  
6 considered agents or officers of the city, but no compensation  
7 or emolument whatever shall be received by them for any services  
8 performed relating to the said trusts, nor shall any of them  
9 have or acquire any personal interests in any contract whatever  
10 made through them or their agents or employes.]

11 Section 356. Section 3718 of the act is amended to read:

12 Section 3718. [Appointment of Park Guards.--] Park  
13 Rangers.--(a) The council of every city shall have power, under  
14 the provisions of this article, to provide, by ordinance, for  
15 the selection and employment of such number of persons as [they  
16 deem necessary to act as park guards] are deemed necessary to  
17 act as park rangers, fix their compensation and duties, and  
18 provide for their [uniforming] uniforms.

19 (b) To the extent authorized by 53 Pa.C.S. Ch. 21 Subch. D  
20 (relating to municipal police education and training), persons  
21 appointed as park rangers, under any ordinance passed pursuant  
22 to the provisions of subsection (a), shall have, in the parks  
23 and playgrounds and other public places in the cities, and  
24 beyond the limits of the cities when the cities have acquired  
25 lands, properties and buildings for park and playground or other  
26 public purposes, the same power, in preserving the peace,  
27 maintaining order, and making arrests, as police officers have  
28 in the cities.

29 (c) For purposes of the act of June 28, 1935 (P.L.477,  
30 No.193), referred to as the Enforcement Officer Disability

1 Benefits Law (Heart and Lung Act), the term "park ranger," as  
2 used herein, shall mean a park guard.

3 (d) Park rangers shall be under the supervision, control and  
4 direction of the director of the Department of Parks and Public  
5 Property, or, if none exists, any other department as council  
6 directs.

7 Section 357. Sections 3719, 3720 and 3721, Article XXXVIII  
8 and subdivision (a) headings and section 3801 of the act are  
9 repealed:

10 [Section 3719. Powers of Park Guards.--Persons appointed as  
11 park guards, under any ordinance passed pursuant to the  
12 provisions of the preceding section, shall have, in the parks  
13 and playgrounds and other public places in such cities, and  
14 beyond the limits of such cities when such cities have acquired  
15 such lands, properties and buildings for park and playground or  
16 other public purposes, the same power, in preserving the peace,  
17 maintaining order, and making arrests, as policemen have in such  
18 cities.

19 Section 3720. Control of Park Guards.--Such park guards  
20 shall be under the supervision, control, and direction of the  
21 director of the Department of Parks and Public Property.

22 Section 3721. Sale of Unused and Unnecessary Land and  
23 Buildings.--The council of each city is hereby vested with the  
24 necessary power and authority to sell unused and unnecessary  
25 lands and buildings that have been dedicated to park purposes by  
26 public auction, upon sealed bids, or at private sale with  
27 approval of the court of common pleas; Provided, nevertheless,  
28 That before any such sale is made council shall advertise said  
29 proposed sale twice in at least one newspaper in accordance with  
30 section one hundred and nine of this act.

1 ARTICLE XXXVIII

2 SHADE TREES AND FORESTS

3 (a) Shade Trees

4 Section 3801. Shade Tree Commission.--Any city may, by  
5 ordinance, create a commission to be known as the Shade Tree  
6 Commission of such city; but in cities where the council of said  
7 city shall not elect to create by ordinance such Shade Tree  
8 Commission, the said council may exercise all the rights and  
9 perform the duties and obligations imposed by this article upon  
10 the Shade Tree Commission.]

11 Section 358. Section 3802 of the act, amended November 2,  
12 1975 (P.L.459, No.128), is repealed:

13 [Section 3802. Composition of Commission.--The commission,  
14 if ordained, shall be composed of not less than three nor more  
15 than seven residents of the city, who shall be appointed by the  
16 mayor, and shall serve without compensation.

17 One commissioner shall serve for a term of three years, one  
18 for a term of four years, and one for a term of five years on  
19 commissions of only three residents. Where the commission  
20 consists of more than three members, the time sequence provided  
21 for a three member commission shall be repeated.

22 On the expiration of the term of any commissioner, a  
23 successor shall be appointed by the mayor to serve for a term of  
24 five years.

25 Vacancies in the office of commissioner shall be filled by  
26 the mayor for the unexpired term.

27 Should the governing body determine to increase the  
28 membership of an already existing commission, the additional  
29 members shall be appointed as provided in this section. If, at  
30 any time, after increasing the membership of the commission the

1 governing body should determine to reduce the number of members  
2 on the commission, such reduction shall be effectuated by  
3 allowing the terms to expire and by making no new appointments  
4 to fill the vacancy. Any increase or reduction in members shall  
5 be by ordinance.]

6 Section 359. Sections 3803, 3804, 3805 and 3806 of the act  
7 are repealed:

8 [Section 3803. Powers May Be Vested in Park Commission.--  
9 Whenever in any city there exists a commission for the care of  
10 public parks, the council may also, by ordinance, provide that  
11 the park commission shall have all the powers and be subject to  
12 all the duties prescribed by this article for the Shade Tree  
13 Commission.

14 Section 3804. Powers of Commission.--The commission shall  
15 have exclusive custody and control of the shade trees of the  
16 city, and may plant, remove, maintain, and protect shade trees  
17 on the streets and sidewalks in the city. The commission may  
18 require the planting and replanting of shade trees along the  
19 streets and sidewalks of the city, as council may direct. The  
20 kind of tree and the alignment and locations of the trees shall  
21 be determined by the commission or as council may direct, but  
22 shall not prevent necessary or reasonable use of streets,  
23 sidewalks, abutting property, or the conduct of business.

24 The commission may, with the approval of council, either  
25 employ and pay superintendents, engineers, foresters, tree-  
26 wardens, or other assistants, or may contract for personal and  
27 professional services, for the proper performance of the duties  
28 devolving upon it, and may make, publish, and enforce  
29 regulations for the care and protection of the shade trees of  
30 the city. No such regulation shall be in force until it has been

1 approved by the council, and until it has been published at  
2 least twice in not more than two newspapers of the city.

3 Section 3805. Report of Commission.--The shade tree  
4 commission shall annually report in full to the council, at  
5 council's first stated meeting in October, of its transactions  
6 and expenses for the last fiscal year of the city. The park  
7 commission in cities wherein the park commission is authorized  
8 to act as the shade tree commission, may incorporate such  
9 transactions and expenses as a separate part of its regular  
10 report to council.

11 Section 3806. Notices by Commission.--Whenever any shade  
12 tree commission, or park commission, acting as a shade tree  
13 commission, proposes to plant, transplant, or remove shade trees  
14 on any street or sidewalk, notice of the time and place of the  
15 meeting at which such work is to be considered shall be given in  
16 not more than two newspapers published in the city, once a week  
17 for two weeks immediately preceding the time of the meeting, in  
18 accord with the provisions of section one hundred and nine of  
19 this act. The notice shall specify in detail the streets or  
20 sidewalks or portions thereof upon which trees are proposed to  
21 be so planted, replanted, or removed.]

22 Section 360. Section 3807 of the act, amended August 21,  
23 1953 (P.L.1292, No.364), is repealed:

24 [Section 3807. Payment by Owners.--The cost of furnishing,  
25 planting, transplanting, or removing any shade trees in or along  
26 the streets of the city, of the necessary and suitable guards,  
27 curbing, or grading for the protection thereof, and of the  
28 replacing of any pavement or sidewalk necessarily disturbed in  
29 the execution of such work, shall be paid by the owner of the  
30 real estate in front of whose property the work is done, except

1 that part of such cost may be certified by the commission to  
2 council and to the city treasurer as a charge to be paid by the  
3 city.

4 The amount each owner is to pay shall be ascertained and  
5 certified by the commission to council and to the city  
6 treasurer.]

7 Section 361. Sections 3808, 3809 and 3810, Article XXXVIII  
8 subdivision (b) heading, sections 3820 and 3821, subdivision (c)  
9 heading and sections 3830, 3831, 3832, 3833, 3834, 3835 and 3836  
10 of the act are repealed:

11 [Section 3808. Assessments; Liens.--Upon the filing of the  
12 certificate with the council, the city clerk shall cause thirty  
13 days' written notice to be given by mail to the persons against  
14 whose property an assessment has been made. The notice shall  
15 state the amount of the assessment, and the time and place of  
16 payment, and shall be accompanied with a copy of the  
17 certificate. The expense of the notice shall be paid by the  
18 city.

19 The amount assessed against the real estate shall be a lien  
20 from the time of the filing of the certificate with the council,  
21 and, if not paid within the time designated in the notice, a  
22 claim may be filed and collected in the same manner as municipal  
23 claims are filed and collected.

24 Section 3809. Maintenance by City; Tax Levy.--The cost and  
25 expenses of caring for such trees after they have been planted  
26 shall be paid by the city.

27 The needed amount shall each year be certified by the  
28 commissioners to council in time for inclusion in the proposed  
29 budget ordinance, and the funds provided by council shall be  
30 drawn against, as required by the commission, in the same manner



1 as money appropriated for city purposes.

2 The city council may levy a special tax, not to exceed the  
3 sum of one-tenth of one mill on the dollar on the assessed  
4 valuation of the property in said city, for the purpose of  
5 defraying the cost and expenses of caring for such shade trees  
6 and the administrative expenses connected therewith, or it may  
7 provide for such expenses by appropriations.

8 Section 3810. Penalties.--The commission, to the extent as  
9 may be provided by ordinance of council, may assess penalties  
10 for the violation of its regulations and of this article so far  
11 as it relates to shade trees. Any penalty so assessed shall be a  
12 lien upon the real estate of the offender and may be collected  
13 as municipal claims are collected.

14 All penalties or assessments imposed under this article shall  
15 be paid to the city treasurer, to be placed to the credit of the  
16 commission, subject to be drawn upon by the commission for the  
17 purposes authorized in this article.

18 (b) Memorial Trees

19 Section 3820. Memorial Trees.--Council may provide for or  
20 authorize provision for memorial trees for residents of the city  
21 who died while in the military service of the United States or  
22 in consequence thereof. Council may make appropriations or  
23 accept contributions for this purpose. Such trees shall bear  
24 some permanent indication of their purpose.

25 Section 3821. Penalty for Injury to Memorial Trees.--Any  
26 person wilfully, maliciously, or negligently destroying or  
27 injuring any trees planted pursuant to the provisions of this  
28 subdivision (b) shall be guilty of a misdemeanor, and upon  
29 conviction, shall be liable to a fine not exceeding five hundred  
30 dollars, or imprisonment not exceeding three months, or both, in

1 the discretion of the court.

2 (c) Forests

3 Section 3830. Acquisition of Land for Forest Purposes.--

4 Cities may acquire, by purchase, gift, or lease, and hold tracts  
5 of land covered with forest or tree growth or suitable for the  
6 growth of trees, and administer the same, under the direction of  
7 the Department of Forests and Waters, in accordance with the  
8 practices and principles of scientific forestry, for the benefit  
9 of the city. Such tracts may be of any size suitable for the  
10 purpose and may be located within or without the city limits.

11 Section 3831. Approval of Department of Forests and  
12 Waters.--Before the passage of any ordinance for the acquisition  
13 of land to be used as municipal forests, the mayor shall submit  
14 to the Department of Forests and Waters and secure its approval  
15 of the area and location of such land.

16 Section 3832. Ordinance Declaring Intention.--Whenever the  
17 council deems it expedient to acquire any lands for the purposes  
18 of municipal forests, it shall so declare in an ordinance  
19 wherein shall be set forth all facts and conditions relating to  
20 the proposed action.

21 Section 3833. Appropriations of Money.--All money necessary  
22 for the purchase of such tracts shall be appropriated in the  
23 same manner as appropriations for city purposes, and such funds  
24 may be provided from the current revenue or by the proceeds of a  
25 sale of general obligation bonds in accordance with the  
26 Municipal Borrowing Law.

27 Section 3834. Rules and Regulations.--Upon the acquisition  
28 of any municipal forests or lands suitable for such, the council  
29 shall notify the Department of Forests and Waters, which shall  
30 make such rules for the government and proper administration of

1 the same as may be necessary. The council shall publish such  
2 rules, declare the uses of the forest in accordance with the  
3 intent of this subdivision (c) of this article, and make such  
4 provisions for its administration, maintenance, protection and  
5 development as shall be deemed necessary or expedient. The rules  
6 governing the administration of such forests shall have for  
7 their main purpose the producing of a continuing city revenue by  
8 the sale of forest products.

9 Section 3835. Appropriations and Revenues.--All moneys  
10 necessary to be expended for the administration, maintenance,  
11 protection, and development of such forests shall be  
12 appropriated and applied as is now done for city purposes. All  
13 revenue and emoluments arising from such forests shall be paid  
14 into the city treasury to be used for general city purposes.

15 Section 3836. Use of Forests.--Municipal forests may be used  
16 by the public as general outing or recreation grounds subject to  
17 the rules governing their administration as municipal forests.]

18 Section 362. Section 3837 of the act, amended May 21, 1956  
19 (1955 P.L.1639, No.548), is repealed:

20 [Section 3837. Ordinance of Sale; Exceptions.--Whenever the  
21 council deems it expedient to sell any municipal forest, or part  
22 thereof, it shall so declare in an ordinance wherein shall be  
23 set forth all the facts and conditions relating to the proposed  
24 action, which proposed ordinance shall be advertised once a week  
25 for three weeks prior to its passage. No ordinance shall be  
26 effective in legalizing such sale until it has been approved by  
27 a majority vote of the people at the next ensuing general,  
28 municipal or primary election: Provided, however, That the  
29 provisions of this section shall apply only to lands acquired  
30 for municipal forests as such, and shall not limit the power of

1 cities or water authorities to acquire, sell, exchange, lease,  
2 transfer, manage or maintain lands required for the  
3 conservation, development, utilization and disposal of water or  
4 watersheds: And provided further, That cities or water  
5 authorities may enter into agreements with the Department of  
6 Forests and Waters providing for such conservation, development,  
7 utilization and disposal of water or watersheds.

8 Section 363. Section 3838, Article XXXIX heading and section  
9 3901 of the act are repealed:

10 [Section 3838. Appropriation for Forest Work.--Cities may  
11 appropriate moneys to any forest protection association  
12 cooperating in forest work with the State Department of Forests  
13 and Waters, or to be expended in direct cooperation with said  
14 department in forest work.

15 ARTICLE XXXIX

16 WHARVES AND DOCKS

17 Section 3901. Power to Erect and Maintain Wharves;  
18 Regulation; Charges.--Cities may erect and maintain wharves in  
19 navigable waters within or adjacent to the city, regulate the  
20 use thereof, fix and collect wharfage, for all public wharves,  
21 and docks within their limits in accordance with a regular  
22 schedule of charges, establish wharf and dock lines, and  
23 construct and maintain docks, retaining walls, dams and  
24 embankments. They may regulate the anchoring of all manners of  
25 vessels within their limits and the depositing of freight on  
26 public wharves and docks. Cities may, pursuant to ordinance,  
27 purchase or condemn such land or other property as they may need  
28 for the purposes of wharves and docks.]

29 Section 364. Section 3902 of the act, amended July 1, 1959  
30 (P.L.501, No.127), is repealed:

1 [Section 3902. Erection of Market-Houses and Railway Tracks  
2 on Wharves; Charges; Licenses.--Cities may erect and maintain  
3 market-houses and terminal sheds or stations on their wharves,  
4 for the receipt and distribution of freight, express, and cargo;  
5 construct railroad and street railway tracks or other facilities  
6 on said wharves to provide for the convenient handling of such  
7 freight or express or cargo; and collect rents, tolls, or  
8 charges for the use of such market-houses, terminal stations,  
9 tracks, wharves and other facilities. Cities may enter into  
10 contracts and agreements with any person for the use by such  
11 person of any tracks, terminal stations, wharves or other  
12 facilities, for such period and upon such terms as to  
13 maintenance, upkeep and improvements, as may be mutually agreed  
14 upon. Such cities shall, at all times, be invested with the  
15 power and authority to adopt suitable rules and regulations  
16 concerning the use and occupation of the tracks, terminal  
17 stations, wharves or other facilities, by such persons and by  
18 the public. No such contract or agreement shall permanently  
19 exclude the public of said cities from the use and enjoyment of  
20 said tracks, terminal stations, wharves or other facilities, nor  
21 shall any exclusive lease be granted for a term exceeding  
22 twenty-five years.

23 No structure so erected, and no right granted under the  
24 powers herein conferred, shall interfere with the general public  
25 use of wharves for water-borne commerce.]

26 Section 365. Sections 3903, 3904 and 3905 and Article XL  
27 heading of the act are repealed:

28 [Section 3903. Use of Unnecessary Wharves or Landings for  
29 Other Municipal Purposes.--Whenever any city, by ordinance,  
30 declares that any public landing, or public wharf, or part

1 thereof, fronting on any navigable water and lying within its  
2 limits, has become unnecessary for use for public landing or  
3 public wharf purposes, the city make take, enter upon, and  
4 occupy for use for any other public purposes whatsoever, the  
5 public landing, or public wharf, or part thereof, so found  
6 unnecessary for such purposes, any limitation of use thereof by  
7 the municipality arising from donation, dedication,  
8 appropriation, statute, or otherwise, to the contrary  
9 notwithstanding.

10 Section 3904. Appropriation of Wharves and Landings for  
11 General Purposes.--Cities are vested with the right of eminent  
12 domain for the purpose of appropriating, for such general public  
13 uses, all such public landings or public wharves, or parts  
14 thereof, so found unnecessary for such purposes, together with  
15 any easements, property and property rights connected therewith.

16 Section 3905. Assessment of Damages.--All damages arising  
17 from the exercise of the power of eminent domain hereunder shall  
18 be ascertained and awarded in the manner provided by this act  
19 for property taken, injured or destroyed.

20 ARTICLE XL

21 CITY PLANNING]

22 Section 366. Article XLI heading of the act, amended July  
23 29, 1971 (P.L.250, No.61), is repealed:

24 [ARTICLE XLI

25 ZONING, BUILDING, HOUSING, FIRE PREVENTION, PLUMBING

26 AND ELECTRICAL ORDINANCES, AND PUBLIC NUISANCES]

27 Section 367. Article XLI subdivision (a), (b) and (c)  
28 headings of the act are repealed:

29 [(a) The Zoning Ordinances

30 (b) Procedure for Adoption of Zoning Ordinance

1 (c) Board of Adjustment]

2 Section 368. Article XLI subdivision (d) heading and  
3 sections 4130, 4131, 4131.1, 4132 and 4133 of the act, amended  
4 or added December 21, 1998 (P.L.1013, No.135), are repealed:

5 [(d) Building, Housing, Property Maintenance,  
6 Fire Prevention, Plumbing and Electrical Ordinances

7 Section 4130. Building Ordinance, Housing Ordinance,  
8 Property Maintenance Ordinance, Fire Prevention Ordinance,  
9 Electrical Ordinance and Plumbing Ordinance.--Each city may  
10 enact a building ordinance, a housing ordinance, a property  
11 maintenance ordinance, a fire prevention ordinance, an  
12 electrical ordinance, and a plumbing ordinance, which may  
13 provide for the following matters:

14 (a) A system of specifications and regulations to insure the  
15 structural safety and the incombustibility of buildings and  
16 housing constructed, reconstructed, altered, enlarged, repaired  
17 or maintained within the city.

18 (b) A system of specifications and regulations for the  
19 setting out, construction, alteration, repair, maintenance,  
20 occupation, sanitation, ventilation, lighting, electric wiring,  
21 water supply, toilet facilities, drainage, plumbing, use and  
22 inspection of all buildings and housing or parts of buildings  
23 and housing, and the walls and foundations thereof, constructed,  
24 erected, altered, designated, or used, in whole or in part, for  
25 human habitation, and for the sanitation and inspection of land  
26 appurtenant thereto.

27 Section 4131. Form of Building Ordinance, Housing Ordinance,  
28 Property Maintenance Ordinance, Fire Prevention Ordinance, and  
29 Plumbing Ordinance; Passage.--The building ordinance, the  
30 housing ordinance, the property maintenance ordinance, the fire

1 prevention ordinance, the electrical ordinance and the plumbing  
2 ordinance may adopt any standard or nationally recognized  
3 building code, any standard or nationally recognized housing  
4 code, any standard or nationally recognized property maintenance  
5 code, any standard or nationally recognized fire prevention  
6 code, any standard or nationally recognized electrical code, or  
7 any standard or nationally recognized plumbing code, or any  
8 variations or changes or parts thereof, published and printed in  
9 book form, covering any or all of the above items, without  
10 incorporating such code in the ordinance, or any city may enact  
11 any such building code, housing code, property maintenance code,  
12 fire prevention code, electrical code, or plumbing code, or any  
13 changes or variations or parts thereof, as its building  
14 ordinance, as its housing ordinance, as its property maintenance  
15 ordinance, as its fire prevention code, as its electrical code  
16 or as its plumbing code. In either event, the building ordinance  
17 or code, the housing ordinance or code, the property maintenance  
18 ordinance or code, the fire prevention ordinance or code, the  
19 electrical ordinance or code, and the plumbing ordinance or  
20 code, or any changes or variations or parts thereof, need not be  
21 advertised after passage, but notice of its consideration, in  
22 reasonable detail shall be published as required by section one  
23 thousand fourteen of this act. Not less than three copies of the  
24 building ordinance, the housing ordinance, the property  
25 maintenance ordinance, the fire prevention ordinance, the  
26 electrical ordinance or the plumbing ordinance adopted by  
27 council shall be made available to public inspection and use  
28 during business hours for at least three months after its  
29 adoption. The procedure herein set forth relating to the  
30 adoption of such building ordinances, housing ordinances,



1 property maintenance ordinances, fire prevention ordinances,  
2 electrical ordinances and plumbing ordinances may likewise be  
3 adopted in amending, supplementing or repealing any of the  
4 provisions of such ordinances.

5 Section 4131.1. Penalties.--(a) Except as provided for in  
6 subsection (b), the building ordinance, the housing ordinance,  
7 the property maintenance ordinance, the fire prevention  
8 ordinance, the electrical ordinance and the plumbing ordinance  
9 may provide penalties of fine not exceeding one per month on a  
10 property and limited to no more than one thousand dollars for  
11 the first two continual and uncorrected violations of the same  
12 subsection of such ordinance on the same property and not  
13 exceeding five thousand dollars for the third and any subsequent  
14 continual and uncorrected violation of the same subsection of  
15 such ordinance on the same property.

16 (b) If a violation of the building ordinance, the housing  
17 ordinance, the property maintenance ordinance, the fire  
18 prevention ordinance, the electrical ordinance or the plumbing  
19 ordinance is found to pose a threat to the public's health,  
20 safety or property, then penalties of fine may be provided for  
21 as follows:

22 (i) not exceeding one citation per five calendar days for a  
23 continual and uncorrected violation of the same subsection of  
24 such ordinance on the same property;

25 (ii) limited to no less than five hundred dollars and no  
26 more than one thousand dollars for the first two continual and  
27 uncorrected violations of the same subsection of such ordinance  
28 on the same property and no less than one thousand dollars and  
29 not exceeding ten thousand dollars for the third and any  
30 subsequent continual and uncorrected violation of the same

1 subsection of such ordinance on the same property, or  
2 imprisonment for any term not exceeding ninety days, or both.

3 (c) For violations of any ordinance not specified in  
4 subsection (a) or (b), a penalty may be imposed on any person  
5 who violated such ordinance which shall include a fine of not  
6 more than one thousand dollars, or a term of imprisonment of not  
7 more than ninety days, or both.

8 Section 4132. Building Inspectors, Housing Inspectors,  
9 Property Maintenance Inspectors, Fire Prevention Inspectors,  
10 Electrical Inspectors, and Plumbing Inspectors.--Council may  
11 appoint building inspectors, housing inspectors, property  
12 maintenance inspectors, fire prevention inspectors, electrical  
13 inspectors and plumbing inspectors and fix their compensation.  
14 Such inspectors shall have the right to enter upon and inspect  
15 any and all premises at all reasonable hours for the  
16 administration and enforcement of the building ordinance, the  
17 housing ordinance, the property maintenance ordinance, the fire  
18 prevention ordinance, the electrical ordinance and the plumbing  
19 ordinance. Any fees payable to them under the building  
20 ordinance, the housing ordinance, the property maintenance  
21 ordinance, the fire prevention ordinance, the electrical  
22 ordinance and the plumbing ordinance shall be paid by them to  
23 the city treasurer for the use of the city as promptly as may  
24 be.

25 Section 4133. Actions to Restrain Violations.--The city may,  
26 in addition to the penalties provided by its building ordinance,  
27 its housing ordinance, its property maintenance ordinance, its  
28 fire prevention ordinance, its electrical ordinance and its  
29 plumbing ordinance, bring actions at law or in equity to prevent  
30 or restrain, correct or abate any violations of its building

1 ordinance, its housing ordinance, its property maintenance  
2 ordinance, its fire prevention ordinance, its electrical  
3 ordinance and its plumbing ordinance.]

4 Section 369. Article XLI subdivision (e) heading and  
5 sections 4140, 4141, 4142 and 4143 of the act are repealed:

6 [(e) Abatement of Public Nuisances

7 Section 4140. Petition for Removal of Public Nuisances;  
8 Viewers; Vacating Public Alleys, Lanes or Passageways, Declared  
9 Public Nuisances by Board of Health.--The council of any city  
10 may, by resolution, authorize and empower the mayor of such city  
11 to present a petition to the court of common pleas, setting  
12 forth that any property, building, premises, business or  
13 occupation, specifying the same fully and describing the same  
14 accurately, located within said city has become a public  
15 nuisance, injurious or dangerous to the community and to the  
16 public health. Upon the presentation and hearing of such  
17 petition, if the nuisance complained of be not a public  
18 nuisance, per se, then the court may appoint three viewers, from  
19 the county board of viewers, to go upon the premises where said  
20 nuisance is alleged to exist--at a time to be fixed in the order  
21 appointing the same, of which time due notice shall be given to  
22 all persons affected, which shall be not less than twenty nor  
23 more than thirty days from the date of the order making such  
24 appointment--and shall thereupon, being first duly sworn, view  
25 the property, premises, building, business or occupation, shall  
26 hear the parties, their witnesses and counsel, and shall make  
27 due report thereof to the court appointing them. In any case  
28 where the board of health shall have declared any public alley,  
29 lane or passageway or a part thereof to be a public nuisance,  
30 any two or more owners of property adjacent or abutting thereof

1 may petition council that such public alley, lane or passageway  
2 or part thereof be vacated in accordance with the procedure  
3 provided in this subdivision for the abatement of public  
4 nuisances; except that the viewers shall not question the  
5 finding of the board of health, but shall determine whether or  
6 not the said alley, lane or passageway or part thereof should be  
7 vacated. Council may, with or without the aforesaid petition,  
8 proceed for the vacating of any such public alley, lane or  
9 passageway or part thereof, except that in no case shall any  
10 such alley, lane or passageway be vacated in such a way or to  
11 such an extent as to deprive any lot abutting thereon of its  
12 sole means of ingress and egress; nor shall any alley, lane or  
13 passageway created by grant or contract and not therefore  
14 accepted by the public be vacated.

15 Section 4141. Power to Viewers.--The viewers, appointed as  
16 aforesaid, may:

17 First. Determine whether or not the property, premises,  
18 building, business or occupation is a public nuisance, and, if  
19 they shall find it is such a nuisance, shall so return in their  
20 award; and

21 Second. Find what, if any, compensation shall be paid by the  
22 said city to the owner or owners of said property, premises,  
23 building, business or occupation for the abatement of the same,  
24 and if the findings of the said viewers be in favor of the said  
25 city and direct the abatement of said nuisance, then judgment  
26 shall be entered upon their award within thirty days after the  
27 same is filed, unless the said award be appealed from or  
28 exceptions thereto be filed within thirty days. No execution or  
29 other process for the collection of any sum of money awarded to  
30 any person or persons, corporation or corporations, as

1 compensation for the abatement of any such nuisance, shall issue  
2 until the said nuisance has been fully and completely abated,  
3 and return thereof made to the court.

4 Section 4142. Appeals.--Any of the parties interested in any  
5 proceedings provided by the preceding two sections may appeal to  
6 the court of common pleas within thirty days from the date of  
7 filing an award; such appeal to be in the same form as now  
8 governs appeals from the awards of viewers appointed pursuant to  
9 this act to assess damages for property taken, injured or  
10 destroyed, the party appealing to pay the costs incurred and to  
11 give bond, with one surety, for the payment of all costs which  
12 may thereafter be incurred. Upon such appeal being perfected,  
13 the court shall frame an issue, which issue shall be placed at  
14 the head of the next trial list then open, and shall be tried by  
15 the court and jury in the same manner as feigned issues are now  
16 tried. Upon such trial the jury shall have power to find the  
17 same facts as are provided may be found by the viewers. If the  
18 jury shall find in favor of the city and award any compensation  
19 to the owner or owners of said property, premises, buildings,  
20 business or occupation, judgment shall be entered upon the  
21 verdict. No execution or other process for the collection of  
22 such judgment shall issue until the nuisance complained of shall  
23 have been fully and completely abated, and return thereof made  
24 to the court; upon which the court shall have the power to award  
25 execution or other process necessary to enforce the collection  
26 of the judgment.

27 Section 4143. Abatement of Public Nuisance after Award of  
28 Viewers.--Whenever the award of viewers, or the verdict of a  
29 jury, shall find that a public nuisance exists, and the owner or  
30 owners of any property, premises, building, business or

1 occupation causing the same shall fail to abate the same within  
2 sixty days from the date of the judgment, the authorities of  
3 said city shall have full power and authority to enter upon said  
4 property, premises or building where said nuisance exists and  
5 abate the same, and shall not be liable in any form of action  
6 for so doing. The cost and expense of abating the same shall be  
7 deducted from any compensation awarded in said proceedings.]

8 Section 370. The act is amended by adding an article to  
9 read:

10 ARTICLE XLI-A

11 UNIFORM CONSTRUCTION CODE, PROPERTY MAINTENANCE CODE,

12 AND RESERVED POWERS

13 Section 4101-A. Primacy of certain codes.

14 (a) Applicability.--The Pennsylvania Construction Code Act  
15 and the Uniform Construction Code adopted under section 301 of  
16 the Pennsylvania Construction Code Act shall apply to the  
17 construction, alteration, repair and occupancy of all buildings  
18 and structures within a city.

19 (b) Construction.--This article and any ordinance, rule or  
20 regulation adopted pursuant to this article shall not supersede  
21 or abrogate the Pennsylvania Construction Code Act or the  
22 Uniform Construction Code and shall be construed and read in  
23 pari materia with them.

24 Section 4102-A. Changes in Uniform Construction Code.

25 A city may propose and enact an ordinance to equal or exceed  
26 the minimum requirements of the Uniform Construction Code in  
27 accordance with and subject to the requirements of section 503  
28 of the Pennsylvania Construction Code Act. Any ordinance  
29 exceeding the provisions of the Uniform Construction Code shall  
30 be required to meet the standards provided in section 503(j)(2)

1 of the Pennsylvania Construction Code Act.

2 Section 4103-A. Public nuisance.

3 Any building, housing or property, or part thereof erected,  
4 altered, extended, reconstructed, removed or maintained,  
5 contrary to any of the provisions of any ordinance enacted for  
6 any of the purposes specified in this article may be reported,  
7 in accordance with Article XXVII-A, to the department designated  
8 to determine whether a public nuisance exists and, if a public  
9 nuisance is determined to exist, it may be abated in accordance  
10 with that article, provided, however, that a violation of the  
11 Uniform Construction Code or any ordinance that equals or  
12 exceeds the Uniform Construction Code shall be subject to the  
13 provisions of the Pennsylvania Construction Code Act and the  
14 regulations adopted thereunder by the Department of Labor and  
15 Industry relating to enforcement for noncompliance.

16 Section 4104-A. Property maintenance code.

17 (a) Enactment.--Notwithstanding the primacy of the Uniform  
18 Construction Code, a city may enact a property maintenance  
19 ordinance, including any standard or nationally recognized  
20 property maintenance code or any changes or variations or parts  
21 thereof, and it may, by reference, in accordance with section  
22 1018.13, incorporate any standard or nationally recognized  
23 property maintenance code, or any variations or changes or parts  
24 thereof, published and printed in book form, without setting  
25 forth the text of the code in the ordinance.

26 (b) Public availability.--The full text of the property  
27 maintenance code need not be published but, in accordance with  
28 section 1018.9, it shall be sufficient to publish a summary  
29 setting forth the provisions of the ordinance in reasonable  
30 detail and a reference to a place within the city where copies

1 of the proposed ordinance may be examined. Not fewer than three  
2 copies of the proposed property maintenance code, or portion  
3 thereof, or amendment thereto shall be made available to public  
4 inspection and use during business hours. Copies shall also be  
5 made available to any interested party in accordance with the  
6 act of February 14, 2008 (P.L.6, No.3), known as the Right-to-  
7 Know Law, or may be furnished or loaned without charge.

8 (c) Violations.--A property maintenance code ordinance may  
9 provide for fines and penalties not exceeding \$1,000 or  
10 imprisonment for any term not exceeding 90 days, or both, for  
11 violations thereof. The procedure set forth under this article  
12 relating to the enactment of such ordinances may likewise be  
13 utilized in amending, supplementing or repealing any of the  
14 provisions of such ordinances.

15 (d) Inspectors.--Council may appoint property maintenance  
16 inspectors who shall have the right to, subject to  
17 constitutional standards in a similar manner as provided in  
18 section 2308, enter upon and inspect any and all premises at all  
19 reasonable hours for the administration and enforcement of the  
20 city's property maintenance code or ordinance incorporating a  
21 standard or nationally recognized property maintenance code. Any  
22 fees payable to a property maintenance inspector under the  
23 ordinance shall be paid by the property maintenance inspector to  
24 the city treasurer for the use of the city as promptly as may  
25 be.

26 (e) Additional remedies.--In addition to the penalties  
27 provided by the property maintenance ordinance, the city may  
28 institute appropriate actions or proceedings at law or in equity  
29 to prevent or restrain property maintenance violations.

30 (f) Relation to other acts.--The powers of a city as



1 provided in this section shall be in addition to, but not  
2 limited to, the powers provided in the act of November 26, 2008  
3 (P.L.1672, No.135), known as the Abandoned and Blighted Property  
4 Conservatorship Act, 53 Pa.C.S. Ch. 61 (relating to neighborhood  
5 blight reclamation and revitalization) and 68 Pa.C.S. Ch. 21  
6 (relating to land banks).

7 Section 4105-A. Reserved powers.

8 If, as a result of legislative action or final order of  
9 court, for which the time for appeal has expired and no appeal  
10 has been taken or from which there is no pending appeal, the  
11 Uniform Construction Code or any replacement code is no longer  
12 applicable in cities, a city may:

13 (1) Enact and enforce ordinances to govern and regulate  
14 the construction, reconstruction, alteration, extension,  
15 repair, conversion, maintenance, occupation, sanitation,  
16 ventilation, heating, egress, lighting, electric wiring,  
17 water supply, toilet facilities, drainage, plumbing, fire  
18 prevention, fireproofing including prescribing limitations  
19 wherein only buildings of noncombustible material and  
20 fireproofed roofs are used in construction, erection, or  
21 substantial reconstruction, use and inspection of all  
22 buildings and housing or parts of buildings and housing, and  
23 the roofs, walls and foundations thereof, and all facilities  
24 and services in or about the buildings or housing  
25 constructed, erected, altered, designed, or used, in whole or  
26 in part, for any use or occupancy, and the sanitation and  
27 inspection of land appurtenant thereto. The codes may be  
28 combined or separately enacted or combined with the property  
29 maintenance code.

30 (2) Require that before any work of construction,

1 reconstruction, alteration, extension, repair or conversion  
2 of any building is begun, approval of the plans and  
3 specifications be secured.

4 (3) Incorporate any standard or nationally recognized  
5 code, or any variations or changes or parts thereof,  
6 published and printed in book form, without incorporating the  
7 text of the code as provided in subdivision (a.1) of Article  
8 X. The ordinances may provide for fines and penalties not  
9 exceeding \$1,000 or imprisonment for any term not exceeding  
10 90 days, or both, for violations thereof. The procedure set  
11 forth under this article relating to the enactment of the  
12 ordinances may likewise be utilized in amending,  
13 supplementing or repealing any of the provisions of  
14 ordinances that incorporate any standard or nationally  
15 recognized code, or any variations or changes or parts  
16 thereof.

17 (4) Appoint building inspectors, housing inspectors,  
18 property maintenance inspectors, fire prevention inspectors,  
19 electrical inspectors and plumbing inspectors and fix their  
20 compensation. The inspectors shall have the right to, subject  
21 to constitutional standards in a similar manner as provided  
22 in section 2308, enter upon and inspect any and all premises  
23 at all reasonable hours for the administration and  
24 enforcement of the city's enacted codes or ordinances  
25 incorporating standard or nationally recognized codes. Any  
26 fees payable to an inspector under the ordinances shall be  
27 paid by the inspector to the city treasurer for the use of  
28 the city as promptly as may be.

29 (5) In addition to the penalties provided by ordinances,  
30 the city may institute appropriate actions or proceedings at

1 law or in equity to prevent or restrain the unlawful  
2 construction, reconstruction, alteration, extension, repair,  
3 conversion, maintenance or use or occupation of property  
4 located within the city, to restrain, correct or abate the  
5 violation and to prevent the use or occupancy of the  
6 building, housing or structure.

7 Section 371. Article XLII heading of the act is reenacted to  
8 read:

9 ARTICLE XLII

10 AERONAUTICS

11 Section 372. Section 4201 of the act is amended to read:

12 Section 4201. Power to Acquire Land for Aeronautical  
13 Purposes; Maintenance of Municipal Airports[, Etc.--With the  
14 approval of the Pennsylvania Aeronautics Commission, a].--A city  
15 may establish and maintain a municipal airport and may acquire,  
16 by lease, purchase or condemnation proceedings, subject to the  
17 limitations in 26 Pa.C.S. § 206 (relating to extraterritorial  
18 takings), any land lying either within or without the  
19 territorial limits of the city, and within or without the  
20 territorial limits of the county in which [such] the city is  
21 located, which, in the judgment of council, may be necessary and  
22 desirable for the purpose of establishing and maintaining  
23 municipal airports, landing fields, aviation easements or  
24 intermediate landing fields and other air navigation facilities.

25 Section 373. Section 4202 of the act is repealed:

26 [Section 4202. Proceedings for Condemnation.--The  
27 proceedings for the condemnation of lands under the provisions  
28 of this article, and for the assessment of damages for property  
29 taken, injured or destroyed, shall be conducted in the manner  
30 provided by this act in the case of property taken, injured or

1 destroyed. The title acquired by the city exercising the power  
2 to condemnation shall be a title in fee-simple.]

3 Section 374. Sections 4203, 4204 and 4205 of the act are  
4 amended to read:

5 Section 4203. Leasing of Land Acquired for Aeronautical  
6 Purposes.--Any city acquiring land for any aeronautical purposes  
7 may lease the same, or part thereof to any individual or  
8 corporation desiring to use the same for [the purpose of taking  
9 off or landing an aeroplane, or for other aeronautical purposes,  
10 on such terms and subject to such conditions and regulations as  
11 may be provided. Any such city may enter into a contract, in the  
12 form of a lease, providing for the use of said land, or any part  
13 thereof, by the Government of the United States for air mail  
14 delivery, or other aeronautical purposes, upon nominal rental or  
15 without consideration] aeronautical purposes.

16 Section 4204. Operation of Facilities Jointly.--Any city may  
17 operate and maintain municipal airports, landing fields or  
18 intermediate landing fields and other air navigation facilities  
19 jointly in accordance with [any other political subdivision or  
20 with the Pennsylvania Aeronautics Commission, upon such terms  
21 and conditions as may be agreed upon between the council and the  
22 corporate authorities of the other contracting party or parties]  
23 53 Pa.C.S. Ch.23 Subch. A (relating to intergovernmental  
24 cooperation).

25 Section 4205. Appropriation for Support of Air Navigation  
26 Facilities.--A city which does not own, lease, or operate  
27 municipal airports, landing fields or intermediate landing  
28 fields or other air navigation facilities[, ] may appropriate  
29 money for the support and maintenance of any such facilities,  
30 situate either within or without the boundaries of the city, or

1 of the county or counties in which [such] the city is located.

2 Section 375. Article XLIII and subdivision (a) headings of  
3 the act are reenacted to read:

4 ARTICLE XLIII

5 PENSIONS

6 (a) Police

7 Section 376. Section 4301 of the act, amended December 12,  
8 1994 (P.L.1033, No.140), is amended to read:

9 Section 4301. Police Pension Fund[; Direction of].--(a)  
10 Cities shall establish, by ordinance, a police pension fund[, to  
11 be].

12 (b) The following shall apply to a police pension fund  
13 established pursuant to this section:

14 (1) The fund shall be maintained by an equal and  
15 proportionate monthly charge against each member of the police  
16 force, which shall not exceed annually four per centum of the  
17 pay of [such] the member and an additional amount not to exceed  
18 one per centum of the pay of [such] the member to be paid by  
19 [such] the member or the municipal corporation to provide  
20 sufficient funds for payments required by subsection [(d) of  
21 section 4303] (f) of section 4303 to surviving spouses even if  
22 they remarry, or if no spouse survives or if such person  
23 survives and subsequently dies, then to the child or children  
24 under the age of eighteen years, of members of the police force  
25 or of members retired on pension or who die in service[; which].

26 (2) The fund shall at all times be under the direction and  
27 control of council but may be committed to the custody and  
28 management of such officers of the city or [citizens thereof, or  
29 corporations located therein] to such other persons or entities,  
30 as may be designated by council[, and] by ordinance.

1       (3) The fund shall be applied, under such regulations as  
2 council may, by ordinance, prescribe, for the benefit of such  
3 members of the police force as shall receive honorable discharge  
4 therefrom by reason of age or disability, surviving spouses even  
5 if they remarry, or if no spouse survives or if such person  
6 survives and subsequently dies, then to the child or children  
7 under the age of eighteen years, of members of the police force  
8 or of members retired on pension[; but such allowances as shall  
9 be].

10       (4) Allowances made to those who are retired by reason of  
11 the disabilities of age shall be in conformity with a uniform  
12 scale, together with service increments as hereinafter provided.

13       (5) Any compensation paid to a corporate custodian of the  
14 police pension fund shall be paid from the general fund of the  
15 city.

16       Section 377. Section 4302 of the act, amended November 25,  
17 1970 (P.L.754, No.246), is amended to read:

18       Section 4302. Retirement; Final Discharge.--[Such ordinance  
19 shall prescribe a] (a) With regard to continuous service and  
20 minimum retirement age requirements, the ordinance establishing  
21 the police pension fund shall prescribe as follows:

22       (1) A minimum period of continuous service[, ] of not less  
23 than twenty years[, and, when].

24       (2) If any minimum retirement age is prescribed, a minimum  
25 age of fifty years[, after which members of the force may retire  
26 from active duty, and such members as are retired].

27       (b) Retired members, if not unfit by reason of age,  
28 disability or otherwise, shall be subject to service[, from time  
29 to time,] as a police reserve [until unfitted for such service,  
30 when they may be finally retired by reason of age or disability]

1 under terms and conditions as may be established by council.

2 (c) With the approval of council, any member of the police  
3 pension fund who is a contributor and who served in the armed  
4 forces of the United States subsequent to September 1, 1940, and  
5 who was not a member of the police pension fund prior to such  
6 military service, shall be entitled to have full credit for each  
7 year or fraction thereof, not to exceed five years of such  
8 service upon [his] the member's payment to the police pension  
9 fund of an amount equal to that which [he] the member would have  
10 paid had [he] the member been a member during the period for  
11 which [he desires] credit is desired, and [his] the member's  
12 payment to [such] the fund of an additional amount as the  
13 equivalent of the contributions of the city on account of such  
14 military service.

15 Section 378. Section 4302.1 of the act, added December 17,  
16 1990 (P.L.715, No.178), is amended to read:

17 Section 4302.1. Limited Vested Benefit.--(a) The ordinance  
18 establishing a police pension fund may provide for a limited  
19 vested benefit if such would conform to section 305 of the act  
20 of December 18, 1984 (P.L.1005, No.205), known as the "Municipal  
21 Pension Plan Funding Standard and Recovery Act."

22 (b) Under [the provisions of the benefit, should] a limited  
23 vested benefit, a member of the police pension fund, [before  
24 completing] who has not completed the minimum [age and minimum]  
25 period of continuous service [requirements but after having]  
26 requirement and satisfied any applicable minimum age  
27 requirement, but who has completed twelve years of full-time  
28 service, [the member] shall be entitled to vest [his or her] the  
29 member's retirement benefits subject to each of the following  
30 conditions:

1 (1) [the] The member must file with the management board of  
2 the police pension fund a written notice of [his or her] the  
3 member's intention to vest[;].

4 (2) [the] The member must include in the notice, the date  
5 the member intends to terminate [his or her] the member's  
6 service as a full-time police officer[;].

7 (3) [the] The termination date shall be at least thirty days  
8 later than the date of notice to vest[;].

9 (4) [the] The member must be in good standing with the  
10 police department on the date of notice to vest[; and].

11 (5) [the] The board shall indicate on the notice to vest the  
12 rate of the monthly pay of the member as of the date of [said]  
13 the notice to vest or the highest average annual salary which  
14 the member received during any five years of service preceding  
15 said date, whichever is the higher.

16 [(b)] (c) Upon reaching the date which would have been the  
17 member's retirement date had the member continued [his or her]  
18 the member's full-time employment with the police department,  
19 the member shall notify the board, in writing, that the member  
20 desires to collect [his or her] the member's pension. The amount  
21 of retirement benefits the member is entitled to receive under  
22 this section shall be computed as follows:

23 (1) [the] The initial determination of the member's base  
24 retirement benefits shall be computed on the salary indicated on  
25 the notice to vest[; and].

26 (2) [the] The portion of the base retirement benefits due  
27 the member shall be determined by applying to the base amount  
28 the percentage that [his or her] the member's years of service  
29 actually rendered bears to the years of service which would have  
30 been rendered had the member continued to be employed by the



1 department until [his or her] the member's minimum retirement  
2 date.

3 Section 379. Section 4303 of the act, amended or added  
4 January 18, 1952 (1951 P.L.2105, No.596), October 22, 1955  
5 (P.L.723, No.207), November 25, 1970 (P.L.754, No.246), October  
6 4, 1978 (P.L.950, No.188), December 17, 1990 (P.L.715, No.178),  
7 December 12, 1994 (P.L.1033, No.140) and June 19, 2002 (P.L.442,  
8 No.65), is amended to read:

9 Section 4303. Allowances and Service Increments.--(a)  
10 Payments for allowances shall [not] only be a charge on the  
11 police pension fund and shall not be a charge on any other fund  
12 under the control, or in the treasury, of the city [or under its  
13 control save the police pension fund herein provided for].

14 (b) The basis of the apportionment of the pension shall be  
15 determined by the rate of the monthly pay of the member at the  
16 date of injury, death, honorable discharge, vesting under  
17 section 4302.1 or retirement, or the highest average annual  
18 salary which the member received during any five years of  
19 service preceding injury, death, honorable discharge, vesting  
20 under section 4302.1 or retirement, whichever is the higher, and  
21 except as to service increments provided for in subsection [(b)  
22 of this section] (d), shall not in any case exceed in any year  
23 one-half the annual pay of [such] the member computed at [such]  
24 the monthly or average annual rate, whichever is the higher.

25 [(a.1)] (c) The provisions of subsection [(a)] (b) providing  
26 that the apportionment of the pension shall not in any case  
27 exceed in any year one-half the annual pay of [such] the member  
28 computed at [such] the monthly or average annual rate, whichever  
29 is the higher, shall not apply to a city of the third class  
30 whether operating under an optional charter adopted in

1 accordance with the act of July 15, 1957 (P.L.901, No.399),  
2 known as the "Optional Third Class City Charter Law," or under a  
3 home rule charter adopted in accordance with 53 Pa.C.S. Pt. III  
4 Subpt. E (relating to home rule and optional plan government),  
5 which had in effect pension plans prior to the effective date of  
6 this subsection that provided pensions in an amount greater than  
7 fifty per centum of salary.

8 [(b)] (d) In addition to the retirement allowance which is  
9 authorized to be paid from the police pension fund by this act,  
10 and notwithstanding the limitations therein placed upon such  
11 retirement allowances and upon contributions, every contributor  
12 who shall become entitled to the retirement allowance shall also  
13 be entitled to the payment of a "service increment" in  
14 accordance with and subject to the conditions hereinafter set  
15 forth.

16 (1) Service increment shall be the sum obtained by computing  
17 the number of whole years after having served the minimum  
18 required by this act during which a contributor has been  
19 employed by [such] the city and paid out of the city treasury,  
20 including credit for military service as provided in section  
21 4302, and multiplying the said number of years so computed by an  
22 amount equal to one-fortieth of the retirement allowance which  
23 has become payable to [such] the contributor in accordance with  
24 the provisions of this act. In computing the service increment,  
25 no employment after the contributor has reached the age of  
26 sixty-five years shall be included, and no service increment  
27 shall be paid in excess of one hundred dollars (\$100.00) per  
28 month.

29 (2) Each contributor, from and after [the effective date of  
30 this amendment] January 1, 1952, shall pay into the retirement

1 fund a monthly sum in addition to [his or her] the contributor's  
2 retirement contribution, which shall be equal to one-half of one  
3 per centum of [his or her] the contributor's salary[: Provided,  
4 That such], provided, however, that the payment shall not exceed  
5 the sum of one dollar (\$1.00) per month[: And provided, That  
6 such], and further provided that the service increment  
7 contribution shall not be paid after a contributor has reached  
8 the age of sixty-five years.

9 (3) Persons who are contributors on [the effective date of  
10 this amendment] January 1, 1952, who have already reached the  
11 age of sixty-five years shall have [his or her] the  
12 contributor's service increment computed on the years of  
13 employment prior to the date of reaching [his or her] the  
14 contributor's sixty-fifth birthday.

15 (4) Service increment contributions shall be paid at the  
16 same time and in the same manner as retirement contributions,  
17 and may be withdrawn in full, without interest, by persons who  
18 leave the employment of [such] the city, subject to the same  
19 conditions by which retirement contributions may be withdrawn,  
20 or by persons who retire before becoming entitled to any service  
21 increment.

22 (5) All members of the police force who are now contributors  
23 to the retirement fund and all those employed by the city after  
24 [the effective date of this amendment] January 1, 1952, if  
25 required to become contributors to the retirement fund, shall be  
26 subject to the provisions of this act.

27 (6) After [the effective date of this clause] June 19, 2002,  
28 a city may agree to make service increment payments in excess of  
29 one hundred dollars (\$100) per month as long as [such] the  
30 payments do not exceed five hundred dollars (\$500) per month,

1 and, in computing such service increments, no employment after  
2 the contributor has reached the age of sixty-five years shall be  
3 included[: Provided, That], provided that any agreement to  
4 provide an increase in service increment payments shall include  
5 a proportionate increase in the amount each contributor shall  
6 pay into the retirement fund under clause (2), not to exceed  
7 five dollars (\$5) per month.

8 [(c)] (e) The spouse of a member of the police force or a  
9 member who retires on pension who dies or if no spouse survives  
10 or if such person survives and subsequently dies or remarries,  
11 then the child or children under the age of eighteen years of a  
12 member of the police force or a member who retires on pension  
13 who dies on or after [the effective date of this amendment]  
14 August 1, 1963, shall, during the lifetime of the surviving  
15 spouse, even if the surviving spouse remarries, or until  
16 reaching the age of eighteen years in the case of a child or  
17 children, be entitled to receive a pension calculated at the  
18 rate of fifty per centum of the pension the member was receiving  
19 or would have been receiving had [he] the member been retired at  
20 the time of [his] the member's death and may receive the pension  
21 the member was receiving or would have been receiving had [he]  
22 the member been retired at the time of [his] the member's death.

23 [(d)] (f) Any police officer who has less than ten years of  
24 service and who dies or is totally disabled due to injuries or  
25 mental incapacities not in line of duty and is unable to perform  
26 the duties of a police officer, may be entitled to a pension of  
27 twenty-five per centum of [his] the police officer's annual  
28 compensation. For death or injuries received after ten years of  
29 service the compensation may be fifty per centum of [his] the  
30 police officer's annual compensation.

1       (g) The disability pension may be payable to the police  
2 officer during [his] the police officer's lifetime and if [he  
3 shall die] the police officer dies, the pension payment that  
4 [he] the police officer was receiving may be continued to be  
5 paid to [his] the police officer's spouse if [such person] the  
6 spouse survives or if [such person] the spouse subsequently dies  
7 or remarries, then the child or children under the age of  
8 eighteen years of the police officer.

9       Section 380. Section 4303.1 of the act, amended June 30,  
10 1969 (P.L.98, No.36), is amended to read:

11       Section 4303.1. Increase of Allowances After Retirement.--

12 (a) Any city may, at any time, at its discretion, upon the  
13 recommendation of the persons having custody and management of  
14 the police pension fund, increase the allowances of persons  
15 receiving allowances of any kind from the police pension fund by  
16 reason of and after the termination of the services of any  
17 member of said fund. [Such increases]

18       (b) Increases made pursuant to this section shall be in  
19 conformity with a uniform scale, which may be based on the cost  
20 of living, but the total of any such allowances shall not at any  
21 time exceed one-half of the current salary being paid  
22 [patrolmen] patrol persons of the highest pay grade.

23       Section 381. Section 4303.2 of the act, added October 3,  
24 1988 (P.L.735, No.104), is amended to read:

25       Section 4303.2. Total Disability.--(a) Notwithstanding any  
26 provision of this act, any police officer who becomes totally  
27 disabled due to injuries sustained in the line of duty shall be  
28 deemed to be fully vested in the police pension fund, regardless  
29 of the actual number of years of credited service, and shall be  
30 eligible for immediate retirement benefits.

1 (b) Claims under this section shall be decided by the  
2 governing body of the city. Proof of disability shall be by  
3 competent medical evidence provided by the claimant. The  
4 governing body of the city may at any time have the claimant  
5 examined by its own physician.

6 (c) Claims under this section may be brought as the  
7 regulations of the city council prescribe. Hearings and appeals  
8 shall be as provided in [Title 2 of the Pennsylvania  
9 Consolidated Statutes] 2 Pa.C.S. (relating to administrative law  
10 and procedure).

11 (d) The pension fund shall be subrogated to the right of the  
12 claimant to the extent of any payments made under the act of  
13 June 2, 1915 (P.L.736, No.338), known as ["The Pennsylvania  
14 Workmen's Compensation Act,"] the "Workers' Compensation Act,"  
15 or the act of June 28, 1935 (P.L.477, No.193), referred to as  
16 the Enforcement Officer Disability Benefits Law.

17 (e) Definition.--As used in this section, "total disability"  
18 shall mean permanent mental or physical impairment which renders  
19 the police officer unable to perform [his] the officer's duties.

20 Section 382. Section 4304 of the act is amended to read:

21 Section 4304. Inalienable Rights in Fund.--Whenever any  
22 person shall become entitled to receive an allowance from the  
23 police pension fund, and shall have been admitted to participate  
24 therein, [he] the person shall not be deprived of [his] the  
25 person's right to an equal and proportionate participation  
26 therein [upon] on the basis upon which [he] the person first  
27 became entitled thereto.

28 Section 383. Section 4305 of the act, amended October 4,  
29 1978 (P.L.950, No.188), is amended to read:

30 Section 4305. Payments to Police Pension [Funds by City.--

1 There] Fund by City.--Unless otherwise required by the act of  
2 December 18, 1984 (P.L. 1005, No. 205), known as the "Municipal  
3 Pension Plan Funding Standard and Recovery Act," or by any other  
4 provision of law, this section shall govern the payment to the  
5 police pension fund of moneys raised by taxes levied by the  
6 city:

7 (1) A city shall [be paid] pay annually to the [organization  
8 or association, constituting and having in charge the  
9 distribution of police pension funds in every city] police  
10 pension fund, a sum of money sufficient to meet the requirements  
11 of and to maintain [such police pension] the fund which sum in  
12 no year shall be less than one-half of one per centum nor more  
13 than three per centum of all city taxes levied by the city,  
14 other than taxes levied to pay interest on or extinguish the  
15 debt of the city [or any part thereof].

16 (2) Council may exceed the limitations imposed by this  
17 section if an additional amount is deemed necessary to provide  
18 sufficient funds for payments to surviving spouses of members  
19 retired on pension or killed or who die in the service[:  
20 Provided, however, That], provided, however, that the city may  
21 annually pay into [said] the fund not less than one-half of one  
22 per centum of all city taxes levied by the city, other than  
23 taxes levied to pay interest on or extinguish the debt of the  
24 city [or any part thereof].

25 Section 384. Sections 4306 and 4307 of the act are amended  
26 to read:

27 Section 4306. [Designation of Organization to Manage Pension  
28 Fund.--The organization, having in charge the distribution of  
29 police pension funds, herein mentioned, shall consist only of  
30 such as is by ordinance designated as the official and

1 authorized organization or association to hold, receive, and  
2 distribute the funds of moneys for the purpose of pensioning the  
3 police officers of the city.] Management of Police Pension  
4 Fund.--Only the persons designated, in accordance with section  
5 4301(b)(2), shall be authorized to make decisions to hold,  
6 receive and distribute the moneys of the police pension fund.

7 Section 4307. Trusts for Benefit of Police Pension Fund.--  
8 Any city may take, by gift, grant, devise or bequest, any money  
9 or property, real, personal or mixed, in trust for the benefit  
10 of [such] the pension fund, and the care, management, investment  
11 and disposal of [such] the trust funds or property shall be  
12 vested in such officer or officers of the city, for the time  
13 being, as the council may designate, and [such] the care,  
14 management and disposal shall likewise be directed by ordinance  
15 and the [said] trust funds shall be governed thereby, subject to  
16 such directions, not inconsistent therewith, as the donors of  
17 [such] the funds and property may prescribe.

18 Section 385. Section 4308 of the act, amended October 4,  
19 1978 (P.L.950, No.188), is amended to read:

20 Section 4308. Repayment Before Retirement.--[If for any  
21 cause any] (a) If a contributing member of the police [force  
22 contributing to the] pension fund shall cease to be a member of  
23 the police force before [he becomes] becoming entitled to a  
24 pension, the total amount of the contributions paid into the  
25 pension fund by [such] the member shall be refunded to [him] the  
26 member in full, without interest.

27 (b) If [any such] a member shall have returned to [him] the  
28 member the amount contributed, and shall afterward again become  
29 a member of the police force, [he] the member shall not be  
30 entitled to the pension designated until twenty years after



1 [his] the member's reemployment, unless [he shall return] the  
2 member returns to the pension fund the amount withdrawn, in  
3 which event the period of twenty years shall be computed from  
4 the time the member first became a member of the police force,  
5 excluding therefrom any period of time during which the member  
6 was not employed by the police force.

7 (c) In the event of the death of a member of the police  
8 force not in the line of service before the member becomes  
9 entitled to [the pension aforesaid and such] a pension and if  
10 the member is not survived by a spouse or family entitled to  
11 payments as [hereinbefore] provided in this subdivision, the  
12 total amount of contributions paid into the pension fund by the  
13 member shall be paid over to [his] the member's estate.

14 Section 386. Section 4309 of the act, added December 17,  
15 1990 (P.L.715, No.178), is amended to read:

16 Section 4309. Definitions.--As used in this subdivision, the  
17 term "salary" is defined as the fixed amount of compensation  
18 paid at regular, periodic intervals by the city to the member  
19 and from which pension contributions have been deducted.

20 Section 387. Article XLIII subdivision (b) heading of the  
21 act is amended to read:

22 (b) [Firemen] Firefighters

23 Section 388. Section 4320 of the act, amended October 4,  
24 1978 (P.L.950, No.188), is amended to read:

25 Section 4320. [Firemen's] Firefighters' Pension Fund;  
26 Management; Annuity Contracts.--(a) Except as hereinafter  
27 provided, cities shall provide annuity contracts or establish,  
28 by ordinance, a [firemen's] firefighters' pension fund[, to].

29 (b) The annuity contracts or pension fund shall be  
30 maintained in part by an equal and proportionate monthly charge

1 against each member of the fire department, which shall not  
2 exceed annually four per centum of the pay of such member, and  
3 an additional amount not to exceed one per centum if deemed  
4 necessary by the council to provide sufficient funds for  
5 payments to surviving spouses of members retired on pension or  
6 killed or who die in the service.

7 (c) In any case [where] in which there is an existing  
8 organization or association for the benefit of fully paid  
9 [firemen] firefighters, constituting and having in charge the  
10 distribution of [firemen's] firefighters' pension funds, no  
11 annuity contract shall be provided, nor shall any [firemen's]  
12 firefighters' pension funds be established under the provisions  
13 of this section unless and until the members of such  
14 organization or association, by a two-thirds vote, elect to  
15 transfer said existing fund into the pension fund required to be  
16 established by this section.

17 (d) All pension funds established under the provisions of  
18 this section shall be under the direction and control of a board  
19 of managers [consisting of the mayor], which shall consist of  
20 the following:

21 (1) Ex officio members as follows:

22 (i) the mayor;

23 (ii) the director of accounts and finance[,];

24 (iii) the director of the department having charge of the  
25 fire department, or in cities where the mayor is also the  
26 director of the department having charge[, ] of the fire  
27 department, then the director of public safety[,];

28 (iv) the city controller; and

29 (v) the chief of the bureau of fire[, ex officio, and two].

30 (2) Two members of the fire department to be chosen by the

1 members of the fire department.

2 (e) If a city does not establish a department whose director  
3 is named as an ex officio member of the board of managers, then  
4 the director of another department or such officers of the city  
5 as may be designated by council shall be substituted on the  
6 board of managers.

7 (f) Of the first [managers] members so chosen by the members  
8 of the fire department to the board of managers, one shall be  
9 chosen for a term of two years and one for a term of four years.  
10 Biennially thereafter one [manager] fire department member shall  
11 be chosen for a term of four years to take the place of the one  
12 whose term expires. In case of vacancy among the managers chosen  
13 by the fire department, a successor shall be chosen for the  
14 unexpired term.

15 (g) The fund shall be applied, under [such] regulations [as]  
16 prescribed by the board of managers [shall prescribe], for the  
17 benefit of such members of the fire department [as shall] who  
18 receive honorable discharge therefrom by reason of service or  
19 age or disability, surviving spouses of retired members and the  
20 families of [such as may be] members who are killed or who die  
21 in the service. All [such] pensions [as shall be allowed] to  
22 those who are retired by reason of [the disabilities or of]  
23 disability or service or age shall be in conformity with a  
24 uniform scale, together with service increments as hereinafter  
25 provided. Benefits [allowed] from [such] the fund to families of  
26 [such as] members who are killed or who die in service shall  
27 take into consideration the member's surviving spouse and [his]  
28 the member's minor children under eighteen years of age, if any  
29 survive.

30 Section 389. Section 4320.1 of the act, added June 16, 1993

1 (P.L.97, No.21), is amended to read:

2 Section 4320.1. Limited Vested Benefit for Firefighters.--

3 (a) The ordinance establishing a firefighters' pension fund may  
4 provide for a limited vested benefit if [such] it would conform  
5 to section 305 of the act of December 18, 1984 (P.L.1005,  
6 No.205), known as the "Municipal Pension Plan Funding Standard  
7 and Recovery Act."

8 (a.1) Under [the provisions of the] a limited vested  
9 benefit, [should] if a member of the firefighters' pension fund  
10 [before completing the minimum age and] has not completed the  
11 minimum period of continuous service [requirements but after  
12 having] and any applicable minimum age requirement but has  
13 completed twelve years of full-time service, and if, for any  
14 reason, shall cease to be employed as a full-time firefighter,  
15 the member shall be entitled to vest [his or her] the member's  
16 retirement benefits subject to the following conditions:

17 (1) [the] The member must file with the management board of  
18 the firefighters' pension fund a written notice of [his or her]  
19 the member's intention to vest[;].

20 (2) [the] The member must include in the notice the date the  
21 member intends to terminate [his or her] service as a full-time  
22 firefighter[;].

23 (3) [the] The termination date shall be at least thirty days  
24 later than the date of notice to vest[;].

25 (4) [the] The member must be in good standing with the fire  
26 department on the date of notice to vest[; and].

27 (5) [the] The board shall indicate on the notice to vest the  
28 rate of the monthly pay of the member as of the date of the  
29 notice to vest or the highest average annual salary which the  
30 member received during any five years of service preceding the

1 date, whichever is the higher.

2 (b) Upon reaching the date which would have been the  
3 member's retirement date had the member continued [his or her]  
4 full-time employment with the fire department, the member shall  
5 notify the board in writing that the member desires to collect  
6 [his or her] the member's pension. The amount of retirement  
7 benefits the member is entitled to receive under this section  
8 shall be computed as follows:

9 (1) [the] The initial determination of the member's base  
10 retirement benefits shall be computed on the salary indicated on  
11 the notice to vest[; and].

12 (2) [the] The portion of the base retirement benefits due  
13 the member shall be determined by applying to the base amount  
14 the percentage that [his or her] the member's years of service  
15 actually rendered bears to the years of service which would have  
16 been rendered had the member continued to be employed by the  
17 department until [his or her] the member's minimum retirement  
18 date.

19 Section 390. Section 4321 of the act, amended July 1, 1992  
20 (P.L.347, No.74), is amended to read:

21 Section 4321. Retirement; Final Discharge.--[Such  
22 regulations shall prescribe a] (a) With regard to continuous  
23 service and minimum age requirements, the ordinance establishing  
24 or regulations governing the firefighters' pension fund shall  
25 prescribe as follows:

26 (1) A minimum period of continuous service[, ] of not less  
27 than twenty years [and, when].

28 (2) If any minimum age is prescribed, a minimum age of fifty  
29 years[, after which members of the department may retire on  
30 pension from active duty, and such members as are retired].

1     (b) Retired members, if not unfit by reason of age,  
2 disability or otherwise shall be subject to service, from time  
3 to time, as a [firemen's] firefighters' reserve in cases of  
4 emergency [until unfitted for such service, when they may be  
5 finally discharged by reason of age or disability], under terms  
6 and conditions as may be established by council.

7     (c) With the approval of council, all members of the  
8 [firemen's] firefighters' pension fund who are contributors and  
9 who served in the armed forces of the United States subsequent  
10 to September 1, 1940, and who were not members of the  
11 [firemen's] firefighters' pension fund prior to such military  
12 service, shall be entitled to have full credit for each year or  
13 fraction thereof, not to exceed five years of such service upon  
14 their payment to the [firemen's] firefighters' pension fund of  
15 an amount equal to that which they would have paid had they been  
16 members during the period for which they desire credit, and  
17 their payment to such fund of an additional amount as the  
18 equivalent of the contributions of the city plus any interest  
19 the city would have been required to pay on the contributions on  
20 account of such military service. Upon the death of a member who  
21 retires on pension or is killed in the service on or after  
22 January 1, 1960, or who dies in the service on or after January  
23 1, 1968, payments as hereinafter provided shall be made to the  
24 member's surviving spouse during the life of the spouse.

25     Section 391. Section 4322 of the act, amended or added  
26 October 4, 1978 (P.L.950, No.188), June 16, 1993 (P.L.97, No.21)  
27 and June 19, 2002 (P.L.442, No.65), is amended to read:

28     Section 4322. Pensions and Service Increments.--(a) The  
29 following apply:

30     (1) Payments of pensions shall [not] only be a charge on

1 [any fund in the] the firefighters' pension fund and shall not  
2 be a charge on any other fund under the control, or in the  
3 treasury, of the city [or under its control save the firemen's  
4 pension fund herein provided for].

5 (2) The basis of the pension of a member shall be determined  
6 by the monthly salary of the member at the date of vesting under  
7 section 4320.1 or retirement, or the highest average annual  
8 salary which [he] the member received during any five years of  
9 service preceding retirement, whichever is the higher, whether  
10 for disability, or by reason of age or service, and except as to  
11 service increments provided for in subsection (b) of this  
12 section, shall be one-half the annual salary of [such] the  
13 member at the time of vesting under section 4320.1 or retirement  
14 computed at [such] the monthly or average annual rate, whichever  
15 is the higher.

16 (3) In the case of the payment of pensions to members for  
17 permanent injury incurred in service, and to families of members  
18 killed or who die in service, the amount and commencement of the  
19 payment of pensions shall be fixed by regulations of the board.  
20 [Such] These regulations shall not take into consideration the  
21 amount and duration of [workmen's] workers' compensation allowed  
22 by law. Payments to surviving spouses of members retired on  
23 pension or killed in the service on or after January 1, 1960, or  
24 who die in the service on or after January 1, 1968, shall be the  
25 amount payable to the member or which would have been payable  
26 had [he] the member been retired at the time of [his] the  
27 member's death.

28 (a.1) The provisions of subsection (a) providing that the  
29 basis of the pension shall be one-half the annual salary of  
30 [such] the member at the time of vesting under section 4320.1 or

1 retirement computed at [such] the monthly or average annual  
2 rate, whichever is the higher, shall not apply to a city of the  
3 third class whether operating under an optional charter adopted  
4 in accordance with the act of July 15, 1957 (P.L.901, No.399),  
5 known as the "Optional Third Class City Charter Law," or under a  
6 home rule charter adopted in accordance with 53 Pa.C.S. Pt. III  
7 Subpt. E (relating to home rule and optional plan government),  
8 which had in effect pension plans prior to the effective date of  
9 this subsection that provided pensions in an amount greater than  
10 fifty per centum of salary.

11 (b) In addition to the pension which is authorized to be  
12 paid from the [firemen's] firefighters' pension fund by this act  
13 and notwithstanding the limitations therein placed upon such  
14 pensions and upon contributions, every contributor who shall  
15 become entitled to the pension shall also be entitled to the  
16 payment of a "service increment" in accordance with and subject  
17 to the conditions hereinafter set forth.

18 (1) Service increment shall be the sum obtained by computing  
19 the number of whole years after having served the minimum  
20 required by this act during which a contributor has been  
21 employed by [such] the city and paid out of the city treasury,  
22 including credit for military service as provided in section  
23 4321, and multiplying the said number of years so computed by an  
24 amount equal to one-fortieth of the retirement allowance which  
25 has become payable to such contributor in accordance with the  
26 provisions of this act. In computing the service increment, no  
27 employment after the contributor has reached the age of sixty-  
28 five years shall be included, and no service increment shall be  
29 paid in excess of one hundred dollars (\$100) per month.

30 (2) Each contributor, from and after [the effective date of



1 this amendment] September 18, 1968, shall pay into the pension  
2 fund a monthly sum in addition to [his] the contributor's  
3 pension contribution, which shall not exceed the sum of one  
4 dollar (\$1) per month[: And provided, That such], provided that  
5 the service increment contribution shall not be paid after a  
6 contributor has reached the age of sixty-five years.

7 (3) Any person who is a member of the department on [the  
8 effective date of this amendment] September 18, 1968, who has  
9 already reached the age of sixty-five years shall have [his] the  
10 person's service increment computed on the years of employment  
11 prior to the date of reaching [his] the person's sixty-fifth  
12 birthday.

13 (4) Service increment contributions shall be paid at the  
14 same time and in the same manner as pensions, and may be  
15 withdrawn in full, without interest, by persons who leave the  
16 employment of [such] the city, subject to the same conditions by  
17 which retirement contributions may be withdrawn, or by persons  
18 who retire before becoming entitled to any service increment.

19 (5) All members of the fire department who are now  
20 contributors to the pension fund and all those employed by the  
21 city after [the effective date of this amendment] September 18,  
22 1968, if required to become contributors to the pension fund,  
23 shall be subject to the provisions of this act.

24 (6) After the effective date of this clause, a city may  
25 agree to make service increment payments in excess of one  
26 hundred dollars (\$100) per month as long as such payments do not  
27 exceed five hundred dollars (\$500) per month, and, in computing  
28 such service increments, no employment after the contributor has  
29 reached the age of sixty-five years shall be included[:  
30 Provided, That], provided that any agreement to provide an

1 increase in service increment payments shall include a  
2 proportionate increase in the amount each contributor shall pay  
3 into the retirement fund under clause (2), not to exceed five  
4 dollars (\$5) per month.

5 Section 392. Section 4322.1 of the act, amended June 30,  
6 1969 (P.L.98, No.36), is amended to read:

7 Section 4322.1. Increase of Allowances After Retirement.--

8 (a) Any city may, at any time, at its discretion, upon the  
9 recommendation of the persons having custody and management of  
10 the [firemen's] firefighters' pension fund, increase the  
11 allowances of persons receiving allowances of any kind from the  
12 fund by reason of and after the termination of the services of  
13 any member of the fund.

14 [Such increases] (b) Increases made pursuant to this section  
15 shall be in conformity with a uniform scale, which may be based  
16 on the cost of living, but the total of any such allowances  
17 shall not at any time exceed one-half of the current salary  
18 being paid [firemen] firefighters of the highest pay grade.

19 Section 393. Section 4323 of the act, amended August 14,  
20 1959 (P.L.709, No.246), is amended to read:

21 Section 4323. Causes for Forfeiture of Rights in Fund; Other

22 Employments.--(a) Whenever any person shall become entitled to  
23 receive a pension from the [firemen's] firefighters' pension  
24 fund, and shall have been admitted to participate therein, [he]  
25 the person shall not thereafter be deprived of [his] the  
26 person's right to participation therein [upon] on the basis upon  
27 which [he] the person first became entitled thereto, [except for  
28 one or more of the following causes, that is to say:

29 Conviction of a felony or misdemeanor, becoming an habitual  
30 drunkard, or failing to comply with some general regulation

1 relating to the management of said fund which may be made by the  
2 managers, and which may provide that a failure to comply  
3 therewith shall terminate the right to participate in the  
4 pension fund.] unless otherwise required by the act of July 8,  
5 1978 (P.L.752, No.140), known as the "Public Employee Pension  
6 Forfeiture Act."

7 (b) Any termination of a pension shall be only after [such]  
8 due notice and hearing as shall be prescribed by regulation of  
9 the managers.

10 Section 394. Section 4324 of the act, amended October 4,  
11 1978 (P.L.950, No.188), is amended to read:

12 Section 4324. Payments to [Firemen's] Firefighters' Pension  
13 [Funds] Fund by City.--[There] Unless otherwise required by the  
14 act of December 18, 1984 (P.L.1005, No.205), known as the  
15 "Municipal Pension Plan Funding Standard and Recovery Act," or  
16 by any other provision of law, this section shall govern the  
17 payment to the firefighters' pension fund of money raised by  
18 taxes levied by the city:

19 (1) A city shall [be paid] pay to the [firemen's]  
20 firefighters' pension [funds by every city] fund annually [the]  
21 a sum of money not less than one-half of one per centum nor more  
22 than three per centum of all city taxes levied by the city,  
23 other than taxes levied to pay interest on or extinguish the  
24 debt of the city [or any part thereof].

25 (2) Council may exceed the limitations imposed by this  
26 section if an additional amount is deemed necessary to provide  
27 sufficient funds for payments to surviving spouses of members  
28 retired on pension or killed or who die in the service[:  
29 Provided, however, That], provided, however, that the city shall  
30 annually pay into said fund not less than one-half of one per

1 centum of all city taxes levied by the city, other than taxes  
2 levied to pay interest on or extinguish the debt of the city [or  
3 any part thereof].

4 Section 395. Sections 4325 and 4326 of the act are amended  
5 to read:

6 Section 4325. [Transfer of Funds] Transfers from Other  
7 Pension Funds.--(a) In any city wherein the members of the fire  
8 department are members of a pension fund not established solely  
9 for the purpose of pensioning members of the fire department,  
10 there shall be transferred from such other pension fund into the  
11 [firemen's] firefighters' pension fund required to be  
12 established by this act, the moneys contributed thereto by  
13 members of the fire department who have not been retired, and a  
14 just and equitable proportion of the moneys contributed by the  
15 city to such other pension fund for the future retirement of  
16 members of the fire department. [Such] The transfers may be made  
17 by the transfer of securities. The amounts to be transferred  
18 shall be amicably adjusted by the managers of the [firemen's]  
19 firefighters' pension fund and the pension board having the  
20 charge of such other pension fund. In case of disagreement as to  
21 the amount [so] to be transferred, the disagreement shall be  
22 resolved by the city council, whose action thereon shall be  
23 final.

24 (b) Nothing contained in this section shall be construed to  
25 relieve any existing pension fund of its liability to continue  
26 the payment of pensions to retired members of the fire  
27 department in accordance with the laws and regulations under  
28 which such members were retired.

29 Section 4326. Trusts for Benefit of [Firemen's]  
30 Firefighters' Pension Fund.--Any [such] city may take, by gift,

1 grant, devise or bequest, any money or property, real, personal  
2 or mixed, in trust for the benefit of [such] the pension fund[,  
3 and the]. The care, management, investment and disposal of  
4 [such] the trust funds or property shall be vested in [such] the  
5 officer or officers of [such] the city, for the time being, as  
6 the [said] city may designate[, and such]. The care, management  
7 and disposal shall likewise be directed by ordinance and the  
8 [said] trust funds shall be governed thereby, subject to [such]  
9 directions, not inconsistent therewith, as the donors of [such]  
10 the funds and property may prescribe.

11 Section 396. Section 4327 of the act, amended July 20, 1968  
12 (P.L.434, No.204), is amended to read:

13 Section 4327. Repayment Before Retirement.--(a) If [for any  
14 cause any] a contributing member of the [fire department  
15 contributing to the] firefighters' pension fund shall cease to  
16 be a member of the fire department before [he] the member  
17 becomes entitled to a pension, the total amount of the  
18 contributions paid into the pension fund by [such] the member  
19 shall be refunded [to him] in full without interest.

20 (b) If [any such] a member shall have returned to [him] the  
21 member the amount contributed, and shall afterward again become  
22 a member of the fire department, [he] the member shall not be  
23 entitled to the pension designated until twenty years after  
24 [his] the member's reemployment, unless [he shall return] the  
25 member returns to the pension fund the amount withdrawn, in  
26 which event the period of twenty years shall be computed from  
27 the time the member first became a member of the fire  
28 department, excluding therefrom any period of time during which  
29 the member was not employed by the fire department.

30 (c) In the event of the death of a member of the fire

1 department not in the line of service before the member becomes  
2 entitled to [the] a pension [aforesaid] and [such] if the member  
3 [is not survived by a widow] has no surviving spouse or family  
4 entitled to payments as [hereinbefore] provided in this  
5 subdivision, the total amount of contributions paid into the  
6 pension fund by the member shall be paid over to [his] the  
7 member's estate.

8 Section 397. Section 4328 of the act, added June 16, 1993  
9 (P.L.97, No.21), is reenacted to read:

10 Section 4328. Definitions.--As used in this subdivision, the  
11 term "salary" is defined as the fixed amount of compensation  
12 paid at regular, periodic intervals by the city to the member  
13 and from which pension contributions have been deducted.

14 Section 398. Article XLIII subdivision (c) heading of the  
15 act, amended August 17, 1951 (P.L.1251, No.292), is amended to  
16 read:

17 (c) Pension Funds for Employes Other Than [Policemen] Police  
18 Officers and City-Paid [Firemen] Firefighters

19 Section 399. Section 4340 of the act, amended October 4,  
20 1978 (P.L.950, No.188), is amended to read:

21 Section 4340. Pension Funds for Employes other than Police  
22 or City-Paid [Firemen] Firefighters.--(a) Cities may create a  
23 pension fund for the pensioning of employes [of said cities] who  
24 are not members of the police force or city-paid fire department  
25 [thereof], surviving spouses of retired members if council so  
26 elects and the families of [such] employes as may be injured or  
27 killed in the service, in the manner, under the conditions and  
28 subject to the qualifications [following] set forth in this  
29 subdivision.

30 (b) As used in this subdivision "employes" includes officers

1 and officials of the city, whether elected or appointed.

2 Section 400. Section 4341 of the act, amended June 21, 1984  
3 (P.L.428, No.87), is amended to read:

4 Section 4341. Pension Board; Duties.--(a) In any city which  
5 creates [such] a pension fund in accordance with this  
6 subdivision, there shall be created a board to be known as the  
7 pension board, consisting of the mayor, the city controller, the  
8 superintendent of finance, two employes to be chosen by the  
9 employes contributing to the pension fund and, if members of  
10 council participate in the pension fund and are members of the  
11 fund, a member of council[, ] chosen by council.

12 (b) It shall be the duty of [said] the board to register all  
13 persons employed by the [said] city, and to administer the  
14 collections and distribution of the pension fund [herein  
15 provided for], and make such reasonable rules [in the premises]  
16 as [such] the board may deem necessary [to carry into effect the  
17 provisions of this act].

18 Section 401. Section 4342 of the act is amended to read:

19 Section 4342. Retirement Age.--[Every person, now or  
20 hereafter employed by any] In a city which has created [such] a  
21 pension fund and pension board [as hereinbefore provided,] in  
22 accordance with this subdivision, an employe of the age of sixty  
23 years, and upwards, who shall have been [so] employed for a  
24 period of twenty years or more, shall, upon application to the  
25 board of pensions [herein created,] be retired from service and  
26 shall, subject to qualifications provided in this subdivision  
27 during the remainder of [his or her] the employe's life, receive  
28 the pension or compensation fixed by this [act, subject to such  
29 qualifications as are herein contained] subdivision.

30 Section 402. Section 4343 of the act, amended October 4,

1 1978 (P.L.950, No.188), is amended to read:

2 Section 4343. Retirement Allowance; Proof of Disability;  
3 Joint and Single Coverage Members Defined.--(a) During the  
4 lifetime of any person in the employment of any city creating  
5 [such] the pension fund and pension board [as hereinbefore  
6 provided, he or she] in accordance with this subdivision, the  
7 person shall be entitled to receive as a pension annually, from  
8 the fund set aside for the purpose, fifty per centum of the  
9 amount which would constitute the average annual salary or wages  
10 which [he or she] the person received during the last or any  
11 five years of [his or her] the person's employment by the [said]  
12 city, whichever is the higher, [said] the pension to be paid in  
13 semi-monthly payments. Should any persons so employed, after  
14 twenty years of service, be dismissed, voluntarily retired, or  
15 be in any manner deprived of [his or her] the person's position  
16 or employment, before attaining the age of sixty years, upon  
17 continuing a monthly payment to the fund equal to the last  
18 amount due and paid monthly while in active service, [said] the  
19 person shall be entitled to the pension above-mentioned,  
20 notwithstanding [he or she] that the person has not attained the  
21 age of sixty years at the time of [his or her] the person's  
22 separation from the service of [such] the city, but [said] the  
23 pension shall not commence until [he or she] the person has  
24 attained the age of sixty years. Should any employe, however,  
25 become totally and permanently disabled, after ten years of  
26 service and before attaining the age of sixty years, [he or she]  
27 the person shall be entitled to the [said] pension. Proof of  
28 total and permanent disability shall consist of the sworn  
29 statement of three practicing physicians, designated by the  
30 board, that the employe is in a permanent condition of health



1 which would permanently disable [him or her] the person from  
2 performing the duties of [his or her] the person's position or  
3 office.

4 (b) For the purpose of this article on pensions, the  
5 following words shall have the meaning herein assigned to them:

6 (1) "Joint Coverage Member" of the retirement system shall  
7 mean a city employe who shall have become a member of the  
8 retirement system subsequent to the last date permitted by  
9 [such] the city for statement or preference concerning social  
10 security coverage, or who, having become a member on or before  
11 [such] that date, shall have filed with the Retirement Board a  
12 written statement that [he or she] the member elects social  
13 security coverage under an agreement with the [Federal]  
14 Secretary of Health[, Education and Welfare] and Human Services  
15 entered into by the Commonwealth.

16 (2) "Single Coverage Member" of the retirement system shall  
17 mean a city employe who shall have become a member of the  
18 retirement system on or before the last date permitted by [such]  
19 the city for statement of preference concerning social security  
20 coverage and who either shall have filed with the Retirement  
21 Board a written statement that [he or she] the member does not  
22 elect social security coverage under any agreement with the  
23 [Federal] Secretary of Health[, Education and Welfare] and Human  
24 Services entered into by the Commonwealth, or shall not have  
25 filed with the Retirement Board any written statement.

26 (c) Where a city has entered into an agreement with the  
27 Commonwealth to place certain employes under the Federal Social  
28 Security Act, the pension to be paid joint coverage members  
29 according to the provisions of this section payable after the  
30 age and upon that portion of annual compensation on which social

1 security benefits are payable, shall be reduced by an amount  
2 equal to forty (40) per centum of the primary insurance amount  
3 of social security paid or payable to the member. [Such] The  
4 reduction shall be subject to the following provisions:

5 (1) Upon attainment of the age at which social security  
6 benefits are payable by a beneficiary receiving a pension or  
7 upon retirement of a contributor after attaining that age, [his]  
8 the person's eligibility to the old age insurance benefit and  
9 the primary insurance amount of social security upon which the  
10 reduction in the pension shall be based, shall be computed by  
11 the board in the manner specified in the Federal Social Security  
12 Act, except that in determining such eligibility and such amount  
13 only wages or compensation for services performed in the employ  
14 of the city shall be included.

15 (2) The reduction shall not apply to a pension for total and  
16 permanent disability payable under this section.

17 (3) Whenever the amount of the reduction from the pension  
18 shall have been once determined, it shall remain fixed for the  
19 duration of the pension, except that any decrease in the primary  
20 insurance amount under the Social Security Act shall result in a  
21 corresponding decrease in the amount of the reduction from the  
22 pension.

23 (4) The total sum, including social security benefits, to be  
24 received upon retirement by an employe who is a member of the  
25 system at the time of the agreement shall not be less than the  
26 allowance that would be paid by the retirement system in the  
27 absence of the agreement.

28 (d) If council elects, by ordinance, to make such payments,  
29 the surviving spouse of an employe who retired on pension or is  
30 killed in the service on or after January 1, 1960, shall, during

1 [his] the surviving spouse's lifetime or so long as [he] the  
2 surviving spouse does not remarry, be entitled to receive a  
3 pension calculated at the rate of fifty per centum of the  
4 pension the member was receiving or would have been entitled to  
5 had [he] the member been retired at the time of [his] the  
6 member's death.

7 Section 403. Section 4343.1 of the act, amended June 11,  
8 1968 (P.L.160, No.90), is amended to read:

9 Section 4343.1. Retirement Allowances; Full Coverage;  
10 Payments.--(a) Where a city has entered into an agreement with  
11 the Commonwealth to place certain employes under the Federal  
12 Social Security Act, the pension board may authorize any joint  
13 coverage member of the retirement system to elect according to  
14 the provisions of this section to receive compensation without  
15 the reduction provided for in section 4343, provided [he] the  
16 member shall make a lump-sum payment to the pension board, or  
17 installment payments as may be approved by the board, equal to  
18 the difference between the amount of the accumulated fund to  
19 [his] the member's credit in the fund as of the last date for  
20 which salary or wages was paid and the amount which would have  
21 been to [his] the member's credit in [such] the fund if  
22 contributions had been made on that portion of [his] the  
23 member's salary or wages on which social security allowances are  
24 payable, at the same rate as made on that portion of [his] the  
25 member's salary or wages in excess thereof, from the time that  
26 [such] the salary or wages became subject to social security  
27 coverage. Such election shall be made, in writing, in the form  
28 prescribed by the pension board, and shall be accompanied by the  
29 lump-sum payment or an agreement as to installment payments  
30 herein required.

1       (b) The pension board may authorize any such member to make  
2 the election herein provided at any time, and if made prior to  
3 retirement, [such] the member shall, in addition to any lump-sum  
4 or installment payments required, pay to the board contributions  
5 on [his] the member's entire salary or wages thereafter received  
6 at the rate provided in this act for monthly salary or wages in  
7 excess of that on which social security allowances are payable.

8       Section 404. Section 4343.2 of the act, added July 11, 1996  
9 (P.L.647, No.109), is amended to read:

10       Section 4343.2. Limited Vested Benefit.--(a) The ordinance  
11 creating a pension fund in accordance with this subdivision may  
12 provide for a limited vested benefit if [such] it would conform  
13 to section 305 of the act of December 18, 1984 (P.L.1005,  
14 No.205), known as the "Municipal Pension Plan Funding Standard  
15 and Recovery Act."

16       (a.1) Under [the provisions of the benefit, should a member  
17 of the pension fund terminate] a limited vested benefit, if a  
18 member of the pension fund terminates employment before reaching  
19 the date which would have been the member's earliest retirement  
20 date had the member continued employment by meeting the minimum  
21 age and minimum period of continuous service requirements but  
22 after having completed twelve years of full-time service, the  
23 member shall be entitled to vest [his or her] the member's  
24 retirement benefits subject to the following conditions:

25       (1) [the] The member must file with the management board of  
26 the pension fund a written notice of [his or her] the member's  
27 intention to vest[;].

28       (2) [the] The member must include in the notice the date the  
29 member intends to terminate [his or her] the member's service as  
30 an employe[;].

1 (3) [the] The termination date shall be at least thirty days  
2 later than the date of notice to vest[;].

3 (4) [the] The member must be in good standing with the city  
4 on the date of notice to vest[; and].

5 (5) [the] The board shall indicate on the notice to vest the  
6 rate of monthly pay of the member as of the date of [said] the  
7 notice to vest or the highest average annual salary which the  
8 member received during any five years of service preceding  
9 [said] the date, whichever is the higher.

10 (b) Upon reaching the date which would have been the  
11 member's earliest retirement date had the member continued [his  
12 or her] the member's employment with the city, the member shall  
13 notify the board, in writing, that the member desires to collect  
14 [his or her] the member's pension. The amount of retirement  
15 benefits the member is entitled to receive under this section  
16 shall be computed as follows:

17 (1) [the] The initial determination of the member's base  
18 retirement benefits shall be computed on the salary indicated on  
19 the notice to vest[; and].

20 (2) [the] The portion of the base retirement benefits due  
21 the member shall be determined by applying to the base amount  
22 the percentage that [his or her] the member's years of service  
23 actually rendered bears to the years of service which would have  
24 been rendered had the member continued to be employed by the  
25 city until [ his or her] the member's earliest retirement date.

26 Section 405. Section 4344 of the act, amended October 4,  
27 1978 (P.L.950, No.188), is amended to read:

28 Section 4344. Amount of Payments into Fund; Repayment before  
29 Retirement.--The employes of any city, creating [such] a pension  
30 fund and pension board in accordance with this subdivision,

1 shall pay into the board of pensions monthly an amount equal to  
2 two per centum of their monthly salaries or wages, and if  
3 council elects, by ordinance, to make [such] payments, an  
4 additional amount not to exceed one per centum if deemed  
5 necessary by council to provide sufficient funds for payments to  
6 the surviving spouses of members who were retired on pension or  
7 killed in the service, which shall be applied to the purposes of  
8 the fund. Payment of the monthly amount or contribution herein  
9 mentioned shall cease and be discontinued at the time the  
10 beneficiary receives the pension herein provided. If for any  
11 cause any employe contributing to the pension fund shall cease  
12 to be an employe of the city before the [said] employe becomes  
13 entitled to a pension, the total amount of the contributions  
14 paid into the pension fund by [such] the employe shall be  
15 refunded to [him or her] the employe in full, without interest.  
16 If any [such] employe shall have returned to [him or her] the  
17 employe the amount contributed as aforesaid, and shall afterward  
18 reenter the employ of the city, [said] the employe shall not be  
19 entitled to the pension designated until twenty years after  
20 [said] reemployment, unless [he or she] the employe shall return  
21 to the pension fund the amount withdrawn, in which event that  
22 period of twenty years shall be computed from the time [said]  
23 the employe first enters the service of the city. In the event  
24 of the death of any [such] employe, before the [said] employe  
25 becomes entitled to the pension aforesaid, the [said] total  
26 amount of contributions paid into the pension fund by [said] the  
27 employe shall be paid over to the estate of [said] the deceased  
28 employe.

29 Section 406. Section 4344.1 of the act, amended July 21,  
30 1959 (P.L.553, No.169), is amended to read:

1 Section 4344.1. Determination of Liability Upon Extension of  
2 Social Security.--(a) Where a city has entered into an  
3 agreement with the Commonwealth to place its employes under the  
4 Federal Social Security Act, the pension board shall appoint an  
5 actuary, and may fix [his] the employe's compensation. The  
6 actuary shall determine the present value of the liability on  
7 account of pensions payable under the provisions of section 4343  
8 [of this act] to employes who are members of the system on the  
9 effective date of the agreement, and shall offset the value of  
10 any assets in the pension fund to determine the unfunded  
11 liability. The city may make [such] the payments as it desires  
12 toward the unfunded liability until the accumulated reserve  
13 equals the present value of the liability. The actuary shall  
14 also determine the amount which shall be contributed, annually,  
15 into the fund on account of service of all new and original  
16 members subsequent to the effective date of the agreement.

17 (b) Employes shall pay into the board of pensions, monthly,  
18 an amount equal to three and one-half per centum of that portion  
19 of monthly compensation on which social security allowances are  
20 payable and five per centum of any monthly compensation in  
21 excess of that on which social security allowances are payable.  
22 The remainder of the needed annual contribution for service  
23 subsequent to the date of the agreement, as determined by the  
24 actuary, shall become the obligation of the city, and shall be  
25 paid by it to the board of pensions by annual appropriations.  
26 The provisions of this section shall, in all applicable cases,  
27 supersede the provisions relating to contributions in section  
28 4344 and section 4348 [of this act].

29 Section 407. Section 4345 of the act is amended to read:

30 Section 4345. Payments by Laborers Optional.--Any person

1 holding a position in any [such] city as a laborer, at a per  
2 diem wage, shall not be compelled to pay or contribute toward  
3 the pension fund herein provided for, but shall have the option  
4 or choice of so doing and, in that event only, of becoming  
5 entitled to the pension provided by this act.

6 Section 408. Section 4346 of the act, amended August 17,  
7 1951 (P.L.1251, No.292), is amended to read:

8 Section 4346. Heads of Departments to Certify List of  
9 Employes.--The head of every department and office employing  
10 persons entitled to receive a pension shall certify to the board  
11 of pensions all persons so employed and the amount of salary or  
12 wages which is paid to [said] employes, together with  
13 dismissals, resignations, or terminations of service and, from  
14 the records of their office or department, shall furnish [such]  
15 other relevant information as the board of pensions shall  
16 require. In the case of a volunteer [fireman] firefighter, "head  
17 of department or office" shall mean the president or secretary  
18 of the board of trustees of the volunteer fire company involved.

19 Section 409. Section 4347 of the act is amended to read:

20 Section 4347. Receipt, Investment and Payment of Funds.--It  
21 shall be the duty of the board of pensions to receive and retain  
22 and, when deemed advisable, to invest the funds payable in  
23 accordance with the provisions of this subdivision [of this  
24 article], and to pay over by warrant or check the amount due to  
25 [said] employes.

26 Section 410. Sections 4348 and 4349 of the act, amended  
27 August 17, 1951 (P.L.1251, No.292), are amended to read:

28 Section 4348. Appropriations and Contributions to Fund.--The  
29 council may annually set aside, apportion, and appropriate, out  
30 of all taxes and income of [such] the city, unto the board of



1 pensions, a sum sufficient to maintain the pensions or  
2 compensations due hereunder on account of the city contributions  
3 for all employes except volunteer [firemen] firefighters. On  
4 account of volunteer [firemen] firefighters who become members  
5 of the pension fund, the board of trustees of the volunteer fire  
6 company employing and paying them shall annually contribute to  
7 the board of pensions a sum equal to the same percentage of its  
8 participating payroll as the amount contributed by the city for  
9 the same year bears to its participating payroll.

10 Section 4349. Application.--(a) The benefits conferred by  
11 this subdivision [of this article] shall apply to all persons  
12 employed in any capacity by, or holding positions in, or, in the  
13 case of a volunteer [fireman] firefighter, rendering services  
14 recognized and accepted by, the cities creating a pension fund  
15 and pension board in accordance with its provisions, but this  
16 subdivision shall not apply to employes of [such] departments,  
17 bureaus, or offices as are otherwise protected by pension  
18 authorized by this act.

19 (b) Any volunteer [fireman] firefighter may become a member  
20 of [such] a pension fund, as of the date of [his] the volunteer  
21 firefighter's original employment or of the inception of the  
22 pension fund, whichever is later, upon [his] the volunteer  
23 firefighter making back contributions, and if the volunteer fire  
24 company or board of trustees thereof employing and paying [him]  
25 the volunteer firefighter agrees to contribute and contributes  
26 to the pension fund, from time to time, the sums hereinbefore  
27 required.

28 Section 411. Sections 4350 and 4351 of the act are reenacted  
29 to read:

30 Section 4350. Computation of Time of Service.--The time of

1 service herein specified, namely, twenty years, shall be  
2 computed from the time of the first or original employments,  
3 said employment to consist of service to the city and need not  
4 be continuous.

5 Section 4351. Funds Payable to be Free of Attachment.--The  
6 compensation or pension herein mentioned shall not be subject to  
7 attachment or execution, and shall be payable only to the  
8 beneficiary designated, and shall not be subject to assignment  
9 or transfer.

10 Section 412. Section 4352 of the act, amended August 17,  
11 1951 (P.L.1251, No.292), is amended to read:

12 Section 4352. Definitions.--The term or phrase "employee,"  
13 "employed," "employed by the city," or "in the employment of any  
14 city," as used in this subdivision, is meant to include all  
15 persons in the service of cities creating a pension fund and a  
16 pension board in accordance with the provisions thereof, who are  
17 not now otherwise protected by pensions authorized by this act,  
18 and any volunteer [fireman] firefighter who becomes a member of  
19 the pension fund.

20 "Volunteer [fireman] firefighter" shall mean a driver of  
21 fire-fighting apparatus or ambulances, regularly employed and  
22 paid by a volunteer fire company, rendering services recognized  
23 and accepted by a city.

24 Section 413. Section 4353 of the act, amended July 5, 2005  
25 (P.L.70, No.28), is reenacted to read:

26 Section 4353. Beneficiaries of Fund not to be Employed by  
27 City.--No person or persons who shall have become a beneficiary  
28 shall be employed by the said city in any capacity. Subject to  
29 the provisions of section 4361, nothing herein shall be  
30 construed as prohibiting a person or persons who shall have

1 become a beneficiary from serving in an elective city office.

2 Section 414. Article XLIII subdivision (d) heading of the  
3 act, added July 5, 2005 (P.L.70, No.28), is reenacted to read:

4 (d) Beneficiaries Serving in Elective Office

5 Section 415. Section 4361 of the act, added July 5, 2008  
6 (P.L.70, No.28), is reenacted and amended to read:

7 Section 4361. Right to a Pension if Salary Refused.--In any  
8 city governed by the provisions of this act, the act of July 15,  
9 1957 (P.L.901, No.399), known as the "Optional Third Class City  
10 Charter Law," or 53 Pa.C.S. Pt. III Subpt. E (relating to home  
11 rule and optional plan government), a beneficiary serving in an  
12 elective city office shall not be prohibited from receiving a  
13 pension for any month in which [he or she] the beneficiary does  
14 not accept a salary from serving in the elective office.

15 Section 416. Article XLIV heading of the act is reenacted to  
16 read:

17 ARTICLE XLIV

18 CIVIL SERVICE

19 Section 417. Section 4401 of the act is amended to read:

20 Section 4401. Examinations Required of All Appointees.--No  
21 person or persons may be appointed to any [position whatever in  
22 the police department, or in the engineering department or  
23 electrical department, except as otherwise provided by law, or  
24 in the position of building inspector, or as health officers  
25 other than registered physicians, or as sanitary policemen or  
26 inspectors of the health department] uniformed position in the  
27 police or fire departments, excluding chiefs, without having  
28 first passed all the examinations hereinafter provided for[,]  
29 and without having been appointed in the manner and according to  
30 the terms and provisions and conditions of this article.

1 Section 418. Section 4402 of the act, amended April 18, 1978  
2 (P.L.37, No.19), is amended to read:

3 Section 4402. Appointment of Examining [Boards] Board.--  
4 There shall be [the following civil service boards in each city:  
5 (a) A board for] a civil service board in each city that shall  
6 provide for and oversee the examination of applicants for  
7 appointment to and promotion to any position in the police  
8 [department; (b) a board for the examination of applicants for  
9 appointment as health officers other than registered physicians,  
10 or as sanitary policemen or inspectors of the health department;  
11 (c) a board for the examination of applicants for appointment to  
12 any position in the engineering or electrical departments,  
13 except as otherwise provided for by law, or to the position of  
14 building inspectors.

15 Each of said boards shall consist of three citizens, who  
16 shall be elected] or fire departments. The board shall consist  
17 of three citizens who shall be appointed by council for terms of  
18 four years or until their successors are [elected and qualified]  
19 appointed and qualified except for the initial appointment of  
20 board members as provided for in section 4403. Any person who is  
21 a registered elector of the city may be appointed to [one or  
22 more of said boards] the board. No city officer, official or  
23 employe shall be eligible for appointment to [any] the civil  
24 service board.

25 Section 419. The act is amended by adding a section to read:  
26 Section 4402.1. Existing Civil Service Positions.--All  
27 nonuniformed employes in city positions that were subject to  
28 civil service regulation immediately prior to the effective date  
29 of this section shall continue to be subject to civil service  
30 regulation otherwise provided in this article for uniformed

1 employees with regard to the nonuniformed positions.

2 Section 420. Section 4403 of the act is amended to read:

3 Section 4403. Terms; Filling of Vacancies; Compensation;

4 Quorum.--[At the first election in newly created cities, council

5 shall elect to each of said boards] In a city in which the civil

6 service board is first established, terms of members of the

7 board shall be staggered. Council shall initially appoint to the

8 board one person to serve for two years, one person to serve for

9 three years, and one person to serve for four years. Upon the

10 expiration of the term of any member [of any of said boards, in

11 any city, one person shall be elected] a successor shall be

12 appointed by the city council to serve upon [said] the board for

13 [the] a term of four years. If any vacancies occur, they shall

14 be filled by the city council for the unexpired term. Each of

15 [said] the members, before entering upon the duties of [his]

16 office, shall take and subscribe to the oath of office

17 prescribed by [this act] 53 Pa.C.S. § 1141 (relating to form of

18 oaths of office) and file the same, duly certified by the

19 officer administering it, with the [controller of the city] city

20 administrator or, in cities without a city administrator, the

21 city clerk. No salary or other compensation shall be paid to any

22 member of the [said boards] board. Two members of the board

23 shall constitute a quorum necessary for the transaction of

24 business of that board. [Said boards] The board shall organize

25 for the purpose of transacting all business immediately after

26 [their first appointment and, from time to time,] the first

27 appointments and thereafter as new appointments to [such] the

28 board are made. After organizing, the board shall elect one of

29 its members as chairperson and one as secretary.

30 Section 421. The act is amended by adding sections to read:

1 Section 4403.1. Alternate Board Members.--Council may  
2 appoint no more than three qualified electors of the city to  
3 serve as alternate members of the civil service board. The term  
4 of office of the alternate members shall be four years. If, by  
5 reason of absence or disqualification of a member, a quorum is  
6 not reached, the chairperson shall designate as many alternate  
7 members of the board to sit on the board as may be needed to  
8 provide a quorum. When seated pursuant to this section, an  
9 alternate shall be entitled to participate in all proceedings  
10 and discussions of the board to the extent as provided by law  
11 for board members, including specifically the right to cast a  
12 vote as a voting member during the proceedings, and shall have  
13 all the powers and duties set forth in this act and as otherwise  
14 provided by law. Any alternate member of the board shall  
15 continue to serve on the board in all proceedings involving the  
16 matter or case for which the alternate was initially designated  
17 until the board has made a final determination of the matter or  
18 case. Designation of an alternate pursuant to this section shall  
19 be made on a case-by-case basis in rotation according to  
20 declining seniority among all alternates. Alternates shall hold  
21 no other office in the city. Any alternate may participate in  
22 any proceeding or discussion of the board but shall not be  
23 entitled to vote as a member of the board unless designated as a  
24 voting alternate member pursuant to this section.

25 Section 4403.2. Investigations and Subpoenas.--(a) The  
26 board shall have the power to make investigations concerning all  
27 matters relating to the administration and enforcement of its  
28 rules and regulations. The chairperson shall be authorized to  
29 administer oaths and affirmations for witnesses testifying in  
30 matters before the board.

1 (b) The board shall have the power to issue subpoenas over  
2 the signature of the chairperson or designee and to require the  
3 attendance of witnesses and the production of records and papers  
4 pertaining to matters before the board, including any background  
5 investigation conducted pursuant to any applicable rules and  
6 regulations.

7 Section 422. Section 4404 of the act is amended to read:

8 Section 4404. Rules and Regulations; Examinations.--[Each of  
9 said boards shall prepare and adopt such rules and regulations  
10 to cover the selection and appointment of all persons as  
11 hereinbefore provided, to be hereafter employed or appointed in  
12 said cities, as in the judgment of said boards shall be best  
13 adapted to securing the best service for the public. Such rules  
14 and regulations] (a) The board shall have the power and its  
15 duty shall be to prepare and adopt rules and regulations,  
16 subject to approval by council, which, in the board's  
17 discretion, are best adapted to securing and maintaining the  
18 best service for the public for the selection, appointment and  
19 promotion of persons who are qualified to perform the work which  
20 is the subject of the civil service examination as provided in  
21 this article, and who are to be employed, appointed or promoted  
22 by the city. The rules and regulations adopted by the board  
23 shall provide for ascertaining and determining, so far as  
24 possible, [the physical qualifications, habits, reputation,  
25 standing, experience and education of all applicants for such  
26 positions, respectively; and they] the knowledge, skills,  
27 aptitude, mental and physical abilities, experience, education  
28 and character of all applicants as these criteria would  
29 reasonably apply to the respective positions; and the rules and  
30 regulations shall provide for examinations upon any and all

1 subjects deemed proper or necessary by [said boards] the board  
2 for the purpose of determining [their qualifications for the  
3 position sought and applied for] the qualifications of  
4 applicants for the respective positions sought and for which  
5 application is made.

6 (b) The civil service board shall, in accordance with this  
7 act, adopt rules and regulations concerning the following  
8 matters that may include:

9 (1) minutes of proceedings;

10 (2) rules of procedure;

11 (3) records of examinations;

12 (4) annual report to council;

13 (5) notice of the rules and regulations and any amendments  
14 or repeals to the rules and regulations;

15 (6) application forms;

16 (7) further provisions concerning the duties of the  
17 chairperson and secretary;

18 (8) appointment of examiners; and

19 (9) other administrative matters.

20 Section 423. Section 4404.1 of the act, added October 19,  
21 2010 (P.L.533, No.77), is amended to read:

22 Section 4404.1. Physical and Psychological Medical  
23 Examinations.--(a) [A] The board may require that an applicant  
24 conditionally appointed in accordance with section 4406 [of this  
25 act] undergo a physical or psychological medical examination as  
26 a condition of permanent appointment. Physical medical  
27 examinations, if required, shall be under the direction of a  
28 physician or other qualified medical professional. Psychological  
29 medical examinations, if required, shall be under the direction  
30 of a psychiatrist or psychologist.



1 (b) A physician, other qualified medical professional,  
2 psychiatrist or psychologist shall be appointed by council and  
3 shall render an opinion as to whether the conditional appointee  
4 has a physical or mental condition which calls into question the  
5 individual's ability to perform all of the essential functions  
6 of the position for which the individual was conditionally  
7 appointed.

8 (c) If the opinion rendered by the physician, other  
9 qualified medical professional, psychiatrist or psychologist  
10 calls into question the conditional appointee's ability to  
11 perform all essential functions of a position, the director of  
12 the department within which the position is to be filled shall  
13 meet with the conditional appointee for the purpose of having  
14 one or more interactive discussions on whether the conditional  
15 appointee can, with or without reasonable accommodation, perform  
16 all the essential functions of the position.

17 (d) If, at the conclusion of the interactive discussion  
18 under subsection (c), the department director determines that  
19 the conditional appointee is not qualified, the department  
20 director shall give written notice to the conditional appointee  
21 and the board.

22 (e) Nothing in this act shall be construed to authorize  
23 physical or psychological medical examinations prior to  
24 conditional appointment in accordance with section 4406 of this  
25 act.

26 (f) As used in this section, the following definitions shall  
27 apply:

28 "Medical examination" shall mean any examination, procedure,  
29 inquiry or test designed to obtain information about medical  
30 history or a physical or mental condition which might disqualify

1 an applicant if it would prevent the applicant from performing,  
2 with or without reasonable accommodation, all of the essential  
3 functions of the position.

4 "Physician" shall have the meaning given to it in 1 Pa.C.S. §  
5 1991 (relating to definitions).

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

9 (1) as a physician assistant pursuant to the act of December  
10 20, 1985 (P.L.457, No.112), known as the "Medical Practice Act  
11 of 1985," or the act of October 5, 1978 (P.L.1109, No.261),  
12 known as the "Osteopathic Medical Practice Act"; or

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

16 Section 424. Section 4405 of the act, amended October 19,  
17 2010 (P.L.533, No.77), is repealed:

18 [Section 4405. Grading for Discharged Servicemen.--When any  
19 person who was engaged in the military service of the United  
20 States during any military engagement in which the United States  
21 participated, and has an honorable discharge therefrom, shall  
22 take any examination for appointment, the examination shall be  
23 marked or graded in the same manner as provided for all other  
24 examinations. When the examination of the discharged individual  
25 is completed and graded, if the grade is passing, the grading or  
26 percentage as the examination merits shall be increased by  
27 fifteen per centum, and the total mark or grade shall represent  
28 the final grade or classification of the discharged individual  
29 and shall determine the individual's order of standing on the  
30 eligibility list. For the purpose of this article:

1 (1) "Military service" means the army, navy, marines, air  
2 force, coast guard, and any branch or unit thereof.

3 (2) "Servicemen" means members of the military service,  
4 including women.

5 (3) "Military engagement" includes land, naval and air  
6 engagements.]

7 Section 425. The act is amended by adding a section to read:

8 Section 4405.1. Veterans' Preference.--In accordance with 51  
9 Pa.C.S. Ch. 71 (relating to veterans' preference) the following  
10 shall apply to the appointment of a uniformed civil service  
11 position:

12 (1) A veteran who meets the qualifications for and  
13 conditions of the position under uniform eligibility rules,  
14 which include successful passage of an examination, shall  
15 receive an additional ten points on the examination pursuant to  
16 51 Pa.C.S. § 7103(a) (relating to additional points in grading  
17 civil service examinations).

18 (2) If, after the additional ten points are granted, a  
19 veteran is on the list of three eligible applicants, the veteran  
20 shall receive a preference in hiring over nonveterans on that  
21 list.

22 (3) The preference provided by this section shall constitute  
23 the only preference with regard to a uniformed civil service  
24 position to which a veteran is entitled under this act.

25 Section 426. Section 4406 of the act, amended or added  
26 October 19, 2010 (P.L.533, No.77), is amended to read:

27 Section 4406. Selection of Appointee from Certified List of  
28 Applicants.--[The boards] The following shall apply to civil  
29 service selection, conditional appointments and appointments and  
30 shall be incorporated by reference in the rules and regulations

1 of the board:

2 (1) The civil service board shall make and keep, in  
3 numerical order, a list containing the names of all applicants  
4 for civil service positions in the city who [may] pass the  
5 required examinations, including any required physical fitness  
6 or agility examinations that are job-related and consistent with  
7 business necessity. [Where]

8 (2) Physical fitness or agility examinations shall be  
9 conducted on a pass-fail basis.

10 (3) Written and oral examinations used to establish an  
11 eligibility list shall offer the opportunity to achieve one  
12 hundred points.

13 (4) If both written and oral examination methods are used in  
14 conjunction with each other, the board, prior to initiating  
15 testing, shall establish what constitutes a passing score on  
16 each portion of the examination. If only a written examination  
17 method is used, the board shall establish the passing score  
18 before the examination is conducted.

19 (5) When more than one person takes examinations for any  
20 position at the same time, the names of all those successfully  
21 passing the examination shall be entered upon the eligibility  
22 list in the order of their respective [percentages] point  
23 totals, the highest coming first.

24 (6) The board shall furnish to council a certified copy of  
25 all lists so prepared and kept. [Wherever any vacancy shall  
26 occur in any civil service position in the city, the city  
27 council] Such lists shall be maintained for a period of two  
28 years or until a new list is certified to council, whichever  
29 occurs first and are public records.

30 (7) Whenever council shall determine an initial appointment

1 is to be made to a civil service position in the city, the  
2 director of the department in which the appointment is to be  
3 made shall make written application to the [president of the  
4 proper] chair of the board, who shall forthwith certify to the  
5 city council, in writing, the three names on the eligibility  
6 list of applicants for the position having the highest  
7 [percentage, but if there be] number of points, unless there are  
8 less than three eligible names on the list, in which event the  
9 board shall certify the names. The director of the department in  
10 which the appointment is to be made shall nominate to the city  
11 council a person from the eligibility list submitted to fill the  
12 vacancy.

13 (8) If the city council approves the nomination, the person  
14 nominated shall be conditionally appointed by council to fill  
15 the vacancy, and shall be assigned for service in the  
16 department, subject to any required physical or psychological  
17 medical examinations that may be required by the [appropriate  
18 examining] board as a condition of permanent appointment in  
19 accordance with section 4404.1 [of this act].

20 (9) If the council does not approve the nomination, or if  
21 the appointee is determined by the medical examination process  
22 to be unqualified, then the director of the department in which  
23 the appointment is to be made shall submit another nomination  
24 for the position from the remaining names, if any[, and if]. If  
25 the nomination is not approved by the council, or if the  
26 appointee is determined by the medical examination process to be  
27 unqualified, the director shall submit the third name, if any.

28 (10) The person whose nomination by the director is approved  
29 by the city council shall be appointed to fill the [position in  
30 the department or as building inspector] civil service position

1 under consideration.

2     (11) The name of the person so appointed shall be  
3 immediately stricken from the [eligibility] certified list of  
4 the board, and, except as otherwise provided in this clause, the  
5 names of the [rejected] nonappointed persons shall immediately  
6 be restored to their proper place on the [eligibility list:  
7 Provided, however, That if] certified list. If the name of any  
8 applicant has been submitted to the council and been rejected  
9 three times or the [appointee] council and the conditional  
10 applicant has not been appointed for three such times or the  
11 conditional applicant has been determined by the medical  
12 examination process to be unqualified, then the name shall be  
13 stricken from the [eligibility] certified list.

14     (12) Examinations for promotions for civil service positions  
15 in the city shall be pursuant to section 4406.1 [of this act].

16     (13) As used in this section, the term "medical examination"  
17 shall have the meaning given it in section 4404.1 [of this act].

18     Section 427. Section 4406.1 of the act, amended November 9,  
19 2011 (P.L.408, No.99), is amended to read:

20     Section 4406.1. Promotions.--(a) The [civil service boards  
21 may recommend those in the employ of a department for promotion  
22 if the person recommended is competent for the higher position.  
23 If an examination is required, the] city council shall notify  
24 the [applicable] civil service board of a civil service vacancy  
25 in the city which is to be filled by promotion and shall request  
26 the certification of an eligibility list as provided in this  
27 article. The board shall certify for each vacancy the names of  
28 three persons on the eligibility list who have received the  
29 highest average in the last preceding promotional examination  
30 held within the period of two years preceding the date of the

1 request for the eligibility list. If three names are not  
2 available, the board shall certify the names remaining on the  
3 list. The city council shall make an appointment from the names  
4 certified, based solely on the merits and fitness of the  
5 candidates, unless the city council makes objections to the  
6 board regarding one or more of the persons on the eligibility  
7 list. The city council shall have power to determine in each  
8 instance whether an increase in salary shall constitute a  
9 promotion.

10 (b) Notwithstanding subsection (a), the mayor or other  
11 elected or appointed official of a city that has adopted one of  
12 the following shall retain the power to promote a candidate  
13 pursuant to that law:

14 (1) An optional charter pursuant to the act of July 15, 1957  
15 (P.L.901, No.399), known as the "Optional Third Class City  
16 Charter Law."

17 (2) An optional plan pursuant to 53 Pa.C.S. Chs. 30  
18 (relating to types of optional plans of government) and 31  
19 (relating to general provisions common to optional plans).

20 (3) Any other law authorizing or permitting the mayor or  
21 other elected or appointed official to promote a candidate.

22 (c) The provisions of this section shall not apply to the  
23 mayor's designation or appointment of the chief of police  
24 pursuant to section 2002 or the mayor's designation or  
25 appointment of a fire chief pursuant to section 2101.1.

26 Section 428. Section 4407 of the act is amended to read:

27 Section 4407. [Tenure; Preference in Appointment to  
28 Discharged Serviceman; Temporary Appointments.--] Tenure;  
29 Temporary Appointments.--(a) All appointments made pursuant to  
30 the provisions of this article shall be for and during good

1 behavior, and no employe hired pursuant to the provisions of  
2 this article shall be removed or transferred for any political  
3 reasons whatever. [Among those persons possessing qualifications  
4 and eligibility for appointment, preference in appointment shall  
5 be given to honorably discharged servicemen and their spouses  
6 and surviving spouses as provided by law.]

7 All persons holding appointments in said several departments  
8 or as building inspectors of said cities, at the time this act  
9 goes into effect, shall retain their positions without being  
10 required to pass examination, and be removed only in accordance  
11 with the provisions of this article.]

12 (b) In case of riot or emergency, temporary appointments to  
13 positions in the civil service may be made without complying  
14 with the provisions of this article.

15 Section 429. Section 4408 of the act, amended October 4,  
16 1978 (P.L.950, No.188), is amended to read:

17 Section 4408. [Suspension and Discharge] Suspension,  
18 Discharge and Discipline; Reduction of Employes; Appeals.--(a)  
19 All employes subject to civil service shall be subject to  
20 suspension, discharge and discipline by the director of the  
21 department in which the employe works for misconduct[, ] or  
22 violation of any law of this Commonwealth, [any] ordinance of  
23 the city, or regulation of the department[, pending action by  
24 the city council upon the charges made against any of such  
25 employes. On hearing before the city council, where they may be  
26 represented by counsel, they may be fined or suspended for a  
27 period not exceeding thirty days with or without pay, or they  
28 may be discharged by city council, if found guilty of the  
29 charges made against them. The director of each such department  
30 may, for misconduct or violation as aforesaid, suspend any



1 employe of such department for a period of ten days, with or  
2 without pay, without preferring charges and without a hearing of  
3 council; but no employe shall be suspended more than one time  
4 for the identical or same violation or act of misconduct. If it  
5 should become necessary to reduce the number of employes in said  
6 department for purposes of economy, seniority rights shall  
7 prevail, and any and all removals for such cause or causes shall  
8 be from the members last appointed, and the member or members  
9 serving the shortest time shall be removed first; but members  
10 with longer times of service may be discharged for cause]. Any  
11 employe aggrieved by the suspension, discharge or discipline  
12 imposed by a department director more serious than a suspension  
13 of three days without pay may request a hearing before the city  
14 council, or by the civil service board if designated by  
15 ordinance. At the hearing, the employe may be represented by  
16 counsel.

17 (a.1) Any civil service employe aggrieved by the [action]  
18 decision of the council [in fining, suspending or discharging  
19 him shall have the right to appeal by petition to the court of  
20 common pleas within thirty days after the suspension or after  
21 receipt of written notice of such action by council which it  
22 shall be the duty of the council to give and the court shall  
23 hear the charges made against him de novo] or the civil service  
24 board shall have the right to appeal in accordance with 2  
25 Pa.C.S. Ch. 7 Subch. B (relating to judicial review of local  
26 agency action). This review shall be exclusive. Where no such  
27 appeal is taken within the time prescribed by law, the decision  
28 by the city council or the civil service board shall become  
29 final in accordance with the law. The issue before the court  
30 shall be whether the action of the council or the civil service

1 board shall be affirmed or be modified in any respect or whether  
2 the charges should be dismissed or whether the suspension or  
3 demotion made by the director shall be affirmed or rescinded.  
4 Where any [such] employe has been suspended and the charges are  
5 dismissed or the suspension rescinded on appeal, [he] the  
6 employe shall receive full compensation for the entire period of  
7 suspension.

8 (b) In any case in which a police officer or firefighter who  
9 is a member of a bargaining unit is subject to suspension,  
10 discharge or discipline, the police officer or firefighter shall  
11 have the option of challenging the suspension, discharge or  
12 discipline imposed by using the procedures provided in  
13 subsection (a) or by a proceeding in grievance arbitration. A  
14 choice to proceed either by subsection (a) or by grievance  
15 arbitration shall foreclose the opportunity to proceed in the  
16 alternative method.

17 Section 430. Sections 4409 and 4410 of the act are amended  
18 to read:

19 Section 4409. [Secretaries of Boards; Compensation.--Each of  
20 said civil service boards may] Secretary; Compensation.--The  
21 civil service board shall appoint a secretary and prescribe [his  
22 duties. He] the secretary's duties, and shall have the power to  
23 change these duties. The secretary shall be subject to removal  
24 at any time by the board [appointing him, and such board shall  
25 have power to change his duties. The compensation to be paid  
26 said secretaries and all necessary stationery and supplies for  
27 said boards shall be such as council shall by ordinance direct].  
28 Council shall establish the compensation to be paid to the  
29 secretary, and all necessary stationery and supplies for the use  
30 of the board shall be supplied by the city.

1 Section 4410. Review of Eligibility Lists.--The lists of  
2 eligible names kept by [each] the civil service board shall be  
3 annually examined by the board for the purpose of deleting  
4 therefrom persons who are permanently unavailable for or  
5 disqualified for the position or positions involved, either by  
6 death, permanent removal from the area, written desire to be  
7 removed therefrom, or by other permanent cause[, ] in conformity  
8 with the board's rules and regulations adopted pursuant to  
9 section [four thousand four hundred four] 4404.

10 Section 431. The act is amended by adding an article to  
11 read:

12 ARTICLE XLIV-A

13 VETERANS' AFFAIRS

14 (a) Support of Veterans' Organizations

15 Section 4401-A. Appropriation to post of veterans.

16 Council may appropriate annually to organizations of veterans  
17 of the United States armed services or veterans' parents to aid  
18 in defraying the expenses of Memorial Day and Veterans Day, or  
19 other expenses such as payment of rent of any building or rooms  
20 where the organization has its regular meetings. Payments shall  
21 be made to defray actual expenses only. Before any payment is  
22 made, the organization receiving the same shall submit verified  
23 accounts of their expenditures.

24 Section 4402-A. Rooms for meetings of veterans.

25 Council may provide, upon application, to an organization  
26 composed of veterans of the United States armed services, a  
27 facility in any public building of the city, sufficient for the  
28 periodic meeting of each of the organizations.

29 (b) Pennsylvania National Guard

30 Section 4411-A. Support of Pennsylvania National Guard units.

1 Council may appropriate annually a sum for the support and  
2 maintenance, discipline and training of any troop, company or  
3 similar unit of the Pennsylvania National Guard. If the units  
4 are organized as a battalion, regiment or similar organization,  
5 the total amount due may be paid to the commanding officer of  
6 the battalion, regiment or similar organization. Any money  
7 appropriated shall be paid by warrant drawn to the order of the  
8 commanding officer of the company, battalion, regiment or  
9 similar organization, only when it shall be certified to the  
10 city, by the Adjutant General of the Commonwealth, that the  
11 company has satisfactorily passed the annual inspection provided  
12 by law. The money appropriated shall be used and expended solely  
13 and exclusively for the support and maintenance, discipline and  
14 training of the company, battalion, regiment or similar  
15 organization; and the commanding officer shall account, by  
16 proper vouchers to the city each year, for the expenditure of  
17 the money appropriated. No appropriation shall be made for any  
18 subsequent year until the expenditure of the previous year is  
19 duly and satisfactorily accounted for. The accounts of the  
20 expenditures shall be subject to the inspection of the  
21 Department of Military Affairs, and shall be audited by the city  
22 controller in the manner provided by this act for the audit of  
23 accounts of city money.

24 Section 4412-A. Assistance in erection of armories.

25 Council may appropriate money or convey land, either  
26 independently or in conjunction with any other political  
27 subdivision, to the Commonwealth, for the purpose of assisting  
28 the State Armory Board in the erection of armories for the use  
29 of the Pennsylvania National Guard, and to furnish water, sewer  
30 services, light or fuel free of cost to the Commonwealth for use

1 in any armory of the Pennsylvania National Guard. Council may do  
2 all things necessary to accomplish the purpose of this section.  
3 Section 4413-A. Eminent domain for National Guard purposes.

4 Council may take, by right of eminent domain, for the purpose  
5 of appropriating to itself for the use of the Pennsylvania  
6 National Guard public lands, easements and public property in  
7 its possession or control and used or held by it for any other  
8 purpose. Such right, however, shall not be exercised as to any  
9 street or wharf.

10 Section 4414-A. Lands for armory purposes.

11 Council may acquire, by purchase or by gift, or by the right  
12 of eminent domain, any land for the use of the Pennsylvania  
13 National Guard and may convey lands so acquired to the  
14 Commonwealth in order to assist the State Armory Board in the  
15 erection of armories. The power conferred by this section shall  
16 not be exercised to take any church property, graveyard or  
17 cemetery. Lands within three miles outside the limits of the  
18 city may be acquired in like manner for the use of the  
19 Pennsylvania National Guard provided that if the land is  
20 acquired by eminent domain that the taking shall be subject to  
21 the limitations in 26 Pa.C.S. § 206 (relating to  
22 extraterritorial takings).

23 (c) Burials and Memorials

24 Section 4421-A. Purchase of burial grounds for deceased service  
25 persons.

26 Council may appropriate money for and purchase plots of  
27 ground in any cemetery or burial ground, within its respective  
28 city limits, for the interment of deceased service persons who  
29 die within the city, or die beyond the city but have a legal  
30 residence within the city at the time of their deaths, and whose

1 bodies are entitled to be buried by the county under the  
2 provisions of existing laws.

3 Section 4422-A. Care of memorials.

4 Council may take charge of, care for, maintain and keep in  
5 good order and repair, at the expense of the city, any soldier's  
6 monument, gun or carriage or similar memorial, situate in the  
7 city which is not in the charge or care of any person, body or  
8 organization and which is not put up or placed by the Government  
9 of the United States, the Commonwealth or the commissioners of  
10 the county or by the direction or authority of any other state.  
11 Council may receive from any person or organization any money or  
12 funds which can be used for the benefit of the memorials, and  
13 expend the money.

14 Section 4423-A. Memorial trees.

15 Council may provide for or authorize provision for memorial  
16 trees for residents of the city who died while in the military  
17 service of the United States or in consequence thereof. Council  
18 may make appropriations or accept contributions for this  
19 purpose. Such trees shall bear some permanent indication of  
20 their purpose.

21 Section 4424-A. Penalty for injury to memorial trees.

22 Any person willfully, maliciously or negligently destroying  
23 or injuring any trees planted pursuant to the provisions of  
24 section 4423-A commits a misdemeanor and shall, upon conviction,  
25 be liable to a fine not exceeding \$500, or imprisonment not  
26 exceeding three months, or both, in the discretion of the court.

27 Section 432. Article XLV heading and sections 4501, 4502,  
28 4503, 4504 and 4505 of the act are repealed:

29 [ARTICLE XLV  
30 CHARITIES AND WELFARE

1 Section 4501. Creation of Department of Charity.--Council,  
2 by ordinance, may create a bureau for the purpose of  
3 administering charity and for support of the poor, create any  
4 office which may be deemed necessary for the proper government,  
5 support, and management of said bureau, and regulate and  
6 prescribe the powers, duties, and compensation of all such  
7 officers. Such bureau shall have the care, management,  
8 administration, and supervision of the charities, almshouses,  
9 poorhouses, and the relief of the poor of the city, subject,  
10 however, to the control of the council.

11 Section 4502. Power to Levy Special Tax.--Council may levy a  
12 tax annually, not exceeding ten mills on the dollar, on all  
13 persons and property taxable by the city for city purposes, for  
14 the support of said bureau.

15 Section 4503. Hospitals; Appropriations; Free Treatment for  
16 Poor.--Any city may acquire, by gift, devise, or bequest, lands,  
17 chattels, securities and funds for the establishment and  
18 maintenance of a hospital, for the purposes of caring for the  
19 sick and injured residents of such city and the vicinity  
20 thereof, and, for such purposes, to appropriate and expend money  
21 of the city: Provided, That the poor residents of such city  
22 shall receive free treatment to the extent that it is possible  
23 to provide for same with the means available. Such hospital, or  
24 any ward therein, may be named in accord with the wishes of any  
25 person making a substantial donation thereto by will or  
26 otherwise.

27 Section 4504. Appointment of Trustees for Gifts; Powers.--  
28 Such gifts, devises, bequests and appropriated funds shall be  
29 under the supervision of a board of trustees, to be appointed by  
30 council, consisting of at least nine trustees, three of whom

1 shall be members of council, three of whom shall be licensed and  
2 practicing physicians in such city and the vicinity thereof, and  
3 the remainder of which board shall consist of residents of such  
4 city and vicinity thereof. Said appointments shall at all times  
5 be made subject to the approval of the orphans' court of the  
6 county in which said city is situated. Said board of trustees  
7 shall at all times be subject to the resolutions of council and  
8 the jurisdiction of said court, which shall have power to remove  
9 any of them upon petition of such city. Any vacancy in such  
10 board may be filled by a new appointment in manner aforesaid.  
11 Said board of trustees shall make reasonable rules for the  
12 management of such hospital, and appoint and remove the  
13 physicians, surgeons, nurses, and other employes necessary for  
14 the conduct thereof.

15 Section 4505. Appropriations or Other Assistance for  
16 Hospitals.--Council may make appropriations for the support or  
17 assistance of hospitals within or near the city or, in lieu  
18 thereof, council may provide for services to such hospitals at  
19 the city's expense and with materials or equipment of the city.]

20 Section 433. The act is amended by adding an article to  
21 read:

22 ARTICLE XLV-A

23 ASSESSMENTS FOR PUBLIC IMPROVEMENTS

24 Section 4501-A. Authority to assess.

25 (a) Authority.--In cases in which one or more properties are  
26 benefited from a public improvement, unless otherwise provided  
27 for in this act, a city shall be authorized to assess, as  
28 provided in this article, all or any portion of the costs of the  
29 public improvement, including any related administrative fees,  
30 against those properties that are benefited by the public



1 improvement.

2 (b) Payment of costs.--Unless otherwise provided in this  
3 act, in addition to the authority to assess the cost of public  
4 improvements against properties benefited, a city shall have the  
5 power to pay for the cost of public improvements, in whole or in  
6 part, from general city funds or, if authorized, from a special  
7 city fund dedicated to that purpose.

8 (c) Indebtedness.--If a city incurs indebtedness pursuant to  
9 53 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and  
10 borrowing) for the purposes of funding the cost and expense of  
11 making public improvements for which assessments can be made in  
12 accordance with this article, and assessments are made, payments  
13 made on the assessments must be applied to pay the debt service  
14 for the indebtedness incurred for funding the cost and expense  
15 of making the public improvements.

16 (d) Definition.--As used in this article, unless the context  
17 clearly indicates otherwise, the term "public improvement" may  
18 include, but shall not be limited to, the building, paving,  
19 grading, rebuilding, repaving and regrading of streets,  
20 sidewalks, curbs and gutters; the creation, extension and  
21 renovation of water and sewerage collection, transmission,  
22 treatment and disposal systems; the creation, extension and  
23 renovation of storm, surface and subsurface drainage systems;  
24 the construction, reconstruction and repair of wharves and  
25 docks; the installation of pipes, wires and conduits relating to  
26 city-supplied utility services; the installation, maintenance or  
27 operation of ornamental street lighting; or the planting,  
28 maintaining, trimming, transplanting, removal and protection of  
29 shade trees.

30 Section 4502-A. Method of assessment.

1 (a) Ordinance.--In any case in which council elects to  
2 exercise the power to make assessments for a given public  
3 improvement as authorized in section 4501-A, it shall, by  
4 ordinance and in conformity with this article, establish the  
5 method and procedure pursuant to which assessments shall be  
6 made.

7 (b) Allocation of costs and expenses.--Council may, by  
8 ordinance, determine to make the assessment by any means that  
9 results in fairly allocating all or a portion of the costs and  
10 expenses of the public improvement among all properties  
11 benefited thereby in reasonable proportion to the benefits  
12 conferred upon each property. The methods that may be used to  
13 make assessments in accordance with this subsection may include,  
14 but shall not be limited to, an equal assessment per front foot,  
15 lot, parcel, dwelling unit or square foot or by an assessment  
16 made by viewers.

17 (c) Front foot method.--If the front foot method is used:

18 (1) The cost to be collected shall be divided by the  
19 total number of linear feet of street frontage of all  
20 properties benefited.

21 (2) The assessment against each property shall be that  
22 portion of the cost which is determined by multiplying the  
23 dividend under paragraph (1) by the number of linear feet for  
24 street frontage of that property.

25 (3) Council shall have the power and its duty shall be,  
26 in the case of corner or irregularly shaped lots or where  
27 special conditions exist, to provide for an equitable  
28 adjustment, as necessary, to prevent an unjust or excessive  
29 assessment.

30 (d) Assessment based on report of viewers.--In order to pay

1 for all or a portion of the cost or expenses of a public  
2 improvement, council may determine to assess properties  
3 benefited based upon a report of viewers. Three disinterested  
4 persons shall be appointed by council as viewers. A majority of  
5 the viewers shall assess the cost against each property  
6 benefited in reasonable proportion to the benefits conferred  
7 upon each property. The viewers, or a majority of them, shall  
8 make a report in writing which shall specify the amount assessed  
9 upon each property and shall present the report directly to  
10 council or file it with the city clerk, as council directs.

11 Section 4503-A. Notice of assessment.

12 (a) Personal notice.--After the amounts to be assessed  
13 against the properties to be benefited by the public improvement  
14 have been calculated pursuant to the method and procedures as  
15 prescribed by ordinance, the city shall give personal notice of  
16 the assessment to the owner of each property that is being  
17 assessed. The notice shall also state that the owner has 30 days  
18 from receipt of the notice to appeal the assessment.

19 (b) Assessment effective.--An assessment made pursuant to  
20 this article shall become effective 30 days after personal  
21 notice is given by any of the following means:

22 (1) Personal service on the owner.

23 (2) Certified mail, addressee only, return receipt  
24 requested, to the owner at the owner's last known address.

25 (3) Posting notice at or upon the property, after  
26 reasonable attempts to give personal notice pursuant to  
27 paragraphs (1) and (2) have failed.

28 Section 4504-A. Appeals to court.

29 Within 30 days after receipt of the notice of assessment, an  
30 owner of property shall have the right to appeal the assessment

1 to the court of common pleas in the county in which the assessed  
2 property is located. On appeal, unless the court finds fraud,  
3 mistake or illegality, the court shall be restricted to  
4 determining the questions of whether the property assessed  
5 received any special benefits from the improvement and whether  
6 the assessment made exceeds the special benefits received.  
7 Section 4505-A. Benefits and damages.

8 In any proceeding in which damages to property are being  
9 sought as a result of a public improvement for which an  
10 assessment of benefits has been made, the excess of damages over  
11 benefits, or the excess of benefits over damages, or nothing in  
12 case the benefits and damages are equal, shall be awarded to or  
13 assessed against the owner of land and property affected by the  
14 public improvement.

15 Section 4506-A. Return by city of assessments paid on property  
16 unlawfully assessed.

17 The following shall apply with regard to the return of  
18 payments made on an unlawful assessment:

19 (1) If, after a timely appeal, a court makes a final  
20 determination that a property was unlawfully assessed or that  
21 the amount assessed exceeded, to a substantial amount, the  
22 benefits received by the property assessed from the public  
23 improvement, a city that received money in payment of the  
24 assessment shall repay the money in an amount as ordered by  
25 the court.

26 (2) Within two years of receiving payment of an  
27 assessment, the city may repay such money voluntarily if the  
28 city determines that the assessment or part thereof was made  
29 erroneously.

30 (3) Repayments to property owners pursuant to paragraph

1 (1) or (2) shall include interest from the date of payment of  
2 the unlawful or erroneous assessment at the rate of interest  
3 that is provided for in 53 Pa.C.S. § 8426 (relating to  
4 interest on overpayment).

5 Section 4507-A. Payment of assessments in installments.

6 (a) Authorization.--An ordinance providing for a public  
7 improvement the expense of which is to be defrayed by an  
8 assessment against properties benefited by the public  
9 improvement may authorize the payment of the assessments in  
10 installments. The ordinance shall set a time when the  
11 installment payments shall commence and shall specify the length  
12 of time over which the installments may be extended and whether  
13 payments are to be made by equal annual or more frequent  
14 installments. The period during which installments may be paid  
15 shall not exceed the lesser of ten years or the number of years  
16 equal to the period of maturity of the bonds issued to fund the  
17 public improvement.

18 (b) Interest rate.--The ordinance shall set forth the rate  
19 of interest for the installments, which shall not be more than  
20 10% per year unless a bond is issued for the improvement, in  
21 which case the maximum interest rate on the installment payments  
22 shall be pursuant to section 9 of the Municipal Claim and Tax  
23 Lien Law.

24 (c) Written agreement.--The city shall enter into a written  
25 installment agreement with each property owner that will pay the  
26 assessment in installments, subject to the requirements of the  
27 ordinance pertaining to such agreements and this article.

28 (d) Installments not paid.--If any of the installments shall  
29 remain unpaid for 60 days after the same has become due and  
30 payable, the entire unpaid assessment plus unpaid accrued

1 interest and any costs shall be due and payable and the city may  
2 proceed to collect them by filing a lien in the same manner as  
3 municipal claims are filed or by action in assumpsit.

4 (e) Advance payments.--Any property owner upon whom an  
5 assessment has been made may pay all or as many of the  
6 installments before they are due, with interest and costs to the  
7 due date of the next installment.

8 Section 4508-A. Collection of assessments.

9 (a) Authority.--Council shall have the power to authorize  
10 the city treasurer or other city official to collect  
11 assessments.

12 (b) Procedure.--The following shall apply to the collection  
13 of assessments:

14 (1) A city may collect an assessment that remains unpaid  
15 for 60 days after personal notice was given pursuant to  
16 section 4503-A, unless an installment agreement has been  
17 entered into pursuant to section 4507-A.

18 (2) An assessment made pursuant to this article may be  
19 collected in the same manner as municipal claims in the  
20 Municipal Claim and Tax Lien Law or by an action of assumpsit  
21 against the owner of the property benefited.

22 (3) Interest on an unpaid assessment shall begin to  
23 accrue from the time of completion of the improvement at a  
24 rate of 10% per year unless a bond is issued for the  
25 improvement, in which case the maximum interest rate shall be  
26 pursuant to section 9 of the Municipal Claim and Tax Lien  
27 Law.

28 (4) If a property owner has two or more lots against  
29 which there is an assessment for the same improvement, all of  
30 the lots may be embraced in one claim.



1 This section shall extend to all municipal claims [where the  
2 improvement was] for improvements heretofore made, where the  
3 action of assumpsit has been instituted under the provisions of  
4 prior acts of Assembly, and where the claim was not barred by  
5 the statute of limitations affecting actions of assumpsit.

6 Section 436. Section 4602 of the act is amended to read:

7 Section 4602. Compromise of Municipal Claims[; Court  
8 Approval.--Whenever].--(a) If any city has any municipal claim  
9 entered in the office of the prothonotary as a lien against real  
10 estate, [which said] and if the claim has existed for ten years  
11 or more, council may[, with the approval of the court of common  
12 pleas,] agree with the owner of [such] the real estate to  
13 accept, in compromise or reduction of the amount of the claim  
14 and the interest charges, expenses and fees added thereto and  
15 due thereon, any sum less than the whole of such amount so due.

16 (b) Upon receipt of the compromise amount as agreed upon,  
17 the city shall cause the lien to be properly satisfied on the  
18 record, which satisfaction shall be as effective as if the whole  
19 amount of the claim, interest, charges, expenses and fees had  
20 been paid, and the claim shall no longer be a lien against the  
21 real estate or a claim against the owner thereof.

22 (c) The provisions of this section permitting compromise of  
23 municipal claims shall not apply to or in any manner affect any  
24 claims, the assessments for which are the sole basis of  
25 improvement bonds issued by any political subdivision and which  
26 are the security for the payment thereof, or any claims, the  
27 assessments for which have heretofore been assigned by any  
28 political subdivision to any contractor in payment of the amount  
29 due the contractor under terms of the contract for the  
30 improvement for which the assessment was levied.



1 Section 437. Sections 4603 and 4604 of the act are repealed:  
2 [Section 4603. Satisfaction.--Upon receipt of the compromise  
3 amount so agreed upon and approved, the city shall cause the  
4 lien to be properly satisfied on the record, which satisfaction  
5 shall be as effective as if the whole amount of the claim,  
6 interest, charges, expenses and fees had been paid, and such  
7 claim shall no longer be a lien against the real estate or a  
8 claim against the said owner thereof.

9 Section 4604. Certain Claims Excluded.--The provisions of  
10 sections four thousand six hundred two and four thousand six  
11 hundred three shall not apply to or in any manner affect any  
12 claims, the assessments for which are the sole basis of  
13 improvement bonds issued by any political subdivision and which  
14 are the security for the payment thereof, or any claims, the  
15 assessments for which have heretofore been assigned by any  
16 political subdivision to any contractor in payment of the amount  
17 due him under terms of the contract for the improvement for  
18 which the assessment was levied.]

19 Section 438. Article XLVII heading of the act is reenacted  
20 to read:

21 ARTICLE XLVII

22 ACTS OF ASSEMBLY REPEALED; SAVING CLAUSE

23 Section 439. Section 4701 of the act is amended to read:

24 Section 4701. Repeals and Saving Clause.--(a) Nothing  
25 contained in this act revives any act, or part of any act,  
26 repealed by the act reenacted, amended or revised by this act.

27 (b) The following acts and parts of acts of Assembly are  
28 hereby repealed as particularly set forth:

29 The act, approved the twenty-fifth day of March, one thousand  
30 eight hundred seventy-eight (Pamphlet Laws 8), entitled "An act

1 authorizing cities of the third class to levy and collect taxes  
2 for park purposes, and curing any defects in previous levies,"  
3 absolutely.

4 The act, approved the thirty-first day of May, one thousand  
5 nine hundred nineteen (Pamphlet Laws 358, Number 172), "An act  
6 to amend section three, article five of the act, approved the  
7 twenty-seventh day of June, one thousand nine hundred thirteen  
8 (Pamphlet Laws 568), entitled 'An act providing for the  
9 incorporation, regulation, and government of cities of the third  
10 class; regulating nomination and election of municipal officers  
11 therein; and repealing, consolidating, and extending existing  
12 laws in relation thereto,' by adding thereto clause forty-nine  
13 relative to the collection and disposal of garbage, ashes, and  
14 other waste and refuse matter," absolutely.

15 The act, approved the fourth day of June, one thousand nine  
16 hundred nineteen (Pamphlet Laws 373), entitled "An act to amend  
17 section three, article five of the act, approved the twenty-  
18 seventh day of June, one thousand nine hundred thirteen  
19 (Pamphlet Laws, five hundred and sixty-eight), entitled 'An act  
20 providing for the incorporation, regulation, and government of  
21 cities of the third class; regulating nomination and election of  
22 municipal officers therein; and repealing, consolidating, and  
23 extending existing laws in relation thereto,' by adding thereto  
24 clause forty-nine, relative to appropriations for municipal  
25 music," absolutely.

26 The act, approved the tenth day of March, one thousand nine  
27 hundred twenty-one (Pamphlet Laws 29, Number 10), entitled "An  
28 act for the relief of certain county treasurers and county tax  
29 collectors, in the settlement of county, poor, and State taxes,  
30 in cities of the third class," absolutely.

1       The act, approved the twenty-second day of April, one  
2 thousand nine hundred twenty-seven (Pamphlet Laws 358), entitled  
3 "An act authorizing and empowering cities of the third class to  
4 recognize the moral obligation of the city to pay just claims  
5 against the city, although under existing laws no legal recovery  
6 could be had against the city," absolutely.

7       Section seven hundred twenty-three of the act, approved the  
8 first day of May, one thousand nine hundred twenty-nine  
9 (Pamphlet Laws 905), entitled "An act for the protection of the  
10 public safety; regulating the use of highways, and the operation  
11 of vehicles, tractors, street cars, trackless trolley omnibuses,  
12 bicycles, pedestrians, and the riding of animals upon the  
13 highways of this Commonwealth; providing for the titling,  
14 including liens, encumbrances, and legal claims; registration of  
15 certain vehicles and licensing the operators thereof, upon  
16 payment of prescribed fees; prescribing and limiting the powers  
17 of local authorities to deal with the subject matter of this  
18 act; conferring powers and imposing duties upon the Department  
19 of Revenue, the Department of Highways, peace officers, mayors,  
20 burgesses, magistrates, aldermen, justices of the peace, the  
21 courts and the clerks thereof, owners of vehicles, and garage  
22 keepers; providing that records are admissible as evidence;  
23 imposing upon owners, counties, cities, boroughs, incorporated  
24 towns, townships, within the Commonwealth, liability for damages  
25 caused by the negligent operation of their motor vehicles;  
26 imposing penalties; imposing certain costs upon counties;  
27 providing for the disposition of fines, forfeitures, fees, and  
28 miscellaneous receipts; making an appropriation and providing  
29 for refunds," in so far as inconsistent with the provisions of  
30 this act.

1 The act, approved the seventeenth day of May, one thousand  
2 nine hundred twenty-nine (Pamphlet Laws 1801), entitled "An act  
3 authorizing cities of the third class to provide, by ordinance,  
4 for the payment for public work or improvements heretofore made  
5 for or furnished to the city, and accepted and used by the city,  
6 where no legal or valid contract was entered into as required by  
7 law," absolutely.

8 The act, approved the twenty-second day of May, one thousand  
9 nine hundred thirty-three (Pamphlet Laws 923), entitled "An act  
10 to authorize cities of the third class to sue out writs of scire  
11 facias on certain municipal claims, where more than five years  
12 have elapsed since said claims were filed, and to reduce such  
13 claims to judgment; and providing for the revival and collection  
14 of such judgments," absolutely.

15 The act, approved the thirty-first day of May, one thousand  
16 nine hundred thirty-three (Pamphlet Laws 1108, Number 272),  
17 entitled "An act providing for the appointment, promotion,  
18 reduction, removal and reinstatement of paid officers, firemen  
19 and employes of fire departments and of fire alarm operators and  
20 fire box inspectors in the bureaus of electricity in cities of  
21 the third class; defining the powers and duties of civil service  
22 commissions for such purposes; and fixing penalties,"  
23 absolutely.

24 The act, approved the sixteenth day of May, one thousand nine  
25 hundred thirty-five (Pamphlet Laws 176, Number 82), entitled "An  
26 act requiring cities of the second and third class to allow  
27 members of the police departments, twenty-four consecutive hours  
28 of rest each week, and fourteen days vacation each year, except  
29 in emergency cases," so far as it relates to cities of the third  
30 class.

1 The act, approved the first day of May, one thousand nine  
2 hundred thirty-nine (Pamphlet Laws 40), entitled "An act to  
3 amend the title and the act, approved the sixteenth day of May,  
4 one thousand nine hundred thirty-five (Pamphlet Laws, one  
5 hundred seventy-six), entitled 'An act requiring cities of the  
6 second and third class to allow members of the police  
7 departments, twenty-four consecutive hours of rest each week,  
8 and fourteen days vacation each year, except in emergency  
9 cases,' extending the provisions of said act to cities of the  
10 second class A," so far as it relates to cities of the third  
11 class.

12 Sections six hundred eighty-two and six hundred ninety of the  
13 act, approved the twenty-fourth day of June, one thousand nine  
14 hundred thirty-nine (Pamphlet Laws 872), entitled "An act to  
15 consolidate, amend and revise the penal laws of the  
16 Commonwealth," so far as they relate to cities of the third  
17 class and are inconsistent with the provisions of this act.

18 The act, approved the twenty-third day of May, one thousand  
19 nine hundred forty-five (Pamphlet Laws 907), entitled "An act  
20 authorizing cities of the third class, with the approval of the  
21 court of common pleas, to accept less than the full amount of  
22 certain municipal claims filed as a lien against real estate in  
23 compromise settlements thereof," absolutely.

24 The act, approved the second day of May, one thousand nine  
25 hundred forty-seven (Pamphlet Laws 149), entitled "An act  
26 authorizing cities to enact ordinances prohibiting smoking or  
27 the carrying of lighted cigarettes, cigars, pipes or matches or  
28 using matches or other fire producing devices in certain retail  
29 stores within such cities and to provide penalties therefor," so  
30 far as it relates to cities of the third class.

1       (c) All other acts or parts of acts of Assembly supplied by  
2 or inconsistent with the provisions of this act are hereby  
3 repealed. It is the intention that this act shall furnish a  
4 complete and exclusive system for the government and regulation  
5 of cities of the third class, except as to the several matters  
6 enumerated in section [one hundred and three of this act] 103.

7       [But nothing] (d) Nothing contained in this act shall be  
8 construed to repeal any local or special laws; or to repeal the  
9 provisions of 66 Pa.C.S. Pt. I, known as the Public Utility  
10 [Law] Code; or any law relating to the Board of Commissioners of  
11 Navigation for the River Delaware and its navigable tributaries;  
12 or the provisions of any law, the enforcement of which is vested  
13 in the Department of Health or the [Sanitary Water Board]  
14 Department of Environmental Protection; or the provisions of any  
15 law, the enforcement of which is vested in the Department of  
16 [Forests and Waters] Conservation and Natural Resources [or the  
17 Water and Power Resources Board]; or the provisions of 74  
18 Pa.C.S. Ch. 59, Subch. B, known as the Airport Zoning Act; [or  
19 any of the provisions of the act, approved the thirty-first day  
20 of May, one thousand nine hundred thirty-three (Pamphlet Laws  
21 1108)]; or any of the provisions of the act, approved the  
22 thirteenth day of May, one thousand nine hundred thirty-seven  
23 (Pamphlet Laws 620); or any of the provisions of the act,  
24 approved the second day of July, one thousand nine hundred  
25 thirty-seven (Pamphlet Laws 2803),]; or any of the provisions of  
26 the act, approved [the twenty-third day of May, one thousand  
27 nine hundred forty-five (Pamphlet Laws 903)] May 23, 1945  
28 (P.L.903, No.362); or any amendments or supplements of them; or  
29 any laws or parts of laws pertaining to civil defense.

30       (e) Nothing in this act shall be construed to repeal any

1 provision in or the act of February 14, 2008 (P.L.6, No.3),  
2 known as the "Right-to-Know Law," any provision of 45 Pa.C.S.  
3 (relating to legal notices) or any provision of 65 Pa.C.S.  
4 (relating to public officers).

5 Section 440. Termination and continuation of civil service  
6 boards. Civil service boards shall be terminated and continued  
7 as follows:

8 (1) All civil service boards created prior to the  
9 effective date of this section, and pursuant to the act,  
10 whether for uniformed or nonuniformed employees, or pursuant  
11 to the act of May 31, 1933 (P.L.1108, No.272) entitled "An  
12 act validating sheriff's sales of real estate on judgments of  
13 foreclosure in scire facias sur mortgage cases when the  
14 release of the mortgagor from liability was not filed with  
15 the praecipe," shall be abolished except as provided in  
16 paragraph (2).

17 (2) No civil service board before which proceedings  
18 under section 4408 of the act or under section 10 of the act  
19 of May 31, 1933 (P.L.1108, No.272), have been initiated or  
20 are pending as of the effective date of this section may be  
21 abolished until the conclusion of those proceedings before  
22 the respective board.

23 (3) Any civil service proceedings initiated after the  
24 effective date of this section shall be before the new civil  
25 service board created in accordance with Article XLIV of the  
26 act.

27 Section 441. This act shall take effect in 60 days.